



**The Norwegian Refugee Council  
In partnership with  
The United Nations High Commissioner for Refugees**

**Training on the UN Guiding Principles on  
Internal Displacement**

**December 2003**

**Kabul, Afghanistan**

**Workshop on the Guiding Principles**  
**7-8 December 2003**  
**Kabul, Afghanistan**

Introduction

The Norwegian Refugee Council (NRC) and the United Nations High Commissioner for Refugees (UNHCR) organized a training workshop on the UN Guiding Principles on Internal Displacement in Kabul early December 2003. The workshop targeted representatives of state and provincial authorities, international agencies and national NGOs, whose mandate and activities relate to the protection of internally displaced persons (IDPs) in Afghanistan. The workshop was implemented following the recommendation made by an inter-agency mission in May 2003 that training needs of local actors with regard to the protection of IDPs should be more systematically addressed.

The objectives of the workshop were:

- To raise awareness about international standards regarding protection from arbitrary displacement among authorities, international agencies and national NGOs.
- To give participants the opportunity to share experience and opinions on the issue of internal displacement
- To identify problems relating to internal displacement in Afghanistan and formulate recommendations to relevant actors

The workshop was essentially based on the training modules on the Guiding Principles designed by the Global IDP Project of the Norwegian Refugee Council. These modules review the origin and legal background of the Guiding Principles, international standards regarding protection of IDPs from arbitrary displacement and during displacement, and durable solutions. Beside presentations and exchanges in plenary, discussions in smaller groups gave participants the opportunity to review problems of protection affecting IDPs in the country. The workshop was facilitated by a trainer from the Global IDP Project with the support of NRC office in Kabul. In conclusion to the workshop, UNHCR Kabul led a special session on property and land issues in Afghanistan and made a presentation of the international response to internal displacement.

All participants received a copy of the Guiding Principles in their original version in English, as well as translations in Dari and Pashtun. A compilation of the main international human rights instruments published by the Afghanistan Independent Human Rights Commission was also distributed to all persons present.

This report summarises the main concerns voiced by the participants during group works and discussions in plenary.

The IDP definition

There was a consensus among the participants that the definition of an internally displaced person as contained in the Guiding Principles applies to the displacement crisis in Afghanistan. In particular, the main causes of displacement in the country were identified as corresponding to causes listed in the Guiding Principles, ie “armed conflicts, situations of generalized violence, violations of human rights, [and] natural or human-made disasters” (Guiding Principles – introduction).

Other causes of displacement were also mentioned such as government’s projects, whose implementation requires the eviction of local residents or IDP camps. The creation of military camps by the government was given as an example of such projects. These camps were generally not perceived by the population as a contribution to development, and evictions were seen as arbitrary. Furthermore, many evictions have been carried out in Afghanistan in clear violation of international standards, in particular with regard to identifying alternative solutions not implying displacement and the payment of compensation (Guiding Principle 7).

How to distinguish between people forced to leave their homes for reasons mentioned in the Guiding Principles and economic migrants was also seen as a challenge when determining the current extent of displacement in Afghanistan. Many of the residents in Kabul have been displaced from their home areas several years ago and do not want to return for economic reasons. Refugees who have returned from third countries have also often made the choice to resettle to urban centres, where they have better economic opportunities to sustain their life. However, several participants from governmental institutions criticized UNHCR for not cooperating sufficiently with local authorities on trying to identify IDPs in urban areas with more precision.

Some participants also raised the question of whether individuals should be considered internally displaced in cases where causes behind displacement were affecting a person individually, in opposition to a group or a community. The example of a woman fleeing domestic violence and seeking safety by moving to another area was put forward as such a problematic case by some participants. NRC highlighted that the definition refers to “persons or groups of persons”, which clearly covers individuals. The ability of the state in providing protection to human rights abuses should also be assessed.

It was finally noticed that the Dari and Pashtun versions of the Guiding Principles distributed to the participants did not seem to coincide with the official English version, in particular with regard to the definition. Participants recommended that the translation of the Guiding Principles into local languages should be reviewed.

### Protection from displacement

Risks of renewed displacement in the country were not excluded by the participants. Ethnic tensions in northern Afghanistan and fighting between war lords may continue to trigger more forced displacement among the local population. This violence also prevents

displaced persons as well as returning refugees from going back to their home areas, causing renewed displacement upon return.

Participants' recommendations as to the prevention of forced displacement included the continuation and strengthening of the democratization process at the national and local levels. Government officials and local authorities should be made aware of existing risks of displacement in the country, and trained about international standards in human rights and humanitarian law pertaining to the prevention of arbitrary displacement. Violence is also best prevented through the collection of weapons, which should be accelerated wherever possible. Property and land issues are also a key factor of prevention in Afghanistan. International and national efforts to settle land and property disputes should also be given priority, as part of a strategy to minimize the risks of renewed displacement. Finally, participants highlighted the need for programmes to support reconciliation among communities at the local level, and to help mitigate ethnic conflicts.

