

The role of protection in ending displacement

by Roberta Cohen

Violence erupted in Tajikistan in 1993 when tens of thousands of IDPs and refugees began returning to their homes. In many villages, newly returned people found their homes occupied by others or they became victim of physical assaults incited by ethnic animosity. Scores of murders and disappearances were reported. The signing of a cease-fire agreement in 1994 did not by itself create an environment safe for return. There was need for the international community and the local authorities to step in to make the returns secure and viable.

Much to its credit, UNHCR developed a human rights monitoring programme designed to take account of the fact that, in Tajikistan's volatile climate, simply transporting people back to their homes and distributing roofing materials to them would not be enough to create a secure environment and prevent further displacement. UNHCR deployed field staff in return areas to monitor conditions and intercede with the authorities when there were human rights abuses or risks to personal safety. UNHCR field officers investigated complaints of murder, disappearances, rape and harassment since many of the returnees distrusted the local authorities and often first reported such crimes to the

UNHCR office. They then accompanied the victims to local governmental offices to ensure that a full and fair hearing was provided. UNHCR staff also interceded with the authorities to help returnees reclaim their homes. Local authorities proved receptive to UNHCR's role and there were no incidents of retaliation against their staff. According to an evaluation, UNHCR's "24-hour presence" in areas of return and its "impartial" role exercised "a stabilizing influence": new outbreaks of communal violence were discouraged and the number of protection cases declined.¹ IDPs and refugees felt more assured about returning home and more confident to remain once they had moved back.

What happened in Tajikistan from 1993 to 1996 is instructive in considering the question of when displacement ends. It demonstrates that even in countries where conflicts are formally over, continuing animosities among individuals or groups may jeopardise return processes and impede an end to displacement. Indeed, societal tensions may heighten in the post-conflict phase, especially if the displaced return to find their homes, land and personal property taken by others and no functioning judicial system in place to resolve disputes. Moreover, in coun-

tries where severe abuses of human rights and humanitarian law have been perpetrated, there may be unsettled scores in villages and towns throughout the country, and targeting of persons who return.

The Tajikistan experience also shows that safe and successful returns are more likely when specific protection and human rights duties are assigned to field staff deployed in the different return areas who possess the requisite skills. UNHCR officers were fluent in Farsi or Russian and had extensive experience in the former Soviet Union. Some had a legal background, which brought authority to their interactions with local officials, law enforcement officers and the courts. Others had negotiating skills, which contributed to relieving tensions and reducing the threat of violence against returnees. The UNHCR team also developed a good working relationship with the UN military observer mission in Tajikistan (UNMOT). Finally, the team did not just depart at the end of its mission; it arranged for the Organisation for Security and Cooperation in Europe (OSCE) to assume its human rights monitoring role, thereby maintaining continuity of protection for the population.

Such efforts, of course, are not always equally successful. In Rwanda, for example, in 1994-1995, 130 human rights staff were deployed by the Office of the High Commissioner for Human Rights (OHCHR) to bring a modicum of safety to returning Hutu and Tutsi following the genocide. But many were inexperienced and had not been given adequate training, and there were long delays in sending them from the capital to the areas of return. The High Commissioner himself described the operation as a "logistical failure". Nonetheless, OHCHR was able largely to turn it around. An experienced staff member was put in charge, human rights staff were deployed around the country and effective partnerships were developed with UNHCR and the UN's military mission in Rwanda (UNAMIR). In the end, the Human Rights Field Operation in Rwanda was able more effectively to monitor conditions in areas of return, advocate for the displaced with the local authorities, and contribute overall to the security of return areas.

Recurrent displacement

In Afghanistan today, the failure of the international community to create a secure environment and provide protection to returnees has caused the return process to founder. Far from ending, displacement has been recurring throughout the country. Large numbers of Afghan refugees returning from long exile abroad are now becoming internally displaced and others are making their way back to Pakistan. Afghans already internally displaced are becoming uprooted a second or third time. About 40% of the two million people who have thus far returned to Afghanistan have crowded into Kabul, Herat and other cities because they cannot find sufficient security or work in their home areas. In the case of the ethnic Pashtuns, tens of thousands have refrained from returning to the north because they fear localised fighting among rival militias or retribution from Uzbek and other ethnic groups because of their association or perceived association with the ousted Taliban regime.²

Although UNHCR has helped establish a commission involving the central government and local authorities to look at claims of harassment and land confiscation in the north, aid workers

have found it hard to assist people returning to their villages and towns in different parts of the country. Between January and August 2002, the UN documented more than 70 'incidents' of violence against aid agencies and workers, including cases of rape, looting and firing on UN vehicles.³

Contributing to the violence is the fact that the UN-authorized International Security Assistance Force (ISAF) has been deployed only in the capital. The US has opposed its expansion, with the result that ISAF is limited to 4,500 troops and has a mandate to protect only the government. Towards the end of 2002 the US instructed its special forces and civil affairs specialists to shift from exclusive counter terrorism operations to working with newly trained Afghan troops to defuse local conflicts, mitigate inter-factional fighting and help with the building of roads, schools and other development projects. Nonetheless, warlords and militias continue to run large parts of the country.

