



DISPLACEMENT IN THE MUSLIM WORLD: A FOCUS ON AFGHANISTAN AND IRAQ

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Displacement, Human Development, and Security in Afghanistan

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INTRODUCTION

Nearly five million refugees have returned to Afghanistan since 2002 and the Office of the United Nations High Commissioner for Refugees (UNHCR) often cites Afghanistan as a positive example of refugee repatriation.⁵ In reality, however, the return of Afghan refugees may prove to be one of the most ill-conceived policies in the Muslim world in recent times.

While in the right circumstances the return of refugees can contribute to peace-building and post-conflict reconstruction, those circumstances cannot really be said to have existed in Afghanistan when repatriation commenced in 2002; much less at the moment.⁶ An estimated 40 percent of rural Afghans are malnourished; about 70 percent of the population lives on less than USD 2 per day; over two-thirds of Afghans over the age of 15 cannot read and write; and one in five children dies before they reach their fifth birthday. The economy was already described as ‘little short of catastrophic’⁷ even before it was hit by the recent hike in food and fuel prices.⁸ Rubin argues that ‘the subsistence economy has been largely destroyed, and Afghanistan relies on imports of food and exports of agro-based commodities—opium and heroin.’⁹

At the same time there has been an increase in insurgent activity and violent incidents over the past two to three years; and the humanitarian space is shrinking. According to the United Nations Assistance Mission in Afghanistan (UNAMA), a total of 2,118 civilian casualties were reported during 2008 (55 percent attributed the insurgency and 39 percent to pro-government forces, including internationals), a figure that is 40 percent higher than for 2007.¹⁰ “Despite steps to reduce civilian casualties, international military forces (IMF) caused 552 civilian deaths through airstrikes in 2008, which is up by 72 percent on 2007.”¹¹ The majority of civilian casualties (41 percent) occurred in the south of Afghanistan, followed by the southeast (20 percent), east (13 percent), central (13 percent) and western (9 percent) Afghanistan.¹²

Far from ‘going home’ to rebuild and make peace, many returning refugees are struggling to survive or have returned to Pakistan and Iran in the search of security and labour. A majority (80 percent) of the Kabul population (including many returning refugees and IDPs) live in squatter settlements that cover about 69 percent of the total residential area of the city.¹³ Many returning refugees are unemployed,¹⁴ and are going hungry.¹⁵ In effect they are adding to the growing number of internally

⁵ UNHCR, *The State of the World's Refugees: Human Displacement in the New Millennium*, Oxford: OUP, 2006.

⁶ D. Turton, P. and Marsden, *Taking Refugees for a Ride? The Politics of Refugee Return in Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit, 2002).

⁷ W. Maley, *Rescuing Afghanistan*, London: Hurst, 2007, 79.

⁸ ‘Afghans hit hard by rising world food prices’, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/SHES-7DYMPV>.

⁹ B. R. Rubin, ‘The Transformation of the Afghan State,’ pp. 13-23 in J. A. Thier (ed.), *The Future of Afghanistan*, Washington, DC: U.S. Institute of Peace, 2009, 17.

¹⁰ UNAMA, *Afghanistan: Annual Report on Protection of Civilians in Armed Conflict, 2008*; United Nations Assistance Mission to Afghanistan, Human Rights Unit, January 2009; [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/JBRN-7PCD3P-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/JBRN-7PCD3P-full_report.pdf/$File/full_report.pdf).

¹¹ *Caught in the Conflict: Civilians and the international security strategy in Afghanistan*; A briefing paper by eleven NGOs operating in Afghanistan for the NATO Heads of State and Government Summit, 3-4 April 2009; http://www.humansecuritygateway.info/documents/OXFAM_Civilians_InternationalSecurityStrategy_Afghanistan.pdf.

¹² UNAMA, 2009.

¹³ World Bank, ‘Why and how should Kabul upgrade its informal settlements?’ *Urban Policy Notes Series* 2005, No. 2 <http://siteresources.worldbank.org/SOUTHASIAEXT/Resources/223546-1150905429722/PolicyNote2.pdf>. A majority of all refugees (40 percent) return to urban destinations, with 29 percent of Pakistani refugees returning to Kabul alone (UNHCR ‘Statistical Overview of Afghan Refugee Population in Pakistan, Iran and Other Countries, Returned Afghan Refugees from Pakistan, Iran and Non-Neighbouring Countries, IDP Population Movements, Reintegration Activities and Extremely Vulnerable Individuals (EVIs) Program’ (2 January-31 October 2007), Operational Information, Monthly Summary Report – October 2007, (Kabul: Operational Information Unit).

¹⁴ UN News Service, ‘Returning refugees to Afghanistan struggle to earn a living wage’, <http://www.un.org/apps/mews/printnews.asp?nid=29457>.

