

## **AFGHANISTAN:**

# **Armed conflict forces increasing numbers of Afghans to flee their homes**

A profile of the internal displacement situation

11 April, 2011

This Internal Displacement Country Profile is generated from the online IDP database of the Internal Displacement Monitoring Centre (IDMC). It includes an overview and analysis of the internal displacement situation in the country prepared by IDMC. IDMC gathers and analyses data and information from a wide variety of sources. IDMC does not necessarily share the views expressed in the reports cited in this Profile. The Profile is also available online at [www.internal-displacement.org](http://www.internal-displacement.org).

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

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

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

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### **Internal Displacement Monitoring Centre**

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

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

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## OVERVIEW

### **Need to minimise new displacement and increase protection for recently displaced in remote areas**

*The UN and ICRC have recorded that 730,000 people have been internally displaced in Afghanistan due to conflict since 2006, an average of 400 a day. At the end of January 2011, 309,000 people remained internally displaced due to armed conflict, human rights abuses and other generalised violence. This figure was higher than at any time since 2005.*

*While armed opposition groups have been responsible for the majority of killings, most of the documented mass displacements have occurred as a result of offensives by international forces. Efforts by the International Security Assistance Force in 2010 to limit the impact of fighting on the civilian population have failed to reduce the rate of internal displacement.*

*The basic needs of recently displaced people across most regions of the country are often unmet, increasing the risk of disease and death. Internally displaced people (IDPs) have also been vulnerable to food insecurity, while insecurity and the absence of basic services in places of displacement have forced many IDPs into protracted secondary displacement in urban areas.*

*The Afghan government is generally unable or unwilling to assist IDPs. Hundreds of thousands of IDPs have been assisted by international agencies, but assistance outside camps has been short-term and restricted by problems of funding and access.*

*Recommendations for policy development:*

*International forces should minimise new displacements caused by their forces on the ground. This can be achieved through the adoption of standard operating procedures that oblige troops to take concrete action to protect civilians and their needs before, during and after military activities, and by the development of monitoring and reporting mechanisms on forced internal displacement.*

*International governments should ensure independent assessments of damage to IDPs' property and compensate those whose losses result from military operations. They should also take every necessary measure to safeguard the distinction between humanitarian action and political or military agendas necessary for humanitarian organisations to operate efficiently in all rural areas of the country.*

*The Government of the Islamic Republic of Afghanistan should give a higher priority to the protection and assistance of IDPs by developing a comprehensive IDP policy which corresponds to international standards, strengthen the coordinating role of the Ministry of Refugees and Returnees and, with the support of international donors, provide the necessary means to match their obligations to protect all IDPs in Afghanistan.*

### **Background**

The extent of forced displacement in Afghanistan's recent history has been extraordinary: over 40 per cent of the country's 28 million people have been internally displaced at least once in their lifetime, and 17 per cent have been displaced both internally and to other countries (Oxfam, November 2009).

Armed conflict between Afghanistan's Soviet-supported communist government and nationalist and Islamic insurgencies between 1978 and 1988 forced as many as five million people to flee their homes, while another 200,000 were displaced by Mujahideen factions fighting to seize power in 1992 and 1993.

Over the following years, before the Taliban took control of the country, hundreds of thousands of Pakhtun people fled violence caused by Uzbek and Tajik warlords in the north and east. The Taliban's subsequent counter-insurgency war against this "Northern Alliance", fought with the support of Pakhtun communities trying to recapture land, forced a further million people into internal displacement. The northern and central regions were worst affected (Brookings/TLO, 2010, pp.35-40).

In the aftermath of the September 2001 al-Qaeda attacks, armed conflict between the US-backed Northern Alliance and the Taliban and their supporters, as well as ethnic violence overwhelmingly targeting Pakhtun people, displaced hundreds of thousands more (IDMC, March 2011, pp.2-3). After a period of relative calm between 2002 and 2004, during which five million refugees and perhaps a million internally displaced people (IDPs) returned to their homes, displacement increased again.

#### *Causes of internal displacement since 2004*

Displacement has been caused by a combination of factors. The impacts of conflict and human rights violations have been compounded by natural disasters, while the lack of critical services has reduced the resilience of populations.

Armed conflict has been the main cause of displacement in the south, east and west of the country. In the south, some 85,000 displacements were recorded in the context of the military "surge" and operations in Taliban strongholds during 2010 by American armed forces and the NATO-led International Security Assistance Force (ISAF) (AFP, 8 February 2011; OCHA May, August and November 2010). In the north, 10,000 people fled following a military offensive launched by ISAF and the Afghan National Security Forces (ANSF) in January 2011 (IDP Task Force, March 2011).

Nationwide, some people fled to escape improvised explosive devices (IEDs), attacks and night raids, and others to escape intimidation and harassment by armed groups, including extortion, forced recruitment and the obligation to feed and care for wounded combatants (Afghanistan Protection Cluster, February 2011; Watchlist, June 2010). Others were displaced because they found themselves unable to meet their basic needs after their property, agricultural land or other productive assets had been destroyed (Brookings, 2009, p12).

Most mass displacements documented have been caused by offensives by international forces (IDMC, March 2011, pp.3-13; UNHCR, August 2008, p.32). While US and ISAF forces made successful efforts in 2010 to minimise civilian casualties and loss of life, they have not made equivalent efforts to reduce the scale of forced internal displacement, despite its scale and the demonstrated impact of displacement on support for international forces (ISAF, 1 August 2010; UNAMA, March 2011; ICOS, May 2010; CIVIC, October 2010).

The Brookings Institution and the Tribal Liaison Office have recommended that military planners amend counter-insurgency strategies, guidelines and operating procedures in order to limit the displacement they cause (Brookings/TLO, May 2010: p15). Displacement caused by the recent use of local militias against armed opposition groups in the north, however, both in areas where the armed opposition groups are a serious threat and where the militias have control, have suggested that pro-government forces have yet to incorporate effective civilian protection strategies into their operations. IDMC reviews of the "Afghanistan war logs" published on the Wikileaks website, and interviews with journalists who had access to the 80,000 reports they

included (covering an area and period in which more than half a million people were internally displaced), and the US embassy cables published by Wikileaks, failed to find any reference to displacement in Afghanistan (Guardian, 25 July 2010; IDMC interviews with Guardian journalists, 14 February 2011).

Communal and inter-ethnic disputes over access to land and water have also caused internal displacement. In the central highlands, and mainly within Wardak and Bamyán Provinces, clashes between nomadic Kuchis and Hazara groups over grazing rights caused significant displacements during the summers of 2007, 2008 and 2010 (AAN, 17 May 2010; IRIN, 13 May 2009 *and* 23 November 2010).

In the north, east and south-east, the attempts of returning IDPs and refugees to reclaim abandoned property have strained customary dispute-resolution mechanisms, particularly if their land had been occupied by local warlords, their own relatives or others, unwilling to accept the returnees' claims (CPAU, March 2009). Between 20 and 30 per cent of returned refugees were forced into secondary internal displacement over the five years to 2010 (UNHCR, August 2008, pp.38-44; IRIN, 4 November 2010).

Human rights abuses perpetrated by the Taliban have also caused large numbers of small-scale displacements, particularly in the south-east, south and central regions. The Taliban have intimidated and killed tribal elders, government officials, civilians working for international forces, teachers, health care workers, shopkeepers and the staff of Afghan and international NGOs (Pajhwok Afghan News, 17 October 2010). They have also displaced members of minority Shia groups (UNAMA, March 2011; Afghanistan Protection Cluster, February 2011, p.15; Hazaristan Times, 26 September 2010).

### **Displacement figures**

According to the National IDP Task Force co-led by the Ministry of Refugees and Reintegration (MoRR) and UNHCR, 309,000 people were internally displaced by armed conflict, human rights abuses and other general violence at the end of January 2011 (UNHCR statistics, January 2011). This figure was higher than they had recorded at any time since 2005.

The UN and ICRC have recorded some 730,000 new displacements due to conflict since 2006, an average of 400 a day. Of this total, 120,000 people were newly displaced in 2009 and 102,000 in 2010 (UNHCR IDP statistics, March 2010 *and* January 2011). Some 60 per cent of those displaced since 2009 were from the south, 20 per cent from the west and ten per cent from the north (UNHCR IDP statistics, March 2010 *and* January 2011).

The true figures could be far higher; for example, the UN and government identified fewer than 300 IDPs in the south-east between June 2009 and December 2010, despite the intense conflict which was ongoing there (OCHA, December 2010, p.1; UNHCR, January 2011). The profiling of internal displacement has been complicated by constraints in accessing conflict areas, the temporary nature of some displacements and difficulties in distinguishing between forced internal displacement and economic migration. This absence of reliable and timely information about displacement in conflict zones has critically impaired the humanitarian response (Afghanistan Protection Cluster, February 2011, p.8).

### **Patterns of displacement**

Internally displaced Afghans represent a cross-section of the general population. Some 49 per cent of IDPs are female and 51 per cent male. Fifty-four per cent are under 18 and fewer than two per cent are older than 60.

In contrast to economic migrants, who often move as individuals, Afghan IDPs have tended to flee as family units. Internally displaced households are made up of an average of 6.1 individuals, slightly fewer than the Afghan average (UNHCR, January 2011). This slightly lower average may be because, in Pakhtun areas, it is common practice for one or two men to stay behind to look after the livestock and property (Brookings/TLO, 2010, p.94). The risk of separating the family is high if the displacement proves protracted, but the strategy helps to protect property and facilitate returns.

Though some people have fled in fear of an unpredictable situation worsening (Brookings/TLO, 2010, p.37), others have fled in reaction to events. IDPs in the south, west and east have often fled their home areas in response to an imminent or suspected threat (IDMC, March 2011, pp.3-14). They have had little time to prepare for the move, to sell assets at market prices or to organise education and livelihoods in their place of refuge.

Displacements are becoming more protracted. IDPs affected by conflict in the south and west have often fled to nearby villages and returned quickly to their homes. That can be impossible, however, when insecurity persists, their houses or sources of livelihoods have been destroyed or when a new group takes control of their home areas.

Continued insecurity in the initial place of refuge combined with the absence of basic services means that many IDPs have been forced into secondary displacement (Afghanistan Protection Cluster, February 2011: p.9). The 50 per cent of IDPs who have fled within their province (GoA, 2009, p.21) and the equal number who have fled further afield have tended to seek protection and livelihoods in urban areas, where they have often ended up in a state of protracted displacement (OCHA, February, March, August *and* October 2010; Small Wars Journal, 12 May 2010; Afghanistan Protection Cluster, February 2011).

Avoiding secondary displacement is thus critical to lessening the overall duration of the displacement experience. This can be done by helping recently displaced people cope in their initial place of refuge and providing them the means to either return or rebuild their lives elsewhere.

### **Protection concerns**

#### *Violence and coercion*

Insecurity has increasingly affected the civilian population in the west, south and east, and since 2009 in the north as well (UNAMA, March 2011; AIHRC, August 2010).

IDPs have been at greatest risk of physical harm during the initial phase of their displacement, as they try to avoid being caught in the crossfire, flee the scene of a bombing or avoid landmines. In 2010, the UN Mine Action Centre for Afghanistan found that many landmine victims were male returnees or IDPs (Watchlist, June 2010, p.43).

The risk of forced recruitment increases during displacement for children deprived of protective community or family structures. The Special Representative of the UN Secretary-General for Children and Armed Conflict highlighted this risk during her 2010 visit to Afghanistan. Some children, most of them boys, were specifically recruited to be sexually exploited, a phenomenon known as *baccha baazi*, or to be used as suicide bombers (SRSG-CAC, 2010, pp.5, 9). Research after military operations in Helmand Province in early 2010 showed that insurgent groups had increased their recruitment efforts, particularly among IDPs in Lashkar Gah camp (ICOS, May 2010).

The return processes can also be dangerous as IDPs who try to reclaim their property are likely to face conflicts over land and resources. Those who have been in direct association or contact

with pro-government forces may be targeted by the insurgency, illustrating the dangers civilians face when military forces are directly involved in humanitarian assistance. IDPs who had received aid and employment opportunities from pro-government forces in Helmand were threatened by the Taliban when they returned, causing their secondary displacement (BBC, 26 October 2010).

IDPs including children who fled from areas controlled by the insurgency have also been suspected by pro-government forces of loyalty to opposition groups. Since 2001, an unknown number of internally displaced children have been arrested by Afghan or international military forces. Some of these children were ill-treated during their detention (SRSG-CAC 2010, p.7).

#### *Deprivation*

Media outlets and NGOs have reported that the basic needs of recently-displaced people across most regions of the country have often not been met (IRIN, 2 June 2008 *and* 26 June 2008; France24, 10 April 2009; OCHA monthly updates 2009-2010).

One result is an increased risk of disease and death. Living conditions are often crowded, and people's immune systems are strained. IDPs were among the groups with least access to basic health services in 2010. Insecurity and the armed groups' attacks on health care facilities prevented IDPs from accessing health care, and sometimes rendered curable conditions fatal (IRIN, 1 February 2011; ICRC, 12 October 2010).

The armed conflict and natural disasters have led to an increase in food insecurity. The situation was in 2010 particularly severe in displacement-affected provinces, where poor support networks prevented IDPs from entering the labour market, and explosives planted by the insurgency on arable land prevented returning farmers from irrigating their land (FEWS, October 2009; IRIN, 19 October 2010). UNICEF observed in 2010 that displacement had contributed to children's malnutrition in Kandahar Province; it found that some children were remaining malnourished because their parents were too frightened to go out in search of food or unable to earn the money needed to feed them properly (IRIN, 26 May 2010).

The resources and coping capacity of displaced women have often been limited by the custom of *purdah* (seclusion). This custom limits their freedom of movement and consequently their ability to work, to access food and health care services and to participate in public life (IRIN, 9 July 2010; AI, 7 March 2008; Afghanistan Protection Cluster, February 2011, p.4).

### **Durable solutions**

#### *Returns and local integration*

Afghan authorities have preferred to support durable solutions in areas of origin, and IDPs (including many who have been forced into secondary displacement in urban areas) have expressed a desire to return rather than rebuild their lives elsewhere (Brookings, 2008, p.126). Around a million IDPs returned to their places of origin before 2008, of whom half had been displaced beyond their home province (GoA, 2009, p.21). The number of assisted returns between 2002 and 2006 surpassed half a million (UNHCR, August 2008, p.29).

An unknown number of IDPs who fled armed conflict and persecution after 2006 have also returned home, and many of them have found their property and livelihoods intact and faced no further threats or insecurity. However, only some of these returns have been assisted or even verified (UNHCR, August 2008, p.17; IRIN, 26 June 2008; OCHA, December 2009).

Returned refugees and IDPs have also integrated in urban areas. They have accessed the local labour market and schools; they have taken part in local political processes to the same extent as other poor groups, and discrimination against them has not been reported (NRC/Altai Consulting, 2010, p.8; AREU, April 2006).

They have also achieved a degree of sustainability in their lives. Many have been affected by external shocks including inflation, unemployment and also serious illness during the reintegration process, but they have been able to make some progress towards recovery.

However, NRC's assessment showed that even those refugees who had returned as early as 2001 and 2002 still experienced some obstacles to reintegration, as measured by school attendance, quality of shelter, savings and income-generating skills (NRC/Altai Consulting, 2010, pp.8,10).

#### *Obstacles to return*

Of more than 309,000 people internally displaced by the conflict at the start of 2011, some 76,000 had spent a decade in displacement (UNHCR, IDP statistics, January 2011). In general, the difficulty of achieving a durable solution has tended to increase with to the duration of displacement, due for example to the gradual weakening of support networks in areas of origin or to other people's acquisition of their property by continuous possession. However, the obstacles facing different internally displaced groups have varied, and the strategies they have adopted have differed significantly from village to village and from family to family.

In many parts of the country, the nature of the conflict has limited IDPs' ability to return quickly to their places of origin if fighting ends (Afghanistan Protection Cluster, February 2011). IDPs from Marjah and other conflict-affected areas said they were fearful of roadside bombs, landmines around civilian infrastructure, forced recruitment, further battles between armed opposition groups and pro-government forces, and the risk that either side might accuse them of supporting the other (IRIN, 3 May *and* 16 August 2010; ICOS, 12 May 2010). They reported that they could not return safely as neither the Taliban nor pro-government forces were in full control of their home district (BBC, 26 October 2010, New York Times, 12 February 2010 and 17 March 2010; Independent, 30 June 2010; OCHA, March 2010 *and* July 2010).

Many displaced families are also unable to return to their villages of origin because they cannot afford to rebuild their damaged properties. Although IDPs and other civilians are entitled to recover their property or receive compensation for their losses, this right has been violated (CIVIC, June 2010). US Special Operations Forces, which operate throughout Afghanistan, do not compensate civilians and regular US troops have only marginally done so. While some countries ISAF countries compensate a small segment of the affected population, German and Italian troops have no policy or designated fund for redress, neither do the Afghan national army (CIVIC, June 2010).

Inter-ethnic tensions (often worsened by the armed conflict) are another important barrier to return and integration. Communities are usually prepared to provide IDPs with initial assistance, but political competition and the strain on local resources, livelihoods and services stand in the way of the local integration of IDPs (OCHA, 3 February 2009).

Competing claims over land are a particularly delicate issue. The longer a displacement lasts, the higher the risk that land will have been redistributed in IDPs' absence. A national risk and vulnerability assessment showed that returns constituted the biggest negative shock for the population in some rural areas (GoA, 2009, p.135). The recovery of land has been particular difficult for those without support networks (UNHCR, 19 December 2007).

The absence of infrastructure, job opportunities and other sources of income in IDPs' places of origin is a further obstacle to return. Press reports reveal how IDPs, and particularly unaccompanied displaced women and female-headed households, found themselves living in misery after returning to their places of origin (IRIN, 29 October 2009).

### *Obstacles to local integration and settlement elsewhere*

In situations where return is unfeasible or undesirable, IDPs are faced with two alternatives: to integrate locally in their place of refuge or to settle elsewhere in the country. Neither of these options, however, is easy to achieve. The UN reported in 2009 that given the security, political, and economic climate, progress towards local integration for IDPs living in protracted displacement is likely to be difficult (OCHA, 3 February 2009).

Regardless of the settlement intentions expressed by IDPs, the government has not provided support to local integration or resettlement elsewhere. It has adopted strategies that deny IDPs access to long-term support in their place of refuge. For example, presidential decree 104, which grants some IDPs access to land, stipulates that they must go back to their places of origin or nearby areas in order to be eligible for assistance (NRC, March 2010, p.22).

## **National and international responses**

### *Framework for IDP response*

Government officials have stated that IDPs in Afghanistan are economic migrants drawn to the cities by poverty and the promise of subsidies and services (IRIN, 23 April 2009, 3 May 2010 and 11 August 2010; Washington Post, 22 November 2010). However, it is clear that the consistently high rates of displacement in Afghanistan since 2006 have been intimately linked to the armed conflict and human rights abuses. As such, IDPs are entitled to state protection and assistance.

The government has not yet developed a comprehensive policy or plan to protect the human rights of displaced people (Brookings/NRC, November 2010, pp.12-13). The Afghanistan National Development Strategy does, however, provide a basic framework in which to do so (GoA, 14 January 2008).

The government's protection and assistance for conflict-induced IDPs is coordinated by the MoRR in conjunction with UNHCR through the National IDP Task Force. The Task Force comprises many of the agencies working to protect IDPs; it has developed a strategy based on the Guiding Principles on Internal Displacement to guide its actions. Its challenges include monitoring and responding to IDPs' assistance and protection needs, facilitating durable solutions according to internationally recognised principles, and strengthening the government's leadership of the IDP response.

The government's response has been limited by its opposition to local integration or resettlement elsewhere and by its reluctance to recognise some groups of conflict-induced IDPs. In adopting policies which deny IDPs access to assistance in their place of refuge, it has failed to protect their rights as set out in the Guiding Principles. At the same time, most analysts agree that the decentralised nature of the Afghan state makes it difficult for the government to assist IDPs in rural remote areas of the country, let alone facilitate durable solutions for them (Brookings, February 2009, p.18).

### *Restrictions on humanitarian access*

The space for humanitarian action in Afghanistan is severely restricted; large parts of the country are inaccessible to most humanitarian agencies. The primary barriers have been attacks by armed opposition groups on international and national humanitarian, health care and educational providers, in contravention of international humanitarian law (Afghanistan Protection Cluster, February 2011, p.10). But actions by pro-government forces, such as the assault by officials of the Afghan National Police on humanitarian workers in Faryab Province in February 2011, have also limited access (IDP Task Force, March 2011).

US and ISAF's direct delivery of relief services and their use of private companies to deliver assistance to win the "hearts and minds" of people is in breach of the Oslo Guidelines, which

require military actors to only engage in relief activities as a last resort and request from an appropriate civilian authority. The UN's integration of political and humanitarian activities has also reportedly made humanitarian access more difficult (Tufts, May 2010). The lack of clear distinction between humanitarian activities and political or military agendas has forced UN agencies and many NGOs to withdraw from the conflict areas where assistance is most needed, and to operate only through local partners at the expense of effective delivery of services and monitoring of outcomes. Meanwhile, independent NGOs and ICRC have gained some acceptance from insurgents since late 2009 (ANSO, January 2011).

*International assistance and protection*

Despite these and funding limitations, international agencies have provided short-term assistance to hundreds of thousands of people in need (OCHA, December 2010: p2).

The UNHCR-led Afghanistan Protection Cluster improved agency coordination and data collection on IDPs and ensured the distribution of non-food items including blankets, plastic tarpaulins, jerry cans, tents and winter clothes to around 60,000 families. More than 22,000 families, among them IDPs who also received food support, received transitional shelters. Some 1,100 minefields were cleared and 18,000 teachers attended mine-awareness programmes (OCHA, 2011, pp.9-13,18).

Health care workers investigated and to a large extent controlled cholera outbreaks, and gave hygiene education to 1.3 million households. The number of newly-trained health care workers also increased. Some 10,000 wells were chlorinated, while 240,000 children and 150,000 pregnant or lactating women received micronutrients (OCHA, 2011, p.17). IDPs were among the beneficiaries.

ICRC, including its network of Afghan Red Crescent Society volunteers, has a large operation in Afghanistan, distanced from the UN's integrated approach or the cluster mechanism. It provided more than 580,000 conflict-afflicted people with food in 2009, 70 per cent of them women or children. It provided 83,000 IDPs with essential household items and supported tens of thousands more through micro-economic projects. Six ICRC-run physical rehabilitation centres treated 70,800 disabled people (ICRC, January 2010).

# CAUSES AND BACKGROUND

## General

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### Background

The indices of forced internal displacement in Afghanistan's recent history are extraordinary. Forty-two per cent of the country's 28.2 million (UNFPA 2010) has been internally displaced at least once in their lifetime, according to a recent NGO study. Seventeen per cent have been displaced both internally and internationally (Oxfam, 2009).

The Brookings Institute and Tribal Liaison Office divide the phenomenon into six phases since 1978 (BI/TLO 2010: 35-40).

**Armed conflict between Afghanistan's Soviet-supported communist government and nationalist and Islamic insurgencies:** The first phase (1978-1988) coincided with armed resistance against the People's Democratic Party of Afghanistan (PDPA), which had the support of 100,000 Soviet troops. The resistance forces were based in north-west Pakistan and funded by both Islamic and western countries. The conflict forced as many as five million people to seek refuge abroad, mostly in Iran and Pakistan. More than one million men were killed in the fighting, creating a large population of widows and female heads of household (Farr 2001: 120-123).

**Return movements followed by civil war involving different *mujahideen* factions, and the displacement of ethnic Pakhtuns in the north:** When Soviet forces withdrew in 1989, refugees and IDPs began to return home. The return movement intensified in 1992 following the defeat of PDPA (Farr 2001: 120-123). An estimated 1.2 million refugees and IDPs returned in six months, many of them assisted by the United Nations High Commissioner for Refugees (UNHCR). There are, however, no comprehensive figures to show how many went back to their places of origin or integrated elsewhere.

This second phase (1989-1995) was also marked by new displacements. During 1992 and 1993, *mujahideen* factions struggling for central power displaced 200,000 people within or from Kabul (United States Committee for Refugees - USCR, June 2000; United Nations Resident Coordinator Office - UNRCO, March 2000). Hundreds of thousands of Pakhtuns fled the armies of Uzbek and Tajik warlords in the north and the east. Some settled in Pakistan, while others sought refuge as IDPs in Mazar-i-Sharif (north), Herat (west), Jalalabad (east) and Kandahar (south). Some 400,000 took shelter in camps and were assisted by international humanitarian agencies. A third group of IDPs, numbering at least 180,000, fled Taliban forces during 1995, as they established and expanded their presence in the capital and some areas of the north (Ibid).

**Taliban counterinsurgency war against the Northern Alliance, and displacement of ethnic Tajiks, Hazaras and Uzbeks in central and northern regions:** The third phase of displacement (1996-2001) took place under Taliban rule. The Taliban ensured law and order in large swathes of the country, but human rights abuses in areas under their control displaced thousands of Shia Hazara tribal people. The ongoing civil war with the Northern Alliance caused further large-scale displacements in the north, where Taliban-supported Pakhtun communities sought to recapture land lost during the early 1990s and expand into non-Pakhtun areas (BI/TLO 2010: 35-40). According to international observers, 600,000 people were displaced from Mazar-i-Sharif and surrounding provinces during 1997 (USCR, June 2000; UNRCO, March 2000; AFP, 7 Aug 2000).

Sustained fighting on the Shomali plains north of Kabul and in the Panjshir Valley displaced an estimated 263,000 Tajiks during 1999 and 2000, and another 91,000 fled clashes in Hazarajat and Talaqan in Takhar province during the same period (Ibid).

Many chose to leave the country, but UNHCR estimated in July 2000 that the majority of the 470,000 people who recently had fled their homes were IDPs (UNHCR, July 2000 cited in IDMC, 2001). That figure did not include at least 100,000 IDPs in Kabul, Panjshir, and northern Hazarajat displaced during 1999, or displacements that UNHCR were unable to verify but likely occurred both in remote areas and in urban centres outside camps (UNHCR, July 2000 cited in IDMC, 2001).

New displacements took place in Yakawlang, Hazarajat, in 2001 (Hunger Belt Programme, 26 March 2001; OCHA 24 May 2001; WFP 1 October 2001). By 11 September 2001, the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that as many as 1,000,000 people were internally displaced either as a result of conflict, human rights violations or drought. Of that figure, UNOCHA estimated that 500,000 were displaced in Mazar-i-Sharif and the north, 200,000 in Kandahar and other southern provinces, 200,000 in the west near Herat and 100,000 in Kabul (OCHA, 3 October 2001).

**Armed conflict between the US-backed Northern Alliance and Taliban troops, and anti-Pakhtun violence in the west and the north:** Thousands of Afghans fled urban areas towards remote villages and border regions in anticipation of US retaliation for 9/11 attacks on New York and Washington. Eastern and central regions were particularly affected during this fourth phase of displacement (2001-2002) (OCHA 3 October 2001).

