

**Conflict-Induced Internally Displaced Persons in Pakistan and Issues of their Protection: A case of displaced Pakhtuns & the United Nations Guiding Principles on Internal Displacement**

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Internal Displacement is one of the major issues Pakistan is facing. Pakhtuns living in FATA and parts of Khyber Pakhtunkhwa have mainly been displaced by conflict. Numerous large and small-scale military operations have been carried out in the whole of FATA and Malakand division to eliminate militancy. However, it is largely the local noncombatant population which bears the brunt of both militancy and counter militancy military operations. The number of the displaced persons from FATA and Khyber Pakhtunkhwa is around six million. Protection of this large displaced population became problematic for a country facing multiple challenges- on political, security and economic fronts. The displaced persons are “orphans of the conflict” who are in dire need of protection and sustenance during displacement. The United Nations Guiding Principles on Internal Displacement (1998) is a non-binding but comprehensive document on the issue of displacement. It aims to provide guidance to states facing displacements. Protection of the displaced persons is one of the cross-cutting themes of the Guiding Principles. Moreover, it deals with all stages of displacement such as pre-displacement situation, during displacement and after return situation. This paper examines the protection problems of IDPs- predominantly Pakhtuns – displaced from Malakand and FATA in the light of the Guiding.

**Keywords:** Protection of IDPs, Pakhtun, terrorism, FATA, PATA

Protection of the internally displaced persons (IDPs) in Pakistan, who are predominantly Pakhtuns, is a complicated issue and requires judicious resolution. This paper attempts to highlight the protection issues of the IDPs in Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa. Moreover, the observance or non-observance of the United Nations Guiding Principles on Internal Displacement (UNGPID) is also highlighted. Protection of IDPs is being explained to underscore the vulnerabilities faced by the displaced masses. The term “Protection of Internally Displaced Persons,” means access to fundamental human rights of displaced persons during the crisis, return and rehabilitation process. The state is responsible to give fundamental human rights to its citizens (Dixon, McCorquodale, & Williams, 2011, p. 417). Moreover, the international community, too, has the responsibility to impress upon other members of the comity of nations to observe the fundamental human rights of its citizens, where it sees any violation (Mansbach & Taylor, 2007, p. 473).

Pakistan is one of the few countries facing internal displacement frequently. Problems knitted to displacement remain the same irrespective of time and place. "It is not the cause of displacement but the displacement itself gives rise to problems for the displaced people." (Rehman Ali, personal communication, May 5, 2011). Shad Begum, an activist, from Dir Lower closely observed that the 2009 internal displacement from Malak and division and North Waziristan Agency explained that time and space of internally displaced persons might have changed but their plight and protection remained similar. She observed that in some cases the condition of IDPs from North Waziristan was worse than IDPs from Malak and division displaced in 2009 (Shad Begum, personal communication, July 15, 2014).

The IDPs have the right to protection against adverse circumstances during displacement and after return. It is the prime responsibility of the state to provide protection to its displaced masses (Opeskin, Perruchoud, & Redpath-Cross, 2012, p. 399). Major protection issues of the Pakhtun IDPs in Pakistan are analyzed in the context of UNGPID. As most of the IDPs were displaced from the areas where the Pakhtuns live, therefore when the authors express their views about IDPs from Malakand and FATA they mean the displaced Pakhtuns from those regions.

### **Method**

Exploratory research method has been used to evaluate the situation of displaced people. IDPs, UNHCR officials managing IDPs, academicians analyzing the displacement situations in the country have been interviewed using open-ended questions. Interviews were either through direct contact, telephone, Skype conversations, and emails to compile this study. IDP camps were visited to observe and get firsthand knowledge of the situation on the ground. Special emphasis was given to the displacement situation of Swat in the camps of district Swabi as they were among the first chunk of IDPs displaced by the conflict between the Pakistan military and militants. Data was also collected from IDP camps set up for displaced persons from Khyber Agency, North and South Waziristan Agencies. Throughout the course of this research a wide-ranging literature review was carried out to search all essential facets of the topic. Information and statistics were compiled through accessing web sources, newspapers and journals.

This study is borrowed from the principal author's Ph.D. thesis titled "Conflict-Induced Internal Displacement: Issues & Challenges for Pakistan." The study focused on the views and experiences of IDPs in Pakistan regardless of their time of displacement. This is an updated version of the old study and the Pakhtun dimension has been highlighted.

