

Review Note Assignment for Module E 2004

A Review Note on Internally Displaced Persons in Afghanistan

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Three articles from Volume 19(2) of the *Refugee Survey Quarterly* (2000) discuss issues related to the internally displaced in Afghanistan. This note summarises them and then compares them with topics raised in more recent articles.

M. J. Dolder^[i] discusses the role of the ICRC in Afghanistan, in particular, its 1999 survey into peoples' experiences of the conflict and their understanding of international humanitarian law. The short article explains the huge impact of the long-lasting conflict on displacement, namely that 83 percent of the country were at some stage forced to leave their home and live elsewhere. Dolder recommends greater engagement of the international community with authorities and civil society, a greater focus on protection and inclusion of the wider population in aid programs, given the general level of destitution.

J. A Benjamin^[ii] describes the prolonged nature of the crises in Afghanistan and the multiple displacements experienced by people. The author focuses on the gender dimensions of internal displacement and the importance this has for the design and implementation of humanitarian assistance programs. Benjamin summarises issues connected to the Taliban regime, and the assistance programs being provided by the international community. In particular, the article discusses how well-meaning gender-focused projects (for example focusing on the *burqa* or targeting only women) are sometimes inappropriate given the real social and cultural situation, and the general levels of poverty in the wider community. General recommendations given include the inclusion of internally displaced women in planning and monitoring of programs, regular gender audits of programs, and greater focus on community development rather than only short-term relief measures.

In the third article, A. F. Hakim^[iii] discusses the lack of basic elements of government in Afghanistan and the fluctuating situation in relation to conflict, displacement and development. The author argues that there remain "local capacities for peace", where a dialogue about peace and tolerance can be started. In particular, Hakim provides a model where the aid community can act as a go-between or bridge between local authorities and the war-affected population. It is argued that work is required not only for the affected population's needs, but also towards their protection.

Developments Since 2000

These three articles were published in 2000 before the United States-led invasion of Afghanistan, the ousting of the Taliban regime and the Bonn Agreement. Therefore, it is necessary to compare the above opinions with more recent information.

UNHCR reports that in 2002 in Afghanistan, more than 2 million refugees and IDPs returned home.^[iv] In the same year, however, OCHA's IDP Unit estimated that there were still around 1.2 million internally displaced in Afghanistan.^[v]

The Guiding Principles on Internal Displacement are based on the premise of sovereign responsibility for protection from, and during, displacement (see for example principles 3, 25 and to a lesser extent 30). The interim government committed itself to a National Plan for IDPs in April 2004.^[vi] However, due to the continuing conflicts along clan or ethnic lines, and current weak central government control with warlords as de facto rulers in many areas, the responsible duty-bearer chosen by the international community, i.e, the current interim government, has not been able to be fully effective in protecting IDPs. According to the Principles, the international community is legitimised to fulfil this function. However, access to many IDP communities remains impossible due to the deteriorating security situation in certain districts.^[vii] The lack of access by the international community results in a foundering of return and protection efforts and a lack of reliable information, leading in turn to a number of voluntary returns. Although people often have good knowledge of the situation in their place of return, if security conditions and the sustainability of returns are not guaranteed, there can be renewed displacement.^[viii]

Given the protracted nature of the suffering in Afghanistan, and the fact that many people have been re-displaced, there is often an absence of alternatives, and/or a lack of reliable information, which may lead to a decision for people to stay where they are.^[ix] Major displacement crises are often not simply a temporary problem, which normalizes at the end of the conflict, when people can return to their homes.^[x] Cohen argues "even in countries where conflicts are formally over, continuing animosities ... may jeopardise return processes and impede an end to displacement."^[xi] This has a great impact on the local population, particularly in urban centres, where population surges increase general economic difficulties and the local population is hardly in a better situation than the displaced.^[xii]