The military action that followed caused large-scale displacement. US air strikes on Taliban strongholds in Kabul (central), Nangarhar (east) and Kandahar (south); fighting between the Northern Alliance and the Taliban in Kunduz, Mazar-i-Sharif, Balkh and other parts of northern Afghanistan; and anti-Pakhtun violence in the west and north displaced as many as 300,000 people during October and November 2001 (Department for International Development - UK, 19 October 2001).

UNOCHA estimated that the armed conflict and natural disasters created 200,000 new IDPs between September and December 2001 (OCHA IDP Unit, 28 March 2002, pp. 2-3). Most sought refuge in the central and south-eastern regions and along the Pakistan border, and number of camps were set up to accommodate them (ACT 12 October 2001).

Relative security and large-scale return movements: An extraordinary return programme followed during 2002 and 2003. Five million refugees were repatriated from Pakistan, Iran and other countries, and many of the 1.2 million IDPs left their camps to go home. Amnesty International reported that 650,000 IDPs remained as of mid-2003 (AI 23 June 2003, p. 6), while UNHCR put the figure at 300,000 distributed between the south (160,000), west (50,000), north (40,000) and Kabul area (50,000) (Inter-Agency Missions 19 June 2003, pp. 1-2). Those who returned were assumed to have attained at least some degree of self-sufficiency (Ibid).

**Internationalised armed conflict between government troops backed by US-led ISAF forces and a Taliban-led insurgency, and combat-related displacement of Pakhtuns in the south:** During the latest phase of displacement (2004-present), fighting between pro-government forces (PGF) and armed opposition groups (AOG) has triggered new population movements and hampered the process of return.

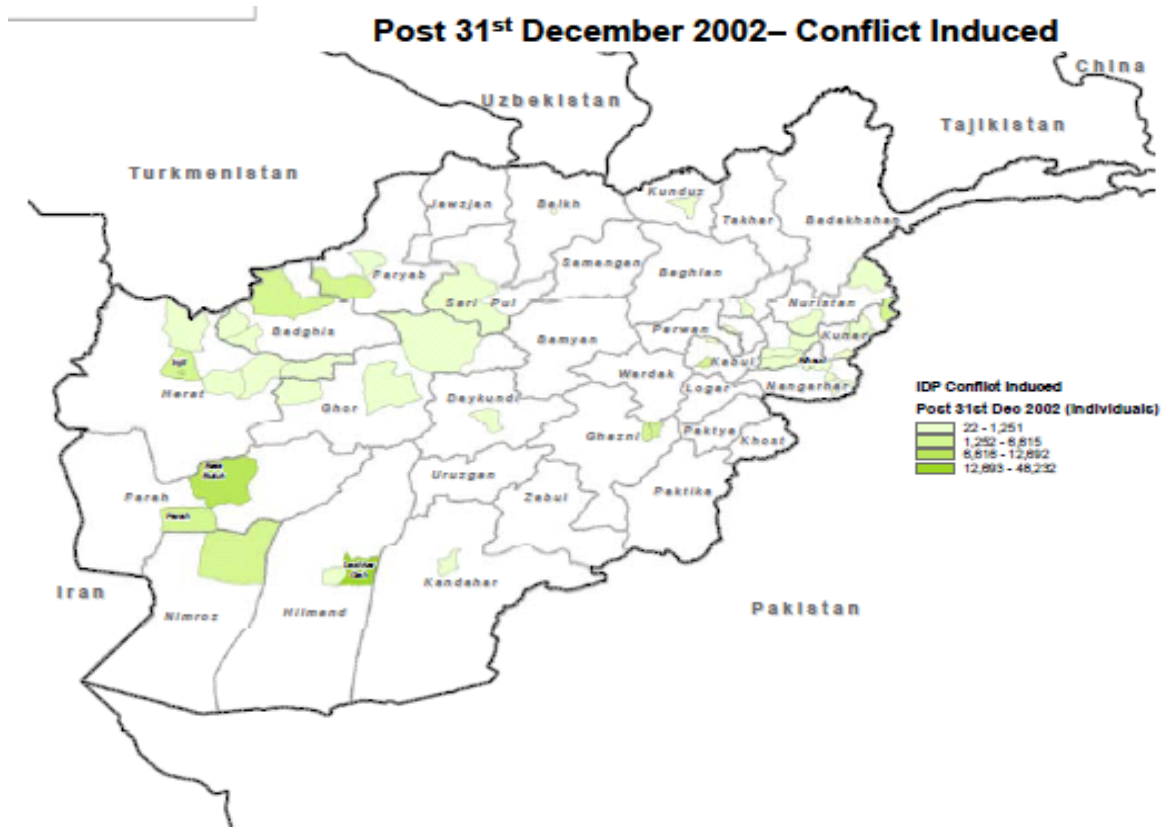
The upsurge of fighting was initially confined to the south. Seventy per cent of security incidents occurred in ten per cent the country, namely in Kandahar, Helmand and Uruzgan provinces. By 2007, however, insurgent activity had spread to other parts of the country where the AOG

traditionally had few sympathisers (UNSG, March 2008; CRS, 29 September 2008, p.21). A number of factor may lie behind this resurgence, among them the AOG's targetting and marginalisation of certain tribal groups; grave human rights abuses and the weakness of government. The Taliban may also have been able to manipulate local conflicts and grievances over competition for resources to their advantage (New America Foundation, September 2010).

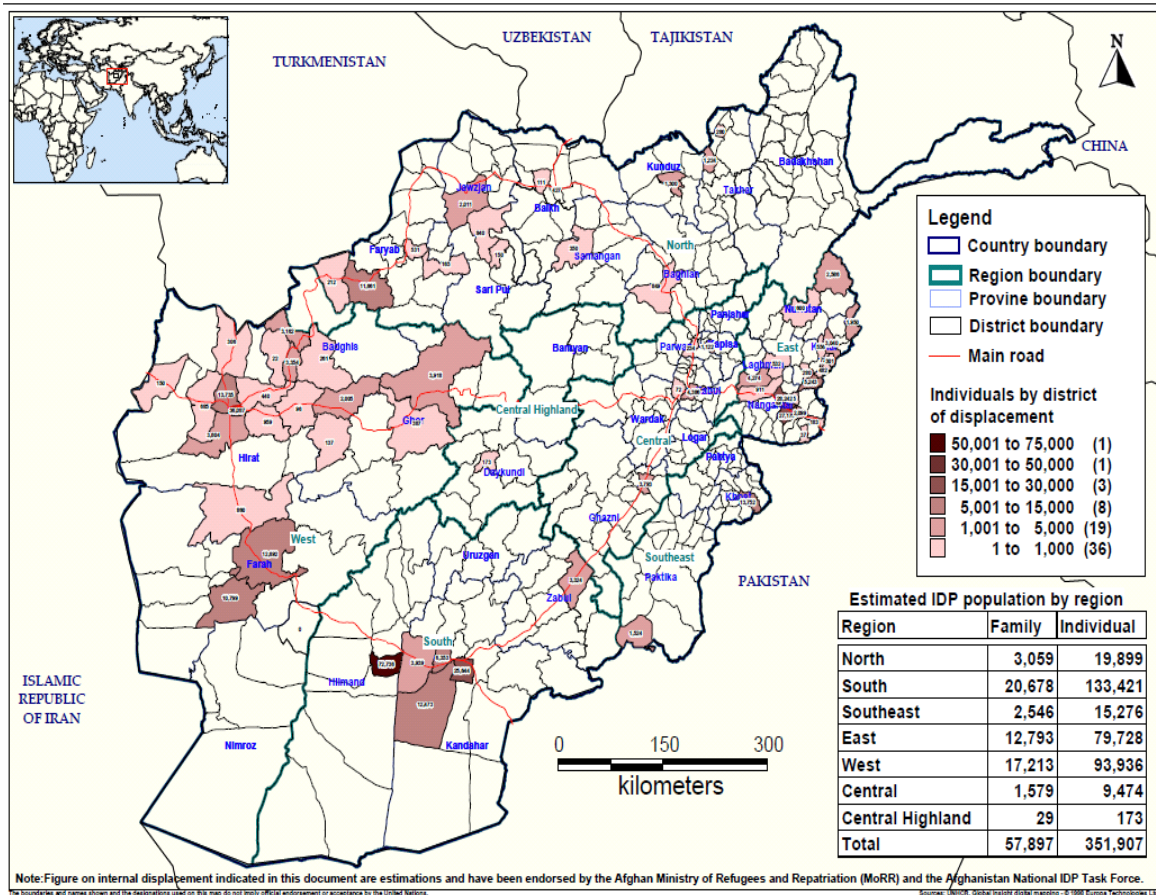
The Afghan government (GoA) and international forces have attempted to counter the AOG resurgence, significantly raising troop numbers over the past three years and by recruiting local auxiliary forces. A shift in international military tactics from capture-and-kill operations to an approach focused more on tribal balance and inclusion has arguably had some positive results (Ibid), but some of these gains have been offset by the threats, abductions and extrajudicial killings by paramilitary groups which, according to ICRC and the Afghanistan Analyst Network (AAN), blur the distinction between civilians and combatants and poses a threat to the former (AAN, May 2010 and 24 June 2010; IRINNEWS, 1 November 2010).

The AOG also fail to respect the distinction between civilians and combatants. They organize bombing attacks which kill indiscriminately and commit systematic human rights abuses against a number of tribal and sectarian groups and against women, abuses which cause a steady flow of displacement. As such, the conflict has created more than 100,000 new IDPs each year and displacement is increasing in several regions.

The map below shows officially registered displacement between 2003 and April 2010 (Source: OCHA)



The current location of all IDPs, including those who were displaced by natural disasters and armed conflict before 2003 is shown on the following map (source: UNHCR, January 2011).



## South

The overwhelming number of recorded security incidents in post-Taliban Afghanistan have occurred in the southern and south-eastern regions of the country. These include PGF air strikes and night raids, civilians being caught up in fighting between insurgents and PGF, and the AOG's use of improvised explosive devices (IEDs), suicide attacks, abductions, targeted killings, credible threats and targeted attacks against teachers, health personnel, government officials and international entities, including the UN (OCHA, April/May 2010). According to a Channel 4 News investigation, the number of civilians, including children, wounded by weapons increased dramatically in southern Afghanistan with the PGF's 2010 military "surge" (Channel4 News, 30 November 2010).

Few displacements were reported in the south between 2002 and 2004, but by 2005 the Taliban-led insurgency had reorganised in Pakistan and, sheltered by the international border, it began a military campaign against pro-government forces in Afghanistan. The ensuing fighting displaced an estimated 90,000 people in 2005 (UNAMA, 9 October 2005). According to the UN, as many as 160,000 people fled before, during and after Operation Medusa, between August and November 2006 (bUNHCR, 5 October 2006; AFP, 23 October 2006; UNICEF, 9 November 2006; see also BBC, 4 October 2006; HRW, July 2006, pp.8-9; HRW, April 2007; IRINNEWS, 6 September 2006 and 20 November 2007), and a further 212,000 were displaced during the two first months of

2007 alone (UNHCR, August 2008: 26-27). During 2007, there has been a rise in local internal displacement in the southern provinces of Helmand and Uruzgan due to clashes with insurgent forces (Islamic Republic of Afghanistan, 14 January 2008:5).

Significant displacements have continued since then but monitoring has become increasingly difficult (The Guardian, 13 February 2008). ICRC reported that access to civilians was more restricted in 2008 than at any time during their 20 years of operations in Afghanistan (ICRC, 18 February 2008).

## **KANDAHAR**

*Kandahar province shares borders with Zabul to the north-east, Uruzgan to the north, Helmand to the west and Pakistan to the south and east. It is Pashtu-dominated and has a population of nearly one million, of whom a third live in urban areas (Ministry of Reconstruction and Rural Development, 2008). The security situation remains volatile with insurgent activity in most of its 17 districts. A survey carried out for International Security Assistance Force (ISAF) in March 2010 showed that it had deteriorated in the previous six months. According to the same survey, the biggest threats the freedom movement are the Afghan National Army (ANA) and Afghan National Police (ANP) checkpoints (ISAF, March 2008: 8-9). US and Canadian forces are stationed in Kandahar.*

Large-scale displacement in Kandahar has often happened in the context of military campaigns launched by US and ISAF on Taliban hideouts in or near populated areas. Not all those who fled have been able to return; where insecurity persists and livelihoods destroyed, displacement remains a problem.

### **Civilians flee air strikes and threats after anti-Taliban mullah dies**

Following the death of an anti-Taliban tribal leader and mullah in November 2007, the Taliban infiltrated several villages near Kandahar city (The Times, June 17th, 2008). US aircrafts bombed the insurgents' causing villagers to flee by truck to safer parts of the province, including Kandahar city and the districts of Arghandab and Daman (Kuqwait Times, 1 November 2007). The majority, who missed the pomegranate harvest as a result of their displacement, stayed with relatives and friends while waiting to return (Brookings, 8 November 2007).

The following summer, in retaliation for Taliban operations that led to the release of 400 AOG prisoners, ISAF helicopters dropped leaflets warning civilians to leave ahead of a military operation in Arghandab district (The Times, June 17th, 2008). More than 45,000 Alokozai people fled, some in response to the warning and others during the subsequent fighting. Most returned quickly, but some 5,000 people were reluctant to do so despite (or because) ISAF forces recapturing the village centres (IRINNEWS, 22 and 24 June 2008; Reuters, 25 June 2008).

Another 14,000 people were displaced from Arghandab district in August 2009 (OCHA, August 2009). The Wall Street Journal (WSJ) reported that entire villages had been depopulated amid heavy fighting, as residents sought safety in major cities such as Kabul and Kandahar (WSJ, 13 November 2009).

### **PGF military operations displace tens of thousands farmers, and professionals flee Taliban threats**

Military operations were stepped up in 2010 following the US-led troop "surge". The international forces' stated focus was on ensuring authority in the province, and increasing governance and development (The Times, 30 March 2010), but tribal elders said that the PGF would only engage the Taliban briefly and then retreat because of the dangers posed by IEDs (National Post, 26 August 2010; The Economist, 7 October 2010). It was also unclear how the PGF would replace local governance structures severely disrupted by Taliban human rights abuses and tribal feuds.

According to local news reports, 510 tribal elders, religious scholars and senior government employees were killed in Kandahar province between 2002 and 2010 (IRINNEWS, 27 April 2010; The Independent, 18 October 2010).

Operation Hamkari was launched in March 2010 with the aim of eliminating the Taliban from Kandahar city and the surrounding areas of Zhari, Panjwayi and Arghandab. In response, the insurgency carried out a series of co-ordinated attacks, killing more than 100 civilians including guests at a wedding party (BBC, 14 March 2010; National Post, 26 August 2010; IRINNEWS, 27 April 2010; ICRC, 10 June 2010). Local human rights organisations said assassinations, indiscriminate explosions and threats to civilian safety reached unprecedented levels. ICRC observed a substantial increase in casualties and injuries caused by bombs and landmines (ICRC, 14 April 2010). An ICRC-supported hospital treated 1,000 people with weapons-related injuries in August and September alone. Difficulties in accessing basic medical treatment due to travel restrictions meant some civilians risked death en route (ICRC, 12 October 2010).

In response to the deteriorating security situation, the UN removed nearly all its personnel from the south (OCHA, February 2010). Aid agencies said that Kandahar's one million residents were at imminent risk of displacement (IRINNEWS, 30 March 2010).

The government, however, warned that it did not intend to establish camps for IDPs as it saw the displacements as temporary and that "it could attract people from everywhere and it would not be easy to close it [sic] after the military operation" (Ibid).

During the spring, summer and autumn of 2010, tens of thousands of people were displaced; up to 36,000 fled Zhari, Arghandab and Panjwayi districts (AFP, 29 September and 1 October 2010 and 8 February 2011; OCHA April/May, August and October 2010; New York Times 19 October 2010; Xinhuanet, 4 October 2010; Pajhwik, 28 September 2010). Government officials announced that professionals had fled the province as a result of Taliban threats and insecurity. Not one qualified person applied for 600 vacancies in Kandahar city and the surrounding districts (Pajhwok Afghan News, 17 October 2010).

Fleeing was by no means easy for most residents. ISAF forces did not always warn of imminent military action, and assurances that locals would not be arrested upon fleeing were devalued by the Taliban, who prohibited civilians from interacting with PGF and killed some of those who failed to follow their orders (National Post, 26 August 2010; The Economist, 7 October 2010). Roads were often blocked in an effort to round up combatants and civilians lacked safe escape routes (New York Times, 19 October 2010). People complained that they were trapped between the insurgents and the PGF, often incurring damages to their property for which they were still to be compensated (Ibid).

Many families were forced to leave during harvest time, jeopardising their livelihoods (AFP, 29 September 2010 and 8 February 2011). Pomegranate farmers said in October 2010 that armed groups were forcing them to abandon their homes. As explosives were planted on some farms, they said, they could not irrigate their land and their trees dried up (IRINNEWS, 19 October 2010).

ISAF's Operation Dragon Strike prompted thousands to flee to the provincial capital (IRINNEWS, 14 October 2010; New York Times, 16 and 17 October 2010; Los Angeles Times, 5 October 2010). In November 2010, UNHCR noted IDPs arriving in Kandahar city from Zahri, Panjwai, Dand and Arghandab as well as displacement within those districts (Protection Cluster, February 2011: 14; UNHCR note, 21 Nov 2010). Some 14,000 "extremely vulnerable" IDPs were profiled in Kandahar City in 2010 (OCHA, November 2010).

Some 7,000 people fled Zhari District in September 2010; some 187 villages were affected. According to the Protection Cluster (February 2011: 14), most people fled due to a perception of insecurity and the destruction of their homes, some of them infected by mines, exploded by PGF. The entire village of Tarok Kolache were displaced by the Taliban and then flattened by US bombs in December 2010 (Stars and Stripes, 21 December 2010; Wired, 19 and 20 January 2011).

Over the past 20 years, IDPs have chosen to resettle in Kandahar city and the border town of Spin Boldak because of their strategic location along trade routes and because social networks and local strongmen offered some security (BI/TLO, 2010: 53 and 61) Among to those who have settled there, according to official statistics, are 18,000 Pakhtuns displaced by persecution and conflict from other parts of the country during 2001 and 2002, and Kuchi nomads of Baluch origin displaced from the south by disputes with other ethnic groups over access to scarce land and water resources (UNHCR, August 2008: 24); Hundreds of thousands have left the IDP camps - the bulk of them between 2002 and 2006 - to reclaim their properties in their home districts, to find an alternative livelihood in their area of refuge or to migrate to Kabul.

## **South cont.**

### **HELMAND**

*Helmand population of 1.5 million is 92 per cent Pakhtun and seven per cent Baloch. The province is dominated by the Helmand river which flows through the mainly desert region, providing water for irrigation. The population lives near the river and its tributaries. Only six per cent live in urban areas, many of them in the provincial capital Lashkar Gah. It is a poor province with a literacy rate of five per cent for men and only one per cent for women (Ministry of Reconstruction and Rural Development, 2008). Transport companies account for the majority of commercial activity in Helmand, many of them involved in the production and trafficking of 42 per cent of the world's opium (United Nations Office on Drugs and Crime - UNODC, 17 Dec 2009; NPS, 2008). British forces are stationed in the province, and since July 2009 they have been reinforced by US, Estonian and Danish troops. The security situation is volatile with Taliban fighters and tribal groups involved in the opium trade attacking international and government targets.*

The stated strategy for international forces in Helmand was to "clear, hold, build where we can and disrupt, interdict and defeat where we cannot" (Small Wars Journal, 2008) but protecting the population and fostering development have proven difficult (The Times, 1 October 2006). Taliban forces have repeatedly attacked the international bases scattered across the north of the province. They then withdraw into villages and towns, where PGF have sometimes retaliated with air strikes and bombardments with heavy weaponry. These PGF tactics have killed civilians - 80 died in a July 2007 air strike Gereshk district (The Guardian, 1 July 2007). They have also destroyed towns such as Sangeen and Musa Qala (Small Wars Journal, 2008), as happened in February and December 2007 (IRINNEWS, 5 February and 16 July 2007), and forcibly displaced the entire populations of Garmsir, Kajaki and Now Zad (Foreign Policy, 15 June 2010).

Almost 50,000 civilians fled ISAF operations in Sangin, Musa Qala, Garmser, Nahri Serat starting in January 2007; 11,000 fled Musa Qala and 20,000 fled Sangeen and Kajaki in February 2007; 14,000 fled Sangeen in May 2007; 14,000 fled Musa Qala in March and April 2008 and at least 11,000 fled Garmser in May and June 2008 (UNHCR, August 2008: 25-27; UNAMA, May 2008, Reuters, 13 May 2008; PAN, 26 May 2008). In addition to these confirmed cases, media reports suggest further displacements within and from Helmand have taken place.

Both US/ISAF and insurgent activity increased with the arrival of US, Estonian and Danish reinforcements in 2008 and 2009 (Chatham House, September 2010: 324-327; Foreign Policy, 15 June 2010). The international force's takeover of Marjah displaced thousands in May 2009 (ISAF, May 2009; Wired, February 2010), 4,900 of whom received emergency assistance from ICRC in Lashkar Gah (ICRC, 14 July 2009). Some 35,000 people were reportedly displaced by Operation Khanjar in July 2009, of whom 14,000 received a one-month food ration (OCHA, July 2009). Another 11,000 new IDPs were registered in Lashkar Gah in September 2009 and, the following month some 6,000 IDPs from Nadali, 4,000 from Basharan area and 3,000 from Kajaki district fled to Lashkar Gah where they received emergency assistance from local organizations (OCHA, August and November 2009). Military operations allegedly killed several civilians and displaced a further 13,000 people in Kajaki and Nawzad districts in December 2009, but this was disputed by ISAF which claimed that many of the civilians had fled as a result of Taliban abuses before PGF operations began (OCHA, December 2009; IRINNEWS, 8 December 2009).

### **Operation Moshtarak: a case study of displacement**

In February 2010, ISAF troops, launched Operation Moshtarak in the Nad Ali and Lashkar Gah districts with the aim of securing the Marjah area (Asia Times, 25 June 2010). This was the fifth time Marjah had been "taken" since 2007. Previous operations had not established a permanent presence, but this time the goal was to restore governance and ensure development in the area (IRINNEWS, 8 Feb 2010; Joshua Foust ref here).

Before the operation started, ISAF commanders advised villagers not to flee and refuted a growing number of reports that thousands had already left the area in anticipation of the operation (The Christian Science Monitor, February 2010; UNAMA, 9 February 2010; ISAF, 5 February 2010; BBC, 7 February 2010). Other civilians were confined in Marjah, where insurgents prevented them from leaving and used some as human shields (ICRC, 10 Feb 2010; NBC News, 8 Feb 2010).

Some 45 civilians were killed and 90 injured during the ISAF offensive, according to the United Nations Assistance Mission in Afghanistan - UNAMA (Ocha, February 2010; UNAMA, August 2010). Fighting and the mining of main roads prevented the ill and wounded from reaching medical facilities and ICRC reported that ambulances were sometimes shot at as they attempted to evacuate casualties (ICRC, 10 and 18 February 2010). More than 28,000 people fled Marjah and Nad Ali (OCHA, February 2010; IRINNEWS, 16 March 2010), but the government decided not to set up an IDP camp as it wanted to encourage IDPs to return home once the fighting stopped (IRINNEWS, 17 Feb 2010). In addition to the displacements during the offensive, a number of families left Marjah and the surrounding villages in the months following it as each side blamed them for supporting the other.

Provincial authorities reported some returns during 2010, but the return movements have not been confirmed (Protection Cluster, February 2011:13). The IDPs were fearful of continued fighting, roadside bombs and Taliban abuses against those who accepted aid or jobs from the government or ISAF. They claimed that neither the Taliban nor the PGF were in full control of their home district, a necessary condition for a safe return (BBC, 26 October 2010, New York Times, 12 Feb 2010; The Independent, 30 June 2010; New York Times, 17 March 2010; OCHA, March 2010 and July 2010).

Senators from Helmand province complained about displacements caused by air strikes and night raids, which they said alienate the local population (Rawa News, 26 May 2008). The Campaign for Innocent Victims in Conflict (CIVIC) together with Human Rights Watch and the Open Society Foundation investigated this claim and found that civilian casualties caused by air strikes are a commonly cited reason for people joining the Taliban (CIVIC, October 2010). A 2010 study by the International Council on Security and Development (ICOS) revealed that Operation

Moshtarak, and in particular displacement, civilian casualties and night raids, contributed to high levels of anger amongst the local population, and 95 per cent believed more young Afghans had joined the Taliban (ICOS, May 2010: 20-22).

In July 2010, UK and Afghan forces launched Operation Tor Shezada (or Black Prince), in Nad Ali (Ministry of Defence – UK, 30 July 2010; The Guardian, 30 July 2010). ISAF reported that relative security was being achieved in some areas (The Telegraph, 30 July 2010), but the Red Crescent observed significant displacements in Garmsir, Nad Ali and Sangheen districts (IRINNEWS, 11 August 2010). Residents of the town of Regey in Sangeen district alleged that 52 civilians had been killed in ISAF bombing raids. They complained that while the Taliban told civilians to leave insecure areas, ISAF did too little to protect civilians (Guardian, 27 July 2010).

According to DoRR, some families fled Nad Ali, Sangen and Nawzad districts to the provincial capital in December 2010 after international military forces established new security points there, which were attacked by insurgent groups (Protection Cluster, February 2011: 14).

### **URUZGAN and ZABUL**

*Uruzgan province sits in the centre of the Pakhtun tribal belt, though its population includes some Hazari Shia. The Popalzai are the dominating ethnic group and they are well-placed in the political leadership. The mountainous province relies on water from the Helmand and Tirin Kot rivers and competition over land and water resources along sectarian and ethnic lines lingers. Security concerns and the presence of the Taliban mean no international aid agencies or NGOs currently have a permanent presence in Uruzgan. The Netherlands operated a provincial reconstruction team between 2006 and 2010 and, supported by Australian troops, maintained a presence in the largest population centres. Security has improved in some parts of the province and the provision of medical care and education has improved significantly.*

UNAMA registered some 70,000 conflict-induced IDPs from Uruzgan province during 2007 and 2008 (UNHCR, August 2008: 25-27). Most displacements took place during Operation Mountain Thrust, which was led by Dutch and Australian forces. At the request of local authorities, an inter-agency assessment of conflict-induced IDPs was conducted in April 2009, and this verified the presence of some 20,000 IDPs in Uruzgan and Zambul (OCHA, April 2009). Another 4,000 people fled Uruzgan in October 2009 (OCHA, October 2009) and a US provincial reconstruction team reported in December 2009 that some 10,000 people had fled Deh Rawood district, but that they did not need humanitarian assistance (OCHA, December 2009). Due to the military offensive in the region, 14,000 people were reported as displaced in Zabul province as of October 2010, most of whom fled to Qalat city and Shahjoy. A further 6,000 were reported as displaced in Tirin Kot, Chora, Char Chinar and Daikundi (UNHCR, November 2010).

