



Background paper

- The protracted conflict in Afghanistan: a protection crisis above all -

“Increasing Protection outcomes for population affected by the conflict in Afghanistan”

Executive summary

Afghanistan has experienced decades of wars that generated millions of internally displaced people and refugees across the world, deteriorating socio-economic situation, limited governance capacities and widespread destruction of infrastructure, resulting in loss of livelihood opportunities, endemic corruption and inward migration to urban areas due to multiple form of violence and human right violations in rural areas. The international community has been supporting the affected afghan population throughout those recurrent shocks and stresses by mobilizing humanitarian response capacities.

The security environment has continued to deteriorate over the past few years to a point that humanitarian actors no longer have access to a large part of the country. The protracted conflict has generated vicious circles that ended up in wide spread structural deficit in almost all sectors, in generalized poverty, in a fragmented society, in heightened violence and risks for civilian, and in acute socio economic vulnerabilities.

Furthermore, the protection space for Afghan refugees is shrinking as Countries of Asylum are increasing the pressure on Afghan refugees, asylum seekers and migrants to return to Afghanistan, particularly arguing that the main cities in Afghanistan are safe. The massive return of documented refugees and undocumented Afghans are putting even more pressure on the available services and resources. Secondary displacement towards urban centers upon return to Afghanistan is a major trend as the security environment is still precarious in armed groups controlled areas. The lack of opportunity to develop an adequate standard of living represents a high risk to social cohesion and places massive pressure on the Government of the Islamic Republic of Afghanistan (GoIRA).

With the support of the international community, progress has been made by the GoIRA to enact a national policy framework related to forced displacement. However, progress on governance at national level are not necessarily reflected at provincial level and GoIRA is still experiencing important difficulties to turn the policy framework into practical and concrete actions. As a result, both humanitarian and development challenges remains tremendous.

The paper aims to describe the current situation and identify obstacles and opportunities within the current humanitarian architecture and operational modalities, as well as propose how to increase protection outcomes and dividends for affected populations groups. For this purpose, the paper is analyzing potentialities by applying a protection lens at all levels of the humanitarian coordination system and develop a collective understanding towards enhanced protection outcomes, including through improved humanitarian access, protection mainstreaming and accountability, and complementarity with longer-term development actions.



I. Background and prevailing situation

❖ Historical and socio economic background – The conflict at a glance¹

Afghanistan has long been used as a battleground for strategic wars by larger external powers. This is in part due to its geographic position between the Middle East, Central Asia and South Asia. In addition, the fragmented and polarised nature of Afghan society, which is made up of many different ethnic groups, has led to its multiple internal struggles and which have gained support from the different external powers. In 1978 the Saur Revolution overthrew the existing government and implemented a Socialist agenda. It officially ended in 1989 with the withdrawal of the Soviet forces. The devastation caused by the conflict left an estimated 2 million people dead and 1.5 million people disabled, in part due to the massive urban carpet-bombing campaigns and the large areas of land mines that still exist today. Two million people were internally displaced, and one third of the country's pre-war population fled into neighbouring Pakistan, Iran and further afield.

By 1992, the Communist government had collapsed and the Peshawar Accord declared Afghanistan to be the Islamic State of Afghanistan. However, many groups refused to acknowledge the new government and the country soon fell into a civil war that lasted throughout the 1990s. Working government departments, the police, justice systems and education systems did not have time to reform after the Soviet War and much of the country descended into lawlessness. This led to areas being controlled by different armed factions, who in turn were supported by governments and groups in Saudi Arabia, Iran, Pakistan and the US.

In the early 1990s in Kandahar, a militia group called the Taliban began to emerge as a political and religious force, which supposedly opposed the tyrannical rule of the local governor, and began to instil greater order in the area. Led by Mohammed Omar, it had the support of many Afghan refugees from Pakistan. The group gained increasing recognition, power, and support as it began to take control of much of southern and central Afghanistan. The Implementation of an Islamic state by the Taliban, September 11th and the US War on Terrors marked the evolution of the conflict.

