

Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) to the Universal Periodic Review mechanism established by the Human Rights Council in Resolution 5/1 of 18 June 2007

Internal displacement due to conflict in Pakistan

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Pakistan: tens of thousands displaced by army operations against insurgent groups, IDMC, 10 October 2006

I. Internal displacement due to conflict in Pakistan and the number of people displaced

1. In recent years, Pakistan has seen a proliferation of insurgent groups. Army operations targeting insurgents in Balochistan, Waziristan and the North-West Frontier Province's Swat valley are the main causes of conflict-induced displacement in Pakistan today.

2. The provinces of Pakistan still reflect ethnic divisions which the central government does not fully accommodate. The Pakistani government does not recognise ethnic identities and promotes a united Pakistan. To achieve unity, the army leadership in Pakistan has favoured military solutions which have tended to reinforce separatist tendencies that have led to the creation of more insurgent groups. In the last few years, some of the insurgent groups have become linked to the Taleban and Al-Qaeda.

3. There are **at least 84,000 internally displaced people (IDPs) in Pakistan today**. The number of IDPs is probably much higher, but as very few non-military personnel are allowed access to the conflict-affected areas, it has been impossible to determine the number and needs of the displaced.

4. In **Balochistan**, fighting between tribal rebels and the army has led to the internal displacement of at least 84,000 people, including an estimated 26,000 women and 33,000 children. The current unrest started in 2003 and intensified in 2005 and 2006, resulting in 40,000 troops being transferred to the region to fight local rebel groups. Estimates of the number of people displaced at the peak of the conflict are as high as 200,000.

5. In **Waziristan**, in March 2004 the army launched an offensive against militants connected to the Taleban and Al-Qaeda hiding on the Pakistan side of the border. In the course of the operation, fighting between rebel groups and the army displaced tens of thousands of civilians. Fighting and displacement were renewed in North Waziristan despite a ceasefire between Pakistani authorities and tribal leaders in July 2007. Over a week of fierce fighting in and around the town of Mirali, in North Waziristan, in October 2007 reportedly led to the forced displacement of 80,000 civilians to the neighboring area of Bannu or to Peshawar. There is no information accessible on either the current number of the displaced or their situation.

6. Violent clashes between government forces and pro-Taleban militants in the Swat valley located in the **North-West Frontier Province** are said to have caused large-scale displacement in November 2007. The offensive led to at least 400 civilian casualties and damage to over 1,000 houses. Most of the destruction was caused by heavy use of the army's helicopter gunships. Some reports suggest that at the height of the conflict 60 per cent of the Swat valley's 1,500,000 population had fled the area. There is no information accessible on either the current number of the displaced or their situation.

II. Main subjects of concern

Ethnic discrimination¹ as a cause of tensions and conflicts resulting in internal displacement

7. The divisions and differences between the Punjabi-dominated government and non-Punjabi ethnic minorities fuel conflicts which result in displacement of populations and have the effect of nullifying or impairing the enjoyment of a range of human rights by those affected.

8. The Baloch, a tribal people who have traditionally inhabited Balochistan, have a long history of struggle against the Pakistani state. The government has sought to subsume Baloch identity into a larger Pakistani identity. Part of its strategy has been an attempt to destroy the power of the tribal chiefs and concentrate authority in the central government. Since independence, the government has come into open conflict with the Baloch on four occasions — 1948, 1958, 1962, and from 1973 to 1977, when a growing guerrilla movement led to an armed insurrection that ravaged the province. Conflict resumed in Balochistan in 2003 as a result of the central government's attempt to develop the province through a series of large projects. The Baloch presented armed opposition to the perceived threat to their land, resources, and their distinct identity.

9. Waziristan is divided into two “agencies,” North Waziristan and South Waziristan. The tribes in both agencies are of Pashtun descent. North Waziristan is inhabited by the Wazir and Dawar tribes while South Waziristan is inhabited by the Wazir and the Mehsud. The government has retained colonial-era administrative and judicial systems to rule the region, and these structures and the denial of political representation have generated resentment. In response to external pressure to curb radicalism, the central government has talked about reforms in Waziristan, which have yet to be concretized and implemented. Waziristan has become a safe haven for Al-Qaida remnants driven out of Afghanistan in 2001 that can count on the support, reluctant or otherwise, of local tribesmen who have long resisted central government authority. The area also acts as a base for Taleban guerrillas fighting NATO forces in Afghanistan.