### **Major protection issues**

#### **IDPs Right to shelter**

"Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence," say the Guiding Principles. The Guiding Principles on Internal Displacement is explicit about the provision of shelter and protection against deprivation from the shelter. Millions of Pakhtuns got displaced from Malak and Division and FATA, after the initiation of military operations against the militants. For instance, the military operation *Rah-e-Rast* displaced around 3 millions in 2009, in the same year operation *Rah-e-Nijat* was launched in South Waziristan which displaced around seventy thousands individuals (Akbar, 2015) and military operation *Zarb-e-Azab* in 2014 displaced around 600 thousands ("IDP crisis - Post operation *Zarb-e-Azb*," n.d.).

Paragraph two of Principle 7 of UNGPID emphasizes that authorities should ensure proper accommodation to the displaced persons. Moreover, safety, nutrition, health and hygiene of IDPs is important. Members of the same family should not be separated (Kälin, 2008, p. 36).

Aqeel Khan was dissatisfied with his accommodation in D.I. Khan, about 500 KM east from the town of Tehsil Wana of South Waziristan Agency (SWA), because he told that his relatives had provided him accommodation rather than the government providing shelter. Likewise, Shahidullah Dawar from SWA told that the policy of the government of Pakistan towards the IDPs from SWA was punitive (Shahidullah Dawar, personal communication, June 20, 2012).

IDPs from Aurakzai Agency in the Tughsarai IDP camp in district Hangu, IDPs in Jalozei camp from Bajaur, Khyber and Mohmand agencies and IDPs in camps of District Swabi from Swat, Buner and Dir and IDPs from North Waziristan Agency in Bakakhel IDP camp faced numerous shelter-related problems. Rehman Ali, a hygiene officer at International Medical Corps (IMC) was of the opinion that in Tughsarai camp at Hangu more than one nuclear family was accommodated per tent; thus, the presence of greater number of individuals made it hard for the inhabitants of the tent to keep it clean as they all had to dine and take rest in the same place and the number of inhabitants was more than the capacity of the tent so it hampered their efforts to keep it clean all the time. (Rehman Ali, personal communication, May 5, 2011) (Shad Begum, personal communication, July 15, 2014). Likewise, Feroz Khan of district Buner was also furious over the government inaction to improve the living condition in the camp (Feroz Khan, personal communication, September 15, 2009). The principal author observed that tents were overcrowded and privacy of nuclear family could not be maintained. Whole families were accommodated in one tent and many tents were being used to lodge more than one family.

Similarly, most of the IDPs in Jalozei camp near Nowshera, Khyber Pukhutnkhwā (KP) were not satisfied either from their living conditions in the camp. Ijaz Khan- an IDP from Bajour living in Jalozei IDP camp told that tents provided to them were not strong enough to resist the harsh weather condition such as extreme winters and extreme summers, which is the normal weather pattern in KP. He revealed that unscheduled power outages were a routine over there. The general public also faced the problem of power outages all over the country but keeping in view the poor resistant tents shelters did not provide much protection against the weather in tent villages. He further informed that although his family was small, therefore, he did not face the problem of space and privacy in the tent but there were many other IDPs who were living in overcrowded tents (Ijaz Khan Salarzai, personal communication, June 12, 2012). In a nutshell, it can be said that the government failed to cater to the needs of all the displaced population because of their large numbers. Such kinds of problems compelled most of the displaced persons to opt to live outside the camps.

### **Health of IDPs**

Health as a human right does not denote the right to be in good physical shape nor does it avow an infinite right to be treated for all medical conditions. To a certain extent, this right may be seen processing two components i.e. the right to health care and the right to healthy circumstances. The rights-based approach to health integrates together a medical, remedial angle centering on health care and health services and a civic health protective standpoint spotlighting on the societal determinants of health, which includes water, sanitation, nutrition, and health schooling. Dislocated from predominantly Pakhtun areas, IDPs have the right to health and other essential services, including the right to well-being. This right of the IDPs has been affirmed by the UNGPID and various

instruments of international humanitarian law and international human rights law (K'alin, Williams, Koser, & Solomon, 2010, p. 109).