#### **Drop-by-drop displacements caused by insurgent abuses**

Taliban human rights abuses, including beheadings, threats and abductions of Hazara Shia are thought to cause a continuous trickle of displacements in Uruzgan and other provinces, but these are rarely corroborated. In September 2010, Taliban abuses reportedly led to displacements from villages in Baghu-Char and the surrounding areas to nearby districts with a Hazara majority (Hazarapeople.com, 26 September 2010; Hazaristan Times, 26 September 2010,). Some 1,500 people fled in the context of internal dispute between Hazara and Pashtuns in Khas district during autumn 2010 and took refuge in schools, mosques and with host families (Protection Cluster, Feb 2011, p.15).

### **East and Southeast**

## **EAST AND SOUTH-EAST**

*The eastern and south-eastern regions of the country are poor and rural. They are dominated by conservative Pakhtun tribes guided by pakhtunwali, the customary law of the Pakhtuns. Warlords and insurgent forces have put pressure on the pakhtunwali system in recent years. Tribal authorities have been targeted and their rule has been weakened. Shuras, the meetings in which tribes select leaders and make important decisions, do not take place as frequently as in the past (CPAU Human Security Project, April - June 2010). A shared border with Pakistan means significant migration in both directions. The regions have close connections with Pakistan's tribal areas, where insurgents exercise considerable influence. Armed groups that engage in Afghanistan include Hizb-i Islami Gulbuddin, Taliban and Tora Bora Nizami Mahaz. Most indicators of physical security deteriorated in 2010. These included attacks against international and national forces, threats by AGE, intimidation and bribery by the Afghan army and police, and clashes that had a direct impact on civilians (Ibid).*

### **Disputes over access to water and land forces returnees into secondary displacement**

Tribal and communal disputes are regularly settled by the use of force. Tactics such as abductions – a tactic used to force families or tribes into submission (OCHA, April/May 2010) - and the practice of burning down the houses of the opponents often have the effect of forcing people away from their area of habitual residence (New York Times, Jan 27th, 2010). Clashes between Mughbil and Mangal tribes in the Nadir Shah Kot district of Khost province, killed 20 people and displaced an estimated 1,500 more in September 2009 (OCHA, September 2009). Tribal conflicts also displaced at least 800 people from Nurgram to Alingar district in Laghman province during August 2009 (OCHA, August 2009).

The return of refugees from Pakistan who reclaim their abandoned properties where they resided before leaving the country has added another burden to customary resource management mechanism and triggered communal clashes (UNHCR, August 2008: 38-44). According to UNHCR, 52,000 returnees were forced into secondary displacement between 2005 and 2008. Most of them settled in Nangarhar, Kunar and Laghman provinces. During the first half of 2008, following the closure of Jalozi refugee camp in Pakistan, 23 per cent of the 126,000 who returned to their places of origin became victims of secondary displacement (Ibid). By comparison, 29 per cent of the 104,000 people who returned as a result of insecurity and natural disasters in Pakistan between March and October 2010 did not return to their places or origin but sought to resettle elsewhere. Some 15,000 returnees who tried to resettle to Khost and Paktya provinces in 2010 were forced into secondary displacement (IRINNEWS, 4 November 2010).

### **No access to IDPs in the east and southeast displaced by armed conflict**

A substantial number of people can be presumed displaced by fighting in eastern Afghanistan, but cases are poorly documented. In August 2007, more than 400 families were displaced by a US ground and air offensive against insurgents in Nangarhar. Local officials said US forces had informed them about the military operation in advance, but displaced civilians said they knew nothing about it, and were unable to take their belongings with them (IRINNEWS, 22 August 2007).

Some 3,500 people fled from Nuristan to Kuna province during December 2007 and January 2008 after insurgent commanders threatened to kill them for their alleged collaboration with PGF. Most of the IDPs sought refuge in the districts of Nari and Barikot while others went to Jalalabad and Beshud. Air strikes and other military activity displaced a number of people to Gardez in Paktya province during 2008, but little is known about their number or their circumstances (CITE).

As many as 5,000 people were displaced within the Bargi Matal and Kamdesh districts of Nuristan between December 2008 and August 2009 according to tribal leaders, but the insurgency's refusal to grant access to the area impeded both verification of the accounts and the

delivery of food aid to the affected population (OCHA, January, July and December 2009). By September 2009, international forces had left the area, according to the commander of the Nuristan provisional reconstruction team (PRT), and some 600 people had returned to their villages (OCHA, September 2009). Sixty houses were destroyed or damaged during combat, according to local leaders. The PRT was considering compensation (OCHA, October 2009).

The humanitarian emergency in Nuristan continued during 2010 (OCHA, February 2010). The provincial governor reported in May 2010 that 9,000 people had been displaced from the Bargi Matal district to surrounding areas after the insurgency took control of the area (OCHA, April/May and August 2010). Fighting continued between insurgents and Afghan military forces during the second half of the year. Some 60 per cent of houses in certain villages were reportedly burned and four civilians killed, causing 450 IDPs from Bargi Matal to flee towards the mountains where they lived in the open without food, shelter or basic sanitation (IDP Task Force, 29 July 2010: 3).

In November 2010, some 45 individuals fled from Nari district to Asad Abad district in Kunar province for fear of persecution (UNHCR, November 2010).

## **North**

### **NORTH**

*Afghan institutions in the north are weak and alliances change quickly. Control is exercised through the district governors, shuras or personal links to the war-lords in charge. Warlords dominate public life and are involved in various criminal enterprises. Baghlan's provincial governor was replaced three times in 2007 for failure to reign in warring factions (NPS, November 2010). In Faryab, Jowzjan and Sari Pul, the Uzbek warlord Abdul Rashid Dostum controls a network of local warlords, challenged only by the Tajik-dominated Jamiat-i Islami. Divisions and corruption within local administrations makes the promotion of stability and security yet more difficult (NOREF, July 2010). US have some 5,000 troops in the north. ISAF forces in the north are led by a 6,000-strong German contingent that operates from Mazar-i-Sharif in Balkh province and is supported by Norwegian, Hungarian, Swedish and Belgian troops. Afghan army brigade, the 209 Corps, covers the same region. The insurgency consists of several groups, which pursue different strategic objectives but co-operate closely. The main groups are the Afghan Taliban, the Islamic Party of Gulbuddin Hekmatyar and the Islamic Movement of Uzbekistan (German Institute of Global and Area Studies, 1 December 2010).*

### **Systematic human rights violations against Pakhtun minority**

More than half a million IDPs lived in the north and north-east in 2001, many of them displaced by the Taliban's offensive over the previous two years (WFP 1 October 2001; OCHA 9 April 2001). When the Taliban withdrew, armed factions subjected ethnic Pakhtuns to murder, abductions, looting and extortion in revenge for their supposed association with the Taliban regime (DANIDA, December 2004: 30). Elders were killed, young men and boys forcibly recruited and women raped (women in their own communities had suffered similar attacks in the past) (HRW 3 and 6 March 2002; DIS March 2003, pp. 27-28). The violence and intimidation forced thousands of Pakhtuns to flee their villages, and more than 50,000 sought refuge in the south during the early 00s (IRIN, 15 April 2003; BAAG April 2003, p. 7). Pakhtun Kuchis were also displaced from the north and north-west, mainly to Hirat by drought and human rights violations (Inter-Agency Missions 19 June 2003, p. 2; MRGI, October 2008).

### **Land and water, the key to local war and peace**

Land and water conflicts are the most common source of local conflicts in Kunduz and other provinces in the North (followed by debts) (CPAU, March 2010: 15). Authority rests with those

most capable of violence and most able to appropriate and redistribute resources - whether they be public funds and seized land - to their clients and militias (Ibid). Land seizures by local strongmen have provoked new displacements in a number of provinces, sometimes on a large scale (Pajhwok, 18 May and 19 Oct 2008; IRINNEWS, 26 June 2008; OCHA, December 2009), and returning IDPs and refugees who seek to reoccupy their land and houses are particularly at risk of secondary displacements (UNHCR statistics, November 2010; Feinstein International Center, January 2011). The ownership of land by returning refugees and some 57,000 returning IDPs remains contested (UNHCR statistics, November 2010), with returnees having found their land occupied either by local warlords or by others, often relatives, unwilling to accept the returnees' claims.

Other provinces have also been affected by this type of displacement. In May 2008, an estimated 9,000 people abandoned their homes in the Alburz district of Balkh province as a result of land ownership disputes. They camped near Mazar-i Sharif for more than a month before returning home (IRINNEWS, 26 June 2008). Some 3,000 people remained in Sozma Qala transitional camp in Sari Pul province as of December 2009 after being displaced by conflicts over land (OCHA, December 2009).

### **Displacements in the context of growing insurgent influence**

Since 2007, and particularly since 2009, the northern region has experienced a sharp rise in AOG activities (Der Spiegel, 13 October 2010; The Atlantic, 12 October 2010; IWPR, 2 November 2010, UNAMA, August 2010). Kunduz is a Pakhtun-dominated province which suffered at the hands of the Northern Alliance, and which is strategically important for the control of supply routes to Central Asia (New York Times, November 26th, 2009; Xinhua News, August 31st, 2009). The Taliban have staged hit-and-run attacks, bombings and rocket strikes on German, Belgian and Hungarian forces in Baghlan and Kunduz and have targeted civilians. ISAF forces have responded with force, on one occasion accidentally killing as many as 142 people in a German-led bombing raid (Spiegel, 30 August 2010). The international forces have also tried to strengthen warlord structures such as the Arbakai, but they themselves are agents of displacement in the two provinces (The Diplomat, 16 March 2010; Al Jazeera, 12 Jan 2011; The Epoch Times, 12 October 2010). Similarly, aggravated ethnic tension in Baghlan province was linked to the struggle for control between PGF and insurgents in the Gilzhai Pakhtun enclaves (NPS, November 2010).

The number of those newly displaced rose significantly in 2010. Heavy fighting during Operation Towheed in April 2010 led to deaths of seven German servicemen (The Times, 3 May 2010). Some 40,000 civilians were displaced in May and June 2010, mainly due to flooding but also as a result of insecurity; they received assistance from the ICRC (ICRC, 22 July 2010). In July 2010, the UN received a number of reports suggesting temporary displacements caused by counter-insurgency operations (OCHA, July 2010). According to the Afghan Red Cross Society (ARCS), more than 1,200 people were displaced by conflict in the run up to and during the August 2010 elections, losing their homes, livelihoods and sources of income (OCHA, September 2010). Provincial authorities in Kunduz reported in September 2010 that a further 1,400 people were forced to flee when the Taliban established a presence in Archin, Chardara and Imaam Sahib districts (IRINNEWS, October 14th, 2010). In September and October 2010, 4,000 more fled joint military operations in Chardara (UNHCR, November 2010).

Many IDPs have taken refuge in larger cities. In early 2008, some 12,000 returnees unable to go home sought protection in Mazar-e-Sharif (UNAMA, June 2008). In September and October 2010, 500 IDPs from Imam Sahib district were displaced to Kunduz city (UNHCR, November 2010), and during October 2010 some 6,000 Uzbeks were displaced from the Sayaad district of Sari-e-Pul to Balkhi and Mazar-e-Sharif city as a result of a military offensive (OCHA, October 2010). Another 3,000 Uzbeks sought refuge in Mazar-e-Sharif in November 2010, as did more than 2,000 IDPs from Balkh province (UNHCR, November 2010).

The provinces of Faryab and Ghormach District in Badghis Province (other districts are examined under 'west') have also experienced fighting in most districts. Although significant displacements were registered in 2006 – around 2,000 people fled military operations in the Pakhtun Kot district of Faryab province in July that year - most have taken place more recently. The violence is often attributed to the greater strength of the insurgency, and the armed mobilisation of Pakhtun minority communities (Noref Policy Brief, July 2010; The Christian Science Monitor, 27 July 2009), but local feuds and competition over drug trafficking also play a role.

Provincial officials said some 400 families, or around 2,000 individuals, had been displaced across Badghis province during January and February 2009, as a result of recurring clashes between insurgent groups and PGF and food insecurity (IRINNEWS, 26 Feb 2009). Large numbers of civilians were displaced later the same year, both within Badghis and from Badghis to Herat and Faryab. Some 5,000 were profiled and supported by UNHCR (OCHA, Feb 2010). In August 2010, it was reported that about 8,000 people of different ethnic groups had been displaced within the Qaisar district of Faryab province (OCHA, August 2010). Another 13,000 people, mostly of Uzbek and Tajik origin, were displaced in October 2010 in the same district, although some 6,000 soon returned (OCHA, October and November 2010).

## **West**

### **WEST**

*Western Afghanistan has a long history of links with Iran but also with other Pakhtun areas in southern Afghanistan and Pakistan. Italian troops based in Herat city command ISAF forces in the west while local strongman Ismail Khan still has strong influence in the region (NPS, May 2008). The number of security incidents in the region, including abductions of political figures, ambushes, IEDS and small arms attacks, has been rising since 2006. The Shindand district of Herat province has been affected by fighting, including US/ISAF bombing which caused mass displacements (BBC, 8 October, 2008); but Herat city has offered relative security. It is considered an economic engine and is one of the wealthiest areas of the country (Ministry of Rural Rehabilitation and Development, 2008). As such it is the destination of conflict-induced IDPs, refugee returnees and economic migrants from nearby Badghis, Ghor and Faryab provinces in search of protection, job opportunities and access to basic services.*

Some 90 per cent of the 200,000 Pakhtun IDPs who fled ethnically-fuelled violence in the north after the US invasion in 2001 have returned home, mostly during 2002-2003 (WFP 1 October 2001; MoRR & MRRD, October 2003: 2-18). According to UNHCR, 97 per cent of the remaining IDPs as of 2008 expressed no intention of returning, mainly because of insecurity and their lack of land (UNHCR, August 2008: 29).

Repatriation from Iran, which hosts one million documented Afghan refugees (as well as a similar number of economic migrants) is ongoing. Some 7,600 documented refugees returned to Afghanistan in 2010, according to UNHCR (IRINNEWS, 4 November 2010).

Meanwhile, local conflicts over access to resources regularly lead to new displacements. Some 2,700 registered people fled the Gorgi area and Khak-Safeed district during 2008, and another 2,000 people were displaced from Shahrak district in Ghor province to Chest-e-Sharif district in Herat following tribal conflicts in July 2009. Some of the IDPs returned quickly, however, following tribal reconciliation (OCHA, September 2009).

### **IDPs from Farah and Badghis displaced by clashes and tribal enmity**

During 2007, UNHCR estimated that 21,000 IDPs fled insurgency and counter-insurgency operations in the west in at least ten different waves (UNHCR, August 2008: 32). More than half fled PGF operations, and a quarter fled human rights violations committed by national authorities in conjunction with international forces (Ibid).

Farah is among the areas worst affected by displacement in Afghanistan. Provincial authorities estimated that as many as 700 people left the province on a daily basis in 2008 (equivalent to as many as 256,000 for the year) because of general insecurity and drought (UNHCR, August 2008: 32). Early 2009, some 7,000 people were displaced in and around Farah city by air strikes compounded by drought, sandstorms and economic hardship. They have been unable to return (OCHA, April 2009).

Reports of ground search operations causing widespread displacement from the Shiwan area of Ballah Buluk district during July and September 2009 were not verified because neither humanitarian organisations nor state authorities were able to access the area (OCHA, July and September 2009). By October 2009, an estimated 35,000 had fled US-led operations, but US representative said they had quickly returned home. An American PRT said that any remaining IDPs had fled the insurgency or had left home in search of economic opportunities, but other sources said that up to 7,000 people needed humanitarian assistance (OCHA, October 2009).

Badghis province has also been hard-hit. In 2008, as many as 3,900 Pakhtuns fled government-sanctioned ethnic harassment in Murghab and Ghormach districts (UNHCR, August 2008: 32-33). IRIN NEWS reported in February 2009 that 2,800 people had fled within Badghis to seek shelter near the provincial capital (IRINNEWS, 26 February 2009). In July and November 2009, government sources reported displacements of between 10,000 and 20,000 people following military operations in Bala Murghab district, but the security situation impeded further assessments (OCHA, July and December 2009).

During 2010 a number of civilians were killed or injured by IEDs in the volatile border area between Badghis and Farah (OCHA, April/May 2010; Reuters, 15 December 2010; Reuters, 16 December 2010). The Provincial Disaster Management Commission (PDMC) reported 800 new IDPs from Langar village in Qadis district at the beginning of the year but that was prior to an escalation in the fighting (OCHA, February 2010). An estimated 9,000 people fled Badghis for Herat province in October 2010 (OCHA, October 2010), and another 5,000 fled Sangi Atish district in Badghis, also for Herat the following month (UNHCR, November 2010). Tribal elders told the Afghan National Disaster Management Authority (ANDMA) in Badghis that ongoing clashes between ISAF/ANA and the insurgency had caused 26,000 people to flee Dare Boom in Qadis district to neighbouring villages in Murghab district (Ibid).

## **Central and Central Highlands**

### **CENTRAL and CENTRAL HIGHLANDS**

*The main highway between Kabul and Kandahar runs through Ghazni, and ISAF supply convoys come under frequent attack when they pass through the province. The security situation in adjacent Wardak province has deteriorated since 2008 as Taliban influence has grown and has been met with operations by international and Afghan military forces (CPAU, 27 April 2009). The Taliban are the main insurgent force, though Hizb-i Islami (HiG) and other factions also operate in the region. The Taliban have established shadow administrative systems in areas of Wardak and the inhabitants in Logar, Wardak and other provinces rely on them for justice (The Guardian, 24 August 2008). As in other regions, communal conflicts in the central provinces are related to land and water resources.*

In the central regions, displacement takes place in the context of armed conflict between PGF and the insurgency and due to Taliban human rights abuses against Hazaras. Thousands fled insecurity in Kapisa province early 2010. Some sought safety from clashes between the Taliban and PGF in Nejrab and Alasaay districts, while others fled ethnic and tribal hostilities (IRINNEWS, 14 January 2010). Civilians also fled US helicopter attacks in and around Pul-e-Alam, the capital of Logar province, in August 2009 (NYT, 27 August 2009).

While there are no figures for IDPs, an increasing number of asylum applications from Ghazni and Bamiyan provinces indicate Hazaras fleeing Taliban intimidation (Hazarapeople.com, 12 November 2010). Researchers from the *Afghanistan* Public Policy Research Organization (APPRO) documented severe restrictions on Hazaras' mobility in 2010. A Taliban announcement warned residents of Jaghuri district against using the main roads and mobile phones, threatening those who were caught with dire consequences. Human rights observers were told that the Hazara also face discrimination in schooling, employment and other aspects of everyday life (Ibid).

Displacements due to Hazara-Kuchi clashes over grazing rights are, however, more significant.

### **Kuchi nomads and Hazara farmers clash over grazing entitlements**

*Afghanistan is home to as many as three million Kuchi nomads, predominately Pakhtuns from the Ghilzai tribe. Members of the Kuchi minority are on average poorer and less literate than other minorities, and experts say they are marginalised from decision-making (IRINNEWS, 23 November 2010). The Kuchi are pastoralists and have traditionally migrated across large swathes of the country in search of fresh pastures. Such access has, however, diminished as a result of conflict as well as environmental and demographic factors. The Kuchi claim springtime grazing entitlements in areas populated by the Hazara people. Many hold old documents confirming their right to use pastures and plots of land, but their current validity is questionable (IRINNES, 7 April 2008 and 13 May 2009).*

The conflict between Kuchis and Hazaras – and lack of policies on land tenure and pasture rights - has led to a number of significant displacements since 2007 (IRINNEWS, 13 May 2009 and 23 November 2010). Kuchi militias drove more than 4,000 Hazaras from 65 villages in Wardak province in May and June 2007, before a temporary ceasefire was brokered by UN officials (STP, 21 February 2008; IRINNEWS, 13 May 2009). A commission was set up to solve the problem of access to pastures and land ownership, but there has been no official ruling to permanently resolve the disputes.

Between June and August 2008, clashes between Hazara farmers and Kuchi nomads in Bihsud I and II districts of Bamiyan and Wardak provinces erupted again (UNAMA, June 2008; The Telegraph, 12 October 2008). At least 30 people were killed in the fighting and some 44,000 were displaced to Kabul, Bamiyan, Ghazni and other neighbouring areas (OCHA, April 2009). The conflict was mediated by a presidential commission and the Kuchi were asked to leave the area, but they did so only at the end of August, when they would normally leave the highlands (Associated Press, 22 July 2008; IRINNEWS, 13 May 2009).

Tension rose again in May 2009 but did not descend into conflict. The Afghanistan Analysts Network (AAN) said that the government had paid US\$ 2-3 million to a Kuchi commander in order to secure the Hazaras' political support for the presidential elections September that year (AAN, 17 May 2010; IRINNEWS, 23 November 2010). In May 2010, however, UNHCR reported that renewed conflict between Kuchis and Hazaras in the Behsud I, Behsud II and Daimirdad districts of Wardak province had led to killings and abductions, and created some 14,000 new IDPs (OCHA, April/May 2010). The Kuchis withdrew by the end of May following negotiations brokered by the government (Washington Post, 14 August 2010).

As a result of the above events, the number of Kuchi households seeking refuge in the slums of Kabul has increased (IRINNEWS, 23 Nov 2010). In August 2010, an urban land dispute between Hazara and Kuchi groups in Provincial District 13 of Kabul city resulted in the urban displacement of some 1,500 people to the partially destroyed Darulaman Palace (VOA, 13 Aug 2010). UNHCR assessed their protection and assistance needs and co-ordinated a response (OCHA, Aug 2010).

### **Causes of displacement**

The cause of displacement for a given household may not boil down to a single factor. The existence of conflict or human rights violations may, for example, have been compounded by food insecurity, and as such the distinction between conflict-induced and drought-induced IDPs can sometimes be an oversimplification of the country's complex internal displacement problem.

That said, contrary to claims by Afghan government officials that IDPs in Afghanistan are economic migrants drawn to the cities by poverty and the promise of subsidies and services (see e.g. IRINNEWS, 16 July 2007, 23 April 2009, 3 May and Aug 11th, 2010; Washington Post, 22 Nov 2010), it is clear that the high rates of displacement from the regions examined above are due to objectively verifiable factors intimately linked to the armed conflict and human rights abuses.

Threats to physical security were a major cause of internal displacement in 2010; it could be argued that forced displacement is the chief manifestation of the humanitarian and human rights crisis as the irregular war in Afghanistan intensifies. In such circumstances, the displaced should be entitled to state protection and assistance, international support and solidarity from the rest of society.

### **Armed conflict**

Armed conflict is the main cause of displacement in the south, east and west. The UN Representative on the Human Rights of IDPs has expressed particular concern that the methods of the insurgency and PGF have a disproportionate impact on civilians (UN, 20 August 2007; IRINNEWS, 16 August 2007). IEDs, attacks and killings during night raids, civilians killed during military operations and being used by the insurgency as human shields are all common practices and factors driving displacement.

Though they may bring stability in the long-term, military operations often prompt an armed response from the insurgency and increase the immediate risk of a humanitarian crisis. In the South, According to the UNHCR-led Protection Cluster, military operations have not yet resulted in increased protection for civilians, many of whom remain in displacement (Protection Cluster, February 2011: 6). The state and other armed groups are obliged under international law to take every necessary measure to avoid displacement. Principle Five of the Guiding Principles on Forced Displacement (GP) states that "all authorities and international actors shall ... prevent and avoid conditions that might lead to displacement of persons." (BI, 2008: 25-36) That implies, among other things, that the conduct of military units must be in keeping with international humanitarian law (IHL), particularly the principles of distinction, proportionality and precaution in attack (ICRC Study Rules 6, 7, 14 and 15) (ICRC, 23 October 2009).

While AOG have been responsible for the majority of killings, most of the documented mass-displacements have occurred as a result of offensives initiated by state or international forces. UNHCR's 2007 data from western Afghanistan show that 79 per cent of verified IDPs were displaced as a result of PGF attacks or human rights violations. Six per cent were displaced by

inter-ethnic violence, five per cent by the activities of the insurgency and ten per cent by other factors (UNHCR, August 2008: 32).

The Protection Cluster (February 2011: 7) has provided evidence of unlawful evictions/arbitrary displacements for military purposes at the Panjwai, Maiwand and Zhari Districts of Kandahar Province. According to the local population, international military forces damaged houses, properties and land to build new roads and the evicted families live in displacement and have not received compensation.

The Brookings Institution and Tribal Liaison Office points to this paradox and suggests that military planners should integrate a deeper understanding of displacement in counter-insurgency strategies, guidelines and standard operating procedures (BI/TLO, May 2010: 15). Recent trends in paramilitary structures in the north that cause displacement, both in areas where the insurgency operates and where paramilitary groups are hegemonic, suggest that PGF has yet to integrate effective protection strategies into their military operations.

While preventive displacements to escape night raids in the interest of keeping women's *pardah* or seclusion may be considerable, this phenomenon is not documented. Displacements that result from the destruction of homes and livelihoods have, however, been shown. IHL provisions prohibit attacks on civilian property, the destruction of objects indispensable to their survival and the carrying out of reprisals against civilians and civilian property because such acts often lead to displacement (ICRC, 23 October 2009). PGF should better establish the extent of the destruction of civilian property caused by military operations and ensure that none of these provisions are violated (Wired, 20 January 2011; The Washington Post, 19 November 2010).

The bombing of markets, roads and other public spaces by AOG are in breach of the principle of distinction, which prohibits acts of violence against civilians, including IDPs who do not participate in hostilities. These acts have led to the displacement of people protected by IHL but these population movements are not well documented. The taking of civilian hostages is also prohibited by GP12.4 and international customary law, rule 96. In Helmand, Farah and other provinces, insurgents have positioned themselves in residential areas during clashes with PGF or retreated to their family homes, significantly increasing the risk to civilian lives and property (Reuters, 16 June 2009).

PGF and AOG both made efforts in 2010 to spare the civilian population, in particular to minimise the loss of civilian life (ISAF, 1 August 2010, Program for Culture and Conflict Studies (CCS), 6 August 2009). The same efforts are not made to reduce forced internal displacement, despite the scale of the problem and despite studies showing that the phenomenon has a damaging effect on the perpetrator's acceptance and support (Ibid; Special Inspector General for Afghanistan Reconstruction, January 30th, 2011). According to IDMC reviews of the Afghanistan war logs and interviews with journalists who had access to the 80,000 US military reports as well the US embassy cables leaked by WikiLeaks, there was not one mention of displacement in Afghanistan in either batch of documents (Guardian, 25 July 2010; Interviews with Guardian journalists, February 14th, 2011).

### **Human rights abuses**

Abuses increase in the context of military confrontation (See e.g. AIHRC, 8 August 2010). PGF have tried to maintain a permanent presence in population centres in the south but when they retreat to their bases, the Taliban and other AGE regain control of the area and displace those who are perceived to have supported the PGF (ICOS, May 2010). Many people flee in anticipation of threats or violence, while others leave their homes as a result of intimidation and harassment by the different parties to the armed conflict, or efforts to oblige them to join their ranks, feed and care for their wounded fighters or provide financial support for their campaigns (Watchlist, June 2010; IRINNEWS, 27 Sept 2007).

People's inability to meet their basic needs in the context of military operations has also triggered their displacement in certain circumstances. According to an NGO study many IDPs fled for lack of other options once their property, agricultural land or other productive assets had been destroyed (BI, 2009: 12). Poorer individuals frequently stated that they wanted to flee but were unable to do so because they lacked financial resources (Oxfam, November 2009).