Principle 14 of the Guiding Principles provides for the right to liberty of movement and freedom to choose one's residence, i.e. return can only ever be voluntary. Under this approach, "[d]isplacement ends when IDPs have established their place in a self-selected community of choice."^[xiii] Freedom of choice requires informed decision-making and protection in those decisions. If protection is seen not only as physical safety, but also legal safety (legal redress and justice, political reintegration) and material safety (equal access to services, social integration, education, economic opportunities), then the duty-bearers must work towards maintaining choice and also providing opportunities, including focusing on the root causes of the conflict.^[xiv] Any action plan for returns and reintegration therefore demands a coordinated approach, with a focus on protection, human rights and eliminating the root causes of displacement in order to be sustainable. The long-term aim should therefore be equality between all persons, even if the general standard in the country is very low and needs development. Cohen explains that the Guiding Principles do not confer legal status on IDPs, but rather that in their own country, IDPs are "supposed to enjoy the same rights and freedoms as other people."^[xv] An equality-based test for the 'end' of displacement, and one based on international principles of non-discrimination, is of course also in keeping with the nature of the Guiding Principles, specifically principles 1, 4, 20, 22, 24 and 29.^[xvi]

Conclusion

Therefore, despite the different authorities in place in Afghanistan in 2000 and currently, this brief comparison of literature shows that many of the same issues remain highly relevant, for example, that there must be a focus on protection and linking relief and development in programming, that the needs of the 'host' community must be balanced with those of the displaced, and that there must be informed choices for voluntary return or alternative opportunities. However, the environment in which the international community is able to act has changed quite dramatically since 2000, and therefore the methods of implementation of IDP protection in Afghanistan must also change.

[i] "International Standards of Protection Versus the Effects of Two Decades of War on the Afghan People", 19(2) *Refugee Survey Quarterly* 2000, 128-131.

[ii] "Internal Displacement in Afghanistan: Coping Strategies and Gender Differences – Applying International Human Rights Standards", 19(2) *Refugee Survey Quarterly* 2000, 132-136.

[iii] "Comments on the Case of Afghanistan", 19(2) *Refugee Survey Quarterly* 2000, 137-141.

[iv] UN High Commissioner for Refugees, "Rebuilding Lives in Afghanistan", available on www.reliefweb.int.

[v] Internal Displacement Unit, OCHA, "The IDP Situation in Afghanistan: Report of the Mission", 28 March 2002, 2.

However, it is noted that data is not always reliable. OCHA's new Afghanistan Information Management System (AIMS) is supposed to rectify some of these concerns. *Ibid.*, 3.

[vi] See P. Spink, "A Closing Window? Are Afghanistan's IDPs being Forgotten?", *Forced Migration Review* 21, 34-36. This plan distinguishes four (non-exclusive) groups of IDPs: (1) Pashtuns displaced from the northern provinces; (2) Kuchi displaced in the southern provinces due to drought; (3) Kuchi with certain migratory routes; and (4) non-Kuchi drought-affected persons, with each group facing different difficulties and therefore different opportunities for return and reintegration. There is also a Return Commission for the North West, a Return *Shura* in Bamyan, and a number of Human Rights and protection working groups in the provinces, all of which are apparently working well. See Global IDP Database, "Returning IDPs Face Precarious Security Conditions and Human Rights Abuses" (2003).

[vii] Global IDP Database, "Returning IDPs Face Precarious Security Conditions and Human Rights Abuses" (2003), 36.

[viii] Personal conversations with Mr Peter Neussl, IDP Unit, OCHA, Geneva, carried out between 7-9 October 2004.

[ix] See, for example, R. Cohen and F. M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Brookings Institution, Washington D.C), 29; IRIN, "Afghanistan: Focus on the Internally Displaced" at <http://www.irinnews.org/webspecials/idp/rAfghanistan.asp>.

[x] D. A. Korn, *Exodus Within Borders* (Brookings Institution, Washington D.C., 1999), 114; Cohen and Deng, *Masses in Flight ...*, 23.

