THE POLITICS OF REPATRIATION: A CASE OF AFGHAN REFUGEE REPATRIATION FROM PAKISTAN 1989-2003

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A dissertation to the University of Peshawar in partial fulfillment of the requirements for the degree of
Doctor of Philosophy

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Declaration

I hereby declare that this dissertation is the result of my individual research, and it has not been submitted to any other university for any other degree.

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GLOSSARY

Burqa	Traditional covering of *Pushtun* women from head to toe
Hijrah	Migration under Islamic Principles
Jihad	Holy Struggle
Kareez	Underground canals for irrigation
Khalq	People
Malik	Head of a refugee village
Milmastia	Hospitality
Mujahideen	People fighting in the name of religion
Nikah namas	Marriage Contracts
Panah	Refuge
Parcham	Flag
Powindas	Nomads
Pushtunistan	*Pushtun* areas situated on the Pakistani side of the Pak-Afghan border (known as Durand Line)
Pushtunwali	*Pushtun* Code of Honor
Refoulement	Forced Migration
Shariah	Islamic Law
Shura	Advisory Council
Wahabism	Puritanical interpretation of Islam by Ibn Abdul Wahab

LIST OF ABBREVIATIONS

ACBAR	Agency Coordinating Body for Afghan Relief
AREU	Afghanistan Research and Evaluation Unit
ATT	Afghan Transit Trade
BAAG	British Agency Afghan Group
CAR	Commissionarate for Afghan Refugees
CARs	Central Asian Republics
DACAAR	Danish Committee for Aid to Afghan Refuges
DRA	Democratic Republic of Afghanistan
IDPs	Internally Displaced Persons
ICRC	International Committee of the Red Cross
IIGA	Interim Islamic Government of Afghanistan
IRIN	Integrated Regional Information Network
IOM	International Organization of Migration
ISAF	International Security Assistance Force
ISI	Inter-Services Intelligence Agency
KhAD	*Khidmat Atilaat Daulti Afghan* (Afghan intelligence Agency)
MoRR	Ministry of Refugees and Repatriation (Afghan)
MSF	Medicins Sans Frontiers
PDPA	Peoples Democratic Party of Afghanistan
QIP	Quick Impact Projects
SHARP	Society for Human Rights and Prisoners Aid
UNHCR	United Nations High Commissioner for Refugees
UNOCHA	United Nations Office for the Coordination of Humanitarian Assistance
VRCs	Voluntary Repatriation Centres
WFP	World Food Programme

ABSTRACT

The presence of Afghan refugees for over two decades has created political and economic problems for Pakistan. The political benefits of hosting refugees reaped by various governments have been less if compared to the political cost they paid for decades. A natural and durable solution to end the refugee cycle is 'repatriation.' However, repatriation as a solution is not free from the politics of host and home countries. Pakistan's repatriation policy has been dictated by the political stake it has had in Afghanistan. It has remained hostage to its overall Afghan policy. Refugees have been treated according to the policies of the various governments. Refugees have been welcomed and pushed back whenever it suited the political leadership of the host.

Pakistan has on and off been stressing repatriation of Afghans, but so far it has not been able to achieve its desired objective. The government has started to realize that the longer the Afghans stay, the greater will be the political, security, economic and social repercussions for Pakistan. As the international community has lost interest in funding and assisting Afghans in the host country, and has shown interest in supporting them provided they repatriate and reintegrate in their home society, refugees are therefore, motivated to return. Pakistan, Afghanistan, United States and the international community – all have political interest in the Afghan repatriation. Pakistan, now an ally of the United States, in its War against Terrorism, and supportive of the political changes that occurred after the Taliban regime collapsed, has encouraged the refugees return. Previously too, when the Afghan governments had the political backing of Pakistan e.g. *Mujahideen* and then the Taliban, it made attempts to make refugees go back. However, political instability in Afghanistan has been a major roadblock to comprehensive and sustainable repatriation. Afghanistan needs back the large refugee population living in the neighboring countries to establish its political credibility. The international community is ready to pour in aid and invest in Afghanistan for the reconstruction and rehabilitation of its displaced population, because they do not want continued assistance to Afghan refugees. They want to shed their economic burden and dissociate themselves from Afghan politics.

Repatriation has been an on-going process for Afghans since the Soviet withdrawal from Afghanistan in 1989. However, massive returns occurred only in the years 1992-93 and 2002-2003. Two major political developments occurred in Afghanistan during these periods – one, in 1992 the *Mujahideen* government came in power after President Najibullah stepped down. *Mujahideen* had all along been opposing the Socialist government. Refugees started returning in large numbers but soon became disappointed as internecine conflict began due to the power wrangling among the various factions of *mujahideen*.

In October 2001 the United Stated attacked Afghanistan for not allegedly cooperating in handing over Osama bin Laden – head of the Al-Qaeda network, and who had been held responsible for the terrorist attacks on the United States (Twin Towers of New York and Pentagon in Washington) on 11, September 2001. The Taliban regime soon collapsed and Hamid Karzai, a moderate Pushtun leader, was made head of the interim government in November 2001. For refugees in Pakistan it was seen as a major political change, particularly those who had fled Afghanistan during the Taliban period, to return and resume their lives in normalcy. As a result a major repatriation program started which still continues at the time of writing this thesis.

While the political situation is still not stable enough to provide the required protection and security to returnees, yet the Karzai regime is making efforts to attract more returnees and make them resettle. It is not to say that it has been completely successful, as large numbers still need to be repatriated and recycling has to be stopped. In cooperation with the government of Pakistan and UNHCR, the transitional government in Afghanistan is making every effort to bring stability and establish political credibility. However, the challenges are grave and need to be tackled skillfully to make repatriation successful.

If Pakistan actually desires a comprehensive and sustainable return of Afghan refugees, then it definitely needs to reassess its Afghan policy. As long as it remains a political stakeholder in Afghanistan, repatriation of Afghans will remain a major issue to be resolved.

AFGHANISTAN AND ITS NEIGHBORS



Source:www.reliefweb.com

CHAPTER 1

INTRODUCTION

Repatriation of refugees is politically motivated. This is mainly because refugees are first and foremost a political problem. They flee their countries of origin out of fear of being persecuted. They seek refuge until conditions return to normalcy in their home countries or the root causes of their flight removed. Refugees return home under the terms of a plan that is worked out well in advance and has the support of both home and asylum governments, as well as that of UNHCR and the refugees themselves...Such plans commonly include amnesties for political offences, assurances of safe passage for returning refugees, material assistance to help them re-establish themselves and provisions for international presence of some kind to monitor their safety.

M.Y.A. Zieck

Repatriation as one of the durable solutions to refugee problem, assumed greater significance in the 1990s, when the Cold War ended and the Soviets withdrew from Afghanistan. In this changed international context it should not surprise us that the preferred, vocalized policy for handling refugees became repatriation. This had an impact on the presence of Afghans in Pakistan and their repatriation process.

1.1 The Problem

Millions of Afghans left their country and sought refuge in safer havens of both Pakistan and Iran after their country was invaded by the former Soviet Union in December 1979. Pakistan bore the brunt of massive refugee influxes, as it borders Afghanistan. Refugees are not a permanent phenomenon; they are to be repatriated, once conditions return to normalcy in their home country. Refugees return as soon as circumstances permit, generally when a conflict has ended, a degree of stability has been restored and basic infrastructure rebuilt. Afghanistan has seen many political changes since the Soviets withdrawal in February 1989, yet repatriation of millions of refugees from Pakistan has not been accomplished. However, this does not mean that no repatriation has at all occurred. There have been attempts to repatriate refugees but they were not so successful as new influxes led to the continuity of refugee presence in Pakistan. The government of Pakistan never took repatriation seriously; it never became a policy issue until late, though officially on and off it spoke of repatriating Afghans. This official inability can largely be attributed to its Afghan policy.

However, the changing nature of the Afghan conflict has now put pressure on Pakistani policy makers to permanently resolve the protracted issue of refugees in Pakistan.

Repatriation of protracted refugees is a formidable task for any government as it is a difficult and problematic process. Despite the new initiatives e.g. the 2002 repatriation program, taken by Pakistani government in cooperation with the UNHCR and Hamid Karzai's transitional government in Afghanistan, to repatriate Afghans, the issue of repatriation remains complex, given the past experiences. Pakistan desires a voluntary, comprehensive and successful repatriation of Afghans, one that leads to return of refugees to their home country and no flow backs to Pakistan. Such an objective is not easy to accomplish, as formidable problems are encountered in repatriation process, therefore, making the objective more challenging and pressing for Pakistan to achieve. Will there be a comprehensive repatriation from Pakistan, given the prevailing political situation? The statistics of 1992 massive repatriation and the current 2002 repatriation program, however, do not indicate the resolution of the problem smoothly or comprehensively.

1.2 Background

Pakistan has desired the return of over 3 million Afghan refugees since their massive influx in 1979, when the former Soviet Union intervened in neighboring Afghanistan. A developing country of 140 millions itself, Pakistan hosted millions of Afghan refugees (over 3 million at its peak),[1] which were an enormous economic burden; despite the international assistance it received for Afghan refugees. Pakistan maintained a policy of temporary protection with voluntary return as the preferred option; however, comprehensive repatriation was not in sight, as it remained hostage to Pakistan's official Afghan policy and the protracted fighting in Afghanistan. Even the end of the Cold War, and withdrawal of the Soviet troops from Afghanistan in

[1] Jane Thomas, *Effects of Afghan Refugees on Pakistan*. Ecological Fact Finding Study Report. Peshawar. January 1995

1989 did not result in successful return of all Afghans though the decade of 1990s was termed as one of "repatriation" throughout the world.

Repatriation occurs when situation improves in the home country, unless ground realities actually improve as perceived by refugees themselves, return is not opted. In case of Afghans, the political and economic situation has still not improved to the extent to be an incentive for return of all refugees. Therefore, successful/comprehensive repatriation is still awaited. Refugee presence has become a major concern, gradually generating resentment amongst the local population. Many elements in Pakistan believe that Afghan refugees would never really go back, even if political situation improves. This assumption so far holds true despite partial repatriations. Afghans, however, say that they do desire to return, but they do not want to risk their lives in a country where the conditions, which caused them to leave, remain fluid. The widespread devastation of the economy, agricultural, political and social infrastructure etc., deter them from return. Instead infighting in the country has resulted in new influxes. The porous Pak-Afghan border has made things more difficult for the host country to check and prevent new refugees, despite the change in Pakistan's attitude towards refugees. Influxes contradict repatriation, even if return is taking place. The policy makers on both sides, therefore, have been stressing on peace and stability in Afghanistan for the repatriation of refugees in safety and with dignity. The return of Afghans is now more pressing as both Pakistan and Afghanistan desire it.

With the collapse of the Taliban regime on November 12, 2001 and installation of an interim government of Hamid Karzai, once again primacy was given to repatriation. Afghanistan needs them back for restructuring and political stability, while Pakistan desires to shed its economic burden and disentangle from refugee politics, as it has paid a high price for hosting them. Their long stay has to come to an end, in order to complete the refugee cycle. The new political developments in Afghanistan and the euphoria amongst the refugees to return should not be oversimplified, as much more

is required to pave the way for a durable return. The current repatriation, March 2002 speaks of hope, but it is too early to expect and predict that it would lead to the desired objective of Pakistan in this regard.

This research attempts raising several questions; for instance, why repatriation has assumed greater significance now and how can the current repatriation program be made a success, given the past failures? A successful repatriation means not only return but also re-entering the mainstream of life-economically, politically, socially in their home country. This requires incentives for refugees to go back and resettle without any fear of insecurity. Monetary and material incentives are not enough to guarantee a durable and sustainable repatriation. What policy readjustments are required on part of Pakistan to make repatriation a success? Repatriation programs need to be re-evaluated and assessed to overcome the shortcomings of the repatriation policy and chalk out new strategies to repatriate refugees from Pakistan. How UNHCR can reduce the pain of refugees and assist them in repatriation without facing major problems? All these questions have been addressed and argued in this study.

1.3 Aims / Objectives of the Study

The research aims to analyze Afghan refugee repatriation from Pakistan in a political context. In the post-Soviet withdrawal period, the presence of millions of Afghan refugees has been questioned. Repatriation has always been one of the three solutions for ending the refugees' ordeal. The other two being 'reintegration' in the host country and 'resettlement' in a third country.[2] The thesis focuses on repatriation only and not on the other two solutions, because Pakistan is not economically sound to reintegrate them nor in a position to stress upon refugees to resettle in a third country,

[2] Three durable solutions have been suggested for resolving refugee problem: a. *resettlement* in a third country, it is about refugees moving from a transit or country of first asylum to another, or third state; b. *reintegration*, entails a process of integration into society of host country, it will be successful and lasting only if it allows the refugee to attain a degree of self-sufficiency, to participate in the social and economic life of the community and to retain a degree of personal identity and integrity; c. finally *repatriation* means return of refugees to their home country and assuming normal life. B.S.Chimni, (ed)., *International Refugee Law: A Reader*, New Delhi/London , Sage Publications, 2000, pp.330-337

unless the refugees opt for it themselves. Repatriation programs have been undertaken since the initial mass influxes of Afghan refugees, but they have not succeeded. Pakistan can no longer pursue its policy of maintaining such large numbers within its borders, because refugees are becoming a security, political, economic and social burden for the host. Pakistan want that Afghans should repatriate voluntarily, whether it is an *organized*[3] *or spontaneous*[4] repatriation. Therefore, given the theme of study, the main objective is how Afghan repatriation can be made voluntary and comprehensive, so that it is successful given the prevailing political situation in Afghanistan.

Secondly, the study critically analyzes Afghan repatriation in a larger context than just crossing the Pak-Afghan border. Dynamics of repatriation have been assessed, to observe whether it is going to be sustainable and durable. Dynamics include both the 'push' and 'pull' factors. For a successful repatriation 'pull factors' are more important, as incentives can attract refugees back home. Sometimes the 'push factors' are used by the host state but are against the norms of repatriation in safety and with dignity.

Thirdly, repatriation since March 2002 has been examined in detail as it is being predicted to resolve the refugee problem. Will it lead to the desired objective of comprehensive repatriation, is still a big question mark. Critical analysis of the said program will provide a better understanding of the current repatriation and the problems it is facing. Shortcomings of the program need to be assessed and removed promptly; otherwise it will be another failed attempt.

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[3] Repatriation can either be organized or spontaneous. By organized repatriation is meant a situation in which: refugees return home under the terms of a plan that is worked out well in advance and has the support of both home and host governments as well as that of UNHCR and the refugees themselves. See for more details *International Refugee Law: A Reader*, pp.330-337

[4] Spontaneous repatriation takes place without any of the features of advanced planning, which characterize organized repatriation. The decision makers in this instance are refugees themselves.

Finally, the study aims to suggest policy recommendations for a smooth, voluntary and comprehensive repatriation. The objective is to promote the use of research findings to improve the formulation of policies and their implementation.

1.4 Significance of the Study

There is lack of adequate research in the area of repatriation in Pakistan. A great deal needs to be done in this specific area, as repatriation of Afghans is becoming a complex issue because of its protracted nature. Unless, repatriated in time, Pakistan will be facing major challenges in the years to come. Long-term refugees are not convinced by the government's policy of repatriation. A detailed study of the issue will not only serve its purpose of acquainting the general public about repatriation but will become an important source of policy guideline for Pakistan in the future.

If Pakistan wants Afghan repatriation to be successful (as stated by the government), then it needs to change its present policy and formulate new strategies to relieve itself from refugees. Therefore, it is high time to critically analyze the politics of repatriation in the Afghan context. The study will be significant, as it will be highlighting the shortcomings of the ongoing repatriation program of March 2002, in the light of which it will be suggesting recommendations to achieve the desired objective. So far no in-depth analysis of Afghan repatriation has been carried out by any local, this will provide an important local perspective, which may be utilized effectively both by policy makers and researchers.

1.5 Scheme of Study

The study is spread over six chapters. Starting with an introduction of the study, the first chapter states the problem of refugees in Pakistan. After giving a background of Afghan refugees, the objectives and significance of the study are highlighted.

The second chapter gives a theoretical perspective of refugees and repatriation, highlighting the Afghan conflict and the resulting refugee problem. While refugees

constitute the problem, repatriation is one of the solutions to it. In order to study Afghan repatriation, we have to understand the concepts of both-refugee and repatriation- in their political perspectives. This will provide an important theoretical frame for the study.

The third chapter discusses Pakistan as a host, and the role-played by it without being signatory of the 1951 UN Convention Relating to the Status of Refugees. The political, economic and social implications of refugees for Pakistan have been highlighted. The need for repatriating refugees arose as the cost of hosting them mounted with the changes in the international environment and the political situation in Afghanistan.

The fourth chapter simultaneously focuses on repatriation and influxes of refugees, from and to Pakistan. The new influxes created a predicament for Pakistan despite massive returns in 1992. The 1992 repatriation is studied in detail, as it was a major repatriation in the 1990s. The concerns of returnees and the loopholes in the program have been highlighted. The fifth chapter is linked to the fourth in the sense that it focuses on repatriation and the policies of the governments and agencies concerned. It critically analyzes the March 2002 repatriation program. The various 'pull' and 'push' factors in repatriation are analyzed, e.g. the shift in Pakistan's policy; September 11 events 2001 and change of government in Afghanistan. This chapter also discusses the problems of returnees and the issue of recycling.

The final chapter concludes the study. After discussing the various phases of Afghan repatriation from Pakistan, the sixth chapter discusses the factors that led to failure of the past repatriation programs. It also makes an assessment whether the 2002 repatriation is moving towards success or failure. Finally it suggests recommendations for a smooth, voluntary and comprehensive repatriation. These recommendations have been made to improve the on-going repatriation process, which will end in the year 2005.

1.6 Methodology

Research methodologies available to scholars of forced migration studies are in their infancy. In addition, the field is also driven by the quest for policy relevant research. One aspect of this quest is the search for 'pre-requisites' for a 'successful' and 'effective' repatriation program. The pre-requisite in the Afghan case is security and political stability in the country. Afghans would return and stay back in their country provided security is guaranteed and their lives are safe. As the focus of the study is on politics of Afghan repatriation, therefore, a combination of research methods have been used to proceed and progress and arrive at conclusion.

The research is essentially qualitative (also known as naturalistic) in nature, because it is attempting to answer "why" questions e.g. why Afghan repatriation has become such a complex phenomenon; why comprehensive repatriation has not taken place despite the initiatives of the concerned authorities and agencies. Data has been collected through extensive semi-structured interviews, of government officials, UNHCR officials, repatriation officers of Afghan Commissionarte, repatriating refugees, Afghan professors and NGOs' personnel. Those refugees who are not opting for return at present have been interviewed too in order to gauge their reluctance to return home. This has been done through focus group discussions

Field trips to refugee camps, border areas and repatriation centers were made to observe and evaluate repatriation of Afghans. The mobility is important to study and examine, in order to find who is actually returning to Afghanistan and whether it will reverse or not. In addition, the existing literature on Afghan refugees has been reviewed and utilized to get a broader perspective on repatriation. The NWFP has been more focused in the study as compared to other provinces of Pakistan, as the largest concentration and repatriation have occurred in the former.

CHAPTER 2

Refugees and Repatriation: A Theoretical Framework

Refugees are first and foremost a political problem. The concept of refugee is closely knitted to the idea of repatriation. Repatriation being a solution to the problem is not divorced from politics either. Both have strong political connotations, which cannot be ignored while researching repatriation. Though until recently, forced migration was viewed as a humanitarian concern to be dealt with solely by humanitarian agencies rather than as a political issue requiring a coordinated response by development agencies, human rights networks peacekeeping and conflict resolution mechanisms. This approach too had political motivations, because the international community was expected to be more sympathetic towards refugees.

Forced migration is enmeshed in the politics of home, host country and the international community at large. People may flee their countries due to environmental and economic reasons too. However, the element of 'force' or "push factor " is not present when people leave their homelands in search for better economic opportunities. They are normally referred to as 'economic migrants'[5] rather than refugees.

Refugees are not unique to our times; we find them in large numbers around the globe. Refugees and other forcibly displaced people are inevitable companions of war, conflict, prolonged economic deprivation, and hunger. In the past, groups of people facing religious or racial persecution would often move to a more tolerant region.[6] Today, political persecution is a major cause of forced migration, and the international goal is to repatriate them as soon as the condition in their home country becomes stable.

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[5] An economic migrant enjoys the protection of its home country while a refugee does not. See. Elizabeth G. Ferris, *Uprooted: Refugees and Forced Migrants*. Friendship Press. New York. 1998, p. 20

[6] http://www.geography.about.com/library/weekly/htm accessed on September 22, 2000

Faced with the problem of a large number of displaced and uprooted persons after the First World War, the Western nations created international instruments for the protection, return as well as resettlement of these persons in other countries. The number of refugees and displaced people has increased over years. While the 20th century was termed as the "century of refugee"[7], the 1990s was termed as the "decade of repatriation." There are an estimated 15-20 million refugees in the world today. The end of the Cold War and the end of regimes that kept social order led to the dissolution of countries and changes in politics that led to unbridled persecution and a huge increase in the number of refugees.[8]

It was initially believed that the vast upsurge in refugees was a Cold War phenomenon. States like the US were generous because helping the refugees was often part of the larger anti-Communist crusade. But now it is clear that the end of the Cold War did not result in a period of international peace and understanding, instead conflict and strife have marred global relations, resulting in the mushrooming of refugees and displaced people. With the Cold War dimension gone, the international community has lost its interest in hosting refugees; rather it has started emphasizing on repatriation of these refugees, as they believe that a major obstacle has been removed.

Repatriation is highlighted to be the most desirable solution for refugees, but going back to one's own country is not easy. There seems to be a great gap between reality and rhetoric, ideally repatriation is fully voluntary, fully informed, and takes place only once conditions that give rise to the refugees flight no longer exist. In reality things are much harder and complicated for refugees returning home.[9]

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[7] Hans Arnold, "The Century of Refugee: A European Century?" in *Aussenpoltik* 111/91 Hamburg, p. 275

[8] http://geography.about.com/library/weekly/htm accessed on September 22, 2000

[9] Hiram A.Ruiz, "Repatriation: Tackling Protection and Assistance Concerns" in *World Refugee Survey*. US Committee for Refugees. (USCR). Washington. 1993 p.21

In this chapter a conceptual framework of both refugees and repatriation is examined and analyzed to comprehend legal instruments and customs dealing with refugees and their repatriation. This is imperative, as states do not operate in a vacuum, to deal with refugees. As the thesis focuses upon politics of Afghan repatriation, therefore a theoretical study of both the concepts (refugees and repatriation) provide an important frame for the study. This chapter is divided into three sections. The First section addresses the theory of refugees and the laws relating to it. The second section revolves around the "concept of repatriation" and the third part explains the origin of Afghan refugees, starting with an overview of the Afghan conflict, and the pouring in of Afghan refugees into Pakistan, thus providing a basis for Pakistan's policy towards Afghan refugee repatriation.

2.1 Refugees

There have been theoretical works about refugees but the problem is, that almost all theories concerning migration have been directed towards the phenomenon of "voluntary" movement rather than "involuntary or forced", such as refugee migrations. However, due to the gravity of the issue of forced migration being faced by the international community in the post World War II period and the need for solutions, a refugee regime came into existence. The works of various sociologists, social demographers, and political scientists contributed to shape this regime.

Amongst the few demographers and sociologists who worked on some aspects of involuntary movement, Egon Kunz's work stands out prominently. Kunz, a social demographer, has contributed to involuntary migration. Kunz classified refugee flight and subsequent patterns of settlement into three broad sets of factors, displacement, home related, and host-related. Kunz recognized that the refugee is differentiated from the voluntary migrant by "the reluctance to uproot oneself, and the absence of positive original motivations to settle elsewhere."[10] Whereas pull motivations are

[10] Egon. F. Kunz, "The Refugee in Flight: Kinetic Models and Forms of Displacement." *International Migration Review* 12 (2): 1973, Center for Migration Studies. New York. pp. 125-46

dominant in voluntary migrants, they are virtually absent among refugees, for whom the push component is overwhelming. As they are not voluntary migrants, refugees belong within the category of forced migration, which is characterized by a diminished power of decision. Many of the refugees had to make almost immediate decisions to leave, but such decisions were often preceded by a period of reflection as disturbing circumstances unfolded around them. While refugees are often forced to leave, they may still be able to make rational decisions about their strategies in terms of when and how to move, where to move to and what to do upon arrival.[11]

Kunz classified refugee movements as either anticipatory or acute, with the former referring to people who fled before deteriorating conditions in the home country prevented orderly departure and who generally arrived in a country of asylum with some knowledge of the language, some finances and some awareness of how to enter a particular trade or profession.[12] It was recognized that some anticipatory refugees may appear to be following the same pattern as the "free push-pull migrant", but Kunz considered them different because the pull component played little part in the movement decision. An anticipatory refugee is not responding to push–pull motivations but rather following a "push–permit" model, where choice of destination reflects the availability of a landing permit.

The second type of refugee migration, the acute, arises from sudden changes such that occur as the result of political and /or military coups. In these situations, the push component is dominant and the major emphasis is on flight – *en masse* (all together), in groups, as individuals – to find asylum in a neighboring or nearby country. Although earlier literature had summarized acute refugee movements as following the "push-pressure-pull" model, Kunz recognized that little or no "pull" was involved, despite a strong "push" component and intense "pressure". [13]

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[11] Ibid.
[12] Ibid. p.131
[13] Ibid. p.134

Kunz[14] further classified them into three distinct groups derived from refugees' attitude towards their displacement:

1. Those refugees whose opposition to political and social events at home is shared by their compatriots, both refugees and those who remain in home areas, are called *majority-identified refugees*.
2. Refugees who have left their home areas because of active or latent discrimination against the group to which they belong, frequently retain little interest in what occurs in their former homes once they have left. These refugees who feel alienated from their fellow citizens, Kunz calls them *events related refugees*.
3. A third type of refugees include people who decided to leave their home country for a variety of individual reasons. These self-alienated refugees feel alienated from their society not by any active policy of that society, but rather by some personal philosophy. Although the basis of all refugee movements is fear for personal safety, it is the "individual's interpretation of events and self-perceived danger.... which motivates the refugee to move and justifies his stand".[15]

In his work, Kunz does not specifically address the problems associated with repatriation, but it can be suggested that the first type of refugees, the *majority identified* would be the most likely to participate in repatriation. Refugees who retain a strong attachment to both the feeling of homeland and to people who did not flee as refugees are the most likely to participate in repatriation. Refugees, who have been subjected to discrimination and often-outright violence, feel that they are unwanted,

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[14] Egon. F. Kunz, "Exile and Resettlement: Refugee Theory" *International Migration Review* 15 (1) 1981 p. 44

[15] Egon. F. Kunz,"The Refugee in Flight: Kinetic Models and Forms of Displacement." *International Migration Review* p. 137

or unsafe in their own homelands and would be less likely to return. After becoming refugees, the desire to return home can only be aroused, if there are substantial political changes at home and the root causes of refugee flight have diminished.

As wave after wave of refugees have continued to flee from their homelands, it has become apparent that such crises are neither temporary nor unique events. Refugee analysts and researchers have urged support for refugee research, so that strategies such as comprehensive systems of professional assistance might be developed. As Connor has commented, at present the lack of substantive research on the characteristics and behavior of refugees has hindered the training of refugee specialists.[16]

Commentators such as Margaret Carpenter, Roger Zetter, and Harrell Bond have all stated that refugee situations have been dominated by priorities for physical survival and humanitarian assistance, policy analysis, project appraisal, and program evaluation. While important areas of investigation, the consequence has been a neglect of data collection and research on refugee populations that according to Harrell Bond requires "the application of coherent and integrated research strategies which incorporate the knowledge, methods, theories and concepts of a number of disciplines."[17]

When people are forced to migrate they situate themselves under the umbrella of international protection with a specific status called 'refugee'. Refugee status indicates mainly two situations of the people: the loss of national protection by the country of origin and the disruption for the refugees of social, economic and political dynamics as they were in the country of origin before the flight took place. The main international instrument dealing with such issues is the 1951 UN Convention Relating to the Status of Refugees (hereafter called the 1951 UN Convention).

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[16] Ibid.
[17] Paul Foley, *Hejrat: The Migration of Afghan Refugees to Pakistan.* (Masters Thesis) University of Hawai, 1991 pp. 3-11

2.2 1951 UN Convention Relating to the Status of Refugees

International conventions are products of history. It is the common experiences of states that bring them together to create such conventions. The UN 1951 Convention was a product of such a historical process. From a historical perspective, the rationale for the 1951 UN Convention can be sought in three factors: a need to respond to the European refugee problem in the aftermath of World War II, and the combined humanitarian and political purpose of enabling persons behind the iron curtain to find asylum in the West, and thereby 'vote with their feet' against the Communist regime. Apart from it, was the collective awareness of the betrayal of the Jews and other exposed groups in the 1930s, when European governments shut their doors in the face of victims of Nazi persecution.[18]

In the post-World War II, Western European States wanted to resolve the problem of war refugees as quickly as possible. It explains why in the 1951 UN Convention only those who "fled persecution in Europe prior to 1951" were defined as refugees. The authors of the 1951 UN Convention were aware of the presence of a large number of refugees in the Middle East, China and the Indian subcontinent, but these non-European refugees were excluded from the purview of the 1951 UN Convention in order to avoid increasing the burden on the resettlement States. The refugee issue was viewed essentially as a historical problem.[19] It is often said that the 1951 UN

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[18] Terje Einarsen, "The Legal Condition of Refugees in Norway" in *Journal of Refugee Studies*. Vol.7; No.2/3 1994, Oxford p.244

[19] Refugees should not be returned to face persecution or the threat of persecution (the principle of *non- refoulement*). Protection must be extended to all refugees without discrimination. As the issue of refugees is social and humanitarian in nature, it should not become a cause of tension between states. Since the granting of asylum may place unduly heavy burdens on certain countries, a satisfactory solution can only be achieved through international cooperation. As persons escaping persecution cannot be expected to leave their country and enter another country in a regular manner, they should not be penalized for having entered into or for being illegally in the country where they seek asylum. Given the serious consequences of expulsion of refugees, such measures should only be adopted in exceptional circumstances directly impacting on national security or public order. Cooperation of states with the High Commissioner for Refugees is essential if the effective coordination of measures taken to deal with the issue of refugees is to be ensured.
See Erika Feller, "The Convention at 50: The Way Ahead for Refugee Protection" in *Forced Migration Review*, No 10 April 2001, Oxford. UK

Convention is the foundation of refugee protection. the one truly universal instrument setting out the baseline principles on which the international protection of refugees has to be built.

The United Nations 1951 Convention tried to actually define a refugee, who it claimed, was a person who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country or to return there, for fear of persecution."

The Convention's refugee definition may be viewed as comprising of five essential elements, each of which must be established before refugee status is recognized.

1. The first essential element, comprehending a range of contextual concerns, is referred to as alienage. The Convention definition includes only persons who have left their country of nationality, or in the case of stateless persons, their country of former habitual residence.
2. Second, the refugee claimant must be genuinely at risk. It is not enough that he/she truly believes himself/herself to be in jeopardy. Rather, there must be objective facts to provide a concrete foundation for the concern which induces him/ her to seek protection in another state.
3. Third, the claimant's flight must be motivated by the prospect of 'persecution', that is, risk of serious harm against which the state of origin is unwilling or unable to offer protection.
4. Fourth, the risk faced by the refugee claimant must have some nexus to her race, religion, nationality, membership in a particular social group, or political opinion.
5. Fifth and finally, there must be a genuine need for and legitimate claim to protection.[20]

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[20] B.S. Chimni, *International Refugee Law: A Reader*. 2000. p.15

The strategic dimension of the definition came from successful efforts of Western states to give priority in protection matters to persons whose flight was motivated by pro-Western political values. In addition to their desire for the refugee definition to serve strategic political objectives, the majority of states that drafted the Convention sought to create a 'rights regime' conducive to the redistribution of the post war refugee burden from European shoulders. The Europeans complained that they had been forced to cope with the bulk of human displacement caused by World War II, and that the time had come for all members of the UN to contribute to the resettlement of both the remaining war refugees and the influx of refugees from the Soviet bloc. Refugees would be more inclined to move beyond Europe if there were guarantees that their traditional expectations in terms of rights and benefits would be respected abroad. Notwithstanding the vigorous objections of several delegates from developing countries faced with responsibility for their own refugee populations, the Euro-centric goal of the Western states was achieved by limiting the scope of mandatory international protection under the Convention to refugees whose flight was prompted by a pre-1951 event within Europe.[21]

'Convention refugee status' is of importance, as it is a privilege or an entitlement, "giving those who qualify access to certain scarce resources or services outside their own country, such as admission into another country ahead of a long line of claimants, legal protection abroad, and often some material assistance from public or private agencies."[22]

This status is considered the most favorable as it is a guarantee against '*refoulement*' (forced return). There is a second category called 'mandate refugees' which include those persons who have been recognized as refugees by the UNHCR by virtue of his

[21] The words 'events occurring in Europe before 1 January 1951 in Article 1 of the 1951 Convention shall be understood to mean either, a) 'events occurring in Europe before 1 January 1951; or b) 'events occurring in Europe or elsewhere before 1 January 1951.

[22] Kathleen Newland, "Ethnic Conflict and Refugees." *Survival* . Vol.5 No.1 Spring 1993, London p.81

Statute, which virtually contains the same definition as in the Convention. The recognition of persons as mandate refugees does not therefore; depend on whether the state of asylum is a party to the Convention or Protocol (The 1967 Protocol Relating to the Status of Refugees) here after called the 1967 protocol. They may even be persons whose application for recognition as Convention refugees has been refused.[23]

Protection of refugees is codified in both international and national laws. They premise that people should not be coerced to leave their homes. Those who are should be protected in the places to which they flee and should not be compelled to return when return would subject them to persecution.

The authors of the 1951 UN Convention did not expect the refugees to become an enduring feature of our times. In November 1957 the U.N. General Assembly even adopted a resolution aimed at winding down of a large part of the international refugee protection system. This optimism of the world leaders was completely belied by subsequent developments.

2.3 The 1967 Protocol Relating to the Status of Refugees

Refugee definition was expanded in the 1967 Protocol. The 1951 Convention placed a limit to "events occurring in Europe before 1 Jan 1951" Or "events occurring in Europe or elsewhere before 1 Jan 1951." The removal of the reference to "those who fled persecution in Europe before 1951" from the 1951 Convention by a subsequent amendment in the 1967 Protocol to identify refugees by the causes of their flight did not change the basic Euro centric character of the international refugee regime.[24]

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[23] A person recognized as a mandate refugee will benefit from UNHCR's protection against *refoulement*, in conformity with basic humanitarian principles. It does not, however, imply the same entitlements as accorded to Convention refugees. See. Sadruddin Aga Khan, *Working with Refugees and Asylum Seekers*. League of Red Cross and Red Crescent Societies, Geneva 1991 pp. 22-23

[24] See, *Refugee Survey Quarterly*. Vol. 20, No.30. Oxford, 2001

While it certainly expanded the scope of the regime and provided the UNHCR a greater humanitarian mandate, however it can be argued that this expansion was dictated to a large extent by the Cold War strategic vision. The objective was to bring those who fled the Communist system within the scope of the definition of the 1951 Convention. In the Cold War perspective human being did not possess an intrinsic value. The person's value was determined by his political ideology. Those who fled the Communist system were valuable to the West. They were of strategic importance to the West to be used against their Communist rivals. It was not necessary to determine the causes of their flight; the very act of the flight was enough.

The Protocol however, failed to review the substantive content of the definitions it embraced. Specifically, even after the 'universalisation ' effected by the 1967 Protocol, only persons whose migration is prompted by a fear of persecution in relation to civil and political rights come within the scope of Convention-based refugee protection. This means that most Third World refugees remain de facto excluded, as their flight is more often prompted by natural disaster, war, or broadly-based political and economic turmoil than by 'persecution', at least as that term is understood in the European context.[25]

The refugee definition established by the Protocol has enabled authorities in developed states to avoid the provision of adequate[26] protection to asylum seekers from the Third World, while escaping the political embarrassment entailed by use of an overtly Euro-centric refugee policy. Some of the restrictive measures taken include: visa requirements, and sanctions against carriers[27], measures relating to the procedures for determining eligibility for refugee status and / or asylum etc.[28]

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[25] *International Refugee Law: A Reader* p.61
[26] Ibid. p. 62
[27] Some countries have introduced legislation that imposes sanctions on carriers bringing undocumented passengers to the territory of the state,
[28] Sadruddin Aga Khan, *Working with Refugees and Asylum Seekers*. League of Red Cross and Red Crescent Societies, Geneva 1991 pp. 16-17

If the State is a party to the (the 1951 Convention or 1967 Protocol), it is the responsibility of the state to grant refugee status, though no state is obliged to grant asylum or let that person stay permanently. It is important to note that neither instrument makes any direct reference to the concept of asylum; lawful admission, and the conditions under which it is granted, remains the discretion of States. Secondly, it is the state own business, just how much it makes available for them in terms of material assistance and administrative and legal aid. In its practical consequences therefore, the refugee status remains unclear in international law.

2.4 Regional Conventions

Later, several regional treaties included language that broadened the 1951 Convention's definition of a refugee. The Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, hereafter called the OAU convention adopted in 1969, repeats the definition found in the 1951 Convention, but also covers any persons compelled to leave their country..."owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality."[29]

This mean that persons fleeing civil disturbances, widespread violence and war are entitled to claim the status of refugee in States that are parties to this Convention, whether or not they have a well-founded fear of persecution. The OAU Convention therefore, marked the beginning of a refugee protection system, which directly addressed the causes of mass refugee influxes, by emphasizing objective conditions in the country of origin.

For the first time the legal term 'refugee', albeit at regional level, was extended to individuals forced to leave their countries owing to aggression by another state and /or as a result of an invasion. The OAU Convention marked the beginning of a

[29] Kathleen Newland, "Ethnic Conflict and Refugees." *Survival* . Vol.5 No.1 Spring 1993. London p. 81

refugee protection system, which directly addressed the causes of mass refugee influxes, by emphasizing objection conditions in the country of origin.[30]

In 1984, a group of government representatives, academics and distinguished lawyers from Latin America met in Cartagena, Colombia, and adopted what became known as Cartagena Declaration. Among other things, the Declaration recommended that the definition of a refugee used in the region should include, in addition to those fitting the 1951 Convention, persons who flee their country...

> "because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order."

This definition requires that two conditions be met to be declared a refugee: that there exist a threat to life, security, or liberty; and that the threat result from one of the five factors: generalized violence; foreign aggression; international conflicts; massive violations of human rights; or circumstances seriously disturbing public order.[31] This definition is similar to that found in the OAU Convention. Though the Declaration is not legally binding on States, Latin American States apply the definition as a matter of practice and some have incorporated it into their own national legislation.[32]

While Western traditions of refugee and asylum in part have religious origins, the equivalent Muslim concepts are central to the genesis of Islam itself. The flight of Prophet Muhammad and his followers from hostile Mecca to friendly Medina in A.D. 622 came to be known as the *hijra* --the migration. Medina's welcome enabled the Prophet to regroup and successfully lead a holy war against Mecca. From this point onwards, Islam developed as a global religion. The flight and battle, which made this possible, became the defining elements of Islamic thought regarding refugees. .[33]

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[30] B.S. Chimni, *International Refugee Law: A Reader*. p. 63
[31] Ibid.
[32] For details see the Cartagena Declaration of 1984
[33] Ibid. p. 96

While Western concepts of refugee emphasize the involuntary nature of the movement, and contemporary international law defines a 'refugee' with respect to the nature of abuse feared or inflicted, the Islamic tradition clearly differs. In its classic sense, flight is a sacred duty to be undertaken by Muslims who live in non-Muslims societies regardless of the kind of oppression to which they might be subjected.[34]

All these above mentioned instruments provide some legality and base for the treatment of refugees, whether they originate in the West or East. They enable states to protect refugees and grant them asylum. They are not to be forcibly returned unless situation in their home countries improve. They become entitled to certain basic rights such as the right to work, housing, education, public relief and assistance. Despite the weaknesses present in these instruments they have operated to minimize human suffering by giving the necessary protection and physical safety when most needed by people who flee their home countries because of fear of being persecuted.

2.5 Refugees and the Changing International Political Environment

The refugee phenomenon has become global in nature, as it is affecting not only millions of people but also the policies and practices of virtually every government in the world. Perceptions of refugee issues have changed because of the increase in their numbers.

Earlier, forced movements were more often associated with flight from the ravages of war torn socialist Europe, to other European countries, or to the major immigration countries of Australia, Canada, Israel and the United States. Rogge states that significant involuntary migrations occurred in the Third World throughout the twentieth century, as followed the partition of India and Pakistan in 1947 and the Palestinian crisis in 1948 after the creation of Israel. In 1995, out of a world's total of 14.4 million refugees (recognized by the UNHCR under the 1951 Convention), only

[34] Ibid.

about three million were housed in Western Europe, Canada and the United States.[35] The rest were given refuge in the poor developing states, categorized as the Third World.

It was not until a global explosion in the "size, intricacy and intractability" of refugee crises towards the end of the 1970s that attention was focused on the Third World. Since then, the overwhelming majority of involuntary population movements have originated in countries such as Ethiopia, Sudan, Somalia, Mozambique, Afghanistan, Sri Lanka, Cambodia, Laos, Vietnam, El Salvador etc, and flowed to similar countries, increasingly placing the burdens of mass exodus on the poorest countries- those "barely able to cope with their own struggle for survival and manifestly ill-equipped to cope with consequences of refugee crises."[36] As Adelman has commented, countries of first asylum resent the fact that countries of resettlement have accepted the elite of such populations and left behind "the aged, crippled, psychologically disturbed, ill and illiterate as a problem for local authorities- countries with the least economic capacity of handling them" [37].

With the rapid growth in refugee numbers, many countries of first asylum have found it increasingly difficult to provide durable solutions[38] to the crises, being particular concerned that they have been left with long term refugee populations. The 1951 Convention does not contain any specific reference to the responsibilities of the country of origin. The very scale of the problem and the acceleration of demands overwhelm traditional relief, and most refugee crises these days have become protracted affairs.

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[35] *Hejrat: The Migration of Afghan Refugees to Pakistan* 1991. p.2

[36] Roger Zetter. "Refugees, Repatriation, and Root Causes." *Journal of Refugee Studies* 1(2) 1988 p.3

[37] Howard Adelman. "Refuge or Asylum- a Philosophical Perspective." *Journal of Refugee Studies* 1(1) 1988 Oxford.p.8

[38] Traditionally, there are only three durable solutions to the problem of refugees- repatriation to the country from which the refugees fled; settlement and integration in the country of first asylum; and resettlement in a country abroad.

The collapse of Soviet Union also brought the Cold War to an end. It impacted on refugees, and a significant change was noticeable in the attitude of international community. During Cold War refugees were often tolerated, even encouraged to flee their countries of origin, because they had a supporting role to play in the Cold War drama. Often they served foreign policy goals of host countries, which the host government and their patrons considered enemies. The demise of the Cold War has meant that these former refugees have lost their strategic value and are encouraged to return home. They are increasingly being considered a burden, to be avoided. There is a growing view among host governments that the post Cold War costs of hosting refugees far outweighs benefits. The politics of international refugee regime has changed.

In sum, the interstate political, economic, and social context of refugee crises has changed. Refugees once few and valuable came to be considered scourge; and the total number of refugees has continued to rise, even as the number of civil wars, which provoke flight, have declined.[39] The causes of refugee flight are complex and vary from region to region, but in general we see a clear shift from flight caused by systematic state persecution to flight as a consequence of failing states.

The Western practice of granting asylum on a large scale was a product of the Cold War politics. The present policy of "temporary protection" in so-called "safe havens," which are not safe and summary, and arbitrary "return" without giving the refugees a chance to access the established refugee determination procedure constitutes a serious violation of the basic principle of protection.[40]

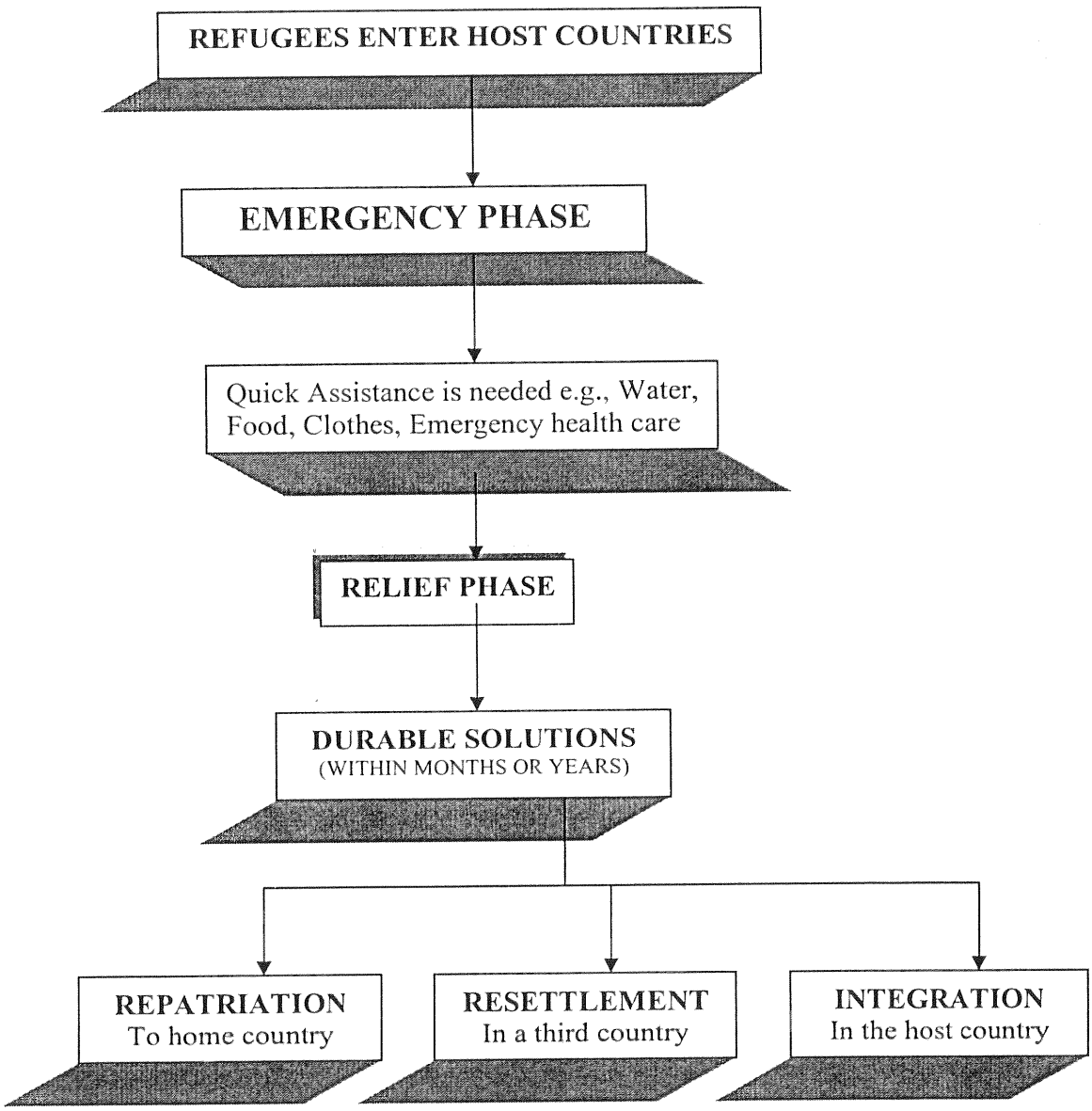
Majority countries have introduced policies of "humane deterrence"[41] in an attempt to discourage further influxes. Others have adopted more forceful measures to deter the

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[39] Monica Duffy Toft. "Repatriation of Refugees: A Failing Policy?" http://www.sosig.edu.
[40] Gil Loescher & Laila Monahan. *Refugees and International Relations.* Claredon Press. Oxford 1990 p. 23
[41] The governments are trying to deter potential refugees or asylum seekers by means of harsh treatment.

arrival of refugees, such as pushing them back, so that they would have to seek asylum somewhere else. Contemporary policymakers are increasingly viewing refugee movements, as a problem of migration management to be controlled by a variety of approaches -- all aimed at keeping refugees and migrants in their countries of origin. This change in the attitude of international community has led to more emphasis on repatriation of refugees to their home countries.

Figure 1.1: PHASES OF REFUGEE CYCLE



Local integration into the country of asylum is another solution for refugees, and many have welcomed refugees into their host communities. But as political and economic conditions in the countries of asylum deteriorate, governments may adopt less welcoming policies. In countries e.g. where national unemployment rates approach 50 percent, governments are reluctant to welcome or allow refugees to stay because they are seen to compete with citizens for available jobs.[42]

Resettlement to third countries as solution, has traditionally been used for a small percentage of the world's refugees, it has nonetheless an important safety valve in some cases and a way of preserving first asylum in other countries. But today, traditional resettlement countries are reducing the number of refugees they will take and are making it more difficult for refugees from some countries to gain admittance.[43]

2.6 Repatriation

"Everyone has the right to leave any country, including his own, and to return to his country."[44]

Voluntary repatriation[45] is considered the primary durable solution for refugees these days. However, although it has been accepted as a preferred solution, there has been little investigation of its implications. Refugees are victims of grave human rights violations. These are people who have fled from life-threatening violence. States grant asylum to provide protection to persons who have lost the protection of the governments of their own countries. However, even in the 1951 Convention 'protection' was not conceived as 'permanent.' The Convention provides for the principle of non-*refoulement*, found in Article 33, which stipulates "no Contracting

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[42] Ibid. p.14
[43] Ibid
[44] Article 13(2) of The Universal Declaration of Human Rights (1948) UN General Assembly Resolution No.217 A. 0th December 1948
[45] According to 1951 UN Convention, 'voluntary repatriation denotes 'repatriation without the use of the force, not against the principle of '*non-refoulement*' but subject to the approval of the governments concerned.

State shall expel or return (*'refouler'*) a refugee in any manner whatsoever to...territories where his (or her) life or freedom would be threatened... ."[46] However, return to their home country is expected by the host states, and this has assumed greater urgency in the 21st century as states consider refugees as a security and political threat.