Taliban human rights abuses have caused large-scale displacements in the east and in provinces in the southern and central regions that are home to significant Hazara populations. AOG have intimidated and killed community and tribal elders, government officials, civilians working for ISAF as interpreters, construction workers and those civilians perceived to be supporting or associated with the government. They have also targeted teachers, health care workers, shopkeepers and staff of Afghan and international NGOs. According to IHL, it is lawful to attack military objectives, but civilians displaced by AGE are clearly not legitimate targets. Displacements, in this case, could have been avoided by upholding prohibitions against threats and extrajudicial killings.

### **Land and resources**

A legal review of Aghans laws finalized in 2010 did not find that prevention from displacement was addressed in the Afghan legal system. But several of the rights safe guarded in the Constitution are relevant, including Articles 38 and 40 which affirm the inviolability of private homes and property, and the Civil Codes' protection of extrajudicial confiscation or acquisition of property (BPID/NRC, November 2010: 24-25). In practice however, the weak rule of law does not prevent displacement happen due to the infringement of these laws.

Local and inter-ethnic disputes over natural resources, particularly land, are common across most of Afghanistan. The phenomenon is most clearly seen in the central highlands, where clashes between Kuchis and Hazaras militias have caused significant displacements since 2007. It is also evident in the east and south-east and north, where returning IDPs and refugees claim access to the property they were forced to abandon. A report by the Afghanistan Independent Human Rights Commission (AIHRC) published in 2007 found that 67 per cent of refugee returnees were unable to return to their places of origin due to lack of land, or left after finding that their land had been taken (AIHRC, 2007). Another study published in the same year found that returnees' claims make up a large proportion of all disputes over the private ownership of rural land (BI, November 2007). Some 40 per cent of IDPs interviewed by the AIHRC linked their displacement to land issues (AIHRC, May 2006: 2, 8), and in 2009 UNOCHA reported an increase in internal displacement as a result of conflict over land and resources (OCHA, 2 February 2009).

# POPULATION FIGURES AND PROFILE

## General

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### Figures and Registration

#### FIGURES

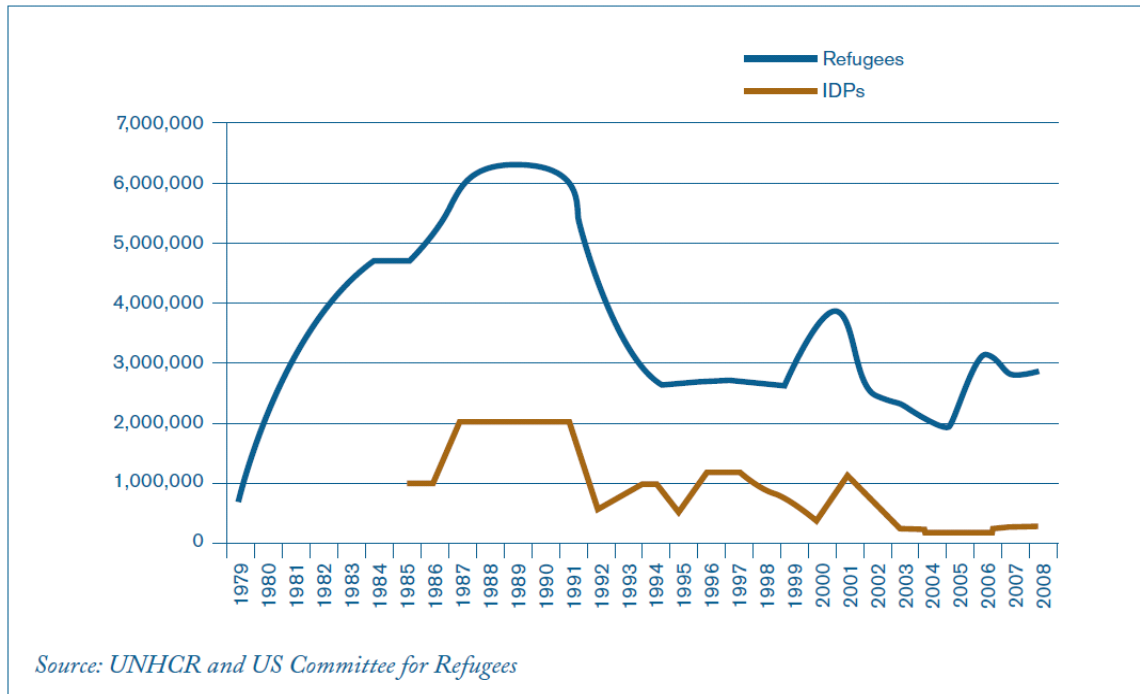
According to *Addressing Internal Displacement: A Framework for National Responsibility*, the GoA is responsible for profiling the internally displaced population, including its protection and assistance needs, and to tailor policies to address those needs. In the absence of government data, international agencies can assume this task (Brookings-Bern, April 2005).

#### **2002-2005: IDPs leave camps in a context of optimism and stability**

Until 2008 IDP registration carried out by UNHCR and the GoA focused on two groups: those who had been displaced before 2003 and had lived in IDP camps, and refugee returnees who, unable to go back to their places of origin, sought to establish themselves collectively on new land. Overall figures decreased significantly from a peak of 1.2 million in 2002 as IDPs left camps and embarked on a process of return or resettlement elsewhere. Some 85 per cent left the camps within three years. By 2005, 145,000 lived in five large camps in Kandahar and Helmand provinces, and another 40,000 lived in other regions (UNHCR, December 2003; UNHCR, October 2005). As the rate of returns slowed and new displacements took place in the south, the total figure started to climb again in 2006 (UNHCR and GIMU/PGDS, 4 September 2006; BI, 18 November 2007).

*Source: BI/TLO, May 2010: 35*

**Figure 1: Afghan Refugees and IDPs 1979-2008**



**Ambiguity before 2009**

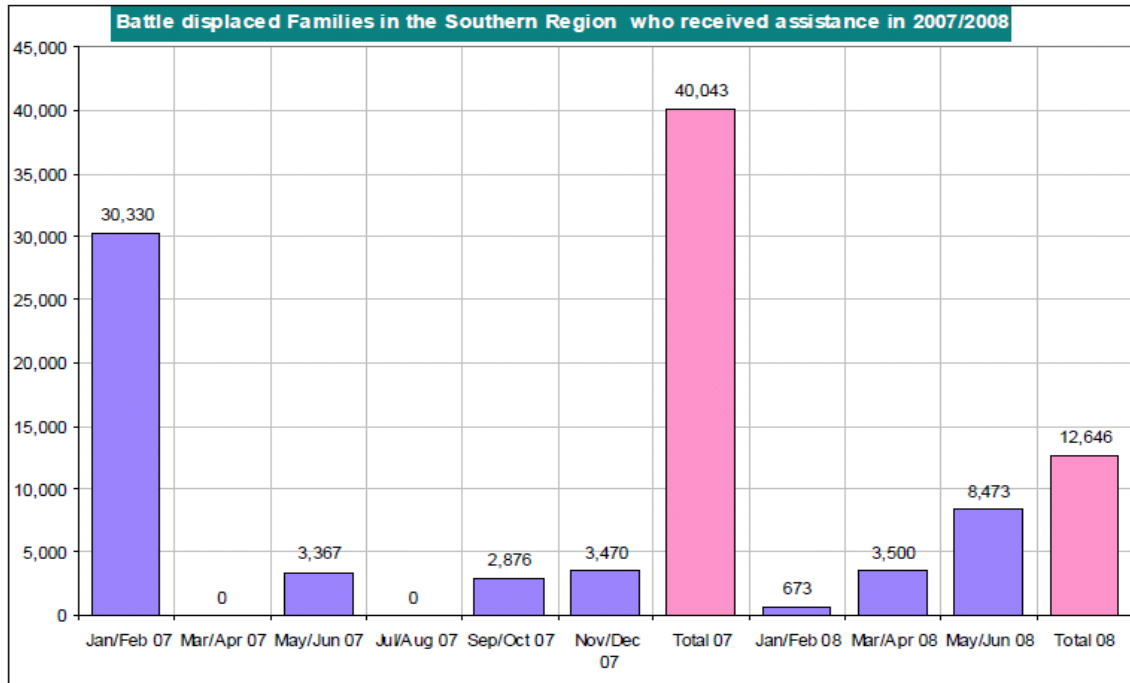
Records of conflict-induced IDPs between 2005 and 2008 are fragmented. Some calculations are based on census data in the area where displacement took place and others on information from local authorities in areas affected by displacement collated by the press.

Two sources provided reliable estimates on conflict-induced IDPs between 2006 and 2008, and these suggest that at least 542,500 people were internally displaced by armed conflict during that period.

ICRC recorded 38,500 conflict-induced IDPs in 2006, more than 45,000 (from Kandahar, Uruzgan, Zabul and Helmand provinces) in 2007 and 92,000 in 2008 (ICRC, 2006, January and June 2008 and January 2009). In total, ICRC recorded and assisted more than 175,500 conflict-induced IDPs between January 2006 and December 2008.

UNAMA recorded and assisted 280,000 *different* “battle-affected” IDPs in 2007 and another 87,000 during the first six months of 2008, giving a total of 367,000 (UNHCR, August 2008: 25-26). The UNAMA figures were based largely on government estimates. The number of *verified* conflict-induced IDPs was significantly lower (UNHCR, June 2008; UNSG, 28 October 2007; Senlis Council, November 2007; IDP Profiling 2008, 8). Neither of the figures took into account those assisted by international forces or those who did not receive any assistance.

*Source: UNHCR*



Research by the BI/TLO suggests that 251,000 people displaced by conflict in Helmand, Uruzgan and Zabul provinces between 2004 and mid-2009 were living in Kandahar province. More than two-thirds took up residence in the border town of Spin Boldak, and 106,000 were refugee returnees forced into secondary displacement (BI/TLO, 2010: 57, 65).

### Conflict induced displacement since 2009

Since 2009, data on conflict-induced IDPs has been collected jointly by UNHCR staff in the field and the Provincial Departments of Refugees and Repatriation (DORRs), the designated government agency for IDP protection. The figures are broken down by month and province, but they do not include IDPs scattered in urban/semi-urban locations and people displaced in inaccessible areas in the context of armed operations (e.g. IRINNEWS, 3 November 2010).

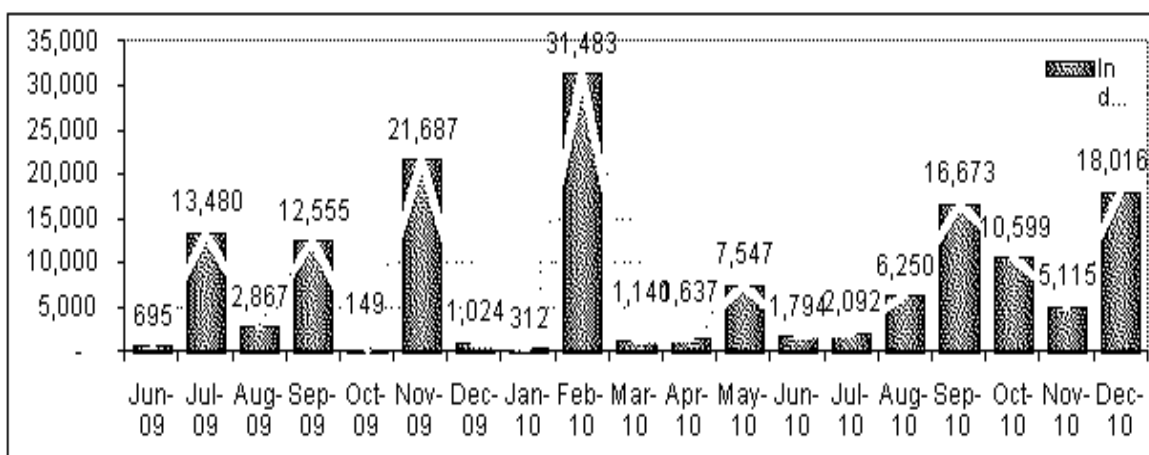
UNHCR recorded 120,000 new displacements in 2009, 68,000 in the first half of the year and 52,000 in the second (UNHCR statistics, January 2010). By the end of 2009, the total number of people receiving protection from the agency had increased by 66,000. 102,000 new conflict-induced IDPs were registered in 2010 (UNHCR statistics, January 2011).

According to OCHA, of those displaced between January 2003 and September 2009, some 60 per cent were refugee returnees in secondary displacement and 40 per cent were “battle-affected” (OCHA, September 2009: 13).

Five provinces (Helmand in the south, Farah in the west, Herat in the west, and Khost and Nangarhar in the east) accounted for 88 per cent of the increase of IDP numbers in 2009. The 2010 increase took place in the south, west, north and central highland regions. Peak months were July 2009 (south); September 2009 (south and west); November 2009 (south and west); February 2010 (north, south and west); May 2010 (central highlands); August 2010 (south); September 2010 (north and south); October 2010 (south); and December 2010 (north and south).

Region	June/	Aug/	Oct/	Dec/	Feb/	April/	June/	Aug/	Oct/	Dec	Total
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	July 09	Sep 09	Nov 09	Jan10	Mar10	May10	July10	Sep10	Nov10	10	
North	-	-	-	312	2,123	840	-	7,551	738	3,572	15,136
South	11,838	9,100	9,000	-	26,520	1,176	1,266	10,274	9,236	13,163	91,573
South-East	-	-	-	-	-	-	-	281	-	-	281
East	174	2,430	336	172	867	86	1,568	1,620	45	306	7,604
West	1,642	3,142	12,500	822	2,978	902	820	2,927	5,695	975	32,403
Central	465	750	-	30	135	230	204	270	-	-	2,084
Central High	56	-	-	-	-	5,950	28	-	-	-	6,034
Total	14,175	15,422	21,836	1,336	32,623	9,184	3,886	22,923	15,714	18,016	155,115



According to the National IDP Task Force co-led by the Ministry of Refugees and Reintegration (MoRR) and UNHCR, the caseload of IDPs displaced by armed conflict, human rights abuses and other general violence was 286,000 as of 31 December 2010. The number could be far higher but is currently impossible to verify (OCHA, December 2010: 1).

	Persecution and conflict-induced - Dec 2002	Persecution and conflict-induced since 1 Jan 2003	Total
North	1,266	18,542	19,808
South	17,570	82,800	100,370
Southeast	0	15,276	15,276
East	40,800	38,928	79,728
West	16,516	44,301	60,817
Central	270	9,204	9,474
Central Highlands	0	173	173
Total	76,422	209,224	285,646

#### IDP categories

IDP figures, with a slight under-representation of elderly, suggest that internally displaced Afghans represent a cross section of the general population. UNHCR data shows that 49 per cent of IDPs are female and 51 per cent are male. An Oxfam-led study from 2009, however, alleges that women were slightly more likely to have been internally displaced than men (Oxfam, November 2009). More than 54 per cent of IDPs registered since 2009 are children while only one per cent are elderly (60+).

The National IDP Task Force uses the following terminology and concepts (December 2010) to describe different types of displacement: 1) *Persecution and Conflict-Induced IDPs*: This refers to those forcibly displaced by hostilities between the parties to the ongoing armed conflict, serious or systematic violations of international humanitarian or human rights law, violent ethnic or tribal clashes, or violent disputes over land or other natural resources. The term can also be applied to those forcibly displaced by persecution, when serious or systematic human rights violations are targeted at a particular community or individual. 2) *Protracted IDPs*: This refers to those forcibly displaced by events (conflict, violence or natural disasters) prior to December 2002. They include those who fled conflict and violence following the fall of the Taliban regime, and those whose displacement was caused by the periods of severe drought that affected different communities in Afghanistan throughout the 1990s (UNHCR data, December 2010).

## **REGISTRATION ISSUES**

The National Protection Cluster asserted in February 2011 (p. 8) that the absence of timely information about displacement in conflict zones has a critical negative impact on humanitarian redress.

IDPs are assigned no special status in Afghanistan. As mentioned above, however, UNHCR and the MoRR have profiled IDPs living in camps since 2002. As such camp IDPs' needs were well known and well catered for until 2006, and until more recently for 'extremely vulnerable groups'.

Since 2005, however, agencies involved in IDP protection and response in Afghanistan are confronted with the intrinsic difficulty of undertaking needs assessment, gaps analyses and updating data. IDP profiling is complicated by security and logistical constraints in accessing conflict, rapid changes in the situation on the ground, the temporary nature of some displacements and by methodological difficulties in distinguishing between forced internal displacement and economic migration, particularly in urban settings. The movement of smaller groups is hard to detect (drop-by-drop displacements).

Security and logistical issues that prevent access to IDPs in conflict areas are the biggest obstacle to gathering reliable information. The insurgency has targeted the UN, and the organisation is not present in Helmand and other areas affected by displacement. Government bodies, ICRC and other NGOs face similar constraints (ANSO, January 2011). ICRC reported that access to civilians was more restricted in 2008 than at any time during their 20 years of operations in Afghanistan (ICRC, 18 February 2008).

Inadequate coordination between civilian and military bodies hinders the collection of reliable data. Some PRTs and international forces – particularly in the north - gather and share information about displacement and damage to civilian property with humanitarian actors. The capacity and willingness of others is limited, however, particularly in the south, east, south-east and west of the country (IDMC interview with UNHCR, 8 October 2010). ISAF's Regional Command-South (RC-S) has drafted a standard operating procedure for the sharing of information on displacement with the UN, but it is yet to yield results (OCHA, April/May 2010).

The Afghan government and its international backers, particularly the US and other ISAF countries, have also been reluctant to highlight displacement caused by their military forces'

operations. The Brookings Institution has said that this unwillingness to document the scope of the problem is a symptom of the international community's refusal to recognise the failings of the post-2001 state-building effort (BI 2009; BI/TLO 2010:14). It also says that the failure to recognise and attempt to address the displacement crisis forces IDPs to adopt negative coping mechanisms, such as seeking protection from warlords or insurgent actors (Ibid).

Political interests can sometimes influence the data in other ways, as is indicated by reports of corruption in the IDP registration process. Local politicians and authorities, NGOs and other agencies may have incentives to exaggerate the number of IDPs so as to attract more funding and assistance.

The complexity of the phenomenon in itself creates methodological challenges, for instance in distinguishing between forced internal displacement and economic migration, particularly in urban settings.

When the GoA and the UN published a national profiling of IDPs in August 2008 the BI, TLO and other analysts claimed that it underestimated the number of displaced people, and that assumptions underlying the exercise were flawed in several respects. While it was assumed that IDPs who left camps had found a sustainable solution to their situation, in reality many have experienced intractable problems in reclaiming their land (BI/TLO, May 2010: 14). Similarly, Afghan authorities and international forces assume that IDPs return home after military activities cease, other research suggests that some remain in their place of refuge or seek protection elsewhere. Many of those that do return do so in conditions of insecurity and with their livelihoods in ruins (see section 9 in this profile). Returning refugees who chose to settle in areas other than their places of origin are assumed to do so because of economic concerns, but in reality insecurity is also a factor in their decisions. The assumption that Kuchis who left their nomadic lifestyle did so for economic reasons is challenged by accounts of Kuchi communities forced to flee communal violence (see e.g. PCCS, 11 June 2008).

# PATTERNS OF DISPLACEMENT

## General

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### Patterns of displacement

Where people flee to and for how long is influenced by factors which “push” or “pull” in a certain direction or “hold” them from going elsewhere. Issues such as humanitarian assistance (a pull factor), military roadblocks (a hold factor) and insurgent threats and PGF operations (push factors) all play important roles. So do family concerns, risk strategies, social networks and personal calculations of losses and gains. This section lays out some of the issues.

A high proportion of the Afghan population has been displaced at some time or another and many have been displaced more than once. The strategies IDP households chose to employ depend on their positions within their extended family, personal preferences, gender and age (AREU August 2004, pp. 3-7). Decisions to move or stay put are also influenced by others. Harpviken (2009: 16-25) shows that in the east of the country, people's decision to flee insecurity or not depends on their relationship to others in a larger group. He argues that those who flee are not always those most at risk.

Displacements in Afghanistan are often reactive. IDPs in the south, west and east frequently flee their home areas in response to an imminent or consumed threat. They have little time to prepare for the move, to sell their assets at market prices or to organise education and livelihoods in their place of refuge. BI/TLO has, however, also observed that IDPs in Kandahar province fled proactively from an unpredictable situation (BI/TLO 2010: 37).

The Protection cluster has noted that deterioration of the protection situation for IDPs in places of displacement combined with the absence of basic services has made the likelihood of secondary displacement high (Protection Cluster, February 2011: 9). Further, it says, the risk of human rights violation is heightened for women, children and disabled displaced persons when a prompt and safe return is impossible and the displacement lingers (Ibid).

Internally displaced households are made up of an average of 6.1 individuals, slightly less than the Afghan household in the general population. The social nature of forced displacement can hardly be overstated. Although only one son may be threatened with recruitment into a local militia, or one daughter at risk of forced marriage to the militia chief, most of the family will flee. In contrast to economic migrants, who often move as individuals or in smaller groups, Afghan IDPs tend to flee as family units, even if not all members form part of the “flight collective”.

In Pakhtun tradition, it is common practice for one or two men to stay behind to look after the livestock and property. The risk of dividing the family separation is high if the displacement proves protracted, but on the upside the strategy helps to protect property and facilitate returns (BI/TLO 2010: 94).

### Duration and distance of displacement

Displacement in southern Afghanistan is primarily a question of survival. Nearly all IDPs interviewed by BI/TLO name flight as their primary coping strategy in situations of violent conflict, harassment or natural disaster (2010: 17). This finding is supported by an NGO study from 2009 which also covers other regions (Oxfam, November 2009). According to the GoA's national risk

and vulnerability assessment, 50 per cent of the IDPs who have returned to their places of origin were displaced within their province and 50 per cent fled to another province (GoA, 2009: 21).

The nature of IDPs' push factors often determines the duration and distance of their displacement. Local disputes over access to and control of resources account for the majority of conflicts in some provinces. The illegal appropriation of land by warlords in Kunduz, for instance, has provoked small-scale displacements to nearby towns. While the distance is short, however, it takes leverage and patience to regain control over land entitlements (CPAU, 2009: 15).

UNHCR and national authorities have observed that IDPs from the south and west affected by air strikes or fighting between PGF and AOG often flee to nearby villages and return quickly to their homes. When insecurity persists or when a new group takes control of their home areas, however, displacement can become protracted. Pakhtuns who lived in the north during and after the fall of the Taliban were threatened or targeted as insurgents, and they still live as IDPs in the south and the west.

Wealthier IDPs seek refuge further away from their homes than their poorer counterparts, suggesting that there is a correlation between poverty and forced displacement. The most vulnerable would-be IDPs often lack the resources to flee and as such are compelled to cope with mistreatment, insecurity and shifting power dynamics (BI/TLO, 2010: 17). This particularly affects widows, who are unable to move without male relatives (DIS March 2003, pp. 39-40).

#### **Ethnicity and those groups most affected**

Pakhtun civilians tend to inhabit the most insecure areas of Afghanistan and make up a disproportionate percentage of the IDP population, but of all the country's ethnic groups, the Kuchi are worst affected by displacement, both internal and across international borders. Kuchi and Hazara minorities in the south and central highlands are at high risk of displacement. A sizeable number of Kuchi pastoralists were also displaced from the north and north-west to camps in Herat as a result of human rights violations. While rainfall and seasonal changes made return possible for non-Kuchi IDPs who were displaced by drought and fighting in the south, the Kuchis have been unable to resume their lifestyle. The Tribal Liaison Office (TLO) points out that the Kuchis have similar protection needs to other IDPs, mainly relating to lack of access to land and political integration (TLO/GTZ Kutchi Report 2010: 34).

In addition to their conflict with the Hazara in the central highlands outlined above, the Kuchi have experienced displacement-like situations in Ghazni and Zabul provinces (Inter-agency Missions 19 June 2003, p. 2). In the eastern provinces of Khost and Paktia, Kuchis have been forced into secondary displacement upon their return from exile, as happened in 2006 when fighting between the Babakar Khail tribe and the Kuchi displaced many Kuchi families to other areas of Khost. The government allegedly sided with the Babakar Khail in the fighting (TLO/GTZ Kutchi Report 2010: 20-22, 44).

Independent of their ethnicity, refugees returning to the east – and particularly those who have been forcibly expelled from their country of exile – are at high risk of secondary displacement. Prevailing insecurity, difficult socio-economic conditions and land disputes meant that up to 20 per cent of families forced to return to Afghanistan when the Jalozai camp in Pakistan was closed in May 2008 were unable to go back to their homes and instead were accommodated in temporary settlements (OCHA, 3 February 2009).

#### **The choice of destination**

IDPs choice of initial or final destination is to a large extent based on who can provide protection. If possible they will choose a place of refuge with existing contacts and networks that can provide physical security, basic services and livelihoods (BI/TLO, 2010: 17, 92). IDPs most important

safety networks are their extended families and tribe, which are vital to an individual's ability to settle in a given area (DIS March 2003, pp. 39-40).

UNHCR has observed, however, that Pakhtuns from the north who tried to settle in villages in other areas of the country have not been accepted by the local population despite their shared ethnicity. The villages are closed units, and outsiders struggle to find a foothold.

In larger towns, the need for relatives in the area where IDPs wish to live is not so acute (Ibid). This led to GoA deciding in 2006 not to support the establishment of new camps on the basis that such a move might encourage others to leave their homes in search of aid. IDPs have since been dispersed in and around urban locations, living either with relatives or in informal settlements.

### **Displacement to urban areas**

Many internally displaced families have made their way to Afghanistan's national and provincial capitals in search of income opportunities, and here they have competed with a growing population of economic migrants for better livelihoods (AREU 2005 *and* 2006; OCHA, February 2010). Even those who remained in the rural areas have diversified their sources of income by sending some family members to towns and cities in search of work (AREU 2006:5; BI/TLO 2010, p. 41).

Returnees and IDPs from the north have repeatedly sought refuge in Mazar-e-Sharif over the past three years (UNAMA, June 2008; OCHA, October 2010), while IDPs from Ghor, Herat and Farah provinces in the west have fled to Herat city (OCHA, August 2009 *and* October 2010; UNHCR, November 2010) or other provincial capitals (UNHCR, November 2010). IDPs displaced in the south have made their way to Lashkar Gah, Kandahar city and Kabul (OCHA, February *and* March 2010; IRINNEWS, 11 August *and* 23 November 2010; Small Wars Journal, 12 May 2010). Some 45.6 per cent IDPs registered by UNAMA in 2007 and 2008 were assisted in or near regional capitals (UNHCR, August 2008: 25-27). Forty-three per cent of the people interviewed by the Norwegian Refugee Council in Kabul's informal settlements said they were internally displaced or migrants (NRC March 2010: 26).

IDPs who sought protection in urban areas often remain in protracted displacement. Many have squatted in informal settlements, public buildings or on public land. According to most experts, most of this land's use cannot be changed, meaning that such situations are not politically sustainable in the long-term (IDMC interview with The United Nations Human Settlements Programme UN-HABITAT, 8 October 2010).