[xi] R. Cohen, "The Role of Protection in Ending Displacement", *Forced Migration Review* 17, 21-23, at 21. A key question in recent literature has been when does internal displacement end? The question becomes important, because it can determine responsibilities of national authorities and the international community. This has been an important topic for experts on internal displacement and a subject for a number of roundtables of UN agencies and the Brookings Institute Project on Internal Displacement, considering needs-based, claims-based and equality-based criteria. Personal conversations with Mr Peter Neussl, IDP Unit, OCHA, Geneva, carried out between 7-9 October 2004. See also *Forced Migration Review* 17, which focused on this issue, and discussion in Cohen and Deng, 35ff.

[xii] Refugees International, "Displaced Persons in Northeast Afghanistan", 6 January 2001, at <http://www.refintl.org/content/article/detail/667/&output=printer>. In certain regions, where the local residents also face food insecurity, it can be unfeasible to offer assistance only to IDPs. Korn, *Exodus Within Borders*, 36. Such programming can actually strengthen divides between different groups or create more IDPs as others seek to benefit from the relief being offered.

[xiii] S. Petrin, "Internal Displacement in Afghanistan Ends for Some, Not for Others", *Forced Migration Review* 18, 46-48, at 46.

[xiv] See "Protection of Internally Displaced Persons", Inter-Agency Standing Committee Policy paper (New York, December 1999), 3, 9, which notes the growing awareness of the relationship between protection and assistance.

[xv] R. Cohen, "Sovereignty as Responsibility: The Guiding Principles on Internal Displacement", Public lecture, Jadavpur University, 5 December 2003.

[xvi] See the Guiding Principles on Internal Displacement and the Annotations to them by W. Kalin (2000).

A Review Note on Internally Displaced Persons in Afghanistan

P.S. Rao

Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of or in order to avoid the effect of armed conflict, situations of generalized violence, violations of human rights or natural or human made disaster and who have not crossed an internally recognized borders.

The internally displaced persons surpassed that of refugees beyond the imagination of world community. Today an estimate of 25 million internally displaced person's spread all over Asia, Africa, Eastern Europe and Latin America. These persons have been forcibly uprooted from their home, by civil wars, ethnic conflicts, natural and man-made disasters. These persons are trapped within their own country's boundaries under situation of grave human rights violations.

Cold war politics and the role played by super powers was direct cause of the havoc created in Afghanistan. Millions of Afghans became uprooted both as refugees and as internally displaced during the years of soviet occupation as soviet troops battled Mujhadeen guerillas backed by the United States, Pakistan and Saudi Arabia. Afghan was invaded by Soviet Union in 1979 and the Afghan people faced massive aerial and land attacks by the Soviets, the national military forces and Mujhadeen fighters. Afghanistan is a country with an estimated one million people displaced within the borders and producer of world's largest refugee population.

More than one million civilians are killed and countless numbers injured and disabled. Women and girls faced the hazardous of rape, torture forced marriages and degradation. Men fought and some of them died while some maimed and the women had to take the responsibility of the household scores and moved from place to place for their survival. They took up the role of bread winners in place of their men folk.

After the withdrawal of Soviet forces in 1989 from Afghanistan the world attention minimized. The Taliban invasion of Kabul in September 1996 created some more problems. The fundamental Taliban declared that women and girls are banned from school and universities and were not allowed to work outside their homes and required that a male should escort the female in public. They also imposed restriction that the muslim should always move with burkas. The men were not allowed to shave or wear western clothes and regard the western culture as unIslamic. Since the Taliban banned women from working the NGO and UN agencies managed to convince the Taliban to make exceptions for women who work in health care and food deliver program. During the Taliban's rule the American's attacked the Afghanistan on Osama Bin Laden's issue and again the sufferers were the people. There was lot of destruction and many of them become IDPs.