As earlier mentioned, three solutions have been prescribed by the 1951 Convention for resolving the refugee problem. However, the emphasis on one over the other at different time periods shows the changing perception of international community towards forced migrants. These three solutions can take the form of voluntary repatriation, or assimilation into new national communities, with the latter encompassing either integration into the country of first refuge or resettlement in a third state.

In the past, the industrialized countries advocated resettlement as the principal solution, introducing an exile bias in international refugee law. Stoessinger[47] records how in the period after World War II it was the West, which preferred resettlement to repatriation as a solution. Even when the International Refugee Organisation (IRO)[48] at the insistence of the Soviet Union formally adopted the policy of repatriation, the solution of resettlement prevailed in practice. For by then the question of solution to the international refugee problem had become an integral part of the Cold War.

Presently, great stress is laid on voluntary repatriation. It is in fact now considered the best solution from two different perspectives. The first is the statist perspective, particularly that of the industrialized states, which have dropped the exile bias in their

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[46] *The 1951 UN Convention Relating to the Status of Refugees*

[47] John George Stoessinger. *The Refugee and World Community*. The University of Minnesota Press. Minneapolis. 1963 pp.61-62

[48] (IRO), temporary agency of the United Nations, established in 1946. In arranging for the care and the repatriation or resettlement of Europeans made homeless by World War II, the organization brought to a conclusion part of the work of the United Nations Relief and Rehabilitation Administration. IRO terminated its work in 1952, having resettled 1,000,000 persons. It was superseded by the Office of the United Nations High Commissioner for Refugees. http:www.bartleby.com /65/un

approach and replaced it with *non-entrée* (not allowing to enter) policies. These policies mean that they are no longer in favor of housing and allowing asylum seekers to enter their countries. Their favoring of the durable voluntary repatriation appears to be self-serving. The second is the liberal perspective, which contends that the exile bias in traditional Western thinking is not only unrealistic in the circumstances of the modern refugee problem, but also 'inhumane'. The problem with this understanding is that once the solution of voluntary repatriation is presented as the humane solution it is pursued even when it is relatively inappropriate.[49]

Both Bascom and Rogge contend that the solution of voluntary repatriation has not been adequately researched and that there are situations and contexts in which it is not the ideal solution. They emphasize the need to listen to refugee voices and take cognizance of the experience of different refugee groups. Often however, the refugee experience and wishes are subordinated to the interests of states.[50]

From the standpoint of international law it is interesting that Article 5 of the Organization of African Union (OAU) Convention[51] is the only multilateral treaty provision on the subject. The 1951 UN Convention and the 1967 Protocol do not

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[49] *International Refugee Law: A Reader*. 2000 p.332

[50] Ibid.p.333

[51] Article 5 of the OAU Convention on 'voluntary repatriation' stipulates: - 1. The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will. 2. The country of asylum, in collaboration with the country of origin, shall make adequate arrangements for the safe return of refugees who request repatriation. 3. The country of origin, on receiving back refugees, shall facilitate their resettlement and grant them the full rights and privileges of nationals of the country, and subject them to the same obligations. 4. Refugees who voluntarily return to their country shall in no way be penalized for having left it for any of the reasons giving rise to refugee situations. Whenever necessary, an appeal shall be made through national information media and through the Administrative Secretary-General of the OAU, inviting refugees to return home and giving assurance that the new circumstances prevailing in their country of origin will enable them to return without risk and to take up a normal and peaceful life without fear of being disturbed or punished, and that the text of such appeal should be given to refugees and clearly explained to them by their country of asylum. 5. Refugees who freely decide to return to their homeland, as a result of such assurances or on their own initiative, shall be given every possible assistance by the country of asylum, the country of origin, voluntary agencies and international and intergovernmental organizations, to facilitate their return.

address the question of voluntary repatriation of refugees directly. However, the 1951 UN Convention makes clear that refugee status is a transitory condition, which will cease once a refugee resumes or establishes a meaningful national protection. The "ceased circumstances cessation clauses (5) referring to nationals and (6) referring to stateless persons, are based on the consideration that:

"International protection is no longer justified on account of changes in the country where persecution was feared, because the circumstances in connection with which a person has been recognized as a refugee have ceased to exist. Thus the person can no longer refuse to avail himself or herself of the protection of the country of his or her nationality/country of former habitual residence."[52]

'Circumstances' refer to fundamental changes in the country of origin, which can remove the basis of the fear of persecution. A mere-possibly transitory-change in the facts surrounding the individual refugee's fear of persecution, which does not amount to a fundamental change of circumstances, is not sufficient to make this clause applicable.

Even when the circumstances in the country of origin have undergone a fundamental change, individual refugees may continue to have a well-founded fear of persecution or compelling reasons not to return arising out of previous persecution. If this has been determined, the 'ceased circumstances' cessation clauses should thus not apply to them.[53] The cessation clauses are negative in character and should be interpreted correctly and not used as tools for withdrawal of refugee status.

The concept of repatriation necessarily implies reference to two legal statuses: refugee and citizen. Through repatriation, spontaneous or organized, refugees re-avail themselves of the national protection of their country of origin. States therefore, are duty- bound to admit their nationals and cannot compel any other state to keep them

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[52] UNHCR. *Handbook on Procedures and Criteria for Determining Refugee Status*. Geneva 1992. pp.26-27

[53] UNHCR, *Handbook Voluntary Repatriation: International Protection*, Geneva, 1996 p.6

through measures such as denationalization.[54] Between these two statuses there is a transitional situation in which returnees find themselves. This situation[55] has not been regulated in international law but is referred to in some instruments as the so-called 'soft law' [56] in Refugee Law.

When a repatriation operation takes place refugees recover their citizenship and the inherent rights and responsibilities attached to that status. This recovering of the relation with the country of origin does not take place automatically but gradually. To accurately observe a repatriation process and how that recovering occurs it is necessary to distinguish two levels of analysis, legal and social. The legal recognition of returnees as citizens once they return is automatic.[57] At the social level the situation is not as automatic as crossing borders but it also implies the recovery of the sense of trust sufficiently to be part of the social and political dynamics that build the society in the country of origin. Because it is a human process, the re-establishment of relationships at a societal level is gradual by nature. This 'sense of going back' includes different notions such as going back to a country, going back to a community, going back to a family, going back to a land.

The concrete content of this 'going back' is thus shaped by external and internal factors present in every returnee as an individual and as a group. Some of these many

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[54] Ibid

[55] It could be argued whether or not returnees have a different status between refugee and citizen. This discussion arose in trying to answer the initial question on when returnees are not returnees anymore but normal citizens. Legally speaking, returnees recover national protection once the circumstances justifying their status of refugees cease to exist and they return to their country of origin. Nevertheless a gap between the legal and the social level seems to exist. The State of origin is responsible for the protection of all their citizens in equal terms but the recovering of that by returnees is not instant but gradual and it is reflected in the way they progressively situate themselves within the society upon return.

[56] Soft Law in Refugee Law is, among others, the UNHCR Executive Committee Conclusions. Although not binding strictu sensu they are referred as consensual law generally accepted by States. The relevant EXCOM Conclusions in relation to returnees are the *Number 18 on Voluntary Repatriation* of 1980 and the *Number 40 on Voluntary Repatriation* of 1985.

[57] UNHCR. *Handbook on Voluntary Repatriation: International Protection* Geneva 1996 p.6

factors are: the characteristics of the conflict and its impact outside as well as inside the country, the length of refuge, the personal and collective motivations in the forced displacement movement, the international interests and politics present in the process and the socio-economic situation of the populations inside and outside the borders. These factors shape the expectations and motivations that refugees have in relation to their return. They are normally developed during the time of exile and they are reflected in the attitudes, beliefs, behavior, expectations and frustrations that returnees, individually and socially, display upon return.

Issues related to personal security and protections in connection with repatriation are crucial factors in the decision of the refugees to repatriate. In addition, it is important to know that they will have housing upon arrival. The possibility of a safe income is another important consideration. Many of the refugees continue to have problems supporting themselves and their families' long time after they return. It is equally important to be able to return to a network of family and/or friends. This can make the transition easier. The refugees who consider returning are also concerned about how they will be received by their neighbors and family, about their children's transition from the school system of the host country to that of their home country, as well as travel arrangements, public support systems and other rights they may be entitled to when returning. The need for information varies from person to person, depending upon where the refugees want to re-settle geographically.

The issue of 'voluntariness' is central to refugee repatriation. Refugees should not be compelled to return to their countries of origin, nor should they be prevented from returning. Voluntary repatriation means that, after reviewing all available information about conditions in their country of origin, refugees decide freely to return. People usually decide to return when there is no longer any risk of persecution in their country of origin. Others may decide to return for political or family reasons even

though the situation in their country of origin has not changed.[58] This has been done even by Afghan refugees from time to time, depending upon the individual decision of refugees.

The return of refugees however, raises problematic questions relating to the termination of refugee status, the entitlement to return as an incident of nationality, and the enjoyment of fundamental human rights after return. Return itself must be analyzed in the light of the legal relations existing between the countries of origin and refuge, and the juridical interest of the international community.

It is frequently difficult and even impossible, to determine whether circumstances have changed to such a degree to call for the formal termination of refugee status, even supposing that it was ever formally recognized. Assessment of change commonly involves subjective elements of appreciation; the fact of repatriation may be the sufficient and necessary condition, bringing the situation or status of refugee to an end. Moreover, in the uncertain and fluid dynamics which characterizes mass exodus, the fact of return can itself be an element in the change of circumstances, contributing to the re-emergence of stability and to national reconciliation. The voluntary character of repatriation can thus be seen as corresponding to the subjective fear, which gave rise to flight; willingness to return negates that fear.

The act of will is also essential as evidence of abandonment or conscious surrender of the particular legal interest which the status of refugee and its concomitant rights and benefits comprise; this act of will is crucial where there is no significant evidence of a change of circumstances. For a durable solution to satisfy the interest of the international community, however, it must generally be accompanied by well-founded changes in the material circumstances, which originally caused the exodus.[59]

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[58] *Protection of Refugees: A Field Guide for NGOs*, produced jointly by UNHCR and its NGO Partners. UN, 1999 p.60

[59] Guy S. Goodwin –Gill. "Voluntary Repatriation." *Refugees and International Relations* edited by Gil Loescher and Laila Monahan (eds.), Claredon Press, Oxford. 1983 pp. 255-257

Some potential for development also lies in the accepted human right to return to, or not to be arbitrarily deprived of the right to return to, ones own country. This is proclaimed in Article 13(2) of the Universal Declaration of Human Rights and has been incorporated in a number of universal and regional conventions. It is debatable, whether the individual right in question has established itself apart from the treaty context.[60] The duty to admit nationals is most usually considered as an obligation between states, being the corollary of the right to expel foreign nationals. State practice, moreover indicates that countries of origin are often less than enthusiastic about the return of those who have fled.[61]

In 1980 and 1981, the General Assembly began to develop initiatives on cooperation to avert new flows of refugees. These not only reaffirmed the right of refugees "to return to their homes", but also the right of those not wishing to return to receive adequate compensation. Whether the former right will develop into substance remains to be seen, but in the present state of the law, the right to compensation is little more than a pious deal. The subject of damages for the expulsion of foreign nationals is itself controversial, and there are very few precedents for the compensation of refugees.[62]

Voluntary repatriation will thus continue as the preferred solution to refugee problems, but its success will depend both on political factors, including the clearly expressed wish of the country of origin that the refugees should return and on the personal choice of the refugees themselves. An amnesty or change of circumstances may indicate, of course that the basis for a claim to refugee status has been removed, and it will be for the state of refuge to decide whether this is a sufficient or necessary

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[60] Guy S. Goodwin –Gill. "The Refugee in International Law" In *Refugees and International Relations* pp. 220-221
[61] Ibid
[62] Ibid.221

reason for requiring the individual to quit national territory. This may be justified, e.g. where the period of refuge has been relatively short.

However, in case of long-term refugees it is difficult for refugees to decide and the host state to ask them to repatriate. In such situations refugees should benefit from standards applicable to resident aliens, including respect for any 'acquired right of residence,' deriving from lengthy stay, integration and local connections, establishment of business, marriage and so forth.[63]

Long-term refugees are facing the harsh realities of the post-Cold War period. The state support is clearly diminishing for a number of international protection principles. Recent practices have actually distorted both the very requirements of 'voluntariness' and the insistence on significant positive change in the home country as key to the appropriateness of repatriation. As a result refugees face clear pressures to repatriate rapidly in the aftermath of conflict, leaving their free choice to return more debatable than ever. The political devaluation of refugees has led to more complications in repatriation, mainly for those who have stayed for more than two decades in a host country such as the Afghans in Pakistan and Iran.

2.7 Voluntary Repatriation and UNHCR

'Voluntariness' is more than an issue of principle.[64] Repatriation, which is voluntary, is far more likely to be lasting and sustainable. The requirement of voluntariness therefore, constitutes a pragmatic and sensible approach towards finding a truly durable solution. The issue of 'voluntariness' as implying an absence of any physical, psychological or material pressure is, however, often clouded by the fact that for many refugees a decision to return is dictated by a combination of pressures due to political factors, security problems or material needs.

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[63] Guy S. Goodwin –Gill. "The Refugee in International Law" In *Refugees and International Relations* pp. 222

[64] UNHCR. *Handbook on Voluntary Repatriation: International Protection* p.7

Refugee repatriation is not voluntary when:

- Host country authorities deprive refugees of any real freedom of choice through outright coercion or measures such, for example, reducing essential services, relocating refugees to hostile areas, encouraging anti-refugee sentiment on the part of the local population.
- Factions among the refugee population or exiled political organizations influence the refugees either directly by physically pressuring them to return, or indirectly by activities such as disinformation campaigns about the risk of remaining in the country of asylum or dangers related to returning home.

- Certain interest groups in the host country actively discourage voluntary repatriation by disseminating false information including incorrect promises of assistance, economic opportunities or improvement of the legal status.

In such cases it is essential to declare clearly to the authorities concerned that UNHCR is opposed to the action and to seek corrective measures. While it must even in cases of non-voluntary return, seek to ensure the safety of the expellee; care should be taken to avoid actions that may "encourage states to abrogate their responsibility towards those seeking asylum." UNHCR's primary duty is to promote respect for, and prevent the erosion of, the principle of non-*refoulement*.[65]

Repatriation may itself cause serious problem; for this reason the General Assembly has increasingly authorized UNHCR involvement in rehabilitation and reintegration programs. UNHCR endorses a comprehensive approach to voluntary repatriation. The agency assesses the root causes of refugee flight, institutions in the country of origin and the sustainability of the return before promoting voluntary repatriation to refugees. Essentially, refugees must be able to return in safety and with dignity.

[65]UNHCR. *Handbook on Voluntary Repatriation: International Protection* p.7.

Return in safety means that refugees return in conditions of legal safety (such as amnesties or public assurances of personal safety, integrity, non-discrimination and freedom from fear of persecution or punishment upon return), physical security (including protection from armed attacks, and mine-free routes or at least demarcated settlement sites), and material security, including access to land or means of livelihood.[66]

Return with dignity means, in practice, that refugees must not be manhandled; that they can return unconditionally and that if they are returning spontaneously, they can do so at their own pace; that they are not arbitrarily separated from family members; and that they are treated with full respect and full acceptance by their national authorities, including having their rights fully restored.[67]

There can be two kinds of voluntary repatriation; organized and spontaneous. Voluntary repatriation promoted by UNHCR, usually results in an organized repatriation. UNHCR's responsibilities for refugee protection and assistance in voluntary repatriation are engaged regardless of whether refugees are returning in an "organized" manner under UNHCR auspices or 'spontaneously' on their own. Organized repatriations are characterized by:

a. a resolution of the conflict which prompted refugees to flee;
b. repatriation agreements concluded among the countries of asylum and origin and UNHCR;
c. encouragement of repatriation by UNHCR;
d. registration of returnees by UNHCR;
e. transportation for the returnees provided by UNHCR;
f. and a UNHCR presence in the regions of return.

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[66] *Protection of Refugees: A Field Guide for NGOs*. pp. 60-61
[67] Ibid p.61

Spontaneous repatriations often occurs:

a. without any formal agreement;
b. before the cessation of hostilities;
c. without registration procedures; and
d. without organized international assistance.

When refugees indicate a strong desire to return voluntarily and /or they have begun to do so on their own initiative, UNHCR may facilitate their return, even if UNHCR does not consider it safe for them to return and is not promoting repatriation.

Promotion of voluntary repatriation movements means actively undertaking broad and wide-ranging measures to advocate refugees' return. Promotion of repatriation can take place when a careful assessment of the situation shows that the conditions of 'safety and dignity' can be met: in other words, when it appears that objectively, it is safe for most refugees to return and that such returns have good prospects of being durable. At this stage, refugees require objective and accurate information and support in considering their options, and UNHCR needs extensive feedback from the refugees.[68]

In these circumstances, UNHCR must be satisfied that the refugees wish to return is voluntary and not coerced. The agency's decision to facilitate this kind of return is based on its intent to ensure the safety of the refugees/returnees and to provide assistance for the return movement. Clearly, refugees repatriating spontaneously can face grave security problems if they are returning to an area in which fighting is still raging. In some cases, UNHCR declines to participate in such returns.[69]

The basic terms and conditions of return must be incorporated in a formal repatriation agreement between UNHCR and the authorities concerned.[70] In initiating formal

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[68] *Handbook on Voluntary Repatriation: International Protection*. pp. 10-12
[69] *Protection of Refugees: A Field Guide for NGOs*. p.63
[70] *Handbook on Voluntary Repatriation: International Protection* pp. 10-13

repatriation-related negotiations, UNHCR must always ensure that repatriation planning does not gather momentum of its own, independent of the considerations of the refugees.

UNHCR may promote repatriation through planning and organizing the voluntary repatriation of refugees under conditions, which are conducive to their safe return and durable reintegration, by:

a. gaining full access to the refugee population, whether in camps or in settlements, to ensure voluntariness;
b. undertaking a comprehensive information campaign to enable the refugees to make their decisions in full knowledge of facts;
c. interviewing, counseling and registering potential repatriates, organizing safe and orderly return movements and adequate reception arrangements;
d. developing and implementing (directly or through implementing partners) rehabilitation and initial reintegration programs;
e. monitoring the legal, physical and material security of returnees. [71]

The agency should provide those returning with limited material assistance for their return. In addition it should advise returnees of the limits of UNHCR protection and assistance in such situations (e.g. the lack of UNHCR presence in the country/area of origin or of agreement with the authorities of the country of origin). In addition to this, UNHCR should seek to make refugees aware of any obstacles, which may exist to their re-entry to the present country of refuge.[72]

2.8 The Afghan Conflict and Refugees

The Afghan conflict and the resulting refugees cannot be explained without a brief overview of Afghan history. How the Afghan state evolved and the rivalries amongst different political factions paved the way for interference and subsequent military intervention affecting the lives of Afghans has been discussed here. It was the Soviet

[71] *Handbook on Voluntary Repatriation: International Protection* p. 7
[72] Ibid.

intervention in December 1979 that led to the mass flight of Afghan refugees to Pakistan

The State of Afghanistan took shape within its current borders as their imperial powers (Britain and Russia) sought to transform a turbulent dynasty into a buffer state. Making a buffer state required more than drawing boundaries around it; a government had to be consolidated that could control the territories and boundaries.[73] For this purpose the British lavished weapons and cash on them. Since 1747 various Durrani branches had built up a dynasty of varying strength, centered first in *Kandahar*, then in Kabul, with a powerful and often independent branch in Herat. After the first Anglo-Afghan War 1838-42, all Afghan rulers came from the Muhammadzai clan of the Barakzai tribe of Durrani Pushtuns.[74] The Afghan state that developed in the first half of the twentieth century was centralized but weak and dependent on external sources. During the Cold War, however, when Afghanistan regained its historical strategic significance, the Soviet Union and the United States poured aid into the Afghan state. This aid enabled the rulers to build an army, schools, roads, and bureaucracy without directly confronting resistance from rural power holders.

Aid enabled the state to expand its organization and influence without attempting an economic or social transformation of the countryside, but Afghan society changed nonetheless by the introduction of new social actors: the 'intelligentsia' trained for state service, including military service. Although the state succeeded in insulating itself from the tribal forces that threatened past dynasties, it increasingly depended on this new stratum, members of which increasingly adopted radical political ideologies, from Communism to Islamism.[75]

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[73] Barnett. R Rubin. *The Search for Peace in Afghanistan: From Buffer State to Failed State*, Yale University Press-New Haven and London. 1995. pp.16-19 See also Lawerance Ziring. "Buffer States on the Rim of Asia: Pakistan, Iran and the Superpowers." Hafeez Malik, (ed.), *Soviet-American Relations with Pakistan, Iran and Afghanistan.* Macmillan Press, London. 1987 pp. 90-91

[74], *The Search for Peace in Afghanistan: From Buffer State to Failed State*, pp.16-19

[75] Ibid

The principal Soviet-oriented Communist organization in Afghanistan was the Peoples Democratic Party of Afghanistan (PDPA), founded in 1965. In 1967 the party split into two factions: *Khalq* (people) led by Nur Mohammad Tarakai and Hafizullah Amin, and *Parcham* (flag) led by Babrak Karmal.[76] After 1965, an Islamic movement gained influence among students and professors of Kabul University. In 1973, the movement formed a leadership *shura*. Burhanuddin Rabbani, a lecturer at the *Sharia* (Islamic Law) Faculty of Kabul University, was chosen as the chairman of the council, which came to be known as the Jamiat-i-Islami.[77] The consequent political fragmentation of the population meant that the elite of the old regime had no political or organizational base from which to resist those who deposed them.

Even as these competing political groups gained strength, the United States and USSR continued to compete for influence over a regime that both supported rather than backing political factions seeking to replace the regime. In 1973, however, Daud overthrew his cousin King Zahir Shah in a coup, abolished the monarchy, and proclaimed himself president. Both superpowers, as well as regional states, feared that the abolition of the monarchy without the institutionalization of an alternative political system could provoke future succession crisis. Such crises had set off the Anglo-Afghan wars in the 19th century, and Soviet-Afghan war of the 1980s.[78]

Daud repressed the Islamic movement. Some of its leaders were arrested, and the rest fled to Peshawar, NWFP. There they received help and aid from the Pakistani government with help from the CIA.[79] In 1978 a shakily reunited PDPA seized power in a military coup in which Daud was killed. The PDPA established Democratic Republic of Afghanistan (DRA) became dependent on Soviet aid. Thousands of Soviet advisors poured into the country. Far from stabilizing Afghanistan, the PDPA

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[76] Ralph H. Magnus and Eden Naby, *Afghanistan: Mullah, Marx and Mujahid*. Westview Press-Pak Book Corporation, Lahore. Pakistan, 1998 pp. 62-63
[77] Ibid. pp. 179-180
[78] *The Search for Peace in Afghanistan: From Buffer State to Failed State* p.25
[79] Ibid. p.27

regime disintegrated, and its policies soon led to the breakdown of the state institutions built over the past centuries.

The Islamists from their Pakistani exile declared *jihad* against the Communists. Representatives of the conservative clergy and the elites of the old regime soon joined them, although most former high state officials, rather than joining the struggle, made their way to the West, where they had often been educated.[80] Small scale resistance fighting began in eastern provinces of Afghanistan in January 1979, after the conclusion of twenty years Treaty of Friendship and Cooperation signed between Kabul and Moscow in December 1978.[81] Civil war broke out in Afghanistan in 1979 after Soviet troops invaded the country to back the Communist government in power. Islamic and tribal groups opposed to the policies of the government and the Soviet occupation responded by mounting armed opposition. For ten years the country became a Cold War battleground, as Soviets and Afghan troops fought against armed Islamic guerrilla fighters backed by the US and its European allies, Pakistan, Saudi Arabia and Iran.

After the Soviet withdrawal in 1989, fighting continued between government and opposition forces until the Communist government finally collapsed in 1992. The fall of the government did not bring peace, however, as the loosely allied and fractious *mujahideen* groups started fighting each other for control of territory and administrative institutions. Despite the formation of a coalition interim government, central political authority was weak and unstable, and areas of Afghanistan plunged into lawlessness.

At the end of 1994, a new political military force- the Taliban emerged on the scene. Stating as their aim to rid the country of corrupt m*ujahideen* groups, Taliban succeeded in capturing large areas of country from opposing armed groups. They

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[80] Ibid. p.27
[81] *Afghanistan: Mullah, Marx and Mujahid* p.218

collapsed in October 2001 when the US started its war on terrorism against Afghanistan in the wake of September 2001 terrorist attacks on Twin Towers in New York.

2.9 Afghan Refugees: The outcome of Conflict

Massive population exodus is the most outstanding feature of the Afghan conflict. Afghans fled their country soon after the 1978 coup staged by Nur Muhammad Tarakai. The *Saur* Revolution (*Saur* means the month of April in Persian language) brought about changes that led to the first flows of refugees. By October 1979, even before the direct military involvement of the former USSR, there were already about 200,000 Afghan refugees in Pakistan. The arrival of Soviet troops accelerated the exodus. Within days, numbers had increased to a staggering 400,000. During 1980-81, the flood of refugees peaked at 80,000 to 90,000 a month, an average of about 3,000 people per day. Government rolls reflected the registration of nearly 2.7 million by November 1982. By June 1983, the number of Afghans settled in Pakistan had reached 3 million people.[82] The government's figures did not include the births or deaths in the refugee population. It became the largest concentration of refugees in any one country. Refugee numbers remained more or less at 3.5 million levels until 1989 when the Soviets completed their troop withdrawal, and repatriation began.

The actual number of Afghan refugees settled in Pakistan has never been clearly established. It is impossible to obtain precise figures. Published and unpublished totals can only be described as 'intelligent estimates', the main reason for which is that the refugee population is large, extremely mobile, dispersed over large tracts of land, and often located in inaccessible areas.[83] By 1992, more than a fifth of Afghanistan's population- over six million people were driven from the country in search of safety.[84] Since then one can find a correlation between the influx into

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[82] Jane Thomas, *Effects of Afghan Refugees on Pakistan*. Ecological Fact Finding Study Report. Peshawar. Jan 1995

[83] *Hejrat: The Migration of Afghan Refugees to Pakistan* p.26

[84] Amnesty International. *Refugees from Afghanistan: The World Largest Single Group* Nov.1999

Pakistan and the amount of fighting within Afghanistan, so that whenever the conflict intensified, the number taking flight increased.

By definition, the number of un-registered refugees living in Pakistan is impossible to establish and difficult to estimate. In its 1990 national census, the government of Pakistan chose not to enumerate Afghans living in Pakistan's major urban areas- reflecting an official reluctance to draw public attention to the fact that large numbers of un-registered Afghans had integrated themselves into Pakistani society. However, some estimates gave the number at 300, 000. but these figures fluctuated.

Several reasons account for the flight of these refugees. As part of the Soviet depopulation policy, villages were often subjected to constant barrages of bombardment. The success of this strategy between 1980-89 affected different provinces to varying degrees. Throughout the country, civilians were forced to flee as well by Kabul and Soviet forces' attempts to depopulate strategic areas near major highways and communications routes. Sliwinski argues that this strategy was "a conscious, ordered and planned Soviet policy" and was an attempt to isolate *mujahideen*.[85]

Another cause of flight has been the result of military action in areas of population settlement and the destruction of the means of agricultural production. Despite the prohibition under international humanitarian law[86] on attacks against civilians in armed conflict, all parties to the civil war in Afghanistan have targeted individual civilians and the civilian population in general, as a means of advancing their own political and military objectives.

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[85] *Hejrat: The Migration of Afghan Refugees to Pakistan* p.26

[86] International humanitarian law establishes minimum standards for the protection of civilians in situations of armed conflict, which all governments and opposition groups must uphold. In particular, Article 3 of *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field,* August 12,1949 requires the humane treatment without any adverse distinction of all persons who do not take a direct part or who have ceased to take part in hostilities. This includes members of the armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause.

Political and ethnic conflicts resulting in human rights abuses also account for much of the flight. During the ten years of fighting that followed the Soviet invasion, serious human rights abuses were reported as the Soviet-backed Afghan government tried to suppress armed and political opposition to its rule. In towns and cities, students and teachers were arrested for expressing opposition to government policies, including for participating in largely peaceful demonstrations. Thousands of political prisoners were detained and tortured on account of non-violent exercise of their fundamental human rights. Some civilians say they fled because of their reluctance to actively support any party, and their weariness with constant harassment and suspicion from contesting forces.

Civilians in rural areas where most fighting took place were targeted by Soviet and Afghan troops apparently in reprisal for the actions of armed opposition groups who operated in the countryside. Villages were attacked and shelled by government forces, killing men, women and children. Many fled the country because of physical insecurity in their home country.

Avoidance of conscription another cause of flight, as have been the internecine conflicts among rival religious, ethnic and tribal factions aggravated by wartime conditions and the proliferation of arms.[87]

Throughout the war, refugee flight from Afghanistan consistently followed two distinct patterns: the entire population of a village was coerced to evacuate their homes by the threat of imminent military activity, or; local conditions deteriorated to such an extent that the elders of a village determined flight to be necessary for the villagers' survival. Entire villages, or the ethnically homogenous sections of a given village, emigrated and, to the extent possible, settled together among refugee populations from the same region and tribal/ethnic group living in Pakistan.

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[87] UNHCR. *Report on Afghan Refugee Origins: Refugees in Pakistan.* June 1, 1990

The exodus was not uniform. Departure from frontier regions near the Durand Line in the aftermath of the Communist coup was followed by departures from Kabul and its surroundings and then from the north of Afghanistan.[88]

In Pakistan the Afghan refugees were well received. The Islamic perspective of accommodating refugees was more highlighted by the government of Pakistan, to disguise its political motives of allowing Afghans to find refuge in the country. Seeking temporary refuge from political persecution has a place in Islamic tradition, based on the *hijrat* (sacred migration).[89] This 'sanctified' the exodus from Afghanistan into Pakistan, as the refugees became *muhajirin* (refugees)[90]. The peoples on either side of the Durand Line have strong ethnic and kinship ties, as the frontier bisects Pushtun tribal society. This facilitates population flows, as people on both sides share common language (Pushto and Dari), cultures and religious faith (Sunni Islam). Over 80 percent of the Afghan refugees that arrived in Pakistan's NWFP. were Pushtuns and according to *Pushtunwali,* (Pushtun Code of Honor) 'it has long been accepted that those who oppose a government can seek asylum on the other side of the border should their efforts fail.' Furthermore, according to *Pushtunwali*, Pushtuns are obliged to offer *milmastia* (hospitality) and *panah* (refuge) to those fleeing persecution. These Islamic and tribal contexts to the exodus of Afghans following the Soviet invasion were of fundamental importance to how the incoming migrants were perceived and dealt with.[91] Many instances of spontaneous generosity and genuine gestures of welcome have been recorded.

The government of Pakistan (GOP) adopted an extremely generous attitude towards the refugees, because it suited it politically. However, it repeatedly clarified that it

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[88] M. Sliwinski. "On the Routes of Hijrat." *Central Asian Survey*, Vol.8 No.4 1989 pp.78-85

[89] When Prophet Mohammad (may peace be upon him) migrated from Mecca to Medina in 622 A.D, due to political persecution, it came to be known as *hijrat*.

[90] Those who accompanied Prophet Mohammed in *hijrat* came to be known as *muhajirin* (refugees).

[91] Mathew B. Fielden. *The Geopolitics of Aid: the Provision and Termination of Aid to Afghan Refugees in North West Frontier Province, Pakistan,* Pergamon Press, UK 1998 p.464

regarded the refugees as temporary guests, whose stay may be long, but for whom the only desirable solution would be that such conditions should be created in their own country, which would be conducive to their voluntary repatriation. Therefore, the late Pakistani ruler, General Zia-ul-Haq, permitted the refugees to settle in Pakistan. Not only did he allow refugees to settle along the border, he supported the resistance movement and turned a "blind eye'" to refugees returning to Afghanistan to fight. Because of his actions, General Zia is held in high esteem among many Afghans. This settlement policy was not solely because of religious and humanitarian motives, but also due to covert objectives, such as entrenching a hostile "refugee-warrior community between the Soviet/Afghan forces and the Pakistani population to act as a deterrent to further Soviet advancement."[92]

Majority of these refugees were settled by the government in 336 camps, normally called "refugee villages", as they took the shape of villages. To encourage the refugees to stay in the camps, the government decided that only those residing in the camps would be provided material relief assistance. However, the government did not force them to stay in the refugee villages. Thus, there are no barbed wire fences or gates as there are in some other asylum settings. The refugees are free to move about as they please.[93]

The majority of these villages (249) of which were located in the NWFP, followed by Balochistan Province (71) and the district of Mainsail in Punjab Province (16). The remainder settled spontaneously in the country's major urban centers: Peshawar, Quetta, Rawalpindi and Karachi. [94] While the number of these refugee villages or camps has been fluctuating given the nature of Afghan influx, the NWFP. still houses the majority of Afghans. Government – operated refugee villages are clustered together, or in close proximity, giving rise to large concentrated populations of

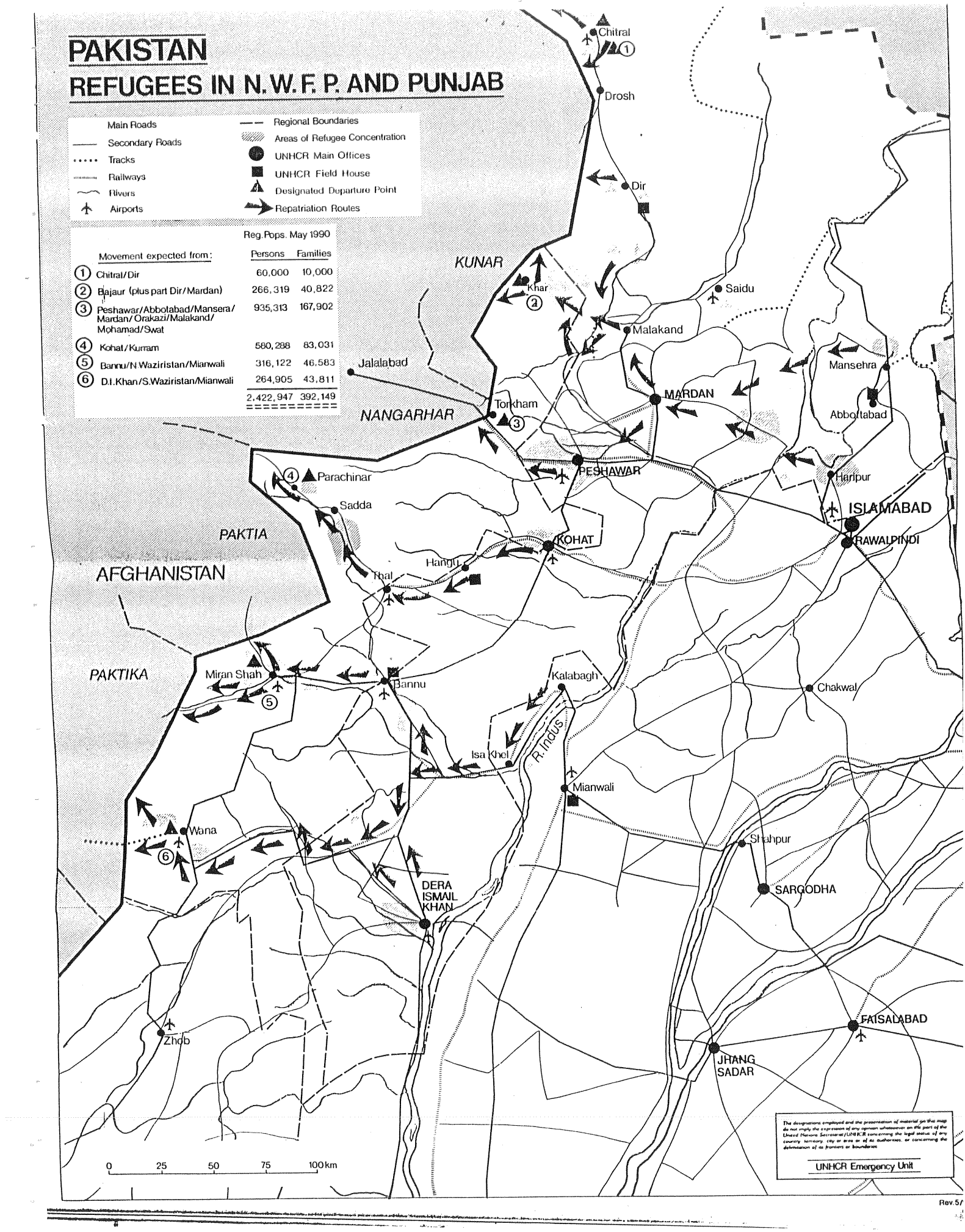
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[92] *Hejrat: The Migration of Afghan Refugees to Pakistan* p.77

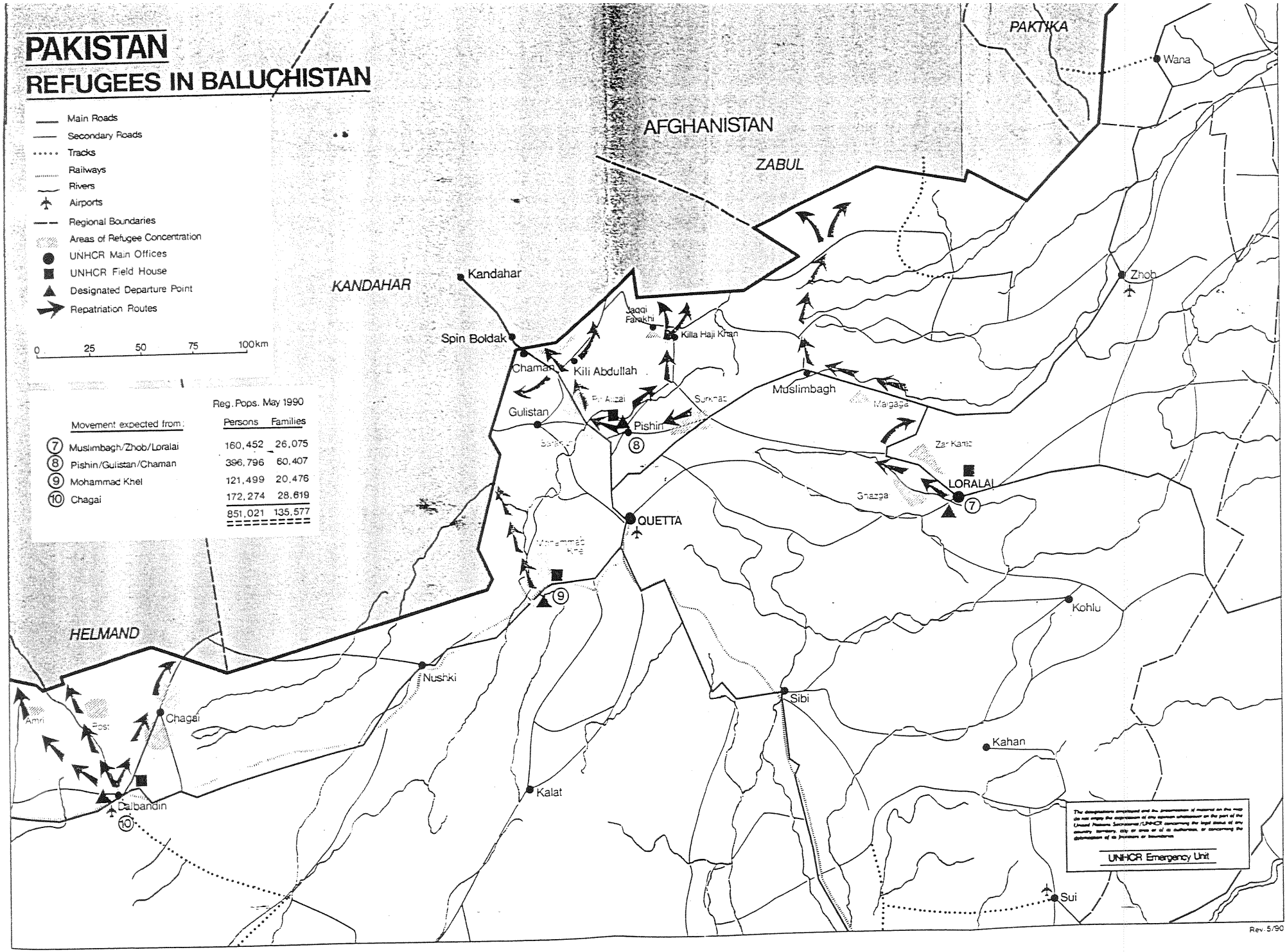
[93] E. Valentine Daniel and John Chr. Knudsen, *Mistrusting Refugees*. University of California Press. 1995. pp. 196-197

[94] Yahya Maroofi, "Refugee Situation in Afghanistan," *The Afghanistan Crisis: Issues and Perspectives*, edited by K. Warikoo, Bhavan Books and Prints, New Delhi, 2002 p.87

PAKISTAN
REFUGEES IN N.W.F.P. AND PUNJAB



Rev.5/


PAKISTAN
REFUGEES IN BALUCHISTAN
Main Roads
Secondary Roads
Tracks
Railways
Rivers
Airports
Regional Boundaries
Areas of Refugee Concentration
UNHCR Main Offices
UNHCR Field House
Designated Departure Point
Repatriation Routes
0 25 50 75 100km
Reg. Pops. May 1990
Movement expected from: Persons Families
⑦ Muslimbagh/Zhob/Loralai 160,452 26,075
⑧ Pishin/Gulistan/Chaman 396,796 60,407
⑨ Mohammad Khel 121,499 20,476
⑩ Chagai 172,274 28,619
851,021 135,577
AFGHANISTAN
PAKTIKA
ZABUL
KANDAHAR
HELMAND
Wana
Kandahar
Spin Boldak
Chaman
Kili Abdullah
Jaqqi Parakhi
Killa Haji Khan
Gulistan
Pishin
Muslimbagh
Zhob
Loralai
QUETTA
Kohlu
Sibi
Kahan
Sui
Nushki
Chagai
Amri
Dalbandin
Kalat
UNHCR Emergency Unit
Rev. 5/90

Afghans surrounding commercial / administrative centers are wedged amidst local rural settlements and agricultural lands.

In Balochistan, the bulk of the refugee population is concentrated in the districts of Pishin, Chagai and Quetta, which between them account for over 85 percent of the total. In NWFP, the districts of the greatest concentration, in order of importance, are Peshawar, Kurram, Mardan, Bajuar, North Waziristan, Kohat and Abbotabad, accounting between them for slightly less than three quarters of the refugee population.[95]

An overwhelming majority of the Afghans in Pakistan (about 85%) are ethnic Pushtuns. Most of the refugees residing in the NWFP. are from the Pushtun tribal belt in the eastern provinces or from the north. The majority of refugees in Balochistan province are *Pushtuns* from the southern provinces of Kandahar, Zabul and Helmand. Of the 20 million Pushtuns who make up the total, an estimated 11 million are citizens of Pakistan. Almost 3 million of the 9 million *Pushtuns* who are Afghan nationals have sought refuge in Pakistan or Iran. In addition, there are smaller numbers of Tajiks, Uzbeks, Turkoman and other minority groups from the northern provinces in both the NWFP. and Balochistan.[96]

From the outset, UNHCR urged the GOP to remove refugee concentrations away from border areas and establish organized settlements so as to discourage Afghanistan's incursions and bombings of Pakistani territory, and facilitate orderly aid disbursements. The refugees were reluctant to move away from tribal affiliates who had been so supportive. To move from the borders was tantamount to admitting that a quick return to Afghanistan was not possible. [97] Gradually, however, refugee groups began to move into the interior on their own, making their own arrangements

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[95] Abdul Hamid Malik, *Impelled Afghan Migration to Pakistan: 1978-84.* (thesis) edited by Alauddin Masood. Area Study Centre (Central Asia and Russia) n.d.
[96] Refugee Policy Group. *Afghanistan: Trends and Prospects for Refugee Repatriation.* Washington. April 1992
[97] Ibid.

with landlords, or simply setting up encampments near water resources or work opportunities.

As the influx of refugees evolved, the *mujahideen* parties consolidated their position in Pakistan vis-à-vis both the provincial authorities and the refugees. The government cooperated with them in order to identify and register refugees. Voluntary aid agencies also gave assistance to the refugees through this channel.

All Afghan settlements both registered and un-registered offered sanctuary to *mujahideen* fighters during the cold winter months and year around shelter and sustenance for their refugee dependents. They also served as recruiting grounds for new fighters. Up to 1979, refugee sustenance was provided by the government of Pakistan, by the local host population or the refugees supported themselves. From 1980 onwards, however, the international community launched various large-scale aid programs to supply the basic needs of refugees. Food, shelter, cooking utensils, cloth, footwear, quilts for bedding and other essentials were distributed and medical aid provided. The government supplemented this aid with a subsistence allowance.

In the early phase, refugee leaders appear to have been involved in the various distribution efforts, government personnel and the staffs of the international organizations being too small to implement the program unaided. Responsibility for various assistance measures, both food and non-food, was handed over to the refugee community leaders, who were to carry out distribution direct to the individual householders or to the refugee families. As the government staff increased at the village level, a new procedure was introduced. Refugee householders were issued with ration cards and aid would be given upon presentation of the card direct to the government staff in charge of the refugee village.[98]

[98] Hanne Christensen. *Sustaining Afghan Refugees in Pakistan*. Report on the Food Situation and Related Social Aspects. United Nations Research Institute for Social Development. Geneva, 1983, p.9

Many of the refugees carved out predictable lives, at least compared to what they could expect in Afghanistan. Most found at least subsistence work in the local economy, or rented land to cultivate. Some maintained a foothold in both countries by living in Pakistan while hiring tenant farmers to work their land in Afghanistan.

After the Soviet withdrawal from Afghanistan in 1989, the West began to lose interest in Afghan refugees, and many donor countries reduced their refugee program funding, signaling the refugees to return home. However, subsequent events in Afghanistan made repatriation difficult for majority of the refugees. Their stay became prolonged, as the conflict continued unabated, with new influxes taking place.

CHAPTER 3

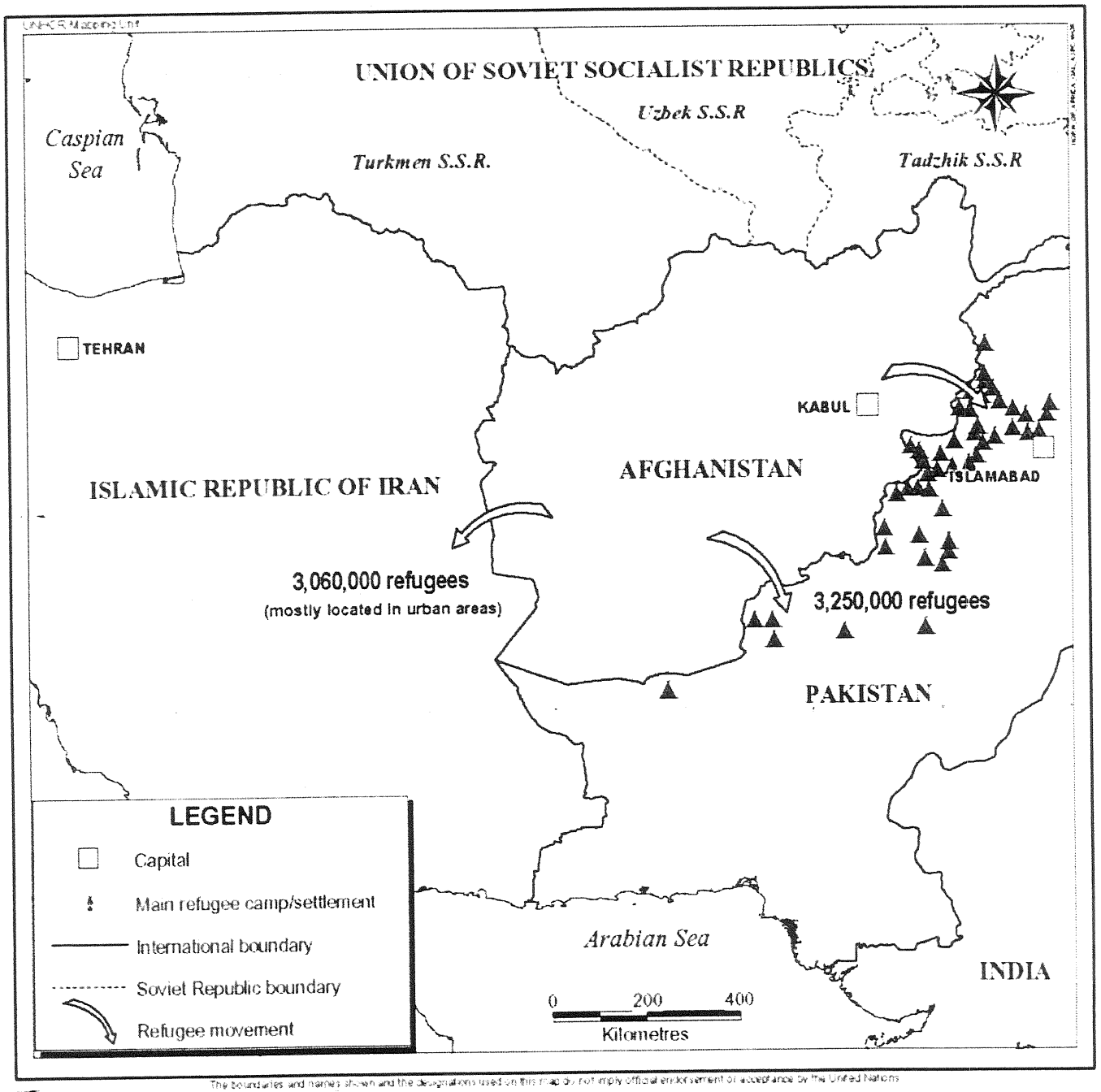
Afghan Refugees and Pakistan's Political Entanglement

There has been movement across the Durand Line (Pak-Afghan border) by Afghans since time immemorial, and it should not be confused with the crossing of refugees into Pakistan. Both Afghans and Pakistanis have moved back and forth across the Durand Line; they have lived with their family on one side and pursued employment on the other, often on a seasonal basis. The nomads or *Powindas* (as they are known in Pakistan and Afghanistan) numbering around 60,000 were traditionally accustomed to move with their cattle, each year between summer pastures in Afghanistan and winter pastures in Pakistan. Besides the *Powindas* there were also businessmen with connections in Kabul, Kandahar and Jalalabad in Afghanistan and Peshawar in Pakistan, who moved regularly between the two countries. These people were equally at home on both sides.[99] Sometimes due to drought, heavy snow and cold, life in many areas of Afghanistan becomes unbearable. In such conditions Afghans have crossed the border and entered Pakistan to seek better living conditions. This movement across the Pak-Afghan boundary never made headlines, as it was something normal and causing no interruption in the lives on both sides of the border.