Since then Afghanistan is struggling to rebuild itself amidst the ongoing war, despite the billions of dollars of aid money that have been put into the country. The opium trade has increased massively since 2001 and the occupying forces are unable to prevent it. Corruption remains rife in all sectors of society and some geographic areas remain outside of government control. During 2016, the conflict in Afghanistan continued with similar intensity and geographical spread, characterized by a fragmented and emboldened insurgency. Parties in conflict are doing little to minimize clashes and subsequent civilian casualties, whose numbers continue to hit record highs, in open violation of International Humanitarian Law (IHL). There is no immediate end in sight to the Afghanistan conflict, and its complex issues and lack of stable governance mean that new conflicts will continue to rise.

¹ Peace Direct, Insight on conflict, Afghanistan conflict profile, February 2015, <https://www.insightonconflict.org/conflicts/afghanistan/conflict-profile/>



❖ A protection crisis and situation of forced displacement

In this context, civilians bear the brunt of the conflict, as they are caught in crossfire, victimized by indiscriminate attacks or deliberately targeted. Alongside more traditional guerrilla warfare tactics, a visible intent by Taliban to shift tactics towards large-scale attacks, particularly on urban areas, poses grave risks for civilian protection and result in substantial levels of forced population movements.

Families often leave villages abruptly with little prior warning, in response to rapidly encroaching clashes or military operations. IDPs often flee only with what they can carry, surrendering key assets in exchange for relocation to safer areas. Displaced populations in Afghanistan often benefit from the support of host communities, largely relying on tribal affiliation or the support of established kinship networks. Spontaneous camps and settlements are therefore the exception rather than the rule. However, widespread poverty among host communities and the rapid depletion of existing resources generally necessitates a humanitarian response to address acute needs (food, basic relief and hygiene items) to address relatively high levels of vulnerability in the initial phases of displacement, particularly among those with weak support from family and community networks.

Conflict-induced displacement disproportionately affects individuals with specific needs, such as children, constituting around 60% of the displaced population, including women, elderly people, and persons with disabilities. These populations are often exposed to the greatest deprivations and harshest conditions. Access to health for conflict-affected and displaced population is gravely compromised by the extremely poor conditions of public health structures and limited trained healthcare personnel. Moreover, the numerous episodes of grave breaches of IHL with respect to medical facilities, medical personnel, and medical transport by NSAG, led to numerous closure of facilities and loss of access to life-saving medical care by local and displaced population. The chronic lack of female personnel hinders access for women to critical services and treatment.

During displacement, violations of child rights occur in multiple forms. The increased conflict has exacted an increasing toll on children in terms of the number of civilian casualties. According to UNAMA Human Rights in its 2015 report on the *Protection of Civilians*, one in four casualties was a child. The toll of children casualties has increased by 14% in the past year. The rapid humanitarian assessments of newly conflict-induced displaced populations often detect children amongst those injured by the armed clashes. Aside from material hardships, the psychological impact of the conflict and subsequent flight is deemed to be severe. Recruitment and use of children by armed forces and armed groups remains a significant risk in light of the fragmentation of NSAG and varying degrees of interest in compliance with IHL. Poverty, coercion and lack of livelihood opportunities, including during the more prolonged phases of displacement, is also a factor that contributes to the recruitment of children, particularly adolescents. Access to education in displacement is generally hindered by several factors. Poverty and destitution, with loss of assets and means of livelihood, often obliges displaced families to engage children in support of family resilience and interim livelihood strategies. Lack of civil documentation, cultural and social norms, threats and intimidation, social status and poverty are significant obstacles.

Women and girls in Afghanistan continue to suffer both directly and indirectly from the impact of the conflict and of the displacement. The respect and fulfilment of their rights during displacement remain challenged. UNAMA documented 1,246 women casualties in 2015, a 37 % increase from 2014. So far there is little evidence that sexual violence is used as a targeted



strategy in the conflict. Obstacles related to social and cultural norms and lack of identification and response capacity does not allow to measure patterns and indications of episodes of GBV perpetrated by parties to the conflict. However, it is likely presumed that gender based violence occurs widely like in any other armed conflict and displacement setting. In addition, the emergence of new non-State armed groups affiliated with ISIS, particularly in the Eastern part of the country, has contributed to a further deterioration of the situation for women and girls. While most of the facts remain unverified due to the lack of humanitarian access, frequent reports are received from displaced population on impositions of stringent social and moral codes for women and girls, more limited freedom of movement and a recrudescence of traditional harmful practices (forced marriages). In this context, existing capacities of referral and response remain very limited.