Apparently, every IDP camp in the country is provided with at least one dispensary and doctors. Although condition and services of dispensaries vary from camp to camp, in some cases the inhabitants of the camp were found satisfied with the medical facilities while in other cases they expressed sheer disappointment regarding health facilities. Some of the IDPs and personnel related to International Non-Governmental Organizations (INGOs) and NGOs believed dispensaries in the IDP camps were not equipped with the advance medical facilities but still they were adequate to address the issues of first aid and initial medical treatment in an emergency situation. (Rehman Ali, Personal communication, May 5, 2011). Medical facilities in the IDP camp of Chota Lahore Swabi were not ample to satisfy the needs of the inhabitants. There is no denying the fact that medicine was provided by the government, however, the residents of the camp told that they only got Aspirin and Ponstan, tablets normally used for light headache and mild symptoms of fever and pain. The reason for this was not scarcity of medicine provided by the government, but the corruption of the medical staff posted in the camps (Shahpoor Khan, personal communication, September 16, 2009). He further elaborated that the dispensary in the camp had all the essential medicines, however, the medical staff sold that out in the open market and thus IDPs in the camp were deprived of free medical check-ups and medicines. In order to verify the claim, the researcher (principal author) contacted the medical officer at the camp but due to a large number of patients, he found it difficult to discuss the matter. However, it was observed that he was thoroughly checking the patients and was prescribing medicines; on the other hand, the dispenser was handing over all medicines, which the dispensary had in the stock.

A group of IDPs in the Chota Lahore YarHussain camp told on the condition of anonymity that some of the wounded were suspected to be sympathizers of Taliban and therefore, were denied medical treatment. They further informed that at about fifty percent of the wounded were denied medical treatment by the hospitals in Swat based on their association with the Taliban in one way or another. The principal author inquired to verify those incidents however; this could not be confirmed by other independent sources or news reports. If so, this is in stark contradiction with Principle Nineteen of the Guiding Principles, which says all the sick, wounded and disabled internally displaced persons have the right to obtain medical care to the maximum possible level and without any deferment and proper attention. It further says that such medical care should be extended to the displaced people without any distinction (K'alin, Williams, Koser, & Solomon, 2010, p. 50). But the ground realities in district Swat during the 2009 military operation known as *Rah-i-Nijaat* were not in conformity with Principle Nineteen.

Basic health units (BHUs) existed in camps to take care of the basic health needs of the IDPs. To eradicate malarial parasites, anti-malarial DDT or other insecticides were sprayed in the camps regularly. Moreover, health awareness programs were run in camps by different NGOs i.e. SACH<sup>1</sup>, ABKT<sup>2</sup> and Doctors without Borders etc. The BHUs have all the required medicines to stop the spreading of contagious diseases. Jan Wali a resident of the Tarakai IDP Camp of Swabi, originally from Mingora (Swat), told that the BHU in camp has the required equipment and medicines to minimise the risk of spreading contagious diseases. He further informed that the BHU has got all sorts of contraceptives including condoms not only to facilitate the IDPs in family planning but to stop

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<sup>1</sup> Struggle for Change

<sup>2</sup> Association for Behavior and Knowledge Transformation

Human Immunodeficiency Virus (HIV) and Sexually Transmitted Diseases (STDs) from spreading (Jan Wali, personal communication July 09, 2009). However, it is to be noted that Tarakai IDP camps were set by Liaqat Khan, an influential industrialist, of the district Swabi. The man is known for his philanthropy all over the district. Therefore, it should not be assumed that facilities in that camp were a standard kept in all camps. Mostly the government-administered camps are quite large and health facilities of such kind are not provided due to lack of resources and large number of residents. However, there were some government-run camps, which comparatively provided efficient health facilities but that too was due to active involvement of UN Agencies and NGOs e.g. in Tughsarai IDP camp, services were provided by International Medical Corps (IMC), in Jalozai Camp, World Health Organization is actively involved through implementing partners. Moreover, International Committee of the Red Crescent (ICRC), Centre of Excellence for Rural Development (CERD), International Rescue Committee (IRC) and Handicap International shared the responsibility of the government in provision of health facilities to IDPs various camps i.e. Shah Mansoor Camp 1 and Camp 2 Swabi, Jalala Mardan, Palosa, Sugar Mills and Sheikh Shezad IDP camps. Satisfactory health facilities arrangements were there in the Tughsarai IDP camp in district Hangu. (Rehman Ali, personal communication, May 5, 2011). However, nothing can be absolute and there were many camps where the inhabitants were not satisfied with health and hygiene condition inside the camp. For instance, an IDP from Jalozai camp told that he was not satisfied with the arrangements made for the eradication of malaria in the camp (Ijaz Khan Salarzai, personal communication, June 12, 2012). The overall condition of health facilities and arrangements to stop contagious and infectious diseases from spreading are in conformity with Principle Nineteen of UNGPID.