In some cases, IDPs may no longer have needs specifically related to their displacement, but they may nevertheless still need protection and assistance (Danida, December 2004: 32 ; SFL Hillside, 2010: 4). In such cases, their needs are no different to ordinary citizens in similar situations, and this has made the displaced population in urban areas difficult to distinguish from the urban poor, economic migrants and refugee returnees.

Judging by a recent study, refugee returnees living in the main cities are generally not IDPs. Eighty per cent of refugee returnees come from an urban background and chose cities as their preferred destination upon return. Ninety-two per cent of refugee returnees who live in Kabul, Jalalabad, Herat and Mazar did not change residence after having returned to Afghanistan (NRC/ALTAI, 2010: 9). Of those who did leave their initial place of residency, 49 per cent did so in search of employment and only 21 per cent as a result of conflict and insecurity, the latter making up only 1.6 per cent of the total number of urban returnees (Ibid: 18).

Most researchers assume that IDPs and refugee returnees have comparable needs and coping strategies (see e.g. UNHCR, November 2008), but in contrast to the returnees, IDPs displaced to urban areas are mainly of rural origin. The UN-HABITAT has said that IDPs from rural areas

inevitably experience social and economic marginalisation during the long process of urban integration (UNCHS/Habitat March 2003, pp. 4-5). This is particularly the case for widows, who face double exclusion in a patriarchal society.

The majority of urban IDPs have settled in unplanned, informal settlements known as *zor abad*, or places taken by force. These settlements make up 70 percent of Kabul's total urban area and accommodate 80 percent of the city's population, according to a World Bank estimate (AREU, August 2006: 21; WB, 2005). They have low land and shelter costs, they are close to employment opportunities and they have established social networks either of relatives or others of the same ethnicity (SFL Hillside, 2010: 5).

Others live in some 31 informal settlements of a spontaneous nature at the margins of the urban perimeter, ranging in size from five to 700 families (OCHA, February, March *and* December 2010). A 2010 survey by UNHCR shows that there has been a gradual growth of such settlements in Kabul since 2002, and that their inhabitants come from varied backgrounds (UNHCR Kabul, September 2010; IRINNEWS, 23 November 2010).

In Kandahar, Brookings and the Tribal Liaison Office found that accommodation and other costs made the city a destination for better-off IDPs. Poorer IDPs and day labourers, especially Kuchis and new arrivals, tend to squat public land in tents (BI/TLO, 2010: 63).

Urban IDPs live in different family situations to their rural counterparts. Households are generally conjugal, while rural IDP households tend to be extended, comprising more than two generations. Researchers have found that urban households often split out of economic necessity, on the basis that it is easier to maintain a smaller household in an urban environment. In other cases splits came about as a result of conflicts within families fuelled by growing household sizes (Shutte 2006).

# PHYSICAL SECURITY & FREEDOM OF MOVEMENT

## General

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### Physical Security and Freedom of Movement

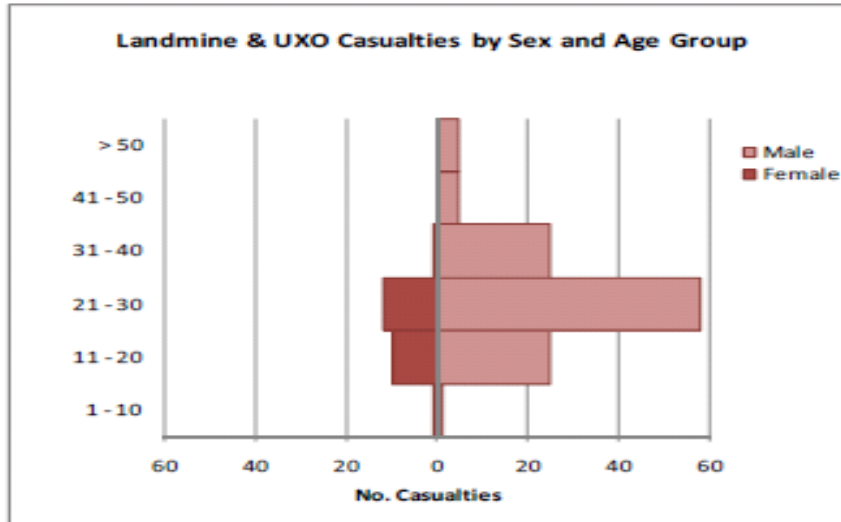
#### PHYSICAL SECURITY

*Insecurity is increasingly affecting the civilian population in the west, south and east, and since 2009 in the north as well. In August 2010, the AIHRC reported a continuous countrywide increase in civilian casualties since 2002 (AIHRC, August 2010). UNAMA (August 2010: 2-5) documented 1,271 civilian deaths and 1,997 civilian injuries during the first six months of 2010, an increase of 31 per cent over the same period in 2009; the overwhelming number of incidents occurred in the south, south east and the eastern parts of the country (OCHA, December 2010: 5). Three-quarters of all civilian casualties were linked to the insurgency. Children have been victims of suicide attacks, IEDs and air strikes simply, prompting the UN Security Council to expressed its strong concern and urge the importance of implementing Security Council Resolution 1612 (UNAMA, January 2009).*

The right to physical security is set out in Guiding Principles ten and 11, which are derived from instruments such as Additional Protocol II to the Geneva Conventions and the Convention on the Elimination of All Forms of Discrimination against Women (BI, 2008). These principles refer to a number of threats from which IDPs must be protected. This section looks at security issues which affect IDPs during displacement, from the moment a person is compelled to leave his home due to armed conflict or human rights violations.

IDPs are most at risk of physical harm during the initial phase of their displacement, when they are trying to avoid being caught in the crossfire, fleeing the scene of a bombing or avoiding landmines. In 2010, the UN Mine Action Centre for Afghanistan (UNMACA) found that most landmine victims were returnees or IDPs. Landmines continue to be a threat for displaced people, particularly men and boys, and restrict their freedom of movement (Watchlist, 2010: 43).

Source: OCHA



40% of the landmine casualties occurred between 1<sup>st</sup> January and 31<sup>st</sup> March 2010 were men between 21 and 30 years old.

Many IDPs also encountered direct violations of, or threats to their right to physical security during displacement and/or after return. The UN Secretary General noted in March 2009 that the forced recruitment of children by armed groups was “prevalent in areas with high concentrations of returnees or IDPs” (Watchlist, 2010: 26). The International Council on Security and Development (ICOS) carried out an assessment after Operation Moshtarak in Helmand province in early 2010 which highlighted the risk to boys and men of forced recruitment. Interviews with people from the affected area said that AOG increased their recruitment efforts following the ISAF offensive, particularly among IDPs in Lashkar Gah camp (ICOS, May 2010).

Protective community structures are frequently weakened during displacement, and Afghan individuals and families without a solid support network are more likely to face injustices in rural areas (DIS March 2003, pp. 39-40). Hence, alleged by Oxfam, Internally displaced women in urban areas whose networks are weak face a higher risk of rape, assault and forced marriage (Oxfam, February 2008).

The Brookings Institution has found that IDPs often seek the protection of local powerbrokers in exchange for political and electoral support. It has also shown that insurgents (are perceived to) forge bonds with internally displaced groups, leading to stigmatisation by pro-government forces and lessening their chances of securing assistance (BI/TLO, 2010: 18, 95). In October 2010, IDPs in Kandahar and Helmand provinces complained that they had first been abandoned by the government and aid agencies, a situation that was then blamed on their alleged involvement with the insurgency (IRINNEWS, 14 October 2010).

IDPs associated with ISAF forces have also been targeted by the insurgency. In the aftermaths of Operation Moshtarak, IDPs who initially returned to Marjah district and received aid and employment opportunities from PGF were later threatened by the Taliban, forcing them into secondary displacement (BBC, 26 October 2010). This example illustrates the dangers civilians can be exposed to when military forces are directly involved in humanitarian assistance. Villagers who fled Spin Masjid in Helmand province to escape ISAF bombings and forced recruitment by Taliban in autumn 2009 said they also felt endangered by the presence of PGF and Taliban intimidation near IDP camps in Kandahar city and decided to leave the area (WSJ, 13 November 2009).

Returns can also be dangerous times for IDPs unless they are voluntary, safe, informed and in conditions of dignity. Returning IDPs who reclaim their property are particular prone to involvement in conflicts over land and resources. They risk being attacked by local militias that

are unwilling give back their land, and the disputes can force them into secondary displacement (see section 9 for a discussion on barriers to return).

In one exceptional case in February 2010, 32 IDPs were killed in an air strike as they returned to their homes in Uruzgan province (OCHA, February 2010).

## **FREEDOM OF MOVEMENT**

Most people displaced by armed conflict in southern and western Afghanistan remained near their home districts, where fighting, landmines and threats from armed groups effectively prevented children from going to school or accessing health care facilities. In Helmand and Kandahar provinces, restrictions on freedom of movement meant the the ill and injured struggled to access medical services, sometimes rendering curable conditions fatal (IRINNEWS, 20 April 2010). Explosives planted by the Taliban in Kandahar pomegranate orchards prevented returning fruit farmers from irrigating their land and resuming their livelihoods (IRINNEWS, 19 October 2010).

Public transport is generally affordable, but abductions and informal taxation along main thoroughfares make travel in less secure areas potentially both dangerous and expensive. In some areas, such as the north, access to markets and opportunities to trade goods have been restricted.

Belligerents have restricted the movement of IDPs with curfews during the initial phases of their displacement, but civilians have also limited IDPs freedom of movement. Ethnic and community discrimination has made it difficult for some IDPs to settle in their chosen areas of refuge (CPAU, April - June 2010).

The Afghan constitution provides for freedom of movement, but certain practices particularly limit the movement of women, particularly local custom or tradition which forbids women to leave the home except in the company of a male relative.

During displacement, restrictions on the movement of women and girls are stricter than in a familiar environment where established mechanisms to ensure *purdah* are in place. During displacement, women are at constant risk of losing their honour in the eyes of the community and they go to extraordinary lengths to avoid that from happening. Displaced women live shut away inside provisional shelters and are unable to access basic services, in some cases putting them at risk of severe health problems and even starvation. In IDP camps and settlements, freedom of movement as envisaged in Guiding Principle 14.2, is *de facto* severely restricted unless adequate measures are taken by camp managers or the community to ensure women a degree of mobility.

# SUBSISTENCE NEEDS

## General

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### Basic Necessities of Life

*A large percentage of the Afghan population does not have access to the basic services necessary for an adequate standard of living. The United Nation Development Programme (UNDP)'s human development index for 2007 revealed that 42 per cent of the population was living on under \$1 a day. The Asia Foundation reported in 2009 that 37 per cent of Afghans struggled to access clean drinking water, and three-quarters of the general population struggled to find work. Only 50 per cent of Afghans were able to access medical care, and the infant mortality rate stood at 10 per cent. These indicators were stable between 2007 and 2009 (Asia Foundation, October 2009).*

The Universal Declaration of Human Rights states that all people have the right to a standard of living adequate for their health and well-being and that of their families. This includes the right to food, housing, clothing and medical care. GP18 sets a minimum standard for the provision of basic necessities for IDPs (BI, 2008: 82-85), and is matched by socio-economic guarantees enshrined in the Afghan Constitution. This section examines the extent to which IDPs have an adequate standard of living, as measured by their access to the above.

The protection cluster reported in Decembet 2010 that Afghanistan's harsh winter, flash floods conditions and conflicts present great risks to poor families. Returned refugees and IDPs are among those groups living in particularly fragile circumstances (OCHA, December 2010: 4). Media reports on internal displacement since 2006 have tended to focus on people recently displaced by armed conflict, often to urban areas. Nearly all the news items, covering tens of thousands of IDPs, share the analysis that in the south, east, south-east, north, west and central regions the basic needs of the affected population - food, water, health care and shelter – are unmet (see e.g. IRINNEWS, 16 July and 22 August 2007, 2 and 26 June 2008; France24, 10 April, 2009; OCHA Monthly Humanitarian Updates 2009-2010).

### Significant variations within the IDP population

Displaced peoples' own resources (savings, knowledge and labour) are the main factor in determining the fulfillment of their basic needs. The ability of households to withstand the shock of displacement depends on the resources originally held and their ability to generate new income. Differences are more likely to exist between internally displaced households than between IDPs as a group compared to other groups (AREU 2004 pp. 1-3). But general data suggests that the nomadic Kuchi - whose health and literacy indicators rank lowest among the total population - are worse off than other internally displaced groups (GoA, 2009 p. 117).

Outside camps, protective community networks are IDPs' second most important factor in trying to fulfill their basic needs. The BI found that IDP networks pooled resources in order to be able to afford accommodation in their place of displacement (BI/TLO 2010: 93). The situation for IDPs who live in a host community rather than with a host family is complicated by the fact that new arrivals add pressure on community resources and are negligent of local norms and power structures.

Host families often provide not only basic services but also a route to acceptance within the community. IDPs sometimes access work and loans through them. On the downside, the presence of IDPs in host families can put a strain on social relations because of a lack of space and privacy. Such situations require additional resources over and above those needed for ongoing survival, and as such erode the asset base of both the IDPs and their hosts (FEWS, October 2009).

**Humanitarian actors cover some basic needs in accessible areas during the emergency phase, while long-term attainment of rights are achieved through IDPs own capacities and social capital**

The Afghan government is responsible for the protection of its citizens, including IDPs, but it is generally unable to assist them. Indeed, national and provincial governments have repeatedly refused assistance to IDPs on the basis that such support might make them aid-dependent and encourage further displacements (see e.g. BI/TLO, 2010: 69).

Since 2006, international agencies have fulfilled the right of hundreds of thousands newly conflict-induced IDPs to shelter and food on a temporary basis through the delivery of emergency assistance. Outside the camps, however, such assistance has been short-term and restricted by limited funding and access; the monitoring of IDP needs after having completed emergency distributions is rare (IDMC correspondence with ICRC, January 2011). It is safe to assume that after the initial emergency phase, most IDPs living outside camps are left to rely entirely on their own and their hosts' resources to survive and improve their lives.

IDPs in camps, meanwhile, have been assisted over longer periods of time. According to UNHCR, as of late 2004 the subsistence needs of the displaced people living in camps - including access to shelter, potable water, basic health care and minimal nutritional requirements – were met (DANIDA, December 2004: 30). Many IDPs also found employment to support themselves. Since 2006, however, conditions in the camps have deteriorated except for extremely vulnerable groups – the result of a lack of resources compounded by local authorities' determination to disperse IDPs and so opposing the provision of services in camps, and UN agencies' efforts to promote durable solutions outside the camps in the south and west (Pete Spink, September 2004, p.36; UNHCR, July 2005, p.1; UNHCR, September update 2005; UNHCR, 29 December 2008). In 2009, provincial authorities in Herat said that up to 65 per cent of the IDPs living in settlements could not support the basic needs of their families (CIVIC, 2009).

**Displacement to urban areas**

The provision of basic services is generally better in urban than in rural areas.

The concentration of IDPs (and other groups) in urban areas has, however, had significant consequences for the capacity of local services and infrastructure to absorb the population influx, rendering the quality of life lower than IDPs might have initially expected (NRC/ALTAI 2010, 9). Health and safety issues are a significant concern in these informal settlements, which typically lack potable water, sanitation and vehicle access (SFL 2010: 6; Shutte 2006 p 20).

Recently displaced people from areas affected by conflict are particularly badly off, according to media reports. IDPs who fled fighting in the south claimed they were so neglected by the government that their children were dying from hypothermia (Aljazeera, 27 November 2009). IDPs who settled in Farah city late 2008, Qala-e-Nau city in early 2009 and Kabul from November 2009 all said they lacked access to adequate food, shelter, health care, safe drinking water, sanitation, clothes and education. The Child Rights Consortium (CRC) and the UN Special Representative of the Secretary General for Children and Armed Conflict have expressed concerns regarding displaced children's vulnerability to forced labour and susceptibility to illness during winter (SRSG-CAC, February 2010: 11; IRINNEWS, November 26th, 2009).

## Food and Water

*Food insecurity is a major issue in Afghanistan, with 68 per cent of the population affected in 2008 (GoA, 2009: 2). Some 7.3 million people were at risk of hunger in 2009, according to an Oxfam-led assessment (Oxfam, 19 August 2009).*

The armed conflict and natural disasters have only served to make the food security situation worse, resulting in rising food and fuel prices and poor access to markets. Food insecurity was so severe among drought-affected IDPs in Ghazni in 2008 that they resorted to eating grass (IRINNEWS, 10 March and 29 April 2008). Spring floods in 2010 affected more than 200,000 people in the north, according to Afghanistan National Disaster Management Authority - ANDMA (OCHA, July and August 2010). While good harvests in 2009 meant a 50 per cent decrease in food prices compared to 2008, prices of most basic commodities soared again during the second half of 2010 after supplies from Pakistan were affected by the flooding of the Indus (AP, 4 Oct 2010; IRINNEWS, 23 September 2010).

The situation was particularly bad in the north-east, provinces prone to climatic shocks and in displacement-affected areas as a result of insecurity (OCHA, July 2009; Oxfam, 19 August 2009). In 2008, the Ministry of Reconstruction and Rural Development reported that nearly three-quarters of households in Kandahar province had poor or very poor food consumption (MRRD-Kandahar, 2008). Fifty-eight per cent of the population said that their main use of loans was to buy food (Ibid), and 49 per cent of the population in Helmand province was estimated to have received less than the minimum daily calorific intake necessary to maintain good health (MRRD-Helmand, 2008).

USAID's Famine Early Warning System (FEWS) reported in October 2009 that IDPs were particularly vulnerable to food insecurity because of their loss of traditional livelihoods, poor support networks and lack of skills needed to enter an already weak national labour market (FEWS, October 2009). It also found that conflict-affected IDPs in Helmand and Kandahar provinces had received no assistance (Ibid). Amnesty International warned in 2009 that tens of thousands of IDPs living in shanty towns country-wide needed food (Daily Times, 19 February 2009). Civilians displaced by clashes in the Nawzad district of Helmand province in December 2009 were in urgent need of shelter and food, according to the Afghan Red Crescent Society (ARCS). In August 2010, officials said those displaced from Marja in Helmand province had initially received food and non-food aid in February and March, but that the assistance was discontinued (IRINNEWS, 11 August 2010).

The UN World Food Programme (WFP), UNHCR, ICRC and partners continue to provide food assistance to hundreds of thousands of people affected by conflict in all regions (CAP 2011; ICRC, Jan 2010; ICRC, February 2011), but they face severe access restrictions (CAP 2011: 7; ANSO, Jan 2011).

Food insecurity is also a challenge for urban returnees. Mazar-e-Sharif has the worst levels of food security, according to NRC/ALTAI Consulting, followed by Jalalabad, Kabul and Herat (NRC/ALTAI, 2010: 29). The most common coping strategy was either to reduce food quality and quantity or purchase food on credit (Ibid). The Afghanistan Research and Evaluation Unit (AREU)'s 2006 research into IDPs and other vulnerable households found that households spent an average of 45 to 60 per cent of their income of food, outgoings that peaked during the winter months (AREU, 2006: 42).

### **Inadequate access to water and food contributes to malnutrition among children**

UNICEF reported in 2010 that economic instability, food insecurity, displacement, the lack of access to health services and safe water, the increasing prevalence of infectious diseases and

inadequate feeding practices all contributed to malnutrition in young children in Kandahar province (IRINNEWS, May 26th, 2010). A 2008 survey by the Ministry of Public Health found that 17 per cent of children under the AGE of five suffered from moderate or severe malnutrition (National Nutrition Survey, MoPH, 2008 in CAP 2011: 2).

Data on the displaced population is case based. An Action Contre la Faim (ACF)-led assessment of children under the AGE of five in an informal IDP settlement in Kabul found that malnutrition was a serious problem (IRINNEWS, 4 and 14 January 2010).

Restrictions on freedom of movement brought about by insecurity pose a threat to children's right to life, health and food. In 2010, UNICEF reported that some children were starving in their homes because their parents were too scared or otherwise unable to earn the money needed to feed them properly (IRINNEWS, 26 May 2010). ICRC said that the cost and risk of using public transport was prohibitively high. As a result, the organisation claimed, more people die from the indirect humanitarian consequences of the armed conflict than those killed as a direct result of the conflict (IRINNEWS, 10 November 2009).

From January to September 2010, a total of 51,000 moderately and severely malnourished children and 33,663 pregnant and lactating women benefited from a supplementary feeding programme implemented by international agencies. Less than 10 per cent died and more than 75 per cent were cured (OCHA, October 2010; see also CAP 2011: 12).

#### **Access to water**

Recent years have seen an improvement on the drought experienced from the late 1990s until 2003 and which uprooted people and made crop cultivation impossible in some areas, but water is still a scarce resource for most Afghans. Only 23 per cent of the population had access to safe drinking water in 2010, and 12 per cent had access to adequate sanitation (BI, 19 May 2010: 36). Access to and control of water supplies have become a constant source of tension between communities, generating new displacements and posing a serious obstacle to IDPs return and integration (UNHCR, August 2005; UNICEF, 11 August 2009).

In 2009, IRIN News reported that many IDPs, particularly children, were susceptible to diseases such as diarrhoea as a result of their lack of access to safe drinking water (IRIN, 26 February 2009). Similar concerns were raised by several residents in the Wechtangay IDP settlement in the eastern province of Nangarhar. In the country as a whole, government sources said that at least 230,000 people were living in formal IDP camps and informal settlements with few water and sanitary facilities. The MoRR nevertheless discourAGED the building of latrines and wells in informal camps on the basis that it would attract more IDPs (IRINNEWS, 23 April 2009). In October 2010, the Ministry of Rural Rehabilitation and Development identified the need to supply safe drinking water to the Kuchis population in the Shahi camp and in rural areas of the eastern Rodat district (OCHA, November 2010).

The situation is better in urban areas, where those in better-off areas have a reliable supply of running water/drinking water to their homes. Overall, however, provision falls short of meeting the drinking water needs of the growing urban population. Water shortage is considered the main problem and first priority for residents on Kabul's hillsides, where many IDPs live (KM/USAID-OFDA January 2010: 8). Some households have been able to connect to the city's mains supply, but others rely on expensive plumbing systems fed by Tanker trucks (KM/USAID-OFDA January 2010: 8; IRIN, 16 November 2009). In 2009, officials in Qala-e-Nau, the capital of Badghis province, said that some 2,000 IDPs lacked access to safe drinking water (AREU 2006: 36).

In Takhar and Faryab provinces, more than 15,000 families displaced by conflict and flooding received drinking water supplies from Tanker trucks, and another 4,500 people in IDP camps in the Musahie and Bagrami districts of Kabul province received more than seven litres per person

per day from tanker trucks (OCHA, November 2010). Overall, ICRC supplied some 158,000 IDPs with water in 2009 and a UN-coordinated scheme provided a further 300,000 people affected by floods and conflict in the central and northern regions with safe drinking water (ICRC, Jan 2010; OCHA, October 2010).

## **Medical Care and Sanitation**

*While health care facilities are generally available and accessible in safer areas, Afghanistan continues to have one of the world's highest infant and maternal mortality rates. One in every four children dies before the age of five, according to Save the Children, and only 14 per cent of births are attended by qualified staff (Save the Children, 2010:9; Asia Foundation, October 2009: 38). In Helmand, one of the provinces most affected by displacement, insecurity and a lack of skilled personnel mean access to health services is limited. There are only 29 midwives, three female doctors and 40 health centres to meet the obstetric needs of more than 450,000 women (IRINNEWS, 9 June 2010). In April 2010 the province's only hospital for war casualties, run by the Italian NGO Emergency, was closed and several health workers arrested after security officials allegedly discovered weapons and ammunition on its premises.*

Access to medical care and attention is an established right under Guiding Principle 19.1 and IHL Rule 110, but a high percentage of IDPs have no such services available to them. The Health cluster estimated in December 2010 that 1,000 000 people (including IDPs, returnees and people in informal settlements) had no access to essential health services due to compounded vulnerabilities; remoteness, insecurity, harsh climate and chronic poverty (OCHA, December 2010: 3). That said, discrimination against IDPs has not been documented, and it is unclear whether access to health services is any worse than it was prior to their displacement.

### **Access restrictions and poverty make curable diseases deadly for displaced children**

The UN Special Representative of the Secretary General for Children and Armed Conflict, who visited Afghanistan in 2010, reported that attacks on health facilities and personnel had increased significantly since his last visit in 2008, and included killings, abductions and assaults. He also noted that the burning, looting and forced closure of health centres and programmes, and the use of weaponry in and around health facilities had also increased (SRSB-CAC, February 2010: 10).

Most incidents were attributed to AOG, but the UN also documented PGF failing to respect health facilities (USIP, 4 October 2010). ISAF search operations conducted in health facilities, and sometimes their occupation were mentioned as a "serious breach of international standards that disrupts the neutrality of health facilities and the confidence of civilians who seek medical assistance" (SRSB-CAC), February 2010). Two basic health centres in Helmand province were occupied by national and international military forces in August 2009, and in the same month a PGF bombardment destroyed a clinic in the Sar Hawza district of south-eastern province of Paktika (OCHA, August 2009).

ICRC has stated convincingly that those who are injured or contract diseases as an indirect result of the conflict far outnumber those wounded by weapons of war (ICRC, October 12th, 2010).

Insecurity and associated access restrictions are a serious impediment to better provision of health services in provinces affected by displacement. The Taliban barred international agencies from carrying out polio vaccinations until late 2009, when they endorsed a three-day immunisation programme in areas under their influence (IRINNEWS, 14 September 2009). Afghan women miss out on life-saving vaccinations as it is considered shameful to expose their arm to a male health professional (Save the Children, 2010: 22; Watchlist, June 2010: 9-14). ICRC medical staff are daily witnesses to mothers who bring their ill children to hospital too late

because they are afraid to travel or are held up at roadblocks (ICRC, October 12th, 2010). According to the national health cluster – a coordination mechanism for humanitarian agencies - the number of children inaccessible to health care workers in the south of the country jumped from 42,600 to more than 235,000 between January 2008 and 2009 (BI/TLO, May 2010: 47).

### **Health risks for IDPs are related to poverty and access to food and water**

Displacement has a negative effect on the access to other socio-economic rights and that inadequate access to food, shelter and jobs heightens the risk of contracting certain maladies, particularly during winter (IRINNEWS, 1 February 2011). WHO said in February 2011, that one-third of the Afghans about three million Afghans who have little or no access to essential health services are IDPs and returnees (OCHA, December 2010).

Unhygienic conditions in IDP settlements and a lack of access to safe drinking water have led to outbreaks of preventable diseases such as measles, dysentery and diarrhoea (Watchlist, June 2010). In early 2008, tens of thousands of IDPs living in formal and informal camps, abandoned buildings and other locations in the south, west and north of the country faced the threat of contracting winter diseases such as pneumonia as they struggled to keep warm, officials and those affected said (IRINNEWS, 16 January 2008). Those living in Kabul's makeshift Qambar camps in Kabul were forced to defecate in the open. ACF had intended to respond to residents' complaints about infestations of flies and mosquitos by installing toilets and water points, but the government refused them permission to do so (IRIN, 23 April 2009).