### Protection during displacement

In general, participants highlighted that assistance needs of IDPs in urban centres such as Kabul were vast, including access to health care, education, income generating activities, sanitation facilities, and food. Various participants, in particular from national authorities, insisted that UNHCR should coordinate more closely with national authorities when addressing problems faced by IDPs in urban areas. However, UNHCR suggested that the needs of IDPs should be addressed as an integrated part of a more global assistance scheme aiming at improving conditions of vulnerable civilians in urban centres as to shelter, employment and access to health services.

IDPs living in camps were also seen as a group in need of attention by the participants. Several shortcomings as to assistance were highlighted. Housing conditions in several of the camps were considered inadequate to protect IDPs against winter conditions. Several participants estimated that access to food was more problematic for IDPs in camps than for ordinary citizens. On the other hand, it was also highlighted that camp residents have better access to education services and health care. However, the disparities between existing camps with regard to the condition of IDPs and the level of aid provided are considerable and should be addressed by the international community.

In general, poverty among IDPs in camps remains widespread. According to participants, IDPs have little opportunities to sustain their own lives and remain dependent on external aid. Camps are often very distant from cities, making traveling for IDPs in search of employment or other sources of incomes difficult. It was recommended to develop the capacity of the IDPs to become self-reliant, in particular through vocational training.

One participant raised the issue of security in IDP settlements. Insecurity continues to prevail in many parts of the country, while police and security forces are too weak to enforce law and order in many areas. As a result, abductions of IDPs have occurred in several camps.

Participation of IDPs in decisions concerning their own life was also seen as an issue where progress was needed. Several participants emphasized that camp residents lack information on their rights. There are usually IDP representatives in each camp, who are involved in the management of distribution and other activities in the camp. But IDPs remain marginalized from the rest of the society. “IDPs feel like strangers”, a participant noted. Suspicion among IDPs that authorities do not channel all available humanitarian assistance to the population who would need them is also widespread in the camps, where more should be done to better inform IDPs about their rights.

### Durable solutions

Discussions during the workshop highlighted the need of IDPs for more information in relation to return. Participants noted that the level of discrimination against returnees and insecurity vary greatly from one area to the next. The closure of camps, such as in Herat, is often implemented without proper information being provided to IDPs about available alternatives. Therefore, effort to provide IDPs and refugees with updated information on the conditions in their home areas should be pursued.

Beside the option of return home, participants acknowledged that resettlement could be an adequate solution to displacement in a number of cases. Although not always favorably regarded by the local authorities, IDPs in urban areas should be given the choice to start a new life there if they so wish. UNHCR pointed to the fact that many IDPS, who were displaced more than a decade ago, were no longer willing to return to their villages of origin and resettled in Kabul or other cities for economic reasons. It was also suggested that camps located in the vicinity of urban centers could be converted into permanent neighbourhoods in order to facilitate the integration of IDPs.

### Property issues

Being a key factor to durable solutions in Afghanistan, the issue of land and properties was discussed under a separate item in the workshop’s agenda.

In this session, participants were first asked by UNHCR’s facilitator to identify the main features of the property issue in the country. The following problems were indicated:

- High level of destruction as a result of war and violence
- Lack of transaction records, as documents have been lost during the war
- Informal transactions
- Allocation of land to various groups by the successive governments (multiple allocation)
- Occupation of land and property by commanders, war lords and government officials
- Absence of mechanisms of recourse: courts are often under the influence of powerful parties. Traditional mechanisms, such as jirgas and shiras, are seen as more legitimate by claimants but they are also subject to external influence.
- Lack of implementation of official decisions

UNHCR informed participants that a legal aid programme for returnees was implemented jointly with NRC in several locations. This project aims at supporting returnees through the provision of legal advice and information, including in relation to property and land disputes.

While relying on existing official and traditional settlement mechanisms, UNHCR and NRC try to reduce the impact of these mechanisms' limitations, in particular through capacity building, legal advice and training.

Other problems relating to land and property identified by the participants included:

- Lack of access to grazing land for nomadic groups, such as Kuchis. Beside the effect of drought, Kuchis also endure the deprivation of access to their traditional pasture land, as authorities and local communities in some areas consider them as former allies of the Taliban regime.
- Landlessness: as a matter of fact, the majority of the people in Afghanistan do not own any land, irrespective of their ethnicity. This is the case of traditional migrants and seasonal workers.