The Guiding Principles address the importance of the healthcare needs of pregnant women. Bas Bibi, a resident of Charbagh Swat at the time of interview lived in Sheikh Shehzad IDP camp Mardan had lost her only son at the hands of Taliban in Swat. She was 75 years old widow and told that her daughter-in-law was seven months pregnant. She said that although there were medical facilities at the camp level, they had to wait for hours to receive medical treatment. She further informed that she was old enough to stand in the queue with her daughter-in-law for her pre-delivery medical check-ups. The principal author was denied permission to interview her daughter-in-law as it was against the Pakhtun culture. Pakhtun women normally do not meet with strange men due to the prohibition of such encounters in the local culture (Bas Bibi, personal communication, July 10, 2009). Azmat Ali was not satisfied with the medical facilities for the women and particularly pregnant women at the camp (Azmat Ali, personal communication, July 10, 2009). The presence of such issues at the grass root level in the IDP camps represent that there were no special efforts made to take medical care of pregnant women.

### **Fortification against Illiteracy**

To acquire education is one's basic right and the state being the supreme authority over its citizen has the responsibility to provide its populace with education. Article 26 (1) of the Universal Declaration of Human Rights says that all human beings have the right to get a free education at least at the elementary level (Kälin et al., 2010, p. 252). Principle Twenty-Three of the UNGPID also addresses the issue of education of the internally displaced persons (Kälin, 2008, p. 106).

Primary schools were established in tents in most IDP camps of Khyber Pakhtunkhwa—formerly known as NWFP. However, most IDPs were not satisfied with the quality of education provided in those schools. Jan Wali of Swat told that two of his sons were of school-going age, but they were not going to the school in the camp because they had no surety for how long they would live in the camp. The second reason in his view was that the schools in the camp were just to engage

the children in informal learning activity with no concrete results. He told that his kids were better off without going to school as he thought they were helping him out in domestic matters i.e. a collection of food from the camp distribution point etc (Jan Wali, personal communication, July 09, 2009). A group of people in Shah Mansoor camp Swabi were eager to share their insight about the problems of the IDPs. They were from Malakand and told that while there were schools for children, however, no colleges and universities were available for hundreds of young boys and girls in the camp. Local colleges were already accommodating students more than its capacity. The young boys were wondering here and there in the camp due to the absence of educational facilities. Since there is no accurate mechanism developed to stop the movement of militants in the guise of IDPs in and out of the camp; thus, the youth among IDPs due to lack of educational and creative activities are prone to be attracted by militants to formal and informal preaching of militant ideology, because the vacuum created by the absence of productive activities is bound to be filled by negativity.

Rehman Ali told that there were schools in the Tughsarai IDP camp of District Hangu but a limited number of children attended those schools. The camp was situated far away from the road and the market and thus many parents did not encourage them to go to schools instead they preferred their children to assist them with their daily chores. He further informed that the number of college and university going students was in thousands but there were no colleges and university in the camp. The resulting impact was that most of the young men got involved in criminal activities like robbery and theft. (Rehman Ali, personal communication, May 5, 2011). It is difficult for the administration to establish full fledged colleges and universities in IDP camps, but it is possible to establish small campuses of the public sector universities and colleges which are already functional in the areas of origin of IDPs. The displaced children were potential anti-state elements and an easy target for recruitment by the Taliban. Experience has revealed it time and again that uneducated and unemployed youth is their tool.

The Guiding Principles say that there must be no discrimination between the internally displaced person and the rest of the citizens. Primary schools in IDP camps with no formal examination process involved is equal to the violation of the UNGPID. For an economically dntrodden country like Pakistan; providing quality education for the internally displaced persons whose number is in millions is a mammoth task. However, the quality of education in the IDP camps is a matter of concern. Education for the college and university going internally displaced students in camps has not been taken care of. Thus, protection against illiteracy or right to get an education should be a matter of high priority for the authorities. Meticulous assessment of the consequences of displacement and the facility of education for the children and the youth should be made.