However, the position of the Afghan nationals who crossed the border after April 1978 has been different. As it was a massive influx, unlike the prior movements, policy makers and officials in Pakistan approached it as a refugee issue. As the Afghans had fled their country due to political persecution and the Soviet invasion, the movement could no longer be considered as natural movement across the border. Legally, however, Pakistan was perplexed in dealing with these millions of refugees, as any international legal instrument concerning refugees did not bind it, despite the conducive political environment at home to host refugees. Given the fact that

[99]Ghulam Umar. "The Refugee Problem: An Overview." *Pakistan Horizon.* Quarterly Vol XXXVIII, No.,1 1985. Pakistan Institute of International Affairs. Karachi, Pakistan p.25

MAIN AFGHAN REFUGEE FLOWS, 1979-90



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Source: UNHCR, Global Insight digital mapping. © 1998 Europa Technologies Ltd.

Pakistan is not a Contracting state of the 1951 UN Convention, Pakistan is under no legal obligation to accept Afghan refugees. Yet it has done so and that too enthusiastically and on a massive scale. The government of Pakistan has repeatedly justified its action, in providing shelter and refuge to these refugees on its territory and furthermore, in maintaining and supporting them mainly on the basis of Islamic religion and humanitarian grounds. They are of the opinion that Islamic duty requires them to offer safe haven to fellow Muslims. In comparison with many asylum countries, Pakistan has been very liberal as it has allowed Afghan refugees unhindered freedom of movement within the country, where they can work, conduct business and attend school.

The question of treating these refugees liberally and humanely is debatable as apart from humanitarian and religious dimensions, political and strategic motives also played a prominent role in treating these refugees. Pakistan's Afghan policy played a major role in welcoming millions of Afghans on its soil and using these refugees for political and strategic purposes.

3.1 Pakistan's Afghan Policy and Refugees

The Soviet invasion of Afghanistan in December 1979 produced a crisis not simply for the Afghan people but for the neighboring countries of the region too. Pakistan being a neighbor shares a long, permeable frontier and ethnic ties with Afghanistan. This proximity meant that it bore the brunt of the crisis and felt more vulnerable to a perceived threat of 'Soviet expansionism'.[100] This sense of insecurity came from various factors that shaped its Afghan policy. Pakistan's own ethno-linguistic divisions (the Punjabis, Sindhis, Pushtuns and Balochis) have left an indelible impact on its political and social structures. These divisions have exposed the country to several externally backed secessionist threats, particularly by Pushtuns and Balochis,

[100] Amin Saikal and William Maley (eds.), *The Soviet Withdrawal from Afghanistan*, Cambridge University Press, New York, 1989 p.53

R.L. 4732

who had been supported by Afghanistan in the context of the country's border dispute with it.

Secondly, the military regime of General Zia-ul-Haq was politically fragile and lacked legitimacy to confront the situation on stable grounds. It was too weak at the time to handle the situation without any external support. Moreover, India's friendship with Afghanistan, further complicated the situation. The Soviets had supported both Afghanistan and India in their disputes with Pakistan. General Zia cashed the situation by playing the 'frontline state'[101] and supporting the Afghan Islamic resistance forces, the *mujahideen*, against the socialist regime of People Democratic Party of Afghanistan (PDPA). Pakistan's geo-strategic significance increased in the Cold War game, thus receiving massive economic and military assistance (mainly from the US) for taking a frontline, anti-Soviet position.

The partnership between US and Pakistan was one of many contemporary instances of cooperation serving complementary interests. For the United States it served the primary purpose of expanding the scope of the policy of containment; for Pakistan it served primarily the purpose of increasing, its political, military and economic potential vis-à-vis its neighbor i.e., India and the Soviet-backed Kabul government. General Zia, who was the architect of the new alignment, explained Pakistan's motives in cooperating with the US in these words: 'Our main and prime objectives are to keep out the Soviet Union and Afghanistan in the north and to safeguard the safety and security of Pakistan from Indian in the east.'[102]

Within months of the Soviet intervention, the border regions of Pakistan were overrun by hundreds of thousands of refugee families, and the number soon swelled to millions. Given the historically free character of the tribal areas and the porous

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[101] Rasul Bakhsh Rais, *War without Winners: Afghanistan's Uncertain Transition after the Cold War.* Oxford University Press, Karachi, 1997 pp 236-238

[102] A.Z. Hilali, *US-Pakistan Relationship: Soviet Invasion of Afghanistan (US Foreign Policy and Conflict in the Muslim World*, Ashgate Publishing Limited, England, 2005 p.193

border, Pakistan could not stop the inflow of refugees, but this very factor also enabled it to support the movement of guerrillas from and into Afghanistan.

The international assistance which began to pour into Pakistan for the Afghan refugees and *mujahideen* helped General Zia to stabilize his military regime, neutralize his domestic opponents and assume a central position in regional power politics. What motivated Washington to support the Afghan resistance was its strategic interest in preventing the Soviet Union from further expanding its political and military influence to the South-West Asian region. The convergence of interests with Washington enabled Islamabad to obtain economic and military assistance to modernize Pakistan's armed forces, which were in a dismal state. Pakistan's security was further enhanced by the emergence of a broad coalition of international forces supporting Islamabad's effort to expel Soviet forces from Afghanistan.[103]

Although the termination in Feb 1989 of direct Soviet military involvement in Afghanistan removed the major threat to Pakistan, the unfinished war continued to occupy a central place on Islamabad's diplomatic agenda. New streams of Afghan refugees trickled into Pakistan as the internal conflict intensified after the Soviet withdrawal. As long as the Najibullah regime remained in power, Pakistan continued to support its removal through the Afghan resistance, and continued to bear the burden of refugees.[104] Most of these refugees were politically connected with the various competing resistance parties and had direct access to arms. Though the political scenario in Afghanistan changed when Taliban assumed power, but Pakistan's political and strategic involvement in the country did not undergo a major change. Pakistan continued to support the Taliban politically and militarily in an effort to establish a friendly, if not client, Pushtun-based regime in Afghanistan. Pakistan's long-standing policy of supporting Pushtun political forces in Afghanistan

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[103] Rasul Bakhsh Rais, *War without Winners: Afghanistan's Uncertain Transition after the Cold War.* p. 238

[104] Ibid. p. 239

was generated from a belief that such a government could provide Pakistan with strategic depth vis-à-vis India and quell Pushtun nationalist forces at home.

While its Afghan policy has been guided by domestic power brokers that have a strong interest in a Pushtun-led Afghanistan, the support provided to the Taliban politically destabilized Pakistan. The flow of refugees, drugs, arms and the growth of terrorism that are attendant with the Afghan conflict have threatened Pakistan's internal stability for the past two decades. But the most worrying effect now is the political spillover of religious extremism into Pakistan. It has further divided the society and has made the country a fertile breeding ground for such elements.

Pakistan joined hands with the US in its war against terrorism after the 9/11 terrorists attacks on Twin Towers in New York, and Pentagon in Washington thereby changing its pro-Taliban policy. Taliban were soon ousted from power and a transitional government of Hamid Karzai supported both by the US and Pakistan was installed. However, peace and tranquility has not returned to Afghanistan despite the political change. At the same time the government of Pakistan is finding it extremely difficult to curb and eliminate terrorist and extremist elements that are the outcome of the prolonged Afghan conflict. Pakistan's Afghan policy has directly impacted on refugees. The varying attitude of Pakistan towards refugees is directly related to this policy. How Pakistan opened and then closed the doors for Afghan refugees is evident from the decisions and mindset of Pakistani officials.

3.2 Pakistan Hosts Afghan Refugees in a Legal Vacuum

Like several other Asian states, and in particular South Asian ones, Pakistan has still not acceded to 1951 Convention[105] or to its 1967 Protocol, despite various efforts by UNHCR to convince the government of the importance of doing so. It is, however a signatory of a number of universal human rights instruments, mainly those concerned

[105] One of the main ideas behind the *1951 Convention on the Status of Refugees* was to protect individuals from persecution by tyrannical and unwanted regimes or by their agents.

with the rights of women and children, which are applicable to some aspects of refugee situations, while not addressing the refugee problem in its entirety. Pakistan has no national legal regime concerning asylum and no administrative structures empowered to deal with questions related to asylum. As a result notwithstanding the fact that Pakistan has been sheltering millions of Afghan refugees there is still an almost total legal vacuum, concerning the treatment of refugees.[106]

As it does not have any legal structures, non-Afghan asylum seekers are treated by the government of Pakistan according to the Foreigners' Act of 1946, and are considered as illegal aliens. Under the terms of this act, illegal aliens are subject to imprisonment or deportation. However, following an unwritten agreement and on the basis of the good will extended by the government of Pakistan to UNHCR, asylum seekers who meet the refugee criteria are granted refugee status by UNHCR under its mandate.[107]

The Pakistani authorities respect this procedure and agree that such refugees can remain temporarily in Pakistan pending the identification of durable solution by UNHCR, i.e. voluntary repatriation or resettlement to a third country. Nevertheless, this informal temporary asylum does not entitle the non-Afghan refugees to enjoy any economic, social, cultural or educational rights. They have no legal status in Pakistan.

In the policies it adopted towards the Afghan refugees, the government of Pakistan appeared to draw on the broader refugee definition, as outlined in 1969 OAU Convention. Pakistan was faced with a situation similar to those in Africa, namely a mass influx of people fleeing their country of origin due to fighting. Under such circumstances, it is impossible to conduct individualized interviews or to have a subjective/objective analysis of fear and persecution as contained in Article 1 of the

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[106] Monque Malba, "Eighteen Years in Exile: The Situation of Refugees in Pakistan." *Liberal Times* Vo.V/No.1 1997 published by the Friedrich Naumann Stiftung Regional Office, South Asia. p.11

[107] Ibid. pp 10-11

1951 Convention.[108] Because of cultural, religious and tribal ties, as well as international and strategic alliances, the Pakistan government de facto recognized Afghan refugees entering the country as *prima facie* refugees.

The criteria for the acceptance of someone as a refugee in Pakistan are laid down in the *Handbook on Management of Afghan Refugees in Pakistan* (1981, revised in 1984). According to the Handbook, every Afghan staying in Pakistan, regardless of his motives, is considered to be a prima facie refugee. In July 1997, the Ministry of Interior reconfirmed the refugee status of Afghans in Pakistan and legitimized their freedom of movement outside the refugee villages (which were originally designed as their places of settlement).[109] The word "village," rather than "camp," was carefully chosen to avoid any connotation of guerrilla training, a fact demonstrating the Pakistan government's sensitivity in this respect.[110]

The *Handbook* refers to "...universally accepted principles and practices, the 1951 UN Convention relating to the Status of Refugees, supplemented by the Protocol of 1967 as well as the relevant provisions of the Universal Declaration of Human Rights" (article 2); and clearly states that Afghan nationals are granted temporary asylum "on humanitarian grounds and for reasons of cultural, ethnical and religious affinity" between the people of the two countries (Article 1). [111]

Although the Afghans in Pakistan are defined as refugees in the *Handbook on Management*, the document does not contain any legally enforceable rules and regulations on the status or treatment of refugees and thus cannot be considered as a legal instrument. The purpose of this *Handbook* was to organize the assistance, which

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[108] Ibid.
[109] Yahya Maroofi, "Refugee Situation in Afghanistan" in *The Afghanistan Crisis: Issues and Perspectives*, p. 86
[110] Stephen John Stedmna and Fred Tanner (eds.), *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*, Brookings Institution Press, Washington, D.C. 2003 p.69
[111] "Eighteen Years in Exile: The Situation of Refugees in Pakistan." *Liberal Times* Vo.V/No.1, 1997 p.12

was only supposed to be provided to Afghan refugees living in the refugee villages in Punjab, Balochistan and NWFP and Sindh.

The government used the 'Islamic factor' effectively to justify its decision to grant refugee status to the Afghans. In addition to citing the 1951 UN Convention, the 1984 *Handbook* quotes from the Holy Quran:

> To the indigent Mujahids
> Those who were expelled
> From their homes and their properties
> While seeking grace from God
> And seeking his Good Pleasure....
> Such are indeed the sincere ones....
> (Chapter II X, verses 8 and 9) [112]

On November 7, 1984, President Zia-ul-Haq, remarked that "Pakistan was carved out of the Indian sub-continent as a homeland for Muslims, so we feel that Pakistan must be the home of any Muslim anywhere in the world. If 3, 000,000 refugees have come from Afghanistan we feel it is our moral, religious and national duty to look after at least 3,000,000 if not all of the 15,000,000 Afghans if they want to come to Pakistan.[113]

Dealing with the question of Pakistan's international law practice with regard to the Afghan refugees, it must be said that though the inspiration comes from Islam, for a variety of reasons it would be too much to judge it according to the Medina model. Ijaz Hussain, a refugee expert draws the following conclusions. Firstly, unlike the situation in Medina where the number of *muhajarin* (refugees) was small, the number of refugees in this situation is simply immense. Therefore, it is not possible to extend a similar treatment. Secondly, the Prophet's (peace be upon him) mission consisted in

[112] Islamabad Policy Research Institute. *IPRI Journal*, Winter 2000; Vol.2, No.1; Islamabad. Pakistan
[113] *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*, p.69

extending the Islamic faith and bringing the whole of Arabia and other lands under Islam. Thus in a few years time, the problem of *muhajarin* was resolved as more and more lands became part of the Muslim commonwealth.[114]

Despite the legal vacuum the international community has been appreciative of Pakistan's policy towards refugees in the 1980s irrespective of the motives of the government. It had adopted a more lenient policy toward these refugees. They have enjoyed freedom of movement, and of settlement and have been allowed to establish and run businesses and have access to employment. The UNHCR noted that, "to the credit of the people of Pakistan, in the initial stages (of the Afghan crisis) the refugees were fed and sheltered by the local residents in extraordinary acts of charity and hospitality." Neither residents nor refugees suffered the problem that often plague great refugee migration; there were no epidemics and no serious cases of malnutrition. [115]

Though Afghan refugees in Iran is not part of this research, yet it is important to highlight that it too received massive numbers. In 1989, the government of Islamic Republic of Iran estimated that there were 2.35 million Afghans within its borders. Until the mid-1980s, Iran received modest international assistance for supporting refugees. This reflected the deep mistrust between foreign institutions and Tehran during the early years of the Islamic revolution.[116] Only approximately, 2% of the Afghan refugees in Iran live in camps. Majority live outside and are spread throughout the country. Many Afghans live Tehran, Isfahan, Mashad and Kerman in particular. Only the poorest groups remain in the provinces of Khorasan and Zahedan.[117]

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[114]Islamabad Policy Research Institute. *IPRI Journal*, Winter 2000; Vol.2, No.1; Islamabad.
[115] *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*, p. 69
[116] Refugee Policy Group, *Afghanistan: Trends and Prospects for Refugee Repatriation*, April 1992, p.10
[117] Yahya Maroofi, "Refugee Situation in Afghanistan" in *The Afghanistan Crisis: Issues and Perspectives*, p. 88

Iran is a party to the 1951 Convention and its 1976 Protocol. Of the Afghan refugees, only those who had arrived prior to 1992 were considered prima facie refugees and were issued refugee documents and residence permits by the Iranian authorities. However, the large variety of documents that have been issued over the years has led to confusion as to the legal status of the holders. Afghan refugees who arrived later than 1992 mostly settled without the necessary documents and residence permit. The Iranian government refer to them as "undocumented" or "illegal" immigrants. Iran's policy towards Afghanistan continue to be motivated by its concern to counterbalance Saudi, Turkish and Pakistani influence in the region and to oppose what it perceives the imperialist meddling by the US.[118]

3.3 Local Population and Refugees

Friction between the local and refugee population has been expected ever since the massive influx took place. However, the local population has demonstrated no major hostility so far. There was more tolerance of refugees in 1980s in comparison with the 1990s. The decade of 1990s saw waning of this tolerance not only amongst locals but government officials too. In a nationally representative survey conducted in April 1980, 87 percent respondents said that the government of Pakistan must help the Afghan refugees. A follow up question in the same survey educated the respondents on the possible cost of supporting the Afghan refugees. This was an attempt to see if they would revise their views in that light. Only 3 percent became reluctant to support the Afghan refugees when they were told it could provoke Soviet hostility[119]

This public opinion survey was repeated in 1982, 1983 and 1984. There was a slight decline in public support for the Afghan refugees, but it still remained overwhelming. The survey in 1984 also probed the willingness to give private help to the refugees: only 13 percent disapproved that Pakistanis in their personal capacity should help the

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[118] *Afghanistan: Trends and Prospects for Refugee Repatriation,* p.11

[119] Ijaz. S. Gillani. *The Four R's of Afghanistan,* Pakistan Institute of Public Opinion, Islamabad,1984 p.9

Afghan refugees.[120] It is significant to note that this high level of public support to the Afghans was maintained despite realizing that the refugees were an enormous burden, and the fear that they may be infiltrated by saboteurs. About two third of the respondents believed that the refugees were an economic burden and about half feared the infiltration by saboteurs.[121] The tranquil situation between the refugees and the local population seemed to rest on widespread public support on the refugee question, which was not naïve about the costs of supporting the refugees in terms of inviting Soviet hostility, economic cost and threat to the local law and order situation.[122]

According to a survey of the national population, a majority of the supporters of all political parties supported assistance to the refugees. This was, however, not true of the political and intellectual elites, which was shown by hostile statements by Peoples Party of Pakistan (PPP), National Democratic Party (NDP), Pakistan National Party (PNP), occasionally joined in by Tehrik-i- Istiqlal and even Jamiat-i- Ulma Pakistan (JUP). This hostility towards refugees was also expressed in newspaper articles published by a section of the intellectual and former civil servants. One found a discrepancy between the views of political leaders and their rank and file: 62 percent of NDP and 61 percent of PPP voters approved that government and even they personally should help refugees. But their leadership took actively anti-refugee position.[123]

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[120] Ibid
[121] Ibid. p.9
[122] Ibid
[123] Ibid pp.9-10

Over the period of time the attitude of local population changed.[124] Initially, the refugees had been greeted with open arms, as Muslim brothers and sisters. But as their numbers swelled and the burden of their care began to weigh heavily on Pakistan, there were calls by locals residents for their control, if not forced repatriation. They had become weary of their prolonged stay and wanted them to return but some were realistic enough to observe that they may never opt for repatriation as they had better living here than in their war torn country.

After food aid to most camp residents ended in 1995,[125] the number of refugees migrating to the cities increased (at about the same time, new refugees from Kabul-many of whom were urban professionals-entered Pakistan and also settled in the cities). Employment became more scarce, local people's wages were driven down by the overabundance of cheap labor, and rents went up as competition for housing rose. Within local communities there were now signs of growing resentment to the prolonged presence of the refugees in Pakistan. Local Pakistani officials made intermittent statements about the need for repatriation of Afghan refugees. In September 1998, bureaucrats in North West Frontier Province reportedly met to devise a strategy for repatriating the refugees. In February 1999, the provincial Chief Minister announced plans to restrict all refugees to the camps in response to complaints that Afghans were taking away jobs from local people. Although the plans could not be implemented, the Chief Minister made repeated calls to the international community to assist the refugees to return to their homes in Afghanistan.[126]

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[124] Pushtuns from South Waziristan and other tribal areas were among the first to complain about the privileges accorded to refugees, which they, claimed enabled the Afghans to live better than they did. Specifically, they criticized the wide array of services available in the camps as compared with far less access to education, housing services available to the border area people in Pakistan. Local people also believed that domestic expenditure on the refugees meant that assistance was at the expense of development programs for their impoverished areas. *Gallup Reports* 1984-1988 (Islamabad: *Gallup Political Weather Report*, 1985, 1986, and 1989

[125] USCR. *Pakistan: Afghan Refugees Shunned and Scorned*, September 2001 p.20

[126] Amnesty International Report, *Refugees from Afghanistan: The World's Largest Single Refugee Group*, November, 1999, http://www.amnestyusa.org/regions/asia/document

During the late 1990s, the Pakistani authorities became much more concerned about the number of refugees in the cities. With it public support for refugees also began to diminish. The authorities, the media, and the general public increasingly blamed refugees for growing social ills, including crime, the widespread availability of weapons, drug abuse, prostitution, and the decline in the Pakistani economy. It is not difficult to observe that the changing attitude of the locals toward refugees coincided with the changing stance of the government. The official media once portraying refugees as 'Muslim brethren' needing help and shelter was now stressing that they are a burden and need to be repatriated.

Since the late 1990s, the government of Pakistan has hardened its attitude towards Afghan refugees, a development that was summed up by Muhammed Harooon Shaukat, director general of the Ministry of Foreign Affairs, as follows, "if donors have donor fatigue ..... then we have asylum fatigue ....If donors' patience with the Afghan situation has run out, then so has ours."[127]

Government officials say that their change in attitude has been influenced by a number of factors[128]: -

1. Pakistan's burgeoning economy, which they say makes it impossible for the government to continue assisting refugees;
2. dwindling international financial support for the refugees, which officials say has burdened Pakistan;
3. social problems that the Pakistan government says are caused or exacerbated by the refugees' presence;
4. the end of the Soviet occupation of Afghanistan, which caused the flight of most "long term" refugees between 1978 and the late 1980s;

[127] David Turton and Peter Maderson, *Taking Refugees for a Ride? The Politics of Refugee Return to Afghanistan,* Issues Paper Series, Afghanistan Research Evaluation Unit. Kabul, December 2002 p.15

[128] USCR, *Afghan Refugees in Pakistan at Risk*. July 31, 2001

5. the government's belief that many of the Afghans who have entered Pakistan since mid-2000 are victims of drought, are not refugees.

Refugees noticed this change in attitude and they did complain about the fading hospitality. They felt that in a way they were being asked to return to their homeland as soon as possible. They no longer felt welcome and faced difficulties which early refugees had not.

Refugees, however, were unanimous in the belief that their future lay in repatriation and that their stay in Pakistan was of an interim nature. Although all displayed intense nostalgia for their home country, this was more marked in the women, perhaps because unlike the men most of the women did not have the chance of seeing their homeland since their flight. Views differed as to when a return might be feasible. Men tended to think a possible return could take place within 10-15 years, if not slightly before, whereas women saw this happening much sooner, within two years or so (after they first arrived in Pakistan). [129]

Refugees faced police harassment as the government of NWFP started airing the idea that refugees need to return, as Afghanistan was safe after the Taliban takeover. The government wanted their repatriation in safety and dignity, though conditions were still not conducive for return. However, as the Northern Alliance opposed the Taliban government, the conflict continued and instability prevailed therefore, refugees found it difficult to repatriate despite the strong signals from the government of NWFP.

3.4 Impact of Refugees on Pakistan

The Afghan crisis created serious security, economic and social problems for Pakistan. Pakistan's frontier with Afghanistan stretches over 1400 miles of rugged mountain terrain. The influx of a large number of refugees across this terrain into

[129] Hanne Christensen, Afghan *Refugees in Pakistan: From Emergency towards Self-Reliance*, United Nations Research Institute for Social Development, Geneva, 1984 p.47

Pakistan and the intensity of conflict in Afghanistan created an extremely difficult situation for Pakistan in 1980s. The US led military terrorist strikes against Afghan in 2001 again put Pakistan in a dilemma.

Apart from being a security concern, Afghan refugees placed an enormous financial burden on the limited resources of Pakistan. Nevertheless, it accepted the responsibility of providing these afflicted people with shelter and basic necessities of life as a humanitarian and Islamic duty. The generous help received from friendly countries and international humanitarian organizations, particularly the UNHCR and the International Red Cross was deeply appreciated. Refugees also affected the environment of the host country.

a. Security

The impact of the massive influx of Afghan refugees on Pakistan's security interests was enormous. The wide-scale encampment of the refugees on Pakistani soil made it easy for the *mujahideen* to camp among them. This raised fears on Pakistan's part that the Soviets may retaliate *mujahideen* raids in Afghanistan, and, in so doing, violate Pakistan's borders with impunity.

Several grave consequences ensued for Pakistan from the Soviet military intervention:[130]

1. The dangerous precedent of invasion by a large neighbor to reorder the government and social and political system of a smaller country in violation of the norms of international law;
2. the deterioration of the security environment of South West Asia as a result of the disappearance of a century old buffer state and the advance of a superpower to the Pakistan border;

[130] Agha Shahi, "Pakistan's Relations with United Sates." *Soviet-American Relations with Pakistan, Iran and Afghanistan,* edited by Hafeez Malik; Macmillan Press, London 1987 pp.370-375

3. the ambivalent Indian response to the Soviet action underlining its refusal to acknowledge Pakistan's concerns over the changed security environment of Southwest Asia;
4. and the influx of Afghan refugees into Pakistan and Iran

Therefore, the spillover security effects of the Soviet war in Afghanistan were there. Given the historically "free" character of the tribal areas and the porous border, Pakistan was in no position either to stop the inflow of refugees or to effectively control the movement of guerrillas from and to Afghanistan. Moreover, in the past successive Afghan governments had menaced Pakistan's security by giving material and political support to the separatist elements in Balochistan and Frontier provinces. The active military involvement of a superpower in support of a narrow-based regime increasingly hostile to Pakistan presented difficult security problems.[131]

Pakistan's championship of the Afghan resistance struggle and its embrace of refugees were motivated by geostrategic and domestic imperatives which placed Pakistan in a grave position during the course of war. The consequences of the Afghan crisis for Pakistan could be seen in the provocative slogans on the walls of Peshawar and Quetta, in the proliferation of weapons, in the heroin trade, in sectarianism, in ethnic conflict, in the bombings and acts of sabotage that afflicted the NWFP and Balochistan particularly, in the atmosphere of political tension and emerging conflicts over local economic assets between Afghans and Pakistanis.[132]

The presence of a large number of refugees therefore, had the potential to generate disruptive consequences in domestic politics. The threat to domestic security could not be ruled out, particularly given the precarious nature of Pakistan's political system, which already had separatist elements. Secondly, Pakistan also feared that the

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[131] *War Without Winners*. 1997 p.237

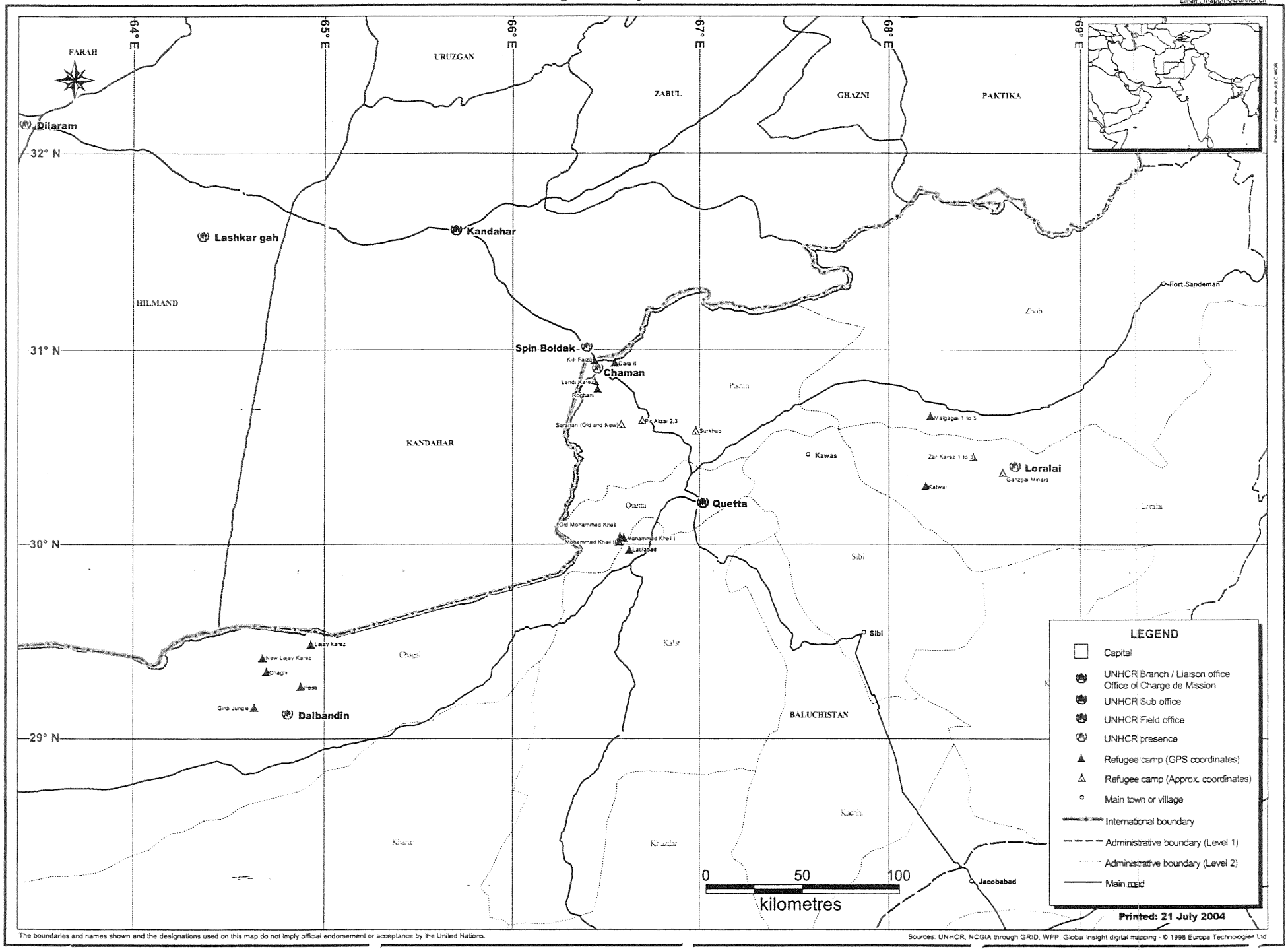
[132] A. Z. Hilali, *US-Pakistan Relationship: Soviet Invasion of Afghanistan*, p. 199 See Bernice Archer, "Social Identity in the Complex Urban Setting of Quetta, Balochistan," in *Journal of Multilingual and Multicultural Development*, Vol.20, No. 2, UK, 1999 p.94; See B. Raman, *Unrest in Balochistan*, Paper No. 804, South Asia Analysis Group, October 29, 2003

UNHCR
The UN Refugee Agency

As of July 2004

Pakistan
Refugee camps in Baluchistan

GIMU / PGDS
Geographic Information and Mapping Unit
Population and Geographic Data Section
Email : mapping@unhcr.ch



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

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concentration of large numbers of *Pushtun* refugees in the NWFP may give rise to the cry of '*Pushtunistan*', an irredentist movement active since the 1950s and exploited by the Soviets who infiltrated agents among the refugee population.[133] This fear though looming large on the minds of policy makers, however did not pose security threat to Pakistan. Keeping in view this factor the Pakistani government shaped its Afghan policy in such a way that the *Pushtunistan* issue was not raised, and cause cleavage in the NWFP.

The province of Balochistan equally bore the enormous pressure of Afghan refugees. It was reported that one out of every four inhabitants of the province was an Afghan refugee. The influx of Pushtun speaking Afghan refugees in Balochistan disturbed the delicate ethnic balance in the province by strengthening the ranks of the Pushtuns, thereby reducing the Balochis to a minority in their own province. The refugees not only increased the ratio of Pushtun population by 10% to 15%, but also were instrumental in rapidly reducing Balochi predominance. The Baloch had long resented the domination of Pushtun tribes in their area. Quetta is heavily Pushtun, and with the influx of mostly Pushtun refugees, the province appeared likely to develop a Pushtun majority. Thus, in contrast with the NWFP, the refugees provoked the Baloch leaders, but their presence also neutralized Baloch nationalists' dream of creating a Greater Balochistan.[134] There were calls in Balochistan for the refugees to return to Afghanistan. Benazir Bhutto along with other members of the opposition also held the same view. These opponents of the government also claimed that the government was inflating reports of numbers of the refugees in order to increase aid received from abroad.[135]

Agha Zahid Hilali in his PhD thesis *US-Pakistan Partnership in Response to the Soviet Invasion of Afghanistan 1979-88: Causes, Dynamics and Consequences*,

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[133] *Afghan Refugees in Pakistan: Will They Go Home?* P.8
[134] A. Z. Hilali, "Costs and Benefits of Afghan War for Pakistan," *Contemporary South Asia*, (2002) 11,(3) Routledge, UK pp.291-310
[135] *Afghan Refugees in Pakistan: Will They Go Home?* p.8

analyzed the impact of Afghan war on Pakistan. The Afghan war hit the NWFP hardest because it was the principal conduit for foreign supplied military equipment to the *mujahideen* resistance forces as well as the main staging ground for guerrilla operations inside Afghanistan The refugee camps were the backbone for *mujahideen* military strength and in many cases served as training facilities for the rebel guerrillas. The violence created by the refugees raised tension in the frontier region and the frequency and savagery of the KHAD and KGB explosions were high, averaging a bomb a week in the Northwest Frontier Province.[136]

The ideological and military training camps for Afghans, also led to the spread and growing influence of the more puritanical interpretations of Sunni Islam, such as *Wahabism*, not only among Afghans but also among the Pakistanis, a fact that has contributed to an upsurge in Sunni-Shia tensions, because such interpretations of Islam view the Shias even worse than the infidels.[137]

Afghan refugees have stirred up the sectarian violence in some places of Pakistan. Before the arrival of Afghan refugees in Kurram Agency the Shiite sect was in majority, but 400,000 Afghan refugees' presence in the area made the Sunni sect in majority, making a demographic and sectarian imbalance. [138] One is reminded of the horrible sectarian war of 1987 in Kurram Agency, which killed more than 200 people, where the two opposing groups were Mengal and Turi tribes, and had two distinct categories of support. The Mengal (Sunni) had the backing of Afghan refugees while the Turi (Shiite) were being actively supported by the then Afghan regime through KHAD (Afghan intelligence agency). The fact that Afghan refugees were physically and directly involved in the war is supported by impartial evidence.[139]

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[136] Agha Zahid Hilali, *US-Pakistan Partnership in Response to the Soviet Invasion of Afghanistan 1979-88: Causes, Dynamics and Consequences*. PhD Thesis. University of Hull. UK. 2002

[137] Musa Khan Jalalzai, *The Foreign Policy of Pakistan: Sectarian Impacts on Diplomacy*. Dua Publications Lahore. Pakistan. 2000, p.76

[138] Kamal Matinuddin, *Power Struggle in the Hindukush: Afghanistan (1978-1991)*. Wajidalis Lahore, Pakistan 1991 p.320

[139] *The Nation*. Pakistan July 29, 1987

The Saudi-Iranian competition for influence in Pakistan and Afghanistan, along with their manipulation of the sectarian factor as a means of advancing their political goals, also intensified Sunni-Shia tensions in Pakistan.[140] The combined result of these influences was the emergence of militant Sunni and Shia groups, which have engaged in violent acts against each other.

The inflow of refugees and planting of the *jihad* culture in the region aggravated the medieval mindset of the people in the region. The *madrassas* in the region greatly mushroomed. By 1990s the area had developed into a seedbed for extremism, largely because the prevailing anarchy facilitated the operations of the radical sectarian and Islamist forces. This had its impact on Pakistan particularly the NWFP. The impact of Afghan *jihad* on the people has been devastating. The proliferation of arms in the region has given rise to a criminal bent of mind that has made violence a way of life among the tribals of the region. The deweaponization drive undertaken by General Musharraf's regime in 2000-2001 failed miserably in this region.[141]

The September 11, 2001 attacks on US created further security implications for Pakistan. The US led a war on Afghanistan to washout terrorist elements from the country. US particularly targeted the Al-Qaeda network, which was suspected of having attacked the Twin Towers in New York, September 11, 2001. For Pakistan, joining the US-led coalition reflected a major policy shift in that it required withdrawing support from the Taliban regime, which had seen Pakistan as one of its leading allies. For Pakistan the logic of this shift was clear: to preserve its strategic assets and national sovereignty.[142] One major reflection of the negative fallout of 9/11 on Pakistan has been the introduction of a new form of terrorism within the country- that of suicide bombings and the indiscriminate targeting of foreigners.

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[140] Ibid.
[141] Ashok K. Behuria, "Tribal Areas: Seedbed for Extremism." *Asian Affairs*, New Delhi August 2002
[142] Shireen Mazari. "Pakistan in the Post-9/11 Milieu" *Strategic Studies*, no.3, Vol. XXII, Autumn 2002. Islamabad. Pakistan. p.2

b. Political Impact

The continued presence of the Afghan refugees has several implications for the domestic politics of Pakistan. The refugees have found supporters as well as opposition to their presence on Pakistani soil. There has been a split amongst the political parties regarding the refugees --- some are their supporters while others their opponents. The former are social and conservative parties and the latter are the liberal parties. The leaders of the liberal parties have accused the conservative parties. They blamed them for supporting the refugees at the behest of American government. They have been demanding the early return of all the refugees, since the major flows began into Pakistan.

There have been controversies and antagonism among political figures and parties on the stay and living of Afghan refugees creating unnecessary hatred among them.[143] The Muhajir Quami Movement (MQM) was of the view that Afghan refugees be sent to their camps in the Frontier Province as their movement in different parts of the country was causing free flow of illegal arms and narcotics. Leaders of Pakistan National Party (PNP), Balochistan, started a "push out refugees" drive in Balochistan. Its leader Abdul Qayyum Sasoli said, "those who supported the people (refugees) should take them to their areas and settle them there because they would not tolerate them in their lands.[144]. Abdul Hakeem Lehri said that, "in any case the people of Balochistan would no longer tolerate the refugees." Shakir Buneri, a leader of the ANP, accused the Jamiat Islami and its allies, the Afghan refugees, of a series of bomb blasts in the country. He asked the Jamiat Islami leaders, Qazi Hussain Ahmed and Maulana Gohar Rehman, to stop converting the country into a battlefield.[145] Former Chief Minister of Balochistan, Sardar Akhtar Mengal rejected the national census in the presence of Afghan refugees.[146] He said that only the Federal Government could repatriate Afghan refugees and added that fair census could not be

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[143] *The Frontier Post.* July 25, 1987
[144] *The Frontier Post.* July 25, 1987
[145] Ibid.
[146] *The News International.* April 23, 1997

ensured in the province in their presence. Mir Hasil Khan Bizenjo of Balochistan National Party (BNP) claimed that most of the Afghan refugees have obtained Pakistani passports, national identity cards and documents of property and they claim themselves as Pakistanis... this situation has created difficulties to identify the Afghan refugees and keep them away from the forthcoming census."[147]

The Pakistan Peoples Party (PPP) criticized Pakistan's foreign policy toward the Soviet Union and Afghanistan, declaring that 'Pakistan must not interfere in the internal affairs of Afghanistan.' Even the National Democratic Party (ND) stated that 'the Afghan problem is the most serious threat to Pakistan's stability and security,' and called for 'diplomatic recognition of Babrak Karmal's government, concession at peace talks, informal relations with the Soviets and a return of 3 million Afghan refugees to Pakistan.'[148]

Afghan refugees have also tried to associate themselves with the issues in Pakistani politics in order to serve their own interests. This has been exploited by countries like India and propagated to defame Pakistan. Addressing a religious gathering at the Afghan refugees camp in Chakdara, 120km off Peshawar, Commander of the Kashmir Lashkar appealed to Afghan refugees in Pakistan to take part in Kashmir *jihad* and discharge their Islamic duties. There has also been allegation against Jamat-i- Islami of training Afghans and sending them to Kashmir to "fight against Indian forces in the name of Islam" because of the different statements made by the Jam'at leaders in support of Kashmir *jihad* against India.[149] Such statements have created a strong Indian propaganda that Pakistan is sending infiltrators into Kashmir. Indian army officials accused Pakistani ISI of forcing impoverished Afghan laborers into *jihad* in Kashmir. Indian army sources say, "they (ISI) are finding it difficult to induct

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[147] *The Dawn*, October 2, 1997
[148] Hafeez Malik , "Soviet Intervention in Afghanistan and its Impact on Pakistan's Foreign Policy" in *Soviet-American Relations with Pakistan, Iran and Afghanistan.* p.141.
[149] *The Nation.* June30, 1999

regular Afghan mercenaries, so they are pushing innocent people into the valley for the so-called *jihad*, exploiting their pathetic conditions." [150]

Political analysts have criticized Pakistan's grooming of Afghan resistance parties on its soil. Before December 1979, the Pakistani based Afghan parties and refugee organizations had no public following to speak of. The Pakistan government went out of its way to encourage the formation of Afghan political parties[151] in Peshawar, NWFP. These parties received massive aid via Pakistan for their *jihad* against the Soviets and the Afghan regime.

In order to have support from the refugees these parties brought in a new law, which required that, all Afghan refugees should register with one Afghan political party or another. As a rule, a refugee had to be registered with one of the parties to get food rations. People who were unregistered did not get rations (and thus) could starve or have an extremely difficult time keeping themselves and their children fed.[152]

Most refugees joined these parties to avoid problems, however they joined the party through an intermediary, the refugee *malik* (head of refugee village), while most *mujahideen* joined through their commander. Each party had a characteristic ideology or outlook. The parties also differed in the degree to which they adopted a political or military strategy, the nature of that strategy, and the character of their international links.

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[150] *The Nation*, December 20, 1997

[151] **Mahaz-Milli-yi Islami-yi Afghanistan** (National Islamic Front of Afghanistan, NIFA), headed by Pir Sayyid Ahmed Gilani;**Jabha-yi Nijat –I-Milli-yi-Afghanistan** (Afghanistan National Liberation Front, ANLF) led by Sibghatullah Mujaddidi; **Harakat-I-Inqilab-I-Islami-yi-Afghanistan** (Movement of the Islamic Revolution, HAR) led by Maulwi Muhammed Nabi Muhammedi;**Hizb-I-Islami-yi-Afghanistan** (Islamic Party of Afghanistan, Hikmatyar, HIH) led by Gulbadin Hikmatyar; **Hizb-I-Islami-yi-Afghanistan** (Islamic Party of Afghanistan, Khalis, HIK) led by Yunus Khalis; **Jamiat-yi-Afghanistan** (Islamic Society of Afghanistan, JIA) led by Burhanuddin Rabbani and the last of the seven parties was
Ittihad-I-Islami Bara-yi Azadi-yi-Afghanistan (Islamic Union for the Freedom of Afghanistan, ITT) led by Abdul Rasul Sayyaf.

[152] Raja Anwar, *The Tragedy of Afghanistan: A First Hand Account.* Verso London-New York, 1988 p.238

As it was the Cold War period, US was bent upon containing the Soviets in Afghanistan, therefore, they decided to give massive economic and military aid to Pakistan to toe their Afghan policy. Zia's military regime got political legitimacy from the US, as long as it supported the *mujahideen* against the Soviets. The Jamat-i-Islami (JI) had been favored by the Zia-ul-Haq regime during the *jihad* as its principal contact with the Afghan *mujahideen* and particularly, through the Inter Services Intelligence Agency (ISI), with Hikmatyar.

A considerable number of Afghan refugee orphans entered into the network of madrassas of the NWFP, especially in tribal areas where they were supported as a charity by Islamic organizations. The JUI, a long established Pakistani political party led by Maulana Fazlur Rehman, established *madrassas* specifically for the orphans of the Afghan jihad. The JUI had its stronghold in the frontier Pushtun and Baloch regions (till present) where it regularly secured a greater vote in elections than did the more prominent Jamat-I-Islami founded by Maulana Abu Ala Maudidi.[153]

These *madrassas* led to the creation of Taliban force, which in 1996, took over Kabul. Pakistan's recognition of the Taliban regime, led to its political isolation not only in the region but also internationally. Pakistan's relations with Iran came under great strain, as the Sunni dominated Taliban were not liked by the Ayatollahs of Iran. Russia and Central Asian Republics (CARs) were concerned over the extreme religious views of Taliban. The possibility of Taliban's very rigid interpretation of Islamic values spilling over into Pakistan increased. Pakistan recognized Taliban in the hope that peace would return to Afghanistan, that others would follow suit that route to Central Asia would open and the Afghan refugees would start going back to their country. Unfortunately none of these assumptions came true. During this period, Pak-US relations also nose-dived. Osama bin Ladin and his Al-Qaeda network operating in Afghanistan, became the target of USA. Taliban were condemned for

[153] *Afghanistan: Mullah, Marx and Mujahid*, 1998 p.179

harboring Al-Qaeda. Pakistan's connection with Afghanistan during Taliban's rule earned her worldwide condemnation, which it could not afford politically.

Pakistan's Afghan policy took a U-turn in the wake of terrorists' attacks of 9/11. Pakistan joined the US-led coalition to flush out the terrorist elements from Afghanistan, particularly members of the Al-Qaeda. Pakistan's religious parties opposed the government's policy. Jamat-I-Islami has strongly condemned the military government's decision to back the US. Qazi Hussain Ahmed, chief of Jamat-i -Islami said that President Musharraf's decision "to extend support to the US was tantamount to mortgaging the nation for petty gains."[154] However, other political observers are of the opinion that "non-cooperation with the world coalition, led by the US, would not only mean political isolation, it would also pose a serious danger to what the president called Pakistan's 'strategic assets'." (i.e. nuclear capability)[155]

JUI, a strongly pro-Taliban party, called for rallies across the NWFP and at times nation wide to demonstrate against military operations and raids on *madrassas*. Other religious parties backed these calls too. These strikes created problems for the government, as it wanted to portray itself to the world that Pakistanis backed Musharraf's decision, for supporting the US-Pakistan joint operations against the Taliban and Al-Qaeda members hiding in Pakistan.

c. Economic Impact

For many Afghans, Pakistan is not a new country. Traditionally, people have been moving into Pakistan particularly NWFP for seasonal jobs and trade. The Afghans have always found NWFP a convenient place to work. Even before the Russians moved into Afghanistan, many Afghans were living in Pakistan. After the April Revolution and disturbances in Afghanistan NWFP became a natural place for the disturbed section of the Afghan population to move in. These refugees involved

[154] Derek Brown, "What the Pakistan Papers Say," http://media. guardian.co.uk/ press review/ September 21,2001
[155] Ibid.

themselves in some sort of economic activity, this was easier as there were no restrictions by the local administration on the refugees to indulge in business and seek employment.

The regional economy of NWFP, where the largest concentration of Afghan refugees resides, is deficit with regards to food production and revenue resources. The Federal government finances almost the entire developmental budget, because the revenue base of the province is small. In the beginning, the government in collaboration with international agencies and foreign governments provided relief assistance to the refugees.

The local food production has been influenced because except for sugar much of the food is not produced locally. It is imported into the region, but this does not mean it has no effect. Some portion of it, which flows into the region for refugees each day, finds its way into informal markets. Essential food items like wheat; edible oil and powdered milk are among those that slip through the donor system network into the local economy.[156]

By the mid 1980s, the government of Pakistan was officially responsible for 45 % of the cost of maintaining the refugees, the UNHCR for 25%, the WFP for 25% and others, including Saudi Arabia and Kuwait as the Red Cross, for the remaining 5%. Pakistan assumed the costs of the internal transport of refugee aid, a figure estimated at $70 million in the mid 1980s, along with its responsibility for the administration and security commodities.[157]

According to Pakistan the relief assistance provided to Afghan refugees falls, broadly speaking, in two categories –direct and indirect. The first category includes shelter,

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[156] Asif Ashraf & Arif Majeed, *Economic Impact of Afghan Refugees in NWFP*, Pakistan Rural Academy, Peshawar, 1988 pp.4-5

[157] *US-Pakistan Partnership in Response to the Soviet Invasion of Afghanistan 1979-88: Causes, Dynamics and Consequences* 2002

food, clothing, household goods, cooking and heating fuel, construction material for mud huts, etc. In the second category some social and community services, such as water supply, health care, education facilities, veterinary aid, income generating projects, etc. alongside relief assistance, the government also initiated some projects to repair the damage caused to ecological wealth and road networks resulting from the presence of refugees.[158]

The support to refugees from the government of Pakistan and international agencies was not enough to sustain themselves. The refugees therefore, in addition to self-employment entered into the full-fledged labor market.[159] Some refugees moved with their movable property and invested in Pakistan. The government prohibited (still the law prevails) the refugees to buy property but refugees did not consider the law and got involved in such ventures. The local population interacted with them in such dealings and showed them ways and means to bypass the law. Many refugees have bought houses or built houses on bought lands. It is said that the revenue staff themselves have showed the refugees the ways and means to bypass the government regulations. This has resulted in refugees owning property.[160] Sometimes, the refugees buy land by proxy, producing Pakistani identity cards or by providing forged back dated *nikah-namas* (marriage contracts) as another way of becoming a Pakistani citizen.[161]

While refugees themselves stimulated a number of local markets, international aid contributed to the regional infrastructure. It led to development projects including forestation, irrigation, and road construction. This employed refugee labor and directly benefited the economy of Pakistan. There are two viewpoints prevailing in the NWFP, regarding the economic implications of refugees for the province. Some view that many refugees have not become a part of the provincial economy, it has

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[158] *Economic Impact of Afghan Refugees in NWFP*, pp.4-5
[159] Ibid. p.17
[160] Ibid.
[161] *The Muslim* August 27,1983

received most of the support from external sources, independent from the provincial economy. They have not ostensibly drained provincial resources nor directly altered the welfare of the local inhabitants of Peshawar. They inhabit land provided to them independently, they receive food independently; in essence their shelter, their livelihood their money come directly to them leaving them essentially tangential to the provincial economy.[162] This view prevailed till refugees received assistance from UNHCR and WFP.

