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125

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PROFILE SUMMARY

Pakistan: thousands of displaced unassisted after army operations in South Waziristan

While the November 2003 ceasefire between Pakistan and India has led to the return of thousands of internally displaced people to their villages in Pakistani-controlled Kashmir, another large displacement situation has emerged near the border with Afghanistan. Since the beginning of 2004, the Pakistani military have stepped up efforts to weed out up to 500 foreign Islamist militants believed to be hiding in the tribal area of South Waziristan. A full-scale military operation was launched in March 2004, involving the search of villages for foreign fighters and local collaborators. The operation is believed to have displaced 30,000 civilians and, according to local media, many have not yet been able to return to their villages. After a period of negotiations with local tribal leaders, the army resumed its campaign in June. There have been reports of heavy fighting in some areas between foreign militants and the Pakistani military. Despite media reports of devastation of houses and fields, as well as a need for medical and food aid among the local population, no humanitarian assistance has been allowed in by Pakistani authorities, who deny there is any humanitarian crisis. National human rights bodies and international agencies have expressed concern over the situation. Pakistani authorities must now ensure that humanitarian standards are met and pay particular attention to the special needs of the displaced population.

Background for displacement in South Waziristan

South Waziristan which comprises about 6,500 square kilometres and around 430,000 inhabitants (1998 census), is the largest of the seven Federally Administered Tribal Areas (FATA) bordering Afghanistan. The tribal areas are indirectly governed by political agents – a system that was created by the British rulers. In practice, central government has never exerted direct control beyond the main roads and towns, with traditional tribal structures ruling everywhere else in the territory. Wana, the capital of South Waziristan, has some strategic importance as it is the most feasible transit station for a proposed gas pipeline from Turkmenistan to India or the Pakistani coast. The main inhabitants of this region are two Pashtun tribes, Ahmadzai Wazir and Mahsud. The Waziri tribes have maintained close relations for centuries with other Waziris living across the British-drawn border in Afghanistan.

Sources: Asia Times Online, 14 January 2003, Rediff.com, 7 April 2004, Pakistan Census Organisation at Geo Hive web site

Starting on the 14th of March 2004, the Pakistani army carried out a two-week offensive in South Waziristan as part of the US-led campaign to eradicate the remnants of the Taliban and al-Qaeda in Afghanistan. This is the largest military operation in the region since troops entered in early 2002 to seal the border against people fleeing the military action in Afghanistan. The rationale behind the operation was to weed out up to 500 foreign Islamist fighters who were believed to be hiding on the Pakistani side of the border. The offensive came after months of mounting tensions between tribal leaders and

Pakistani authorities who maintained that certain clans in South Waziristan were protecting foreign Islamist fighters.

The focus of the operation was on five villages around the district capital Wana, some 20 kilometres from the border with Afghanistan. During the offensive, some 70,000 troops were deployed in the border region and between 5,000 and 7,500 troops were directly involved in the fighting (AI, 1 April 2004).

The use of both light and heavy artillery against the militants and an intensive search for collaborators among the civilian population led to many civilian casualties and the demolition of hundreds of houses, and forced thousands to flee their homes. Estimates of the number of people forced out by the military and paramilitary troops vary from "thousands" to at least 30,000 (The Nation, 28 March 2004; Aljazeera, 20 March 2004; Pakistan Today, 27 March 2004; AI, 1 April 2004). Amnesty International reports that civilians of one village were given three hours to vacate their homes which forced many to leave valuables behind. While some of the displaced went to live with relatives, hundreds of people, including women and children, set up camps in the open on the outskirts of villages where no official shelter was made available to them (AI, 1 April 2004).

Local media reported that hundreds of families returned after the operation was halted on 28 March. Apart from demolished houses, many found their livestock dead and orchards destroyed (AI, 1 April 2004; The News, 30 March 2004). Both journalists and humanitarian organisations were categorically denied access to the affected population (OneWorld South Asia, 26 March 2004). Amnesty International reported that a wide range of human rights violations were committed during the two-week operation. The International Committee of the Red Cross (ICRC) did a small-scale humanitarian assessment in March, but could not draw any conclusions as large areas were inaccessible (IRIN, 19 August 2004).