Additionally, mostly the displaced persons are from backward areas and women in such areas are discouraged to get an education. While this fact remains oblivious in the conflict zones but when the tribal Pakhtuns are made IDPs and they settle down in camps then the deprivation of women from education becomes visible to all. Although there is a cultural element involved in it the lack of educational facilities for females cannot be ignored.

### **Safeguarding Internally Displaced Children Rights**

The state of internally displaced children in the IDP camps and in the host communities is not the same all over the country. It varies from camp to camp. Child labor is a sensitive issue and the government lacks the capacity to monitor the situation and control it. In IDP camps child labor is a common practice. Those camps which happen to be in close vicinity of the urban centers, provide an

opportunity for the IDPs to make a living. Displaced Pakhtuns are normally found discontented with their financial condition as in most of the cases they do not get the promised support from the government and are looked upon as sympathizers of the anti-state elements. Ibtesam Khattak, a psycho-social-counselor with SACH (NGO), told that the above-mentioned factors played a vital role in developing the mindset of the elders to allow and involve their children in bread earning race. She told that in the situation of displacement parents allowed their children to go to work, as they had no other option but to utilize every extra pair of hands to improve their financial condition. (Ibtesam Khattak, personal communication, August 5, 2011).

The marriage of girls below the age of 18 years is also an issue in the most remote parts of Pakhtun areas of FATA and KP. Zar Gula of Aurakzai Agency was married to Hashmat Ali in the IDP camp of Tughsarai in the year 2010. According to RehmanAli, the girl was only 14 years old at the time of her matrimony. He further informed that she was in class eighth when she got married. The reason was that she was already engaged with Hashmat Ali who was her elder cousin. They were about to get married when they were forced to move out of their area of habitual residence. In Rehman's opinion, it was the societal pressure on both the families, which made them take the decision of their marriage in the camp (Rehman Ali, personal communication, May 5, 2011). Ibtesam Khattak so expressed her views on the same issue and said that in some cases it is the societal pressure while in others it is the will of a family of the boy to get their son married with a young child who is not yet adult by law. In her opinion, the government has no capacity and intention to implement laws regarding the minimum age of marriage in remote area, as it would be meddling with their culture. However, the cases of early marriages in the IDP camps were not only a violation of Convention on the Rights of Child (CRC) but it was also a violation of the UNGPID and the government should devise a mechanism to stop it (IbtesamK hattak, personal communication, August 5, 2011).

The issue of early marriage can be discussed along with the rights of child and rights of women, as females under the age of eighteen fall in the same category. The matter under discussion leads to early pregnancy which is a serious violation of the women and children health rights. Qabil Shah, working with SACH, said that IDPs from FATA settled in the Southern districts of KP had early pregnancy issues. He told that it was part and parcel of the culture in FATA that girls would be married as early as possible. (Qabil Shah, personal communication, August 10, 2011). Infants with health problems and no proper facilities do not survive beyond five years of age and in some cases when they survive they do not become productive members of the society as they mostly get diseases like polio and hepatitis etc. It is a fact that government does not have the capacity to stop and implement laws related to early marriages in remote areas. However, it cannot be an excuse to cover the inefficiency in IDP camps. The government does not have the capacity to implement those laws in the areas of habitual residence i.e. FATA and PATA due to cultural sensitivities and inadequate state machinery. However, state machinery can be utilized to protect children from early marriages, at least in IDP hosting areas and camps.

The overall situation of children's right in the conflict zones and in IDP camps and host communities is not satisfactory. It is a tough task to provide them with their rights but the government has no effective measures in place to protect the rights of IDP children. Deprived of their rights these children, both males and females, can turn into anything i.e. anti-state elements, thieves, , sex workers and spies etc.(Activities, 1956, pp. 4711–4712) Every displaced Pakhtunhas a story and at times they hold the government responsible for their miseries. Therefore, it is immensely important to impart education to children and observe children's right to turn children into an asset for the future.

### **Protection of Displaced Pakhtun Women**

Women and children make an overwhelming majority of the IDPs, about forty-eight percent, in Pakistan ("Population - female (% of total) in Pakistan," n.d.). They are susceptible to the challenges they encounter during displacement. Women are among the vulnerable groups in the IDP camps. They normally take care of the whole family but are generally ignored. The Guiding Principles have taken into consideration the condition and special needs of IDP women (Kälin et al., 2010, p. 339).