Others have shown their apprehensions that despite the outside help the refugees are a drain on the provincial economy. They have entered into the cities and the hinterlands, got jobs and business to the resentment of the local inhabitants. In the villages they have taken over natural pastures and pitched tents on them. The calm and equilibrium of the rural set up has been disturbed. Over grazing, cutting of foliage for fuel and pressure on water resources has polluted the rural environment. The refugees brought with them more than 2.5 million livestock, which had a detrimental effect on the environment because of grazing on the scarce pastures. In this regard the provision of grazing grounds and water for Afghani livestock was a challenge for Pakistani officials.[163] Overgrazing affected the sparse grazing grounds and extensively damaged the ecology of the green areas in the NWFP and Balochistan

Environmental damage caused by refugees is mostly irreversible. The impact of these refugees on renewable natural resources is of particular concern as it can have a drastic long-term effect. Trees are cut down to provide support for shelter while branches are collected for firewood and charcoal. Foliage is cut to feed livestock. Ground vegetation is cleared to make way for farming; even tree roots are dug up in extreme conditions and used as firewood. Eventually the land becomes unfit for even most basic forms of agriculture. The resulting rapid and uncontrolled deforestation since the 1980s has left the area with only about 12% of its original forest cover.

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[162] *Economic Impact of Afghan Refugees in NWFP*, 1988 pp.4-5
[163] Ibid.

According to a UNHCR research report, since the influx of Afghan refugees started in the 1980s, Turmeric Forest of Gird-e-Jungle in the Chaghai district (Balochistan) has been completely depleted and there has been no rehabilitation in the area at all.[164]

Water reserves of the areas where refugee concentrations are, face a serious threat due to over consumption. They not only serve as a source for domestic and agricultural water use but also as wildlife habitats. As a result of the above unsustainable practices, the whole ecological balance of the area has been disturbed. In the cities the already scanty infrastructure has to cater for more people affecting sanitation and health facilities, education and creating an urban chaos due to sudden influx of large number of people who were not used to city life as most of them came from rural areas of Afghanistan. The whole fabric of city life is affected. On top is the fear of the people regarding their security as they were now residing in the same city with a population composed of both foes and friends.

What is its impact on the prices in the local market? There is little restriction on the Afghan refugees entering the local labor market, which is already plagued by unemployment and by pressures in the population centers from rural urban migration. The refugee presence resulted in some clearly defined changes in income distribution. Competition over scarce employment, for example, led to frictions between Afghans and Pakistanis. Refugees were willing to work for lower wages than their Pakistani counterparts – on an average, 25 percent less. And even while incoming refugees – created a larger demand for goods and services in the frontier regions, increasing the supply of goods by opening up new businesses and smuggling goods in from Afghanistan, the increasing flow of goods led to inflation in some markets and to lower prices in others. Similarly, relief food, when adequate or in excess, found its way to the market, where it contributed to price deflation and thus subverted local food production.[165]

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[164] Hania Aslam. "The Impact of Afghan Refugees on the Natural Resources of Pakistan." http://www.takingitglobal.org accessed on December 12, 2002

[165] *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering,* 2003 p.64

The cadres of refugees who brought capital resources or took to self-employment have had an impact. Peshawar has seen the influx of more money looking for return. It is difficult to identify the impact of this influx of spend able capital, because it can be located in a diversity of locations. One key position in this regard is the involvement of refugees in various trades owning shops in the main centers of trade in Peshawar. Finally the provision of commodities and services to Afghan refugees has required increased transportation services. There is visible expansion in the transportation services due to the arrival of refugee transport in form of buses and trucks. A private survey conducted in 1992 reported that at least 75% of the city's mini-buses as well as wagons belonged to the Afghans. According to the same report, they have a substantial stake in the freight haulage.[166]

Peshawar district has a flourishing trade in contraband items. The government's policy of this type of trade has been somewhat unexplained. When these markets existed in tribal belt, the entry of goods into settled area was checked. But now these markets exist in the settled area, the goods are checked when moved from one city to another i.e. the main check posts exist on the border of NWFP and Punjab at Khairabad Bridge.[167] Whatever the government policy, the fact is these markets have flourished in the settled areas and a large percentage of these shops are owned by Afghan traders.

Shortages of wheat and rice in the Pakistani markets were blamed on the smuggling of these commodities to higher priced markets in Afghanistan as well as India. Despite Pakistan's bumper wheat crop in 1986-1990, the country was forced to import 1.8 million tons of wheat. The problem was attributed to Afghan tax-free imports via Pakistan. The trade turned around at the border and returned back to Pakistan. The local business community was affected by this growing smuggling

[166] Mariam A. Khan, "Welcome to Mini-Afghanistan" *The News International*. October 2000
[167] Ibid

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[166] Mariam A. Khan, "Welcome to Mini-Afghanistan" *The News International*. October 2000
[167] Ibid

under the guise of Afghan Transit Trade (ATT), which was being misused by the Afghans and local smugglers.[168]

Not only that Afghans are engaged in smuggling but also whatever and whenever a business opportunity arises, the refugees avail it. There have been two reasons for it; firstly the increased population of NWFP due to the refugee influx needed additional service, to meet the additional demand. To this both the local population and refugees have responded by investment whenever feasible. Secondly, the Afghans have brought with them resources that they have invested. The concentration of investment in NWFP was mainly due to their limitation to move out freely to other parts of Pakistan. Ethnicity and proximity played an important role in it. Thus NWFP and Balochistan remained the main centers of investment. (This does not mean that the Afghans have not invested in business in other parts of the Pakistan, Islamabad and Karachi being the other main towns of refugee investment). This increased the number of shops and trade in the above-mentioned provinces. The refugees were involved in the transport business NWFP and Balochistan too. It was estimated that more than 6,000 Afghan vehicles were on 'temporary registration licenses ' and many without registration were plying roads.[169]

Refugees are doing small businesses and charge competitive prices mainly to establish their business. Many local traders observed that refugee incomes are supplemented by the aid they get through outside agencies and the government of Pakistan. Also since they don't have many social obligations like the local traders and do not pay the taxes, they can afford to work on smaller margins and still make profits. Thus the local traders are the main sufferers of this situation. They are facing tough competition from the refugees. In many markets in Peshawar, local traders have

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[168] "Costs and Benefits of Afghan War for Pakistan," *Contemporary South Asia*, (2002) 11, (3) pp.291-310

[169] Hassan Askar Rizvi, "Afghan Refugees in Pakistan: Influx, Humanitarian Assistance and Implication," *Pakistan Horizon*, XXXVI, 1, 1984, p.54

switched their trades or moved out.[170] Thus, the Afghan wealthier class generated tension with the local business class, because rents were pushed beyond the reach of the small commercial class. The wealthy Afghan refugees also found a way to get around the law that restricted their right to purchase property by obtaining National Identity Cards, domiciles and even passports through agents who charged handsome fees for such procurements.[171]

Most of the refugees living in camps were the poor sections of population of Afghanistan and mostly unskilled agricultural workers. A number of refugees found work in the farm sector. Since the farm sector in the NWFP did not have much absorption capacity and secondly these jobs were seasonal, majority of the refugee laborers subsequently entered into the urban job market, which consisted of mostly construction and other day-to-day casual work including service industry. This large number of refugees entering into the labor market increased the supply of labor. It was expected that the refugees would compete for jobs with the local population and lower the wage rate. "If we ask for Rs.100 a day, they settle for Rs.70 or Rs.80. They have ruined over livelihood," said a laborer from Peshawar.[172]

The presence of large number of refugees has also had some positive impact on the local market. The trades, which were mostly using unskilled labor in the Frontier, had a bonanza during the refugee stay in the province. They got cheap and relatively efficient labor. The refugees flooded the market increasing the supply without any corresponding increase in demand. The price of real estate and rents went up after the influx of refugees. In the NWFP particularly in Peshawar where all the head offices of the foreign missions and administration of Afghan refugees reside has had a real upsurge in prices of real estate and rents. Surveys of trade, commerce and rents of shops were carried out but with limited success as neither the refugees nor the local population revealed the correct rates.

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[170] *Economic Impact of Afghan Refugees in NWFP*. 1988 p.10
[171] *US-Pakistan Relationship: Soviet Invasion of Afghanistan*, p. 202
[172] *The News International*. October 2000

According to a report a house worth of Rs.5000/-per month in 1980 was worth Rs.5000/ in 1985 with two years of advance rent. Many property dealers confirmed this. For the refugees the rent per capita was not high, as multiple families would reside in one house. This was true for a large number of refugees residing around Peshawar. The local residents who moved into Peshawar for business or services faced tremendous difficulty in obtaining houses at affordable rents.[173] The local owners of the house especially in University Town area where the majority of the well off refugees and foreign missions were, moved out to less expensive areas renting out their own houses. The cantonment area did not witness this kind of situation. The refugees and foreign missions were discouraged to occupy houses in the cantonment for security reasons. The city area and centers for jobs and business faced a major housing problem. Peshawar fetched the same rents as Karachi and Islamabad, other two high rent cities though for different reasons.[174] The situation in villages was however, different. Villages did not have the tradition to let out houses. In NWFP a house was given to a tenant or any body else free of rent in return for certain free services to the landlord. Many refugees who were not residing in the camps and could not afford high rents in the cities took over residences in the villages where rents were comparatively low. The poor villagers benefited out of this as it added to their source meager income.

As new influxes occurred in the wake of September 11 US air strikes on Afghanistan, General Musharraf talked about the fragile economy of Pakistan and the growing economic uncertainty. The government pointed out that refugees had aggravated the economic woes of Pakistan over the years.

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[173] *Economic Impact of Afghan Refugees in NWFP.* p.17
[174] Ibid.p.32

d. Social Impact

A large refugee population does leave a social impact on the local community and vice versa. This impact too can be categorized positive and negative. The Afghans brought with them their own style of dressing and eating. Some of it was adopted by the local's e.g. Afghan style baggy trousers and long shirts became popular with the youth of the NWFP and Balochistan provinces. Similarly restaurants run by Afghan have considerably attracted consumers. "People in Peshawar always loved to eat and now with all these eating places, we have more choice," said Rehman, a Pakistani.[175] A survey conducted by *The Frontier Post* revealed that the local restaurants lagged behind in competition with Afghan restaurants. The factors responsible for the growing popularity of Afghan food among the consumers include cheaper cost, quick service, simple food and informal environment projecting their culture. Afghan refugees have abundance of restaurants and cuisine in other parts of the country as well. Their decoration of cars for weddings has become particularly popular with the locals.

Intermarriages between the local Pushtuns and Afghans have become common. It is not only for the passport or for identity that the Afghans are entering the bond of marriage. That itself, is another lucrative business. Those involved in it, earned large amounts of money, as an Afghan possessing a Pakistani Identity Card, gave him social as well as economic security. Many Afghans admit that it is easier to get the Identity Card. Who would mind paying a few thousand rupees for security?[176]

Their impact on Pushtun culture has been enormous. In NWFP and Balochistan the standard of Pushto music has improved, its journalism developed and its literature advanced. According to Fazal Rahim Marwat, "22 countries started broadcasting

[175] *The News International.* October 8, 2000
[176] Ibid.

Pushto service; Pushto dailies like *Sahar* and *Wahdat* started with impressive circulation along with other Pushto newspapers, weeklies and monthly journals."[177]

Negative impact of Afghan refugees on Pakistani society has also been observed. A large number of refugees are involved in drug trafficking and arms smuggling and a small number in prostitution. Smuggling and drug trafficking are considered as serious social impact. The government did not take notice of the so-called Bara markets in Pakistani towns, where smuggled goods are openly available. In these markets now, along with local tribal people, refugees are involved too.

Many Afghan poppy growers shifted their production to Pakistan's tribal areas due to the war. The growers set up laboratories in both Pakistan and Afghanistan, and, as a consequence of the smuggling, heroin consumption increased dramatically in Pakistan itself. Before the 1980s drug addiction was relatively unknown to most Pakistanis. By 1982 Pakistan reportedly, had 1.3 million addicts: 100,000 on heroin. By 1986 the number of heroin had addicts exceeded 450,000, and in 1987 the official count rose to 657,842. Although Afghan refugees are not solely responsible for this situation, their arrival in Pakistan correlates with it.[178] It aggravated the drug problem in Pakistan. While smuggling of drugs became a lucrative business for some refugees it became a major menace to Pakistan youth. This massive drug trafficking has defamed Pakistan internationally because Pakistan was used as the main shipment point for heroin trafficking abroad.

Klashankov culture has been introduced in the Pakistani society due to the presence of unlimited weapons in the refugee camps, though legally the refugees are not allowed to keep weapons in their camps. During the early period of *jihad,* US Congressmen alleged that corrupt officials and *mujahideen* siphoned off 40 percent of the total arms aid to Afghan freedom fighters. "The weapons which came to Pakistan

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[177] In an interview with Dr. Fazal Rahim Marwat, Pakistan Study Centre, University of Peshawar, Pakistan

[178] *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering.* P.64

from abroad for Afghan *jihad*, one third of the total weapons was taken by political figures and the ISI, one third was taken by Afghan commanders and the remaining went to *mujahideen*."[179]

Due to the possession of heavy weapons, many refugees became assassins and they regularly took part in local feuds on payment, using their own weapons. Not only were the arms and ammunition supplied by donor countries and sold in the open market but also the once crude armament factories of Darra Adamkhel began producing sophisticated weapons. With the result that what was once an essential item for the Afridis, Mohmands, and Wazirs in the tribal areas, Klashankov became commonplace among the landlords, politicians, university students and private militias throughout Pakistan.[180]

As the Afghan war wound down in the early 1990s, Pakistan was mired in what one Wall Street Journal article described as 'the worst outbreak of lawlessness in its history,' and 'the US it turns out, inadvertently helped supply firepower.' The article went on to describe gangs of criminals and terrorists roaming in the streets of major Pakistani towns virtually unchecked, fending off police with machine guns, grenade launchers, and the sophisticated armaments procured in the nation's scores of weapon markets. Most of this weaponry was siphoned off from US aid supplies to the Afghan *mujahideen*, rerouted into what many Pakistanis have come to call a 'Kalashnikov culture' of armed street violence.[181]

Prostitution also increased in Pakistan as a result of the Afghan crisis. The BBC Urdu programme '*Sarbeen*' reported the influx of more than 8,000 prostitutes of various ethnic origins. These prostitutes extended their business to affluent areas in the major urban centres (Islamabad, Peshawar, Lahore, Karachi, Faisalabad, Multan and Quetta)

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[179] Pervaiz Iqbal Cheema, "Impact of Afghan war on Pakistan", *Pakistan Horizon*, Vol. XI. Jan 1988. pp.27-31

[180] Ibid

[181] *US-Pakistan Relationship: Soviet Invasion of Afghanistan*, p.212

of the country. In NWFP prostitutes were mostly Dari speaking and people called them '*galemjam*.'[182] These prostitutes established a sophisticated communication network throughout the country's hotel industry, for providing entertainment to customers. According to *Asia Week*, 'most of the prostitutes were connected to the KHAD agents and their targets were high government officials and Pakistani army officers.' The flood of prostitutes was seen as a means of psychological warfare against Pakistan because the girls worked secretly and voluntarily to gain popularity in Pakistani society and later they captured the professional red light areas of Lahore, Karachi and Islamabad. They attracted the local commercial class, frustrated youth and the elite of the society.[183]

Another social implication of Afghan refugees on Pakistani society is beggary. Most of the children and women on the streets in Peshawar are Afghans. In 1991 it was reported, "more than 1000 children were seen begging in Peshawar bazaars ... more than 500 local and about 2000 Afghan families sent out children for begging.[184] From makeshift tents and mud-houses both on Peshawar roads and the refugee camps, children swarm into the city to beg all the day. Even those who got maimed and injured in the Afghan war were seen begging. Begging by Afghans is also on the rise in other cities like Quetta and Islamabad. Refugees are mainly begging because of poverty.

The rapid growth of population of both the locals and the refugees[185] is a contributing factor for the high crime rate. The rates of crimes in different parts of the country have risen considerably and the law enforcing agencies have attributed it to the long presence of Afghan refugees. "90 percent of the accused arrested during the first 15

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[182] *Galemjam* is a Persian word meaning 'Carpetfolding', but in the frontier region people normally use this word for prostitutes. General Abdul Rashid Dostom's forces during the Afghan war, whenever they captured towns, looted and seized valuable material (jewellery, money, food and antiques) and ran away, and people called them Galemjam (to fold or steal things and run).

[183] *US-Pakistan Relationship: Soviet Invasion of Afghanistan*, p.213

[184] *The Frontier Post*, November 21, 1991

[185] The ratio of refugees to local population in NWFP and Balochistan is one to six/seven, except in some high density area, where it is one to one. See Hasan –Askar Rizvi. "Afghan Refugees in Pakistan: Influx, Humanitarian Assistance and Implications" in *Pakistan Horizon*, Vol.XXXVII No.1 1984

days of the year 1999 in various cases were Afghan refugees. After committing crimes, the criminals cross over to their country and stay there till the case subsides.[186]

Another reason for the high crime rate by the refugees is that they do not allow police in their camps. Raja Nasir Nawaz, SSP Special Branch, Islamabad disclosed that, "1,700 Afghans of 48 organized gangs are actively involved in different crimes, ranging from shop lifting to robbery in the Federal Capital." In another report inspector Raza Shah of Islamabad Police Public Relations Department stated that out of every 10 criminal cases Afghans are involved in 3 or 4.[187] Former Chief Minister of Balochistan, Sarder Akhtar Mengal held Afghan refugees responsible for increasing crime rate and introducing Klashankov culture and narcotics in Balochistan and argued that refugees have also created law and order problems in the province, otherwise the overall law and order in the province was better as compared to other parts of the country.[188]

These implications compelled Pakistani policy analysts to revise their refugee policy, and started stressing on the need for safe repatriation of Afghans. They realized that if refugees returned, the country would be free from the social ills as well as the economic cost of hosting refugees. However, the analysts could not come up with the time framework for the proposed repatriation in the coming years. Clear policies had to be formulated to achieve the end. The following chapter discusses how repatriation of Afghans occurred in the post Soviet withdrawal period.

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[186] *Business Recorder*. January 17,1999

[187] The record of Police Department for the crimes committed in 1998 belies his claim. According to the police record, a total of 2627 crimes of various natures were reported in Islamabad during 1998, out of which the Afghans were involved in only 31 cases. See Mubashir Zaidi, "Breaking the stereotypes", *The Tribune*. March 21-27 1999

[188] *The News International*. October 26, 1997

CHAPTER 4

REPATRIATION OF AFGHAN REFUGEES

Given the massive numbers of Afghan refugees, repatriation has disturbed the minds of both officials and non-officials in Pakistan. As discussed in detail in the last chapter about the security, political, economic and social implications of Afghan refugees for Pakistan, the latter desires their return in safety and dignity. However, the inflows and outflows of Afghans have continued over the years. Certain factors forced them to leave their country; nevertheless, whenever situation improved in Afghanistan, they decided to return. Pakistan looks forward to their complete repatriation, as it has been a desired objective since the first major influx of Afghan refugees. Secondly, it believes that only comprehensive repatriation can end the refugee dilemma for Pakistan.

This chapter will focus on Afghan repatriation while simultaneously studying the influxes that have occurred over the years. The chapter has been divided into three sections, starting with the post Soviet withdrawal from Afghanistan till the fall of President Najibullah (1989-1991). During this period an attempt was made to evolve a policy to repatriate Afghan refugees as the Soviet withdrawal of troops had led to the removal of a major irritant. The second part of the chapter will focus on the *Mujahideen* era (1992-1996). Special focus will be on the year 1992 repatriation. It was in this year that massive repatriation of Afghans occurred after President Najibullah stepped down from power. The 1992 repatriation was a major program in the 1990s. It had certain flaws therefore; its critique can help us avoid problems in the future. The third part will examine the outflows and influxes during the Taliban period (1994-2001). The new influxes reflected the prevailing instability and infighting in Afghanistan.

The question of refugee return to Afghanistan is highly politicized and deeply emotive as was their flight and their long years of exile. Complicated factors,

including political, economic and social relationships, influence who will return, in what numbers and under what circumstances.[189]

The political situation plays an important role in the refugee's decision to return. Physical and political insecurity play a vital role in forcing refugees to cross the border. Unless there are positive political changes refugees will not opt for return. Even with the departure of the old government, security in the area of origin remained the principal factor in the decision to return. Afghan leaders were unable to unite around a central government respected by all parties, and thus local conditions continued to dictate patterns of return. Although actual fighting ceased in most provincial areas, strife in Kabul and other areas cut off potential returnees from traditional markets, sources of water, transport routes – all the conditions that make reintegration and economic survival possible.

4.1 Post -Soviet Repatriation (1989-1991)

Soviet forces withdrew from Afghanistan by February 1989, according to the Geneva Accords.[190] It was assumed that President Najibullah's government would fall immediately, and that a *Mujahideen* government would take over. This event, would end the *jihad*, and was expected to lead to a mass return of refugees from Pakistan and Iran. Plans were therefore, made for an assisted repatriation. Expectations were high that the signing of the Geneva Accords would mean an end to the nine year old war, and that the monumental task of repatriation would begin within months. However, events shaped differently than expected.

As emphasized earlier, repatriation of refugees was hostage to Pakistan's overall Afghan policy. Although the termination in February 1989 of direct Soviet military involvement in Afghanistan removed the major threat to Pakistan, the unfinished war continued to occupy a central place on Islamabad's diplomatic agenda. New streams

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[189]. *Afghanistan: Trends and Prospects for Refugee Repatriation*. Geneva, April 1992

[190] See the full text of Geneva Accords, 1988. www.institute-for-afghan-studies.org Geneva Accords were *Agreements on the Settlement of the Situation Relating to Afghanistan*

of Afghan refugees came to Pakistan as the internal conflict intensified after the Soviet withdrawal. As long as the Najibullah regime remained in power, Pakistan continued to support its removal through the Afghan resistance, and continued to bear the burden of refugees.[191]

Resultantly, armed conflict between the government and *mujahideen* as well as inter-*mujahideen* struggle continued in the following three years (1989, 1990 and 1991). Although the war became less destructive of life and property than before 1989, the provinces and districts from which the great majority of refugees came were among the most hotly contested.

Continuing conflict and the political impasse stalled development of a mechanism for a formal repatriation program, and an effective international program of humanitarian assistance and reconstruction. Most of the Afghan resistance parties opposed refugee return, claiming that an Islamic government must first reign in Kabul. Using strident propaganda campaigns, they described return as being traitorous to *jihad* and serving the Kabul regime's policy of national reconciliation.

a. Geneva Accords and Afghan Repatriation

As far as the Geneva Accords[192] were concerned they did provide the political framework for return, though repatriation got entangled in the politics of the powers concerned. On April 14, 1988, the United States, the Soviet Union, Afghanistan and Pakistan signed agreements in Geneva (the Geneva Accords) for the settlement of the

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[191]. *War Without Winners*. P. 239

[192] The Accords consisted of four distinct but integrally related texts. The first was entitled Bilateral *Agreement between the Republic of Pakistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations in Particular on Non-Interference and Non-Intervention.* The second was a *Declaration on International Guarantees*, signed by the USSR and the United States. Each committed to refrain from interference and intervention in the internal affairs of Afghanistan. The third was a *Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Voluntary of Refugees*. The final agreement was called *Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan.* See William Maley, *The Afghanistan Wars*. Palgrave Macmillan. New York 2002 pp.134-146

"Afghan situation."[193] These Accords were considered by many political analysts to have paved the political path for the voluntary return of more than 3.2 million Afghan refugees in Pakistan and more than 2 million Afghan refugees in Iran.

The Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Voluntary Repatriation of Refugees was a prominent part of the Accords. Under it both countries affirmed the right of refugees to return voluntarily and safely to their homeland, unimpeded by either side. Both also committed themselves to accommodating the refugee return, and cooperating to ensure an orderly repatriation.[194]

In Article 1 of the Agreement, 'all Afghan refugees temporarily present in the territory of the Islamic Republic of Pakistan shall be given the opportunity to return voluntarily to their homeland in the present agreement.' Article VI stated that 'at the request of Governments concerned, the United Nations High Commissioner for Refugees will cooperate and provide assistance in the voluntary repatriation of refugees in accordance with the present Agreement.'[195]

Although UNHCR signed individual memoranda of understanding with the Kabul, Tehran and Islamabad governments, which outlined modalities for the refugee repatriation, no formal comprehensive agreements among the three countries were signed. There was a provision for the setting up of mixed commissions for the purpose of orderly and peaceful repatriation of refugees, which, commencing on 15 May 1988 would last for eighteen months. It was envisaged that the process would be completed during that period, but if necessary, further arrangements could be worked out.[196]

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[193] *Afghanistan: Trends and Prospects for Refugee Repatriation.* April 1992. pp. 2-4
[194] Ibid.
[195] *The Afghanistan Wars*. p.141
[196] *War Without Winners*. pp. 129-30

Article IV and V of the Agreement talked about these commissions. For the performance of their functions the members of the commissions and their staff were to be accorded the necessary facilities, and access to the relevant areas within the territories of the High Contracting Parties. Article V stated that the commissions should determine frontier-crossing points and establish necessary transit centers. They shall also establish all other modalities for the phased return of refugees, including registration and communication to the country of return of the names of refugees who express the wish to return. [197]

In fact, not a single Joint Commission was set up to facilitate the return of the refugees. Nor were the conditions inside Afghanistan peaceful enough to attract the refugees back home. However, the International Rescue Committee (IRC) created the Citizen's Commission on Afghan Refugees just one month after the Accords was signed. Its establishment was motivated by a concern that the absence of superpower confrontation, occasioned by the withdrawal of Soviet forces from Afghanistan, would diminish the commitment of the Western democracies towards the rehabilitation of Afghanistan and the return of the refugees to their homeland. [198]

There were apprehensions about backing out on commitments by the West. These fears were not solely based on financial concerns, but also on the belief that continued leadership would be required from the West, both to shape and to monitor the process by which the refugees would return to their country and rebuild their shattered lives and homeland.[199] Therefore, shortly after the signing of the Geneva Accords, U.N. Secretary General Javier Perez de Cuellar appointed Prince Sadruddin Aga Khan as his Special Coordinator for Humanitarian and Economic Assistance Programs Relating to Afghanistan (UNOCHA), and appealed to donor countries for funds to

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[197] Bilateral Agreement Between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Voluntary Return of Refugees. *Geneva Accords* 1988

[198] Citizens Commission on Afghan Refugees. *The Challenge of the Coming Afghan Refugee Repatriation: Fulfilling our Commitments in the Final Chapter of the Afghan War*. New York, March 1990

[199] Ibid.

mount 'Operation Salam,' a large-scale international effort for fostering the return of refugees and national reconstruction.

One of 'Operation Salam's major goals was to pave the way for comprehensive repatriation by creating conditions conducive to return. To do so, the UN sought funds not only for food aid for war-affected civilians already in Afghanistan, but also for mine clearance, health programs, rehabilitation of the water supply, basic education, road repair, services for groups with special needs, such as the disabled, and for voluntary repatriation (through UNHCR).[200] However, 'Operation Salam' ran into financial, logistical, political and security problems from the start. According to Knowles, "the UN has not had the financial resources to carry out all of the projects which have been cited by needs assessments missions as prerequisites for return."[201] That was because some donors continued to pour money into the war effort, yet at the same time were reluctant to provide funds for Operation Salam while war was still going on (and before a large-scale return actually began). Conditions in Afghanistan were no more conducive to large-scale repatriation than they were when Operation Salam began. Also, despite the lead-time available, there was still no well-coordinated plan for how the UN donors, and various NGOs would respond to the mass repatriation.

'Operation Salam' also faced political/security problems. "Continuing widespread conflict hampered efforts to implement assistance projects as leaders of different *mujahideen* groups fought for control of aid projects. In the most extreme cases, aid...(became) an important source of revenue for some local commanders... Often, rivals perceived assistance as favoring an adversary. They retaliated by trying to destroy or impede projects, or forcing their own cut from a program," said Knowles.[202]

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[200] US Committee for Refugees. *Left Out in the Cold: The Perilous Homecoming of Afghan Refugees.* December 1992 p.5
[201] Ibid. p.5
[202] *Left Out in the Cold: The Perilous Homecoming of Afghan Refugees.* p.6

Geneva Accords, therefore, could not bring about the change desired by Pakistan in order to make repatriation of Afghans possible. The reason was that the Geneva Accords, which facilitated the Soviet way out of Afghanistan, left the vital issues of conflict largely unresolved. The arrangements under these Accords, essentially between Afghanistan and Pakistan, in no sense constituted a peace settlement as they failed to address the question of self-determination, which was believed to be fundamental to any endeavor to restore peace. Nor did the Soviet interest in the stability and survival of the Kabul regime loosen. Moscow left a large arsenal in Afghanistan and continued to supply more weapons, enabling Kabul to use indiscriminate violence against its opposition.[203]

Following the Soviets withdrawal nearly four thousand planeloads of weapons and supplies flew into Afghanistan. Their aid through 1989 approached $300 million a month, in contrast to U.S. aid to the *mujahideen*, which fell to levels of $40-50 million. Pakistan's General Yusuf (head of ISI) observed that after the Ojhri camp blast[204] (great arms warehouse near Rawalpindi) before the signing of the Geneva Accords on April 14, 1988, the CIA refused to make up the losses. Their explanation was that they preferred a smooth, unbothered Soviet withdrawal, but their low level of shipments had continued after the Soviets had left. The U.S. had indeed lost interest in the conflict. It had successfully helped blocked a Soviet aggression, and some in both the government and public had been openly thrilled by the chance for revenge on the Soviets for Vietnam.[205] Washington found that its interests increasingly diverged from those of Pakistan and Saudi Arabia. The radical change in relations between the great powers was most strikingly symbolized by the Bush administration's decision in September 1990 to terminate all aid to Pakistan - military

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[203] *War Without Winners*. p.131

[204] Just a few days before the signing of the Geneva Accords (April 14, 1988) the ISI's central arms warehouse at Ojhri just outside Rawalpindi was destroyed, in a gigantic explosion. See Stephen Tanner, *Afghanistan: A Military History from Alexander the Great to the Fall of the Taliban.* Oxford University Press Karachi, Pakistan, 2002 p.268

[205] Stephen Tanner, *Afghanistan: A Military History from Alexander the Great to the Fall of the Taliban.* pp. 272-3

and economic, including the delivery of F-16 fighters for which Pakistan had already paid.[206]

Changes also took place on the political scene of Pakistan. After the death of General Zia in an air crash on August 17, 1988, Pakistan's divided government lacked a coherent policy. Almost as soon as Benazir Bhutto took office in December 1988, conflict broke out between her government and the military, ostensibly over Afghanistan, but largely the domestic prerogatives of the military and the ISI. The ISI used military successes in Afghanistan to justify its domestic prerogatives; Bhutto used its failures in Afghanistan to reduce those privileges.[207]

All these developments meant that the security situation in Afghanistan had not improved enough to attract refugees back home as Najibullah still continued to rule the country. Unless political and security factors improve refugees do not opt to return unless pushed back by the host country. Pakistan wanted that they should return but the tussle between the ISI and the government made it impossible, as ISI still awaited a victory and take over by the *mujahideen* in Afghanistan.

b. Afghan Resistance Parties and Repatriation

Despite the Soviet withdrawal, Afghan resistance parties did not win the victory, which they hoped. Most of the Afghan resistance based in Pakistan and Iran, as well as hundreds of guerrilla groups which controlled much of rural Afghanistan, were adamant that a political settlement would be impossible as long as the Soviet-installed regime of President Najibullah remained in power.[208] At the insistence of their foreign sponsors, the seven recognized Sunni *mujahideen* parties chose Interim Islamic Government of Afghanistan (IIGA) at a S*hura* in Pakistan as the last Soviet troops left Afghanistan. The seven parties appointed all 519 representatives to the *shura* (council), excluding participation by the Kabul regime, the officials of the old

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[206] *The Search for Peace in Afghanistan: From Buffer State to Failed State*. p.112
[207] Ibid. p.113
[208] *Afghanistan: Trends and Prospects for Refugee Repatriation*, April 1992, pp.25-26

regime who had fled to the West and the Shia parties. The council was almost entirely of Peshawar-based party officials, mostly Pushtuns from eastern Afghanistan.[209]

Just two months prior to the Soviet pull out, a democratically elected government headed by Benazir Bhutto was restored in Islamabad and it was expected that there would be a greater inclination in the Bhutto government for distancing Pakistan from a more radical Afghan policy. She had been extremely critical of Zia's unwavering support of the Afghan resistance. But despite the change of regime in Pakistan a change in its Afghanistan policy could not be easy because of the umbilical cord that tied both the military and the civilian regime to the Afghanistan issue. Because of her political vulnerabilities, Benazir failed to establish a strong grip over her foreign policy and tenuous parliamentary control by Bhutto during her twenty month tenure in office (December 1988-August 1990) did not lead to any substantial policy changes largely because the army and the ISI-resisted any diminution of power.[210]

The ISI organized a *mujahideen* offensive in March 1989 that was intended to install the IIGA in the eastern Afghan city of Jalalabad, but lack of effective coordination as well as unexpectedly stiff Afghan government resistance prevented any significant advance. The IIGA thus never succeeded in establishing itself in Afghanistan or in organizing the elections it promised. In fact, it was a government in exile rather than an interim government.[211] Instead of Afghans returning to their homes, more of them entered Pakistan in the course of the Jalalabad fiasco. Condemnation of the government policy could not be avoided and Benazir Bhutto was forced to take some action aimed at disarming her critics. On 31st May 1989, she was credited with the

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[209] *The Search for Peace in Afghanistan: From Buffer State to Failed State.* p. 103

[210] Uma Singh, "Afghan Crisis: Regional Implications and its Impact on Pakistan's Polity" in *Afghan Factor in Central Asia and South Asian Politics,* New Delhi, http://ikashmir.org/afghanistan/usingh.html

[211] *The Search for Peace in Afghanistan: From Buffer State to Failed State.* pp 103-104

removal of Lieutenant. General Hamid Gul, the head of the ISI and the reputed mastermind behind the Jalalabad strategy.[212]

Indeed early return to Afghanistan was seen as a threat to influence Pakistan's most hard-line political parties, which, along with the ISI acted to stop repatriation. Despite Islamabad's affirmation of the right of voluntary repatriation, Pakistani military and intelligence services actively supported the Peshawar-based Afghan resistance in its bid for power, and thus shared its disapproval of repatriation schemes. At various transit points, roads were blocked and travelers were harassed, turned back, or in many cases, taxed by armed groups. There were incidents of violence and physical intimidation. Such actions had chilling effect on some refugees' decisions to return.[213]

Nawaz Sharif who followed Benazir also wanted to personally run Islamabad's Afghan policy. But under Hamid Gul and Asad Durrani, the ISI ran the Afghan policy independent of the government in Islamabad and looked to the Afghan struggle as merely a stepping-stone in the larger battle for Islamic resurgence. What was worse was that the government led by Nawaz Sharif allowed itself to become a hostage on the Afghan issue to pressure groups both within the administration and outside. At times it was an ISI show, at other times it appeared that the Afghan policy was being run by the Jamiat-i-Islami. The Afghan cell created by the President Ghulam Ishaq Khan to monitor the Afghan developments fared no better. The cell held regular meetings but it failed to take the kind of initiatives needed to break the Afghan impasse. Its failure to bridge the differences within the *Mujahideen* groups was appalling.[214]

But the Pakistanis were not comfortable with the prospect that many Afghans may never repatriate. Without resolution of the Afghan conflict in Islamabad's favor, some

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[212] *Pakistan's Foreign Policy: An Historical Analysis* p.472
[213] *Afghanistan: Trends and Prospects for Refugee Repatriation* P.25
[214] "Afghan Crisis: Regional Implications and its Impact on Pakistan's Polity", http://ikashmir.org/afghanistan/ usingh.html

Pakistani officials were wary of a 'Palestinian syndrome' developing among the refugees; they feared that, as an armed and disenfranchised mass of exiles, the refugees may pose a threat to public security in Pakistan, and their presence could foster latent aspirations for a '*Pushtunistan*'[215] among Pakistan's large Pushtun population.[216]

Najibullah's presence in power and the opposition of *mujahideen* to it thus stalled the return of many refugees even after the signing of Geneva Accords. Many refugees were not prepared to return to Afghanistan run by a Socialist regime. They were encouraged in this by the Peshawar-based political parties representing the *mujahideen*. As remarked earlier the latter were actively discouraging refugees from returning. The rationale was that the refugees represented a power base for the *mujahideen*'s Afghan Interim Government in Peshawar. Refugees were therefore, being used as a bargaining chip in negotiations for power in Afghanistan.

However, it should not be assumed that all refugees were pawns in the political game. Many refugees valued their personal dignity, freedom from non-Islamic cultural domination, freedom from military subjugation and freedom to live in accordance with their religious faith more than an improvement in material situation. The movement of Islamic revivalism whereby Muslims throughout the world have asserted their dignity and Islamic identity in the face of Western economic, political, military and cultural domination, influenced many.

Political factors in home villages also had an effect. A large influx of returning refugees feared conflict with local power structures in their villages. In their absence, their lands were appropriated or their status undermined. Secondly, unsettled disputes and personal vendettas too stalled repatriation on a large scale. High cost of

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[215] An independent homeland for Pushtuns. See S.M.Burke and Lawrence Ziring, *Pakistan's Foreign Policy: An Historical Analysis* 1990 p.76

[216] *Afghanistan: Trends and Prospects for Refugee Repatriation.* p 26

transport also slowed refugee repatriation. The high cost of transportation severely reduces available capital for those returning, even prior to their arrival. Refugees complained about the check posts in Pakistan, between the camps and the border, where payments were demanded or goods confiscated in lieu of payment and where some harassment occurred In August 1989, a report indicated that the resistance parties had put chains or built posts at Spin Boldak and at the Tarnak River, on the main Kandahar-Kabul highway. The *mujahideen* at these posts turned back families[217] who had brought with them all their belongings.[218]

c. Repatriation and New Influxes

As early as the summer of 1989, there were reports of refugees returning to Afghanistan to cultivate their fields and to rebuild their homes. Many of these early repatriates were believed to have returned to Pakistan with the onset of winter, thus availing themselves of the safety net of ration distributions and services in the refugee villages of Pakistan. At the close of 1991, UNHCR estimated that at least 200,000 refugees had returned during the year, to join the 100,000 to 150,000 estimated to have returned during 1989 and 1990.[219]

If compared with new influxes from Afghanistan, far more Afghans went home in 1991 than fled even though there was considerable military activity in the districts from which most of them originated. Repatriation to Baghlan and Kunduz continued at a pace similar in 1990 while return to Nangarhar, Kandahar and Helmand increased significantly. Refugees from Paktia continued to go home in spite increased military activity at Khost and Gardez. Security constraints militated against return to Logar and Kunar and fewer Afghans went back to these two provinces than did in 1990.[220]

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[217] None of the major resistance parties professed outward approval of refugee returns and some were highly successful in actively discouraging it

[218] UNHCR *Afghan Refugees in Pakistan: New Arrivals and Repatriation 11/88 through 6/90.* p.7

[219] Wendy Batson. *Trends of Return of Refugees to Afghanistan.* UNHCR. Islamabad 1992

[220] Wendy Batson. *Repatriation Report Afghan Refugees in Pakistan: Arrivals and Departures: 1991.* UNHCR, Islamabad 1992

Major reasons given for returns during the period of 1989-1990, were labor opportunities and wages in Pakistan accompanied by reasonable labor wages and opportunities in Kandahar, an increasing lack of security in the camps and relative security in some rural areas of Afghanistan. There were reports that the Afghan Government offered returnees 50,000-60,000 Afghanis, a quantity of wheat and other essential goods in exchange for their passbooks. [221] Many typified the returnees in 1989 as: - 1) some shopkeepers who thought the 'time was ripe' and 2) the very poor, both registered and un-registered, who either had land or could earn more as agricultural laborers in Afghanistan.
Reports indicated a higher number of whole families returning in 1990 than in 1989. In 1989, it was generally thought that the majority of returnees were unregistered. In 1990, registered refugees seemed to be selling their passbooks.[222]

While repatriation had started with some hiccups, one noticed new influxes into Pakistan in the same period. From November 1988 through June 1989, approximately 80,000 refugees arrived in NWFP. Most of these refugees were from areas around Jalalabad (Nangarhar and Kabul Provinces) as a direct result of increased fighting. The majority settled in camps around Peshawar. Reports from UNHCR/Kabul indicated an exodus of Kabul inhabitants was difficult to assess. A very few refugee families emigrating for the same reason also arrived in Northern Balochistan. According to the UNHCR an estimated 90,000-100,000 new refugees came to Pakistan during this time.[223]

The new influx included families representing middle-class urban residents (civil servants, clerks, teachers etc.). They did not settle in refugee camps but rented rooms in the outskirts of Peshawar and tried to find employment. Primary reasons for leaving were: security from rocket attacks and fear of food shortages.[224] Refugees

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[221] *Afghan Refugees in Pakistan: New Arrivals and Repatriation 11/88 through 6/90.* June 1990
[222] Ibid. p.10
[223] Ibid.
[224] Ibid. p.5

from mountain villages in Laghman Province claimed the loss of income from economic embargoes placed upon them by *mujahideen* for selling wood (their major source of income) plus government stockpiling of essential commodities, causing loss of income and high prices. Some refugees reported that their villages were plundered and they were deprived of all their valuables.

The stepping down of Najibullah in April 1992 and the coming of *mujahideen* into power triggered an immediate and massive repatriation. The change of power in Kabul also led to departure of many government officials associated with Dr. Najib's government and many civilians (about 50,000)[225] who initially sought refuge in Pakistan but later on moved to other parts of the world. A significant part of this group eventually found their way to India and the west European countries.[226]

4.2 The 1992 Repatriation and *Mujahideen* Government

The long awaited fall of the Najibullah regime triggered a surge in repatriation. His stepping down and the transfer of power to a variety of *mujahideen*-led coalitions in the provincial centers of Afghanistan led to an enormous movement of people into Afghanistan. The resistance parties now themselves in power had to pull the refugees back home as Pakistan pushed them back. Pakistan found the field open to implement its own agenda. General Zia, in an interview given in July 1988 to the noted American scholar, Selig Herison, had asserted: "We have earned the right to have a very friendly regime there. We took risks as a frontline state, and we wont permit it to be like it was before with Indian and Soviet influence there and claim on our territory."[227]

On the one hand, the Pakistani leadership was aware that most of the Afghan refugees would not return without an acceptable government. On the other, its own

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[225] UNHCR. *Afghanistan: Repatriation and the Crisis*. Geneva. 1998
[226] Ibid.
[227] K. Warikoo (ed.), *The Afghanistan Crisis: Issues and Perspectives*. Bhavana Books & Prints, New Delhi. 2002. Preface of the book. xvii

manipulation of the resistance made the creation of an interim government difficult. This was a period when external powers still meddled in the affairs of Afghanistan to influence the policy of various factions who now no longer presented a united front but got power hungry and wanted a larger stake in the political set up of the country. The Pushtuns, Tajiks, Uzbeks and Hazaras, all wanted to have a greater say in the future government of Afghanistan.[228] Eventually an interim government under Prof Burhanuddin Rabbani, a Tajik was installed in accordance with the Peshawar Accord of April 1992. Although the Peshawar Accord appeared to be a reasonable compromise on who should govern Afghanistan, it did not conceal continuing bitterness among the principals and their followers. Hikmatyar was especially unhappy with Masood's decision to ally with Dostum, who was said to have betrayed the Afghans by having joined with the Communists and Soviets. The choice of Masood therefore, kept suspicions and animosities alive. Moreover, the interim government, weighted in favor of non-Pushtuns, led the ISI to conclude that only by their intervention could the rival forces be balanced in a way that provided with greater security.[229] Through the 1990s the ISI tried to maintain its exclusive grip on Pakistan's Afghan policy. However, the end of the Cold War deprived the ISI of its funds and due to Pakistan's severe economic crisis, its secret budget was drastically cut.[230]

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[228] The inter-*mujahideen* rivalry was rooted in the complex history and inter-relations of Afghanistan's various ethnic groups, the home areas of which sometimes overlap present national boundaries. For example, Pushtuns, who exercised most power in Afghanistan in recent times, are also the dominant group in the areas of Pakistan in which most Afghan refugees have been living (Pushtuns were also the largest ethnic group among the refugees); Tajiks, the second largest ethnic group, are the dominant group in Tajikistan, which borders Afghanistan on the north. The *mujahideen* groups also reflect different political ideologies and religious perspectives e.g. some groups favor strict Islamic fundamentalism, while others are more secular. See USCR. Left Out in the Cold: The Perilous Homecoming of Afghan Refugees. 1992.
p.4-5

[229] Lawerence Ziring, *Pakistan: At the Crosscurrent of History*. Vanguard Publishers. Lahore. Pakistan. 2004 pp.225-226

[230] Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia*, I.B. Tauras Publishers, London/ New York, 2000.184

For majority of the refugees, the installation of a *mujahideen* government was seen as a political victory over the communist elements in the country and now they were willing to return, as the major cause of their flight to Pakistan- the Communists takeover of the country had been removed. UNHCR was ready to assist those who wanted to go back. The new government in Afghanistan also wanted the refugees back home as most of these refugees had proved to be their strong supporters and allies during their resistance years against the Soviets and the Najibullah government.

According to UNHCR, on April 1, 1992, there were 2.8 million registered Afghan refugees still living in refugee camps/settlements in Pakistan. Another half million Afghans were not registered as refugees (and therefore not receiving assistance). They were living in cities and towns throughout Pakistan, primarily in Peshawar and Karachi. More than 83 percent of the refugees were from nine provinces in eastern and northern Afghanistan, five of which border Pakistan.[231]

Matiullah Khan, a Pakistani government official, said that Pakistan is more concerned with the repatriation of registered refugees than with the unregistered. "The unregistered are somehow or other looking after themselves. They are not directly dependent on the government and therefore, are not a liability to the government, although they do have an effect on the market."[232] This statement again reflects that the government of Pakistan was in a subtle manner pushing the majority of refugees back home. Bulk of Afghans who fled the Soviet intervention had been registered in Pakistan. Those who came during the 1990s were not registered.

During the 1990s, most Afghan refugees in Pakistan were neither registered nor issued with identity documents. They were, however, given exemption form the provisions of the 1946 Foreigners' Act and the 1951 Foreigners Order, according to which all foreigners not in possession of a passport or valid visa are considered illegal

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[231] *Left Out in the Cold: The Perilous Homecoming of Afghan Refugees*, p.7
[232] Ibid

immigrants.[233] They were also allowed to move about the country freely in order to seek employment. This meant that the government of Pakistan and the international community had freed itself from providing assistance to the new refugees.

a. Encashment Program and the 1992 Repatriation

Repatriation was largely based on the encashment of refugee passbooks[234]: in return for the cancellation of their passbooks, families wishing to repatriate were given a cash grant of US$100, to cover the average of travel to Afghanistan, and 300 kilograms of wheat. Both cash grant and food assistance were to be distributed in Pakistan, leaving the refugees free to decide not only when, but also whether to return. This was about "de-registration," then, as much as it was about repatriation. It reflected the desire of donors to reduce their assistance to refugees in Pakistan, now that the Soviet occupation of Afghanistan was over.[235] Most of the refugees who "encashed" repatriated to Afghanistan either shortly after encashing or within the coming year. Others however, stayed in Pakistan and used the funds to start small businesses or build homes.[236]

UNHCR had set up a total of fourteen encashment centers during 1992 to handle the encashment grants, nine in NWFP and five in Balochistan. The wheat portion of the grant was dispensed from eight locations that were in close proximity to the encashment centers in NWFP and from three locations on the Pakistan-Afghanistan border in Balochistan.

The encashment program was largely seen as an incentive for refugees to return. The international community particularly, the US and the Western powers were no longer interested in continued assistance for Afghans, therefore, they stressed the need for

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[233] *Taking Refugees for a Ride? The Politics of Refugee Return to* Afghanistan p.6

[234] Afghan families entering Pakistan in 1980s were issued with passbooks (also known as "*shanakhati*," or identity, passes), which entitled them to assistance but did not provide legal protection.

[235] *Taking Refugees for a Ride?: The Politics of Refugee Return to Afghanistan.* Kabul December 2002

[236] USCR, *Pakistan: Afghan Refugees Shunned and Scorned.* Sept 2001 p.19

repatriation, as a solution to the refugee problem. They believed that the cash grant would prove as an attractive incentive for many as the political environment too had changed in Afghanistan. From January 1, 1992, to March 31,1992, some 73,150 refugees in Pakistan encashed. Between April and May, encashment in Pakistan increased by 134 percent. In mid-May some 1,000 to 1,400 were repatriating daily from Iran. In July, when repatriation was at its peak, UNHCR reported that, during a one-week period, more than 100,000 Afghans repatriated from Pakistan.[237] Between April and December 1992, an estimated 900,000 Afghans returned home. Of the six million Afghans who had sought sanctuary in Iran and Pakistan, 1.5 million returned home by the close of 1992. By the end of the year 1992, 1,274, 016 people, more than a third of the total refugee population believed to be in Pakistan at the beginning of the year, had received assistance through relinquishing 215,907 ration cards.[238] The agency said it was the "largest and fastest repatriation program ever assisted by UNHCR.[239]

As the numbers swelled to thousands a day in mid-summer 1992, UNHCR mobilized every available staff person to keep the system functioning. Problems abounded: the encashment program was under- funded and the rapidly increasing demands on the system led to temporary shut downs because of lack of cash. Limited banking capacity and the difficulties encountered in transferring funds to the encashment centers also affected the program.

Inevitably encashment had certain drawback, not the least of which was the fact that it could only be expected to benefit a part of the caseload. It only addressed the immediate needs of those who were ready and able to return. It did not provide the

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[237] *Left Out in the Cold: The Perilous Homecoming of Afghan Refugees*. Dec.1992 p.7

[238] When a family decided to return home, the family head exchanged their ration book for a repatriation allowance, wheat and some other basic necessities. When a returning refugee handed in his family's book, encashment clerks recorded his family's intended destination.

[239] Hiram. A Ruiz, "Afghanistan Conflict and Displacement 1978 to 2001" in *Forced Migration Review*. No.13. Refugee Studies Centre, U.K. June 2002

individual attention required to facilitate the return of vulnerable individuals, for example, nor of those with specific political, ethnic or security concerns.[240]

One of the more negative consequences of the encashment system had been deregistration without return. Premature encashment, occurring either because of poverty or as a result of the upsurge of interest in return following the fall of the Najibullah government, led to considerable hardship.[241] Once deregistered, refugees who did not feel ready or able to return to Afghanistan found themselves in the same disadvantageous situation as many of the unregistered refugees in Pakistan, commonly moved towards major urban centers. Rawalpindi, Karachi, Lahore and Quetta were common destinations of the deregistered and the unregistered.[242] Although this rural-urban movement had long been tolerated, local Pakistanis increasingly found themselves in direct competition with Afghans in certain sectors and consequently demands for restricting their movement mounted.