Since March, the military operation has continued at a low level and in parallel with negotiations with tribal leaders. Clashes between Pakistani military forces and suspected Islamic militants erupted again in June 2004, concentrated around the mountainous area of Shakai close to the border of Afghanistan. This time, the estimated 30,000-40,000 Afghan refugees residing in the area for decades were also targeted in order to hinder Islamist militants from hiding in the camps. The Pakistani government gave the refugees a 72-hour deadline to leave the area on the grounds that their safety could not be guaranteed any longer. In July alone, 25,000 people poured back into Afghanistan. UNHCR has described their return as "forcible repatriation" (COE-DMHA, 13 July 2004; NYT, 21 July 2004; AFP 23 July 2004).

The fact that the displaced do not live in camps, but rather with relatives and friends make an assessment extremely difficult. Only scattered information is available on displacement of the local population during the last spate of fighting, but it is likely that many have been forced to flee their homes. In July, large number of families were seen leaving the Santoi and Mantoi mountain regions in South Waziristan as Pakistani military

forces bombed Islamist militant bases in the area (Dawn, 14 July and 20 July 2004). Local sources say that thousands have left South Waziristan altogether. One newspaper reports that 12,000 people have fled to North Waziristan due to the army operation (The News, 10 July 2004; IRIN, 19 August 2004).

Information about the living conditions of the remaining displaced population is virtually non-existent. One newspaper reports that about 25 families were without shelter after loosing houses, cattle and all personal belongings during fighting in June (Dawn, 11 July 2004). According to a fact-finding mission by the independent Human Rights Commission of Pakistan (HRCP), the area has been badly affected by the conflict. Search operations, raids on houses, road blocks and economic sanctions have resulted in heavy financial losses for residents in the area. Pakistani military authorities have denied all reports of a humanitarian crisis and displacement in the area and say there is a proper framework for providing assistance to the affected population. Also, the authorities deny any shortage of food or daily use items that has been reported by the media (IRIN, 19 August 2004).

Background of displacement in Pakistani-controlled Kashmir

Pakistani-controlled Kashmir is divided into the Northern Areas with a population of 1.5 million under direct Pakistani administration, and in the south Azad Kashmir with a population of 2.8 million. The latter is often also referred to as Azad Jammu and Kashmir (AJK), and enjoys a certain level of autonomy, although it is still technically under Pakistani government control. Azad Kashmir is divided into seven districts, five of which are affected by shelling, in particular the Neelum Valley. Azad Kashmir is "overseen" by the Pakistani Ministry of Kashmiri Affairs, but has its own state council and a state president. The Northern Areas are divided into five administrative districts. The capital of the region, Skardu, is situated at 2,300 metres and most of the villages close to the Line of Control between Pakistan and India are situated 3,000-4,000 metres above sea level, making access to the population affected by the conflict extremely difficult.

Source: Knudsen 2002, p.34

The territorial dispute with India over Kashmir is the root cause of displacement in Pakistani-controlled Kashmir. Pakistan did not recognise Kashmir's accession to India in 1947 and sticks by the 1948 UN decision that the mainly-Muslim Kashmiris themselves should be allowed to decide whether to opt for India, Pakistan or independence. This has been the cause for two wars, in 1947-48 and 1965, and a period of intensified fighting in 1971. In 1972, the Line of Control (LOC) was demarcated as an official ceasefire line. Since then, the two countries have mobilised for war on four occasions (1986-87, 1990, 1999 and 2002). Each time war has been avoided after international diplomatic efforts.

Despite repeated ceasefires, there have been regular exchanges of artillery fire across the LOC in recent years, which have been the main cause of displacement inside Azad Kashmir. This is in contrast to displacement on the Indian side of the LOC which is related to a more complex conflict pattern, involving internal insurgents as well as infiltration of militants from the Pakistani side. In addition to those internally displaced

by the conflict, an unknown number of Kashmiris have since 1947 also fled from the Indian side of the LOC into areas controlled by Pakistan. By end-2002 it was reported that about 17,000 refugees were living in 17 camps in Azad and Jammu Kashmir (USCR 2003, "Pakistan"). A ceasefire which came into effect in November 2003 has eased tensions on both sides of the LOC, although there have been sporadic incidents of violence in Indian-controlled Kashmir since the conclusion of the agreement.