IDPs displaced outside camps and settlements were also exposed to pneumonia and other acute respiratory infections. According to IDPs in Lashkar Gah, Helmand province, seven internally displaced children died from these illnesses in January 2008 (IRINNEWS, 16 January 2008). There were also reports of child deaths from winter diseases in Herat, Balkh and Kunduz provinces, where thousands of IDPs, mostly affected by communal tensions and natural disasters, sought refuge during 2008 (Ibid). Lack of appropriate clothing made displaced children in Badghis prone to pneumonia, according to one media report (IRIN, 26 February 2009), and IRIN News interviewed IDPs in the western province of Farah who suffered from infections due to their poor diet, and poor hygiene and sanitation conditions (IRINNEWS, May 14th, 2009).

Health hazards are endemic in the areas where refugee returnees and IDPs have settled in Kabul and included lack of potable water, open sewage and the accumulation of solid waste (KM/USAID-OFDA, January 2010: 7). Urban returnees surveyed by NRC/ALTAI (2010: 2X) rated difficult access to health services as their fifth most important problem. Twenty per cent of urban IDPs registered by the UN Humanitarian Country Team (UNHCT) in 2010 were either physically disabled, mentally ill, chronically ill or drug-addicted. Some informal IDP settlements did not have health structures in February 2011, although the Ministry of Public Health said all citizens were entitled to the free-of-charge basic health services at state hospitals and clinics across the country (IRINNEWS, 1 February 2011).

Urban IDPs' vulnerability is critically linked to health, particularly when the issue concerns male breadwinners whose ill-health affects food security and so the health and well-being of the whole family (AREU, August 2006: 68). Between 42 per cent and 75 per cent of respondents in two studies of displaced families in Kabul reported serious illness or accidents among family members within the last 12 months (NRC/ALTAI, March 2010: 33; AREU, April 2006: 21).

Access to medical services was also a concern for returning IDPs in 2010 (OCHA, February 2010).

### **National capacity is limited but international organisations assist hundreds of thousands in displacement areas**

Afghanistan's health sector received \$2.16bn between 2002 and 2009, but Ministry of Public Health (MoPH) officials said they lacked national capacity to spend the money efficiently (IRINNEWS, 9 June 2010).

Other providers of health services made considerable efforts to mitigate the situation. Between 2008 and 2010, UNICEF and WHO supported the Ministry of Public Health in providing polio vaccinations to 1.8 million children in displacement affected provinces (Nangarhar, Nimroz, Helmand, Kandahar, Zabul and Uruzgan) (IRINNEWS, November 4th, 2010). The NGO International Medical Corps (IMC) delivered health services to 150,000 returnees from Pakistan and to IDPs in 10 settlements in three eastern. Temporary health clinics delivered medical services to about 500,000 extremely vulnerable people, including IDPs, during the autumn of 2010 (OCHA, November 2010).

## **Shelter and Housing**

The right to adequate shelter and housing, as set out in Guiding Principle 18, is a critical issue in rural and urban areas, and is both a cause and a result of displacement. On the one hand, three decades of conflict have left hundreds of thousands of Afghans homeless or living in temporary or substandard accommodation. In 2009, UNOCHA estimated that more than 500,000 homes were either totally or partially ruined, while Afghanistan's population has increased significantly (OCHA, 3 February 2009). On the other hand, according to the UN Special Rapporteur on Adequate Housing, the lack of housing and land rights feeds instability and insecurity in some parts of the country, and this may stoke the decisions of some to flee (IRIN 12 September 2003).

The loss of homes and shelter also puts IDPs physical security and health at further risk, with women, children and the elderly particularly vulnerable. Discrimination against women and domestic violence are both linked to the right to a secure place to live (Ibid). IDP shelters in camps or collective centres often lack privacy and security, increasing the risk of sexual violence.

It is likely that the majority of IDPs who seek protection in rural areas and smaller towns stay with relatives or are offered temporary shelter by village councils. Basic services and infrastructure are all but absent outside the country's larger population centres, but their presence in urban areas is not considered a pull factor for rural-urban population movements (AIHCR, 2008).

### **Most IDPs in urban areas own or rent substandard shelter comparable to other poor groups**

Housing is a household's most important physical asset in urban Afghanistan, as it saves rent and provides a foothold in the urban economy. It also has the potential to be used productively (AREU 2006: 33).

When available, IDPs prefer rented or host family accommodation in larger towns and urban areas (e.g. IRINNEWS, 22 August 2007; OCHA, 3 February 2009). In November 2010, UNHCR reported that 52 per cent of displaced families from Marjah in Helmand province were staying with their relatives, while 48 per cent were in rented accommodation. Only those who had no other alternatives, the Agency said, were accommodated in camps or settlements.

Whether they rent or invest in their own shelter, the majority of IDPs in urban areas live in unplanned areas. In Kabul, where up to 60 per cent of housing had been destroyed as of 2004 (ACF January 2004, p. 10), up to 70 per cent of the population lives outside the city's planning zone. The majority of IDPs settled in informal areas such as hillside settlements near the city centre. In a NRC survey of informal settlements in Kabul, 43 per cent of the respondents were

IDPs or migrants, 36 per cent were refugee returnees and 11 per cent local residents (NRC 2010: 17).

NRC's survey suggests that housing conditions in the surveyed areas are similar for returnee, IDPs and economic migrants. The population influx to urban areas has created a housing crisis, and the right of poor people to adequate housing and security of tenure is largely unmet in all larger cities (GoA - NRVA, 2009: 24). High rents and frequent evictions have forced IDPs and refugee returnees into cramped conditions (ACF January 2004, p. 23). A 2005 study in Herat, Kabul, Jalalabad and Mazar-i-Sharif found that on average, five people shared one room (AREU 2006: 31).

In such circumstances, establishing a physical asset by building a home or shelter serves as a strategy to secure tenure (AREU 2006: 42). In 2005, nearly 44 per cent of the IDPs, refugee returnees and "other vulnerable groups" had done so. In 2010, 56 per cent of the refugee returnees surveyed in Kabul claimed to own their housing, although only half of them – 28 percent - held deeds (NRC/ALTAI 2010: 25). By comparison, 44 percent of urban Afghan households and 23 per cent of all Afghan households could prove ownership of their dwellings, according to the GoA's national risk and vulnerability assessment (GoA - NRVA, 2009 p. 117). Some 31 per cent of returnees were living in rented accommodation in 2010, compared with 18 per cent in 2005. Given that rents are high – a 2005/6 study by AREU found that Afghan's in their sample on average spent a third of their disposable income on rent'- owning a home or place of shelter is highly prized (AREU 2006: 42).

AREU's study also found that 33 per cent of IDPs, returnees and 'other marginal' lived rent-free with family or friends, or occupied houses belonging to refugees in exile or migrant labourers (AREU 2006: 31). By 2010 that figure had dropped to four per cent were. One reason for this change might be that recent IDPs struggle to establish social networks. Access to employment, housing and even loans is usually dependent on knowing the right people (NRC, March 2010: 12). In this context, NRC noted that – for its many faults - the informal housing market has provided low-cost housing to new arrivals and has prevented a housing crisis which could have left many families homeless (NRC, March 2010: 9).

### **Government policy hinders assistance to the extremely vulnerable and long-term local integration**

Large groups of people recently displaced by armed conflict have settled in slums on the margins of urban areas together with poor economic migrants. Of those living in the 29 sites identified in Kabul, most have arrived in recent years (NRC March 2010, p 12). AREU found that five per cent lived in tents or squats as of 2006 (AREU 2006: 31), compared with nine per cent in 2010 (NRC/ALTAI 2010, p.25). Amnesty International reported in 2009 that people in the Kabul and Herat camps were living in extremely inadequate shelters with almost no heating and no bedding. In some cases, children and the elderly had to sleep on wet floors (AI, 18 February 2009). In the north-west, some 2,000 IDPs displaced across Badghis province during January and February 2009 set up tents or sought shelter in dilapidated houses on the outskirts of the provincial capital, where substandard conditions put children at risk of diseases such as diarrhoea and pneumonia (IRIN News, 26 February 2009).

International agencies tried to respond to IDPs' and returnees' most urgent needs, prioritising vulnerable families who possessed land or were allowed to use land but lacked the necessary financial and/or material resources to rebuild their homes (OCHA, 3 February 2009; NRC, March 2010: 9). UN agencies in Balkh province planned to assist 5,000 families in 2009 and across the country as a whole another 10,000 returnee families received support to rebuild their homes (IRIN, 29 October 2009). UNHCR continued its broad shelter programme in 2010, aiming to support 101,000 people (OCHA, July 2010). The most marginal IDPs, those living in "illegal" slums, do not, however, receive long-term support. Presidential decree 104/2005 discourages the

provision of assistance to displaced families and stipulates that returnees and IDPs must go back to their places of origin or nearby areas in order to be eligible for state support (NRC, 9 February 2011:4; NRC March 2010 22).

# PROPERTY, LIVELIHOODS, EDUCATION AND OTHER ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## General

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### Education and Livelihoods

#### EDUCATION

Education is a vital prerequisite for combatting poverty, empowering women and controlling population growth. In the context of displacement, when children are removed from a relatively safe and familiar environment, education can protect them from forced recruitment, exploitative labour and sexual exploitation (UNESCO, 2010).

Afghanistan has made impressive progress in primary and secondary education since the downfall of the Taliban in late 2001. According to the Ministry of Education (MoE), enrollment in school increased from one million boys in 2000 to four million boys and two million girls in 2008 (IRIN, 22 September 2008). Overall literacy in Afghanistan is 28 per cent, 36 per cent for males and 18 per cent for females (Brookings Institute, May 19th, 2010).

Despite these advances, the MoE estimated in August 2010 that five million school-age children (43 per cent) are still deprived of an education (IRINNEWS, August 29th, 2010).

Access to education is particularly compromised in areas affected by conflict and displacement (UNESCO, 10 February 2010), where between 50 and 80 per cent of schools have been closed as a result of insurgent attacks or threats. In Helmand, where only eight per cent of men and one per cent of women are literate (MRRD, 2008), Taliban attacks on the education system in 2007 and 2008 led to a significant drop in enrollment figures (IWPR, 15 May 2008; IRINNEWS, 29 August 2010).

The UN Special Representative for Children and Armed Conflict noted in 2010 that schools have been a prime target in the conflict. Girls' schools have been particularly hard-hit but boys' schools have also been attacked on numerous occasions ((SRSG-CAC, February 2010). Across the country as a whole, the number of attacks against schools increased from 242 in 2007 to 670 in 2008. Between April 2006 and March 2009, 238 schools were burned down, 650 closed and 290 students and teachers were killed (BI, 19 May 2010; UNAMA, 31 Jan 2009). Attacks continued during 2010 (e.g. OCHA, May 2010).

Aside from the simple absence of schools, displaced children face a series of other obstacles in gaining an education, including long distances to travel, poor infrastructure, a shortage of qualified teachers, poor quality of teaching and poverty (IRINNEWS, August 29th, 2010). All of these factors affect, and are affected by, Afghanistan's conservative culture. Each has a greater impact on girls and women, in part because there are far fewer girls' schools than boys' schools.

For internally displaced children living in settlements and camps, the situation is particularly precarious. A third of all sites lack education facilities and virtually none offer access to higher education (Watchlist, 2010: 22). UNHCR and UNICEF have worked with MoE in trying to ensure that internally displaced children can continue their education in return areas, and have had some success in the north, west and central regions.

### **IDPs in urban areas**

Forced displacement to urban areas can improve access to education for girls. The number of female students increased from 2005 to 2007 in Helmand province as rural displaced families sought protection in Lashkar Gah, the provincial capital. Both education and employment opportunities are better there for women, and UN agencies provide aid to families who send their daughters to school (IRIN, 8 October 2007).

In Jalalabad, Kabul, Herat and Mazar-i-Sharif, NRC/ALTAI found that literacy among returnees was comparable with that of the general population (2010, 8). Only 9.3 per cent of students graduated from high school though, and the lack of marketable skills remains a major concern for the adult population.

A 2006 AREU study of IDPs, refugee returnees and other poor people found that 79 per cent of boys and 65 per cent of girls in Kabul were enrolled in school (2006, 42). There was, however, a clash of priorities between work and school, with most children trying to combine their education with income generating activities (AREU, April 2006: 42).

### **WORK, LIVELIHOOD OPPORTUNITIES AND COPING STRATEGIES**

Nominal GDP in Afghanistan has increased steadily, from \$4bn in 2002/3 to \$13.4bn in 2009/10 (BI, 19 May 2010: 31). In November 2009, the Brookings Institution found that 63 per cent of general population felt their families' economic situation was much or somewhat better than in 2004 (BI, 19 May 2010: 40).

Despite this improvement 42 per cent of the population lives under the poverty line, defined as earning less than \$14 per month, and as of 2007 some 45 per cent of the population was unable to buy enough food to guarantee a minimum 2,100 calories per day (GoA – ANDS, April 2008: 26-28). Available data on IDPs indicates that the displaced population falls within the lower echelons of society and that many suffer poverty. Displacement erodes their asset base, exemplified by how many IDPs struggle to recover their property.

#### **The reach and limits of social networks for displaced populations**

Family and tribal networks play a key role in supporting new IDPs by providing assistance in areas of refuge. Access to free accommodation means IDPs can reduce expenditure until they are able to pay rent (BI/TLO 2010, 93). The exchanges of unpaid services such as communal labour, childcare and cooking are important (AREU, April 2006 p21).

Networks are also a source of loans and contacts essential in finding a job. According to the Brookings Institution and the Tribal Liaison Office, extended family networks enable displaced heads of household in Kandahar to seek livelihoods elsewhere while leaving the care of women and children to brothers or uncles (BI/TLO, May 2010: 18, 58).

IDPs living outside camps and without a host family struggle to establish links with social networks (AREU, August 2006: 18). Collective activities can help inject a feeling of solidarity among community members, but a study by AREU found that where there was diversity within a community, reciprocity was more limited than in homogeneous settlements. Self-help systems in IDP neighbourhoods were delimited by tribal boundaries (Ibid: 62).

Displaced women-headed households and households reliant on a woman's income sometimes seek together for mutual support. Modeled on traditional living arrangements in Afghan society, where women live much of their lives apart from men in groups related by birth or marriage, researchers found that Afghan displaced women pool their efforts and resources informally or in

cooperatives, whereby some women provide nursery care while others work or beg for food (Farr, G. 1 September 2001 pp. 132-135).

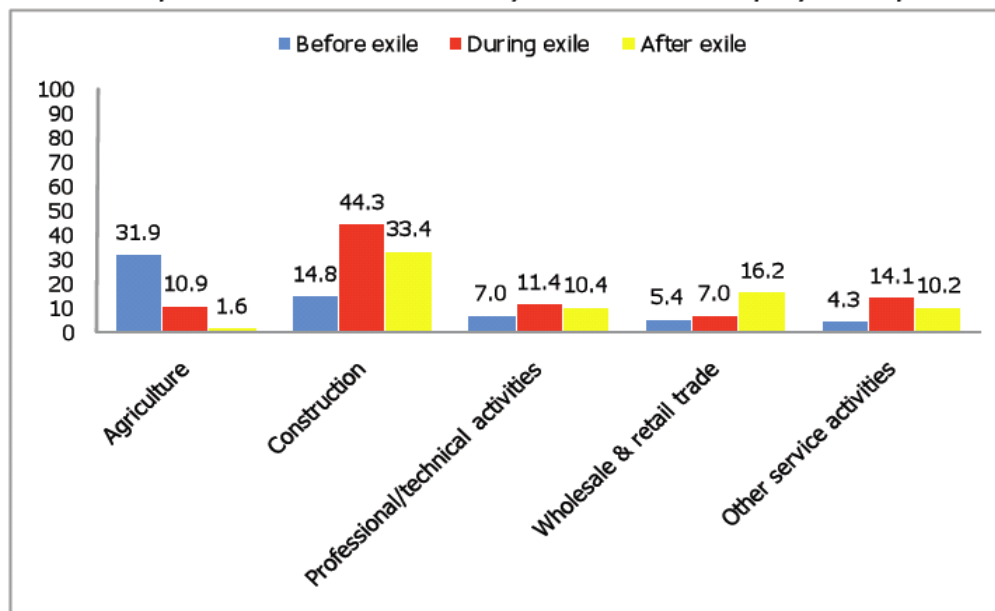
**Who and how many people work is a determining factor**

Labour is the most important asset IDPs mobilise, but their arrival in large numbers can distort the labour market as competition increases and IDPs are willing to work for lower wages (AREU-Mazar, January 2006, pp.3-4; JALALABAD, AREU-Jalalabad, May 2006, p.3). Among refugee returnees in Kabul, Jalalabad, Herat and Mazar-i-Sharif assessed by NRC/ALTAI Consulting, 85 per cent of head of households were employed. At 14.8 per cent, the unemployment rate among refugee returnee heads of household in 2010 was below the national average of 25-30 per cent (NRC/ALTAI, March 2010: 13).

AREU's 2006 study found 33.4 percent of displaced workers to employed in construction, 16.2 per cent in wholesale and retail trade, 10.4 per cent in professional and technical activities, 10.2 per cent in other service activities and 2.8 per cent in the public sector.

Source: AREU 2006

*Graph 8. A comparative review of activity sectors and employment patterns (%)*



The number of family members able to join the workforce relative to dependents is a key indicator of vulnerability for urban IDPs. AREU's 2006 study found that the average household had two workers and that expenditure was slightly lower than income, allowing for modest savings. Women did 27 per cent of the work, and children 42 per cent. On the one hand, this finding indicates a degree of resilience among IDP households (AREU, April 2006: 21), but on the other, reliance on female and child labour is a sign of vulnerability, as women and children are paid less than men and may be at risk of exploitation (AREU, 31 May 2009). Among Pakhtuns it is generally considered dishonorable to allow wives and daughters to work outside the home, meaning their social status may be affected by their need to work (AIHRC, 2007: XX; BI/TLO, May 2010: 93).

A significant number of IDPs have found at least minimal livelihoods and live in similar conditions to the rest of the urban poor, but it should be emphasised that many urban IDPs remain vulnerable. NRC/ALTAI highlights various types of economic vulnerability among urban

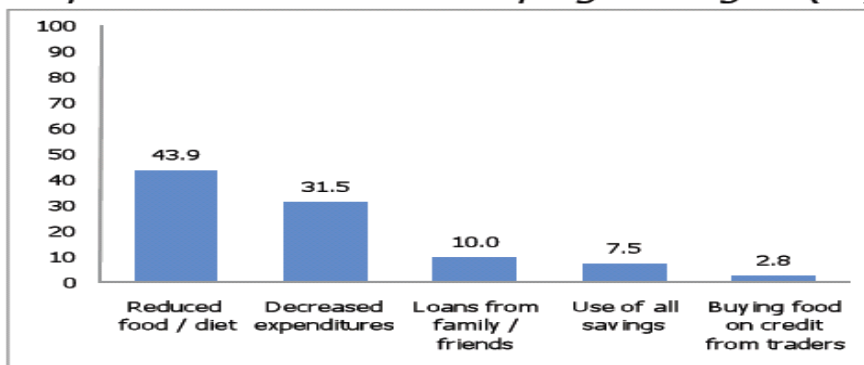
returnees. Its research found that 96.2 per cent had no remittances, 80.5 per cent of respondents had no savings, 63 percent relied on one family member per household to provide for the rest, 52.6 per cent lacked access to loans and 37.2 per cent had only a single source of income (NRC/ALTAI 2010: 8).

### Coping strategies for urban IDPs

Urban IDPs employ both precautionary and response strategies. The former include diversification of livelihood activities, building up stocks and savings during peak seasons, and social investments in reciprocal or redistributive systems among households. The latter include depleting physical stocks, drawing upon social relationships, borrowing and reducing consumption ((AREU, April 2006, p.52). In cases of shocks, displaced families tend to sell their assets (Ibid: 36).

Source: NRC/ALTAI 2010: 20; AREU, April 2006, p 36

**Graph 18. Most common coping strategies (%)**



**Table 2. Reasons for selling of physical assets**

Reason asset sold	Frequency of mention (n=35)
Consumption needs	13
Repay debt	5
Medical costs	4
Heating costs	3
Buy HH amenity	3
Investment (business, buy asset, reconstruct home)	3
Other emergency	2
Other reason	2

Crisis and emergency situations are usually cushioned by IDPs' social relations. In NRC/ALTAI Consulting's sample, the principal coping strategies for the surveyed population were first, using family labour and female household members to generate income; and second, borrowing money from friends and families (Ibid: 69). Economic migration is another alternative. Well-off returnee households typically send one or more of their family members abroad in search of work (NRC/ALTAI, 2010: 28; Inter-agency Missions 19 June 2003, p. 2).

## Land and Property

### LAND AND PROPERTY (deprivation, restitution and compensation)

Only 12 per cent of Afghanistan's territory is arable. Land ownership is starkly inequitable, with 40 per cent of arable land owned by less than 10 per cent of the population. A significant proportion of the rural population is landless (NRC, April 2005, p.12-13; UNHCR, 19 December 2007: 55-59). Not surprisingly, land conflicts are rife. A study from Kunduz and Wordak provinces showed that land disputes accounted for more than 50 per cent of local conflicts (CPAU), March 2009: 21).

Source: GoA – NRVA 2009: 66

Table 5.1 Percentage of households with access to land, by NRVA assessment, and by residence

Residence	Access to land		
	NRVA 2005	NRVA 2007/8	Increase
Urban	5	10	5
Rural	58	69	11
Kuchi	12	19	7
National	47	55	8

Determining the legitimate owners of land and property in Afghanistan is difficult. Successive governments have adopted land allocation policies as a means of rewarding and consolidating their support bases, and this has led to incomplete official cadastral records and multiple ownership documents. The resulting confusion has exacerbated the potential for land disputes which regularly lead to inter-communal violence (UNDP, 26 September 2007: 8).

A land titling and economic restructuring project supported by USAID recently improved tenure security by formalising more than 53,000 property claims, digitalising 610,000 property documents and facilitating adoption of a national land policy. The effects, however, of this project and an ongoing national land reform initiative are unknown (USAID, Jan 2011: 12-28).

The ownership of land and property is regulated by a complex mixture of statutory, religious and customary law. The courts cannot be relied upon to resolve disputes fairly – the result of a lack of resources and training, and widespread corruption. Where authorities do issue fair decisions, enforcement is extremely limited and impunity widespread. Claimants often resort to violence in order to settle disputes, perpetuating cycles of displacement (FMR, December 2008). Customary mechanisms such as *shuras* and *jirgas* can be both useful and problematic in settling disputes. On the one hand, decisions are fast, inexpensive and usually settle disputes by compromise. On the other, they are heavily influenced by tribal traditions that favour older men over younger men and women.

The transfer of assets from IDPs to other civilians or members of armed groups is common in the context of armed conflict, which is why the Guiding Principles address both the protection and restitution of land entitlements; Principle 21 refers to property which IDPs left behind (BI, 2008).

### Access to land during displacement

Access to land and the recovery of lost land and property are common problems among most displaced groups. The resolution of land conflicts depend both on legal measures and on reaching political agreements with local strongmen and influential families (NRC/UNHCR, September 2005, pp. 46-48, 50 ; CPAU, March 2009: 21).

Some IDPs sell their land prior to displacement and then work as laborers on others' land to support their family. Unable to sustain themselves, other rural displaced families send members to urban centres or abroad to find work. Others grab or occupy land illegally (Ibid).

National efforts to provide IDPs with land in their areas of refuge have had limited impact. In the east, local authorities have on occasions formalised land entitlements for refugee returnees. In the south, the GoA and UNHCR developed a regional plan in 2003/4 which sought to provide alternative livelihoods through land purchase for IDPs unable or unwilling to return. This plan too, however, had limited reach (MoRR & MRRD October 2003, pp. 4-5 in IDMC, October 2004; Al Jazeera, 12 August 2008). According to media reports, returnees were allocated land far from urban centres and in areas where they had no family connections and were not able to develop livelihoods (Al Jazeera, 12 August 2008).

The lack of land and property among IDPs has also contributed to protracted displacements. The AIHRC reported in 2007 that 67 per cent of returnees who chose not to return to their places of origin did so because of their lack of property, and that more than a third of IDPs left their places of origin for a second time after trying unsuccessfully to return (AIHRC, 30 August 2007).

#### *Urban displacement*

Legal tenure is often the first step to accessing services and a key asset in sustaining an urban livelihood. More than 50 per cent of refugee returnees in urban areas have acquired land titles. A 2010 study by NRC/ALTAI Consulting and NRC found that only 7.2 per cent of refugee returnees in four urban reported problems in obtaining land titles. In some cities, however, such as Jalalabad, the situation was more acute, with 47 per cent of returnees reporting problems upon return (NRC/ALTAI, March 2010: 46).

The establishment and formalisation of land entitlements in urban areas is complicated by the fact that traditional systems of mediation and redistribution are almost absent (UNHCR, December 2007). Some IDPs' property and land has been sold by its former owners or by the municipality in their absence and disputes arise over shared inheritance. Long-term displacement has also disrupted traditional social structures, which combined with population growth has contributed to illegal occupation (NRC/UNHCR, September 2005, pp. 48-50).

In Afghanistan, where livelihoods are for the most part agricultural, loss of land can directly affect people's right to food. NRC/ALTAI Consulting found that some IDPs have illegally taken possession of public land in urban areas for their own cultivation as a means of sustaining their family. Such coping strategies, however are only likely to be viable in the short-term and create tensions within and between communities (NRC/ALTAI March, 2010: 26; KM/USAID-OFDA, January 2010: 5).

#### **Restitution of land and property**

Durable solutions are closely tied to restitution of lost assets or compensation for them as such measures are both a remedies for past violations and ways of facilitating return. The Afghan national development strategy supports the right of all Afghans to return to their homes and repossess their property, and Article 29 of the 2001 Decree on Dignified Returns states that all movable and immovable property should be restored to its rightful owner (Forced Migration Review (FMR), December 2008). In practice however, IDPs often return to places where they lack the power and legitimacy to exercise such rights (Ibid).

For those who do hold deeds, regaining their land and property has often proved to be difficult, as it may have been occupied or confiscated. Restitution and compensation rights apply in situations where land is held under customary tenure, but the longer displacement lasts the higher the risk that *acquisitive prescription* prevails. Powerful local individuals with influence in *shuras* and *jirgas* tend to prevent the most vulnerable, in particular unaccompanied women and those without support networks, from enforcing their claims (NRC, June 2004, p.3; UNHCR, 19 December 2007). The effect is a discriminatory system based on socio-economic status.

To counter this effect, Presidential Decree 99 of April 2002 established a special land disputes court in order “to specifically deal with private persons who are returnees or internally displaced and who seek to retrieve private properties of which they have been unwillingly deprived during the period since 1978”. The rapid return of refugees and IDPs, however, placed great strain on the system and it is considered a failure (NRC, September 2005; WB, September 2005). Disputes continue to be addressed by district and provincial courts and through Afghan customary law, not always to IDPs' and returnees' advantage (UNGA, 9 September 2005, pp.15, 17).

