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Afghanistan's reintegration challenges: land and housing

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Summary

Afghanistan's decades of conflict have forced millions of its people – a third of the population – from their homes, their land and their country. Today, many face major problems reintegrating back into society, which are made even worse by escalating conflict and insecurity since the mid-2000s. Two key problems are the lack of access to land and adequate housing, without which many returning refugees and internally displaced people have been forced to live in poor, overcrowded and makeshift conditions. The flaws of Afghanistan's legal systems (both formal and informal), and of the government's land allocation scheme, mean that progress in delivering results on the scale needed has been limited. This neglected issue, which a few aid agencies such as the UNHCR and the Norwegian Refugee Council are tackling, requires greater attention and support from the international community.

Ihsanullah and his parents fled Afghanistan in the 1980s when he was just 3 years old. After twenty-six years in exile across the border in Pakistan, he returned with his wife and their six children, hoping for a better life in his village of origin. But the stark realities of reintegration – especially poor security and his lack of access to land – have proved crushing. The family are now living with Ihsanullah's two brothers, their nine children and the brothers' parents in a rented five-room house outside Jalalabad, east Afghanistan. The \$5 a week Ihsanullah earns as a day labourer – the only work he has been able to find – is not enough to feed and house his family.

While so much media attention is focused on Operation Moshtarak in southern Afghanistan and the international forces' wider military and "stabilisation" efforts, the problems of a single family are hard to

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register. Yet, the plight of Ihsanullah's family is representative of that of millions of Afghans, and is one of the greatest obstacles to stability in Afghanistan. Furthermore, almost 3 million Afghan refugees remain in Pakistan and Iran: an entire generation of Afghans who were either born or have lived in exile for over 25 years. Most are reluctant to return, citing deteriorating security and lack of access to land, housing and livelihoods as their primary concerns.

Some government authorities, and aid agencies such as the UNHCR and the Norwegian Refugee Council (NRC), support both reintegration efforts in Afghanistan and Afghan refugees in Pakistan and Iran. Yet despite their work, the predicament of both the returnees and the refugees is given far less attention, funding and resources than it deserves.

A capacity gap

Since 2002, the world's largest ever repatriation operation has seen more than 5 million Afghan refugees return; this is over 20% of the country's population, which has itself doubled since the mid-1980s. But the situation they have returned to, characterised by active conflict and shortages of land and adequate housing, has presented severe reintegration challenges. Many refugees have settled in urban centres around the country, such as Kabul (central), Jalalabad (east), Herat (west) and Kunduz (north). The population of the capital, Kabul, is estimated to have tripled since 2001.¹ For recent returnees especially, the result is often a cramped life in overcrowded accommodation shared with relatives (the fate of Ihsanullah and his family) or a precarious existence in makeshift shelters or abandoned buildings on the city fringe.

Afghanistan's capacity to absorb refugees is severely constrained. The country's chronic vulnerability and crippling poverty is exacerbated by worsening armed conflict, weak governance and regular natural disasters. The following human development indicators indicate the scale of the underlying problems: an Afghan's average life expectancy is 43 years; 42% of the population live on less than \$1 a day; 6% of girls attend

secondary school; and maternal mortality rates are a disturbing 1,600 per 100,000 live births.² In addition around 275,000 Afghans have been internally displaced, though the real total may be many more.³

The deterioration of security since 2005 has compounded these problems. Afghanistan's humanitarian appeal for 2010 is the second largest in the world. UNAMA reported a 40% increase in civilian casualties in 2008 compared to 2007, and a 24% increase in the first six months of 2009 compared to the same period in 2008. Yet, while civilian casualties are increasing and humanitarian needs are growing, humanitarian access is becoming more restricted. In 2008, 31 NGO workers were killed and over 100 kidnapped; as of 30 September 2009, 18 NGO workers had been killed.⁴ Large parts of the country are inaccessible for government officials and international agencies. As a result, aid agencies – trying to protect and assist refugees, returnees and internally displaced people (IDPs) – find it increasingly difficult to do so.