Analysis of displacement in Kashmir is complicated both by the fact that the international border and the status of Kashmir have not been finally determined. In addition, independent observers are granted only restricted access to the area. Outside observers, however, commonly consider the LOC as a *de facto* international border and divide those displaced by the conflict into the following four categories:

- People are considered refugees after crossing the LOC into the Pakistani-controlled side, Pakistan itself or seeking asylum abroad
- People are considered refugees after crossing the LOC into the Indian-controlled side, other regions of India or seeking asylum abroad
- People fleeing their homes inside the Indian-controlled areas are regarded as internally displaced within Indian administered Kashmir or other regions of India (see India Country Profile)
- People fleeing their homes on the Pakistani-controlled side of the LOC are regarded as internally displaced inside Pakistani-controlled Kashmir or inside Pakistan itself (ie the focus of this country profile).

Displacement since 1999

In 1999 hundreds of people, both soldiers and civilians, died and over 40,000 people were displaced in Pakistani-controlled Kashmir in fighting during what became known as the Kargil crisis. This occurred when India responded with both artillery and aerial attacks after a large number of Pakistani-backed insurgents had intruded several miles inside the Kargil area on the Indian side of the LOC (BBC, 15 June 1999; ICG, 4 December 2003). Following diplomatic efforts by the United States to quell the fighting, the majority of the displaced returned home by late 1999. However, by 2002, several thousand people had still not been able to return, as sporadic shelling continued together with a constant high level of violence and killings on both sides of the LOC (US DOS February 2001; Knudsen 2002 p.35; AI, 12 July 2001).

The terrorist attack on the Indian Parliament in December 2001 sparked off an intense artillery campaign by the Indian army across the LOC which created massive displacement in Pakistani-controlled Kashmir. In response to rebel attacks on the staff quarters of an Indian army camp on 14 May 2002, the Indian army further intensified

shelling across the LOC. This time civilian villages were deliberately targeted (BBC, 27 May 2002; ICG, 11 July 2002; CWI, May 2002).

Access to the conflict-affected areas in Pakistan-controlled Kashmir is often problematic due to administrative, security and climatic reasons and information about the extent of internal displacement has therefore been incomplete. In Azad Kashmir, a special authorisation from the federal authorities in Islamabad is routinely granted to humanitarian organisations, but access prior to the current ceasefire was not allowed beyond 16 kilometres from the LOC. Information-gathering has also been complicated by the fact that the authorities do not register internally displaced people, not even those living in camps.

It is known, however, that the number of internally displaced people increased sharply during 2002. An estimated 28,000 people were displaced in Azad Kashmir by an increase in shelling by the Indian army following the December 2001 attack on the Indian parliament (BBC, 4 January 2002; CWI January 2002). By mid-2002 an assessment conducted by Islamic Relief revealed that the number of displaced had increased to 5,700 households, or about 45,000 people (IR, 12 June 2002). The number of people remaining internally displaced since 2002 is not known, but regular episodes of shelling until the ceasefire agreement was concluded in November 2003 may have obstructed any large-scale return.

In addition to those displaced since 2002, local authorities say approximately 2,000 people have been displaced for at least six years. They have been living in three IDP camps, two of them situated in the Neelum Valley. Although exposure to shelling has decreased with the current ceasefire, landmines are one of the main obstacles to their return. While some assistance has been provided by the local population and humanitarian organisations such as ICRC, many camp inhabitants have found seasonal employment and manage to earn their livelihood.

In the Northern Areas, Skardu and Ghanche have been particularly affected by internal displacement. Hardest hit is the Gultari sector of Skardu district, which is situated opposite the Kargil region in Indian-controlled Kashmir. There is no formal problem of access to areas affected by displacement in this region, but many remote places are unreachable most of the year due to heavy snowfalls and harsh climatic conditions.

After the heating up of the conflict in May 2002, artillery shelling displaced an estimated 20,000 persons in the Northern Areas. The majority were from the Gultari sector, where an estimated 12,000 persons were displaced between May 2002 and June 2003 (Exchange of information with ICRC 2003). During the hostilities in 2002, several thousand also fled to the town of Skardu or to camps in the Skardu and Ghanche districts.

Return after the November 2003 ceasefire

After years of displacement, the ceasefire has encouraged thousands of displaced in Pakistani-controlled Kashmir to return to their homes. The main concerns in the return phase are to ensure food security before the onset of the winter and to repair material damage. In Azad Kashmir, a main concern is also the presence of landmines that has to be addressed before returnees can resume earning a living. A January 2002 report stated that opportunities for even temporary return were constrained because homes close to the LOC had been mined in anticipation of Indian ground attacks (CWI, January 2002).