Pakhtun culture plays a major role in providing protection to women who are considered an honour of men in the society. Protecting them from any form of mal treatment by other men is a major responsibility of their male family members. When these people got displaced they wanted privacy and safety along with dignity for their women. However, displacement exposed them to new challenges which they had not encountered till then. Officials of UNHCR Pakistan responsible for the protection needs of IDPs told on the condition of anonymity that displaced women do not get their due rights in the IDP camps in KP. Some of them revealed that there are inadequate medical facilities for the expectant mothers or mothers with young children. Some females approached the UNHCR field offices in KP to get medical assistance. Their opinion was that the UN agency for refugees was doing its best to help and protect the IDPs but at that moment it was beyond the power of the UNHCR Pakistan to reach out to all IDPs and address their issues given the fact that government of Pakistan did not give security clearance to UN agencies and other international aid agencies in many areas of FATA and Frontier Regions because of poor security situation.

Rehman Ali remarked that the Guiding Principles demand that female-headed households should get protection which their circumstances demand but the situation on the ground suggest that the female-headed households in camps, did not get what they needed i.e. livelihood support and healthcare etc. because of slow response from the government officials deployed in camps. The second reason was the lack of general awareness among the IDP women about their rights. He told that most of the IDPs were from the farthest Pakhtun areas who did not know about their rights (Rehman Ali, personal communication, May 5, 2011).

The primary level education is available for children of both genders therefore; there is no discrimination at the policy level. Many vocational training centers have been established for women to give them special education and make them able to be a helping hand in the economic uplift of their families ("Pakistan," 2009).

### **Protection against Discrimination**

In the year 2012, the number of IDPs in Pakistan was more than a million. Resettlement of IDPs from one area is paralleled by the flight of people from another region. Speaking strictly in terms of principles and ethics, there should be no discrimination among IDPs and the rest of the citizens. Rehman Ali says that the ground realities are not encouraging when it comes to equality. IDPs are confined to the camps for registration and protection but the situations of displacement expose them to discriminations, not only their sex, language but also their displaced status. IDPs living in camps faced biased treatment by the authorities administering those temporary settlements. They are blamed to be the cause of the conflict and thus deserving suffering. IDPs living with the host communities also face discrimination both at the hands of the host community and the authorities administering their displacement. Mr. Ali told that although there were exceptions and one could not generalize, but discrimination was practiced. (Rehman Ali, personal communication, May 5, 2011).

Broadly speaking the displaced of Swat were assisted in an amiable mode as compared to the IDPs of FATA. There were reservations and complaints of the displaced people, but the overall

outcome of the Swat situation suggested that the government approach to the Swat IDPs was pragmatic and the displaced persons were taken care of according to the norms of human rights. However, on other hand the IDPs from FATA in general and South Waziristan, in particular, do not get the same type of response from the government. Mostly, they have not been settled in IDP camps. They have been accommodated with host communities in Dera Ismail Khan and Tank etc. According to Ibtisam Khattak, those IDPs living with host communities develop a sense of dependency, which de-moralizes them (Ibtisam Khattak, personal communication, August 5, 2011). Discrimination of one IDP group against the other is a breach of the UNGPID (Willmot, Weller, & Mamiya, 2016, p. 201) (Kälin, 2008, p. 4). The UNGPID prohibits all forms of biases against the IDPs; may it be discrimination among IDPs or among the IDPs and the rest of the citizens.

In the year 2009, a group of people in the IDP camp of Yar Hussain told on the condition of anonymity that some of their young relatives were friends of Molvi Fazlullah<sup>3</sup> in Swat and that was why their families were under observation. They told that they never supported or appreciated the acts of their relatives when Taliban were in power in Swat but their association made them the target of discrimination. They further told that since their relatives were with Maulana Fazlullah and people in their village knew that; therefore, they were scared that if they complained about that discriminatory attitude to anyone in the camp or any government official the camp administration would brand them terrorists, and then no one would come to their rescue or support.