Further impeding returns is the inordinately slow international response in removing landmines and other unexploded ordinance, which cover more than 700 square kilometres of Afghanistan. The infestation of landmines is hardly unique to Afghanistan. In Mozambique, mines killed more than 10,000 displaced persons over the course of the return and resettlement programme.⁴ In Angola, mines impede the delivery of humanitarian aid to returnees and delay agricultural programmes needed to make their returns more viable. In 2001, 75% of the 660 killed in Angola by exploding mines and other ordinance were internally displaced persons.⁵ Mine clearance programmes are expensive but they are essential to enhancing security in areas of return. Mine-awareness campaigns are also important to warn returnees about where mines might be planted and how to avoid them. At the same time, a new study has found that current mine detecting equipment is largely unreliable. If attention is not paid to developing new equipment, the study points out, it could take nearly half a century to clear all the landmines lying in wait around the world.⁶

International response

While many factors will determine whether and when displacement ends,

the greater involvement of human rights and humanitarian field staff in the return process is one way of increasing attention to protection and achieving safe returns. Overall, however, there are no predictable international arrangements. In Sri Lanka, UNHCR is currently working with the government to identify the problems that need to be addressed for the safe return of hundreds of thousands of IDPs and refugees. These include property restitution or compensation, establishing non-discriminatory legal, administrative and police systems in areas of return, issuing identity documents, accelerating clearance of landmines and undertaking special efforts to enhance protection for women and children, who remain vulnerable to abuse upon return.

In Angola, however, which has more than 4 million IDPs, responsibility for the protection of returnees is on less firm ground. Initially, UNHCR developed a promising two-year plan, inclusive of mobile protection teams and NGO protection networks, but donor governments refused to fund it on the grounds that UNHCR should stick to refugees and that other agencies on the ground should be capable of undertaking these activities.⁷

UNHCR as a result has been helping only those returning IDPs who happen to be intermingled with refugees. But no other agency has the capacity to fulfill the protection responsibility for returning IDPs. The human rights division of the UN Mission in Angola, which also reports to OHCHR, has presence only in the capital and three provinces and largely focuses on capacity building for the government. The Office for the Coordination of Humanitarian Affairs (OCHA), although a coordinating rather than an operational body, has sought to monitor conditions in all 18 provinces and to promote provincial protection committees. But its field staff is limited in number, must concentrate mainly on coordination and has little experience in human rights and protection work. Meanwhile, Refugees International reports that IDPs finding little security or sustainability in home villages or areas of resettlement have begun to leave these areas in search of better conditions elsewhere.⁸ When it comes to protection, there are few organisations to turn to in post-conflict situations. The International

Committee of the Red Cross (ICRC), the premier protection agency, is expected to exit after the conflict, in accordance with its mandate. Post-conflict reprisals, retribution killings and other violence do not generally fall under the Geneva Conventions. UNHCR, because of budgetary shortfalls and a recently more restrictive interpretation of its mandate, has become less engaged on behalf of IDPs, and there is now great uncertainty about whether or not it will become involved in protecting IDPs in return programmes. OHCHR for its part has largely avoided field operations involving direct protection of IDPs since it mounted the large-scale operation in Rwanda in the mid 1990s. The office continues to suffer from severe resource limitations and deliberate political attempts by UN member states to limit its role.

Basically, this leaves OCHA to try to bring together whatever players happen to be on the ground to share the protection responsibility. Its new IDP Unit has been energetically promoting 'protection coalitions'. While it can encourage additional agencies to become involved or deploy its own IDP adviser, at times the result is an *ad hoc* mix of organisations that includes some without any human rights or protection experience.

One way to address this gap would be for ICRC and donor governments supporting its work to consider whether ICRC might assume a protection role for IDPs and other civilians during the phase of return and reintegration. Another would be to secure more of a commitment from UNHCR and from OHCHR whose new Human Rights Commissioner, Sergio Vieira de Mello, should be encouraged to have his office assume greater field engagement in return processes.

Partnerships with NGOs should be actively promoted. Peace Brigades International, for example, has directly accompanied displaced persons back to their towns and villages in strife-torn Colombia. And in the Russian Federation, local NGOs have stationed staff in IDP camps in Ingushetia to try to deter forced returns to Chechnya. Moreover, the Geneva-based Henri Dunant Centre took the initiative to organise a team of 'peace monitors' in Aceh, Indonesia, to escort more than 2,500

displaced people back to their homes following talks between the government and the Free Aceh Movement. Regional organisations can also be effective partners. In Tajikistan, it was the OSCE that took over from UNHCR in monitoring the safety and human rights of returning IDPs. And in Bosnia, OSCE dispatched several hundred staff members to monitor human rights conditions under the Dayton accords, including freedom of movement and the right of displaced persons to repossess their property or receive compensation. The chief difficulty is that, at present, in each new humanitarian and human rights emergency no one knows which agency or combination thereof will become involved in promoting safety



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during returns of the internally displaced. Georgetown University's Institute for the Study of International Migration has floated the idea of establishing a High Commissioner for Forced Migrants as a way of plugging the gaps in the international system. Others have proposed that a standby corps of protection specialists be created, both for emergencies and their aftermath, drawn from police and constabulary units, humanitarian and human rights organisations and security experts, to provide technical advice to those on the ground and also deploy staff to carry out protection responsibilities.

Conclusion

Ending displacement will clearly require greater international commitment to integrating human rights and protection concerns into return processes and to making sure that organisations on the ground have the expertise, training and resources to carry out such activities. It will also require a commitment to providing longer-term support for the restoration of civil society, electoral systems, judicial institutions that can resolve property and land disputes, and due process procedures to safeguard human rights. Most welcome in this regard is the increased recognition being given to the view that post-conflict reconstruction must include not only the rebuilding of physical infrastructure but the restoration of a framework of governance inclusive of democratisation, social justice and respect for human rights. Yet protection and human rights concerns are still often secondary concerns and their implementation largely *ad hoc*. In some instances, organisational turf wars and parochial views of 'mandates' contribute to the uncertainty; so too does the international community's reflexive desire to 'play it safe' by limiting its activities to providing food, medicine and shelter. Only when it is realised that promoting the physical safety and human rights of people upon their return home is equally important will it be possible to say that a solution to the problem of ending displacement has truly been found.

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