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Briefing Note

The Asia Displacement Solutions Platform (ADSP) is a joint initiative of the Danish Refugee Council (DRC), the International Rescue Committee (IRC) and the Norwegian Refugee Council (NRC).

ADSP contributes to the development of comprehensive solutions for Afghans affected by displacement. Drawing upon its members' operational presence, the ADSP engages in research, constructive dialogue, and evidence-based advocacy to support improved outcomes for displaced Afghans.

This briefing note highlights fundamental principles applicable to return of internally displaced persons (IDPs) to their places of origin, and, analyses these principles in the context of evictions and return from informal settlements in Afghanistan.

IDP returns in Afghanistan: are durable solutions possible?

Afghanistan remains in the grip of an acute humanitarian crisis brought on by recurrent climate-related disasters such as droughts and flooding, a faltering economy and related economic challenges, and the impacts of decades of widespread conflict. Many Afghans have been compelled to flee rural areas to urban centres seeking better access to basic goods and services, including food, hospitals, and job opportunities. Many live in precarious informal settlements on the fringes of major cities such as Kabul, Herat, Kandahar, and Jalalabad. Despite the notable reduction of conflict across the country and increased humanitarian access to previously hard-to-reach communities, most internally displaced persons (IDPs) remain unwilling and unable to return to their areas of origin.

As of December 2021, there were an estimated 3.5 million IDPs displaced due to conflict¹. Whilst displacement due to conflict has decreased since the Taliban authorities assumed power, deepening poverty and a dire humanitarian situation continues to act as push factors for IDPs.

To address prolonged internal displacement, the Taliban authorities have been increasing pressure on IDPs to return, and for humanitarian actors to support returns from informal settlements to areas of origin. The humanitarian response architecture currently in place in Afghanistan, however, remains ill-equipped to provide comprehensive long-term support across the country. With most development funding to Afghanistan suspended since mid-August 2021 because of international sanctions, the current response is almost exclusively geared towards the provision of short-term emergency interventions to displaced and host communities.

The reasons for Afghanistan's protracted IDP populations are complex and cannot simply be attributed to conflict and insecurity. Whilst this may be the reality for some, for many it is only one element affecting their decision to leave and remain displaced. For millions of Afghans, disasters, climate change, and conflict provide a complex web of factors that result in their areas of origin being untenable places to live. These factors may be the reason for leaving, as well as the reason for being unable to return. In Badghis, the area proposed for pilot returns, approximately 74% of households are affected by drought². As such, with the resultant food insecurity, inability to practice traditional livelihoods, and lack of essential needs such as water – for many – return is untenable.

According to the UN Action Agenda on Internal Displacement, to comprehensively address IDP displacement, “we must do more to develop a nuanced understanding of the root causes of displacement crises”. IDP returns cannot be deemed safe merely because of lack of conflict. Instead, Afghanistan's IDP population should be analysed through an intersectional lens, and discussions around return should be framed within the need for addressing these multi-layered challenges. Moreover, returns must not be seen as the only – or even the primary – modality for accessing durable solutions for displaced Afghans.

ADSP stresses the importance of the principle of **voluntariness** in all efforts to facilitate the return of IDPs to areas of origin. Return must only be made in conditions that are safe, informed, orderly, regular, dignified, and voluntary. Moreover, IDPs must have autonomy in their decision-making regarding relocation, and must be free from coercion, pressure, or intimidation to return.

Should cash assistance be utilised, it must be accompanied with a comprehensive suite of other services in areas of return. This should include livelihoods, economic recovery, education, food security, water and sanitation, healthcare, and protection. Moreover, population movements must also be considered in the context of traditional seasonal migration within the country. A ‘one-size-fits-all’ approach to cash for return is far too simple and does not bring a **comprehensive approach** to developing solutions.