Returns and displacement are concentrated in time and space, thus posing a disproportionately large challenge to the absorption capacity of some districts and provinces. While the local impact of a massive influx of refugees, and the capacity to reintegrate, depends on a range of factors, one thing is clear: local absorption capacity certainly has a limit. Once the limit is reached, competition over resources could trigger or reinforce pre-existing causes of conflict, especially since institutions are weak. The increase in secondary displacement among returnees is a strong sign that the country's capacity to absorb and reintegrate additional inflows of returnees was already overstretched before the surge of recent months' returns. There is no reason to believe trends will be reversed: a higher number of returns from abroad will likely result in an increase of internal displacement. In particular, the continued deterioration of the security situation and the economic crisis in Afghanistan are likely to further challenge the reintegration of more recent returns. Whilst displacement is not the principal driver of vulnerability in this context, many of the factors related to displacement, including high levels of poverty, reduced access to informal safety nets, lack of documentation and loss of land and assets, have increased the vulnerabilities of some displaced households. REACH has estimated that some 759,293 IDPs and returnees have settled in the informal settlements across the country.

❖ **People of concern of protection in Afghanistan and main protection risks**

Internally Displaced Persons (IDPs): Over 652,600 Afghans (approximately 96,000 families) were newly displaced due to conflict in 2016, adding to a protracted IDP population of over 1 million. Most IDPs found refuge with host families in neighbouring communities, already facing extreme poverty. Food, adequate shelter, WASH, and health care remained high priority needs, while efforts to raise awareness of mines and ordnance risks are also ongoing. A majority of IDPs live an insecure existence in makeshift shelters and informal squatter settlements with irregular access to services, poor sanitation including a lack of latrines, and fragile livelihood strategies; others reside in shared and overcrowded rental accommodation, or with relatives.

Returnees: In 2016, more than 600,000 documented and undocumented Afghans returned from Pakistan and Iran including 372,577 registered refugees who returned under UNHCR's facilitated return program and provided with UNHCR cash grant as part of their repatriation assistance package. The majority of returnees² settled in Kabul, Nangarhar, Kandahar, Herat, Balkh, Ghazni, Baghlan and Kunduz provinces, including areas subject to attacks by armed groups. Returnees report a lack of land and adequate shelter, insufficient livelihoods,

² Unless otherwise specified, "returnees" describes both documented and undocumented returnees.



insecurity, and poor access to services as obstacles to sustainable return and reintegration. These and other factors have forced many returnees to undertake secondary movement to locations, particularly in urban centers, other than their place of origin.

Refugees and Asylum Seekers: As of December 2016, 208 individuals were individually recognized as refugees while 135 had sought asylum. Financial support to these refugees and asylum-seekers, according to their vulnerability while meeting basic needs for food and shelter, must continue because of their lack of income, livelihood opportunities, and effective legal protection. Meanwhile, it is estimated that over 100,000 Pakistani refugees who have fled North Waziristan, mostly in 2014, are still hosted in Afghanistan. The lack of formal birth registration for refugee children born in Afghanistan may heighten the risk of statelessness.

Host/Affected Communities: The year 2016 saw the highest level of security incidents (23,712) in over a decade, including some 3,498 civilian deaths and 7,920 injured civilians. A similar trend was reported in January 2017, amid increasing territorial gains by AGEs. It is projected that conflict will continue to frequently result in substantial levels of forced population movements.

❖ **Contextualization and limited prospect for return and durable solutions**

The conflict in Afghanistan has impacted differently across regions. It requires to contextualize the response according to protection risks and main vulnerable categories of people identified, taking into consideration obstacles, challenges, capacities and resources.

Challenges to durable solutions for internally displaced and returnees are principally linked to the lack of livelihoods, land tenure obstacles and access to shelter/affordable housing, which limits returnees and IDPs' potential to establish families and make future investments. In such a context, efforts are required for targeted interventions that benefit communities hosting high number of returnees and IDPs particularly in urban settings through long-overdue policy reforms that would facilitate access to land, secure land tenure, access to documentation as well as through livelihoods interventions and participation in public affairs through community management structures to promote their self-reliance.

❖ **Insecure, volatile, restricted humanitarian environment**

The constant escalation of AGE operation has impacted on the access to the humanitarian space either directly with denial of access subsequent to active warfare, broad insecurity resulting in loss of permanent control of areas by ANSF, establishment of parallel structure by AGEs controlling access and therefore delivery, direct attacks against humanitarian actors. As a consequence of the growing insecurity, the evolution of AGE's Modus Operandi mitigation measures rendered necessary has drastically increased the cost of security in doing business.