Distribution of the 300-kilogram wheat allowance for returnees under the encashment program was carried out through WFP distribution centers established in collaboration with CAR near to the encashment centers. This arrangement permitted maximum flexibility, since distribution centers could be opened and closed in response to changing demands. WFP's role in encashment was primarily logistical and until early 1994, monitoring was limited to checking gross distribution of wheat and did not involve cross checking the encashment of wheat with that of the cash grant.[243] Problems of supply however, beset the distribution of wheat. At its peak, the encashment program required three hundred metric tons of wheat per day, a demand which logistical bottlenecks made difficult to meet. At the end of July 1992, the wheat deficit exceeded 10,000 metric tons in NWFP and 2,000 metric tons in

[240] UNHCR. "Repatriation Under Conflict: A Review of the Encashment Programme for Afghan Refugees in Pakistan" in *Research/Evaluation*. Geneva, 2003p.3
[241] Ibid. pp. 3-4
[242] Ibid. p.28
[243] Ibid p.13

Balochistan.[244] As demand dropped from the peak levels of mid summer, this backlog was cleared.

Most crucial, security considerations made it difficult or impossible to open up centers in key tribal areas of the North West Frontier Province, where tens of thousands of refugees lived. Tribal territory residents were thus forced to travel considerable distances to encash, and their arrival at overworked centers in the settled territories exacerbated already tense situations. Some refugees came back numerous times before they were finally processed. Others gave up, discouraged from long delays of waiting under an increasingly hot sun as the summer progressed, and sold their ration books to traders and other refugees at less than the card's total value.[245]

Nonetheless, strained, as the system often was, by the unprecedented demands of mid-summer, over a million of refugees returned to their home villages in the last three quarters of 1992 assisted by the repatriation grant program. And they made the trip to Afghanistan under conditions of relative security with few reported instances of theft or exorbitant taxation on the goods they carried. Refugees were allowed to transport their household effects, livestock and wheat for home consumption with minimal problems due to the close cooperation of the provincial authorities, who issued orders to the Frontier Corps and political agents to allow the free movement of returnee's household belongings across the border. This cooperation was crucial to the ability of newly-repatriated Afghans to survive during the first difficult months back in their home villages, as few of the items required to start life anew were readily available in Afghanistan[246].

b. UNHCR Monitoring Repatriation

UNHCR staff was not certain as to how many of those who encashed their passbooks actually returned to Afghanistan. Some percentage of refugees were undoubtedly

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[244] *Pakistan: Afghan Refugees Shunned and Scorned.* Sept 2001 p.19
[245] *Report on the Repatriation of Afghan Refugees –1992* p.5
[246] Ibid

families with several ration cards who chose to encash one or more because of some unexpected need for cash or to fund their move to one of the larger cities in Pakistan. UNHCR monitoring at the major border crossings between Afghanistan and Pakistan, however, suggested a close relationship between the levels of encashment and actual return.

Although it was not possible to monitor continuously all the important border crossings, UNHCR staff had been stationed during daylight hours at the primary border crossings between Afghanistan and Pakistan. More remote crossing points were not monitored. Monitors did not take recycling seriously at that time, they were happy that majority of the refugees were leaving for their country. Monitors recorded only clearly identifiable family groups, i.e., they counted trucks carrying families who had brought all their household possessions with them. Partial family return, heads of household returning to assess the situation in their village or beginning the preliminary work of putting up a dwelling were not counted. Nor could the monitors observe the many refugees who arrived at the borders before daylight to ensure that they reached their village in Afghanistan before nightfall. Thus the figures obtained were partial and did not show the true volume of refugee return to Afghanistan during 1992.[247]

Out of the twenty-nine provinces listed as destinations by encashing refugees, some 68% of the year's repatriates returned to the provinces bordering Pakistan, from which an estimated 85% of the Afghan refugee community in Pakistan originated. This trend itself reflected that it was easier for refugees to return or come back to Pakistan than those who had to go back to far-flung areas of Afghanistan. The casual movement of refugees between border areas made it easier for refugees to return whenever situation at home became more difficult to survive.

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[247] *Left Out in the Cold: The Perilous Homecoming of Afghan Refugees*, p.6

Ninety percent of the refugees who relinquished their ration cards since the July 1990 commencement of the program cited one of the twelve provinces listed below as their intended destination. For comparative purposes, and to give some sense of the magnitude of the shift of people across the border during 1992, encashed passbook totals have been given as of 2 April 1992 (before the collapse of the Najibullah government) and as of 31 December 1992. [248]

Table: 4.1 Encashment of Passbooks in the year 1992

Provinces	Passbooks encashed as of 2nd April 1992	Passbooks encashed as of 31 December 1992
Nangarhar	5,197	51,248
Paktia	2,675	38,058
Kandahar	15,545	32,835
Kunar	3,291	26,758
Kunduz	8,961	22,907
Baghlan	6,781	16,822
Helmand	5,965	15,605
Kabul	771	10,761
Laghman	710	8,079
Logar	630	7,866
Zabul	1,875	7,843
Jowzjan	614	3,627

UNHCR. 1993

Although return was on a large scale to all the eastern provinces bordering Pakistan and to the two northern provinces of Kunduz and Baghlan, return during the peak months of June, July and August, 1992 was most significant to those districts in the eastern provinces to which repatriation had begun before the collapse of the previous regime. When Najibullah fell, reclamation activities were already far enough

[248] Wendy Batson, *Trends of Return of Refugees to Afghanistan*. UNHCR, Islamabad 1992.p.6

advanced in these districts to allow the very rapid integration of thousands of returnees.[249]

Return was also significant to those areas of the eastern and northern provinces, which were previously controlled by Najibullah. This newly accessible territory included all of central Nangarhar, western Paktia, the city and surrounding suburbs of Kandahar, and the provincial centers of Kunduz and Baghlan as well as the heavily populated valleys which lie, in many instances, roughly parallel to the approach roads to Kabul.[250]

UNHCR program staff responsible for running assistance programs in the refugee villages in Pakistan monitored the flow of people from these villages to border noted the complete desertion of large sections of refugee villages throughout Pakistan. Departing families often removed the roof beams and window frames of their homes in Pakistan and took them back to their villages in Afghanistan to use in the first, small structures which they erected upon their return, an indication of a new willingness to sever all ties with the support system in Pakistan.

Refugees living in Pakistan who came from areas of Afghanistan north of Kabul were faced with much higher transport costs than those refugees originating from provinces bordering Pakistan. To redress this problem, UNHCR signed an agreement with the International Organization for Migration (IOM) in June 1992 under which IOM assisted in the transport of families from the north. The mechanisms worked out allowed these refugees to organize their own transport home through negotiations with private truckers. IOM, upon certifying that the family had arrived at its northern destination, supported 60% of the cost of the trip. By utilizing private transportation arrangements, refugees from the north were able to make the trip from their refugee villages to their home areas without off loading at transit centers en route.[251]

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[249] *Report on the Repatriation of Afghan Refugees –1992.* p. 7
[250] Ibid. p.8
[251] Ibid. p11

IOM began the first assisted movements of refugees to the northern provinces from Peshawar in early July. At the close of 1992, 21,488 individuals had returned home under the program, 17, 792 from Pakistan and 3,626 from Iran (assisted from Herat onwards). Of those assisted, seventy percent departed from the refugee camps of the NWFP. Just over half of the people who benefited returned to key districts in Baghlan and Kunduz while most of the remainder went to Balkh and Faryab.[252]

At the close of the year, IOM, in cooperation with UNHCR and Handicap International, arranged the transport of a small group of paraplegic and quadriplegic Afghans who requested specialized assistance in returning home from Pakistan.[253] Although all were from nearby provinces, their condition left them unable to travel home in the trucks usually rented for such purposes. It is envisioned that such special arrangements continued to be made for the handicapped if and when such refugees requested assistance.

c. 1992 Returnees Assisted

Assistance to returning refugees was provided cross-border from Pakistan throughout 1992. A total of US $1.9 billion was committed to facilitate the permanent return of Afghan refugees living in Pakistan through the provision of relief goods and infrastructural support in their home areas in Afghanistan. The focus of this assistance was on areas where refugee families were unable to return permanently in spite of the fact that they considered the security situation in their village to be satisfactory.[254] Some of the refugees benefiting from this program were unregistered and thus not eligible for the repatriation grant; others were so poor that even with the grant they were unable to cover their initial re-integration.

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[252] Ibid
[253] Ibid. p.10
[254] Ibid. p. 11

As the year progressed and security conditions improved, UNHCR was able to commence with the organization of sub-offices within Afghanistan. As these offices became functional, cross-border work became their responsibility. UNHCR opened sub-offices in Heart, Kandahar, Jalalabad and Mazar-I-Sharif during 1992 in order to meet protection and immediate rehabilitation needs more effectively. UNHCR assistance inside Afghanistan was structured around Quick Impact Projects (QIPs), small, rapid-to-implement projects, which required one-time investments designed to address urgent needs at the community level. A basic premise of the work in Afghanistan was that assistance would be provided to communities on the basis of needs with no distinction made between returning refugees, the internally displaced and those who remained behind. QIPs designed for Afghanistan focused on three sectors: housing/shelter, drinkable water; and rehabilitation of irrigation systems. Rehabilitation of secondary roads leading to returnees' home areas was also undertaken on a small scale.[255]

These cross-border projects were initiated by the refugees themselves or by the communities inside Afghanistan faced with the problems caused by the return of refugees or the internally displaced. The rehabilitation activities financed under this project ranged from the provision of tarpaulins, water pumps, hand tools, the digging of shallow wells, the cleaning of small but crucial canals and *kareezs*[256] to the rehabilitation of the drainage system, a project which was to reduce the flooding of key areas of Kandahar during the spring rains. Each field office was initially budgeted for up to half a million dollars to begin work in sectors identified above.[257]

QIPs were designed to provide immediate cash or WFP wheat to support a family while they rebuilt their home, to provide employment through paying for the hand tools needed to begin reclamation of their fields. Other such projects included the digging of shallow wells and the repair of small bridges and culverts. The

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[255] Ibid. p. 12
[256] Underground canals for irrigation
[257] *Report on the Repatriation of Afghan Refugees-1992*. p 12

complicated and changing security environment in Afghanistan called for a high degree of flexibility in the allocation of funds. UNHCR used its limited resources not only to assist communities affected by the return of tens of thousands of refugees from Pakistan and Iran, but also in cooperation with a number of NGOs, assisted the newly created internally displaced (IDPs), driven out of Kabul by the resumption of fighting in Afghanistan.[258]

UNHCR along with other NGOs were taking these steps to make the come back of refugees smoother and restart their living in normalcy. But in the presence of conflict returnees found it difficult to face the challenges of life. Peace was still a long way to come. The task of reconstruction was enormous and search for workable political institutions remained in its infancy, and one of the reasons was that the new Afghan political elite was severely divided.[259] Secondly, the factional fighting between various Afghan *mujahideen* groups, were accentuated by the involvement of outside actors, mainly, Pakistan, Saudi Arabia, Iran, USA, and the neighboring states of Tajikistan and Uzbekistan, each pursuing its own interests and ambitions. Each used the Afghan crisis to consolidate their influence over their client Afghan factions.[260]

Pakistan's various attempts-- the Islamabad, Peshawar and Jalalabad Accords- all failed. After 1992, the Rabbani regime became the main obstacle to Pakistan's objectives and Islamabad knew it could not build bridges to Kabul as long as the Rabbani-Masood government remained in power. Moreover, Pakistan's favorite, Hikmatyar, not only failed to take Kabul, but also proved to be an embarrassing political liability.[261] The battle for Kabul, which continued on and off throughout the summer of 1992, caused a half a million of the city's inhabitants to flee. Some 62, 000 Afghans who fled the fighting in Kabul made their way to Pakistan. This was happening simultaneously, as millions of refugees were leaving Pakistan for

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[258] Ibid.13
[259] *The Afghanistan Wars*. p.195
[260] *The Afghanistan Crisis: Issues and Perspectives*. Preface of the book. Xviii
[261] Frederic Grare, *Pakistan and the Afghan Conflict 1979-1985 : With an After word Covering Events from 1985-200*. Oxford University Press, London. 2003 p.187

Afghanistan. In August 1992, Pakistan closed its border to any new Afghan refugees, an action that drew protests from UNHCR. Most of the Kabul refugees who did get into Pakistan – a largely urban population – stayed with friends in Peshawar. While others moved to the camps abandoned by refugees.[262]

4.3 Main Concerns of Returnees (1992-93)

The initial euphoria of returnees started waning, when they faced new challenges of adjusting and resettling in their home country. Even with the departure of the old government, security in the area of origin remained the principal factor in their decision to return. Afghan leaders were unable to unite around a central government respected by all parties, and thus local conditions continued to dictate patterns of return. Although actual fighting ceased in most provincial areas, strife in Kabul and other areas cut off potential returnees from traditional markets, sources of water, transport routes – all the conditions that made reintegration and economic survival possible.

Afghans were returning to a country ravaged by years of civil war, which had left houses bombed or collapsed, roads and irrigation systems deteriorated to the point of uselessness. A series of repatriation surveys prepared for UNHCR by the Swedish Committee for Afghanistan during 1992 identified destruction of houses as the initial, overwhelming concern of returning refugees.[263] Destruction of irrigation systems, food shortages, and the scarcity of health and education facilities also ranked high as major concerns. Unemployment preoccupied those Afghans who returned to towns like Jalalabad and Kandahar, and the landless refugees dependent upon a prosperous rural community for their livelihood.

Although house construction or repair was a major preoccupation of all refugees, however, greater emphasis was given to problems of irrigation repair, unemployment

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[262] *Left Out in the Cold: The Perilous Homecoming of Afghan Refugees*. p 15
[263] *Report on the Repatriation of Afghan Refugees-1992* p.9

and school and health clinic construction. This emphasis probably reflected the fact that many returning families had at least partially solved their housing problems within the first six months of return, allowing them to shift their concerns to problems which were beyond any one family's ability to solve on their own.

The problem of land mines is serious, since both sides used them widely and indiscriminately. Numerous civilian causalities and loss of livestock have resulted. Estimates of mines vary widely, from 30 to 50 million (indicating not only the dearth of accurate information on the subject, but also its intense politicization). The problem presented by the mines is worsened by the lack of maps and first-hand information about their location, especially near travel routes through mountainous areas, where they were scattered from aircraft. Contrary to some popular notions of wide swaths of land bristling with mines, experts believe that most were laid in strategic areas: along roads, around military outposts and in sectors of frequent guerrilla operation.[264]

Repatriates interviewed inside Afghanistan during the summer and early fall did not rank mines as a major problem a fact which could be interpreted as an indication of the self-selection involved in return to specific areas. If mines are present in large concentrations, return is marginal or does not occur at all, and Afghans from such areas interviewed in refugee villages in Pakistan cited the presence of mines in their home areas as a major reason for not returning. Statistics available from the International Committee of the Red Cross (ICRC) hospitals for the war wounded showed a marked and tragic increase in mine injuries and fatalities during the summer and fall of 1992. Afghans brought into the ICRC hospitals for treatment of mine injuries, were overwhelmingly 1992 returnees to their home villages.[265] They were not given proper information about the presence of these mines and therefore, when the injured returnees came to the hospitals it was clear signal for potential refugees

[264] *Afghanistan: Trends and Prospects for Refugee Repatriation.* p. 28
[265] *Report on the Repatriation of Afghan Refugees –1992* p.9

not to return to the areas which were suspected of having mines. They knew that even if they escaped mines while traveling back, they would not be able to cultivate their lands, which is their only source of livelihood.

The matter of land tenure is a critical issue, which affects returnees' physical security and economic survival. Following massive wartime rural population displacement, traditional social structures were upset in most of the country. Landlords and small holders had fled as refugees, along with traditional tribal leaders and village elders. *Mujahideen* commanders had become a new class of landlords who were the arbiters of local political power. In the northern provinces, some of the strongest *mujahideen* commanders who led the resistance to the Soviet invasion emerged from the ethnic minority communities.

A dozen tribal elders reported in the fall of 1990 that hundreds of families were trying to repatriate, but they had found their lands controlled by Uzbek military commanders hostile to Pushtun returnees. Although the elders went to Kabul to petition the government for help in resolving the land dispute, it was unclear whether central authorities had either the wherewithal or the influence to do so, since the refugees' home region was under only marginal state control.[266]

Asked about the potential for land disputes, refugee elders from Kunar province said they had gladly "loaned" their lands to *mujahideen* for the sake of the *jihad*. Although some of them indicated that they could visit their home villages occasionally and collect a share of the local produce. Others said they had forgone their shares of the harvest because the *mujahideen* needed the income more than they did. Others however, reported that land disputes were already a serious problem in many areas, and cited them as one of the reasons why many people had not opted for repatriation.[267]

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[266] *Afghanistan: Trends and Prospects for Refugee Repatriation*. P 32
[267] Ibid.

Although assistance to the Afghan community had fallen far short of the amounts envisioned in early planning after the Geneva Accords in 1989, the limited degree of support from he international community had not deterred hundreds of thousands of Afghans from choosing to return home. Lack of funds, limited absorptive capacity, and logistical bottlenecks the absence of infrastructures and, most crucially, continuing political instability had made the delivery of assistance inside Afghanistan difficult. UN agencies and NGOs attempted, however, to ameliorate conditions in some of the most war devastated and refugee impacted areas of the country.[268]

Central to UNHCR assistance to returning refugees had been the repatriation grant program. Generous support from the international community provided the $28.5 million dollars in cash and the 64, 700 metric tons of wheat required to enable UNHCR and WFP to provide each registered family who encashed in Pakistan in 1992 with wheat and cash, allowed the start up of direct assistance in Iran. [269]

An estimated 75% of the refugee community in Pakistan lived within one day's full travel from their villages in Afghanistan. The approximately $130 provided by the grant was sufficient to allow the vast majority of refugees to arrange their own transport home. Transportation costs to the eastern provinces were such that most families arrived home with some cash left over to assist them in their first attempts at reintegration.

Although the repatriation seemed to be voluntary, in most cases even eager, some observers felt that there were both subtle and non-subtle pressures on the refugees to go. Some observers e.g. expressed concern over the fact that the distribution of food rations was suspended in most refugee camps for several months in early 1992. One NGO representative said, "I think Pakistan did that to try to pressure the refugees to

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[268] *Report on the Repatriation of Afghan Refugees –1992* p.9
[269] Ibid. p 10

go back." He added that security in the camps had also deteriorated, and that too influenced refugees' decision to repatriate. Another relief worker said that many schools were closed, and other social services also terminated in the camps, which reinforced the message to the refugees that they should go.[270]

Matiullah Khan, a Pakistan government official in the office concerned with refugees assured that Pakistan " has never used food as a 'squeeze' to compel the refugees to go back." He said that the problem arose because relief food for the refugees usually was slow to arrive, and while in the past the Pakistan government had advanced food to the refugees on the promise that it would be repaid when the UN food arrived, it could no longer do so due to Pakistan's low food reserves. UN deputy chief of mission in Pakistan, Pierce Gerety, said that he doubted that the Pakistan government had a policy to withhold food in order to drive out the refugees.[271]

Agency Coordinating Body for Afghan Relief (ACBAR)'s Nancy Dupree showed more concern about the returnees' prospects of surviving the winter. She said, "My nightmare is that if many of the million-plus refugees who have repatriated find that they cannot survive the winter, they will decide to return to Pakistan. Then God help us all." She added that while Pakistan and the Pakistani people have shown remarkably good will towards the refugees during the past, "the situation has changed; the good will is gone, and much of the infrastructure that was in place to help the refugees is gone. So it is incumbent on the UN and NGOs to ensure that the returnees can survive in Afghanistan."[272]

Danish Committee for Aid to Afghan Refugees' (DACAAR) Christensen echoed Dupree's concern. He said that some returnees might be thinking that if the situation gets too difficult, they can return to the camps of Pakistan. "That may be a miscalculation," he said. "Pakistan may no longer want them." Christensen worries

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[270] *Left Out in the Cold: The Perilous Homecoming of Afghan Refugees,* p.8
[271] Ibid. p.8
[272] *Left Out in the Cold: The Perilous Homecoming of Afghan Refugees.* Dec.1992 p.13

about the winter in Afghanistan, in part because he said he has been unable to get a sense from the UN of how much food is or is not available in Afghanistan. He said, "if the situation gets very bad, those with guns will take charge and create anarchy."[273] The UN's request for winter emergency funds identified four "life saving' sectors for which urgent international support was needed: food aid, shelter winter fuel, and health.

Although return to Afghanistan during 1992 was unprecedented in scale, however, over 1.5 million registered Afghans remained in Pakistan, the majority of whom were assisted in 190 refugee villages. In addition the Government of Pakistan estimated that there were as many as 500,000 un-registered Afghan refugees scattered throughout the country. Although the care and maintenance programs were scaled down to reflect the reduced population, UNHCR and WFP, in cooperation with the Government of Pakistan, continued to assist registered refugees during 1993.

4.4 Critique of the 1992 Repatriation

Though the repatriation strategy for 1992 had enabled over a million of Afghans to return to their homeland, yet it did not result in comprehensive repatriation as believed by the government of Pakistan and the international community. This was mainly due to the flaws in the repatriation strategy adopted by UNHCR and the geopolitical changes that occurred.

An operation mechanism for movement had been chalked out but there was no proper mechanism for reintegration of returnees, because the political situation in the country was still volatile, due to which institutions could not be build, or the ones in place were ineffective, due to the power wrangling that continued amongst the various *mujahideen* factions. The QIPs had helped some of the returnees to restart their lives, but these projects did not benefit all the returnees, because such projects were started in areas that were safe and secure and rehabilitation process was underway.

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[273] Ibid.

UNHCR and the international community relied too much on the encashment system for repatriating Afghan refugees. UNHCR was aware of the fact that international assistance for Afghans was dwindling; donors had become reluctant to provide assistance and favored repatriation as a solution to bring peace in the country. While undoubtedly successful in terms of facilitating return of very large numbers of Afghans from Pakistan, the encashment of passbooks did not actually mean physical return of refugees. There was discrepancy between the passbooks encashed and the total number of refugees repatriating. UNHCR could not systematically monitor the actual return of refugees, because the UNHCR staff focused on principal crossing points and that too during daytime.

Moreover, the system was susceptible to abuse and corruption and it involved about one half of the original refugee population. For many donors, the encashment provided a reliable means of deregistration. Whether the refugee family repatriated or remained in Pakistan after the encashment was of less importance; the key point for donors was their removal from the assistance register.[274] There was a new realization amongst the donors that Afghan refugees had lost their geopolitical significance as Soviet Union had collapsed and they were no longer needed to resist Soviet expansionism, or further the geopolitical priorities of the donors.[275]

After the Soviet withdrawal, a key international dimension of the conflict disappeared, and international interest in it evaporated. The aid community became

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[274] "Repatriation Under Conflict: A Review of the Encashment Programme for Afghan Refugees in Pakistan" in *Research/Evaluation*, p.21

[275] The West's overall political objective of supporting Afghan resistance in order to eject the Soviet invaders from Afghanistan led to large amounts of aid for the refugees and a tacit acceptance of the right of Afghans in exile to organize politically and militarily to retake their country. The refugees were never a military force by themselves but nonetheless played a major, although largely passive, role in the international legitimation of the anti-Soviet resistance. See. Frederic Grare, "Afghan Refugees in Pakistan." in Stepehen John Stedman and Fred Tanner (eds.), *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*, p.59

"less idealistic, more self-conscious, more wary of its own role," and more concerned about the impact of its activities on Afghanistan.[276]

The repatriation program also suffered due to lack of clarity of Pakistan's objectives. On one hand it wanted the refugees to return and shed the burden, which they had carried for so long, while on the other, it remained politically entangled in Afghanistan. It still wanted to play a main role in the political setup of Afghanistan. As it lacked a specific policy on repatriation therefore, the 1992 repatriation process remained hostage to its overall Afghan policy- having a government of its own choice in Afghanistan. This policy made it difficult for Pakistan to dissociate itself as it still believed to have stake in the Afghanistan, therefore, it continued to promote Hikmatyar and his supporters in opposing the government of Mujaddiddi and Professor Rabbani. Northern leaders – Tajiks, Uzbeks, Hazaras etc. wanted to operate independent of the Pakistanis and they were opposed to sustained Islamabad influence in Afghan affairs. Pakistan needed a land bridge to the newly independent Islamic republics of Central Asia. Masood and his Northern Alliance blocked the way. Islamabad therefore, rejected the interim government in Kabul before it could be established, and tried to form one that conformed to Pakistan's perceived national interest. ISI was therefore, given a free hand to destabilize the new Afghan administration.[277] Unless Pakistan's Afghan policy underwent a change, refugees were to stay in Pakistan, as they too had become pawns in the game of power politics.

Repatriation-related reconstruction efforts in major returnee areas in Afghanistan fell short of expectations. Factional fighting that broke out amongst the various *mujahideen* factions often-disrupted cross-border activities by UNHCR and other NGOs. Roads that had been devastated by years of war remained un-repaired, due to the lack of capital to reconstruct them. Rehabilitation work was slow and de-mining of the country was still an objective to be achieved. Donors took less interest in

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[276]Frederic Grare, "Afghan Refugees in Pakistan." in *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*. p.86

[277] *Pakistan: At the Crosscurrent of History*, pp.282-283

reconstruction work, because they wanted stability in areas before undertaking such projects. So development funds were slow to come, making life more challenging for returnees. The integrated strategy for repatriation lacked planning for reintegration activities at any stage in the repatriation operation.

4.5 Post-1992 Repatriation and New Influxes: The Taliban era

Repatriation continued at a brisk pace in 1993, but leveled off during the rest of 1990s as infighting amongst *mujahideen* factions created political instability in Afghanistan. In 1992 the conflict pivoted on the struggle between Ahmed Shah Masood and Gulbaddin Hekmatyar, two strong personalities with national agendas. Hekmatyar viewed Masood as a major obstacle to his ambition of acceding to ultimate power in Afghanistan. Masood accused Hekmatyar of being a tool of Pakistani interests in Afghanistan. The 'reelection' of Rabbani as president of Afghanistan in June 1994 and the alienation of Uzbeks – particularly Rabbani's constant disregard for Rashid Dostum – led to a new alliance between the Uzbeks and Pushtuns leaders to try to unseat Rabbani. They laid siege to Kabul for most of 1994, pushing some 300,000 people out of the Afghan capital into Pakistan and other parts of Afghanistan.[278]

The blunt statement made by Sardar Assef Ahmed Ali, Pakistan's foreign minister, that 'any thing that happens in Afghanistan after 28 June 1994 will have no legitimacy,' provoked anti – Pakistan protests in Kabul, including rocket attacks on Pakistan Embassy in Kabul. The growing friction between Islamabad and the Rabbani government coincided with the rise of the Taliban in Afghanistan. They were the product of the network of private rural – based *madrassas* (religious schools) in Afghanistan and the neighboring areas of Pakistan. Affiliated with the Deobandi movement in both countries, the Taliban leadership hailed mainly from the Pushto – speaking area of Kandahar.[279]

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[278] *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering.* p.81-82

[279] Dr. Riffat Hussain. "Pakistan's Relations with Afghanistan: Continuity and Change?" in *Strategic Studies*. Vol.XXII. Winter 2002. No.4. The Institute of Strategic Studies. Islamabad. Pakistan. pp. 54-55

During Prime Minister Benezir Bhutto's second term of office (1993-96), the Interior Minister, retired General Naseerullah Babar promoted the Taliban. He wanted to free the Afghan policy from the ISI. Moreover, the ISI was initially doubtful of about the Taliban's potential as it was still wedded to backing Hikmatyar and had few funds to back a movement of Afghan students. Babar 'civilianized' support to the Taliban. He created an Afghan Trade Development Cell in the Interior Ministry, which ostensibly had the task of co-coordinating efforts to facilitate a trade route to Central Asia- although its principal task was to provide logistical backing for the Taliban, not from secret funds but from the budgets of government ministries.[280]

Impressed by their success in suppressing unruly *mujahideen* commanders and imposing peace in and around Kandahar, Islamabad decided to encourage the Taliban as an alternative to the Rabbani regime. Under Naseerullah Babar's guidance, the ISI provided transportation, fuel, communications equipment and advice to the Taliban movement.[281] In September 1995 they overran Heart and a year later seized Jalalabad and Kabul. The fall of Kabul was described by P.M. Benazir as a 'welcome development' while Naseerullah Babar stated that the "rise of Taliban is of great advantage to Pakistan since this is the first time there is a government which has no links with India or anybody else."[282]

The Taliban, led by Mullah Omar[283] were Islamabad's answer to a third force between the Pushtun and non – Pushtun Afghans.[284] Pakistan's pro-Taliban approach

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[280] Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia*, p.184

[281] "Pakistan's Relations with Afghanistan: Continuity and Change?" in *Strategic Studies*. Vol.XXII. p.55

[282] Ibid.

[283] Mullah Omar was an obscure fighter with Harakat – i – Inquilab – i – Islami, (led by Maulvi Mohammad Nabi Muhammadi) unknown to even his party, during the war against the Soviet occupation He was the most powerful man in the country without holding any formal office in the government. For the Taliban, Mullah Omar was the *Amir ul Momineen* (commander of the faithful) whose command had to be obeyed. See for details Rahimullah Yusufzai, "Taliban Years in Power," in *The Anatomy of a Conflict: Afghanistan and 9/11*. Edited by Anand Girdharadas, Ajai Shukla, Rahimullah Yusufzai, John Jennings, Riffat Hussain, J.N. Dixit and Julie Sirrs. Lotus Collection. Roli Books. New Delhi 2002 pp.105-106

[284] *Pakistan: At the Crosscurrent of History*. pp283-284

was underpinned by several considerations. First, by supporting the Taliban as a controlling force in Afghanistan, Islamabad hoped to achieve its goal of securing trade routes to Central Asia. Second, because of their strong Islamic beliefs, Taliban were perceived an anti–Indian force that would help Pakistan secure its western borders. Third, a Taliban controlled Afghanistan would give Pakistan 'strategic depth'[285] against India in the east.[286]

Pakistan under Nawaz Sharif's government cemented Pakistan's alliance with the Taliban as it accorded diplomatic recognition to them on 25 May 1997; Saudi Arabia and the United Arab Emirates followed suit two days later.[287] The US saw in the Taliban an army of dedicated Muslims who had volunteered their services to bring order out of chaos in Afghanistan. The Taliban's righteous outlook and determination, it was assumed, would end terrorism, stop the cultivation and trafficking of narcotics, and unite the country under a nationally inspired regime composed of selfless individuals. Needless to say, from a geopolitical viewpoint, the Taliban would also stymie Iranian and Russian influence in Central Asia and open the region for commercial developments. High on the list of such commercial activity was UNOCAL's oil and gas pipeline through Afghanistan. Although the Taliban were Islamic fundamentalists, the Americans were convinced that Taliban fundamentalism was very different from the political fundamentalism of Iran. Therefore, when the Taliban captured Kabul in 1996, routing its opposition, the US believed that that a stabilizing element had been established in Afghanistan. Moreover, with Pakistani

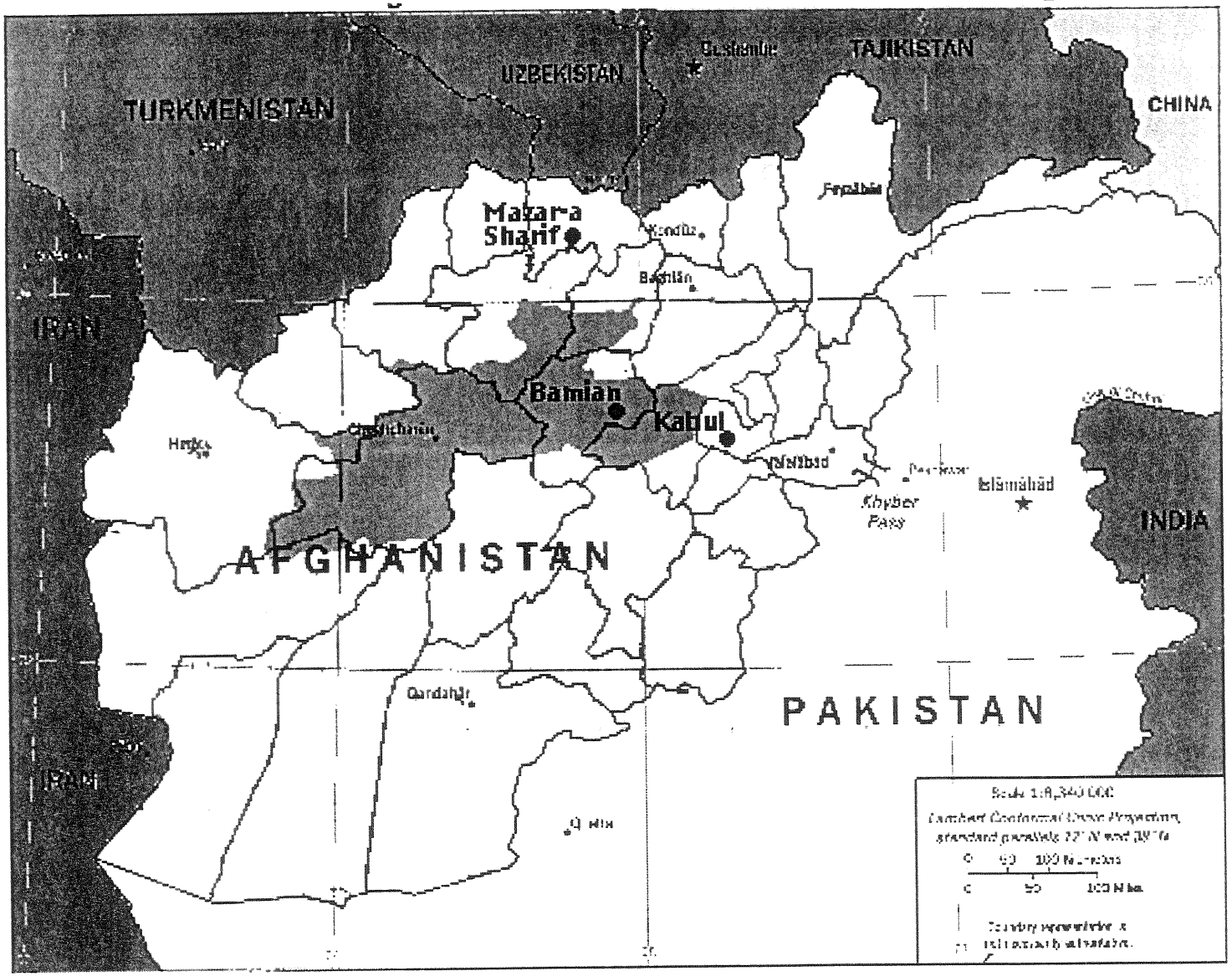
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[285] 'The attainment of strategic depth has been a prime objective of Pakistan's Afghanistan policy since General Zia-ul-Haq. In military thought it is a non-concept, unless one is referring to a hard-to-reach place where a defeated army might safely cocoon,' wrote Pakistani scholar Eqbal Ahmad. "The outcome is a country caught in an iron web of wrong assumptions, maginotic (sic) concepts failed policies, fixed postures and sectarian violence.' See Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia*, p.187

[286] "Pakistan's Relations with Afghanistan: Continuity and Change? in *Strategic Studies*. Vol.XXII. Winter 2002. No.4 p.55

[287] Dr. Riffat Hussain. " Pakistan's Afghan Policy." *The Anatomy of a Conflict: Afghanistan and 9/11.* pp. 192-193

AREAS OF CONTROL IN AFGHANISTAN DURING THE TALIBAN ERA, AUGUST 1998.



Hezb-i-Wahdat
Iran
Taleban
Pakistan
Northern Alliance

Source: www.timesonline.com

and Saudi assistance the region could be expected to achieve a level of tranquility and development.[288]

The Taliban's success was enhanced by assistance from across the Islamic world, including Osama bin Ladin, who had declared war on the Saudi government and on the United States. A Saudi national who had been expelled from his country when he criticized royal regime policy for allowing Western forces to operate in the kingdom during the 1990-91 Gulf War, came to Afghanistan in 1993 to help Taliban consolidate their power. The ISI acknowledged bin Ladin's presence, accepted his financial assistance and did nothing to prevent him from attracting other Muslim fighters to Afghanistan.[289]

The relationship between ISI, bin Ladin and the Taliban was undeniable, but its portents were not fully realized until 1998, when bin Ladin's operatives in Tanzania and Kenya blew up the American embassies in those two countries. The Clinton's administrations response to these assaults was the cruise missile strikes on some of bin Ladin's training camps and multi-million dollar reward Washington offered for Osama's capture.[290]

At the same time when Taliban were struggling to come to power, the UNHCR and WFP ended food aid to most refugee village residents. This happened in late 1995. They based their decision on the results of a survey carried out in the refugee camps, which was to have significant long term impact both on refugees in Pakistan and the Pakistani government's attitude towards the refugees' presence. The UNHCR/WFP survey indicated that a majority of the refugees were self–sufficient or would be able to achieve self – sufficiency if they had to do so. (i.e. if they were not receiving free

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[288] *Pakistan: At the Crosscurrent of History*. pp. 284-285
[289] Ibid. p 285
[290] Ibid. p.285 Also see Stephen Tanner. *Afghanistan: A Military History from Alexander the Great to the Fall of the Taliban*, pp. 285-286

food). UNHCR, WFP and the government of Pakistan also believed that ending food aid would prompt more repatriation.

Cutting off food aid did not achieve either of these goals, but instead had other, unforeseen consequences. In December 1996, one year after the cut off, the British Agencies Afghanistan Group (BAAG) published the findings of a study it had conducted on Afghan refugees' economic coping strategies. It found that many of the long–standing refugees "were living at a marginal level of existence, dependent on intermittent daily laboring work. Several years later, a UNHCR representative said, "self sufficiency, instead of improving, has declined due to economic problems in Pakistan and dwindling income – earning opportunities." Another unintended consequence of UNHCR's and WFP's decision to cut off food aid to camp residents – one that the Pakistani government may not have anticipated and did not welcome - was many refugees subsequently migrated to the cities in search of work. The mass migration into the cities "may have contributed to exacerbating the resentment against refugees." Sahibzada Mohammed Khalid, Joint Secretary (Refugees) at the Ministry of States and Frontier Regions (SAFRON), told USCR, "in 1995, WFP and UNHCR came up with the idea of discontinuing aid to the refugees. At the time, the government of Pakistan gave silent approval, we didn't say yea or nay. Later on, when people began to move into the cities, we began to express our concern to them."[291]

Although many refugees were facing increased hardship in Pakistan, the pace of repatriation did not rise significantly. Whereas more than 150,000 Afghans repatriated from Pakistan in 1995, only some 120,000 repatriated in 1996, most likely because of continued fighting and unsafe conditions in Afghanistan.[292]

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[291] *Pakistan: Afghan Refugees Shunned and Scorned.* Sept 2001 p.20
[292] Ibid. p.20

With the emergence of Taliban, the nature of the civil war in Afghanistan shifted once again. Compared to the *mujahideen* groups of the past, the Taliban appeared to be more unified force albeit loose in structure. As they succeeded in capturing all major towns in the country, their policy of disarming opposition groups resulted in a reduction in acts of banditry and extortion. However, despite the improvements brought by the Taliban in some aspects of personal security, serious human rights abuses continued to be reported in areas controlled by them.[293]

The continued fighting in Afghanistan not only prevented the hoped-for levels of repatriation in 1996, but also triggered an exodus of 40,000 new refugees from Afghanistan into Pakistan that year. The fighting in Kabul in 1994 resulted in a large-scale displacement. Some of the new arrivals fled fighting associated with the Taliban militia's attacks on Jalalabad, an important city near the Pakistan border that then home to more than 137,000 internally displaced persons. But most fled after the Taliban's capture of the capital. Among the later refugees were many of the city's professional and educated upper and middle class, including government workers, medical professionals, and teachers. They left because they opposed the Taliban's anti-western, fundamentalist Islamic stance, which banned women from working or leaving their homes unescorted by male relative, barred girls from attending schools, imposed strict dress codes (*burqas* for women and long beards for men) and prohibited television and music. Many members of ethnic minorities, fearing discrimination by the Pushtun-led Taliban, also fled. [294]

New arrivals were settled in Nasir Bagh and Akora Khattak camp. 1513 families in Nasir Bagh and 2612 families in Akora Khattak. They were provided with dry food, primary education, medical assistance, water and sanitation.[295] These new refugees were mainly urban people from Kabul and those who did not support Taliban.

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[293] Amnesty International, *Refugees From Afghanistan*, November 1999 p.3
[294] Ibid.
[295] UNHCR. *Briefing Note on Assistance to Afghan Refugees in NWFP, Pakis*tan. UNHCR Sub-Office Peshawar, August 1998

Though they were not welcomed but Pakistan was still under pressure form the international community to host them. The attitude of Pakistan government actually led to internal displacement in Afghanistan.

Later on in late 1996, the fighting in Bagdhis province in the northwest produced 40,000 displaced who were accommodated in UN and ICRC assisted camps in Herat. The fighting for the control of areas north of Kabul also resulted in the forced movement of some 20,000 persons from their villages to the city. At the beginning of 1997, there were still around 1.2 million Afghan refugees living in refugee villages in Pakistan. This figure did not include refugees who lived in the urban centers particularly in Peshawar, Quetta and Karachi.

Having recognized the Taliban's regime, Pakistan wanted refugees to repatriate as it propagated that peace had come to areas under the control of Taliban. However, refugees did not show much enthusiasm in returning, as shown by the following figures. Instead new influxes were taking place. During 1997 some 10,315 families representing 70,123 individuals crossed Pakistan's NWFP border. 8,133 families (56,885 individuals) of these families were registered and received a repatriation grant of Rs.5000, 300kg of wheat and one plastic tarpaulin.[296]

Since 1998 Afghans have not been considered *prima facie* refugees, which created hurdles for those who wanted to cross the border and seek refuge in Pakistan. Only those with proper documents were entertained. This was used as a push factor by Pakistan and some of the refugees did return to their country, under the new circumstances. From January 1998 till 25 July 1998 some 10,478 families representing 64,455 individuals repatriated to Afghanistan. 1,902 of these families (13,362 individuals) were registered and received a repatriation package. The

[296] Ibid

deregistered and unregistered families not eligible for the full repatriation package received a plastic tarpaulin as they crossed the border.[297]

In 1999, Pakistan's growing frustration with the seemingly endless conflict in Afghanistan and with its growing refugee population led to increased harassment of Afghan refugees. Police in Pakistan's major cities stopped undocumented Afghans and deported many who did not pay bribes. In June 1999, police demolished the stalls of a number of Afghan traders at a market in Peshawar and assaulted the traders and their Afghan customers. Later that year, local authorities in Balochistan pushed back across the border 300 Afghan asylum seekers and forced thousands of Afghan refugees who had been living in Quetta to move to camps.[298] 92,000 returned from Pakistan in 1999. In the year 2000, the number of UNHCR assisted returns from Pakistan and Iran was close to double the number compared to previous years with some 75,000 Afghans assisted to return from Pakistan and some 130,000 from Iran under the Joint Program for the voluntary repatriation of Afghans from Iran.[299]

Another refugee influx, the largest in the previous four years, began in mid 2000. It followed heavy fighting in northern Afghanistan and the widening effects of the worst drought to hit Afghanistan in 30 years. UNHCR estimated that more than 172,000 Afghans entered Pakistan in 2000. In response to this influx and as a result of frustration with the international community, Pakistan closed its border with Afghanistan in November 2000. Though the border closure was largely ineffective in practical terms (the border is porous and border guards can easily be bribed), it signaled Pakistan's hardening stance. Pakistani authorities resented what they saw as the international community's abandonment of the region after the Soviet withdrawal

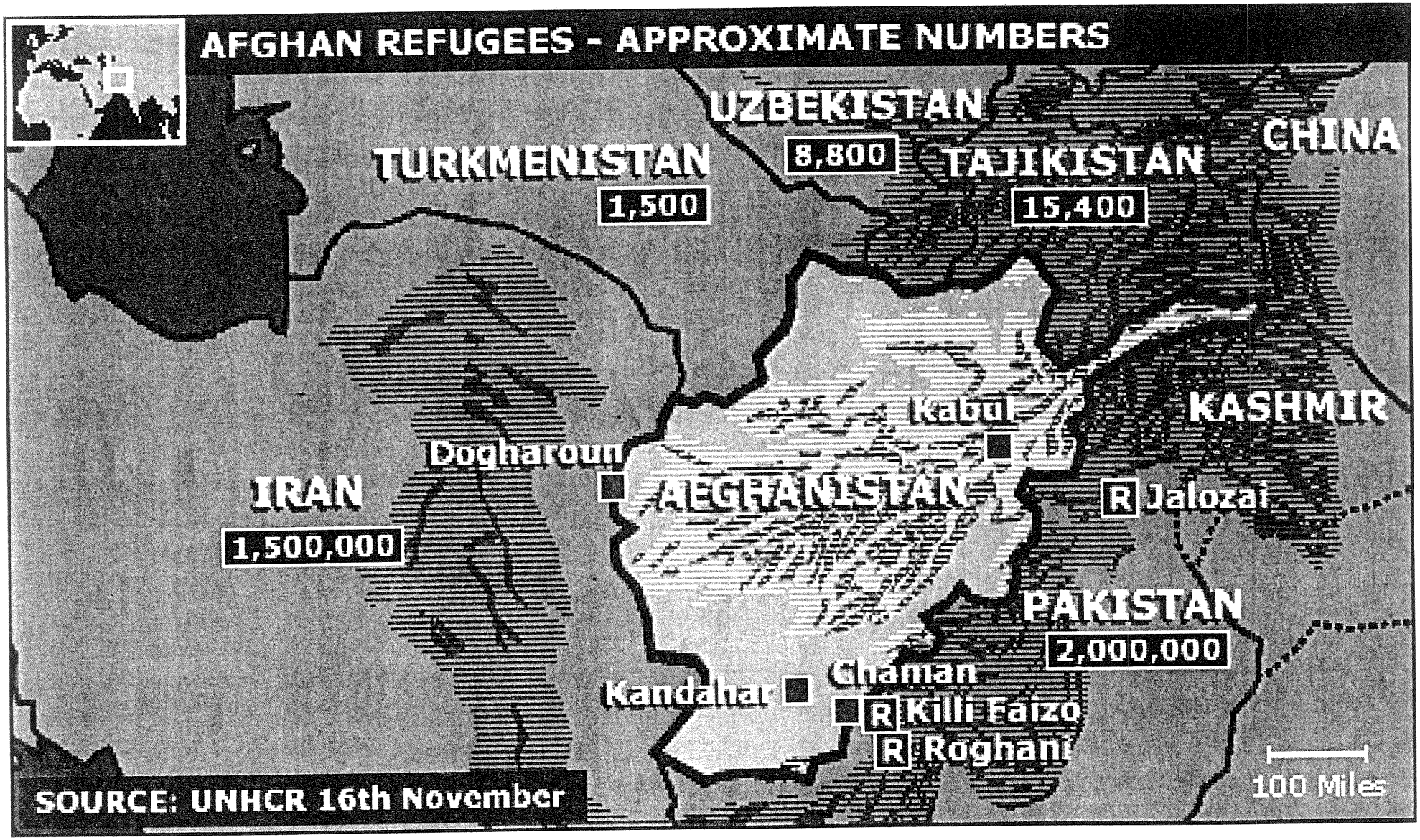
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[297] Ibid. p. 9

[298] Refugee Studies Centre, " September 11th: Has anything changed?" *Forced Migration Review*; No. 13, June 2002, UK p.10

[299] UNHCR. *Return of Refugees from Neighboring Countries*. December 2000, p.8

AFGHAN REFUGEES IN NEIGHBORING COUNTRIES, NOVEMBER 2001



and its saddling of Pakistan with more than two million refugees with few prospects for a speedy return home.[300]

The international community, on the other hand, was critical of Pakistan's support of the Taliban and their Al-Qaeda allies. This led to reduced assistance for Afghan refugees, which created economic and political problems for Pakistan. In the wake of new refugee influx Pakistan's tolerance came to an end. It began denying entry to Afghans unless they had a current Afghan passport and valid Pakistani visa, effectively barring most from entering. At the same time, the authorities began to insist that Afghan refugees living in urban centers also present these documents or face deportation.

In early 2001, the government of NWFP, with the acquiescence of the national government, embarked on a policy of mass *refoulement*. On Jan 23, 2001, the governor of NWFP issued an order authorizing the police to detain and deport any Afghan not holding a valid Afghan passport and Pakistani visa, including both new arrivals and old refugees. The governor reportedly instructed each police station in Peshawar to deport a minimum of five to ten Afghan men daily.[301]

It initiated a period of "mass harassment in cities and officially sanctioned forcible return to Afghanistan in systematic manner." According to government statistics, the authorities rounded up and forcibly returned some 1,200 Afghan men (they did not detain or deport women) from Peshawar between October 2000 and mid-May 2001, most presumably after the January 23, 2001 edict. Other sources said that Pakistani authorities forcibly returned a much higher number.[302]

Pakistan's hardened stance toward Afghan refugees continued throughout the displacement crisis that followed the start of US military action in Afghanistan in

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[300] Ibid. p.10
[301] *Afghan Refugees Shunned and Scorned.* p.29
[302] Ibid .p 29

October 2001. Like all of Afghanistan's neighbors, Pakistan kept its border officially sealed, trapping tens of thousands of Afghans in places of danger within Afghanistan. Although UNHCR and donor governments promised to meet the cost of assisting new refugees, Pakistan continued to fear that the international community would again lose interest and leave Pakistan struggling to cope with even more refugees. The collapse of the Taliban regime and the installation of Hamid Karzai's interim government resulted in massive repatriation in the year 2002. How Pakistan's policy changed and the repatriation of refugees started, is discussed in the following chapter.