Starting during fall 2003, ICRC has carried out assessment missions both in Azad Kashmir and in the Northern Areas. In Azad Kashmir, ICRC visited three IDP camps located in the districts of Muzaffarabad and Bagh and concluded that a large number of the displaced had already left the camps following the ceasefire. Those remaining in the camps will need assistance to be able to return. ICRC envisages giving assistance to the returning population during the reintegration phase (Exchange of information with ICRC, July 2004).

In the Northern Areas, more than 3,100 people sheltering in the Ghanche and Skardu districts returned in April 2004, while another 4,500 sheltered in the Gultari sector planned to return to their villages during summer 2004 (Dawn, 10 April 2004). The return operation is complicated as Gultari is only accessible between July and October due to climatic reasons. ICRC has assisted more than 440 returning families so they will be able to become self-reliant before the onset of next winter. The Pakistani government will be responsible for providing longer-term assistance. Apart from food security, material damage is also a concern, especially in the Gultari areas. Many houses are damaged after years of absence, so returnees have to live in tents at the start (ICRC, 5 August 2004; Exchange of information with ICRC, July 2004).

National and international assistance

The internally displaced in Pakistani-controlled Kashmir have been largely unassisted during their years of displacement. Although internally displaced in Pakistani-controlled Kashmir in general have been provided with short-term life-saving assistance by Pakistani authorities, humanitarian assistance in the longer term has been insufficient and sporadic (USCR 2003).

The ICRC is one of the few international humanitarian organisations which has focused on the war-affected people in Kashmir with food and non-food item distribution, monitoring, shelter assistance, support during the return phase and promotion of permanent solutions (ICRC 2002, p.169; ICRC 2003, p.151; Exchange of information with ICRC, 2003).

Islamic Relief has been working in the Neelum Valley since 1998 and seeks to coordinate assistance to the war-affected populations on the Pakistani side of the LOC. Its humanitarian assistance has included improvement of health care, livelihood projects, water and sanitation as well as strengthening the local capacity for first aid and evacuation of civilians in times of intensified conflict (IR 2002, "Preparedness Project").

The International Rescue Committee has also worked with Islamic Relief in this area (IRC 2003).

Apart from the above-mentioned assistance activities for the displaced in Kashmir, the plight of the conflict-affected populations in Kashmir has been largely ignored by the international aid community. Fewer than 50 military observers from the UN Military Observer Group in India and Pakistan (UNMOGIP) monitor the LOC. This UN presence, however, is not accompanied by UN humanitarian assistance, neither in Pakistani- nor in Indian-controlled areas (ICG, June 2004).

As to South Waziristan, international aid agencies have expressed concern about the situation, but all requests to carry out independent assessments have been denied by the Pakistani authorities on security grounds (IRIN, 19 August 2004). The UN refugee agency UNHCR has made it clear that it is not willing to assist the internally displaced from South Waziristan, arguing that this falls under the responsibility of the Pakistani government (Daily Times, 19 August 2004).

Both the Pakistani authorities and the international community should ensure that the returning population in Pakistani-controlled Kashmir receive the assistance required to be able to restart their lives. In South Waziristan, Pakistani authorities must address the humanitarian situation and ensure that aid is provided for the affected population, including the displaced.

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ABBREVIATIONS AND ACRONYMS

AAPSU	Arunachal Pradesh Students' Union
AI	Amnesty International
ATTF	All Tripura Tiger Force
BNA	Bru National Army
BRU	Bru National Union
CHT	Chittagong Hill Tracts
DPs	Displaced Persons
DPs/PAPs	Displaced persons and Project Affected Populations
EXCOM	UNHCR's Executive Committee
GoI	Government of India
MARG	Multiple Action Research Group
MZP	Mizo Student Federation
NBA	Narmada Bachao Andolan [Movement to Save Narmada]
NHRC	National Human Rights Commission
NSCN	National Socialist Council of Nagaland
NLFT	National Liberation Front of Tripura
NTPC	National Thermal Power Corporation
Lakh	One Lakh = 100,000
LAA	Land Acquisition Act
LAB	Land Acquisition (Amendment) Bill
LoC	Line of Control
PCJSS	Parbatya Chattaram Jana Sanghati Samiti (the organization of the tribal people of the Chittagong Hill Tracts)
R & R	Resettlement and Rehabilitation
Rs	Rupies
SATP	South Asia Terrorism Portal
SAHRDC	South Asia Human Rights Documentation Centre
USCR	US Committee for Refugees
U.S. DOS	U.S. Department of State

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