¹ <https://reporting.unhcr.org/afghansituation>

² <https://www.humanitarianresponse.info/en/operations/afghanistan/document/afghanistan-humanitarian-needs-overview-2022>

Key Messages

- ◆ Durable solutions are only possible if all stakeholders - including the Taliban authorities and humanitarian and development actors - work together systematically to facilitate the fulfilment of IDPs' intentions, whether these include return, local integration, or relocation, without discrimination nor impediments.
- ◆ Return initiatives need to be sufficiently resourced and must extend well-beyond 'cash for return' modalities. A holistic response that keeps durable solutions front and centre is required, as is the need for multi-year funding.
- ◆ Returns cannot and must not be seen as the only viable durable solution for IDPs. Greater investment and engagement are needed to support a range of initiatives that supports the broader durable solutions agenda.
- ◆ International organisations need to define, articulate, and share how the success of any pilot will be measured. This must be accompanied by clear timelines and monitoring frameworks for how such an assessment will be done.



An old issue with new urgency

The struggles of IDPs in Afghanistan, and how to address displacement affecting more than 5 million individuals, are not new. As of March 2022, it was estimated that more than 5.8 million Afghans displaced by conflict or natural disasters over the past ten years do not have access to a durable solution.³

In February 2014 the former Afghan government progressed so far as to develop and launch a National Policy on Internally Displaced Persons⁴. This policy acknowledged the central role of the state to address conditions leading to prolonged displacement, as well as the need to mitigate root causes as soon as possible. Importantly, the policy also contained explicit reference to the support needed from civil society, the UN, and governing authorities for persons unwilling and unable to return to their places of origin. According to a May 2022 assessment by REACH, approximately 94% of IDP households reported their intention to remain in their current location, while only 5% intended to return to their area of origin⁵.

The National IDP Policy notes that one of the conditions under which durable solutions can be achieved “is upon voluntary and safe return to his or her former place of residence, with a place to live with security of tenure, access to basic services and livelihoods on par with others who were not displaced.” The policy also emphasised the need for the following conditions to be met:

- Safety, security, and stability in the area of return, and while in transit to areas of return
- Restoration of housing, land, property (HLP) and services for an adequate standard of living, and,
- Re-establishment of livelihoods or introduction of livelihoods options in areas of return.

Whilst the status and implementation of this policy under the Taliban authorities remains unclear, the fundamental premises contained within hold true i.e., that it is the primary responsibility of the national authorities to provide immediate assistance and eventually longer-term solutions to IDPs. Whilst the humanitarian system will undoubtedly remain in place to support emergency efforts, this is designed to operate in tandem and not a replacement for national level support.

Voluntariness as a precondition to return

Any return by refugees or IDPs to their place of origin must be firmly **centred around the principle of voluntariness**. Without voluntariness, any return will not provide the fundamental underpinnings for durable returns, nor does it acknowledge the needs, rights, and wishes of the individual. Furthermore, return to one’s area of origin can only be considered voluntary if IDPs **are fully and meaningfully informed of their choice, engaged in the decision-making process**, and if the decision is completely “**free of any coercion, including actual or implied violence, torture, ill-treatment**”.⁶ Voluntariness, predicated upon an informed choice and in the absence of coercion, is fundamental to the sustainability of return – as well as all solutions options.

The voices, perspectives, insights, and wishes of displaced persons themselves must be the entry-point and remain central to discussions and decisions related to IDP return. Such engagement must be ongoing and inclusive, and should be the cornerstone of any future return pilots / processes.

ADSP acknowledges the proposal by UNHCR to provide cash assistance of \$200USD to IDPs prior to their return, followed by a second amount of \$700USD. Such support is in line with the findings of the *CCCM Intentions Survey of Displaced Populations in Badghis, Afghanistan*⁷ that highlights costs (in 67% and 65% of respondents from Bala

³ www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/protection_analysis_update_pau_-_q1_2022.pdf

⁴ <https://www.unhcr.org/news/briefing/2014/2/52fa062a9/unhcr-welcomes-afghanistans-new-idp-policy.html>

⁵ https://www.impact-repository.org/document/reach/03504d24/REACH_AFG_Factsheet_ESNFI_RAM_Round1_May_2022.pdf

⁶ <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/Return/InformalSummary.pdf>

⁷ Intentions Survey of Displaced Populations in Badghis, Afghanistan

Murghab and Muqur respectively) as a fundamental barrier precluding people from being able to return. Whilst cash support can be a useful tool to support individuals wishing to return in some instances, ADSP notes the problematic nature of the cash modality in this instance.