A double constraint

Where agencies are able to operate, they can make a difference to the lives of ordinary Afghans like Ihsanullah. The Norwegian Refugee Council (NRC) has since 2006 constructed over 6,000 shelters in east, central, north and west Afghanistan via projects funded by the European Commission for Humanitarian Aid and the Norwegian Ministry of Foreign Affairs. The construction (and repair) of shelter is a critical need in a country where years of conflict have damaged or destroyed an estimated 500,000 homes. The projects provide families with a shelter kit, construction skills, hygiene promotion training and monitoring support.

1 International Crisis Group, Asia Report no. 175, "Afghanistan: What now for Refugees?", 31 August 2009, http://www.crisis-group.org/~media/Files/asia/south-asia/afghanistan/175_afghanistan_what_now_for_refugees.ashx, accessed 27 April 2010.

2 United Nations, Afghanistan Humanitarian Action Plan (HAP) 2010, [http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/2010_Afghanistan_HAP/\\$FILE/2010_Afghanistan_HAP_SCREEN.pdf?OpenElement](http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/2010_Afghanistan_HAP/$FILE/2010_Afghanistan_HAP_SCREEN.pdf?OpenElement), accessed 27 April 2010.

3 Afghanistan HAP 2010 and 2010 UNHCR country profile – Afghanistan, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486eb6>, accessed 27 April 2010.

4 Afghanistan NGO Safety Office, 30 September 2009, <http://www.afgnso.org/2008%20week/THE%20ANSO%20REPORT%20%2816-30%20September%202009%29.pdf>, accessed 27 April 2010.

But the provision of shelter is often hampered by land disputes and by the landless status of some of the most vulnerable Afghans. In the absence of secure land tenure, aid agencies find it nearly impossible to provide housing and other services. The problem is rooted in Afghanistan's layers of incompatible laws, regulations and various presidential decrees, the result of which is a morass of competing obligations and rights. In addition, land has been redistributed to political or military elites, or illegally seized without regard to prior title. The all-too-common result is the existence of multiple claims to land and property which can take years to resolve, especially for families returning from decades in exile whose homes have long been inhabited by others.

The formal justice system lacks adequate structures and trained professionals, especially in rural areas. Many Afghans have little trust in the system and instead resort to the traditional justice system (*jirgas and shuras*), which currently "resolves" around 80% of disputes. Here too the informal system has significant problems with quality, accountability, and discrimination against women.

Since 2003, the NRC has sought to address these issues in a number of ways: by training thousands of judges, lawyers and community elders in property law; by a legal aid and information counselling programme, which has assisted some 1.8 million Afghans with their land or property disputes, or other related needs; and, recognising the high usage of the informal system and the long time it will take to strengthen the formal system, by supporting civil claims in the *jirgas* and *shuras* in order to facilitate a fair outcome consistent with Afghan law.

Lives in suspension

Reintegration efforts face an additional hurdle with many recent returnees and around 90% of Afghan refugees still in Pakistan claiming to have no land or property rights, disputed or not. Through the Afghan government's Land Allocation Scheme (LAS), a system was established where state-owned land was supposed to be redistributed to landless returnees and IDPs. However, only 30,000 families (out of 300,000) have received temporary documents, of which only 4,000 have moved to settlements. The scheme has been hampered by the isolated location of most resettlement

sites, corruption, lack of transparency in beneficiary selection, and the absence of basic services, such as potable water, sanitation facilities, schools, mosques and clinics. Occupancy levels on the LAS at the end of 2008 averaged at 17 percent.⁵

With one in three Afghans having been displaced at some point in their lives, resolving land access and housing concerns for returnees and IDPs could significantly improve the human security of millions of ordinary Afghans. Tangible progress could be made if the international community increased support to relevant UN agencies, NGOs and Afghan authorities to better coordinate and implement reintegration programmes. To be successful, these programmes need to be independent of political agendas and military-driven stabilisation, and go beyond mere transit support to encompass Afghanistan's entrenched land and property problems. An overhaul of the land allocation scheme will be crucial to the future of the Afghan reintegration process.

NRC's Jalalabad office is assisting Ihsanullah and his family with their LAS application. But he warns: "If conditions remain the way they are right now, I may decide to go back to Pakistan because for me the future of my children is very important."

5 Afghanistan Independent Human Rights Commission, "Economic and Social Rights in Afghanistan III," December 2008, http://www.aihrc.org.af/2008_Dec/Ecn_soc/Eng_Eco_Soc_rep.pdf, accessed 27 April 2010.