CHAPTER FIVE

The Politics and Process of 2002 Repatriation

Afghanistan witnessed one of the largest repatriation movements in the year 2002, with more than 1.8 million refugees and some 600,000 IDPs returning voluntarily to re-establish their lives. Afghanistan's Ministry of Refugees and Repatriation (MoRR), UNHCR and its partners facilitated the voluntary return operation and provided initial reintegration support. However the repatriation process was not devoid of politics. The political interests of various actors play an important role in making a large refugee population return to their home country, despite the problems they may encounter in future. The massive 2002 repatriation did not come as a surprise to many refugee analysts. Several factors played a role in making Afghans return to Afghanistan.

This chapter addresses the factors that determined the 2002 repatriation operation, followed by a detailed analysis of the repatriation process. As the operation still continues, the analysis and critique of it will help the relevant authorities to look into the shortcomings of the program and take timely action to improve the repatriation strategy and save it from failure. Some of the major factors that determined the repatriation were: shift in Pakistan's Afghan policy that impacted on Afghan refugees; September 11, 2001 events (the leveling of Twin Towers by terrorist attacks); followed by US attack on Afghanistan to bring down the Taliban regime and the change of political setup in Afghanistan. Pakistan along with the international community manipulated the return of refugees home while Afghanistan was trying to attract and pull them in order to bring credibility to the new interim government.

5.1 Repatriation 2002: The Push and Pull Factors

a. Shift in Pakistan's Afghan policy and its impact on refugees

After two decades of hosting more refugees than any other country in the world, Pakistan was changing its policy toward Afghans. It now openly said it had had enough, something it had not uttered in the past two decades. It was not ready to welcome new refugees, as turmoil still continued in Afghanistan. Pakistan's actual policy shift occurred in the wake of September 2001 events, but the attitude of the government had started changing before the terrorist attacks took place. Between mid 2000 and early 2001, the largest influx of Afghan refugees in several years, an estimated 170,000 new arrivals – crossed into Pakistan. As the influx developed, Pakistani officials feared that the ongoing conflict in Afghanistan and the effects of the worst drought to hit that country in 30 years might result in a much larger number of Afghans heading to Pakistan than actually arrived. That fear was exacerbated by Pakistan's concerns about its faltering economy, resentment toward the international community for its diminished interest in and assistance to Afghan refugees in recent years, increasingly negative attitudes towards Afghan refugees among local people and the media, and the appointment of Iftikhar Hussain Shah as governor of NWFP, who has been dubbed to have anti–refugee sentiments. The combination of these factors resulted in what a UN refugee official called an 'irreversible and qualitative' change in Pakistani government attitudes, policies, and actions toward Afghan refugees.[303]

Afghan refugees and asylum seekers began feeling the effects of Pakistan's hardened attitude in the summer of 2000. Between then and mid-2001, Pakistani authorities deported several thousand Afghans, harassed and extorted money from countless urban refugees, prevented the international community from properly assisting newly

[303] USCR interview with UNHCR representative Hasim Uktan, Islamabad, June 2001. See for details *Pakistan: Afghan Refugees Shunned and Scorned.* p.5

arrived Afghan asylum seekers, officially closed Pakistan's border to new Afghan refugees, and pressured some long term camp refugees to repatriate.[304]

This was a period when Pakistan was politically isolated due to its support of the Taliban regime. Strong criticism came not only from the United States but also the Muslim world. It reacted in countering the criticism by pointing that the international community was not doing enough for Afghan refugees, as the assistance had waned over the years. Pakistan's actions, caused wide spread panic among Afghan refugees, and brought into question whether future Afghan asylum seekers would be able to find safe haven in Pakistan. They also contributed to the broader internationalization of the Afghan refugee crisis, as asylum seekers, no longer confident of finding safe haven in Pakistan, sought refuge in Europe, US and Australia. To reach these destinations, they increasingly turned to smugglers, who took them on dangerous land, air, and sea journeys to countries that were averse to receiving them, as was Pakistan. Pakistani officials noted Western countries' increasing impatience with asylum seekers and questioned why these countries expected Pakistan to be more welcoming than they were.[305]

Pakistan's tough new stance toward Afghan refugees did not come as a surprise to refugee analysts. Since mid –1990s, donors had substantially reduced assistance to Afghan refugees, leaving Pakistan to shoulder much of the economic burden of their presence. Pakistani authorities resented what they saw as the international community's abandonment of the region after the Soviet withdrawal. With hindsight, many in the international community recognize that Pakistan's increasingly harsh treatment of the Afghan refugees can be traced to that abandonment.[306] Some of those same donors had imposed economic sanctions on Pakistan because of its development of nuclear weapons and lack of democracy. Pakistani officials claimed that the

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[304] Eight-one Afghan Immigrants Deported," *The Dawn*, May 9.2001
[305] Ibid
[306] Hiram Ruiz, "Afghanistan: Conflict and Displacement 1978 to 2001, *Forced Migration Review*, No.13, 2004

sanctions had weakened its economy and made it impossible to continue hosting a refugee population of more than two million people who, they said, no longer needed protection as refugees, took jobs from local people, caused crime and exacerbated social problems such as drug use and prostitution.[307]

General Pervez Musharraf, who had come to power in Pakistan through a military coup in October 1999, served as Pakistan's Chief Executive after the removal of Prime Minister Nawaz Sharif. General Musharraf sustained diplomatic relations with the Taliban and gave the ISI a free hand to form alliances with Islamist groups in Afghanistan and elsewhere in the Islamic world. Pakistan's intimacy with the Taliban also meant there would be connections to Al-Qaeda.[308] US–Pakistan relations deteriorated, and it was obvious that if Pakistan did not change its Afghan policy it would be facing grave consequences. Pakistan while still supporting the Taliban became more cautious of the refugee problem.

In July 2001, Pakistan authorities and UNHCR began a screening program for 50,000 new arrivals at Jalozai and some 70,000 long-term residents of Nasir Bagh camp, on the outskirts of Peshawar. The screening was intended to distinguish those in need of protection from those who were not. Under the terms of the agreement, Pakistan would permit those who are "screened in" to remain temporarily, but deport to Afghanistan those who are "screened out." Those deported would not receive any assistance. Pakistan however, agreed to permit screened out Afghans whom UNHCR considered to be particularly vulnerable to remain in Pakistan provisionally.[309]

Afghans scheduled to be screened could opt to repatriate voluntarily at a pre-screening interview, or at any time during the process. UNHCR would provide

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[307] *Pakistan: Afghan Refugees Shunned and Scorned.* September 2001 p.5
[308] *Pakistan: At the Crosscurrent of History.* p. 303
[309] Pakistan and UNHCR signed an MOU, by virtue of which the former agreed with the latter to jointly screen the newly arrived Afghans in order to register genuine refugees for 'temporary stay' and deport those who were merely economic migrants. See Dr Ijaz Hussain. "Current Issues in Afghan Refugee Debate." in *IPRI Journal*, winter 2002, Vol.11, No.1

financial assistance to those who opted for voluntary repatriation. At both Jalozai and Nasir Bagh, some chose voluntary repatriation out of fear of being screened out and deported to Afghanistan without assistance. At Nasir Bagh, some chose voluntary repatriation because even if they were screened in, they would lose both their homes and jobs and be forced back into dependence on international assistance at a rural refugee camp.[310]

Pakistani authorities wanted to remove refugees from Nasir Bagh for years so that a housing cooperative could be built there. UNHCR agreed to offer the screened in refugees of Nasir Bagh residents' places in other camps, but the refugees lost their homes they had built and were not compensated for their losses. According to the camp's leader, Mohammed Zahin Jabarkhel, the Pakistan government treated Nasir Bagh as a "showcase" camp during the 1980s. "When we were fighting the Soviets, President Carter came here, Vice-President Bush came here. The refugees were called "heroes of the world." But those times are gone now. Now the government just wants us to leave. It wants us to leave behind everything that we have built."[311]

Although the screening process did not begin until August 6, 2001 some 2000 camp residents returned to Afghanistan during the first three weeks of July through voluntary repatriation program sponsored by UNHCR. Reportedly, some refugees "volunteered" to return to Afghanistan despite their concerns about safety and their ability to survive there. Most had little information about the screening process and were told by the local authorities that they would likely be screened out and deported.[312] The local authorities told the refugees that they would receive repatriation assistance only if they returned voluntarily, not if they were screened out and deported, so they would be better off leaving soon.

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[310] *Human Rights Watch*, "Refugee Protection and Assistance in Pakistan," http://www.hrw.org accessed on July 23, 2004

[311] *Pakistan: Afghan Refugees Shunned and Scorned*, September 2001 p 30

[312] Ibid. p.6

All the above-mentioned facts demonstrated Pakistan's hardened attitude toward Afghans, a stance that encouraged local authorities to harass Afghan refugees. The screening test of new refugees also increased their vulnerabilities, as they were systematically being pushed back home. Even Afghans who repatriated during this period either because they sympathized with the Taliban, and did not have any security concerns in Afghanistan, or saw a possibility of viably re-establishing themselves there, would probably have not chosen 2001 to repatriate, when conflict and drought still plagued Afghanistan. The severe drought in Afghanistan affected a much larger area than the conflict zone and devastated the economy, uprooted thousands of people, and rendered some areas uninhabitable. The massive international relief effort in Afghanistan was overstretched and could not meet the needs of all who were affected.

The NWFP governor, Syed Iftikhar Hussain said that Pakistan faced its own problems with the Central Asian drought, and could not sustain any more Afghans in the area. He was particularly concerned that Pakistan could see a further influx of refugees from the conflict, affect north of Afghanistan because Tajik and Uzbek borders remained close to them. He dismissed the notion that returning Afghans would be exposed to any risk or harassment at the hands of the Taliban authorities. "There is no persecution in Afghanistan for these people; this is merely propaganda, " he said.[313]

The international community became critical of Pakistan's policy. Many observers believed that Pakistan had provided the Taliban funds, military supplies, training recruits and at times even troops. This was done by Pakistan to advance its own regional political objectives. By doing so, it fueled the Afghan conflict and ensured that many of the refugees would not return home. For them to pressure some of those same refugees to return to Afghanistan claiming that they were a drain on Pakistan's economy and caused social problems, was not correct. However, they still believed

[313] UNOCHA. *Pakistan: Planned Afghan Repatriation Raises Serious Concerns*. Geneva. 28 March 2001

that Pakistan's recent actions toward Afghan refugees and asylum seekers, while wrong, remained less harsh than those of some of its neighbors. Pakistan pointed toward the West, the way it was treating the asylum seekers, as they had routinely been rejecting the asylum claims of Afghans and routinely deported them, often to Pakistan.[314]

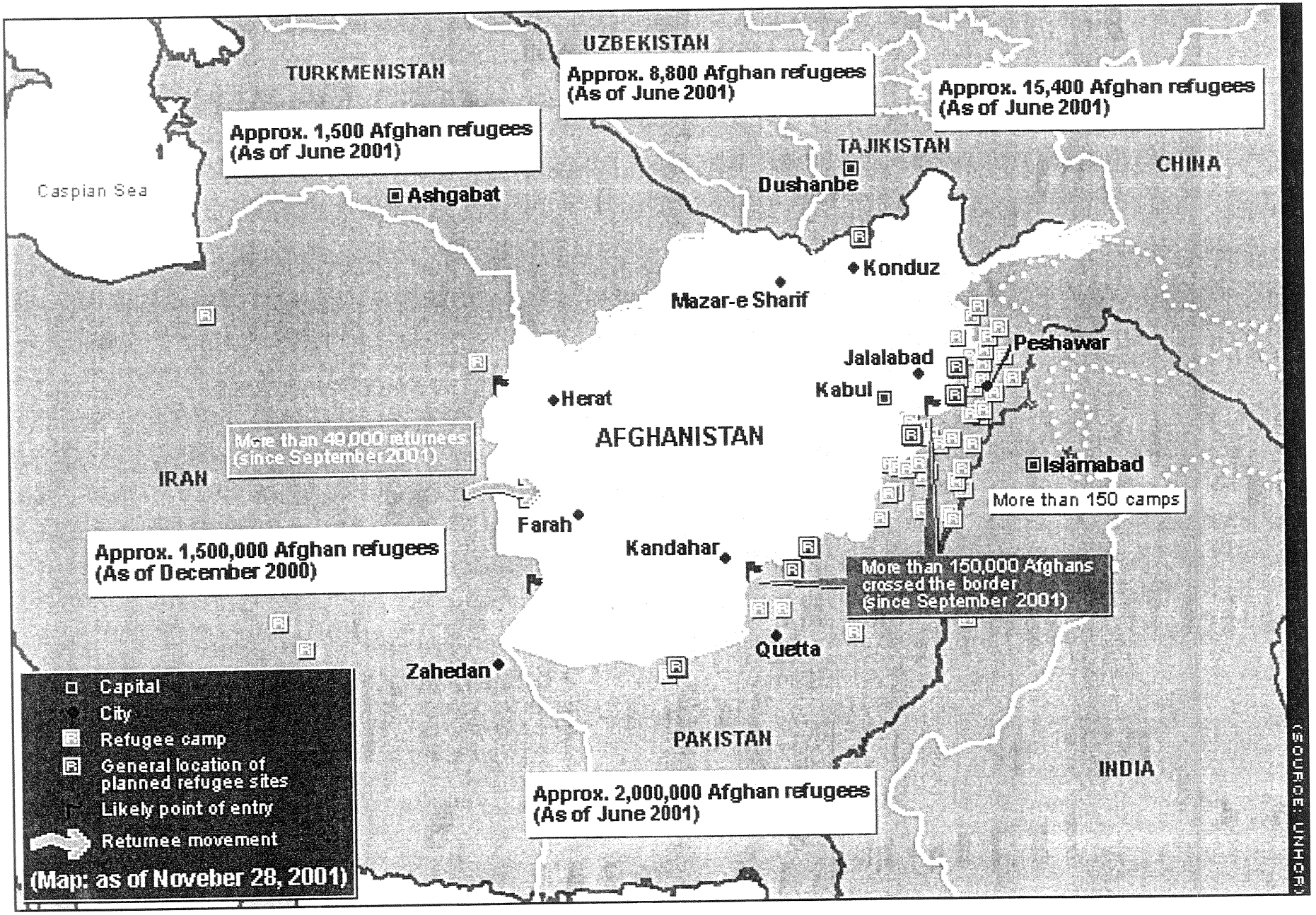
Syed Iftikhar Hussain Shah told Integrated Regional Information Network (IRIN) in an interview on March 28, 2001 that Afghans who had arrived since September 2000 were suffering from economic hardship and were not considered to be genuine refugees. The governor said that all recent arrivals who had not been formally registered as refugees would be returned, but that those who had been in Pakistan for over two years would be exempt. Pakistan's decision to begin screening – and most likely deporting –tens and thousands of Afghans who did not qualify for refugee status came as a timely illustration of what the UN called a worsening situation for Afghan refugees worldwide.[315]

Pakistan in a subtle manner was sending signals to the international community, that Afghanistan under the Taliban was safe and peaceful for repatriation of refugees. However, UNHCR, let alone the international community did not share this view. UNHCR, issued a statement in Geneva on (11 July) 2001 saying that "overall the picture concerning Afghans, the single biggest group of refugees in the world at four million or more, is about as grim as it can get." UNHCR spokesman Rupert Colville told a press briefing that there is a growing "lack of hospitality, and in some cases downright hostility" to Afghan refugees not only in the region near Afghanistan but throughout the world.[316]

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[314] M.Ilyas Khan, "The Last Refuge," *The Herald*, June 2001, p.83
[315] *Pakistan: Planned Afghan Repatriation Raises Serious Concerns*. Geneva. 28 March 2001
[316] Charles Recknagel, "Pakistan: Officials Moving toward Afghan Refugee Deportation" *Refugees International*. (Part 1) July 12, 2001

AFGHAN REFUGEES AND REPATRIATION, 2001



Source: cnn.com

In early 2001, the government of NWFP, with the acquiescence of national government, embarked on a policy of *refoulement.* On Jan 23, 2001, the governor of NWFP issued an order authorizing the police to detain and deport any Afghan not holding a valid Afghan passport and Pakistani visa, including both new arrivals and old refugees. The governor reportedly instructed each police station in Peshawar to deport a minimum of five to ten Afghan men daily.[317]

This initiated, what a UN commissioned study on the forcible return of Afghan refugees called a period of "mass harassment in cities and officially sanctioned forcible return to Afghanistan in a systematic manner." According to government statistics, the authorities rounded up and forcibly returned some 1,200 Afghan men form Peshawar between October 2000 and mid-May 2001. The study found that these deportations were "causing panic and alarm amongst Afghan refugee community." The study also found that many were also subject to beatings while in detention. However, refugees could generally avoid deportation or detention by paying small bribes. During periods of domestic political tension, the Pakistani authorities rounded up groups of Afghan men but generally released them after a few days. [318]

The policy shift was complemented by the September 11 events. The screening that had started in mid August 2001 was temporarily halted in response to the 11 September terrorist attacks on New York and Washington. It were these attacks that brought about a major shift in Pakistan's Afghan policy, as it aligned itself with the US against the Taliban regime.

b. September 11 Events (2001)

Casting a shadow over everything was the fallout from the September 11, terrorist attacks on Twin Towers in New York and Pentagon in Washington. American intelligence agencies were convinced that Osama bin Laden and his Al-Qaeda

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[317] *Taking Refgnees for a Ride?*, Afghanistan Research and Evaluation Unit, December 2002 p.16
[318] *Pakistan: Afghan Refugees Shunned and Scorned.* September 2001 p. 29

network were responsible, and so President George W. Bush demanded Osama's extradition from Afghanistan, but Mulah Omar refused, asking for evidence to be produced of Ladin's involvement. This caused the US President to declare 'war on terrorism'.[319] President Bush then strove to gather a coalition of countries to support the United States' policy against terrorism.

US wanted Pakistan as an ally, what it needed was just not active support but a complete and immediate end to Pakistan's support for the Taliban. Given the scale of the pressure, which Washington brought to bear on Islamabad – reportedly including the demand that Pakistan declare itself either a friend or a foe – it was hardly surprising that Musharraf came out in firm support of the US position.[320] Pakistan was presented with a stark choice: either make a common cause with Washington in its war against the Al-Qaeda network based in the Taliban - controlled Afghanistan or persist with its pro – Taliban policy and, as a consequence, suffer international condemnation. Gen. Musharraf announced on 13 September that Pakistan would lend its 'unstinted cooperation' to America.[321] On September 19, 2001, in a televised address to the nation, he said:

"We in Pakistan are facing a critical situation. Perhaps as critical as the events in 1971. If we make the wrong decisions our vital interests will be harmed...Our critical concerns are our sovereignty, second our economy, third our strategic assets (nuclear and missiles), and fourth our Kashmir cause. All four will be harmed if we make the wrong decision... We have to save our interests."[322]

General Musharraf had been verbally very critical of religious extremism, protesting "religious groups are surfacing who are trying to spread their faith to other countries and providing an opportunity to some nations to declare Pakistan a terrorist country thus tarnishing our image and deterring foreign investments."[323] Musharraf's decision to assist the US was condemned in conservative Muslim circles, both in Pakistan and

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[319] Edgar O'balance, *Afghan Wars: Battle in a Hostile Land 1839 to the Present*, Oxford University Press, Oxford. 2003 p.248
[320] *The Afghanistan Wars*. P.259
[321] *The Anatomy of a Conflict: Afghanistan and 9/11*. p. 200
[322] Ibid. p.201
[323] *The Afghanistan Wars*. p.260

beyond. In Afghanistan Muslim clerics and scholars were virtually all reported to be in support of Osama and they called upon the Taliban regime to offer him protection. However, withstanding all this criticism, Pakistan provided the Americans with the use of several military airstrips near the Afghan frontier.[324] Valuable intelligence gathered by the ISI in Afghanistan over a period of two decades was also made available to the United States.[325] In October 2001, Afghanistan was attacked which soon led to the collapse of the Taliban regime, as they had been abandoned by their sole supporter – Pakistan.

In the immediate aftermath of September 11 events, as countries around the world raced to strengthen their legal and physical defenses, there were grave concerns around the world that legitimate refugee and asylum seekers would be swept away in the rush to the barriers. However, the fallout was not as severe as initially feared. According to Lubbers, "governments in general refrained from over-reacting to the situation" but he added, "that is not to say there have not been some serious downsides."[326]

In the name of security, measures were introduced in some countries, which led to the exclusion of genuine asylum seekers or even their forcible removal, an increased number of extradition requests and the introduction of overly restrictive legislation. The permanent resettlement of refugees to the United States, the world's largest recipient of needy cases, was particularly hard hit. Washington admitted only 27,100 people compared with a target of around 70,000, the lowest in a quarter century.[327]

Europe's long time efforts to harmonize its immigration and asylum policies were stricken by the effects of 9/11, national elections and media and public debate which sometimes spilled over into xenophobia and sometimes failed to differentiate-perhaps

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[324]. *Pakistan: At the Crosscurrent of History*. p.306
[325] *The Anatomy of a Conflict: Afghanistan and 9/11*. p.116
[326] UNHCR, *The Year in Review: Good News, Bad News*, December 26, 2002, Geneva
[327] Ibid.

deliberately – between refugees, asylum seekers and the larger issue of economic migration. The United Kingdom, Denmark, the Netherlands, Italy, France, Belgium and Germany all announced or introduced asylum or immigration legislation, often aimed at reducing both the numbers of and benefits for applicants. In Britain, which registered the highest number of asylum claimants in 2001 with 92,000, the uproar was particularly loud though Prime Minister Tony Blair insisted, " we are not advocating a 'Fortress Europe', but there has to be some order and some rules brought into the system."[328]

These restrictive policies had their impact on Afghan refugees as doors were closed to them for seeking asylum. UNHCR spokesman Rupert Colville said that Afghans in Europe faced an "ever growing barricade of exclusionary measures." In some cases, they have been "slapped straight into detention", and in others "simply folded into a wider group" of migrants considered to be economically motivated.[329]

After September 11, all the international staff of aid agencies was evacuated from Afghanistan. For the next 2 ½ months one of the largest humanitarian aid operations in history was carried out by Afghan and Pakistani truck drivers and Afghan aid workers, delivering food to millions of people despite Taliban harassment, civil war and U.S. bombing.[330]

Around 140,000 Afghans fled the US attacks on Afghanistan in October 2001. They sought refuge in Pakistan because they or their family members were injured, and they sought medical attention and relief from bombing. Refugees who were not physically injured also fled because they feared or experienced the bombing of military targets near their homes, including ammunition depots or safe houses established by the Taliban prior or during the bombing campaign. Sometimes, the

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[328] Ibid
[329] "Pakistan: Officials Moving toward Afghan Refugee Deportation" (Part 1) *Refugees International.* July 12, 2001
[330] Larry Thompson, "Rebuilding from Within," *Refugees International.* January 29, 2002

US-led bombing campaign spurred people to leave their homes because the bombs were frightening to their children, and the noise and destruction were psychologically disturbing and disruptive to their daily lives.[331]

When the US military campaign began, UN agencies predicted that between one to two million Afghans would flee the country and become refugees. It however, did not happen. Neighboring countries closed their borders and the Taliban blocked mass movements, especially of young men. Only people with physical strength and resources to hire trucks or donkeys, cross difficult mountain passes and bribe border guards, managed to get out -- a total of 200,000, mostly to Pakistan. The result was that the number of IDPs within Afghanistan soared from 1.15 million prior to 11 September to up to 2 million. Large numbers of these IDPs risked starvation in camps and settlements where there was little or no food or medicine, where conditions were unsanitary, and where people had to dig holes in the ground for shelter.[332]

Many of these new arrivals in Pakistan, lacked even the basic amenities available to Afghans in formally designated camps, including adequate food, blankets, medicine, and clothing etc.[333]

c. Change of Government in Afghanistan: Collapse of the Taliban regime

Governments play an important role in the push and pull of refugees. It was the Communist takeover in late 1970s that led to massive flows of refugees into Pakistan. Repatriation trends show that whenever regimes considered friendly by refugees have come to power, large numbers returned. When Dr. Najibullah stepped down from power in 1992, massive repatriation took place. Though Taliban had established peace inside Afghanistan, but their strict rules prevented large flow backs. It was the collapse of Taliban and the takeover of Hamid Karzai that pulled large number of

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[331] *Human Rights Watch*, 'Closed Door Policy: Afghan Refugees in Pakistan and Iran," Vol14, No.2 (G). February 2002

[332] Roberta Cohen, "Afghanistan and the Challenges of Humanitarian Action in Time of War" in *Forced Migration Review*, No.13 June 2002, Refugee Studies Centre Oxford, UK

[333] Bill Lenderking, "Invisible Refugees," *Refugees International*. November 19, 2001

refugees home. It is not to say that his coming to power alone played a major role in the 2002 repatriation, but the support he received from the international community made it seem, that Afghanistan would soon be set on the path of reconstruction and development leading to rehabilitation and reintegration of those displaced. The interim government led by Hamid Karzai[334] took office under a UN-brokered deal in December, after US air attacks helped opposition forces to overthrow the Taliban.

After the takeover of Karzai in December 2001, more than 160,000 Afghans returned on their own despite decades of civil war, the worst drought in years and instability. This prompted the interim government to facilitate returns. A top Afghan government official urged millions of refugees to return, saying Afghanistan needed their skills and would welcome them back. Justice Minister Abdul Rahim Karimi said that many of these refugees were well educated and could contribute to the country's reconstruction. "Their role is very significant to the future of Afghanistan. Anyone from Afghanistan who wishes to return voluntarily ....is most welcome." Karimi, however, cautioned that since Afghanistan has barely started coming out of the ravages of years of civil war, "people's expectations should not be too high, but we will do our best to provide them with whatever we can in our own capacity..... We will make sure that they have shelter."[335]

According to spot surveys among the spontaneous returnees entering Afghanistan at the Torkham crossing point, the vast majority had some education, with 17 percent educated at the university level while 28 percent had a secondary school diploma. This wave of return indicated a vote of confidence in Afghanistan's future as these educated people opted to try life back home.[336] "The first big flow back home was due to trust in Karzai and his team," said Lubbers on the Afghans' enthusiasm to go

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[334] Karzai, a 46-year-old leader of the Pushtun Popalzai tribe, was to head the interim government for six months and prepare the way for a transitional government that was tp take power for the following two years. He was the choice leader of the Bonn delegates, resulting from the Bonn Accord in December 2001. The Loya Jirga elected Karzai after six months, to head the transitional government.
[335] *The News International.* March 12, 02
[336] *UNHCR Emergency Updates*, February 12, 2002

home. "They were applauding and voting with their feet about what was happening in this country."[337]

"In the wake of a new process for peace in Afghanistan, UNHCR decided to wind up their relief program for new refugees and initiated a repatriation program instead for both new refugees and old refugees," said Hasim Uktan, country representative for UNHCR.[338] Uktan said that the program would soon start and that the UNHCR was strictly following Pakistani government policy regarding the closure of the border with Afghanistan. He said the UNHCR had been providing assistance only to vulnerable or sick Afghans who were allowed to enter Pakistan to stay in newly established border camps.[339] "I hope that Afghan refugees will not miss the repatriation season from March to August-September and avail themselves the opportunity of getting assistance for returning to their homeland," he said.[340] This showed a soft tone being adopted by UNHCR to facilitate and encourage refugees to repatriate. The signals were clear for refugees that the Taliban were no longer in power, therefore, they should opt for repatriation.

Though Karzai's government is apparently fragile, given his limited control of the country however, progress has been made since the Bonn Accord: the timely formation of the Loya Jirga Commission, the establishment of transitional government, the return of diplomatic community to Kabul, the re-opening of crucial roads, the possibility for aid agencies to have access to increasingly wider areas of country, the presence of International Security Assistance Force, and the proliferation (at least in urban areas) of businesses and shops.[341] Even the most cynical Afghanistan observers -- and there are many – admit that the country, in spite of all its daunting problems, is opening up to the outside world. It should not be forgotten

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[337] UNHCR, "Lubbers Happy with Returns, but Worried About Reintegration" *News Stories*. August 28, 2002
[338] *The News International,* March 18, 02.
[339] Ibid.
[340] Ibid.
[341] Fillippo Grandi, " Hope on the Brink,' in *Forced Migration Review*, No.13 June 2002, p.12

that for the first time in decades, and despite the dangerous flare-ups, Afghanistan is not at war with itself. The absence of a generalized civil war is perhaps the most significant change of all.[342]

Given the situation on the ground, most Afghans started preparing for an early return-some of them after years in exile. At this early stage some returnees came back to assess the viability of bringing their families home but did not commit themselves to repatriation. However, a large percentage of returns from Pakistan were made of families, and therefore, it was presumed that they intended to stay. The number of returning refugees was expected to grow as international agencies stepped up efforts to help refugees go home. "We hope that return movements can be maintained without upsetting the devastated country's absorption capacity," said Ron Redmond, UNHCR spokesman.[343]

Security and stability are the corner stones of any return-and-reconstruction process-but, as High Commissioner Lubbers said, the successful reintegration of returnees is also, in turn, a cornerstone of security and stability. This is well understood by ordinary Afghans, who have great expectations in this area.[344] He said, "we not only want the people to cross the border but to go to their areas in country sides and pass life in a peaceful and secure atmosphere."[345]

The International Security Assistance Force (ISAF), which is concerned with peace keeping in Afghanistan, was created as part of the Bonn Accord and entered into force in January 2002. It called for a multinational peacekeeping unit of up to 4,500 soldiers to be deployed in Kabul. The US has a separate military presence in the country -- which continues the war on the remnants of the Taliban and Al-Qaeda

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[342]. Ibid
[343] *The News International,* April 14, 2002
[344] " Hope on the Brink,' in *Forced Migration Review*, p.12
[345] *The News International,* April 19, 2002

groups. The American troops are not part of the multinational force.[346] Karzai at the beginning of his interim administration remarked, "if the security environment in Afghanistan does not improve further, we will make sure that the international security forces are asked, together with the Afghan forces, to take a stronger role."[347]

Afghan public opinion continues to demand, sometimes vocally, that the multinational force be expanded both geographically and in numbers. Sometimes – with some notable exceptions- even conflicting factions request the deployment of multinational forces. The absence of broader ISAF hampers efforts to conduct relief and reconstruction activities outside Kabul, especially by bilateral actors - thus strengthening the 'pull factor' provided by the capital on the population, and especially on returnees, half of whom have so far chosen to return to Kabul. In this context, it is crucial that UNHCR and other actors encourage more systematic efforts towards the disarmament and reintegration of combatants – a Herculean task in Afghanistan but one which is necessary, and towards which, very little has been done in reality so far.[348]

Another challenge, one that is intimately related to the security of returnees, is de-mining. Afghanistan is one of the most mined countries in the world. Thousands of Afghans working for the UN and for NGOs are patiently trying to free the country from this scourge. The year 2002 repatriation started with great optimism. Most of the refugees who returned in the year 2002 were new refugees, who had fled Afghanistan during the Taliban regime.

5.2 2002: Year of Massive Repatriation to Afghanistan

Despite the fragile infrastructure and persistent security problems in parts of Afghanistan more than 1.8 million refugees returned home in 2002, assisted by UNHCR and the Afghan Ministry of Refugees and Repatriation (MoRR). In addition,

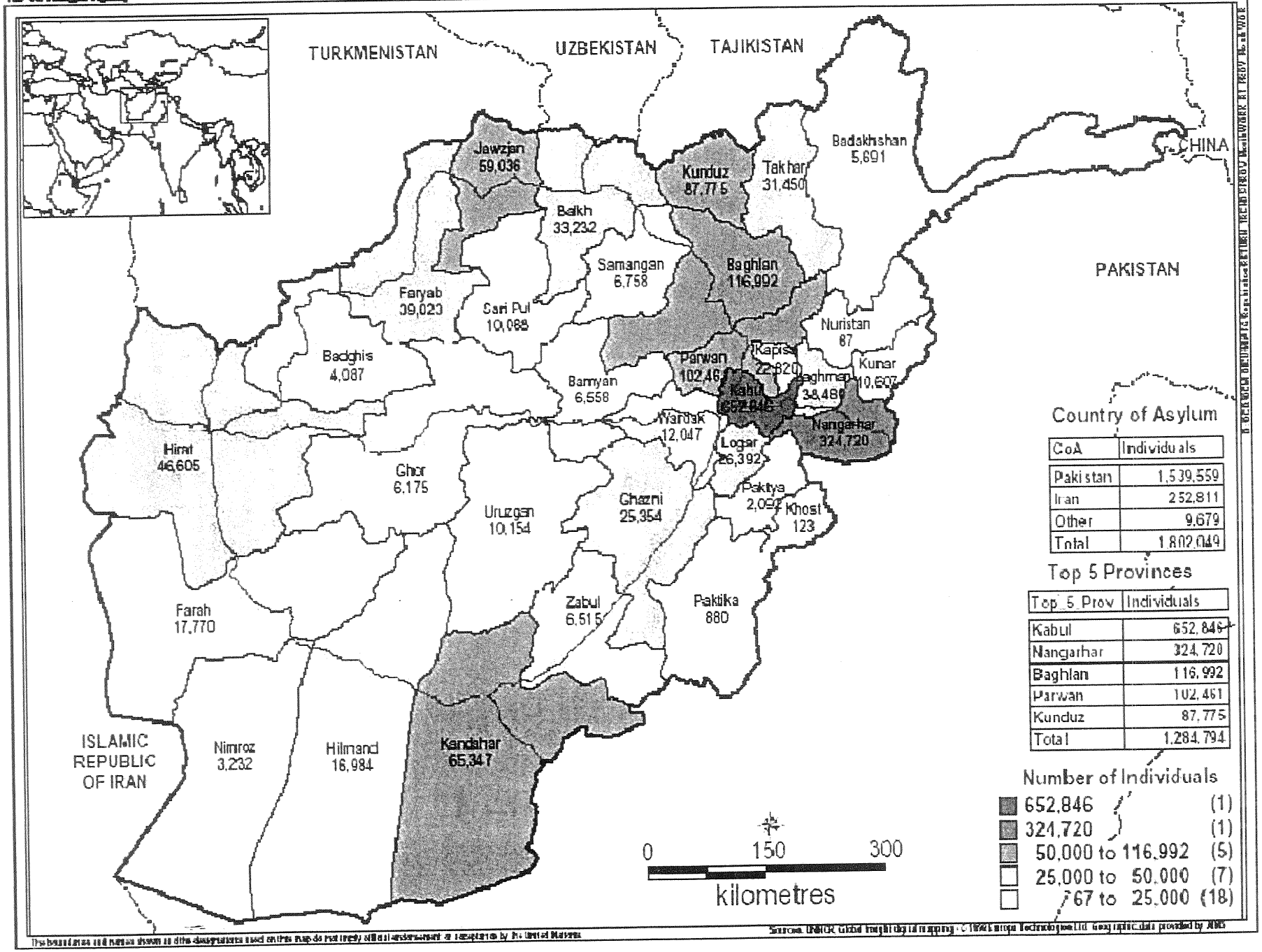
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[346] " Hope on the Brink," in *Forced Migration Review*, p.12
[347] Steven Komarov, *USA Today*, 18/2/02
[348] " Hope on the Brink," in *Forced Migration Review*, p.12

UNHCR
The UN Refugee Agency

UNHCR Assisted Repatriation to Afghanistan - 2002

GIMU / PGDS



Country of Asylum

CoA	Individuals
Pakistan	1,539,559
Iran	252,811
Other	9,679
Total	1,802,049

Top 5 Provinces

Top_5_Prov	Individuals
Kabul	652,846
Nangarhar	324,720
Baghlan	116,992
Parwan	102,461
Kunduz	87,775
Total	1,284,794

Number of Individuals

652,846	(1)
324,720	(1)
50,000 to 116,992	(5)
25,000 to 50,000	(7)
67 to 25,000	(18)

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Source: UNHCR Global Insight digital mapping - ©1995 Europa Technologies Ltd. Geographic data provided by ARC

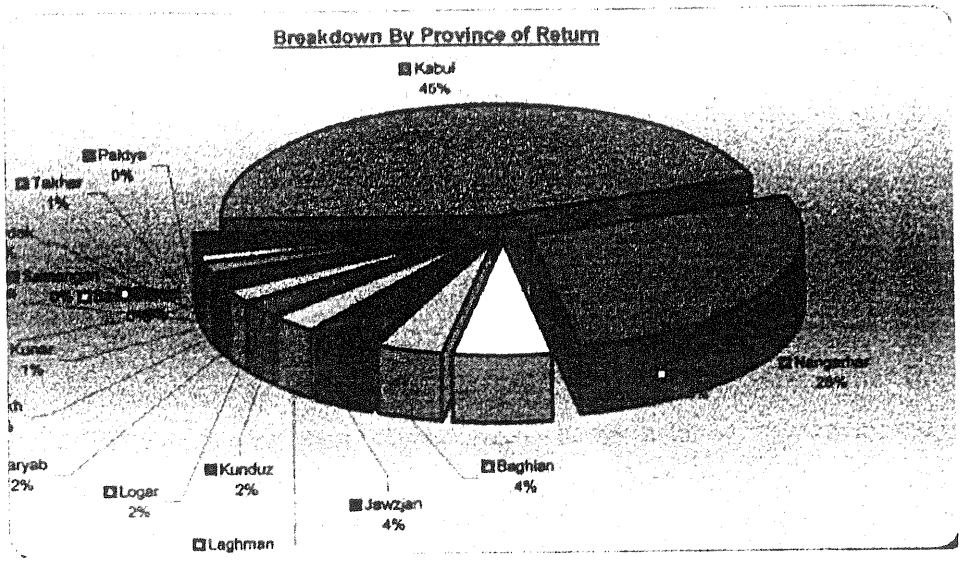
more than 250,000 IDPs went home with assistance and another 200,000 Afghans returned on their own.[349] It was considered as the biggest repatriation in the last 30 years anywhere in the world. Reasons for return to Afghanistan were often cited as the improved social, economic, security and human rights conditions in Afghanistan. The change in the political security environment provided opportunities not seen for the past 23 years. The presence of ISAF and many international actors in Kabul provided a level of security and economic opportunity that contributed to relative stability in the capital.

Politically, Afghan government had to prove its credibility not only to the international community but to its own nation too. It needed the support and backing of its own population, and it knew that if refugees did not return it would be discredited. It therefore, had to make positive overtures to the displaced in order to make them return to their homeland. The MoRR was set up and it allowed the UNHCR to play a leading role in the repatriation process. The presence of the ISAF on the Afghan soil, was also used by the government to attract returnees. It was signaled to refugees that security and peace were fast returning to Afghanistan, because of the peacekeepers and commitments of the international community to assist Afghanistan in reconstruction and reintegration of the displaced population. These developments soon led to a massive repatriation in the year 2002.

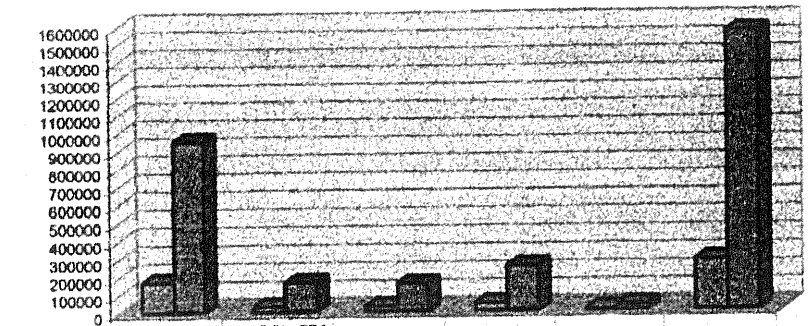
Many refugees began returning to Afghanistan from Pakistan and Iran, and some from other countries. Some of the returnees were keen to reconstruct their lives and their country. Others were returning because they did not have any viable alternative of doing so, given the inadequacies of protection in their countries of asylum and transit. Some remained in asylum procedures, the processing of their claims having in some cases been frozen, pending an assessment of changed conditions, and others are being asked to comment on the suggestions that it may now be safe for them to return to Afghanistan. Some were unable to find durable protection in those countries and

[349] UNHCR, "Afghanistan Humanitarian Update" No.67, Jan 3, 2003

UNHCR Assisted Voluntary Repatriation, November 2002

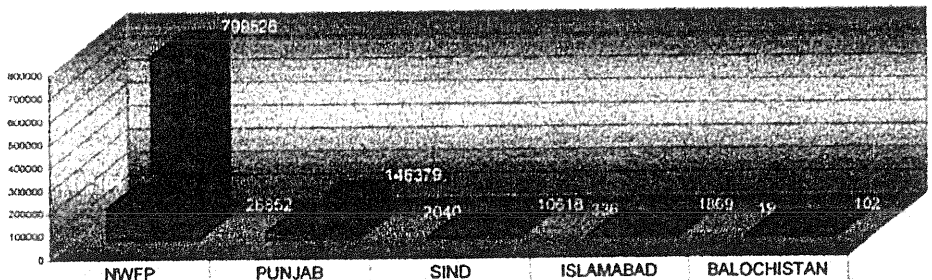


Report for PAKISTAN



	NWFP	BALOCHISTAN	SINDH	ISLAMABAD	PUNJAB	PAKISTAN
Families	171251	30205	29643	43893	6355	281347
Individuals	954051	184812	157207	252470	30911	1559451

Breakdown By Province In Country Of Asylum



	NWFP	PUNJAB	SIND	ISLAMABAD	BALOCHISTAN
Families	142104	26852	2040	336	19
Individuals	799526	146379	10618	1869	102

for others there were concerns that they return because they were unable to await the processing of their claims while being held in indefinite and arbitrary detention.[350]

UNHCR's objective was to make Afghan repatriation a success story, which in turn would enhance the credibility of the institution. It saw that the environment had become conducive and therefore, it should initiate a plan for repatriation. The planned repatriation was for 800,000. Under the plan, the UNHCR expected 400,000 Afghans to return from Pakistan, 400,000 from Iran, and 400,000 IDPs. When the plan was announced at the beginning of the year, many observers believed that the hosts and UNHCR estimates were too high.

The international system staffed and budgeted and prepared for this level, was not ready to assist the huge flow. The target was surpassed only in 15 weeks after the facilitated returns began on 1st March 2002. Agencies then adjusted programs to extend assistance to a total of 2 million returning Afghans through the end of 2002. In a repatriation and assistance operation UNHCR budgeted more than $142 million. .[351] UNHCR's budgets were stretched by the extraordinary interest in return, forcing the agency to make cutbacks in some programs and to focus its aid in four priority areas: protection, travel assistance/returnee packages, shelter and water. The agency halved the number of shelter kits it planned to distribute to needy Afghan families from 97,000 to 50,000.[352]

Despite the fact of returning Afghans was double than the number anticipated, the operation was considered "amazingly successful."[353] Ron Redmond, spokesman of the UNHCR said, "considering the state of Afghanistan's infrastructure and the

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[350] See for example Minister for Immigration, Multicultural and Indigenous Affairs, Australia, "Afghan Nationals Voluntary Return Home," Media Release, MPS 67/2002, 22 July 2002
[351] UNHCR, "UNHCR Trims Aid Programmes as Record Numbers Return to Afghanistan." *News Stories*, July 23, 2002
[352] Ibid.
[353] UNHCR, "Afghan Repatriation is Top 2002 Event." http://www.unhcr.ch December 30, 2002

security problems that still affect many areas, this is an astonishing number."[354] The return rate declined toward the winter months, with weekly returns of about 2000 during December.

Table 5.1

Monthly Returns of Year 2002

March	122,000
April	298,000
May	413,000
July	303,000
August	197,000
September	107,000
October	49,000
November	15,000
December	7,000

UNHCR (as at 24 December, 2002)

Countries of Asylum

Pakistan 1,532,000

Iran 261,000

Central Asia 10,000

(*These figures are of assisted returns*)

The above figures show the difference between the numbers of returnees during the early part of the year 2002 (when euphoria for repatriation to their homeland was high amongst the Afghans) than the later part. As winters are harsh in Afghanistan, the flow back slowed down. Moreover, they became skeptical of the international community of not doing enough for returnees and the challenges they were to face if they opted for return.

[354] *The News International*, September 4, 2002

As earlier discussed, Pakistan's Afghan policy had changed, which meant a change in the government's attitude towards refugees. General Musharraf wanted to prove, that in cooperating with the US in its war against terrorism, his government had cut off links with the Taliban and Al-Qaeda elements, who had crossed the border and were in hiding in Pakistan. Acknowledging that still more concerted action against terrorism was necessary, Musharraf announced there would be more cooperation with American, British and French intelligence agencies and that the country's borders would have to be tightened further, if necessary in concert with American and other international forces operating in Afghanistan. If Islamabad at one time had tried to influence the course of Afghanistan's history, by 2002 it was all too obvious Islamabad's Forward Policy had rolled back on itself.[355] To signal the shift in its policy, it lend support to Hamid Karzai's government, and attempted to facilitate the return of Afghan refugees.

Pakistan started closing down certain camps and cooperated with the UNHCR in assisting repatriation. The Voluntary Repatriation Program led to closing down of the sprawling Nasir Bagh refugee camp in the suburbs of Peshawar city. Housing more than 80,000 individuals and established in early 1980s, Nasir Bagh was formally closed in May 2002. The infamous Jalozai camp[356] near Peshawar too was dismantled. In case of Jalozai, the refugees were relocated to other camps before repatriation started.

Pakistan allowed the UNHCR to set up Voluntary Repatriation Centres, hereafter (VRCs).[357] Refugees requesting repatriation assistance under the Afghan government and UNHCR facilitated program are verified at VRCs established throughout

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[355] *Pakistan: AT the Crosscurrent of History*. pp. 338-339

[356] Jalozai became a refuge for desperate Afghans fleeing civil war and drought beginning in late 2000 when they could find no other place to settle. The unofficial Jalozai site was a precarious haven where they endured tremendous hardship. Many succumbed to the winter cold and the stifling heat waves of 2001 as they lacked suitable shelter and sanitation.
Conditions at Jalozai deteriorated further following the post-11 September refugee influx. Seeking to avert a humanitarian crisis, UNHCR and the Pakistan government reached an agreement to relocate Jalozai's undocumented refugees to new sites where full assistance and protection could be provided.

[357] Each of these repatriation centres had the capacity to process repatriation of 5,000 Afghans per day.

Pakistan and Iran. In order to prevent possible abuse of the repatriation assistance, UNHCR workers carefully screen refugees during interviews at the agency's registration centres. This rigid verification is carried out to make sure that only genuine returnees are registered and entitled to the basic necessities. Once registered, the refugees are given a voucher they can then turn over to one of the 32 distribution points being set up in each Afghan province, where they receive up to $100 per family to cover their transportation costs and other basic necessities. [358] Registration documents serve as ID papers in Afghanistan.[359]

UN refugee agency staff inside Afghanistan scrutinizes returnees prior to handing over assistance to better ensure that that their repatriation is permanent. This showed an improvement in the UNHCR' strategy in dealing with repatriation. The encashment programme of 1992, discussed in detailed in the third chapter, was flawed, as it did not ensure return. This time UNHCR had become more cautious and wanted a permanent and successful repatriation. In place of the previous system that saw returnees collect travel assistance and grant of $100 per family, since June 1, 2002, the UNHCR has established a graduated system under which Afghans going back to Nangarhar and other eastern provinces now receive $10 per individual. Those heading to central Afghanistan get $20 while those returning to northern provinces receive $30 per person.[360]

There are mobile teams of UNHCR and Society for Human Rights and Prisoners Aid (SHARP, an NGO that helps in the voluntary repatriation program), carrying out verifications on spot. These teams visit the homes of intending returnees, who request them to accompany them to their homes. The members of the family are questioned and the team must be convinced that the family is really returning and is not

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[358] Under the assistance program, UNHCR provides each returnee $20 or $100 per family of 5 in transportation expense on arrival in Afghanistan. They also receive 150kgs of wheat from WFP, and from UNHCR plastic sheeting, kitchen set, blanket and hygienic kit at their final destination. UNHCR. *News Stories*. 15 March 2002.

[360] *The News International*. June 27,2002

composed of "recyclers"- people who have already received aid but are now back in Pakistan hoping for a second payment.[361]

Pakistan does not want recyclers, as it would not lead to shedding the refugee burden. Moreover, it would be earning the critioism of Afghanistan and international community for welcoming refugees, whom they now think should be in their own country rather than in Pakistan. Therefore, officially, it keeps its border with Afghanistan closed for new refugees as well as recyclers. It wants one-way movement – Afghans going back to their country and not coming back. However, the problem of recycling persists despite strategies adopted both by Pakistan and the UNHCR

Admitting the recycling of Afghans, Rudd Lubbers at the beginning of repatriation program said we have to be more serious towards checking the Afghans returning to Pakistan. The UNHCR is cautiously checking the refugees so that those coming back should not apply for assistance again. However, he said the government of Pakistan should also be active to check the problem.[362] But, with no birth certificates or other records to examine, sorting the bogus from the real involves indirect checks like talking to neighbors, comparing the histories related by family members and if their luggage contains kitchen equipment.