#### **IDPs Right to freedom of movement**

IDPs have the right to freedom of movement. Restricting that right intrudes on their right to earn a living, health, education and a family. The right of free movement does not only include their right to move in and out of camps or move freely within the country but it also includes their right to move in and out of the country (Kälin, et al., 2010, pp. 9–46). (Principle 14 (1) and (2) of the UNGPID also advocates for the right and liberty of free movement of IDPs. Infringement on their right of movement maximises the sufferings of IDPs. This does not only bar the IDPs directly from moving out of the camps but if the camps are set outside the urban areas and away from the main transportation routes the IDPs would find it difficult rather impossible to move out of camps (Kälin et al., 2010, p. 11). IDP camp of Yar Hussain was set up about 15 to 20 km away from the main Mardan Swabi road and the link road to the camp was in a dilapidated condition. There was no routine public transport running on that road. The IDPs used to find it hard to visit Mardan for registration and collection of IDP registration cards.

The relatives of some of the fugitive militants in Swat were settled in a camp in Malakand. The camp was setup far away from the populated areas and movement of people in and out of the camp was closely monitored. Setting up a camp at a long distance from the main or linking roads is a step which deprives most of the population of the camp to move freely not because of the laws and law enforcement agencies but because of the location of the camp. According to BBC Urdu radio, the in and out movement from that particular camp in Malakand was closely monitored by the army and that was why the camp was strategically set up away from the settled area with only one access point to make it easy to have an eye on its inhabitants' movement.

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<sup>3</sup> He was the head of Swat Taliban in 2009 and he is the current leader of Tehrik-i-Taliban Pakistan (TTP). He took over the headship of TTP in November 2013

### **Provision of Humanitarian Assistance**

Humanitarian assistance is not defined by any human rights or international humanitarian institution. It is assistance necessary for survival such as food, water, medical supplies, clothing, and related non-food items such as water containers, cooking utensils, soap, etc. or the means to immediately obtain any such items, for instance, cash assistance. Access to humanitarian assistance must not only include access to essential non-food items but also to personnel and items necessary to provide humanitarian assistance. For example, humanitarian assistance personnel should have access to items of information technology, telecommunication, and vehicles necessary to gather and preserve the required data about the vulnerabilities of the affected population and deliver that assistance. Humanitarian assistance normally arrives in the wake of calamities such as conflicts or natural disasters.

At national level legal frameworks for humanitarian assistance for IDPs are rare to find and Pakistan is not an exception to it. There may be many reasons for not developing a legal framework at the national level but the most dominant among those factors is a failure of the government to plan ahead. It is not a colossal task to do legislation for IDPs but mere legislation for humanitarian assistance cannot solve the problem. If the government lacks resources to provide humanitarian assistance to IDPs then legislation alone cannot manufacture funds.

The Yar Hussain IDP camp set for the IDPs of Swat, Dir, and Buner in 2009 had the general problem of safe drinking water. There was a small canal running in the middle of the camp for irrigation. For most people of the camp, it was impossible to have access to clean drinking water. Thus, it was a common practice for the inhabitants to fill water coolers or bottles from that canal. Women and children would filter the water through pieces of cloths to make it clean for drinking purpose. The European Charter on Water Resources approved by the Council of Europe Committee of Ministers in 2001 recognizes that “everyone has the right to a sufficient quantity of water for his or her basic needs” (Mauerhofer, 2015, p. 102). Upon talking to inhabitants of the camp it was revealed that many infants and children were suffering from different stomach disorders due to drinking unclean water (Ahmad Nawaz personal communication, September 16, 2009). No concerned camp official was able to comment on the issue of non-provision of clean drinking water to the majority of inhabitants of the camp. Secondly, they did not have clean water for washing their utensils and they had to rely on the same canal water to clean their utensils.

While there were basic health units in the camp, but they were not well equipped to serve the needs and provide effective health care to the IDPs. Ahmad Nawaz told that the government was unable to provide clean drinking water to all the residents of the camp which caused numerous health problems; secondly, it failed to ensure the availability of medical staff and appropriate medicine to cure sick people. (Ahmad Nawaz, personal communication, September 16, 2009). Likewise, the IDPs of Tughsarai and Jalozaicamps faced lack of adequate medical facilities to cope with diseases caused by the unhealthy environment inside the camp. The Tughsarai camp was later on handed over to International Medical Corps (IMC) to take care of medical issues in it. Since they were IDPs from FATA and not from Swat, Dir or Buner therefore, most of their needs were ignored due to one pretext or other. (Rehman Ali, personal communication, May 5, 2011).