Protection of civilians during armed conflicts² & civil and political rights, in particular the right to life, liberty and security of the person;³ prohibition of torture and cruel, inhuman or degrading treatment or punishment;⁴ protection of home and property⁵

10. In **Balochistan**, intense battles are being fought between the army, the Frontier Corps, a paramilitary unit, and the Bugtis, one of the largest Baloch tribes. The attacks by the army and paramilitary forces are not precision-guided or accurate, and have claimed scores of civilian casualties in the two hardest-hit districts, Dera Bugti and Kohlu. According to the Human Rights

¹ UDHR Article 2 and ICERD Article 1.1

² Common Article 3 of Geneva Conventions as well as a number of customary rules of International Humanitarian Law, in particular those related to distinction between civilians and combatants, e.g. Rule 1, and between civilian objects and military objectives, e.g. Rule 7; indiscriminate attacks, e.g. Rule 11; or precautions in attack, e.g. Rule 15 and 17, and against the effects of attacks, e.g. Rule 22; use of landmines, e.g. Rule 81, quarantees relating to teatment of civilians, e.g. humane treatment Rule 87 or prohibition of torture Rule 90, of enforced disappearance Rule 98 and arbitrary deprivation of liberty Rule 99 (Rules as defined by the Study on Customary International Humanitarian Law, International Review of the Red Cross, Volume 87, Number 857, March 2005)

³ UDHR Article 3

⁴ UDHR Article 5

⁵ UDHR Article 12 and 17.2

Commission of Pakistan, many of those killed by military operations in Balochistan have been women and children. With Dera Bugti and Kohlu virtually under a state of siege, the lives of civilians have been severely impacted.

11. Security forces and intelligence agencies in Balochistan have been accused of intimidation, arbitrary arrests, torture, disappearances and extrajudicial killings of civilians. The insurgents have also been accused of torture, the deliberate killing of civilians and indiscriminate attacks. The use of landmines by the insurgents, in particular, has resulted in numerous casualties, not just of military personnel but also of non-combatants.

12. While the insurgents have targeted gas fields and pipelines, electricity grids and railway tracks, official installations and personnel with rockets, mortars, submachine guns and landmines, the army and the paramilitary forces have used heavy artillery, fighter jets and helicopter gunships in an indiscriminate and disproportionate show of force. At the height of the conflict, 200,000 people out of Balochistan's total population of eight million were displaced.

13. Combat between pro-Taleban militants and government troops has intensified in **Waziristan** in recent months. In October 2007, over a week of fierce fighting in North Waziristan's Mirali area forced 80,000 people from their homes. Villagers who fled the area reported civilians being caught in the crossfire. The army's bombing of villages where they suspected militants were hiding led to many civilian casualties and the destruction of homes and shops. The Pakistani army's use of fighter planes in the recent fighting in Waziristan, a significant escalation from its more accurate missile-firing helicopter gunships, has particularly impacted the civilian population.

14. In October 2007, armed conflict broke out in **the Swat valley** of the Northwest Frontier Province of Pakistan. The conflict was characterised by violent clashes between government forces and pro-Taleban militants attempting to establish control over the area. During the combat, over 1,000 houses were damaged or destroyed and there were at least 400 civilian casualties. Much of the destruction was caused by heavy and indiscriminate use of helicopter gunships against villages believed by the Pakistan military to be harboring militants. Estimates vary as to the extent of displacement, but at the height of the conflict, some reports suggested that up to 60 per cent of the 1,500,000 people in the valley had fled, mainly to the homes of friends and relatives. While many have since returned, some have chosen to move out of the area altogether.

*Economic and social rights, in particular the right to an adequate standard of living;⁶
the right to health;⁷ the right to education⁸ and the right to work⁹*

15. Internal displacement has had a significant negative impact on displaced people's standard of living and access to basic services. Securing immediate subsistence needs, including food, water and housing, poses immense difficulties for the displaced. For the most part their standard of living is far from adequate and this affects the possibility of exercising other rights, for instance compromising their access to education or healthcare or opportunities to gain living by work.

⁶ UDHR Article 25.1 and ICESCR Article 11.1 as well as its impact on Articles 12, 13, and 6

⁷ UDHR Article 25.1 and ICESCR Article 12

⁸ UDHR Article 26.1 and ICESCR Article 13

⁹ UDHR Article 23 and ICESCR Article 6 as well as Articles 7 and 9

The right to adequate standard of living – housing

16. Many IDPs in **Balochistan** are living in makeshift settlements without adequate shelter in Jafarabad, Naseerabad, Quetta, Sibi and Bolan districts. Some have reached neighbouring towns while those with better resources have made it to urban centres. Poor peasant families have fared the worst, and small groups remain camped over a vast and isolated area that is becoming increasingly insecure as the fighting spreads. Many of them have been forced to live under open skies during the summer when temperatures can reach 44 degrees, and during the long winters many children have died of exposure.

17. The government set up an IDP camp with a capacity of up to 5,000 families in **the Swat valley in November 2007**. The camp, however, remained empty following threats by local Taleban elements and the government's inability to offer protection to any IDPs who stayed in it. Those displaced who could afford rented houses were able to find temporary shelters, but this was not an option for the thousands of poor IDPs in the valley.