In the current context where many Afghans are on the precipice of hunger, economic hardship, and in dire humanitarian situations, the provision of cash could be perceived as being **coercive**. This is especially true for female-headed households, and women and girls, who are at increased risk of gender-based violence in their area of return if safety conditions are not met and protection services are not available. The provision of relatively large amounts of money to households that otherwise have very little, may trigger people to return despite the conditions not offering a sustainable solution to their displacement. Once the initial assistance has been exhausted, there is a high likelihood for secondary displacement, where households are again compelled to leave. Limited cash injections will not address the fundamental absence of core infrastructure and service provision in areas of origin. In addition to the risk of secondary forced displacement, returnees may be exposed to exploitation, forced eviction, and homelessness if they are compelled to return prematurely. While some IDPs are living with precarious mental health conditions, a coerced and premature return could reduce their access to social support networks and positive coping mechanisms established during their displacement.

Should cash assistance be utilised, it must be accompanied with a comprehensive suite of other services in areas of return. This should include livelihoods, economic recovery, education, food security, water and sanitation, healthcare, and protection. According to NRC's 2016 Policy Brief entitled '*Returning to Afghanistan: Challenges in Working Towards Durable Solutions*'⁸, cash grants used in 2016 prompted a number of Afghan refugees to return prematurely. This early return resulted in longer-term impacts that hindered the ability of returnees to effectively reintegrate and subsequently access durable solutions.

The need for a holistic approach to returns and durable solutions

Realising durable solutions for IDPs in Afghanistan cannot be the responsibility of a single actor, nor can it be done according to arbitrary and expedited timelines. ADSP is concerned about reports of several instances in Kabul⁹ of closure of informal settlements before alternatives had been put in place. These closures took place without consultation with affected persons and did not have informed consent of the residents. After their departure, the settlements were immediately demolished and therefore left the IDPs with no viable alternate solution other than to relocate to other informal settlements.

ADSP is of the position that the overall opportunity for safe, dignified, and sustainable return of IDPs to many areas of Afghanistan is not yet ready, with nearly half the population acutely food insecure (18.9 million people at emergency level [IPC3]), lack of livelihoods and crumbling state institutions being common. ADSP acknowledges ongoing reports of persecution and attacks on religious and ethnic minorities, inadequate access to housing, land, and property (HLP) rights due to damaged accommodations, contamination from unexploded ordnance, lack of infrastructure, and the effect of climate change such as drought¹⁰.

Consultations and assessments conducted by ADSP members and others with IDPs indicate that, whilst many families would ultimately like to return to their places of origin, they are currently unable or unwilling to do so. The most common concerns from IDPs include insecurity and instability in areas of return, the resumption of essential services, HLP issues, and the fact that many have been away for prolonged periods of time. For example, a survey conducted in the Kabul Informal Settlements by the HLP taskforce showed that many residents have lived in Kabul for a prolonged period: 49 per cent of all households reported residing in their settlement for over five years, and

⁸ 'Returning to Afghanistan: Challenges in Working Towards Durable Solutions'

⁹ <https://www.nrc.no/news/2022/june/afghanistan-eviction-threats-put-hundreds-of-thousands-of-vulnerable-families-at-risk-of-homelessness/>

¹⁰ <https://drc.ngo/media/vj0b0jjb/drc-afg-the-world-lives-on-hope-crisis-and-survival-in-rural-afghanistan.pdf>

12 per cent for over 10 years. As such, in the period since their initial displacement, their areas of origin have been transformed. This transformation includes changes in security, property allocation, economic options, and availability of services.¹¹

Whilst the conflict in Afghanistan has significantly reduced, it's important to remember that it has been a country in active conflict for decades. During this time, families and individuals have been displaced – often numerous times – both internally and across international borders. This has disrupted access to education, livelihood opportunities, the ability to access basic services, as well as strained and tested the nation's social structures and community development. As such, any return must be considered in this broader context, otherwise return will be short-lived and secondary / re-migration will occur.