¹⁵ IRIN News, ‘Afghanistan: Little to eat for IDPs in makeshift Kabul camp’, <http://www.irinnews.org/PrintReport.aspx?ReportID=82195>.

displaced persons (IDPs) in Afghanistan, displaced for a range of reasons from conflict to environmental degradation.¹⁶ Those refugees still in Iran and Pakistan who have not yet returned usually have good reasons not to and are unlikely to without being coerced.

The net effect of these displacement trends is to severely undermine the potential for human development (or human security) for the displaced as well as those who depend on them, and to stall rather than promote economic development in Afghanistan. There are also potentially wider national and regional security implications, including the growth of cross-border smuggling and trafficking, growing support for the insurgency in Afghanistan and Pakistan, and increasingly tense relations between Afghanistan and its neighbours Iran and Pakistan. New solutions are required, and the U.S. has an important role to play in identifying and implementing them.

This paper has three main sections. In the first we describe recent trends in displacement in Afghanistan, including the recent politics of refugee repatriation to Afghanistan. Second, we consider the implications of displacement trends for human development and security in Afghanistan and the wider region. Finally, we consider alternative solutions for the Afghan refugee crisis, and a role for the U.S. administration in establishing and maintaining security in the region.

DYNAMICS OF DISPLACEMENT IN AFGHANISTAN

There have been waves of refugee flows and returns from and back to Afghanistan since the Communist coup in April 1978, broadly paralleling

the phases of conflict in that country.¹⁷ At their peak in the mid- to late-1990s there were over six million Afghan refugees, mainly in neighbouring Iran and Pakistan. According to the UNHCR Global Appeal 2008-2009 there are currently still three million Afghan refugees in exile, about 2.1 million in Pakistan and 915,000 in Iran.¹⁸ There are much smaller numbers of Afghan refugees (and some asylum seekers) in Europe (mainly in Germany, the Netherlands, the United Kingdom, and Denmark); Australia and New Zealand; North America; Russia; Central Asia; and India.

Two main waves of repatriation can be identified in the last 10 years or so, with *ad hoc* and intermittent trickle movements occurring throughout. Almost three million refugees returned to Afghanistan between 1992-93 following the capture of Kabul by the *Mujahideen*. Nearly five million Afghans have returned in a second major wave after 2002, following the fall of the *Taliban* government.

Although the major repatriation flows are clearly linked to political events in Afghanistan, there has also been growing pressure from host countries on Afghan refugees to repatriate since the end of the 1990s. Schmeidl and Maley provide four main explanations for growing pressure on Afghan refugees to repatriate from Pakistan: the sheer size of the population and the duration of displacement; the decline of international assistance for Afghan refugees (although it picked up again in 2001; even though largely earmarked for repatriation); resource competition between the refugees and the host population; and insecurity.¹⁹ The final explanation is worth unpacking. On the one hand the Afghan refugee camps have always hosted mixed populations, genuine refugees and refugee warriors and their families (first the *Mujahideen* and later

¹⁶ IDMC, 'Afghanistan: Increasing hardship and limited support for growing displaced population'; 28 October 2008.

¹⁷ L.P. Goodson, 'Periodicity and intensity in the Afghan war', *Central Asian Survey*, 17:3, 1998, 471-88.

¹⁸ <http://www.unhcr.org/publ/PUBL/474ac8e00.pdf>.

¹⁹ S. Schmeidl and W. Maley, 2008, 141-42.

Taliban fighters) who have operated out of refugee camps. Many Afghan tribes also engage in cross-border trade and smuggling (including of arms and drugs, and more recently humans) for a livelihood. This continued during times of exile. On the other hand the refugees have become a convenient scapegoat for Pakistan's internal strife, failure to curb fundamentalism, and growing social ills.²⁰ The latter also applies to Afghan refugees in Iran, who are perceived as posing "a significant burden on Iran's economy".²¹

The role of the United States, its relationship with Pakistan²² and its lack of a relationship or rivalry with Iran²³ are also crucial here. During the Cold War, the U.S. (and other western states) were happy to provide refugee assistance to Afghan refugees via Pakistan, even if this muddled humanitarian with political assistance. In contrast little assistance was provided to Iran as the 1979 revolution broke the close US-Iran relationship.²⁴ Post 9/11, however, the United States sought out Pakistan as its main ally in the war against terrorism in the region, and thus supported the government's stance on rapid repatriation to Afghanistan, "sharing concerns over the security challenges that a displaced and potentially dissatisfied group can represent."²⁵ In contrast, U.S.-Iran relations have deteriorated, which is also impacting on Afghan-Iranian relations as Iran sees U.S. engagement in Afghanistan as a threat.

