



TOWARDS DURABLE SOLUTIONS FOR AFGHAN REFUGEES AND INTERNALLY DISPLACED PERSONS

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Good afternoon. It is an honor to be with you here today. On behalf of the Brookings Institution-CUNY Project on Internal Displacement and the Representative of the Secretary-General on Internally Displaced Persons, Francis Deng, I'd like to thank UNDP and the German Government for the invitation to participate in this important initiative. Although I did not participate in the first workshop, I was pleased to learn that it identified the return and reintegration of refugees and displaced persons as being a high priority for the international community and indeed devoted an entire session to this issue. I do hope that my comments today will not be too repetitive, but rather will complement and further this discussion.

In particular, I've been asked to speak under the theme of human security about refugees and internally displaced persons. Human security is a broad concept, which at its most fundamental entails "freedom from pervasive threats to people's rights, their safety or their lives." It is a theme of tremendous significance to refugees and displaced persons as these are people who have had to flee precisely because of threats to their human security, who typically face continuing threats once displaced and for whom a durable solution to their plight relies on a restoration of their human security, in particular their physical safety and human rights.

The comments I'll be making today are based on many years working with Francis Deng, the Representative of the UN Secretary-General on Internally Displaced Persons. Together we've studied and also visited many situations of internal displacement the world over. From these various situations it is possible to distill a number of lessons which can inform thinking about and could usefully be applied to the search for solutions to the plight of Afghan refugees and internally displaced persons.

THE CURRENT DISPLACEMENT CRISIS IN BRIEF

While events since September 11th resulted in many Afghans having to flee their homes, displacement of course is not a new phenomenon for Afghanistan. For over 20 years now, conflict, and more recently also drought, has displaced large numbers of Afghans, resulting in more than 5 million refugees, with 3.5 million in Pakistan and Iran alone, and more than a million internally displaced persons inside Afghanistan. After the events of Sept. 11th, the number of internally displaced persons soared to over 2 million while, due to tight border restrictions imposed by neighboring countries, only 200,000 Afghans managed to flee outside of the country, mostly to Pakistan.

Though thousands of refugees and internally displaced persons have been begun to return in recent weeks, many remain in camps where, in many cases, the significant presence in the camps of arms and armed factions, who are not always under the full control of their own commanders, are posing grave security problems for the displaced. Unaccompanied women and children are at particularly high risk of abuse and intimidation. The militarization of the camps not only points to the need for ensuring the civilian character of the camps but also gives even greater urgency to the need to find solutions for the displaced.

Meanwhile, though the general trend is towards return, new displacements continue to occur. The fighting in recent days between rival warlords and factions in the eastern town of Gardez has led many residents to flee on foot.

These are just a few illustrations of how, even as the transition from emergency to reconstruction programming gets underway, there continue to be serious protection issues. It also tends to be the case, however, that human rights and protection issues don't receive much attention in the return or resettlement phase. And yet they are critical; critical not only to the physical safety of the displaced as they return but also to the entire reconstruction and reintegration effort. Ensuring human security is essential to durable solutions.

I will now highlight some of the key issues of security related to the return of refugees and displaced persons, grouped under four themes, and provide some examples of ways in which these issues have been addressed in other situations. These examples are given by way of suggestion and mostly to demonstrate that there are precedents from other situations that could usefully inform the current and future response in Afghanistan.

1. ENSURING SECURITY WILL REQUIRE INTERNATIONAL SUPPORT.

The primary responsibility for protecting and assisting populations lies with the Government of the state concerned. However, in Afghanistan, as was the case in East Timor and Somalia for example, a fully functioning national government is lacking and only beginning to take shape. In its absence, widespread looting and banditry is overrunning large parts of the country, putting the security of the population at continued risk. There is an urgent need to create a national police force and army as well as a

judicial system. It will be important for the international community to support the development of these institutions, including by providing training to officials in international human rights law (including the standards applicable to internally displaced persons - the Guiding Principles on Internal Displacement which, by the way, have been translated into Farsi and Pashtu).

Until a national police, a security force, a judicial system are established and truly effective - and Afghanistan's interim leader indicated to the Security Council last week that this will take some time -- there is a need for the international community to play a supportive role in ensuring the security of the population. There are a number of facets to the type of international engagement required.

To begin with, the voluntariness of return or resettlement must be assured. The right to voluntary return in safety and dignity is enshrined in international refugee law and also in the Guiding Principles on Internal Displacement. Refugees in camps outside of Afghanistan in particular must be protected against any attempts to force them to return to Afghanistan against their will and before international monitoring and screening mechanisms are put in place.

Independent human rights monitoring on the conditions inside Afghanistan and specifically in areas of return also is essential. The voluntariness of return can only be assured if refugees and internally displaced persons have access to reliable and impartial information on the conditions in their home areas. In many other countries, international facilitation of "go and see" visits by representatives of refugee and displaced families and communities to their areas of origin has been an important part of this process.

Continued human rights monitoring after displaced persons return is just as critical in order to ensure the safety and sustainability of return. In this connection, there is a need for an ongoing international presence in areas of return, in particular of international organizations with expertise in protection and in reporting and responding to human rights violations. UNHCR, the ICRC and international human rights monitors have a key role to play in this regard and must be brought in. One instructive example for Afghanistan comes from neighboring Tajikistan, where from 1993 to 1995 UNHCR deployed international monitors who regularly interviewed returnees, registered their complaints of harassment or other human rights abuses, and advocated on their behalf with local authorities. This ongoing monitoring of the security situation of returnees helped to cement the durability of the return process. Similar such engagement should take place in Afghanistan as well. To do so, the safety of international humanitarian and human rights personnel themselves of course must be assured.