Participants were invited to reflect further on solutions to land and property issues in Afghanistan, using the land dispute between Uzbeks and Turkmen communities in the village of Shourquduc (Imam Sahib district, Kunduz province) as a case study. This long standing dispute about ownership and use of a pastureland has renewed tensions between the two communities since the end of 2002. This case helped the participants to highlight some aspects relating to the solution of property and land issues in the country, such as:

- The lack of information regarding the national and international legal norms pertaining to land and property among officials who take decisions: The Uzbek community was compensated for its lost rights through the allocation of a land which was actually the property of government. Furthermore, this allocation was decided in violation to the general freeze of land allocation decided by the government.
- Possibilities to find alternative solutions to the allocation of the disputed land to one group vs the other, by proposing compromises acceptable to both communities: participants suggested that external actors, such as UNHCR or NGOs, should help both communities finding alternative solutions to end the dispute, such as granting the right to use the land without granting property rights and facilitating improved relations between both communities with the help of integration assistance.

### Dissemination of the Guiding Principles

Several participants expressed their appreciation of the Guiding Principles, which they found a comprehensive document, easy to read and practical to use for advocacy purposes, monitoring and training. Participants agreed that the dissemination of the Guiding Principles should be pursued among all relevant actors. In particular, they

supported the idea that more such training should be held in Afghanistan. The Norwegian Refugee Council informed participants about its interest in organizing more training on the Guiding Principles at the local level in the provinces in 2004, in partnership with other agencies.

## **Annex 1: Agenda**

### ***DAY 1***

**8.30** Registration of participants

**8.45** Opening

- Welcome by NRC and UNHCR

**9.15** Presentation of the workshop facilitators, participants, objectives and agenda

**9.45** *Break*

**10.00** Introduction: the international response to internal displacement (Christophe Beau)

- Guiding Principles: Genesis and purpose

**10.15** Who is an IDP? The definition (Christophe Beau)

- The definition in the Guiding Principles

**10.45** Group discussion: who is an IDP in Afghanistan?

**11.45** Debriefing and discussion in plenary

**12.30** *Lunch*

**13.30** Legal sources of the Guiding Principles

- Human rights, IHL and refugee law by analogy

**15.00** *Break*

**15.15** Protection against arbitrary displacement and during displacement

**15.45** Group work

- IDPs in urban areas
- IDPs in camps
- Discrimination

**16.30** Debriefing and discussion in plenary

**17.15** *End*

### ***DAY 2***

**8.30** Durable solutions Durable solutions according to the GP (based on case studies)

**9.30** Group discussion: durable solutions in Afghanistan

- Return
- Resettlement
- Property issues

**10.30** *Break*

**10.45** Debriefing in plenary

**11.45** Property and land issue in Afghanistan (Reem Al Salem, UNHCR OCM)

**12.30** *Lunch*

**13.30** The response to internal displacement in Afghanistan (Alex Tyler UNHCR OCM)

**14.45** *Break*

**15.00** Conclusions and recommendations

**16.30** *End*

## **Annex 2: List of participants**

Mr. Abdulahad, protection focal point, Ministry of Refugees and Repatriation (MoRR), Faryab  
Mr. Noor Afgha, protection focal point, MoRR, Baghlan  
Mr. Sayed Malook Ahmadi, protection field monitor, UNHCR, Kunduz  
Mr. Mir Abdul Amed, Lawyers' Union, "Share now"  
Mr. Firooz, Ahmad Alicoze, International Catholic Migration Commission, Herat  
Mr. Arif, NIA  
Mr. Hanan Aziz, UNHCR, Kabul  
Mr. Dawood, MoRR  
Ms. Julia Hartlieb, International Organisation for Migration, Kabul  
Mr. Salem Helali, UNHCR, Herat  
Ms. Massoma, protection assistant, UNHCR, Kandahar  
Mr. Cuul Ahmad Nadadrai, Ministry of Internal Affairs, Kabul  
Mr. Gh. Rabbani, MoRR, Herat  
Mr. Abdul Rahim, International Rescue Committee (IRC)  
Mr. Hasson Rahimi, protection focal point, MoRR, Kandahar  
Mr. Ahmad Rashedi, MoRR  
Mr. Azha M. Sadigi, director, Ministry of Rural Rehabilitation and Development, Kabul  
Ms. Sarra, protection team, MoRR, Kandahar  
Mr. Sayed Zakimshah, Director of Afghanistan Independent Human Rights Commission, Fayzabad  
Mr. Zubair Ahmad, IRC

### *Trainers*

Christophe Beau, Global IDP Project, Norwegian Refugee Council  
Conor Foley, Norwegian Refugee Council  
Reem Alsalem, United Nations High Commissioner for Refugees  
Alex Tyler, United Nations High Commissioner for Refugees