Presidential Decree 104 of 2005 launched a national land allocation programme to assign public land to landless returning refugees and IDPs (UNHCR, December 2007: 54-58). Its application, however, has not been consistent, most notably as it pertains to the Kuchi and IDPs displaced outside their province of origin and unable to return (Ibid). The scheme had given land to some 65,000 families as of late 2009, but only 10,700 households had moved into the designated areas because of a lack of basic services and poor livelihood opportunities (GoA, 14 January 2008: 5; NRC, 9 February 2011: 4).

### **Compensation for destroyed land and property**

Many families do not have the means to rebuild a home destroyed in the armed conflict, or to replace lost livestock or other means of income, forcing them into displacement. Some displaced families say they do not return to their villages of origin either because they cannot afford to rebuild their damaged properties or because there is no guarantee that fighting will not resume.

Guiding Principle 29 sets out the state's responsibility to ensure IDPs recover their property or are compensated for it. People who flee conflict should have the right of voluntary return and to have their houses reconstructed or compensation paid (LEGAL CITATION HERE; IRINNEWS, 16 August 2007). An investigation by Campaign for Innocent Victims In Conflict (CIVIC) concludes that this right has been violated (CIVIC, June 2010).

According to an agreement signed with the GoA, nations contributing troops to ISAF are not liable for damage to civilian property or civilian injury or death caused their operations in Afghanistan. Most do offer “ex-gratia” payments (Ibid: 2), but the system has been largely ineffective. Civilians are expected to raise claims, but many IDPs flee far from the site of their grievance and as so cannot reach military bases to do so. They unaware of condolence payment programmes or fear retaliation for associated with ISAF. Only a tiny fraction of those eligible have presented claims. Britain paid \$581,000 in compensation for damage to property in Helmand province in 2010, while Dutch troops in Uruzgan paid \$483,000 between 2006 and 2010 (Ibid: 3-12).

CIVIC found that US Special Operations Forces (SOF), which operate throughout Afghanistan, do not compensate civilians. Regular US troops have only done so since 2005, but the amounts involved are minimal. German troops stationed in the north have no policy or designated fund for compensation, neither do Italian troops, stationed in the west, nor even the Afghan national army (Ibid: 3-12, see also Huffington Post, February 26th, 2010; ABC News, Aug. 10, 2010).

Non-binding guidelines for civilian compensation issued by North Atlantic Council to all troop-contributing nations in Afghanistan has yet to render results (Protection Cluster, February 2011: 7).

USAID funds a separate scheme – the IOM's Afghan civilian assistance programme - to support those who suffer losses as a result of military operations against insurgents. Assistance is generally provided in goods and services, so that a farmer might receive a tractor or livestock while a grocer might receive merchandise to restock his shop. An audit finished in late 2009 showed that around \$6.4m had been spent under the scheme and that 13 per cent of the 6,000 eligible families had received assistance.

In response to this scenario, the AIHRC asked the country's supreme court to issue a *fatwa* - an Islamic edict in 2007 - in which the issue of *diyat* or compensation payments for death or the loss of any part of the human body) would be made obligatory for all warring parties (IRINNEWS, 16 August 2007). So far it has yielded no results.

# FAMILY LIFE, PARTICIPATION, ACCESS TO JUSTICE AND OTHER CIVIL AND POLITICAL RIGHTS

## General

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### Documentation, Participation and Access to Justice

#### Documentation and citizenship

The right to a legal personality i.e. documentation, is a fundamental human right which can condition the access to a number of other rights, including the right to health and education. Brookings/NRC found that while the Civil Code provides for the registration and issuance of a national identity card (*tazkera*) to all *male* citizens, documentation for women remains inadequate (BPID/NRC, November 2010: 28). Moreover, while a formal mechanism is in place to issue IDPs with documentation away from their home area, it is not commonly used, and many IDPs remain without a *tazkera*.

The International Convention on the Rights of the Child (and International Covenant on Civil and Political Rights Article 24.2) states that every child has the right to a name, nationality and protection of his or her identity. Birth registration is an important means of protecting these rights. The GoA made changes to birth registration in 2007, but did not clarify how to access children born in conflict areas; internally displaced persons, among other groups (NGO Comments to CRC, February 2011).

#### Voting and participation in public affairs

Afghanistan is an Islamic republic. Its executive, legislative and judicial branches were established according to the constitution approved by the 2003 *loya jirga* or grand council. Presidential elections were held in 2005 and again in 2009, and both times Hamid Karzai won amid accusations of clientelism and electoral fraud.

Afghanistan's national legislative bodies, the *wolesi jirga* or House of the People, and the *mesherano jirga* or House of Elders, were made up of 73 per cent men and 27 per cent women before the 2010 parliamentary elections. The country's 34 provincial councils were made up of 70 per cent men and 30 per cent women (BI, 19 May 2010, 24). Strongmen from the United Islamic Front (known in the west as the Northern Alliance) exercise significant influence in the current regime as do other political figures linked to legal and illegal armed groups. Thirty-five per cent of the population voted in the 2009 presidential elections (Ibid: 41), but there is no information available on IDP voting patterns.

The most important indicator for political and judicial participation however, is the activity of *shuras* and *jirgas*. The 2010 Cooperation for Peace and Unity (CPAU) human security project indicates that elders and religious leaders command respect from the local population, who follow their advice and orders (CPAU, June 2010).

IDPs are generally not represented in decision-making processes, although IDPs had representation of the Constitutional Loya Jirga in 2003 (AREU, March 2011: 40).

Displaced women are specifically not represented in local/customary *jirgas*, in possible violation of Article 15 of the UN *Committee on the Elimination of Discrimination against Women (CEDAW)* convention, which requires Afghanistan to “accord to women equality with men before the law”. Local powerbrokers may allow IDPs to remain as guests in their area, but they safeguard resources for their own interests constituencies. IDPs limited representation in *shuras* affects their capacity to access services and humanitarian and development assistance (BI/TLO, MAy 2010, p. 16).

Many IDPs do, however, make collective (*jirga*) decisions to flee and once displaced continue to meet to consult about an eventual return, to manage conflicts or to negotiate with host community leaders. The Brookings Institution suggests though that in Kandahar province, councils that represent displaced communities have failed to negotiate more permanent integration (e.g. access to land and resources) in their place of refuge. IDPs are still considered outsiders by their hosts, regardless of the duration of their displacement (BI/TLO, May 2010: 18, 97).

In urban areas, neighbourhood *shuras* meet as needs dictate. The neighbourhood representative, or *wakil-e gozar*, works with local authorities and speaks for the community and its interests. There is little evidence, however, of poor internally displaced households' involvement in local decision-making, and even the 'better' *shuras* tend to exclude women and younger people (AREU, August 2006: 55, 63, 68). Limited government response due to lack of resources or political will, and an overlap between national and local government agencies are obstacles to accountability in urban areas (Ibid: 65).

#### **Right to information and participation, including women**

Afghans perceive themselves to have more personal freedom now than ten years ago (BI, 19 May 2010), though press freedom - important to fulfill the population's right to information - is limited. In 2009, Afghanistan ranked 149th out of 175 in terms of the right to participaton and freedom of speech (Ibid: 29).

According to the United Nations Development Fund for Women (UNIFEM), women are more often than not excluded from participating in peace processes, and this is certainly the case in Afghanistan. The thinktank CPAU found, for example, that in Wardak province women are generally not involved in conflict resolution, whether the process involved Taliban para-state structures or not. This exclusion marginalises women and generates injustice in conflicts involving them (CPAU, 27 April 2009).

The domestic arena is different. On the household level, AREU found that 52 per cent of women had an important say along with men in the purchase of productive assets, 50 per cent in the sale of assets, 47 per cent in borrowing money, 45 percent in decisions as to whether a daughter should get married (36 per cent in the case of a son), 28 percent in decisions as to whether children or women should work, and 26 per cent in decisions as to whether children should go to school (AREU, April 2006: 55).

#### **ACCESS TO JUSTICE**

Depending of which issues are at stake, both state courts and councils (*shuras* and *jirgas*) play a role in resolving legal disputes for the general population.

The right to non-discriminatin and equality before the law are essential elements of a nationa legal framework which protects the human rights of IDPs. This means that laws and practices – statutory, Sharia or customary – should not treat displaced people in a way which is discriminatory in effect. Brookings/NRC (November 2010: 26-27) observed that while Afghanistan does not explicitly recognize the threats that internal displacement poses to the enjoyment of basic rights and freedoms, nor does the country define who is an internally displaced person, but

it counts on other instruments which guarantee the equality before the law and forbid discriminatory practices.

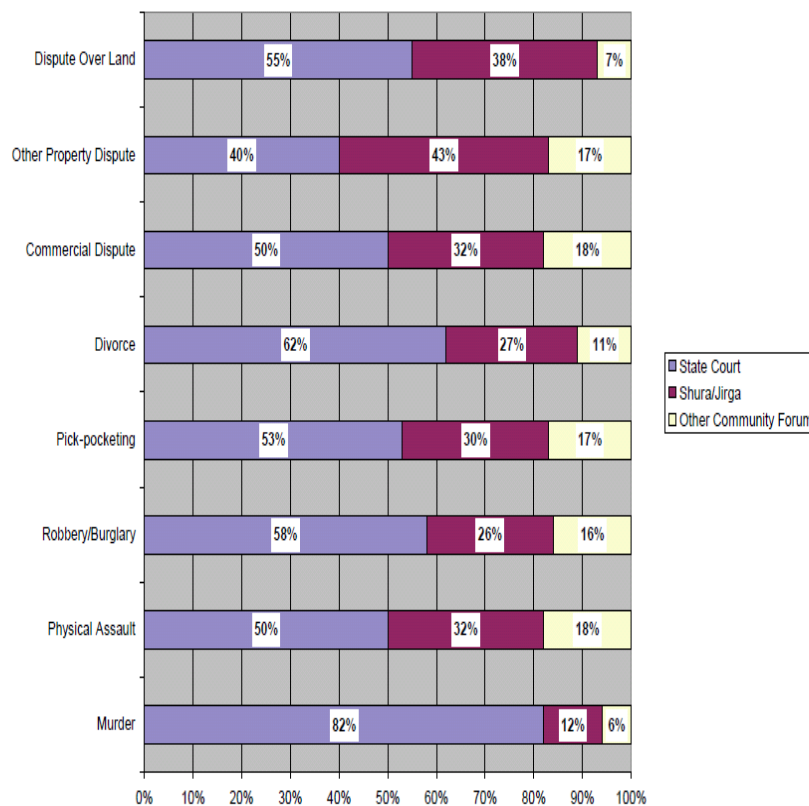
The criminalization of forced or arbitrary displacement in line with the Rome Statute of the International Criminal Court, articles 7 and 8 (Rome Statute of the International Criminal Court, 17 June 1998, in BI/NRC, November 2010: 25), and prosecute those who are responsible for such acts is an international obligation which has not yet been fulfilled in Afghanistan. Moreover, the Law on National Stability and Reconciliation is thought to grant a *de facto* amnesty to perpetrators of forced or arbitrary displacement (Ibid).

With regards to issues which affect the displaced population, land issues as outlined in section six, including restitution and/or compensation for lost or damaged property is extremely important. For this and other challenges faced by the displaced population such as marriages, debt, family feuds and other concurrent challenges in the intersection of the private and public spheres, local councils are important.

Source: Brookings, 19 May 2010

**FIGURE 2.4**

Where Afghans Choose To Take Different Types of Legal Cases<sup>48</sup>



**NOTE:** Results based on survey of approximately 6,200 Afghans polled in February 2007. Answers refer to a hypothetical situation and not actual events.

While this profile has shown that recovering lost property is difficult, and that certain characteristics inherit in Afghanistans customary systems indicate that women, children and young men are disadvantaged, we do not have concrete evidence of systematic injustices

against the displaced population. (*Jirga* decisions are final and as such do not provide the accused due process of law.)

The phenomenon itself, however, has affected the regulating role of local authorities in at least four ways. First, the influx of large numbers of people from other areas has fuelled competition for scarce resources, leading to an overall increase in poverty. Second, the mixing of populations has meant local authorities have to manage conflicts of interest between different tribes, for which customary traditions such as *pakhtunwali* offer limited guidance. Third, IDPs – having lost most of their resources – cannot offer compensation in situations where they have been in the wrong, leading in some cases to revenge rather than resolution between IDPs and their hosts. Fourth, militants have to some extent replaced traditional leaders trained to uphold customary law, leading to decisions that fail to respect both communal desires for restitution and international human rights.

# PROTECTION OF SPECIAL CATEGORIES OF IDPS (AGE, GENDER, DIVERSITY)

## General

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### Gender and Age

#### GENDER – MEN AND WOMEN

Displacement affects different groups in different ways. Protection issues for Afghan men are related to tribal and modern criteria that use gender as a means of distinguishing who can be targeted during armed conflict. *Pakhtunwali* allows for the killing of men in some situations, but it prohibits the killing of women (Afghanan.net – Pakhtunwali). Only nine per cent of those killed and injured in 2010 were women (UNAMA, August 2010). Boys but not girls over the age of 13 or 14 are seen as potential combatants by NATO forces. Displaced men and boys are at a higher risk than women and girls both of suffering landmine injuries and of being forcibly recruited. Men who stay behind to look after their property following families' displacement run the risk of being caught up in ongoing fighting, and media reports on arrests amongst the displaced population mostly refer to men.

The threat to and violation of displaced women's right to non-discrimination, however, poses a more systematic protection challenge for Afghan IDPs. Guiding Principle One states that people should not be discriminated against in the exercising of their rights and freedoms on the grounds that they are IDPs, and Principle Four prohibits discrimination based on criteria such as race, religion, ethnic or social origin. These principles are derived from instruments such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Security threats specific to women contribute to internal displacement. Families flee to safer areas in fear of PGF night raids and the threat of rape or abduction by criminal groups, though reports on the latter are scarce (Medica Mondiale, October 2007). In 2010, Human Rights Watch stated that women who become politically active often face death threats and that some have been murdered or forced to flee (AFP, 21 July 2010). Insurgent attacks on girls' schools and female teachers and students have also caused displacements (AI, 7 March 2008). In the South, agencies lack access to assess sexual and gender based violence. Cases rarely get reported and there are no mechanisms in place to provide redress either by communities, organisations or the government (Protection Cluster, February 2011: 3).

Seclusion or *purdah* is the single most important constraint on displaced women's access to basic rights. Afghan women, especially in rural areas, have little freedom of movement, limiting their ability to go to work, access medical services and participate in public life (CRS, 20 July 2009; IRINNEWS, 9 July 2010; AI, 7 March 2008, Protection Cluster, February 2011: 4). In areas affected by conflict and insecurity, male family members are sometimes absent leaving women afraid to leave their homes and to send their daughters to school.

*Purdah* becomes more complicated during displacement because IDPs often live in crowded and unfamiliar environments, and because many women flee without their husbands. Familiar strategies to ensure *purdah* are no longer applicable, leaving women at constant risk of losing

their honour in the eyes of the community – something they will go to extraordinary lengths to avoid.

The impact of seclusion is more damaging in camps than in host-community settings where women tend to live with family members (Islamic Legal Studies Program, 2009). Scholars have observed that the crowded conditions during displacement have changed social relations (Ibid). Even if the context has changed, *purdah* still represents honor, but displaced women's physical space has become smaller.

Amnesty International has stated that forcibly displaced women are seriously affected by the trauma of displacement. They are also at greater risk during displacement of being subjected to sexual violence, including rape, and cope with these practices without effective external assistance (see also ICG, 12 July 2010). The practice of giving away girls to settle disputes is prevalent throughout the country according to a recent UNAMA report (CITE). Forced displacement has also been mentioned as a factor in the recent increase in attempted suicides by women and girls, a trend also linked to forced marriages (IRINNEWS, August 6th, 2010).

Although displaced widows are sometimes offered protection by male relatives who take them into their family, they remain one of the most vulnerable groups in the country. War and displacement have created many women-headed households and households reliant on a woman's income, which is on average 25 per cent or less than that of men (Save the Children, April 2010: 35). Poor earning have made it particularly hard for displaced households headed by women to make a living and buy sufficient food, both during displacement and on return. The dual burden of generating income and producing and raising children also tends to make them more vulnerable to health problems (AREU, April 2006: 21). Few were reported to have received compensation for the deaths of their husbands, and many encountered significant barriers in their efforts to recover expropriated property or secure compensation.

The GoA and the international community tried in 2010 to strengthen women's participation in social, economic and political life and to reintegrate displaced women into the society with the implementation of the Elimination of Violence Against Women Law (EVAW) (Kabul International Conference, 20 July 2010: 5; UNAMA/UNHCHR, December 2010; MoFA Japan, 2011). Women's groups, however, said that President Karzai's programme of reconciliation and reintegration with the Taliban leadership would set them back a decade to when the Taliban were in power. The expansion of the insurgency to the north since 2007 has brought the *burqa* back, not as a fashion accessory but as protection (AFP, Jul 21, 2010).

## **AGE – BOYS AND GIRLS**

Afghanistan ratified the Convention on the Rights of the Child (CRC) on 28 March 1994. Article 38 of the UN Convention on the Rights of the Child (CRC) says that "States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict". Guiding Principle Four and Guiding Principle 13 reinforce this principle in the case of internally-displaced children (BI 2008: 61). The 2004 Afghan constitution provides for progressive guarantees of international human rights standards and the 2006 national strategy for children at risk focuses on developing community and family-based support for vulnerable children. UNICEF has promoted the adoption of a comprehensive Child Act fully in line with the provisions and principles of the Convention on the Rights of the Child (UNICEF, 23 November 2010).

Legal obligations notwithstanding, recent reports reveal that Afghanistan's internally displaced children have become increasingly vulnerable to threats to their rights (Watchlist, 2010; SRSG-CAC, 2010).

Sixty per cent of victims of forced displacement are children, and recruitment by insurgent groups, by militias that support the police and by private security companies is one cause of their plight (IRIN, 19 December 2007). Some 7,500 child soldiers went through disarmament, demobilisation and reintegration (DDR) programmes between April 2003 and June 2006 as part of Afghanistan's post-Taliban peace building initiatives (Ibid), but at the same time new communities have become involved in or affected by the armed conflict. Poverty and unemployment are the main factors driving those - mainly boys aged ten to 17 – who join armed groups, as well as a certain sense of glamour afforded by the bearing of arms.

The risk of forced recruitment increases for children during displacement (Watchlist, June 2010). The reason is said to be that displaced children are often deprived of protective community or family structures. In 2010, the UN Special Representative of the Secretary General for Children and Armed Conflict suggested that isolated populations in conflict-affected areas are at particular risk of child recruitment into armed groups including the Taliban, the Haqqani network, Hezb-i-Islami and Jamat Sunat al-Dawa Salafia (SRSG-CAC, 2010: 5). Some children, mainly boys, were specifically recruited to be sexually exploited (*Baccha Baazi*) or used as suicide bombers (Ibid: 9).

Early marriages are common in Afghanistan. Half of all Afghan girls marry by the age of 15, according to estimates (Reuters, 9 December 2010). All married women in AREUs sample households from the country's five biggest cities reported that they had become engaged without their prior consent (AREU, April 2006: 54). Internally displaced girls may be at particular risk of early and forced marriage. Displaced families often seek marriage for female members, including girls, among men from their host areas in an effort to avoid the stigma that unmarried women face when they travel and to build networks in their host areas.

Since many IDPs flee from areas controlled by the insurgency, they face PGF's suspicion of belonging to the enemy. Since 2001, an unknown number of displaced children have been arrested by Afghan as well as international military forces. Some of these children were subject to ill-treatment during their detention (SRSG-CAC 2010, p. 7).

Anecdotal evidence suggests that internally displaced children suffer more deprivation than their counterparts in the general population. More than a third of children displaced to the largest cities work, according to one estimate, many of them in poor conditions (Reuters, September 6th, 2010; IRIN, 26 November 2009). The Watchlist on Children and Armed Conflict even heard of displaced parents in Kabul settlements who had sold their children to survive or provide for the rest of their families (June 2010). According to the Child Rights Consortium (CRC), children in informal settlements near Kabul suffered from diseases related to cold weather conditions, malnutrition and inadequate shelter, a finding echoed by the UN Special Representative (SRSG-CAC 2010, p. 11; IRIN, 26 November 2009). Most children in these areas did not attain the minimum standard for the provision of basic necessities as outlined by Guiding Principle 18 (BI, 2008: XX).

The right to education is violated in provinces affected by displacement as outlined above. According to UNICEF, access to education is also limited for those families poorly integrated into society, which would include many displaced families (Interview with UNICEF in NRC/ALTAI, 2010: 52).

## **DISABILITY**

Disability and displacement are intimately linked, as in the case of people hit by shrapnel, who lost limbs after stepping on landmines or who suffer emotional trauma after witnessing massacres.

Disability is, however, more than a medical description. In the context of displacement, it is a function of social relations and the environment commonly related to walking; distinguishing people and objects; hearing, speaking or communicating; eating and drinking; and socialising.

When a person is displaced, he or she frequently loses the social network that makes their disability manageable. If they are unable to establish a similar network in their area of refuge, they find themselves at a serious disadvantage. Disabled IDPs in Afghanistan faced daily challenges in finding safety and encountered discrimination on several fronts, including access to education, services and rehabilitation.

ICRC has provided orthopedic and rehabilitation assistance and opportunities for social integration to tens of thousands of displaced people disabled as a result of the armed conflict (e.g. ICRC, January 14th, 2009).

# **DURABLE SOLUTIONS (RETURN, LOCAL INTEGRATION, SETTLEMENT ELSEWHERE IN THE COUNTRY)**

## **General**

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### **Durable Solutions**

As set out in the Guiding Principles and developed further in the revised Framework on Durable Solutions (IASC, April 2010), when an IDP has overcome insecurity, discrimination and other obstacles brought about by their displacement, they can be said to have reached a “durable solution”. Doing so often proves a lengthy process in which concrete events such as a peace agreement or property restitution might be significant milestones. The Guiding Principles differentiate between a durable solution reached in an area of initial or secondary displacement - referred to as “integration” - and one reached in an IDP’s place of origin - referred to as “return” (Ibid). The Guiding Principles also state that IDPs should be able to choose their path towards a durable solution, and are entitled to government support in their pursuits.

Both IDPs and authorities tend to see voluntary return as their preferred solution (BI, 2008: 126). Guiding Principle 28.1 states that authorities are responsible for creating the conditions for IDPs to return to their places origin voluntarily, in safety and with dignity as soon as the reasons for their displacement are no longer a consideration. They are also responsible for facilitating their reintegration. This is reinforced in GP 29.1, arguably with a basis in rule 132 of international customary humanitarian law (Ibid: 127). GP 28.2 states that IDPs are entitled to take an active part in the process. These principles are outlined in the National IDP Task Force’s policy framework on durable solutions for IDPs (UNHCR, July 2010).

### **RETURN, INTEGRATION AND REINTEGRATION**

According to the GoA’s National Risk and Vulnerability Assessment, some one million IDPs have returned to their places of origin, half of them after having been displaced beyond their home province (GoA, 2009: 21). The GoA has acknowledged the problem of internal displacement and – with the support of UNHCR and other agencies – has taken measures to seek durable solutions for some groups, including those who were displaced by armed conflict and human rights violations prior to the Taliban resurgence in 2004.

#### **2002-2006: Policies to promote and facilitate returns**

Some 400,000 people returned to their places of origin in 2002, mostly on their own initiative (AI 23 June 2003, p. 6; AI, 9 October 2001). DoRR, UNHCR, UNAMA and WFP launched a joint durable solutions strategy in October 2002 to facilitate the return of the remaining 300-400,000 IDPs (UNHCR 15 October 2003, p.13).

The strategy involved a shift of focus from emergency-based assistance to support for IDPs sustainable return to their places of origin. To implement it, the GoA published a national IDP plan in April 2004, which provided a description of the IDPs, their willingness to return or integrate locally and their prospects of doing so (MRRD, April 2004).

Food distribution in IDP camps was replaced with food-for-training and food-for-work activities, and reintegration task forces staffed by UNHCR and DoRR were established to facilitate political participation and negotiate with local commanders and authorities to ensure that property would

be returned to its rightful owners (UNHCR 15 October 2003, p.13; Pete Spink, September 2004, p.36). In addition to the logistics of return – transport, food and non-food items provided by UN agencies – and programmes promoting reintegration (MoRR & MRRD October 2003, pp. 12-15), the plan aimed to ensure IDPs were included in national development programmes (GoA, 17 March 2004: 17-20).

An UNHCR-led IDP profiling from 2003-4 indicated that 65 per cent of IDPs wanted to return while 35 per cent had no wish to do so (UNHCR, May 2004 cited in IDMC, December 2005). For those unable to return, the GoA negotiated with local authorities in an effort to establish ways of secure access to land or alternative employment near their places of refuge.

In 2005, a national policy was approved that sought voluntary return or local integration in accordance with the Guiding Principles, and affirmed the lead role of the GoA (UNHCR, July 2005, in IDMC, December 2005). Donors and UN agencies were not convinced of the GoA's commitment to the issue though, and funded only one per cent of its IDP plan (Inter-Agency Missions 19 June 2003, p. 3; UNHCR, September 2005).

Some 41,000 IDP returned to their places or origin in 2003, followed by tens of thousands more in 2004 (UNGA, 3 December 2003, para. 66; AI 23 June 2003, p. 6). Only 7,200 returns were registered between January and September 2005 however, despite UNHCR's plans to assist the return of 55,000 IDPs and the local integration of another 30,000 that year (UNHCR, September 2005). In 2006, another 15,000 IDPs - many of them from the Zhari Dasht camp in Kandahar – returned to provinces in the north and west, bringing the number of assisted returns to more than half a million, including almost all those displaced to the east, west and south-west (UNHCR, 4 September 2006: UNHCR, 21 August 2006; IDP Profile 2008, 29). Some five million refugees also returned to Afghanistan in this period.

This was and still is seen as a great achievement, though in retrospect, and in light of the negative developments in many parts of Afghanistan since 2005, the net gain in terms of human security of this massive return movement is debatable (BI, February 2009).