❖ **Challenges with current humanitarian architecture**

The humanitarian coordination structure at the Kabul level has become overly complicated (see the chart below). Each Cluster is working separately 'in a silo', the inter-cluster coordination group being too process oriented instead of being a strategic and operational support to partners. Additionally, dozens of the working groups function with significant levels of overlap and no clear ToR and practical outcomes. Finally, the HCT does not have an action oriented agenda, particularly for targeted advocacy to the government. High staff turnover



among the UN and NGO, especially Cluster coordinators, Kabul centric and process oriented action among the national level coordination structures and disconnection from the field characterize the current system. Further, the current system presents numerous challenges in terms of practical coordination of the assistance distribution.

II. Potential opportunities to increase protection outcomes

❖ National Government policies and plans: what is new?

The Government of Afghanistan has laid out its vision in the Mutual Accountability Framework (2014) and the Afghanistan National Peace and Development Framework (ANPDF 2017-2021) to transform Afghanistan in the coming years. The aim of these frameworks, in part, is to ensure the rights of all citizens including returnees and IDPs to economic and physical security. The ANPDF further emphasizes that finding solutions to the needs of IDPs and returnees is a “vital part of the national development strategy”, thereby recognising that the response requires a ‘whole of Government approach’ through its National Priority Programmes (NPPs). Land tenure security, property rights, and upgrading informal settlements are prioritized throughout the framework as measures to reduce poverty.

Under the leadership of the President and Chief Executive offices, a Displacement and Returns Executive Committee (DiREC) has been established which is now the primary mechanism through which durable solutions for returnees and IDPs are coordinated and implemented. The DiREC structure encompasses Technical, Policy, and Finance Working Groups. In December 2016, the Government of Afghanistan adopted a Policy Framework for Return and Displacement and developed an Action Plan that is meant to address the specific needs of returnees and internally displaced populations, both new and protracted, in the immediate, medium to long-term through eight identified goals. The prime objective of the Policy Framework is to ensure safe and successful re-integration/integration of returnees and IDPs into the social and economic fabric of Afghanistan. This Policy Framework takes into account the National Policy on Internally Displaced Persons, endorsed in 2013, which provides a basis for achieving durable solutions for IDP populations in Afghanistan, and the Comprehensive Voluntary Repatriation and Reintegration Strategy, approved by the Government in 2015.

While these developments represent a major opportunity to advance on key policy decisions - such as the right to settle in the area of choice, the right to obtain civil documentation in the area of settlement etc. – and to prioritise and target development response to vulnerable populations, a legal gap analysis is required. This would ensure that the Policy Framework is compatible with the Government’s obligations and commitments under applicable international agreements and conventions with regard to Afghan returnees and IDPs. Another challenge is the implementation of the Policy Framework and Action Plan at provincial level, taking into consideration an inclusive approach to respond to the needs of IDPs, returnees and host communities. This will allow bridging the divide between humanitarian and development interventions, implementation modalities and funding streams. The commitment of donors towards a needs based approach based on a planning process that consolidates the immediate-, medium- and long-term needs and prioritised interventions is encouraging. It may



finally facilitate the move from a fragmented towards an integrated response with concrete roles and responsibilities allocated to key actors (Government, donors, UN agencies, NGOs).

❖ **Reinforcing accountability of key stakeholders towards affected population (AAP)**

Reinforcing Accountability towards Affected Population (AAP) in Afghanistan has a potential to increase protection outcomes. A number of researches and policy papers at the global level have highlighted the importance of developing a contextualized and comprehensive AAP framework. One practical ways suggested at the WHS that could be applied in Afghanistan is the concept of Collective Accountability³. It requires a shift in thinking to establish a collective accountability mindset and work on the following areas:

- The inter-cluster forum should develop, adopt and monitor country-specific minimum collective accountability and quality standards.
- The HCT should establish a third-party accountability platform, headed by an accountability advisor, and commit to following its guidance.
- All clusters, in cooperation with IMOs, should adopt indicators that monitor how affected communities perceive the relevance, timeliness and effectiveness of their actions, and use them to adapt their action.
- Donors, organisations and all collective forums need to reconsider their approach to coordination and cooperation – they must put aside their preconceptions and technical biases, and make the voice of the population their guiding principle.

