

## An IDP Policy for Afghanistan: from draft to reality

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**Developing a national policy to address the needs of Afghanistan's IDPs was beset with obstacles and challenges. Although the IDP Policy is now a reality, its implementation is likely to meet challenges of a similar nature.**

On 25 November 2013, the Government of Afghanistan approved a National IDP Policy<sup>1</sup> which had been nearly two years in the making. In the context of some 500,000 Afghans internally displaced as a result of conflict, with perhaps a further million displaced as a result of natural disasters and development projects, a *New York Times* article in February 2012 had reported that IDP children were freezing to death in the slums of Kabul, where some 35,000 IDPs lived with only tents or mud huts for shelter.<sup>2</sup> In response, President Karzai set up a task force, which included the Ministry of Refugees and Repatriation (MoRR) and the Afghanistan Natural Disaster Management Authority (ANDMA), to do something about the IDP situation.

The task force established a Policy Working Group to support MoRR, organised a visit from the UN's Special Rapporteur on the Human Rights of IDPs, engaged an external

IDP expert to assist in the work, and held a two-day national consultative workshop in July 2012, followed in September 2012 by a first round of provincial consultations. In October 2012 ProCap<sup>3</sup> seconded a Senior Protection Officer (the author) to UNHCR to serve as IDP Advisor to MoRR, to assist in the consultation process and in drafting the policy. Many of the challenges faced in drafting the policy reflect wider challenges in terms of lawmaking and policymaking in Afghanistan more generally:

### **Government capacity and engagement:**

While MoRR had hundreds of staff in Kabul as well as in the provinces, their actual capacity was low, with insufficient skills or legal knowledge to draft a policy. Engaging different ministries to provide input to the policy was extremely difficult, though some input was achieved through bilateral one-to-one meetings. Endemic corruption in government departments was, and continues to be, a serious obstacle to efficient progress.

### **Engaging wider participation:**

The IDP Policy Working Group, set up to assist MoRR in the consultation and drafting process, was a small group composed largely of international humanitarian agencies. Attempts to engage the Afghan Human Rights Commission, ACBAR (Agency Coordinating Body for Afghan Relief) or national Afghan NGOs were largely unsuccessful. There was input from a limited number of groups that were specifically approached, notably those



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engaged in research such as TLO (The Liaison Office) and Samuel Hall, but these were exceptional. Additionally, the security situation and limited access in many regions made it difficult to engage with governors and other local officials at the provincial level, who are essential to implementation.

**IDP representation:** Holding meaningful consultations with IDPs was particularly difficult because they do not generally have representative structures to aggregate or express their views. So while meetings were held with many groups of IDPs, the discussions rarely went beyond the specific concrete needs of a particular group, such as water, food, health care, education and jobs.

#### Addressing key issues

It proved a major challenge to produce a document that addressed the complexities of key issues in Afghanistan. Most significant was the fact that while governors, mayors and other authorities wanted the IDP issue dealt with, the only solution they could see was 'return'. The notion of local integration or resettlement was simply not on their agenda, and the idea of giving land to an IDP from another province proved a very difficult concept. The IDP Policy made it clear that all three durable solutions needed to be accepted and that local integration was particularly important for protracted caseloads and for returning refugees unable to go back to their places of origin.

The issue of who is an IDP was, and is, highly controversial. It is easy for Afghans to understand and accept an IDP displaced by conflict or by a sudden-onset natural disaster but much more difficult when displacement results from slow-onset disaster, notably drought, as here the distinction with economic migrants becomes blurred. However, returnees unable to go back to their places of origin and persons displaced as a result of development projects were included as persons of concern in this policy.

Cities and urban centres have an enormous draw for displaced persons because they are

seen to offer security, livelihood opportunities and basic services. However, the Afghan government and the development community have not devoted adequate thought or resources to addressing Afghanistan's rapid urbanisation and, in particular, to addressing the needs of those displaced who have settled in informal settlements, generally in slums on the edges of the cities. The policy directs attention to this issue, with a particular focus on area-based solutions that encompass not only IDPs but the urban poor more generally.

Whatever the limitations and challenges of the drafting process, there is now a policy – a tool – which can be used to advocate for the rights of IDPs, to provide guidance on the way forward, and to improve the quality of life for displaced Afghans. Without doubt, the biggest challenge the drafters faced was implementation: how to ensure the policy would actually inform action, programming and legislation, not just gather dust in a bureaucrat's drawer. Who would be responsible for what? A substantial amount of energy was invested in setting out the responsibilities of the different line ministries, coordinating bodies, and provincial and local authorities, as well as civil society, the international humanitarian and development communities, and other stakeholders. Recognising that displacement manifests itself differently in different regions of the country, primary responsibility for drafting implementation plans and strategies was given to provincial governors, leaving MoRR the task of consolidating these provincial plans into a national one. It remains to be seen how this will play out in reality.

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1. Officially, The National Policy of the Islamic Republic of Afghanistan on Internal Displacement. [www.refworld.org/docid/52f0b5964.html](http://www.refworld.org/docid/52f0b5964.html)
2. Rod Nordland 'Driven Away by a War, Now Stalked by Winter's Cold', *New York Times*, 3 Feb 2012. [www.nytimes.com/2012/02/04/world/asia/cold-weather-kills-children-in-afghan-refugee-camps.html?\\_r=0](http://www.nytimes.com/2012/02/04/world/asia/cold-weather-kills-children-in-afghan-refugee-camps.html?_r=0)
3. Protection Standby Capacity Project, an inter-agency initiative to build capacity of relevant actors in order to enhance the humanitarian protection response.