An international security force has been deployed but is limited in size and in the scope of its mission: to maintain stability in Kabul. This is hardly enough, as the security situation in many parts of the country remains precarious. An enlarged and expanded international force deployed beyond the capital, to especially insecure localities elsewhere in the country, urgently is required to combat the lawlessness and violence that has broken out and has begun to displace people anew. Last week, Mr. Karzai appealed

publicly for such a force, emphasizing that it will be difficult for him to exercise his administration's authority throughout Afghanistan without international support of this nature.

In addition to ensuring stability and security in general, such a force could usefully be assigned a specific role in ensuring the security of refugees and displaced persons in areas of return. Precedents for this exist. For example, the mandate given by the Security Council to the UN Observer Mission in Georgia, which is comprised of unarmed military observers, includes a specific responsibility to "contribute to the conditions for the safe return of refugees and displaced persons".

De-mining is another critical component of security for the displaced. Areas of return or resettlement will need to be cleared. And returning refugees and displaced persons require mine awareness and information: unlike their neighbors who stayed behind, the displaced return at a disadvantage in having less knowledge as to the areas around their homes and communities where mines are laid.

To cement peace in the country and ensure long-term security for the population of Afghanistan as a whole, there is also a need for some kind of conflict-resolution process as well as a mechanism for addressing past crimes.

2. COMPREHENSIVE, COMMUNITY-BASED APPROACHES TO RETURN, RESETTLEMENT AND RECONSTRUCTION ARE CRITICAL TO AVOIDING THE CREATION OF NEW TENSIONS AND INSECURITY.

Both refugees and displaced persons require reintegration assistance to meet their urgent needs during the initial phase after return or resettlement, especially in terms of shelter, potable water, agriculture and income generation, and health and community services. And yet, while refugees typically receive support packages for return, internally displaced persons often have gone without similar support. This discrepancy creates a potential for new tensions and conflict. Currently in Afghanistan both refugees as well as internally displaced persons are being provided with reintegration assistance packages - a lesson well learned, then.

In the longer term, it will be important to ensure that efforts to assist returnees are integrated into broader community-based development schemes, so that tensions do not arise between returnees and the non-displaced population, whose needs for assistance must also be taken into account.

3. PROPERTY AND LAND-OWNERSHIP ISSUES ARE AN ADDITIONAL POTENTIAL SOURCE OF CONFLICT.

When refugees and displaced persons return, disputes over property and land ownership often arise and can be a source of conflict and insecurity. Their houses may be occupied by other families, who sometimes are displaced persons themselves, and may be members of rival ethnic or tribal groups. An institutional mechanism and legal

framework is needed to address property issues. The Housing and Claims Commission established in Kosovo and a similar mechanism established earlier in Bosnia provide examples of recent experience from which to draw.

Special attention will need to be paid to the situation of returning refugee and displaced women who may face particular problems in the area of property and inheritance rights. In his visits to Rwanda and Burundi, the Representative of the Secretary-General on Internally Displaced Persons found that widowed women were unable to inherit land or other immovable property from either their husbands or parents and, unless they have sons, risked losing their property to their deceased husband's relatives. Given the systematic and severe limitation of the rights of women under the Taliban, it is conceivable that a similar such problem may arise in Afghanistan. In Rwanda, the Office of the UN High Commissioner for Human Rights provided technical assistance to assist the Government in reforming national legislation with a view to ensuring a non-discriminatory approach to the property rights of returnees.

4. ENSURE THE SECURITY OF DISPLACED WOMEN AND THEIR PARTICIPATION IN RECONSTRUCTION.

Almost invariably, the overwhelming majority of refugee and internally displaced populations consists of women and children. Because women traditionally play such a central role in caring for their families, their security is paramount to that of their families and communities as a whole. It has been said that "if security is not assured for women, it is not assured for anyone." The particular security needs of displaced women, and high-risk groups among them such as women-headed households, must be given priority attention and response.

To this end, it is important to consult displaced women on the decisions that affect their lives and, more broadly, to support civil society and groups of IDPs and refugees, especially women-led NGOs and those NGOs working to improve the situation of women.

Moreover, involving local capacity and talent, especially of women, will be essential to a successful reconstruction effort. Particularly among the refugee population that has been in Pakistan for upwards of 20 years, women have learned skills and trades which will be invaluable and must be channeled into the efforts to rebuild the social and economic capacity of Afghanistan. One way to ensure this is to introduce gender clauses into the funding of reconstruction projects, as indeed the World Bank has committed to do with regard to programs for internally displaced persons in Georgia.

In conclusion, it most fitting that the first session of this workshop is devoted to the issue of human security, for it is a priority concern. Indeed, it must be the central concern. For without security in place, one can't possibly make durable gains in reconstruction and development and therefore achieve durable solutions for the displaced. UNDP's own experience underscores this lesson. Its reintegration programs in Central America have largely been considered successful owing to the fact that human rights were included as a

central component. By contrast, the absence of a human rights monitoring component integrated into programs for the return and reintegration of refugees and displaced persons in Kenya was found to undermine these programs' effectiveness.

For the elaborate reconstruction and reintegration program underway in Afghanistan to be effective, it needs to be underpinned by concrete efforts to ensure the security of the population it is intended to assist. The interim leader of Afghanistan emphasized this to the UN Security Council last week, stressing that "security is the key issue." International donors are bound to agree and prove reluctant to release the billions of dollars pledged for the elaborate program of reconstruction aid for Afghanistan if security problems are not addressed. Security thus is central to ensuring that the solutions currently being promoted for refugees and internally displaced persons, and indeed for Afghanistan as a whole, are indeed durable.