A comprehensive collective AAP framework should be designed mainly to set up proper feedback and complaint mechanism starting with a proper analysis of the petition system⁴. Some advocacy initiatives should be supported at the HCT level to address corruption issues with relevant authorities.

Adhering to principled actions and developing a *Communication with Community* strategy is of paramount importance related to many obstacles, especially related to effective access to humanitarian assistance in safety and dignity, avoiding doing harm but also to increase acceptance and humanitarian access. A high degree of participation of the affected population should be also ensured to reinforce joint monitoring mechanism together with the community as to upholding government accountability. The CDCs under the citizen charter could be a good entry point to do so. Finally, in such a traditional context, the humanitarian community should further analyse cultural related impediments to access humanitarian assistance through regular consultations with the community and adjust assistance modalities accordingly.

Reinforcing the **gender based approach** may also very much increase protection outcomes. A better analysis of the gender perspective of the conflict and how it impacts differently women, men, boys and girls can better inform programming, thus generating protection

³ CHS Alliance, On the Road to Istanbul report, Article "*Collective accountability: are we really in this together?*", page 84, <http://www.chsalliance.org/files/files/CHS-Alliance-HAR-2015.pdf>

⁴ The delay between the day of displacement and the day of assistance if available may take about 3 months. In addition, it was reported a high percentage (68%) of rejected claims for assistance following the assessment because of suspected corruption system. It is thus critical that affected population can access information about eligibility criteria and be engaged in the design of the assistance delivery process.



outcomes through tailored response to specific risks and needs. For instance, young boys can be particularly exposed to forced recruitment or attraction to the market of violence, as women can be particularly exposed to negative coping mechanisms, domestic violence due to the stress generated by acute poverty and related weakened capacities of men to fulfil their role and responsibilities. Forced displacement is even more aggravating this social aspects as it changes completely the division of role and responsibilities within the household. Analysing the change in the division of role and responsibility within displaced household as well as social norms is determinant to adequately plan activities. It also play an important role in mitigating protection risks faced by men, women, boys and girls. A greater engagement with development actors is needed to complement humanitarian action when it comes to long term behaviour change strategy to tackle social norms impediments.

❖ Improving operational and coordination mechanism

Conducting an **Operational Peer Review (OPR)** to identify operational bottlenecks will guide the HCT and ICCT as to how enhancing protection outcomes in a collective way. The framework develop by the STAIT (Senior Transformative Agenda Implementation Team) is a relevant entry point to discuss some key areas of work for the HCT and ICCT in Afghanistan. An OPR will be an opportunity to open up the floor to discussion as to expectation of the degree of efficiency for the cluster system in this kind of highly insecure environment. It will help consider upholding GoIRA responsibility through increased participation in the coordination system and reviewing allocation of human and financial resources with regard to expected impact and protection outcomes. The OPR will be also an opportunity to prioritize actions and clarify the division of role and responsibilities between stakeholders (GoIRA, UNCT, HCT and ICCT) and bridging coordination structures.

The humanitarian architecture in Afghanistan have so far proven to be difficult to manage in a meaningful way. The conclusions of the *Humanitarian Coordination Architecture Review report* in 2015 was quite critical as to the expected impact of the cluster coordination. Since then, the humanitarian space has been shrinking even more due to a degradation of the security environment hampering humanitarian actors to access the civilian population in a large part of the country. Security management regulation by the UN system and INGOs to cope with this insecure environment have dramatically reduced the ability of the international community to respond to protection and humanitarian needs. It has resulted in a multiplication of thematic groups in Kabul trying to resolve issues that should normally be addressed through proper engagement at field level. Many thematic working groups are not functional and are duplicating the work of other coordination forums or mandated agencies. At the end, the humanitarian architecture has become even more complex and heavy process oriented as opposed to a results based approach. For instance, the R&R Chapter has now been deactivated and could be replaced by a return strategy endorsed by the HCT that would reaffirm UNHCR's mandate for the assistance of refugees and returnees at the border, as well as the development of a multi-sectoral approach by the ICCT.