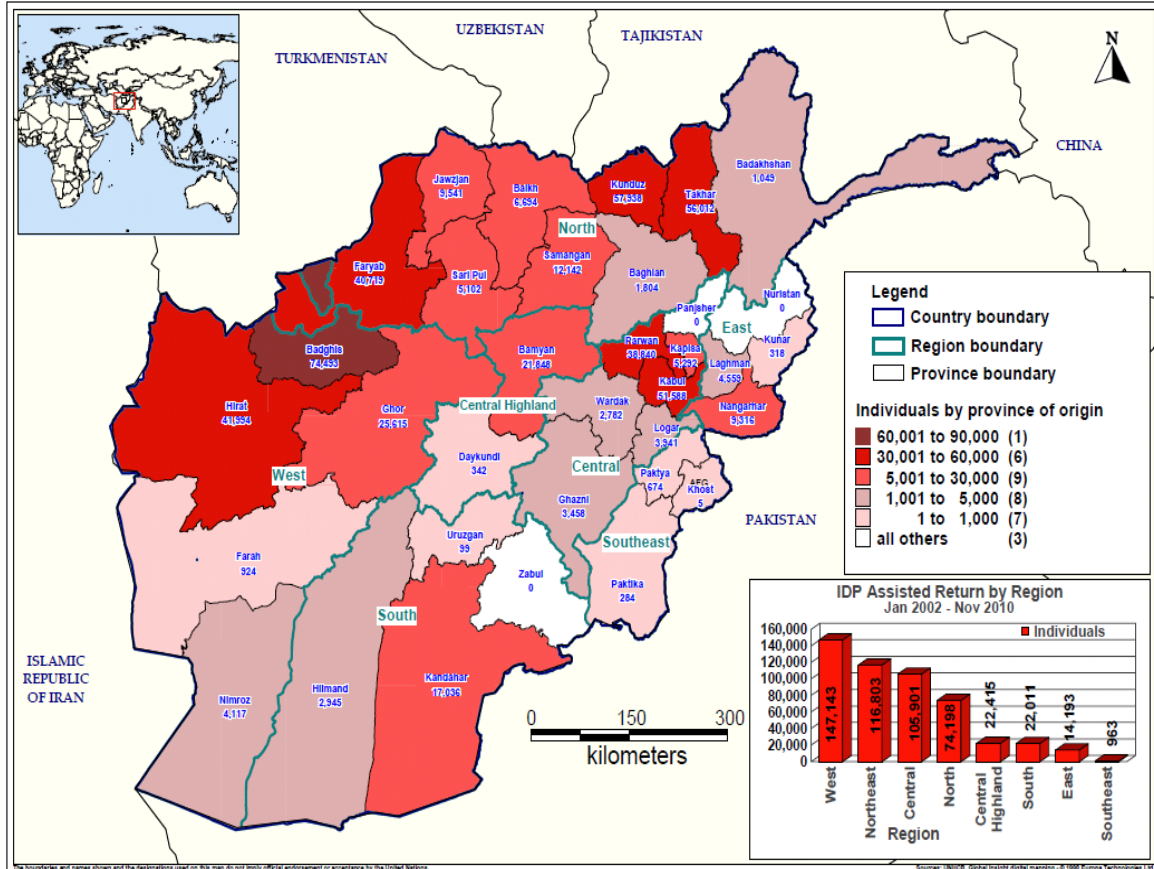
Source:  
2011

UNHCR



Afghanistan - IDPs Assisted Return to their Provinces of Origin - 01 Jan 2002 - 30 Nov 2010

Branch office Kabul  
Geographic Information Mapping Unit  
Operational Information Section



**Sustainability of returns is challenged by insecurity and land-grabbing in the north**

As displacements dragged on and the intensity of the armed conflict increased, the pace of returns for people displaced prior to 2003 slowed. In 2007, some 1,500 IDPs were assisted home by UNHCR, and in 2008 – despite encouragement from the MoRR - only 1,000 to 3,000 of the remaining 150,000 IDP in camps opted to return (UNAMA, November 2008, IRIN, 28 April 2008). Some 7,000 returns to the north were recorded in 2009 (OCHA, July and December 2009).

IDPs from the northern region said the worsening security situation, ethnic tensions, local warlords, unemployment and poverty were inhibiting their return (IRIN, 28 April 2008). While returns were perhaps voluntary, news outlets and researchers found that push factors such as Taliban and PGF harassment and lack of access to basic services such as water and health in areas of displacement were often important influences in IDPs' decision to go back to their places of origin (IRIN, 21 June 2009; BI/TLO, May 2010; Brookings, June 22 2009). Those who returned from Zherai Dasht camp to Sheberghan, the capital of Jowzjan province, and other areas in the north in late 2009 found though that insecurity and land disputes made their reintegration difficult and they moved on elsewhere (IRIN, 29 October 2009; UNHCR, August 27th, 2010; IRIN, 21 June 2009).

**Frequent but unverified returns of people displaced by armed conflict and communal disputes over land entitlements**

Large numbers of IDPs who fled armed conflict and persecution after 2006 returned home after hostilities ended, and many of them found their property and livelihoods intact and faced no further threats or insecurity.

Most of these IDPs are *assumed* to have gone home (IDP Profile 2008, p XX), but some returns have been verified and assisted. For instance, in May 2008, an estimated 9,000 people abandoned their homes in the Alburz district of Balkh province and camped near Mazar-i Sharif before later agreeing to return (IRINNEWS, June 26th, 2008). In 2009, UNHCR assisted 4,686 returnees in the south, and observed that a number of the 11,000 other IDPs it assisted in the region that year also returned (OCHA, December 2009).

#### **(Re)integration – a viable alternative for some**

Some IDPs preferred local integration to return. A large number of the IDPs who sought protection in the east prior to October 2001 settled locally. More than 50,000 people displaced during the 1980s, for example, settled in Farm Hade, Herarshai and Samarkhel districts (UNHCR - National IDP profile, August 2008, p. 38; DANIDA, December 2004, p. 30).

Other groups, including refugee returnees who would have become IDPs on return to the east, were assisted in finding a lasting solution to their situation. Around 12,000 Kuchis who returned to Afghanistan following camp closures in Pakistan lacked sufficient land to sustain their community but were awarded land entitlements by presidential edict 104. After negotiations backed by UNHCR, Nangarhar provincial government began regularising some 4,000 plots of land for as many as 35,000 returnees unable to return to their places of origin due to tribal conflicts and or lack of land (UNHCR, August 2008).

In the south, a significant number of the 40,000 IDPs living in Zhari Dasht camp in 2004 opted to integrate locally. By 2005 some of the internally displaced households that had been displaced from the north to camps in the south had found income-generating opportunities in surrounding areas and were no longer dependent on assistance (UNHCR, July 2005). Displaced families who settled outside camps in Spin Boldak bought land from the host community and local strongmen and constructed houses and shops, so achieving a degree of integration (COE-DMHA, 26 March 2004; UNHCR, 2009, Zari Dasht IDP Camp House to House Survey, p.3 cited in BI/TLO, May 2010: 31). The Brookings Institution and Tribal Liaison Office observed, however, that while IDPs in Spin Boldak and Kandahar city managed to integrate economically, they are unable to do so politically (BI 2010, p.97).

#### **Land allocation schemes and other national policies have overall limited impact**

In an effort to address returnees' need for land and housing, the Afghan government launched a scheme in 2003 in accordance with presidential decree 104, which legalised the redistribution of uncultivated government land. The initiative – covered above in section six - had the potential to be the country's most significant public programme to support the reintegration of landless and vulnerable refugee and IDP returnees, but it proved to have significant shortcomings. By late 2009, only 10,000 households had moved into the designated areas.

Refugee International has also argued that community-level schemes such as the national solidarity programme (NSP) need to be complemented by other programmes more specifically preparing IDPs for local integration and return (Refugees International, 10 July 2008). Other researchers have suggested the GoA ensure IDPs' are included in the national area-based development programme (NABDP) or the national rural access programme (NRAP).

#### **Integration in urban areas - a modest success**

Many returnees and IDPs have integrated into the urban environment. They have access to the local labour market and education services, they take part in local political processes along with other poor groups and they are not known to be discriminated against in their pursuit of justice

(NRC/ALTAI 2010, 8; AREU, April 2006). It is, however, difficult to assess how many *IDPs* turn to the city in search of a better future, as the patterns and motivations behind such movements can be complex and multi-layered.

It is documented that tens of thousands of IDPs fled to regional cities, and that returning IDPs who take their families home to their villages to be looked after by relatives then go back to urban centres in search of work (Ibid: 5, 17). With the exception of recently displaced people and Kuchis who live in substandard conditions in urban shanty towns, research suggests that the concerns of IDPs are similar to those of other marginal groups. Similarly IDPs do not appear to be worse off in terms of land ownership than other marginal groups or refugee returnees who have not been forced into secondary displacement. Data on employment in Kabul and other cities suggests that the unemployment rate among samples which include IDPs was lower than the national average.

NRC/ALTAI's research reveals a degree of sustainability in refugee returnees' urban lives. Many are affected by external shocks including inflation, unemployment and serious illness and death during the reintegration process, but 62 per cent of interviewees said they were able to at least partially recover (2010: 10).

Even for those IDPs who have invested in shelter in neighbourhoods likely to be demolished in the long-term, their urban reintegration may prove permanent and sustainable. Research by Shelter For Life (SFL) for USAID suggests that there is enough undeveloped land within Kabul's jurisdiction to accommodate both relocated IDP housing and continuing municipal population growth (SFL 2010, p.10-11).

Breaking out from poverty is, however, difficult. NRC/ALTAI assessments show that early waves of returnees from 2001 and 2002 still experience similar if not greater obstacles to reintegration than their more recent counterparts, as measured by school attendance, quality of shelter, savings and income generating skills (2010: 8).

### **Obstacles to Durable Solutions**

According to UNHCR, displacement in Afghanistan is becoming more protracted. More than 286,000 conflict-induced IDPs currently face obstacles to a durable solution, of whom some 76,000 have spent a decade in displacement. Obstacles vary according to IDP groups, and the strategies they adopt can differ significantly from village to village and from family to family, but it is imperative to identify the main issues hampering return and integration and try to tailor measures to overcome them.

### **OBSTACLES TO RETURN**

An autumn 2009 assessment in the south identified 67,000 long-term IDPs in four camps - Zhare Dasht, Punjway, Maywand and Mukhtar - of whom 18-70 per cent said they wished to return to their areas of origin (OCHA, December 2009). In the west, according to UNHCR, 97 per cent of the 30,000 IDPs who remained in three settlements as of late 2008 – including IDPs displaced by natural disasters – expressed no intention of returning (UNHCR - IDP Profile 2008, p.29).

There are various significant obstacles to a safe, dignified and voluntary return. These include the polarisation of communities brought about by conflicting claims, especially those that serve to exacerbate existing ethnic and tribal tensions. The National Risk and Vulnerability Assessment (GoA 2009: 135) shows that 60 per cent of Afghan households felt that the influx of IDPs and refugees had had negative consequences for their lives; and that the problems constituted the biggest negative shock for the population in some rural areas (GoA -NRVA, 2009, p.135).



confiscation of plots by local commanders or members of the majority ethnic groups (UNHCR, 19 December 2007: 56). In 2007, UNHCR reported that the use of traditional pastureland for cultivation was jeopardising the return of Kuchi IDPs and their pastoralist livelihoods (Ibid).

The absence of infrastructure, job opportunities and other sources of income in IDPs' places of origin is a further obstacle to return. In 2006, AIHRC reported that a lack of basic economic and social rights was the main obstacle to durable return and integration. More than 85 per cent of the 11,000 people interviewed listed job opportunities, access to safe drinking water, improvement of health and education facilities and housing as their top priorities for the future – ahead of security and justice (AIHRC, 200X). Press reports reveal how IDPs - particularly unaccompanied women and female-headed households – found themselves living in dire conditions upon return to their places of origin (IRINNEWS, 29 October 2009).

The Brookings Institution has stated that refugee and IDP returns in the context of insecurity and extreme poverty are part of the problem rather than the solution. The net effect of these returns, it claims, is to undermine the potential for human security, encourage smuggling and cross-border crime and ultimately to hinder rather than promote economic development (BI, 16 February 2009).

These issues could have been improved, at least in part, through donor commitment to IDPs' return and integration processes, including compensation and restitution of property. Insecurity in the south and east, however, remains a major impediment to the protection of human rights and to humanitarian access. The result is a significant reduction in, or suspension of, aid activities. The impossibility of gaining access to many areas for assessment and monitoring has hampered planning and project development and considerably affected reconstruction.

In many parts of the country, the armed conflict remains as a cause of displacement and as an obstacle to return. The south, south-west, south-east, east, and central re-gions of the country are “extreme risk, hostile environments”, according to the UN Department of Safety and Security (UNDSS) (CITE), and returns in such a context leave families feeling trapped between the warring parties. IDPs from Marjah and other conflict-affected areas said they were fearful of roadside bombs, landmines around civilian infrastructure, forced recruitment, continuing battles between insurgents and ISAF troops and that each side was blaming them for supporting the other (IRINNEWS, 3 May *and* 16 August 2010; ICOS, 12 May 2010)).

The Taliban's extensive intelligence capacity makes it difficult for IDPs to return if they have had contact or association with PGF. Even in areas that PGF control at least by day, the Taliban are capable of infiltrating and intimidating the population at night (BBC, October 26th, 2010).

In addition to the obstacles mentioned above, authorities' lack of recognition of ongoing internal displacement prevents the drawing up and implementation of effective policies. This is discussed further in the next section.

## **OBSTACLES TO LOCAL INTEGRATION AND SETTLEMENT ELSEWHERE**

In situations where return has been deemed unfeasible or undesirable, IDP are faced with two alternatives – to integrate locally in their place of refuge, or to settle elsewhere in the country. Neither of these options, however, are easy to achieve. UN has argued that given the security, political, and economic climate, progress towards local integration for IDPs living in protracted displacement would be difficult (OCHA, 3 February 2009).

### **Opposition to outsiders often prevents IDPs from resettling in other areas**

Article 39 of Afghanistan's constitution recognises the right of Afghans to travel or settle in any part of the country, but local opposition to outsiders often prevents IDPs from resettling in other

areas. Rural communities are particularly close knit. Without family in the area where they wish to settle, IDPs may not receive any support or assistance. Even in areas dominated by their own ethnic group, they can face great difficulty in trying to integrate locally (see e.g DIS March 2003, p. 40; 45).

Access to resources is also a crucial issue. Competition for land, water and other scarce resources often leads to fighting in rural areas. Communities are usually prepared to provide IDPs with initial assistance, but the stresses placed on local resources, livelihoods and services mean they are skeptical about the prospect of their local integration. Tribal enmity and fear of upsetting the balance of political forces are also factors (FEWS, October 2009; OCHA, 3 February 2009).

### **Government opposition to local integration or resettlement elsewhere**

The GoA has on a number of occasions denied the existence of conflict-induced displacement. It has also adopted strategies that deny IDPs access to support in their place of refuge. This practice amounts to a systematic failure to protect IDPs and to guarantee them their rights to food, housing, clothing and medical assistance as set out in Guiding Principle 18, the Universal Declaration of Human Rights and other human rights instruments. Examples follow:

Government policy as determined by presidential decree 104 discourages support for displaced families and stipulates that returnees and IDPs must go back to their places of origin or nearby areas in order to be eligible for assistance (NRC, March 2010: 22). According to the MoRR, the government denied assistance to 50,000 IDPs from Helmand province who were displaced in July 2007 on the grounds that military operations would conclude within days and those affected would be able to return promptly (IRINNEWS, July 16th, 2007). Some 9,000 IDPs from the Alburz district of Balkh province were denied assistance, because the government apparently wanted to “prevent a culture of displacement where people abandon their homes and livelihoods in search of free aid in urban areas” (IRINNEWS, June 26th, 2008). In May 2009, news media reported that authorities in Farah province had stopped all assistance to IDPs in an effort to “prevent people becoming aid-dependent, and to discourage further displacements” (IRINNEWS, May 14th, 2009).

IRIN NEWS also reported in 2009 that many internally displaced children in IDP settlements in Kabul and Nangarhar province were prone to diseases such as diarrhoea because of a lack of access to safe drinking water (IRIN, 26 February 2009, but that the MoRR nevertheless discouraged the building of latrines and wells in informal camps on the ground that doing so would attract more IDPs (IRIN, 23 April 2009).

The well-documented causes of displacement from Marjah and the obstacles IDPs faced in contemplating return were questioned by the GoA in February 2010 (IRIN, 3 May 2010), and six months later, 3,500 IDPs who fled the Garmsir, Nad Ali and Sangheen districts of Helmand province were denied assistance because some families allegedly “used displacement as a business to receive aid” (IRINNEWS, August 11th, 2010). The deputy minister for refugees and repatriation said in November 2010 that people who had arrived on the outskirts of Kabul claimed that they were IDPs “because everybody helps them and gives them things” (Washington Post, November 22nd, 2010).

### **Tenure insecurity**

Tenure insecurity remains an important obstacle to settling sustainably in both urban and rural areas. The Brookings Institution has documented how urban authorities have been unable to enforce their decisions to issue land entitlements to IDPs in the face of resistance from local residents, while in rural areas the lack of reliable access to arable land is detrimental to sustainable livelihoods (UNHCR – IDP Profiling, August 2008: 7; BI/TLO, May 2010, p.19, 55).

IDPs in Kabul's hillside settlements live in areas with significant sanitation, health and safety problems, and where upgrading services would be prohibitively expensive. SFL's 2010 study concludes that the settlements are not viable and that a plan to relocate residents to flatland areas should be developed and implemented (SFL for USAID, January 2010: 32). This would, however, affect tens of thousands of IDPs who have already invested in shelters there.

### **Local integration in urban areas**

NRC/ALTAI Consulting's research on urban refugee returnees suggests that there are limits to integration. The percentage of returnees from 2001 and 2002 whose children are not enrolled in school, who live in temporary shelter, have only one income earner, and no savings, skills or effective preparation for return, is greater than for more recent returnees. "Older" returnees also have a more difficult time recovering from shocks than recent ones (NRC/ALTAI, March 2010: 9-10).

Factors that can increase IDPs' vulnerability in urban areas include weaker social networks, which affect their ability to access work, loans and permanent shelter (AREU, 2 November 2006, pp. 9, 21). Total dependence on a cash-based economy, combined with under-employment and a heavy reliance on insecure casual and daily labour, affects urban IDPs ability to make long-term plans. NRC/ALTAI found that limited access to land and housing hampers local integration for 39 per cent of returnees, as does under-employment for 32 per cent, difficulties in accessing food for 17 per cent, lack of water and electricity for 15 per cent and health services for another 15 per cent (NRC/ALTAI, March 2010: 19).

In an environment of scarcity, family resources determine who integrates better than others. Shutte's research for AREU suggests that good health, regular employment, neighbourhood integration and good social skills are important to make a household resilient to shocks including inflation, loss of income, serious illness and death. In contrast, bad health, eviction, the breakdown of neighbourhood networks, death of breadwinner and over-reliance on social networks make it difficult to overcome shocks and ultimately achieve an adequate standard of living (AREU, April 2006: 57-61).

# NATIONAL AND INTERNATIONAL RESPONSES

## General

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### National and International Response

#### IDP POLICY AND RESPONSE FRAMEWORK

##### National framework

The Brookings Project on Internal Displacement (BPID) and the Norwegian Refugee Council (NRC) finalised a review of Afghan laws and policies in 2010, based on national responsibility benchmarks. “Addressing Internal Displacement: A Framework for National Responsibility” (*BI* and NRC, November 2010; *BI*, April 2005) forms much of the basis of this section, which provides a summary of the legal, institutional and fiscal framework for an IDP response in Afghanistan.

With the exception of presidential decree 104 (see section six, land and property, above) the GoA has not yet developed legal instruments that specify measures to prevent and respond to internal displacement and ensure that the human rights of IDPs are fully respected.

The 2004 constitution and other legislation affirms the basic rights for all Afghan citizens in line with the Universal Declaration of Human Rights and other treaties and standards, including the right to equality before the law, the principle of non-discrimination, the right to freedom of movement and the right to health, education and employment (BPIP, November 2010: 12-13).

The national return, displacement and reintegration strategy was adopted in 2003 with the aim of facilitating a durable solution for IDPs displaced before 2002 (see section nine, durable solutions, above), but the GoA has not introduced a comprehensive IDP policy or plan to protect the human rights of recently displaced people. The Afghanistan national development strategy (ANDS) does, however, provide a basic framework in which to do so (Islamic Republic of Afghanistan, 14 January 2008).

ANDS' refugee return and IDP sector strategy grants the AIHRC and the UN a role in monitoring human rights for the population in general and in evaluating the GoA's efforts to promote and guarantee them. It does not, however, set out a definition of an IDP in Afghanistan, nor does it prohibit discrimination against them, a core tenet of the Guiding Principles, notably one, four, 22 and 29. ANDS underlines the importance of protecting IDPs' rights, including the right to voluntarily return, but it does not cover the right to a durable solution for those unable or unwilling to return home (*BI*, November 2010: 14-15).

The GoA's protection and assistance to conflict-induced IDPs is coordinated by the MoRR in conjunction with UNHCR. MoRR has limited leverage with other national ministries though, and it has failed to ensure that IDPs' protection is accounted for in national social programmes. It does, however, take part in the coordination of international agencies as co-chair with UNHCR of the National IDP Task Force.

The task force comprises many of the agencies working for IDP protection and has developed a principled strategy and an annual work plan to guide its actions. Its challenges include monitoring and responding to IDPs' assistance and protection needs, the facilitation of durable solutions

according to internationally recognised principles and strengthening the GoA's leadership and coordinating role in the IDP response.

The GoA, however, does not have resources to match its responsibilities towards the internally displaced population. According to the national budget, cited in the review undertaken by *BI* (*BI*, November 2010: 22), only \$3m was allocated during the fiscal year 2009-2010 to providing assistance to refugees and IDPs who wanted to return. Not all funds are channelled through MoRR though since the IDPs potentially can be assisted through other budgets if mainstreamed into national development programmes (AREU, March 2011: 145).

### **International framework**

International agencies are working together to address humanitarian challenges through a consolidated appeals process (CAP) coordinated by OCHA (CAP 2011). The CAP focuses on activities to save lives and livelihoods, and aims to strengthen common strategies through emergency preparedness and contingency planning.

The response is inserted into the UN Humanitarian Reform. It involves a coordinated sector-based intervention, in which "clusters" are led by a UN agency, often in partnership with an NGO. The responsibilities of the lead agencies include ensuring that resources are channelled to best guarantee the rights of the population. Other participating agencies are responsible for directing their intervention according to the clusters' priorities in the following sectors: health, nutrition, food security and agriculture, protection, education, WASH, emergency shelter and non-food items, multi-sector (for IDPs and refugees) and common services.

In Afghanistan, as elsewhere, UNHCR leads the protection cluster and is the overall coordinator of intervention. The PC also acts as an umbrella for five further sub-clusters that work to address specific thematic areas or population groups: rule of law, mines, gender-based violence (GBV), housing, land and property (HLP) and child protection.

The CAP presents an annual assessment of assistance and protection needs, in which it predicts likely developments for the following year and levels of intervention required to respond effectively (CAP 2011: 37-40). It requested \$870m in 2010 and received \$515m, of which 78 per cent was channelled to food security and protection activities. The multi-sector cluster, which works to ensure the rights of IDPs and refugees, received nearly \$16m.

The CAP has requested \$680m for 2011.

## **HUMANITARIAN ACCESS AND ASSISTANCE**

### **National response**

A premise for humanitarian action on internal displacement is that the state has the capacity to formulate and implement policies that respect and guarantee IDPs' rights. Donors and humanitarian agencies should accordingly strengthen national institutions.

It is difficult to gauge the reach of the Afghanistan's national IDP response. On the one hand, the government's opposition to local integration or resettlement elsewhere and its denial of the existence of conflict-induced displacement are serious concerns. The adoption of policies which deny IDPs' access to support in their place of refuge amounts to a systematic failure to protect them and to guarantee their rights to food, housing, clothing and medical assistance as set out in the Guiding Principles (as discussed in section nine above).

On the other hand, most analysts agree that the GoA lacks the capacity to protect or assist the IDPs, provide durable solutions or even take effective preventive measures (Brookings, February 2009: 18). The decentralised nature of the Afghan state makes it difficult for the GoA to respond

to the IDPs who most need assistance, those recently displaced by armed conflict in rural remote areas of the country.

### **International response**

The CAP's objectives for 2010 were to prepare and respond to conflict and disasters, and mitigate their negative effects on the affected populations; to improve access to vulnerable populations; to enhance the protection of civilians by advocating for the respect of international law and human rights; to collect and analyse data and ensure that humanitarian programmes take into account the longer-term needs of the population (CAP 2011: 8-26).

Despite high levels of insecurity across large swaths of Afghanistan, and that the fact that access to newly displaced populations in the south, north and west remained difficult, international agencies provided support to hundreds of thousands people in need. Meanwhile, both the IDP population and those found in chronic vulnerability, continue to need humanitarian assistance (OCHA, December 2010: 2).

UNHCR improved data collection on IDPs and ensured the distribution of 'NFI kits' - blankets, plastic tarpaulins, jerry cans, tents and winter clothes - to around 60,000 families. More than 22,000 families, among them IDPs who also received food support, received transitional shelters. Some 1,100 minefields were cleared and 18,000 teachers attended mine-awareness programmes (CAP, 2011: 9-13, 18).

Health workers investigated and to a large extent controlled cholera outbreaks, and gave hygiene education to 1.3 million households. The number of newly-trained health workers also increased. Some 10,000 wells were chlorinated, while 240,000 children and 150,000 pregnant or lactating women received micro-nutrients (CAP, 2011: 17). IDPs were among the beneficiaries.

The multi-sector group worked to ensure a long-term solution for refugee returnees and IDPs. Among its achievements were the returns of 112,000 refugee returnees and 2,500 IDPs and delivering financial support to 800 extremely vulnerable families or individuals.

ICRC, including its network of Afghan Red Crescent Society volunteers, has a considerable operation in Afghanistan, distanced from the UN's integrated approach or the cluster mechanism. According to its 2009 annual report, the agency provided more than 581,000 conflict-afflicted people with food, 70 per cent of them women or children (ICRC, January 2010). It provided 83,000 IDPs with essential household items and supported tens of thousands more through micro-economic projects. Six ICRC-run physical rehabilitation centres treated 70,800 disabled people (Ibid).

### **Access restrictions – the main limit to a more efficient IDP response**

Civilians in need are entitled to humanitarian assistance. Denial of humanitarian access to civilians and attacks against humanitarian workers are therefore prohibited under the 4th Geneva Convention and its Additional Protocols and parties to a conflict must facilitate humanitarian assistance to people in need. However, according to the Protection Cluster, 54 specific cases of denial of humanitarian access were registered in the south during 2010.

The space for humanitarian action is severely restricted in Afghanistan. Insurgent groups have targeted international and non-governmental humanitarian workers and government employees working in the health and educational sectors over the years. This has severely impaired Afghans' access to humanitarian assistance, in particular life-saving medicine, food, and education.

Large parts of the south, south-west, south-east, east, west and north of Afghanistan are classified as "extreme risk, hostile environments" where most agencies struggle to operate. This places displaced women and children in conflict areas at particular disadvantage.

The integrated approach, where parties to the conflict have used private organisations to provide relief services for the purpose of winning their support, has, according to most analysts, made humanitarian work even more difficult. The situation has been made worse by the fact that the political and humanitarian wings of the UN are not clearly separated. As such, the organisation is seen as taking sides, and this has serious consequences for the humanitarian system's ability to operate effectively (see e.g. Tufts, May 2010).

Independent agencies have, however, gained some acceptance from insurgents since late 2009 and attacks against NGO workers in the first half of 2010 were 35 per cent lower than in 2008-2009, according to the Afghan NGO Safety Office. The Office reiterated in 2011 that there remains no evidence to suggest that AOG deliberately targeted NGOs (ANSO, January 2011).

With the benefit of a direct humanitarian dialogue with all armed actors, the ICRC has expanded its presence in several conflict-affected and insecure areas (IRINNEWS, 8 July 2010). In its view, the increasing numbers of armed groups hired by PGF constitute the main threat to humanitarian access in some areas of the country. Their competing agendas can compromise hard-won humanitarian space (IRINNEWS, 1 November 2010).

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