In Afghanistan the decline towards poverty and destitution continued. The seasonal offensive to try to control more territory and more people remained the favored option in the objectives of warring factions. The International Red Cross in Afghanistan not only cared the IDPs which are part of the civilians and who are victims of the war but also cared the wounded soldiers and prisoners. In 1999 the ICRC organized discussions between the civilians and combatants which enabled them to share their experiences. The Afghans told their experience about their hopes and fears due to the war and internal troubles for the past 20 years. Two decades of war in Afghanistan have unleashed a never ending wave of destruction that had eroded traditional protection for civilians and swept aside long accepted rules of wartime behaviour. Irrespective of the combatants that face each other or their goals civilians in Afghanistan have been at risk like few other people in the world.

In Afghan culture a man's honor is linked with caring for his family. The lack of jobs for men and women cause wide spread depression and sometimes desertion when man cannot face their dishonor. Domestic violence is increasing and women wanted the help should be extended to their husband if any wanted to help them.

When internally displaced persons are placed into camps or compound as in Kabul where thousand of people live in the former Soviet diplomatic compound access to the population is controlled by Talibans.

The women in Kabul are found living in extremely poor condition. The family and individual share common rooms with no facilities for privacy, living, bathing or sleeping. Clean water and adequate toilet facilities are not available. There is discrimination so far as the facilities for women and men are concerned where the men enjoy better facilities.

The only sound and lasting basis for prevention of internal displacement in Afghanistan like any other IDPs in the world is good governance. Crisis of displacement inevitably stands from a failure on the part of Govt. to discharge their responsibilities on the citizen through good and legitimate governance.

The internally displaced persons shall enjoy in full quality the same rights and freedom under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any right and freedom on the ground that they are internally displaced.

The protection needs of women who with their children constitute the majority of internally displaced persons require special attention. Camps should be designated with an eye to meeting women's special security needs with attention given to placement of latrines lighting and how far women should have to go for fire wood. Too often the response to sexual violence against displaced women focuses on arresting victim after the attack has taken place rather than on preventing violence.

The internally displaced women should be involved in planning, designing and monitoring of programs.

The Afghan people are thinking that with the ensuing elections there will be some stability and they can return back to their homes.

Write a review of the relevant chapters of *Exodus within Borders*/David A. Kron

Eva Saroach

David A. Kron. *Exodus within Borders: An Introduction to the Crisis of Internal Displacement* (Brookings Institute Press, Washington D.C. 1999).

They lit the torch and threw it into the house, laughing. They said if we did not leave, they would come back and not leave even the dogs alive. Then we left, without taking anything, only odds and ends.....

Today on an estimate there are 25 million Internally Displaced Persons spread all over Asia, Africa, Eastern Europe and Latin America.....

Exodus within Borders: An Introduction to the Crisis of Internal Displacement is a systematic and scholarly summary, based on an in-depth study conducted by Roberta Cohen and Francis M. Deng, that brilliantly informs the reader as to who the 'internally dis-placed' persons are, their mental agony, a feeling of loss—identity, pride, 'homeland', from 'some-where' to 'no-where', the critical question of re-settlement /return to homeland, the question of 'rights', their geographical composition at the global level, the complexity of causes, the response from the international community, and how the internationally community can through collective measures deal not only with a humanitarian challenge but also a threat that is to the security, stability and economic well-being of nations on all continents. The study also through the 'power of lens' brings alive, the otherwise, silent cartographies of internal 'dis-placement'. The powerful images of the internally displaced persons speak forcefully about the 'geographies of danger' that they confront. The study on the other hand also draws our attention towards the challenges that the crisis of dis-placement poses to the receiving community, the impact upon the ecology and the quest for the natural resources between them.