Some progress to streamline processes have been achieved at a very high cost as per the amount of resources required with no evidence that it produces concrete protection outcomes for affected populations. The allocation of important financial resources and the value for money to operate the cluster system in this kind of highly insecure environment is thus questionable considering its limited outcomes, especially at time of financial resources reduction and increased humanitarian needs. The international community should further explore the opportunity to progressively rely on localisation of the humanitarian response that may offer a better outreach of affected population as well as a better value for money as to



increasing protection outcomes and sustainability of the action. In Afghanistan, like in many fragile context and protracted crisis, many protection issues are related to structural and governance deficit. It is thus of paramount importance to develop a close coordination with development actors. The urban displacement dynamic is of particular relevance of where complementarity can be found.

In that regards, a **critical review of the efficiency of the cluster system** should be conducted as well as defining benchmarks and milestones towards an exit strategy. A reflection should be conducted towards a shift into a community based driven approach for humanitarian assistance embedded into governmental institutional framework like the Citizen Charter. It would allowed a greater bottom-up approach, to reinforcing community resilience, to upholding government responsibility, and to moving away from substitution. Some progress has been made on the national policy framework and the GoIRA has demonstrated willingness to fulfil their responsibilities. There is thus a momentum to be seized and rethink the humanitarian coordination architecture and modalities to generate protection outcomes looking at the bigger picture and longer term sustainability.

It is critical to lighten the humanitarian architecture and to redefine role and responsibility according to mandate and policy framework. Such a shift in the coordination mechanism cannot occur in a short period of time and has to be incremental. This will require a strategic plan to empower communities and capacitate local and national actors. This process towards a change in coordination and delivery of humanitarian assistance will take time and the cluster system is likely to keep operating until a decision making process by the leadership is completed and an exit strategy is developed. During this period, some improvement can be brought to the current system to enhance protection outcomes.

❖ **Improving protection analysis and information management system**

Humanitarian programming in Afghanistan applies blanket assistance coverage or a vulnerability criteria, often neglecting the needs assessments, which has significantly decreased the needs analysis in the country. Additionally, due to a lack of the linkage between the emergency and post-emergency interventions, the partners do not fully analyse the root causes of the needs and risks, to be able to work together with other actors in addressing the chronic issues, which are aggravating the humanitarian situation. The lack of the deeper analysis of the root causes of the major risks also decreases the potential of the emergency interventions to mitigate immediate risks and underlying causes of the protection risks.

There is limited data collected regularly on such subjects like child protection in emergencies or gender based violence, which is linked to the cultural sensitiveness of the topic. At the same time, little work has been done in the sector to put together the existing data sources, be it government Central Statistical Office, other departments or humanitarian actors. Population concentration is used as a proxy to identify areas in greater need, neglecting the natural limitations of the population estimate systems applied in the country that do not consistently track the displacement and population movement dynamics in time, including the secondary movements.

Additionally, analysis of the protection needs faces number of constraints related to data collection limitations, i.e. cultural sensitivities, access to areas, lack of data sharing arrangements among partners and insufficient funding to carry out assessments with wider coverage. Insufficient number of female enumerators and female staff in general significantly limits access to women and children, constituting the majority of the population. To mitigate



this, protection partners have been using context specific tools, trying to bring together qualitative and quantitative methods in assessing needs of the affected people. However, often geographically fragmented coverage allows little for comparison. Further, the analysis has identified numerous information gaps, like reliable household level population data, livelihoods, scale and barriers to access basic services, civil documentation, household level data on intentions (integrate in place, return to place of origin, relocate), protection risks and negative coping mechanisms as well as main vulnerable groups.

As a result, protection response and advocacy are not informed by the assessments directly, relying on the proxy indicators like population estimates or data from other sectors. The existing protection monitoring network in the country, having huge outreach in comparison to other sectors, while collecting first hand data on the protection risks and concerns of the affected by the conflict and displacement population, is not consistently analyzed and used to inform the humanitarian community for interventions and advocacy purposes. **Improving protection analysis and information management system will then allow increasing protection outcomes** by informing the overall humanitarian response with solid protection situation understanding and evidence, comprehensive analysis and subsequent reporting and advocacy.

❖ **Improving complementarity between humanitarian and ER/stabilization actors**

The large part of humanitarian assistance is focused on the emergency phase of displacement or upon return for refugee returnees, leaving communities in the medium term with little means to stabilize and (re)integrate and at risk of developing negative coping mechanisms. At the same time, the re-dimensioning of large scale development initiatives, due to increased insecurity and loss of control of large part of the country by the GoIRA, deepened the challenges in linking humanitarian with development and ensuring the inclusion of displaced populations in long term (re)integration programs. Many of the more acute protection needs identified during the first phase of displacement or return cannot be addressed by the mere provision of humanitarian assistance. Prevention and response to gender based violence, access to civil documentation, child labor and access to education are predominantly the result of precarious financial capacity among affected population, lack of information on rights and services and scarce governance capacity of provincial and district authorities coupled with a non-harmonized compliance to national policies and administrative instructions.