> "Dealing with the problem ....is not easy, for there is no sure way of identifying a recycler. An average caseworker who fills in 50 forms a day, six days a week cannot possibly remember all the faces he has seen. He has little to go on but his instincts and memory. And a recycler will often send different family members – a husband, a wife, and a son - to the VRC each time, thereby making recognition even more difficult. Every now and then, of course, a caseworker will spot someone he knows he has seen before, but for the greater part, the matter is one of suspicion and uncertainty."[363]

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[361] Ibid
[362] *The News International.* April 19, 2002
[363] *Taking Refugees for a Ride?*, p.21

The difficulty was compounded by the unexpectedly large numbers of people passing through the VRCs and encashment centers during the peak months of the return. The staff was under great pressure during these months to work quickly, so that the returnees, especially children did not have to stand for long periods in the sun. It was therefore, impossible to engage in time-consuming verification procedures.[364]

Since the facilitated repatriation initiative kicked off in March, UNHCR workers in Pakistan till mid July 2002 rejected over 50,000 applicants representing more than 253,000 individuals who did not appear intent on permanently returning home. The rejected Afghans seemed interested in collecting UNHCR's assistance grants and family kits along with WFP food rations before trying to re - enter Pakistan. It saved UNHCR some $5 million in travel assistance along with the cost of more than 50,000 family kits, plus some 6,000 metric tones of WFP food aid.[365]

However, there was fear that mistakes had been made in refusing assistance to legitimate refugees. This problem has been taken note off and UNHCR feels that it will not be repeating similar mistakes. "Last year (2002) we tried our best. But sometimes we were too busy and some staff did not get enough training, said Nawal Atme, a member of the Swedish Refugee Board seconded to UNHCR. "This year we will have no excuse." Staff is being given a month long intensive training to identify and verify genuine returnees. Some of the staff is made to play the role of would – be returnees to test the skills of workers undergoing training. "We have fake families and all kinds of case–complicated cases that repatriation staff always encounter," says Atme. "Its more than detecting those not entitled to assistance – they must understand that not all refugees are cheaters and recyclers," she added, referring to people seeking assistance more than once.[366]

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[364] Ibid. p.21
[365] "UNHCR Trims Aid Programmes as Record Numbers Return to Afghanistan." *News Stories*, July 23, 2002
[366] UNHCR, "UNHCR Gears Up for 2003 Afghan Repatriation." *News Stories*. February 24, 2003

To prevent Afghan recyclers from getting repatriation assistance, Iris Technology was first setup at the VRC in Peshawar. This technology was predicted to have the effect of "ultimately eliminating recyclers. This move has obviously been motivated by the best intentions, notably that of enabling staff to "concentrate on persons of concern, and devote more time to assisting vulnerable individuals." [367]

5.3 Iris Technology Used to Prevent Recyclers

Iris recognition technology has been used for years in airports and security compounds, but this is the first time, it is being used in the low-tech refugee world. Aid groups have used other techniques in places like Africa to verify who's received assistance and who hasn't, namely marking refugees with invisible ink or wristbands.[368] This new technique used in addition to the previous checks made by the UNHCR, is based on the fact that each human iris, the colored portion of the eye is unique. Each refugee over the age of 16 who is seeking UNHCR assistance to repatriate will be checked. The system, which is provided by Iridian Technologies, takes only a second to check whether the same person has been recorded before.

The 20-second iris scanning is simple. A photo is taken of the eye, converted into digital code and registered in a database. The digital code for each iris is stored without any personal information, such as the identity of the individual, to ensure it cannot be used for any purpose other than detecting those seeking UNHCR travel assistance for a second time. The technology is entirely safe, involving no risk to the eye.[369] If somebody has been registered before, the database will not accept it. "It's much more accurate, and much more quicker than fingerprinting."[370] The UN does not fingerprint refugees, but determines their identities instead with photographs and interviews that record what village they are from, their family makeup, why they fled and when. Beating the system means winning extra supplies and cash.

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[367] *Taking Refugees for a Ride?* December 2002, p. 25
[368] *The News International.* March 19, 2003
[369] *The News International.* October 2, 2002
[370] *The News International,* March 19, 2003

The UNHCR first set up iris scanning machines at Takhta Baig (Repatriation Centre, on the outskirts of Peshawar) between October and December 2002. About 15,000 refugees were registered with the system and some 200 - who turned up matches in the UN database because they had already registered-were rejected.[371] In 2002, roughly 1.8 million returned. About 300,000 others tried to register as refugees again but were rejected, mainly by UN staff who had seen them before.[372] A few were Pakistanis pretending to be refugees.

The iris testing proved to be effective, so it was decided to deploy it full scale in the year 2003. The UN set up iris scanning facilities in three main crossing points in Pakistan - Takhta Baig, Ali-Zai (in the remote tribal areas along the central part of Pak-Afghan border) and Chaman in Balochistan. A fourth will be established in the Afghan city of Khost.[373] The Iris test has been welcomed by UNHCR staff as a non - subjective check for refugees receiving travel assistance to repatriate. But it still must be supplemented by the judgment of the staff, both to detect potential abuse, such as repeated returns by children under 12 who cannot be iris tested, and to ensure protection of vulnerable refugees.[374]

The Iris technology has its critics too. While on one hand it helps, the UNHCR to aid only those who actually intend to repatriate and discourage bogus return, on the other, it has been considered as an effective weapon used to control and prevent recyclers, thereby restricting them to cross the border back even if they face problems in their home country upon return. It is considered as another manifestation of an ideology of control and surveillance, which has become institutionalized in the humanitarian assistance regime and which challenge beneficiaries to find ever more ingenious ways of evading its reach.[375]

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[371] *The News International,* March 19, 2003
[372] Ibid
[373] Ibid
[374] "UNHCR Gears Up for 2003 Afghan Repatriation." *News Stories.* February 24, 2003
[375] *Taking Refugees for a Ride?*, p. 25

5.4 Legal Framework for Returnees

The Presidential Decree on the Dignified Return of Refugees, issued in June 2002, by the government of Afghanistan, serves as the main legal framework, to ensure that the basic rights of returnees are recognized and that the voluntary character of return is respected.[376] Steps toward compliance with this Decree and support to the Afghan Government to promote protection through monitoring of returnees' basic rights were initiated in accordance with the provisions of the Bonn Agreement.

Afghanistan, Pakistan and the UNHCR reached an agreement in principle on a legal framework governing the return home of Afghan refugees. It for the first time established a formal process for resolving the 23 - year old Afghan refugee problem in Pakistan. Under the agreement (signed in Oct 2002 approved by the governments in March 2003), UNHCR will continue to assist the voluntary repatriation of Afghan refugees from Pakistan for three more years. It is designed to support a gradual organized return that is sustainable. The agreement with Pakistan is the fourth in a series of such agreements. The government of Afghanistan, UNHCR and the governments of Iran France and the United Kingdom signed the first three.[377]

A Joint Agreement was signed in April 2002 with Iran that provided the legal framework for the voluntary return of more than 300,000 persons until March 2003. According to the Iranian interpretation of the agreement only the 2.3 million registered Afghans living in Iran were covered by the agreement and consequently around 40,000 non-registered Afghan citizens were deported in 2002.[378]

Under the agreement reached in Kabul, the Afghan and Pakistani governments and the UNHCR proposed continuing to assist voluntary returns for the next three years (2003-2005), subject to periodic review. After the three years, Afghans remaining in

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[376] "UNHCR, Returnee Monitoring Report Afghanistan Repatriation January 2002-March 2002" www.relief.int July22, 2003

[377] UNHCR, "Afghanistan Tripartite Agreement with Pakistan.,". *News Stories*. 18 March, 03

[378] UNHCR, Returnee Monitoring Report Afghanistan Repatriation January 2002-March 2002" www.relief.int July22, 2003

Pakistan would undergo screening to identify those who might be in need of refugee protection. UNHCR's chief of Afghan operations, Filippo Grandi, said the agreement provides a solid legal framework for future repatriations.[379] "This is an important step towards strengthening the bilateral relations between the two countries. Given the large size of the Afghan population in Pakistan, the issue of return is an important component in their relations," he said.[380]

According to rough official estimates about 2 million refugees at present live in camps and in cities of Pakistan. Their numbers, however, continue to increase as many of the refugees who had voluntarily returned have sneaked back. Many refugees say economic and security conditions in their homeland must improve before they can return. The tripartite agreement basically aimed at these existing refugees. But it is not clear what the authorities will do after three years, should a large number refuse to go home. It will take quite some time for the situation in Afghanistan to become sufficiently normal to encourage more refugees to return home, should not be lost sight of specially at a time when peace has yet to be fully restored. The tripartite agreement is the beginning of solving the issue of Afghan refugees, but not a final move, to resolve the issue of long-term refugees and wash their hands off the responsibility of so many people left to be repatriated.

5.5 Problems of Returnees

Refugees, who opted to return in the year 2002, had to face difficulties. If the problems of returnees persist, repatriation in the coming years would be gravely affected. While UNHCR has voiced satisfaction with the return so far of more than 1.6 million refugees, but has expressed concern that more must be done to ensure their successful repatriation. "I would say Afghanistan has been very good on repatriation, but there is still the security point," said Lubbers. "There are valuable

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[379] *The News International.* October 24 , 2002
[380] Ibid.

efforts and a good beginning on reintegration, but it is still too weak."[381] Insecurity, including ongoing areas of conflict, crime and banditry, factional fighting between warlords, human rights abuses of women, the presence of landmines and unexploded ordinance, and the continued bombing campaign by US led coalition forces, all present clear dangers to returning refugees.

Lubbers admitted that a major challenge to UNHCR's effort to help Afghans home has been security incidents in some parts of the country that have forced some people to flee, particularly ethnic Pushtun communities living in some northern parts of Afghanistan. The security problems, impeding repatriation and even causing new displacement, have been in the northern regions of Afghanistan, where rivalries between local commanders and harassment of minorities, especially Pushtuns, have flared up periodically since the Taliban forces were pushed out of the north in the autumn of 2001. "It is essential that there should be an improvement in the security situation," he said.[382]

Security is still pretty poor, with attacks on Pushtuns in the north, and on aid workers in many places. Persecution of ethnic minorities is less widespread, but is likely to continue for a long time in rural areas, and areas under the control of various ethnic factions and warlords. In Kabul and other major cities, security problems are related to old scores and rivalries between warlords and their people. In the rural areas, banditry is a serious problem. Warlords and local commanders are harassing the rural poor and collecting 'taxes' from them. There is also the problem of old debts that merchants and landowners are demanding from returnees. Returning refugees have created unbelievable pressures on a very weak economy and services. Resultantly some are coming back to Pakistan.

The question of security is key to successful repatriation, but it is a fallacy to assume that there would be "a more secure Afghanistan by seeing less Afghans going home.

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[381] UNHCR, "Lubbers Happy with Returns, but Worried About Reintegration." *News Stories*. August 28, 2002

[382] Ibid

No, it's the other way round. The process of repatriation is a peace-building process itself."[383] UNHCR has worked to impress upon Afghan government officials and commanders that more aid will flow their way if they can stabilize the security situation and enable those Afghans who fled since the fall of Taliban in late 2001 to return home. "If you can bring refugees home, if you can give them the possibility to reconstruct, rebuild things, if you can go with community projects....then the populations of these villages will be less open to invitations to make trouble. They will say no way we have done that year after year."[384]

Returning refugees are having trouble finding places to live, especially in the capital Kabul, where there is a severe housing crisis. In the country many refugees are arriving to find their houses burnt or bombed. The majority of people who left this country, left as rural people, but in Pakistan they became urbanized. This reflects a major demographic shift. Of the estimated 1.7 million refugees that returned in the year 2002, around one third chose to resettle in Kabul and the surrounding province. These include many people who have never lived in Kabul but who came because they perceived better economic and security conditions.

Baybay Khurd, a 40-year-old mother of nine, is originally from Jalalabad but chose to return to Kabul after she and her family left a refugee camp in Pakistan, early 2002. She thought conditions in Kabul would be better for her and her four sons and five daughters. Instead she said living conditions are worse than what she left behind in Pakistan. "We thought that when the Americans came to Afghanistan, everything would improve. But we have the same problem as we had in the past. Nothing has changed. Our husbands don't have any jobs, and our children are in a very bad condition."[385]

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[383] UNHCR, "Lubbers Happy with Returns, but Worried About Reintegration." *News Stories*. August 28, 2002

[384] UNHCR. "UN Refugee Chief Warns Cash Shortages Threatening Afghan Repatriation." *News Stories*. April 20, 2002

[385] Mark Baker, "Afghanistan: Kabul's Refugees Passed Over by International Aid", *Radio Free Europe. Radio Liberty*. Http://www.rferl.org accessed on September 19, 2002.

Large numbers of refugees returning to Afghanistan are going to Kabul, partly because of lack of security in other parts of the country. It means that return to those places is not generally viable. In Kabul, the shortages of housing and inadequate infrastructure have caused concern about the spread of disease and the provision of basic services.[386]

In particular, more attention should be paid to the countryside, to prevent the cities from becoming 'over-burdened' with rural returnees who are unable to sustain a livelihood in their home villages. "There are a lot of ruins, both physically and in terms of institutions, jobs created, schools needed to be built, and education provided."[387] Key issues preventing people from returning are land occupation, control of water supplies by local commanders, illegal taxation, forced recruitment, as well as the lack of jobs, shelter and other infrastructure.

Acknowledging that the massive 2002 repatriation created problems in a country with devastated or non-existent infrastructure, UNHCR stressed that Afghanistan's capacity to welcome back its citizens had to be built up rapidly, with active participation by development and aid agencies. The fluidity of the situation in Afghanistan, the current high rate of refugee returns, and the lack of absorption capacity in the country could have a destabilizing effect in the course of a fragile transitional process. If the rate of refugee returns exceeds absorption capacity, then this in turn impacts on the sustainability of returns

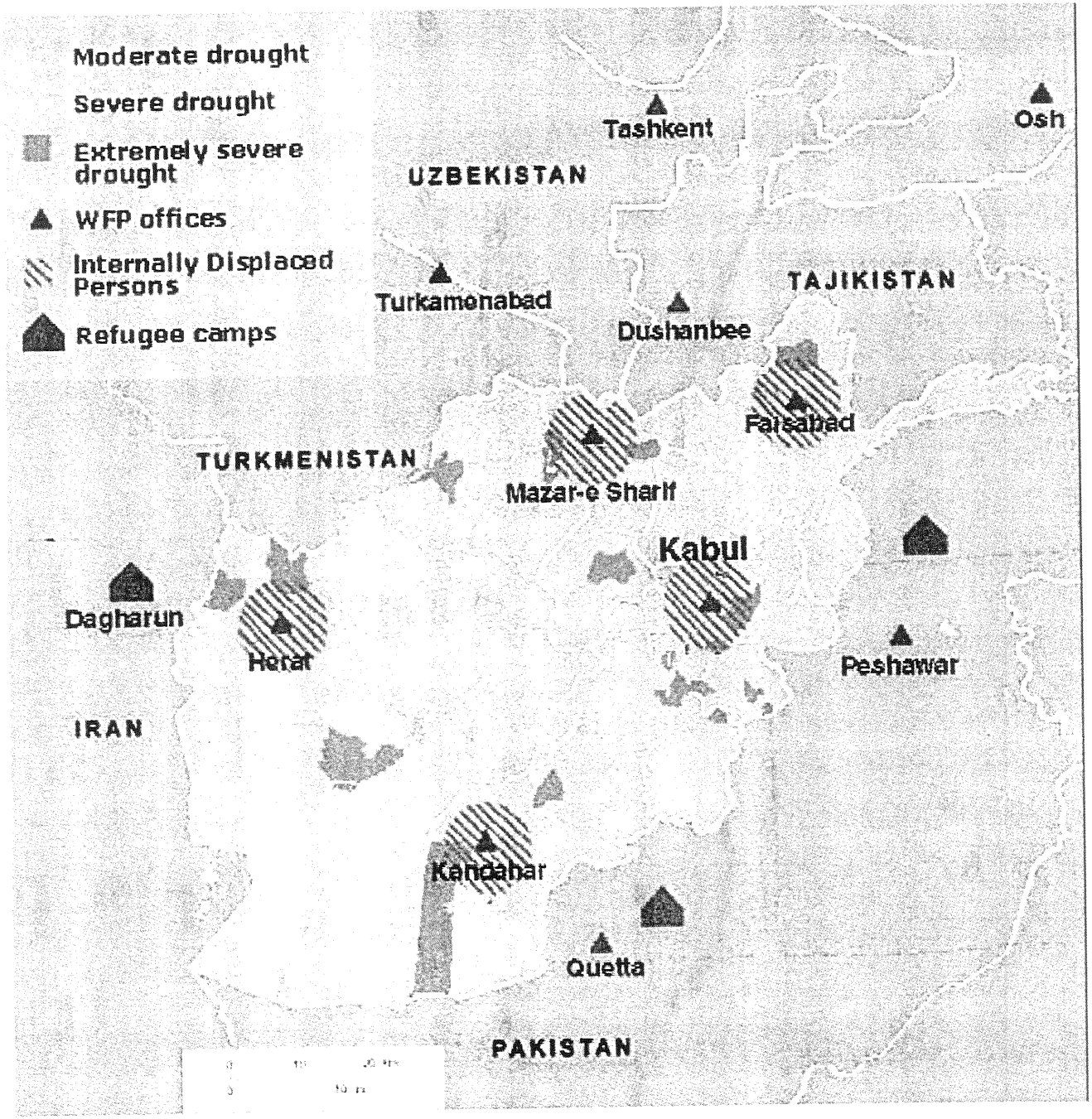
Food security is a major and continuing problem. There are serious concerns about the availability of food and water following three consecutive years of drought. The World Health Organization (WHO) has stated that six million people depend on food

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[386] Brian MacQuarrie, "Stream of refugees swells squalid Kabul," *The Boston Globe*, 1 May 2002

[387] UNHCR. "High Commissioner for Refugees for Repatriation of Afghan Refugees from Pakistan." *News Stories*, March 2, 03

DROUGHT IN AFGHANISTAN AND THE REFUGEES, OCTOBER 2001



Source: World Food Programme

aid, and another six million people have no access to basic necessities. In northern Afghanistan, an outbreak of locusts is destroying the wheat crop. [388]

Medicines Sans Frontiers (MSF) and the WHO have warned of an increase in the spread of serious infectious diseases, particularly diarrhea, tuberculosis etc, as Afghan refugees return to a country without a functioning health care system. Already, MSF has reported a dramatic rise in the number of patients they are treating as repatriation increase. [389]

Basic infrastructure in the country needs to be rebuilt and restored to make return for refugees more attractive. For example, only 13 per cent of Afghanistan's road infrastructure was paved in 1991, most of which has been further destroyed by the recent hostilities. The telephone and telegraph network that linked major towns hardly function. Educational facilities have also been severely affected by years of conflict.[390] Great attention is needed in these sectors, as they play an important role in pulling refugees home.

It is essential that return is sustainable in order to break the cycle of displacement. Although the international community, including UNHCR, cannot and should not obstruct the individual decision of a refugee or refugee family to return to Afghanistan, it is incumbent on those engaged in facilitating repatriation that refugees are fully informed about the lack of sustainability of the current situation, as a consequence both of the instability of the situation and diminishing absorption capacity.

Some 4.5 billion dollars of aid was pledged at a conference on Afghan reconstruction in Tokyo earlier in 2002. But donor nations have been reluctant to produce the money

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[388] David Brough, "UN's FAO Battles Locust Swarms in Afghanistan Wheat Area," *Reuters*, May 13, 2002

[389] Integrated Regional Information Network, "Afghanistan: Threat of Increasing Disease as Refugees Return," May 14, 2002

[390] See Asian Development Bank, News Release No. 052/02, April 9, 2002

while fears over the country's stability persist. Total stability would not return to Afghanistan until aid had been delivered and the refugees had come home. "People think that UNHCR has cash reserves, that is not the case. Up to now it is functioning but we have to live from day to day, so we have really got to have money from the international donors," said Rudd Lubbers. 'Sometimes the aid has gone to bogus returnees; these bogus claimants have used the border as a 'revolving door' to secure money several times. More than one hundred Afghan families who repatriated have re-migrated to Pakistan because of lack of jobs, security and shelter.[391]

Nevertheless, while recognizing the difficulties that still beset the country, and the risk that international attention may be diverted elsewhere, the High Commissioner was upbeat about the importance of repatriation process. "I 'm convinced that we are on the right track and that the solution cannot be to track back, as it were, to keep the people outside and not promote this process."[392]

5.6 Current Repatriation Process: A Critique

Afghanistan cannot yet be described as being in a post-conflict situation. The voluntary repatriation program of 2002 has been criticized by many for its shortcoming. Afghanistan Research and Evaluation Unit (AREU), an NGO, report has described the repatriation of nearly 2,000,000 refugees to Afghanistan in the year 2002 as premature, hasty and misguided. The NGO, which is based in Kabul, has strongly criticized the push to return so many Afghans when it says the country is still ill equipped to provide basic services for them like running water.[393]

"Certainly mistakes were made by the international community and by the government in Afghanistan in encouraging wide range of refugees to return," said Andrew Wilder, AREU's director. The report underlined growing concern that

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[391]UNHCR, "Repatriating Afghan Refugees Remigrate." *News Stories*. September 13, 2002
[392]UNHCR "High Commissioner for Refugees for Repatriation of Afghan Refugees from Pakistan." *News Stories*, March 2, 2003
[393] The World Today, "Afghanistan not ready for refugees return: report", *Australian Broadcasting Corporation*, February 5 2003

continuing short-sightedness about the country's ability to absorb millions of extra people in its cities, towns and countryside would put more lives at risk as the 2003 repatriation season gets under way in March.[394] "We should not create an avoidable humanitarian crisis by facilitating the return of large numbers," Wilder said, noting that donors should support refugee protection programs in Pakistan and Iran. It will be in the best interest of refugees to remain where they are," he said. The research organization blames the Afghan government and foreign donor countries for the mass movement, because the large influx of people has put extraordinary pressure on a country already suffering from more years of civil war. The report blames neighboring countries, donor interests and the very organizations set up to help the returnees as not catering to their interests at all[395].

Some like Mahmoud Saikal (Australia's ambassador to Afghanistan) reject the criticism made by the AREU. He said that no one could have anticipated just how many Afghans would return home. We had no other option but to welcome them and to share the very little that we had with them. So to say that the Afghan government encouraged the refugees to return home is not correct. At the same time we could not tell them not to return to their country, as some were living in appalling conditions in Pakistan and Iran. But in terms of economic activities and reconstruction, things are going very slow.[396]

Refugees decide to return to their countries of origin for a range of reasons, which may include poor conditions in their country of refuge, protection of property, family or community pressure, or security. It does not follow that because a person has returned that the decision to return was truly voluntary. It is therefore critical to guard against institutional or other external pressure on refugees to return.[397] In the Afghan

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[394] *The News International.* February 11, 2003
[395] The World Today, "Afghanistan not ready for refugees return: report", *Australian Broadcasting Corporation*, February 5, 2003
[396] Ibid
[397] Andrew Clenell and Mark Baker, " Ruddock's mission to repatriate Afghans." *The Sydney Morning Herald,* 17 May 2002

case this was truer as external pressures existed in making large numbers move back to their own country.

In order to ensure that the return of refugees is truly voluntary, UNHCR, host states and donor states should collectively guarantee respect for the human rights of refugees, in particular that refugees retain access to their basic social and economic rights in their countries of asylum[398] and do not have them denied in the name of 'encouraging' or 'inducing' people to return.[399] Failure to do so may effectively result in a violation of the principle of *non-refoulement*, the forcible return of persons to a country where they may face serious human rights abuses, which is prohibited by customary international law. Treatment which has the indirect effect of forcing people to return in such circumstances would constitute a "constructive" *refoulement.*[400] While objecting to the criticism that Afghan refugees were *refouled*, the reality remained that Pakistan government openly pronounced its policy of having enough of Afghan refugees. They were encouraged to return and the time framework, screening of new refugees and the linkage of assistance with repatriation reflected the motive of pressurizing refugees to leave.

The installation of the Transitional Administration in Afghanistan does not provide sufficient grounds for concluding that asylum seekers and refugees, including those who did or could have claimed refugee status prior to the installation of the Transitional Administration, are no longer in need of protection. Indeed, the situation in Afghanistan since the commencement of the US bombing campaign on 7 October 2001, may in some cases have created or opened up new grounds for individuals to claim protection from persecution in Afghanistan. However, Pakistan is keeping a

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[398] The social and economic rights of refugees and asylum seekers are recognized in a number of instruments, including the Universal Declaration of Human rights, the Convention Relating to the Status of Refugees, International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child. Pakistan is not a party to any of these instruments, except the Convention on the Rights of the Child. Iran is a party to the four treaties, and Afghanistan to all but the UN Refugee Convention.

[399] Amnesty International, "Afghanistan: Continuing Need for Protection and Standards of Afghan Refugees," July 25, 2002

[400] Ibid.

strict policy of not encouraging new refugees. Previously, it was criticized by the international community for closing its border, but 9/11 events have brought about a change in the attitude of the US and its allies. Actually the border closure means that Taliban who want refuge in Pakistan are denied asylum, which in turn serves their political motive of routing out the Taliban and Al-Qaeda members.

The situation in Afghanistan remains fluid and is not conducive either to the *promotion* of voluntary repatriation or to invoking the 'ceased circumstances' provisions of article 1C of the 1951 UN Convention relating to the Status of Refugees, which permit the withdrawal of refugee status in limited circumstances. It is significant that the position of the Office of the UNHCR has been to facilitate, but not to promote, voluntary repatriation. According to UNHCR "[p]romotion of repatriation can take place when a careful assessment of the situation shows that the conditions of 'safety and dignity' can be met: in other words, when it appears that objectively, it is safe for most refugees to return and that such returns have good prospects of being durable."[401]

While stopping short of promoting voluntary repatriation, UNHCR is encouraging states to engage in 'active counseling', including of asylum seekers, reporting that "the time is now ripe for Afghans – wherever they are and at whatever stage they may be in the asylum process – to be offered the option of voluntary repatriation."[402]

In a *UNHCR Note on Basic Considerations Regarding Returns to Afghanistan from Non-Neighbouring States*, dated 10 July 2002, UNHCR states that:

> "*current changes are indeed generally conducive to the safe return of a broad spectrum of Afghans, the Office advises that asylum-seekers be actively counselled about the situation, as well as on possibilities*

[401] See UNHCR Handbook, *Voluntary Repatriation: International Protection*, 1996. Chapter 3, Section 3:1

[402] See "Assisted Repatriation Should be Offered to All Afghans: UNHCR," UNHCR Press Release, July 16, 2002

for assisted return. Exercise of the voluntary repatriation option and/or a withdrawal of asylum applications would tangibly relieve asylum systems in a number of States, pre-empting the need to process many of the claims, especially those related to the rule of the Taliban, where international protection is no longer an issue."

UNHCR's changed position comes at a time when a number of non-neighboring states have been looking to return Afghans from their territory. At the same time, UNHCR has been issuing pleas for additional funds to support the facilitation of voluntary repatriation.

Rudd Lubbers has pointed out that it is now "important for us to organize in Afghanistan that the returns are sustainable." "Secondly, we are now in 2003. We have to strike a balance with a continued repatriation, maybe a little bit more gradual, not to overburden Afghanistan at this moment," he said.[403] He said Afghanistan must remain a priority and that ensuring sustainable returns of refugees and the internally displaced would contribute to long term stability in the region.

Assessing the ground realities, it is obvious that returnees are not happy with the slow process of development and the prevailing political instability. While Afghanistan wants them back, it does not want them to migrate to urban centers, which has led to exacerbating the economic problems of the country. Reintegration is a complex process and it takes years before returnees who have lived for decades outside their home country to integrate into the civil society. Unless the challenges are tackled successfully by the major actors involved–UNHCR, Afghanistan, Pakistan-repatriation in the coming years will not continue in the manner desired by the actors.

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[403] UNHCR, "High Commissioner for Refugees for Repatriation of Afghan Refugees from Pakistan." *News Stories*. March 2, 03

CHAPTER 6

Conclusions

Pakistan has been pursuing repatriation of Afghan refugees since the 1979 Soviet intervention in Afghanistan. However, when assessed one can notice the level of priority it actually gave to repatriation since then. Different stages in dealing with refugees and their repatriation are noticeable. In the beginning they were considered a strategic asset by Pakistan and the environment was conducive for housing over three million refugees. Later on they lost their strategic value and were increasingly seen by the government as a burden.

This chapter summarizes the different phases in Afghan refugee repatriation and looks into the factors that led to past failures in repatriation. It addresses the question whether the 2002 repatriation is moving towards success or failure. It ends up by giving suggestions as to what various actors – Pakistan, Afghanistan, UNHCR and refugees – should do, to make the 2002 repatriation successful and comprehensive. As remarked in the first chapter of the thesis, comprehensive/successful can take place only when refugees are effectively attracted and sustained by the Afghan government and Pakistan does not encourage them to cross the border to seek refugee, if the political and economic environment in the home country is conducive.

Refugee repatriation has been hostage to the politics of the actors involved in Afghanistan. The process went through different phases – starting from low returns to massive repatriation whenever the situation in Afghanistan improved. An overview of these phases reflects how politics effected refugee repatriation.

6.1 Different phases in repatriation of Afghan refugees

a. Pakistan welcome Afghan refugees

During the 1980s while the government talked about repatriation of Afghans it however was more receptive and happy to host millions of refugees, as the presence of the large displaced population from the neighboring country gave General Zia's regime the required international legitimacy, desired and necessary for military dictators to stay in power. The West was willing to assist General Zia to host refugees, as he pursued anti-Soviet policy, thereby engaging the country in the Cold War politics. Some of these refugees were used by Pakistan for strategic purposes in order to purse its Afghan policy, which was more in line with the stance adopted by the West. Pakistan became the convenient proxy for US in the Cold War fought in this region, thereby receiving economic and military assistance to help *mujahideen* oust the Soviet troops from Afghanistan. As a result of this, refugees were welcomed in Pakistan and assisted to stay. The international community responded to the three million refugees by providing work opportunities and infrastructure to integrate Afghans in camps along the border in Pakistan.

The US changed its policy toward Pakistan after the Soviets completed their withdrawal from Afghanistan in February 1989. As it marked the end of Cold War, the refugees were no longer considered as 'assets' (useful for strategic purposes) as they had been seen during the earlier period. During the Cold War, these refugees were valuable to the US and its allies. They were used by their hosts to carry out insurgencies in their home countries. Overall these changes were reflection of the world refugee politics. Refugees were not simply a humanitarian issue dealt on humanitarian grounds but very much entangled in the politics of countries involved.

b. Repatriation of Afghans after the Soviet withdrawal from Afghanistan in 1989

With the end of the Cold War, repatriation surfaced as the primary solution. In the changed international context (late 1980's) it should not surprise us that the preferred, vocalized policy for handling refugees became repatriation. The options of integration and resettlement were firmly dropped by the 1990s, as the decade was dubbed by the UNHCR one of 'repatriation'. The UNHCR wanted to pursue every opportunity to make voluntary repatriation happen. While most of these refugees were now residing in third world countries and not in the developed world, hosting them became a major problem for the poor hosts. Suddenly, there was a wave of Cold War refugees returning to their countries, as the international system underwent a change. As the Soviets withdrew there were expectations the world over that Afghan refugees would also return. This was a point, where the political interest of Pakistan and US, began to differ, the latter was no longer interested in Afghanistan and started distancing itself from Pakistan. Pakistan on the other hand, while, pleased with the Soviet withdrawal did not approve of President Najibullah being in power. For refugees, a main obstacle for return had been removed, withdrawal of the Soviets. However, now they were obstructed by the *mujahideen* to return. The official Pakistan policy of repatriation meant nothing as the ISI and *mujahideen* were opposing it.

The ISI was not ready to give up the fight until Communist government had been replaced and Islamabad had established its influence over the future Afghanistan. There were differences between the ISI and the government over the country' Afghan policy. While the government wanted refugees to repatriate and improve relations with the Afghan government, the ISI and *mujahideen* still resisted Najibullah. The ISI had grown accustomed to functioning outside the authority of the regular army. It seemed, as the control of the Afghan policy was more in the hands of the ISI than the government. [404] By running both Afghan policy and operations, the ISI had no room for critical appraisals, accommodating dissent from the status quo, nor the

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[404] *Pakistan: At the Crosscurrent of History*. pp. 213-214

imagination or flexibility to adapt to changing situations and the ever-evolving geo-political involvement.[405]

In Afghanistan, the monumental change of Soviet withdrawal, however, did not bring peace. The civil war continued, the *mujahideen* continued their jihad against President Najibullah. Continuing conflict, the political impasse over formal repatriation program, an ineffective international humanitarian assistance and reconstruction programs all obstructed Afghan repatriation. Most of the Afghan resistance parties opposed refugee return, claiming that an Islamic government must first reign in Kabul. Using harsh propaganda campaigns, they described return as being traitorous to *jihad* and serving the Kabul regime's policy of national reconciliation. Some of the refugees, who decided to return voluntarily, were harassed, intimated and tortured. Most refugees took these incidents as indicators of the country being insecure, and not safe for early return.

In Pakistan, the cost of assistance to Afghan refugees spiraled out of control. Secondly, repatriation has an underlying theory, it is that refugees are a temporary phenomenon and have to return to their homes once conditions improve. In such situations hosts and international agencies have to assist them in their safe return. In the 1990s, however, the criteria of safe return was not fulfilled in most cases, because external pressure meant that independent decisions to return were not taken by refugees.

Pakistan, once a patient host to millions of Afghans, now showed impatience, and started stressing the need for voluntary repatriation. While the world was not surprised by this change of policy, however, Afghans were not yet ready to repatriate as the conflict continued in the country despite the withdrawal of Soviets. They required the appropriate time and space to return. Given the change at the global level, Pakistan, however, received indirect sanction to relieve itself from refugee

[405] *Taliban: Islam, Oil and the New Great Game in Central Asia*, p.188

burden. The fact that voluntary repatriation became the UN's preferred policy; it was interpreted as sanctioning states to repatriate refugees involuntarily.

The focus on repatriation also had a problematic side. Inspired by optimism that the end of Cold War meant the end of many conflicts, that had fuelled displacement, repatriation plans often ignored the real difficulties faced in returning and re-integrating people who in some cases were outside their country or place of origin for decades. Worse, the emphasis on return of refugees reinforced the anti-immigration rhetoric of those who wanted to see poor people more generally contained in the developing world.

c. Massive returns take place during 1992-93: the *Mujahideen* era

The decision by President Najibullah to step down from power in 1992, removed the major roadblock to repatriation. This also enabled the Islamist forces- *mujahideen* to assume control in Afghanistan. This political change played the role of a catalyst for Afghan repatriation. Soon we saw massive flow backs of refugees to their country. The numbers passed one million. These returns contributed to the 1990s being called the 'decade of repatriation.' The 1992 repatriation was not flawless, problems soon surfaced, challenging the sustainability of the program.

The UN had two programs to assist returning refugees.

1. In Pakistan, UNHCR set up an encashment program that offered refugees a set sum of money in exchange for their ration card. The refugees were supposed to use the funds to pay the cost of transportation home and have enough left to buy food and other items for their immediate survival upon return.
2. In Afghanistan 'Operation Salam' (discussed in detail in chapter 3) sought to provide conditions conducive to return, including mine clearance, health programs, rehabilitation of the water supply, basic education, road repair, services for groups with special needs, such as the disabled.[406]

[406] *Pakistan: Afghan Refugees Shunned and Scorned.* September 2001 pp.18-19

Both these two programs faced problems. While some returned to Afghanistan after encashing their ration cards, others stayed back in Pakistan and used the funds to start small businesses or build homes. UNHCR staff could not monitor accurately as to how many of those who encashed their cards actually returned to Afghanistan, because some families possessed more than one cards. UNHCR reports however, suggested a close relationship between the levels of encashment and actual return. This clearly showed that the game of numbers / statistics was well played by UNHCR too.

'Operation Salam' ran into financial, logistical, political and security problems from the start. The encashment program was under-funded and the rapidly increasing demands on the system led to temporary shut downs because of lack of cash. Limited banking capacity system and the difficulties encountered in transferring funds to the encashment centers also affected the program. A country strewn by mines was not easy to be quickly cleared from the menace. Similarly, political stability was yet to evolve, as splits existed in the country.

The UNHCR was not in a position to monitor all the border crossings along the Pak-Afghan border. They monitored only the primary border crossings and that too during daylight hours. Moreover, monitors recorded only clearly identifiable family groups, i.e. they counted trucks carrying families who had brought all their household possessions with them. Partial family return, heads of household returning to assess the situation in their village or beginning the preliminary work of putting up a dwelling were not counted. Nor could the monitors observe the many refugees who arrived at the borders before daylight to ensure that they reached their village in Afghanistan before nightfall. Thus the figures obtained were partial and did not show the true volume of refugee return to Afghanistan during 1992.

d. Repatriation and the Taliban regime

The rise of the Taliban in 1994, combined with continued fighting between 1994-1996, caused further death and destruction that deterred the remaining refugees in Pakistan from repatriating and spurred new flows of refugees to Pakistan and Iran.

The fighting in Kabul resulted in large-scale displacement. During this period again, Pakistan saw an influx of new refugees, who were mainly from urban areas of Afghanistan. The policies of Taliban, particularly their ban on women education and work, not only brought worldwide criticism of the Afghan government but also led to influxes to neighboring countries. However, Taliban did bring some semblance of peace to the country. It was during this period, that refugees were now asked to go back given the security in the country. However, Pakistan came under heavy criticism from both the West as well as Afghans, as it was one of the three countries (Pakistan, Saudi Arabia and UAE) that recognized the Taliban regime and extended support to them. The new refugees were of the opinion, had Pakistan not supported, Taliban would not be in power and they would not have left their homeland and opted for refugee life. Repatriation, however, continued slowly, despite the fighting in the north of the country. Some of the non-Pushtun elements in Afghanistan continued war against Taliban and the ethnic factor surfaced more prominently.

Repatriation occurred mainly to the safe areas of the country. The numbers were not as great as the 1992-93 periods, but still a sizeable number of them returned. UNHCR continued to get funds for the repatriation program and tried to get them safely across the border, but the arrival for refugees meant facing new challenges. However, the anti-Taliban refugees opted to stay back in Pakistan till the regime was over thrown by the US coalition in the wake of September 11, 2001 terrorist attacks, which brought the wrath of the West against Taliban. The Afghan regime soon collapsed in the face of the force used by the West. Pakistan was quick to change its policy, pulling back the support from Taliban. The people in the north of Afghanistan did not hold a favorable opinion about Pakistan, for its support to Taliban, but in the

changing circumstances, Pakistan earned criticism even in the southern provinces of Afghanistan. Giving asylum to some of the fleeing Taliban in the tribal belt further aggravated the situation for Pakistan. The people in the tribal areas were still sympathetic towards Taliban and criticized Pakistan for supporting the US-led coalition in its war against terrorism. They believed that the guests (Afghan refugees) who had been so welcomed once are now being asked by the government to return, which according to them was against the code of *Pushtunwali*.

Pakistanis started talking about asylum fatigue, they had long carried the burden of homing large number of Afghans. The government pointed out that their economy was too fragile to carry the load. The government believed that it was high time to adopt strict measures against new flows. In November 2000, Pakistan closed its border to new arrivals. For Pakistan, the border closure was symbolic. Though it was largely ineffective in practical terms (the border is porous and border guards are easily bribed), it was meant to signal its tougher stance. While the West on one hand criticized Pakistan's attitude for adopting a tough stance against would be refugees, on the other, it was happy to notice that this policy would be in favor of stopping the Taliban and its Al-Qaeda supporters from entering into Pakistan.

e. Massive Returns of Refugees in the Post Taliban Period

Representatives of several different anti-Taliban factions and political groups signed the Bonn Agreement on December 5, 2001.[407] It established a roadmap and timetable for establishing peace and security and reconstructing the country. The agreement contains provisions addressing military demobilization and integration, international peacekeeping, and human rights monitoring. The agreement was a hopeful but uncertain beginning __ a commitment to end the war in Afghanistan and embark upon a process that would lead to the establishment of a broad-based government and fully representative government. Hamid Karzai was to head the interim government.

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[407] *The Afghanistan Wars*. pp. 268-269

In June 2002 a Loya Jirga was held and a transitional administration under the leadership of Hamid Karzai was established.

It was during the year 2002 that massive returns (surpassing the 1992-93 figures) from Pakistan and Iran took place. Though vulnerable and still not conducive to massive return, Afghanistan welcomed back its large displaced population across the border. UNHCR facilitated return to Afghanistan, though expressing its concern about the capacity of the war-torn country to absorb the sudden influx of millions of people. Substantive reconstruction aid for infrastructure repair and employment was still urgently needed to make returns sustainable.

UNHCR adopted a 'phased strategy' to repatriate refugees. It pointed out that repatriation programs aimed to facilitate those refugees returning on their own to begin rebuilding their lives under difficult conditions. However, UNHCR came under heavy criticism from different quarters for facilitating return during a transitional government, a period of instability.

However, Afghans, like other refugees in the world, have the tendency to opt for return when political situations change. Previously, in 1992, when Dr. Najib stepped down from power, refugees returned to their country. For them the Communist regime had ended and it meant starting of a new era in Afghan politics. In 2002, Taliban had been removed from power and a moderate leader, Hamid Karzai, made combined efforts along with UNHCR and Pakistan to make repatriation a success. For this purpose a tripartite agreement (between Pakistan, Afghanistan and UNHCR) on voluntary repatriation was formally signed on March 17, 2003, though it had been agreed upon by the three in the year 2002 (discussed in chapter 4). The repatriation was to be purely voluntary and no forced repatriation was to take place. However, a time period of 3 years was set to carry out comprehensive repatriation. After the completion of the third year, the refugee situation in Pakistan would be reviewed. All

the three parties to the agreement were to take appropriate steps to make return successful.

6.2 Why repatriation failed in the past?

1. Repatriation of Afghans has been on the government's agenda (officially) since the first major influx took place back in 1979. However, the government's action did not match the outlined objective. The reason being that, Afghan repatriation was not on the priorities list of its Afghan policy. The boundaries of refugees and politics became blurred. The country opposed the Soviet invasion and supported the Afghan resistance parties that evolved on Pakistani soil. These parties spread their influence to the refugee camps, controlling them, forcing them to be pawns in the game of power politics. These were the Cold War years; the international refugee regime was such that most of the refugees around the world were encouraged to stay in the host countries. Repatriation was not given priority at that time; reintegration and resettlement were considered the most durable solutions for refugees during that period. This concept prevailed in the West, but it slowly began to cross the frontiers of the West and Third World countries hosting refugees began to adopt similar policies. Pakistan was no exception, the government found it easier to pursue a policy that matched with the policies of the West.

2. Secondly, as US became involved in the Afghan imbroglio; it found in Pakistan a convenient ally to contain the Soviets through the usage of Afghan *mujahideen.* Given these circumstances, Afghan refugees were welcomed by Pakistan and the West. Both superficially talked about their safe return once the conditions improved in Afghanistan but in reality these very refugees were needed by them to support their Afghan policy. This was the period when interests of the three-Pakistan, West and refugees converged. Pakistan and the West were anti-Communist and wanted to overthrow the Communist regime in Kabul, refugees had fled their country because of the Communist regime in their own country and wanted a safe haven till peace and

tranquility returned to their country. They all assisted each other to achieve their own interests.

3. Repatriation could not take off till President Najibullah stepped down, and the *Mujahideen* came to power. Refugees were now encouraged to return. The year of 1992 was marked by massive returns, however, these returns did not solve the problem for Pakistan, as the country still housed millions of Afghans and received new influxes. Situation was far from stable in Afghanistan, and the refugees found refuge in Pakistan safer and convenient than staying or repatriating to their country.

Even with the departure of the old government and the return of 1.2 million refugees, security in the country was still questioned. Political wrangling continued amongst the different factions of *mujahideen*. Even on the eve of its entry into Kabul, the *mujahideen* could not produce a unified vision for a future Afghan government, or a practical program for cooperative construction of a government. The intentions of the *mujahideen* factions to retain power individually became clear when, even before the temporary president Sibghatullah Mujjadiddi, arrived in Kabul, each group consolidated its position in the city and its environs through the massing of fighters and weapons. The legitimacy of the Afghan government as a claimant to the rule of the country was eroded not only by a disunited front and disunited action but the multi-ethnicity contained within the borders of the country. The division amongst different ethnic groups was the result of the ongoing civil war in the country. Civil war continued unabated. Repatriation continued at a brisk pace in 1993, but leveled off during the rest of 1990s, due to the instability that prevailed in the country. There were new flow backs to Pakistan during the year 2000. These figures depicted the volatile situation in the country and vulnerability of those refugees who had already decided to go back to Afghanistan.

In such circumstances, when security had not taken roots, and when neighboring countries still meddled in the affairs of the war torn country, repatriation had to fail

and reverse, depending on the fluctuating situation. The UNHCR had adopted the encashment policy to motivate the refugees to repatriate, but the flawed policy failed in the face of undertaking a gigantic task of making millions return.

4. The UNHCR, in coordination with the government of Pakistan (working through the Afghan Commissionarate) protected the Afghan refugees throughout the years. Given UNHCR's mandate to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems, had to adopt new strategies for Afghans to repatriate to their country, once political changes occurred and the environment became more conducive for return. However, the return process is to be voluntary and not forced. The 'encashment strategy' provided monetary incentives to Afghans for return. When Afghans first came to Pakistan, they were issued ration cards, which entitled them to certain benefits as refugees. These ration cards were to be handed over, at the time of repatriation in order to receive the repatriation grant. UNHCR overlooked a major flaw in its encashment strategy adopted during the 1992 repatriation program. UNHCR could not monitor the actual return through the encashed ration cards. The UNHCR staff had the statistics for the number of rations cards encashed, but the equation with returnees could not be ascertained with surety. As earlier mentioned, they monitored repatriation of families intending to permanently stay in Afghanistan and not individuals, and that too during daytime.

Moreover, UNHCR did not have enough funds to carry out the encashment program either. Returnees felt the crunch, as they were already facing economic problems. The home country was not in a position to immediately reach out and help them reintegrate. The challenges were grave, as civil war still continued unabated. Security and peace being the pre-requisite to any durable and sustainable repatriation, was far from present in Afghanistan. The various factions of *mujahideen* started a new power struggle. This situation brought UNHCR into criticism, as it had repatriated above one million refugees without profound political analysis of the ground situation in

Afghanistan. It reflected that UNHCR was pressurized by the changing refugee regime, which in the 1990s focused more on repatriation and stay-at-home approach. Reintegration of the returnees was not high on its agenda. The new influxes from Afghanistan, spoke of the failed strategy of UNHCR. The failure to continue the 1992 repatriation programme, in the forthcoming years, showed weaknesses in the system.

5. The fresh arrivals to Pakistan in the post 1992 period were an indicator, that Pakistan still faced a grave problem and had to adopt new strategies to repatriate the refugees. The *mujahideen* were now in power, who had politically been supported by Pakistan throughout their years of struggle against the Soviet installed government in Kabul. The *mujahideen* leadership had large followers amongst the refugees, but they were cautious in returning to their country. Some of them returned spontaneously, while others sought UNHCR assistance, but a formidable figure of over 2 million refugees still remained in Pakistan. The Cold War politics of refugees was undergoing change and refugee policies throughout the world were being reassessed. Pakistan too was in a dilemma; it could no longer use the refugees as a strategic weapon (when refugees are used by their hosts to achieve their own objectives), as *mujahideen* were in power who had been backed by Pakistan. Manipulation of refugees in such circumstances was not possible though Pakistan soon developed problems with the Afghan government. As refugees no longer served Pakistan's political objective, they became an added burden for the country, both politically and economically. Pakistan failed to come up with a clear strategy of repatriation during this period.

During 1995, UNHCR along with WFP ended all food aid to refugees based mostly in the villages. They adopted this strategy on the presumption, that these refugees were now self-sufficient and could survive without the agencies' support. Secondly, Pakistan was of the opinion that the end of food supplies would enable refugees to opt for return to their country rather than stay in a foreign country without any incentive/help coming from international quarters. This strategy too failed in bringing

about a large repatriation after 1992. In the wake of this new policy of UNHCR and WFP, most of these refugees instead of repatriating to Afghanistan, migrated to the urban areas of Pakistan, adding to the predicament of urban dwellers as well as refugees themselves.

6. When Taliban took over in Kabul in 1996, repatriation was again affected. The continued fighting not only prevented refugees from returning home but also led to new influxes. Pakistan's problems with the Rabbani government led it to support the Taliban. It gradually adopted a policy that conflicted with the interest of the West, supporting a regime in Afghanistan, which was anti - West in every respect, given their ideological orientation of foreign policy. Pakistan during this period was less concerned with repatriation of refugees as amongst refugees, they once again found volunteers to fight on the side of Taliban against the Northern Alliance (who resisted the Taliban). Officially, Pakistan has never accepted the fact that Taliban originated from the *madrassas* in Pakistan. Therefore, recruitment from these *madrassas*, again became a controversial issue for the government. However, those refugees that had fled Afghanistan, during this period to escape the extreme religious policies of the Taliban, were not in favor of the policy of Pakistan. They on the contrary, criticized it in a subdued manner, as they felt that they were facing the harsh realities of refuge hood due to the supportive policy of Pakistan for Taliban. As Taliban had restored peace in some areas of Afghanistan, it was felt among some quarters in Pakistan, that it was high time for refugees to return rather than prolong their stay. Given the policy of the government and the ground realities in Afghanistan, repatriation during post 1996 period (till 2002) could not take off. Though officially, Pak-Afghan border remained closed, yet refugees were able to cross the line and maintain the refugee figure high in Pakistan.