As argued in the study, internal displacement reflects a breakdown in the basic mechanism of society and a crisis of national identity. Chapter one of the book, very coherently problematizes the notion of 'national identity'. The key argument in this chapter is that in almost all the cases, there is a common denominator, which Deng defines as, a 'crisis of national identity' that generates cleavages between the affected population and the controlling authorities, government, or insurgent groups. In other words, there exists a 'sense of alienation', embedded in the logic of othering, where the 'other' within the borders, is alien, is threatening. For instance, for the internally displaced persons, the government is not 'their' government, as it supported or represented an 'alien', competing, and often hostile racial, linguistic, religious, cultural, or tribal group. Where as, for the governments, although displaced persons are citizens in theory, the displaced have been regarded as an alien and threatening group usually with a different language, cultural or religion and most often a minority. But it is also very forcefully pointed out that it is never the mere differences of identity based on ethnic grounds that generates conflict, but the consequences of those difference in sharing power and the related distribution of resources and opportunity....the role of

political leadership at all levels, from local to national, is pivotal. Which suggests that ethnicity is clearly a resource for political manipulation and entrepreneurship. Therefore, to categorize them as victims of internal displacement is not only to strip them of their essential humanity but also to place them, define and identify them in highly hegemonizing bureaucratic category. Hence to understand the problem of internal displacement, it is important to know as to who are the internally displaced people?

Keeping in mind the complexities of defining internally displaced persons (IDPs), the second chapter gives an encompassing definition of internally displaced persons or group of persons that broadly include those forced out as well as those who flee or leave. Along with this it also retains a category of natural and manmade disasters. Furthermore, by using the term 'in particular' it does not arbitrarily exclude any future serious situation. The chapter also draws our attention towards the 'gendered nature' of displacement, it's often been observed that women and their dependent children suffer the most.

Chapter three maps out at length the geographical configuration of the IDPs and the reasons for their displacement— crisis/politics of national identity, ethnic politics, politics of scarce resource, civil war and the cold war politics that lead to refugee problem and internal displacement in Afghanistan and Cambodia. The scourge of internal displacement has spared none of the continent. Ravaged by civil war the African continent is the hot spot of internal displacement.

Chapter four offers a detailed account of the agencies involved in providing relief and protection to the IDPs. The UN and other major international humanitarian organizations have played a key role in assisting and protecting the IDPs even though none have a specific, legally recognized mandate to do so. The UN agencies involved are UNHCR, UNDP, World Food Programme, UNICEF, WHO, and the Office of the High Commissioner for Human Rights- established in 1994 to play an important role in protecting populations at risk. Among those outside the UN framework are the International Committee of the Red Cross (ICRC) and International Organization for Migration. The chapter also draws our attention towards certain shortcomings, legal, financial and political in nature. As refugee advocates have expressed concerns that by assisting and protecting internally displaced persons the agencies may put itself in the position of discouraging persons in danger from becoming refugees, and that its actions in that sense could offer governments a pretext for refusal to grant asylum. Apart from this, there are limits to what these organizations can do. Since the Geneva Conventions extends only to situations of international or civil war nor lesser conflicts that would not qualify as civil war.

Though Refugees were protected by a detailed international legal code, i.e, the 1951 Refugee Convention, but there was no such instrument setting forth the rights of the internally displaced persons. More so, by being displaced the IDPs did not forfeit their rights but it was not clear as to what rights they could legitimately claim and what obligations governments and insurgents forces had towards them. Chapter seven offers detailed account of the legal framework for protecting the internally displaced persons. The Guiding Principles on Internal Displacement was finalized in 1998 by legal experts and representatives of UN agencies, regional bodies and NGOs in Vienna. The most significant aspect of the Guiding Principles on Internal Displacement is that it offers protection against displacement, protection during displacement, and protection during return and reintegration. Though the Guiding Principles are in consonance with the International Law but they are not binding legal document, as a non-binding instrument would help to create the moral and political climate much needed for improved protection and assistance for the internally displaced while avoiding any confrontation with the government opposed to the binding rules.