During the Swat crisis where IDPs were provided humanitarian assistance by the direct intervention of the government and the national and international NGOs, it was observed that it was

not fully utilized for the wellbeing of IDPs. A huge amount was spent on logistics, honorarium and wellbeing of humanitarian personnel of the government as well as NGOs. Answering a question about the justification of the amount spent on logistics and heavy salaries of the humanitarian assistance staff, Jan Wali replied that NGOs' officials mostly used heavy vehicles to visit camps. These vehicles were not only purchased or rented but also consumed more fuel as compared to small vehicles i.e. motorcars not more than 1600CC (Jan Wali, personal communication, July 09, 2009). Rehman Ali, however, tried to justify the use of some of the humanitarian assistance money for logistics and perks of the personnel on the ground that it increased the efficacy in distribution and provision of necessary aid to the IDPs. (Rehman Ali, personal communication, May 5, 2011).

When compared with international organizations, the local organizations work more effectively when it comes to saving money on logistics and staff salary and utilizing the same for humanitarian assistance. However, corruption sucks most of the funds meant for humanitarian assistance and little is left to be spent for the needs of the deserving displaced persons. (Muneeb Ilyas, personal communication, July 09, 2013).

### Conclusion

Protection of IDPs is of primary importance. If they are provided protection according to the standard set by the UNGPID then there is a fair amount of chance that a measurable population of the country would be saved from facing miseries.

The displaced in Pakistan are mainly Pakhtuns and largely they have not been managed well by the concerned authorities. The government should take care of their protection and humanitarian assistance. It is unfortunate that Pakistan has not developed a domestic framework of coping with internal displacement.

Displaced persons should be made part of the decision making process as they are the ones whose lives are affected due to displacement. Pakistan has ratified many international human rights instruments and therefore, it needs to incorporate those laws into national laws through legislation. Pakistan has yet to make national laws for the internally displaced persons through domestic legislation. Managing such large displaced population in the absence of law itself is a problem. These laws are necessary to protect and reduce the miseries of its displaced population.

### References

- Activities, U. S. C. H. C. on U.-A. (1956). *Hearings*.
- Akbar, A. (2015, February 28). Rah-e-Nijat IDPs to return to South Waziristan from March 16. *DAWN.COM*. Retrieved from <http://www.dawn.com/news/1166502>
- Dixon, M., McCorquodale, R., & Williams, S. (2011). *Cases and Materials on International Law*. OUP Oxford.
- IDP crisis - Post operation Zarb-e-Azb. (n.d.). Retrieved January 8, 2018, from <https://reliefweb.int/report/pakistan/idp-crisis-post-operation-zarb-e-azb>
- K'a'lin, W., Williams, R. C., Koser, K., & Solomon, A. (2010). *Incorporating the guiding principles on internal displacement into domestic law: issues and challenges*. Washington, DC: The American Society of International Law.
- Kälin, W. (2008). *Guiding principles on internal displacement: annotations*. American Society of International Law.

- Kälin, W., Williams, R. C., Koser, K., & Solomon, A. (2010). *Incorporating the guiding principles on internal displacement into domestic law: issues and challenges*. Washington, DC: The American Society of International Law. Retrieved from <http://books.google.com/books?id=a4NRAQAAIAAJ>
- Mansbach, R. W., & Taylor, K. L. (2007). *Introduction to International Relations*. Routledge.
- Mauerhofer, V. (2015). *Legal Aspects of Sustainable Development: Horizontal and Sectorial Policy Issues*. Springer.
- Number of displaced persons exceeds 3 million: minister. (2009, May 30). *DAWN.COM*. Retrieved from <http://www.dawn.com/news/467824>
- Opeskin, B., Perruchoud, R., & Redpath-Cross, J. (2012). *Foundations of International Migration Law*. Cambridge University Press.
- Pakistan: Vocational training centers opened in IDPs camps - ERU. (2009). Retrieved January 8, 2018, from <https://reliefweb.int/report/pakistan/pakistan-vocational-training-centers-opened-idps-camps-eru>
- Population - female (% of total) in Pakistan. (n.d.). Retrieved January 8, 2018, from <https://tradingeconomics.com/pakistan/population-female-percent-of-total-wb-data.html>
- Willmot, H., Weller, M., & Mamiya, R. (2016). *Protection of civilians*. Oxford University Press.