Humanitarian programs should be redesigned to address needs, also in the medium term, recognizing that protection risks and needs are often increasing after the first phase of displacement and return. The assistance provided in the emergency phase should lead to identification of vulnerable communities requiring further stabilization measures and humanitarian programs should be equipped to support communities into the transition between emergency and stabilization. To this end, more attention and resources should be placed to allow agencies to provide self-reliance and small scale livelihood opportunities to support the communities to stabilize, prevent their involuntary return to insecure areas and mitigate the development of negative coping mechanisms and secondary displacement. Specifically, agencies such as UNAMA and country diplomatic representations could play a crucial role in mainstreaming the protection needs identified during emergencies into medium and long term development plans and into the capacity building for local authorities. Greater level of complementary, coordination and discussion with UNAMA should be developed at national and regional level as to interlinking programs and actions. **Enhancing the coordination between humanitarian, governance and development programs** is probably one of the main opportunity to increase protection outcomes.



❖ Improving humanitarian access

The negotiations with AGEs in 2015 and 2016 was confined to unilateral initiatives and carried out bilaterally by individual agencies for specific projects. A consistent and concerted approach by humanitarian actors on negotiations for access led to a gradual shrinking and withdrawal of humanitarian programs from hard to reach and volatile areas. This resulted in an inconsistent presence of protection and other services, in an uneven distribution of resources and staffing capacity within the regions and determined small scale secondary displacement driven by the need to access humanitarian assistance. In 2017, there are factors indicating a more open policy from the AGEs to allow humanitarian assistance to reach affected populations. Such factors are province and sometimes district specific; however, they open space for a prudent consideration on possible negotiations. The humanitarian community is expected to use the momentum and prioritize areas and needs to be addressed in negotiations with AGEs. Negotiations should be based on specific humanitarian and protection needs to be addressed and tailored on the prevailing security situation in the area to be covered. A thorough ‘Do no harm’ analysis should guide this process.

Negotiations with AGEs should run in parallel with dialogue with national and provincial authorities and encompass mediation efforts to allow continuation of basic services such as health, education and provision of humanitarian assistance. A set of crucial protection and humanitarian services to be extended to inaccessible areas should be agreed on and provide the content of negotiations with AGEs and government. At the same time, episodes of illegal taxation, forced recruitment, extrajudicial killings and arbitrary arrests are regularly reported by civilian population living in AGEs’ controlled areas and are often the cause for displacement. Negotiations with AGEs on extension of services should be preconditioned to guarantees on respect of human rights and safety of NGO humanitarian personnel.

Localization of the response may provide better access subsequently increasing protection outcomes. This said, an assessment of local actors capacities should be carried out in order to better understand to what extent the international community can rely on local actors as first responders in case of emergency. This analysis should guide contingency planning as well as reality check as what is feasible and what is likely not to be. Further relying on local partners as first responder will require to adjust operational procedures and make it more flexible.

Another important aspect to be considered is the inability of Afghan National Security Forces to operate in remote areas and the concentration of their presence on main arteries and urban centers which has shifted the theater of military operations to civilian populated areas with a consequent increase in the number of civilian casualties. In some provinces, such as Kunduz, the largest number of civilian casualties is determined by government led operations and airstrikes. As such, civilian displacement is also often the interrelated to government military tactics. The surge in civilian casualties and violation of IHL provisions observed since 2015 requires an urgent and concerted advocacy with Ministry of defense, Interior and International military Forces in their advisory capacity to adopt strategies and concrete measures to minimize civilian casualties in the conduct of military operations. The effective coordination between the HCT, UNCT and UNAMA is crucial in that senses to achieve protection outcomes through advocacy. **It is also crucial to resume advocacy towards the government as to adherence to principles of voluntariness, safety, security and dignity related to return of displaced population.**

❖ Reinforcing principled actions, mainstreaming and integration of protection



Protection mainstreaming and centrality of protection are two of the priorities for the protection cluster and also strategic priorities enshrined in the HRP. Further resources should be dedicated to support meaningful access to affected population, accountability, community participation and empowerment, conflict sensitivity analysis (Do no Harm).