Recommendations

To the Taliban authorities:

- The Taliban authorities must carefully evaluate how sustainable returns are in the current conditions, including determining the capacity of their own institutions to take on the primary responsibility of establishing the appropriate and necessary conditions, as well as providing the means, which will allow IDPs to return voluntarily (as per principle 28 of the IASC Framework on Durable Solutions for Internally Displaced Persons).
- The Taliban authorities must consider alternatives to returning IDPs to their areas of origin. Given the complex and protracted displacement trends in Afghanistan, returns to areas of origin is not viable for all IDPs, and IDPs must have the right to choose freely between return to their former homes or habitual places of residence. Possible alternatives for consideration include local integration in areas where they take refuge, or settlement and integration elsewhere in the country.
- Durable solutions are only possible if all stakeholders - including the de facto authorities and humanitarian and development actors - work together systematically to facilitate the fulfilment of IDPs' intentions, whether these include return, local integration, or relocation, without discrimination nor impediments.
- Over the last year, NGOs have faced multiple and inconsistent bureaucratic hurdles from the Taliban authorities, including new restrictions placed on female aid workers. These hurdles have made it increasingly difficult for NGOs to operate in the country. As such, the Taliban authorities must address these barriers to ensure that NGOs can operate in a principled, efficient, and timely manner to support vulnerable persons and communities.

To donor governments:

- The operational realities in Afghanistan remain highly complex and fragmented, with different communities experiencing unique challenges and dynamics. As such, any return initiatives must remain in pilot form, and should not be transformed into anything more long-term or large-scale.
- Return initiatives need to be sufficiently resourced and must extend well-beyond 'cash-for-return' modalities. A holistic response that keeps durable solutions front and centre is required, as is the need for multi-year funding.
- Durable solutions will not be achievable without resources being mobilised through non-humanitarian funding mechanisms. As such, the humanitarian response should not be expected to engage in the closure of settlements, until such a time that there is confidence that returns will lead to durable solutions.
- Returns cannot and must not be seen as the only viable durable solution for IDPs. Greater investment and engagement are needed to support a range of initiatives that supports the broader durable solutions agenda.

¹¹ Fagen, P. W., 2011, 'Refugees and IDPs after Conflict: Why They Do Not Go Home', Special Report, United States Institute of Peace (USIP), Washington DC

To International Organisations including UNHCR / IOM / OCHA

- Whilst UNHCR does not have an exclusive mandate for the protection of IDPs, UNHCR's role as a leader in coordination and operational delivery should necessitate a principled and leadership stance on the issue of IDP returns, including pushing back on the Taliban authority's expedited timelines and unrealistic expectations.
- All areas of return need to undergo a full independent assessment according to international standards of available services before any commitment to return is made – regardless of whether they are deemed as voluntary.
- UNHCR, IOM, and OCHA must continue to advocate with the Taliban authorities for principled, inclusive, and well-planned engagements around return and efforts towards durable solutions more broadly. Voluntariness must be a precondition for any return.
- International organisations need to define, articulate, and share how the success of any pilot will be measured. This must be accompanied by clear timelines and monitoring frameworks for how such an assessment will be done.
- Must ensure that the physical return of IDPs to their place of habitual residence duly adheres to the eight criteria for durable solutions for IDPs defined by the IASC, which includes: safety and security, adequate standard of living, access to livelihoods, restoration of housing, land and property, access to documentation, family reunification, participation in public affairs; and access to effective remedies and justice. In addition, age, gender, and diversity assessments must be conducted to ensure that any return is tailored to individual and household needs.
- The use for cash as a return modality is problematic at best, and coercive and dangerous at worst. Limited cash injections will not address the fundamental absence of core infrastructure and service provision in areas of origin. Instead, it is recommended that case management approaches are utilised to support returns, with individual needs assessments, assessments in area of origin, information counselling and follow-up support to people who demonstrate interest and voluntarily decide to return.
- The pilot project for returns cannot cease after initial humanitarian support. UN agencies will need to ensure that the donor community is able to support with medium- to long-term development support.
- Humanitarian organisations must explore and work towards scaling up operations in areas of origin. Such support will not only contribute to the prevention of future displacement, but will support the development of areas to make them viable for return.