The right to food – the fundamental right of everyone to be free from hunger

18. The Pakistani government has prevented humanitarian agencies from distributing aid packages, which include emergency rations, tents, and medicine, to the IDPs in **Balochistan**. UNICEF and Pakistani provincial health officials, who surveyed the area in July and August 2006, reported that 28 per cent of children under five were acutely malnourished, with six per cent so underfed that they would die without immediate medical attention.

The right to water

19. There is no clean drinking water in the makeshift IDP camps in **Balochistan**. Most families have to carry water from between one and three kilometers away.

The right to the highest attainable standard of physical and mental health

20. The displaced in **Balochistan** have no formal medical assistance though water-borne diseases are rampant. A number of them are suffering from diarrhoea, dehydration and malaria. Deaths have been reported but not confirmed by area hospitals.

21. Many children who fled fighting in **the Swat valley** reported being traumatised as a result of the violence. The conflict in the Swat valley shut down hospitals for more than a week, making it impossible for injured IDPs to access medical assistance.

The right to education

22. The education of displaced children is disrupted due to the lack of security and uncertainty on the length of displacement, limited access to schools due to distance or loss of documentation which makes enlisting in new schools difficult, damage and destruction of school infrastructure due to fighting, and the prohibitive cost of education for families who have lost their incomes and livelihoods.

23. Insecurity and resulting long spells of curfew in **the Swat valley** have led to the area's 2,200 schools being closed. Displaced and non-displaced children have been hard hit. Many children have lost an entire school term due to the conflict.

The right to work and fair conditions of work & to social security

24. Conflict and displacement have irreparable short and long term economic and social consequences for people who have experienced them. They often directly interfere with people's opportunity to gain a living by work they have freely chosen and pursued. New employment and income-generating opportunities during displacement are difficult to find, which makes it hard for the displaced to secure a decent living for themselves and their families, and which makes it indispensable for the government to secure basic social security for those forced to flee from their homes. The short-term consequences such as loss of houses and property, employment or other survival and income-generating opportunities are further aggravated by the continuity of displacement.

25. In **Balochistan**, many IDPs have lost their source of income as they had to flee their villages where they were farmers or petty shopkeepers. Some local landowners have allowed several IDP families to stay on as labourers. Many other locals, however, are often hostile towards IDPs and old tribal enmities and newer political alliances further complicate the situation. Fear of reprisal by security agencies have also prevented many locals from aiding the IDPs and offering them employment opportunities.

26. Poverty and lack of livelihood opportunities are also seen as the main obstacle to sustained returns. Even when the displaced manage to return to their areas of origin, most face harsh economic conditions. The main problems identified in the return areas are lack of housing, health care, sanitation facilities, education and roads.

Limited humanitarian access¹⁰

27. Local people in the areas of **Balochistan** where IDPs are living are not allowed by intelligence agencies of the Pakistani army to help the displaced. The army prevented the Edhi Centre, a local charitable organisation, providing medical assistance to the IDPs and from setting up medical centres.

28. UN agencies and NGOs have been denied access to Balochistan. Under pressure from foreign diplomats and donor agencies, the government finally gave the UN permission to deliver a million-dollar aid package to Baloch IDPs in December 2006 including 57 feeding centres in the area. A few days later, however, the permission was abruptly revoked.

The information above is drawn from and fully referenced in the following sources:

- the Pakistan country profile in the IDMC's online database
- the overview "Tens of thousands displaced by army operations against insurgent groups" attached to the submission

This information, and more, is accessible at
<http://www.internal-displacement.org/countries/PAKISTAN>

¹⁰ Common Article 3.2 of the Geneva Conventions and international custom, i.e. Rule 55 (as defined by the Study on Customary International Humanitarian Law, International Review of the Red Cross, Volume 87, Number 857, March 2005)

III. IDMC's recommendations:

All parties to the conflict:

- Respect international humanitarian law and take measures to ensure that civilians are protected against the dangers arising from military operations, including forcible and arbitrary displacement;
- Permit unrestricted access of national and international humanitarian agencies to all those in need in areas controlled by each party.

The international community:

- Condemn breaches of international humanitarian law and human rights violations and abuses, including acts of forcible and arbitrary displacement of populations by the Pakistani army and armed militant groups;
- Urge the Government of Pakistan to allow humanitarian access to the displaced in Balochistan.

The Government of Pakistan

- Give adequate warning to civilians to allow them to leave areas of conflict prior to the start of military operations;
- Prevent the army from carrying out indiscriminate bombardment of villages;
- Provide adequate protection to IDP camps from threats by insurgents;
- Ensure that all IDPs have access to shelter, food, water, education, medical care and livelihood opportunities.

The National Human Rights Commission of Pakistan:

- Monitor the human rights situation of IDPs and ensure that any action taken by the government is in full compliance with the informed consent of IDPs and the Guiding Principles on Internal Displacement.