The rapid surge in emergency response to internal displacement has not been followed by a harmonization in the response and the coaching of staff and authorities on basic protection and humanitarian principles. A threshold to trigger assessment should be agreed upon in order to make a rational use of resources. Lack of agreed standards and principles also determined a frequent interference by authorities and other actors in the humanitarian response. The development and adoption of common standards on the screening, assessment and assistance to displaced population is a priority to be complemented with the systematic inclusion of protection staff throughout all the phases of the process. The humanitarian community shall also seriously tackle the interferences by local authorities which are often left to unsuccessful mediation attempts at provincial level. HRT should prioritize the establishment of fraud and complaint mechanism to collect systematic data on interference to feed centralized advocacy and to allow response to fraudulent actions. Donors should precondition grants to the establishment of internal complaint mechanism and anti-fraud measures.

In addition to harmonizing the emergency response, clusters should put concerted efforts towards creating a solid and harmonized approach to referrals of individual cases to specialized services. Projects should be designed to foresee the inclusion of capacity building of community based protection measures through a capillary dissemination on information on existing services and assets and through the support in establishing community representation mechanisms. Recognizing the existence and promoting the establishment of Shura/community representation groups (usually one for male and one for female) is a key tool to support the capacity building of communities in addressing protection needs. Nonetheless, community representation mechanisms need to be capacitated in establishing direct dialogue with relevant authorities and service providers. To address specific and sensitive protection risks, such as SGBV, access to civil documentation, access to health services and education for women and girls, a strategy to engage religious leaders should be put in place. Such strategy should be implemented jointly with Ministry of religious and Cultural Affairs and relevant provincial authorities and aim at training religious leaders in becoming a positive vector of change. It requires the engagement of peace building and development actors into implementation of comprehensive behavior change strategy as well as the development of key protection messages by the humanitarian teams and the training of existing internal capacity within partners (staff graduated in Sharia Law).

Humanitarian programs should further entail protection component such as community based protection measures. Delivery of assistance should take into account the strain on host and receiving communities caused by mass displacement and returns. To mitigate inter-communal conflict and tensions, humanitarian programs should harmonize their support to vulnerable hosting communities and ensure that projects implemented for displaced and returnees generate a positive impact on hosting communities. Afghanistan is without doubt a protection crisis as described in the opening of this position paper. Hence, a protection lens should further be applied by the international community when analyzing, prioritizing, planning and implementing activities. The development of a HCT protection strategy is needed to strengthen protection outcomes of the international community interventions in Afghanistan. The ICCT, with the support of the Protection Cluster and OCHA, thus has a responsibility in developing a road map on how to strengthen protection aspects into humanitarian sectors intervention.



Further resources should be dedicated to capacitate humanitarian actors in mainstreaming and integration of protection in humanitarian actions. A shared human resources and expertise among agencies could help implementing partners to adjust their operational processes and take into consideration identified risks related to humanitarian assistance to avoid doing harm. The roll out of protection mainstreaming should be seen as an individual responsibilities by each humanitarian organizations and should be integrated or strengthen into monitoring indicators. Finally, the HCT should dedicate further funding through the CHF funding mechanism to the protection sector in order to improve the prevention and response to protection incidents, more specifically the identification of protection cases and their referral, the reinforce of communities to cope with protection risks through a protection community based approach and capacities of local actors as first responders.

III. Conclusion and way forward

The paper outlines a number of challenges and limitations pertaining to the Afghan context as to generating protection outcomes from humanitarian actions and beyond through increased partnership with peacebuilding and development actors. It also suggests room for opportunity to increase protection outcomes with the current capacity as well as consideration to be discussed related to the current architecture and its ability to deliver protection dividend.

Hence, as a way forward, the paper suggests that HCT organize consultations on the following considerations to enhance protection outcomes.

- How improving the situational analysis?
- How reinforcing the nexus between humanitarian action and peacebuilding/development nexus?
- How improving protection analysis and information management?
- How reinforcing Centrality of protection and Accountability framework?
- How improving humanitarian access, outreach and contextualization of the response
- How making humanitarian architecture and operational processes more efficient?

These consultations can take place in the frame of the development of an HCT protection strategy that will be linking up with the search of durable solutions for displaced population.