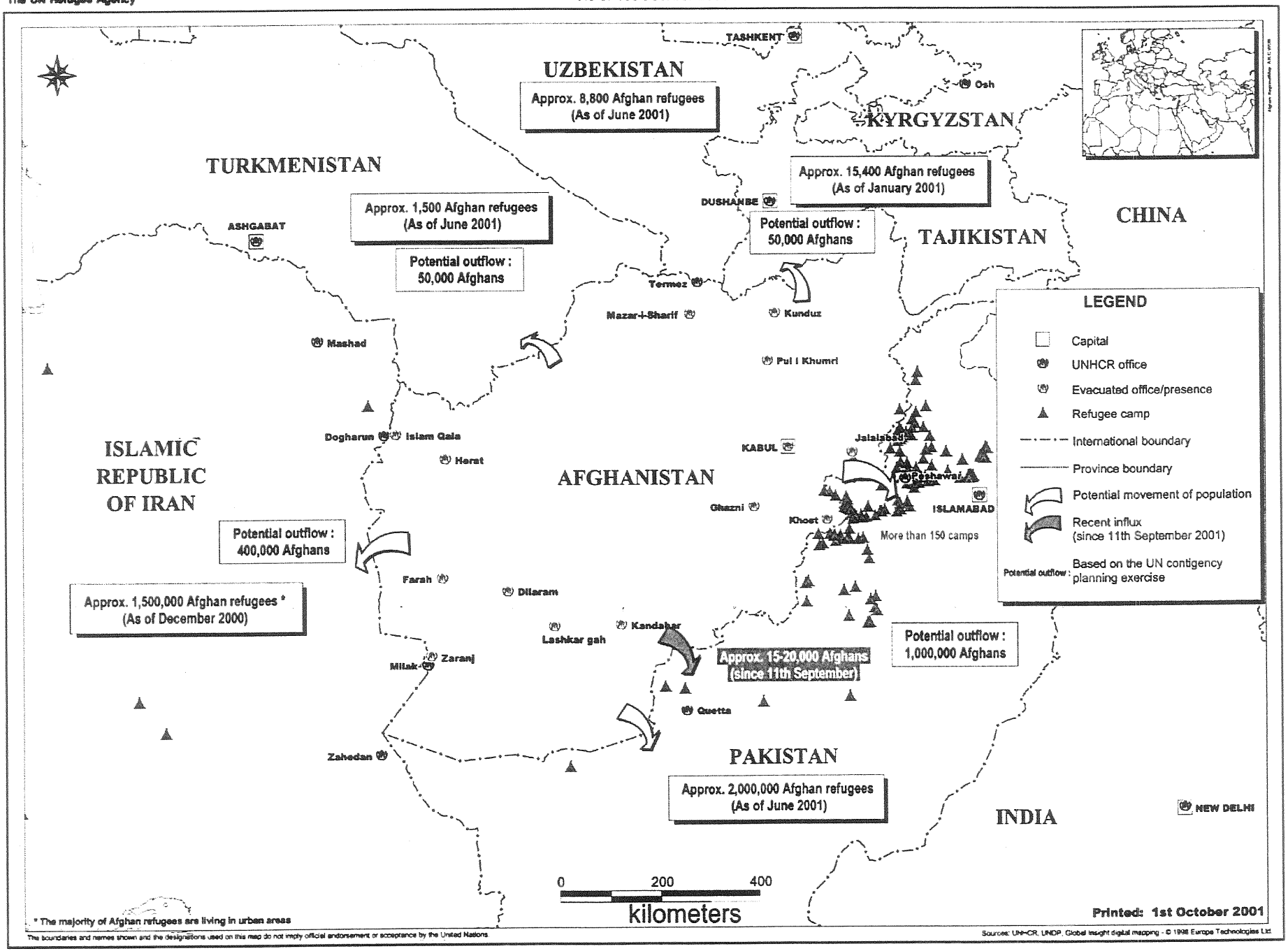
All these past repatriation programs failed due to the incoherent policy objectives of the major actors involved: Pakistan, Afghanistan, UNHCR and the donor agencies. There were flaws in their policies/strategies and lack of coordination amongst them.

UNHCR
The UN Refugee Agency

Afghanistan regional map, Afghan refugees in neighboring countries

As of 1st October 2001

GIMU / PGDS
Geographic Information and Mapping Unit
Population and Geographic Data Section



* The majority of Afghan refugees are living in urban areas

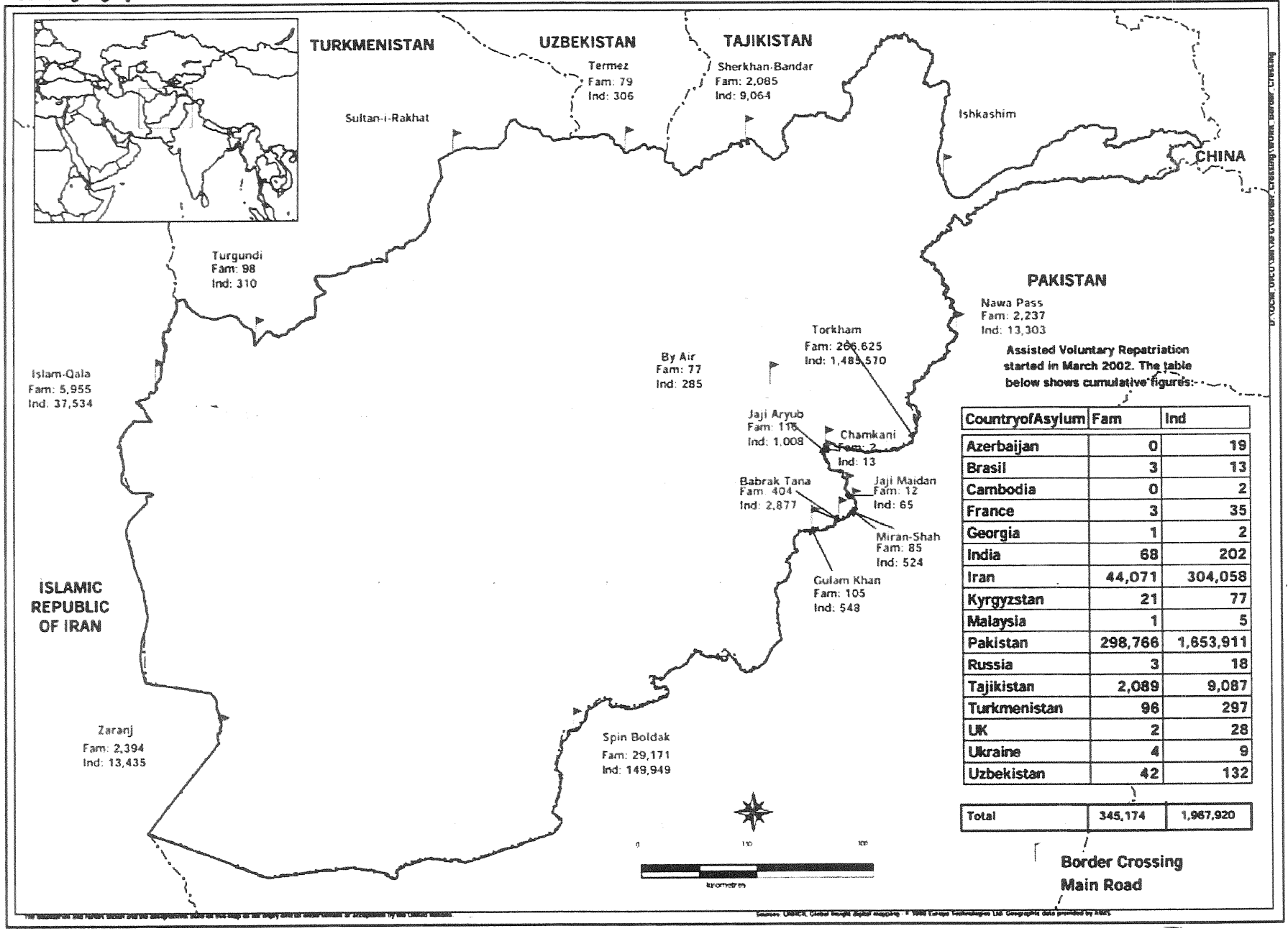
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

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UNHCR
The UN Refugee Agency

Afghanistan - Repatriation by Crossing Points -08 June 2003

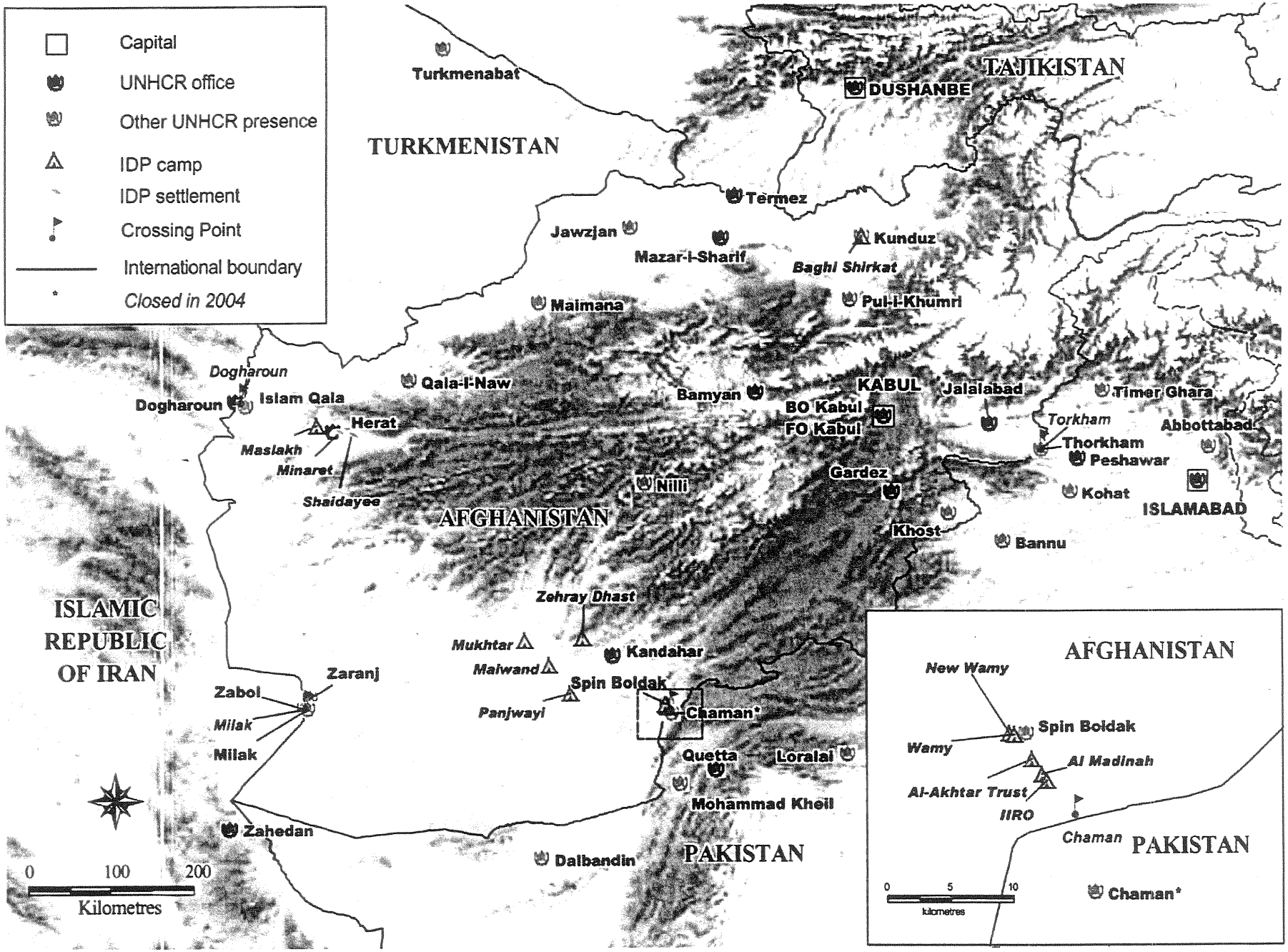
GIMU / PGDS
Geographic Information and Mapping Unit
Population and Geographic Data Section



Assisted Voluntary Repatriation started in March 2002. The table below shows cumulative figures:-

CountryofAsylum	Fam	Ind
Azerbaijan	0	19
Brasil	3	13
Cambodia	0	2
France	3	35
Georgia	1	2
India	68	202
Iran	44,071	304,058
Kyrgyzstan	21	77
Malaysia	1	5
Pakistan	298,766	1,653,911
Russia	3	18
Tajikistan	2,089	9,087
Turkmenistan	96	297
UK	2	28
Ukraine	4	9
Uzbekistan	42	132
Total	345,174	1,967,920

AFGHAN REFUGEE CROSSING POINTS, IDP CAMPS - JULY 2003



SOURCE: UNHCR 2004

The refugee figure in Pakistan at all times remained over 2 million despite the massive flow backs to the country in 1992. The refugee statistics reflected that though repatriation had taken at different times but the refugee inflows in Pakistan kept the problem pending to be resolved in a comprehensive manner.

6.3 Is the 2002 repatriation program heading towards success or failure?

With the fall of the Taliban regime and the installation of transitional moderate government of Hamid Karzai, Afghan refugees started returning home in spontaneous movements. UNHCR and Kabul authorities planned to help the return of Afghans from Pakistan, Iran and the Central Asian republics. Targets were set from the beginning, but the number of refugees returning far exceeded the mark. A phased strategy of repatriation had been chalked out to reduce the burden of housing and sheltering thousands of returnees. The goal of repatriating 400,000 refugees from Pakistan surpassed 1.5 million in the year 2002 only. At the same time Afghanistan made an official call through a Presidential Decree[408] upon all the Afghans residing abroad to return to their homeland and contribute in the reconstruction process of the country. In March 2003, Pakistan had entered into a tripartite agreement with Afghanistan and UNHCR agreeing that voluntary repatriation is the key durable solution. In the year 2003, 343,100 Afghans[409] repatriated from Pakistan with UNHCR assistance and an unknown number spontaneously.

If one looks at the figures of returnees they are definitely impressive and speak of success. Since the arrival of Afghan refugees, the repatriation figures have never been so enormous. The statistics speak of success for all the three concerned- Pakistan, Afghanistan and UNHCR. For Pakistan, repatriation of over 1.8 million in two years (2002-2003) means a great burden reduced, for Afghanistan such a large population means confidence and acceptance of Hamid Karzai's government despite its transitional nature. For the UNHCR, facilitating millions of refugees to return reflect

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[408] *The Presidential Decree on the Dignified Return of Refugees* issued in June 2002 provided a legal framework to ensure the basic rights of returnees.
[409] USCR, *World Refugee Survey 2004*

the important role played by it. It enhanced its credibility amongst donors who are now less enthusiastic about donations for refugee related issues.

Upon closer look at the 2002 program for repatriation, one is left in no doubt to assume that certain flaws do exist in the strategy adopted The initial euphoria amongst refugees to return and the high figures of repatriation however, do not mean that it is leading toward a comprehensive and sustainable repatriation.

1. First, let us look at the issue of numbers itself. In the case of Afghan refugees we have been relying on the statistics of UNHCR and US Committee for Refugees (USCR). They are considered authentic, but if the same figures are compared then one finds major discrepancy in them. The table given below shows the repatriation figures since 1989. No figures are available for the period between 1979-88, as the Soviet troops were still present on the Afghan soil. It was after their withdrawal in 1989, that repatriation started. The figure on the following page shows Afghan refugees and their repatriation during the years 1989-2001.

Table 6.1

AFGHAN REFUGEE POPULATION IN PAKISTAN
& REPATRIATION TO AFGHANISTAN

Year	Afghan refugee Population in Pakistan	Repatriation from Pakistan to Afghanistan (Assisted = A)	Repatriation from Pakistan to Afghanistan (Spontaneous = S)	Repatriation from Pakistan to Afghanistan (A + S) = Sub-Total
1980	400,000	---	---	---
1981	1,400,000	---	---	---
1982	2,375,000	---	---	---
1983	2,700,000	---	---	---
1984	2,800,000	---	---	---
1985	2,900,000	---	---	---
1986	2,700,000	---	---	---
1987	2,878,000	---	---	---
1988	3,156,000	---	---	---
1989	3,255,000	---	200,000	200,000
1990	3,272,000	63,000	87,000	150,000
1991	3,185,000	174,000	26,000	200,000
1993	1,627,000	133,000	225,000	358,000
1994	1,477,000	32,000	71,000	103,000
1995	1,053,000	77,000	76,000	153,000
1996	1,200,000	101,000	20,000	121,000
1997	1,200,000	71,000	13,000	84,000
1998	1,200,000	93,000	---	93,000
1999	1,200,000	92,000	---	92,000
2000	1,200,000	77,000	---	77,000
2001	2,000,000	2,187,000	718,000	2,905,000

Source: UNHCR, 2001

There were around two million Afghans both registered and un-registered in Pakistan by the end of year 2001. The repatriation of over 1.5 million in the year 2002 only left half a million, but according to the *World Refugee Survey* of 2004, there are still 1.2 million Afghan refugees in camps and an unknown number outside of the camps,

despite the return of another 343,100 Afghans in the year 2003.[410] As there had been no census of Afghan refugees by then, the actual number of Afghans in Pakistan was not known, which means that the UNHCR statistics regarding Afghan repatriation cannot be totally relied upon.

2. From the repatriation process, it is obvious that return is more emphasized than the sustainability of refugees in their homeland. Return is important to both the home and host country, but the latter is always apprehensive of the flow back in case sustainability in the home country is not given priority. Sustainable return happens when returnee's physical and material security is assured and when a constructive relationship between returnees, civil society and the state is consolidated. The Afghan government has not emerged strong enough to exert control beyond the capital. It has yet to bring security to the country and build up the infrastructure, to absorb and sustain the returnees. The economy has to be revived to provide not only to sustain the official expenditure but also to provide jobs to those who desperately need employment to start a new life in Afghanistan. When the government is still dependent upon the international community for funds and ISAF for security, it cannot be expected that life for returnees is better off than the one they spent in Pakistan. Unless returnees are ensured political, economic and social security, their reintegration is a big question mark. If repatriation is to be successful, then the numbers crossing the border is not the only important factor, their sustainability and integration is equally important.

3. UNHCR is said to have facilitated the current repatriation. Though in theory it is voluntary in character, but in reality UNHCR has been motivating them to return to provide credibility to the government of Hamid Karzai. The nominal monetary benefits and some basic kitchenware and utensils are the incentives provided to those who opt for return. UNHCR teams are carrying out an active media campaign amongst various camps to impress upon them that the time is ripe to return. Money

[410] USCR, *World Refugee Survey of 2004*

has always been an attractive incentive for refugees, but when the funds dry up, UNHCR is left in dilemma. Funding for the refugee agency's repatriation and assistance operations in Afghanistan remains tight. UNHCR has so far received only $72 million, or 37 percent of the $194 million required for repatriation and reintegration projects in Afghanistan.[411] Though UNHCR may be providing meager assistance to each refugee family in case of repatriation but it costs millions of dollars to an agency, which survives on funds, and has to repatriate large numbers.

While repatriation of large numbers became a success story for UNHCR' s achievement during the years 2002-2003, yet it brought into question whether the organization fulfilled its duty by repatriating refugees in conditions of safety and dignity. The fact that UNHCR continues to facilitate and not promote voluntary repatriation to Afghanistan is significant that in doing so it acknowledges that the situation in Afghanistan is neither "objectively safe" for returnees, nor in its estimation most of the returns are likely to be durable.[412] The numbers assumed importance over durability of repatriation. It has used the Iris technology to detect recyclers. This proved to be of great utility to prevent recyclers from getting assistance the second time. However, UNHCR has not been able to devise any strategy to prevent recycling of those who do not go through the verification process or the Iris detecting technology again.

Returning of refugees are of concern to UNHCR until they are fully reintegrated into the local community, enjoy a normal livelihood and have equal access to protection from the national authorities. Given the situation in Afghanistan and the conditions in which the returnees are living, it is not difficult to assume that 'reintegration' of returnees is a neglected area. Adhocism prevails in dealing with the returnees. Legal, social and economic reintegration is less emphasized areas in the current repatriation program.

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[411] *UNHCR News Stories*, May 2003
[412] *Amnesty International Press Release*, 23 June 2003 www.amnesty.org

4. UNHCR's initial strategy of phased repatriation also failed, because the number of returnees far surpassed the initial figures estimated to return in the year 2002. This exposed it, as it had not assessed the euphoria amongst Afghans. UNHCR's budget was soon stretched by the extraordinary interest in return. It had to make cutbacks in some programs, which showed short sightedness on the part of the organization. The return of such a great number has left Afghanistan with complex problems of accommodating and feeding a large impoverished population. The expectations of the returnees are turning into disappointment, which indirectly impact on the decision of the remaining refugees in Pakistan. This has led some to recycle to Pakistan, which puts the issue of comprehensive repatriation into question.

Secondly, the international donor-driven policy of facilitating the massive return of Afghan refugees to a country still in the grip of political instability, weak government institutions, is itself a pointer that Afghan government on its own is not capable to absorb the large population. As has happened over the last 2 years (2002-2003), these donor countries did not come out with the assistance promised earlier. Their hesitation in some instances, affected the repatriation process. As the success of this process is dependent on the availability of funds, therefore, UNHCR cannot afford reluctance on the part of donors. Financial vulnerability and reliance on powerful donor governments as well as host states also impedes UNHCR in carrying out its principal function of providing protection to refugees.

5. The Tripartite Agreement signed between UNHCR and the governments of Afghanistan and Pakistan in March 2003 established a formal process to resolve the issue of refugee problem in Pakistan. Under the agreement UNHCR is to assist voluntary repatriation from Pakistan for the following three years (2003-2006). According to the agreement 600,000 are to be repatriated each year. At the end of the process a screening of the remaining refugees will take place to determine who

among the Afghan population is still in need of protection and continued refugee status. The particulars of the screening process are not yet known.

It is believed that the remaining refugees in Pakistan will repatriate by the end of the Tripartite Agreement i.e., in the year 2006. Aid workers as well as officials in Pakistan hold this view. They are optimistic about the success of the current program. They believe that even if the numbers do not reach up to the mark of 600,000 per year for the remaining period, most of them will leave in the final year of the said agreement. "They still have time to stay, said Mushtaq Ahmed Alizai.[413] As the incentives to return dwindle, such high hopes amongst the officials are questionable. Pakistan and the UNHCR have not yet come up with alternative plans to deal with the refugee question, if a sizeable number of refugees stay back in Pakistan. Screening of the remaining refugees in the year 2006 may reveal realities other than expected. If a large chunk of refugees is still in need of protection, Pakistan is left with no other option but to continue hosting them.

Refugees who have stayed in Pakistan for more than 20 years are not convinced by the Tripartite Agreement. They openly air their views against repatriation. This shows that long-term refugees decline their readiness to return. Hamid Khan a refugee from Paktia, who came to Pakistan during Nur Muhammad Tarakai' regime (1978), is of the view that "we won't go back unless forced out of Pakistan." He further said that those who have returned are in problems, as UNHCR cannot carry out promises for returnees."[414] These old refugees believe there is currently more stability in Pakistan as compared to Afghanistan.

While the repatriation process is still underway at the time of writing this thesis, yet it is evident from the evaluation of the program that it has shortcomings, which need to

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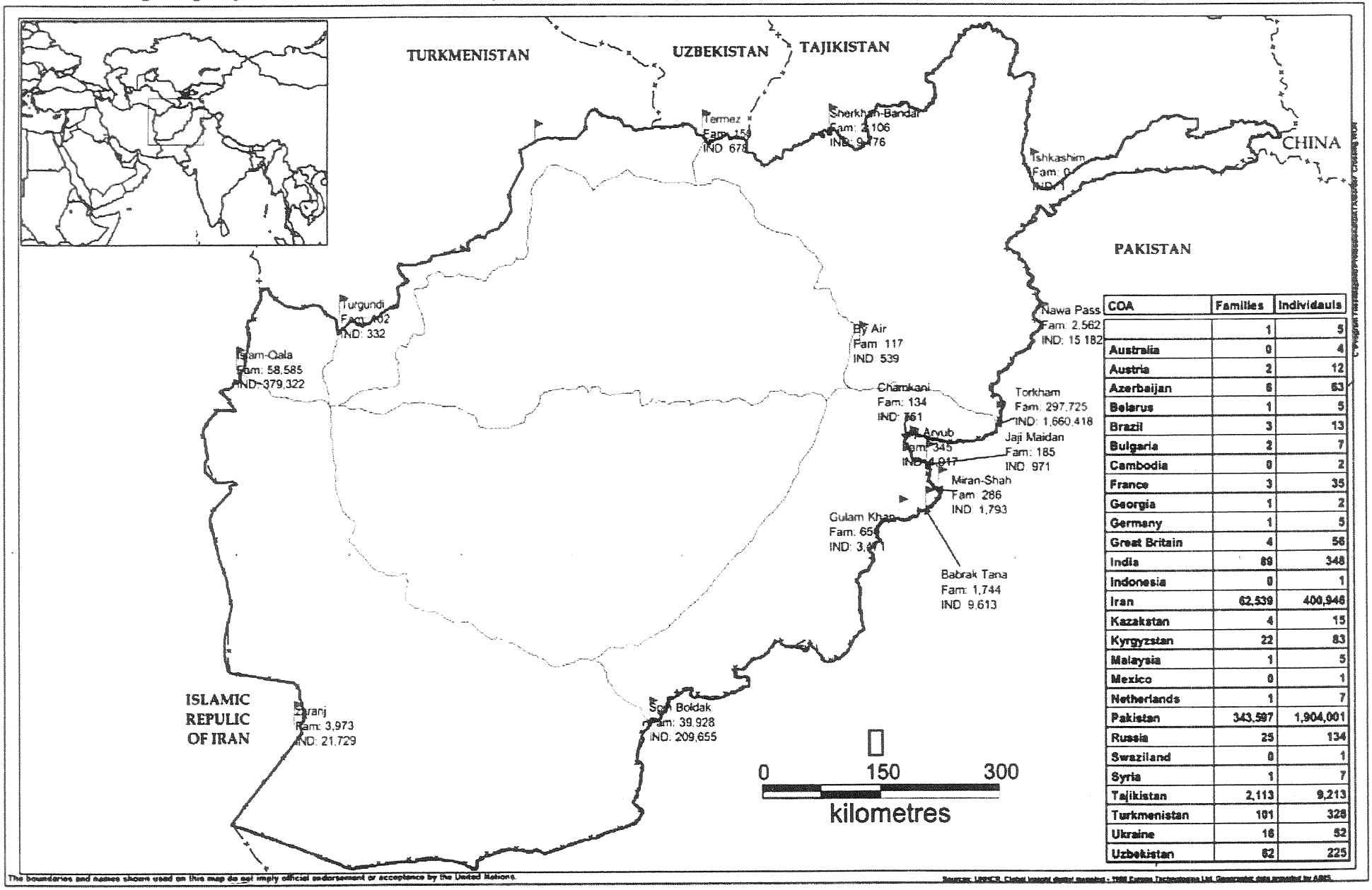
[413] In an interview with Mushtaq Ahmed Alizai, Commissioner of Afghan Refugees, Peshawar, on November 6, 2003

[414] In an interview with an elderly refugee, Hamid Khan (who came to Peshawar, Pakistan in 1980) on 14 April, 2004

UNHCR
The UN Refugee Agency

Afghanistan - Repatriation by Countries of Asylum and Crossing Points
For period: 1st Mar 2002 - 06 April 2004

GIMU / PGDS



COA	Families	Individauls
	1	5
Australia	0	4
Austria	2	12
Azerbaijan	6	63
Belarus	1	5
Brazil	3	13
Bulgaria	2	7
Cambodia	0	2
France	3	35
Georgia	1	2
Germany	1	5
Great Britain	4	56
India	89	348
Indonesia	0	1
Iran	62,539	400,946
Kazakstan	4	15
Kyrgyzstan	22	83
Malaysia	1	5
Mexico	0	1
Netherlands	1	7
Pakistan	343,597	1,904,001
Russia	25	134
Swaziland	0	1
Syria	1	7
Tajikistan	2,113	9,213
Turkmenistan	101	328
Ukraine	16	52
Uzbekistan	82	225

The boundaries and names shown used on this map do not imply official endorsement or acceptance by the United Nations.

be removed to make the 2002 repatriation program a success. As Pakistan is interested in a comprehensive, sustainable repatriation, the current scenario does not indicate that repatriation of Afghans is heading in the desired direction. Therefore, it needs to do more to achieve its objective. All the concerned parties - Pakistan, Afghanistan, UNHCR and the refugees- need to take appropriate and coordinated action in this regard.

6.4 What needs to be done?

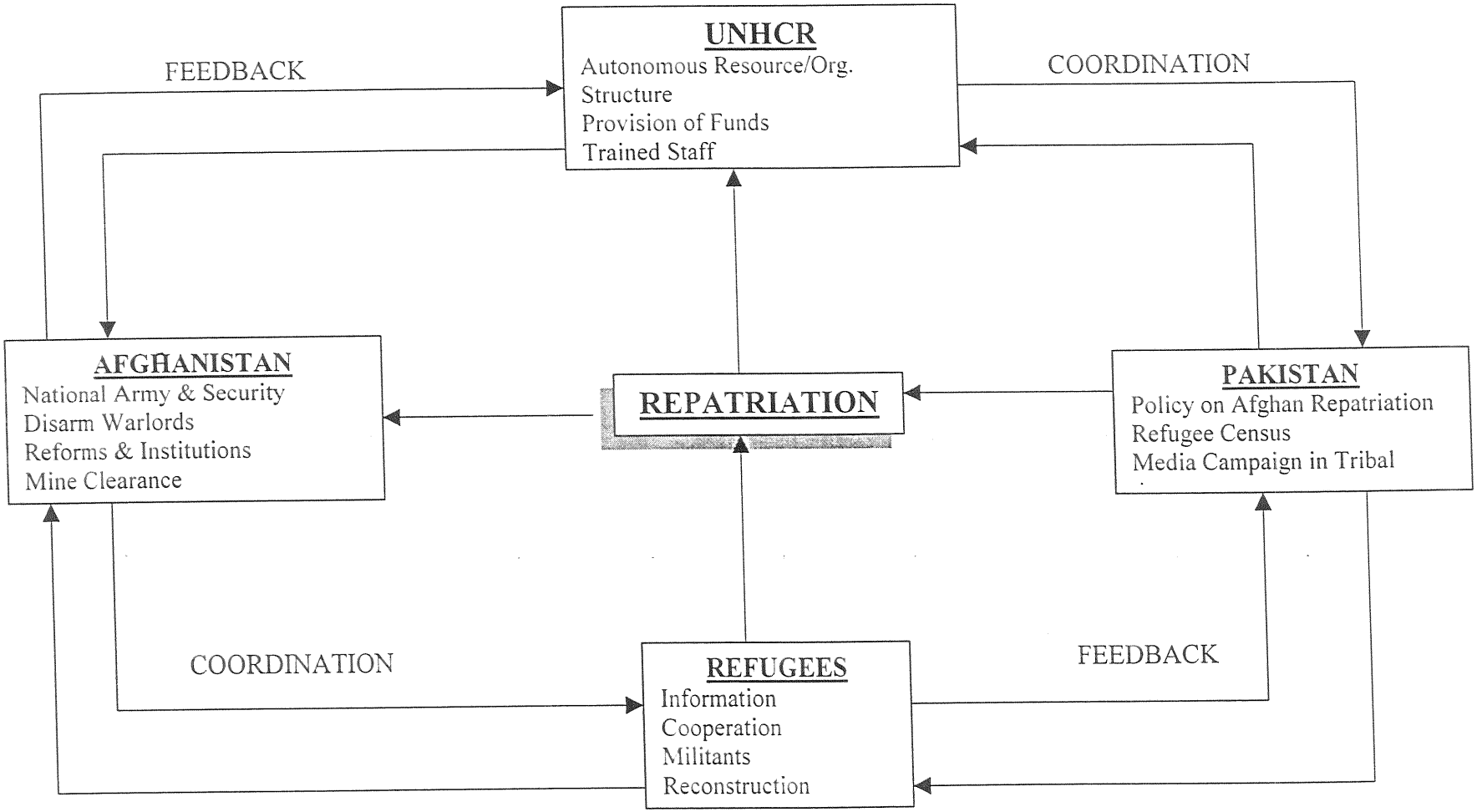
a. Pakistan

Repatriation of Afghan refugees has a strong political dimension. Pakistan's Afghan policy is directly impacting on the repatriation of refugees. It is high time for Pakistan to reassess and correct its flawed Afghan policy. The door that welcomed Afghans is now shut and they are being asked to repatriate however, the porous border makes it difficult to stop the recyclers. The Taliban and Al-Qaeda members, frequently cross the border to seek refuge in the tribal areas. Since 9/11, Pakistan is in alliance with the US in its War against Terrorism and has been actively cooperating with it in hunting down the Al-Qaeda and the Taliban militants, in its tribal belt, that borders Afghanistan. However, no one is satisfied with Pakistan's policy - the Americans as well as the Afghan government demand that Pakistan should do more to root out the Al-Qaeda and Taliban forces. Moreover, it has been accused of protecting the regrouped Taliban who cross into Afghanistan and carry out attacks against the US, Coalition forces and the Afghan government officials. There have been cross border violations, which made the Pak-Afghan relations further tense.

This has made things complicated for Pakistan, as there is now growing criticism from within too. The opposition leaders have been critical of the country's post 9/11 Afghan policy. It has openly come under fire because of the Wana Operation in South Waziristan, being carried out by the Pakistan Army to flush out suspected terrorists from the tribal area. The policy has been a source of tension between the NWFP politicians and the federal government. The government's plan to extend its operation

Figure 6.1

FRAMEWORK FOR AFGHAN REFUGEES REPATRIATION



in these areas, have already affected the refugees living in the area and has led even to involuntary repatriations. This has happened because most of the new refugee camps for the people who fled Afghanistan in the wake of 9/11 were set up along the Pak-Afghan border. The army operation has made them vulnerable to attacks and difficulties, leaving them with no option but tb flee back to their country of origin.

Instead of being on the defensive Pakistan should openly confess that its Afghan policy has not been a success. There is a need to reassess its current policy and win support for it amongst the general public. Policy makers need to realize that Pakistan has to work simultaneously with the Americans, with President Karzai and his ministers and with the Pushtun leaders within Pakistan. Unless it takes corrective measures it will eventually lead to a critical situation, and the repercussions would be far too grave for Pakistan to handle. Pakistan has suffered too long for its flawed Afghan policy, now it is high time for it to reevaluate and reformulate it to make gains, rather than face further losses.

Pakistan has to carry out an intense media campaign in the tribal areas to reduce the support of Pushtun sympathizers for the Taliban and Al-Qaeda members. Unless these elements are taken into confidence, Pakistan's military operations will end up in failure and will lead to greater fissures within the society. There should be less reliance on the use of force against extremist elements as it breeds extremism rather than eradicating it. Furthermore, the use of force makes the militants react strongly, instead of containing or eliminating them.

Pakistan should clearly state its policy of Afghan repatriation. While there have been statements from various officials that Afghans are to be repatriated and have entered into the Tripartite Agreement with Afghanistan and UNHCR, but a clear policy on the issue is missing. The comprehensive and durable repatriation of refugees can only take place if Pakistan formulates a comprehensive repatriation policy. In the absence

of it, the objective of desired repatriation cannot be achieved. It should make its stand clear so that refugees are not left in the darkness about the future plans of Pakistan.

Secondly, it should not lose sight of repatriating the remaining refugees in Pakistan. Under the Tripartite Agreement a target for repatriation of 600,000 refugees has been kept for each year. While the year 2003 statistics have already shown that the target was not achieved, it is essential for policy makers to reevaluate and set realistic targets or formulate an alternate strategy to get refugees repatriated. How to achieve the target without using force or harassment, is indeed an area, which should be looked into. Repatriation, should be made more attractive for returnees otherwise, it will bounce back. Refugees should sense that they are not being pushed back to their country, which is still gripped by instability. Repatriating refugees in an atmosphere of cordiality can become a major bridge for Pakistan to build lasting relationship with its neighbor.

It is high time for Pakistan to carry out a census of Afghan refugees present on its soil. While it has been suggested and plans are underway to carry out the census and registration of refugees by the end of 2004, no clear policy has yet come to the fore as how this census will be carried out. It's the availability of proper statistics and information that enable a country to plan an appropriate strategy for repatriation. It is crucial to count properly so that accurate figures are available to the policy makers. In order to make the census successful, Pakistan should engage experienced staff and professionals, so that it is reliable and authentic. Secondly, it should not ignore the fact that figures need to be continuously updated given the repatriation, growth and death rate of refugee population. The mobility factor of refugees is going to make the job difficult for those carrying out the census; therefore, special attention should be given to it while a policy is planned for it.

b. Afghanistan

There is a great deal of uncertainty about the future direction of Afghanistan. While repatriation has taken place amidst worsening security and economic instability, the government needs to take emergency steps to reintegrate the returnees and prevent the flight of its population to neighboring countries. The hopes of returnees should not turn into disappointment otherwise the Afghan government will lose its credibility and trust amongst its own population. Returning refugees say that more Afghans will return if security is improved-especially in the southern provinces –and if there are more job prospects and reconstruction in Afghanistan. Security in the home country is directly related to repatriation of refugees. It drives the refugees back home. But to bring security to a country like Afghanistan which has been ripped by years of instability and civil war, is not only difficult but next to impossible in the immediate run. It will take years till the remnants of the war are completely removed form the society. Stability itself is related to the economic and social factors affecting the lives of returnees. A country depending for survival on external funds and assistance to rebuild its economy, cannot take independent initiatives to revive the economy.

Secondly, the government of Hamid Karzai need to realize that security has to take roots from within, it should derive the direly needed strength and security from its own population, than depending on foreign forces. So far the government has failed to ensure the essential security needed by the returnees, as it is depending too much on the American Coalition forces and the ISAF. These forces have become the cause of insecurity, as the Taliban and Al-Qaeda members, are increasingly targeting them. Presence of foreign troops on the soil have always aroused Afghans to take up arms against them no matter whether they have been invited to protect them or bring stability to their war-torn country. While Karzai's government has the support of international community but they too expect some dividends in return. The government has to broaden its support amongst its own population to establish its credibility; otherwise it will remain weak and incapable of rebuilding the war-devastated country. The longer, the Afghan government takes to rely on foreign

elements for security, things would not improve. It has to gradually reduce its support on them and increasingly involve Afghans to defend the country against internal threats to security.

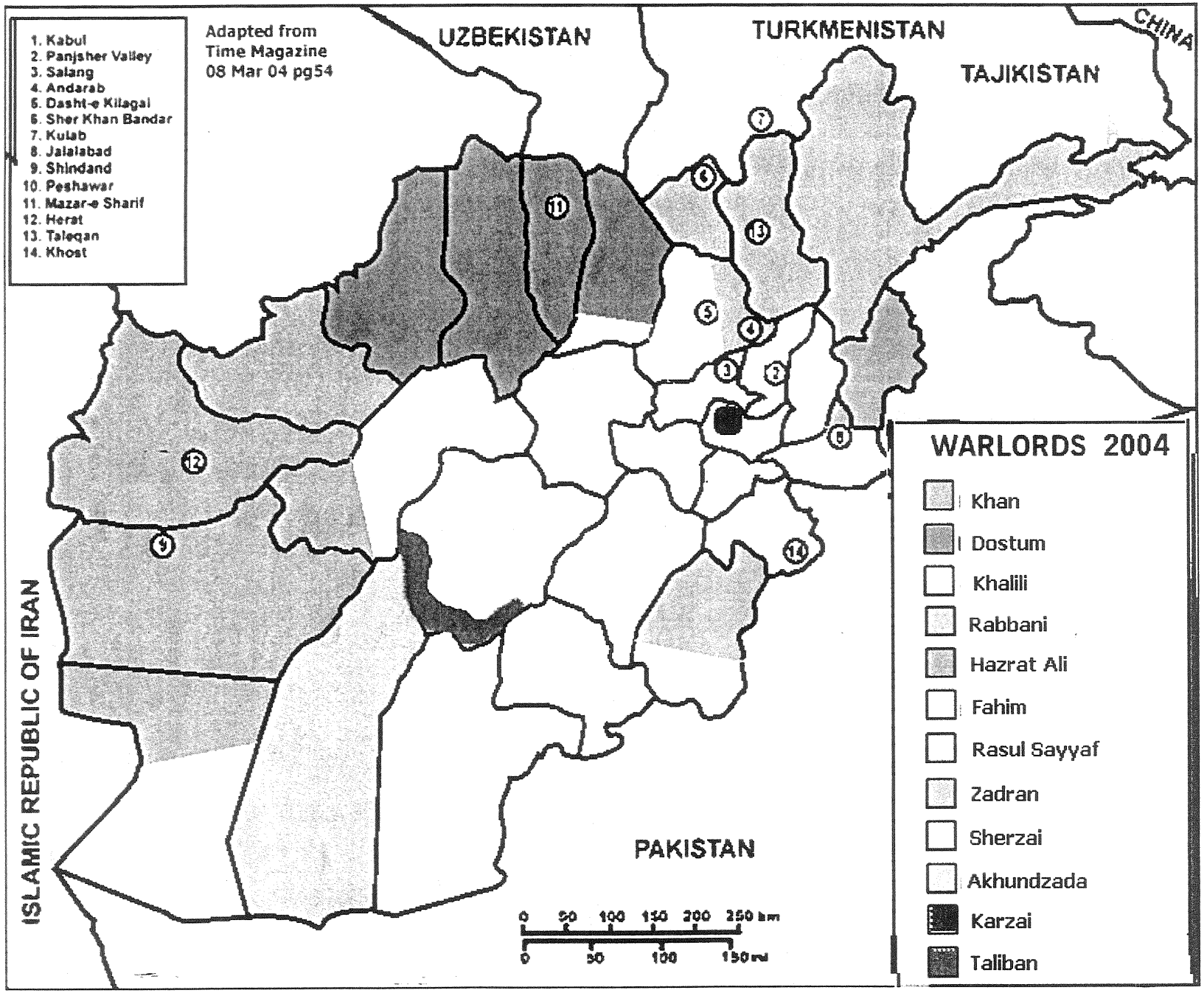
While there have been demands to extend the mandate of ISAF beyond Kabul to ensure security but it is not going to work in the long run. The Security Council in its Resolution 1510,[415] authorized the expansion of ISAF to allow for maintenance of security outside Kabul for international personnel engaged in reconstruction and humanitarian efforts. This means that it is actually providing a shield to the foreign aid workers and officials against attacks. The government has to realize that the shield itself is causing insecurity.

Warlordism and extremist elements still threaten the fragile peace. The government has to take serious measures to disarm and reduce the role of warlords otherwise peace will remain an elusive objective. Karzai does not enjoy widespread control and support. Warlords are still active. Factional fighting is one of the biggest challenges for Karzai's administration as heavily armed regional warlords resort to violence to resolve territorial, ethnic and political disputes. On one hand, the government wants to reduce or eliminate warlordism in Afghanistan, but on the other, these very warlords were incorporated in the transitional government of Hamid Karzai (e.g. Genera; Rashid Dostum, Marshall Qasim Fahim etc.) and assisting the coalition forces to flush out Taliban and Al-Qaeda militants. The US and its allies depend on these warlords to achieve its own objective of waging a war against terrorism, and rid Afghanistan of extremist elements, without realizing that this faulty policy is going to fire-back, because it is increasing the muscle of the warlords instead of weakening their role in the society. The Afghan government has to adopt a comprehensive strategy to disarm the warlords, a prerequisite for reconstruction and rehabilitation activities.

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[415] UN Security Council Resolution No.1520. (13/10/2003)

AREAS OF CONTROL IN AFGHANISTAN BY WARLORDS (2004)



The government has to expedite developing its national army to control and prevent the activities of various militias in the country. The Americans are training the army, which again brings the training by foreigners into question. Previous Afghan generals, who are not biased towards any ethnic group nor have affiliation toward any warlord, should provide the necessary traihing and formulate the national army, which is much needed by the country. Moreover, there should be increasing incentives for Afghans to join the army. Some of them found the salary too modest to feed an entire family. The national army is supposed to expand to 70,000, but up till writing this thesis only 13,000 joined it.[416] Secondly, the government has to speed up disarming the militias. Only about 10,000 of the country's estimated 40,000-60,000 militiamen have been demobilized so far under a UN-sponsored program supposed to cement peace.[417] Thirdly, the government should work out strategies to involve the disarmed militias into reconstruction and rehabilitation activities in order to bring them into the main stream of the civil society. The only profession these militiamen have known for years, is fighting. How to convert them into pacifist and turn them into active members of civil society, is a formidable task, yet it needs to be done on an emergency basis, as it will quickly pave the way towards peace building.

The Afghan economy is in shatters, it will take years to revive but if repatriation is taking place and is intended to continue in the coming years, then major investments should be made to revive the Afghan economy. Reforms need to be introduced and institutions built up. There is a need to introduce reforms in the agriculture sector, because 85% of the Afghan population depends on agriculture for livelihood. However, the returnees from Pakistan require assistance to cultivate their lands, or get back the ownership from the militiamen. Land disputes need to be resolved and incentives provided for returnees to settle in the rural areas rather than starting their lives in cities. If their lands are cleared from mines, yet, another formidable task, it will be easier for the returnees to earn their livelihoods and would reduce the load on

[416] *The News International*. July 18,2004
[417] Ibid.

the cities to house large numbers of returnees living in squalor. If they opt for rural areas, their economic status will improve and the economic assistance would reach them.

Mine clearance is essential for farming and making the land safe for living. Thousands of mines are still strewn in various areas of Afghanistan. Unless removed, agricultural activities are not going to start, in turn making the lives of returnees more miserable. Infrastructure should be restored with initial focus on Quick-Impact-Projects that can yield benefits in the short run; secondly, restoration of the institutions of state and their powers should be given primacy so that the state can mobilize revenues and undertake crucial development expenditures. All this economic activity can take place provided there is relative security and calm in the country. Economic revival is less likely to take off if insecurity prevails.

The Afghan government therefore, has to adopt a balanced and integrated approach to make repatriation durable and sustainable. The essential confidence and will of the people to overcome the present difficulties and face challenges need to come from within, rather than depend on strategies worked out on foreign lands to rebuild and reconstruct Afghanistan. While these policies may have positive intention, but any plan imposed from outside has never worked for Afghans. It has therefore, to come from the Afghans, who have suffered due to the decades of civil war.

c. UNHCR

While it is important to highlight its successes, UNHCR should simultaneously, be more critical of its role in facilitating repatriation of over two million Afghans to a country that lacks stability. Given the numbers, it is indeed an enormous success for an organization, but when looked at the issue of repatriation from a qualitative perspective it becomes a complicated task. The terminology of 'safe return' has been increasingly used to impress upon Afghans that situation in their country has improved for them to repatriate, however, as has been mentioned above, things are

still fluid and conditions for returnees are far from favorable. The Tripartite Agreement (2003) speak of phased repatriation but risk factors involved in repatriation of such massive numbers have not been given due consideration. While the emphasis is on repatriation, yet brewing humanitarian crisis in Afghanistan (Taliban insurgency against Karzai's government) may lead to further inflows into Pakistan and stop the ongoing repatriation process. Any risk that can disrupt the process need to be removed immediately, as it will eventually lead to the failure of the organization's role .

UNHCR, should keep itself aloof of the power politics of major powers, in repatriation programs. In the absence of an autonomous resource base and the limited mandates, it is hard for the UNHCR to continue working without any obstruction, but it has to overcome the organizational weaknesses to cope with massive relief operations. Although it characterizes itself as non-political actor, UNHCR is a highly political actor and is clearly shaped by the interests of major governments. If it has to play an effective and successful role it should rely more on its strength as a humanitarian organization, rather than furthering the interests of the US and its Western allies in Afghanistan.

It should ensure the provision of funds promised by the donors for Afghan repatriation. The funding mechanisms need to be revised to ensure that funds for repatriation are available on a timely basis and can be allocated in a manner that will ensure that returnees are adequately supported at various phases of the repatriation process.[418] Successful repatriation involves money. Returnees who are not in a position to support or travel back to their country need financial assistance or some basic agricultural assistance to restart their livelihoods. UNHCR should project to the world that past repatriation programs in Afghanistan failed due to the lack of funds, needed for reconstruction and rehabilitation to attract refugees back home. If major donors play reluctant this time too, UNHCR would fail in repatriating the remaining

[418] USCR, *World Refugee Survey*. 2003

refugees from Pakistan. It should impress upon donors to assign repatriation assistance a higher priority, and commit resources to it, otherwise refugees would be a continuous burden on their economies, as feeding and providing assistance to a large impoverished population drain the economies of major donors.

UNHCR should engage more trained and experienced staff in programs involving repatriation. It has adopted an ad hoc policy - it hires young non-professionals on contract basis to carry out the repatriation policy. The UNHCR staff engaged in verification of returnees is not experienced enough or trained to handle such a serious task. The issue should be seriously looked into and proper training provided to the young staff to make them professionals, so as to carry out their responsibilities efficiently.

UNHCR, should make adequate arrangements for the protection and safety of its own staff in carrying out it repatriation and rehabilitation activities. It may involve the Afghan government and locals in providing them the necessary protection. Attacks on UNHCR workers in Afghanistan, have led to temporary suspension of its activities. When it closes down its office, returnees feel more vulnerable and question the credibility of the organization, which promise them security and protection.

While it remains committed to the process of repatriation, the UNHCR should not close down refugee camps and stop aid assistance to refugees who are yet to be repatriated. Such actions on the part of the organization leave the refugees with no other option but to repatriate involuntary which is tantamount to *refoulement*, which is against the charter of the UNHCR.

It also needs to coordinate its activities with other agencies and NGOs, known as implementing partners (e.g. UNICEF, UNDP, WFP, World Bank, and SHARP). Coordination is essential to repatriation as overlapping of activities and responsibility can cause wastage of the much-needed resources. Once repatriation occurs,

reintegration, rehabilitation and reconstruction gain primacy. UNHCR still needs to coordinate more with its partners in achieving the objectives.

d. Refugees

While refugees do not have many choices when a repatriation process is underway, yet it is important that when they decide to return to their country of origin, it should be a well-calculated decision. Whether the decision is taken individually or in groups, it should be an intelligent one, looking into the pros and cons of return. Displacement continues if those concerned, do not take appropriate decisions. Sometimes these very refugees find it difficult to face the challenges back home and try to find ways to reenter Pakistan.

Secondly, refugees should keep themselves fully informed of the situation at home, and the difficulties they would be facing upon return. They should not expect that life would be easy for them and it would immediately change for better if they repatriate. High expectation of returnees from the home government, UNHCR and its implementing partners, is not realistic. It soon turns into disappointment, and lead to frustration and psychological problems amongst returnees.

Thirdly, refugees need to cooperate fully with all the concerned authorities enabling them to repatriate. While carrying out the verification process, refugees need to give accurate information to the UNHCR personnel, as it allows them to provide the necessary assistance and protection to the returnees. Any distortion of information may eventually put the returnees into trouble.

Refugees should refrain from cooperating with the militants as it puts their life in danger. It is not to say that all refugees indulge in such activities but some of them living in the tribal belt, have shown tendency to sympathize and collaborate with the Taliban and Al-Qaeda members, which in turn has brought the wrath of the US, its allies and Pakistan on the refugees and tribesmen, irrespective of their sympathies.

Moreover, it has also affected repatriation. Instead of gradually returning, refugees living along the Pak-Afghan border have been ordered to evacuate the new camps, and leave immediately.

Once they return to their homeland, they should initiate a process of reconciliation, as it alone helps them to integrate better. While reconciliation is a complicated issue and it involves the will of the government and power shareholders, however, returnees can play a very important role in bridging the divisions that have been created by displacement and political persecution. They should try to forgive and refrain from taking revenge from those who have been responsible for their suffering and displacement. Though reconciliation is both individual and heavily culture-bound, it is important to realize that life is too short to live with the anger of revenge, they need to move on in life and indulge in peace activities.

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