Interestingly the outcome of these different international trajectories has been almost identical for how Afghan refugees are dealt with in Iran and Pakistan. Both countries, albeit for different reasons, now have a free hand in pressing for repatriation—in Pakistan with the support of the United States and international community, and in Iran because of a lack of international pressure to do otherwise.

Since 2004 Pakistan has developed a new stringent policy aiming to close refugee camps and leave the refugees with little alternative but to return to Afghanistan.²⁶ An estimated 277,000 Afghans were repatriated from Pakistan in 2008,²⁷ and the Pakistani government has set a target of repatriating all the remaining refugees by the end of 2009 when their current permits expire. Even more explicitly than Pakistan, Iran has been pursuing a policy of forced return. Since April 2007 the Iranian government has moved actively to expel Afghans who lack formal papers permitting them to reside in Iran. In addition employment and the freedom of movement have been restricted for Afghans, taxes have been levied on them, and they have been subject to intermittent roundups. It has been estimated that 360,000 Afghans were deported from Iran in 2007, including during the worst winter the region has experienced in years.²⁸ This has continued throughout 2008 and 2009, with Afghanistan claiming that 9,000 refugees were expelled in January 2009,²⁹ and 30,000 just a month before.³⁰ "Every day about 20

²⁰ H.A. Ruiz, 'Afghan refugees in Pakistan at risk', *Refugee Reports*, 22:7, 2001, 1-8.

²¹ *Afghanistan's Other Neighbors: Iran, Central Asia, and China*. Conference Report, The American Institute of Afghanistan Studies and the Hollings Center for International Dialogue, Istanbul, Turkey, July 2008 (report released March 2009), p.7; http://www.humansecuritygateway.info/documents/AIAS_AfghanistansOthersNeighbors_Iran_CentralAsia_China.pdf.

²² W. Maley, 'Afghanistan and its Region' pp. 81-93 in J. A. Thier (ed.), *The Future of Afghanistan*, Washington, DC: U.S. Institute of Peace, 2009.

²³ *Afghanistan's Other Neighbors: Iran, Central Asia, and China*, 2009.

²⁴ Ch. Benard and Z. Khalilzad, (1984), *The Government of God: Iran's Islamic Republic* (New York: Columbia University Press).

²⁵ E. Parker, (2008), "The refugee problem: Looking toward Afghanistan's long-term stability", *South Asia Monitor*, 10 December 2008; <http://www.reliefweb.int/rw/rwb.nsf/db900SID/MUMA-7M87P9?OpenDocument>.

²⁶ 'Pakistan sending Afghan refugees back home despite warnings' <http://www.theglobeandmail.com/servlet/story/LAC.20080422.htm>.

²⁷ UN News Service, 'Returning refugees to Afghanistan struggle to earn a living wage', <http://www.un.org/apps/mews/printnews.asp?nid=29457>.

²⁸ IRIN, 'Afghanistan mass deportation from Iran may cause crisis, official warns', <http://www.irinnews.org80/Report.aspx?ReportId=76790>, 17 February 2008.

²⁹ 'Iran Said To Resume Deportation Of Afghan Refugees', Radio Free Europe, 15 January 2009 http://www.rferl.org/content/Iran_Said_To_Resume_Deportation_Of_Afghan_Refugees/1370585.html.

³⁰ <http://news.trend.az/index.shtml?show=news&newsid=1361018&lang=EN>.

children are deported to Herat,' Abdul Qader Rahimi, head of the government human rights commission's office in Herat Province, told IRIN.³¹

Internal displacement in Afghanistan is unusually complex. It covers different categories of people, displaced for different reasons, and over different periods of time. According to UNHCR in 2008 there were about 235,000 registered IDPs in Afghanistan,³² largely reflecting a protracted caseload of those displaced by drought and insecurity prior to 2004 that resides in camps; but by no means including all or even the majority of the growing numbers of IDPs living in irregular settlements in Kabul, other urban areas and elsewhere in Afghanistan.³³

This figure certainly underestimates the true scale of internal displacement,³⁴ and gives no hint of the volatility of internal displacement in Afghanistan. UNHCR identifies four other major 'categories' of IDP in Afghanistan:³⁵ First, there are people recently and currently being displaced by conflict, especially in the south and east. These 'new conflict-affected IDPs' include both 'battle-affected' and the victims of inter- or intra-tribal conflict. Second, there are returnees and deportees from neighbouring countries who are not willing or able to go to their areas of origin. Third there are those displaced as a result of food insecurity, particularly during the harsh winter of 2007-08. Fourth, there are the internally displaced in urban areas, both conflict and development-induced.³⁶ To these might be added another category, created by an economic revival resulting in rising land prices, increased rents and 'land-

grabbing' in urban areas, especially Kabul,³⁷ which have displaced poor urban dwellers in a form of development-induced displacement.³⁸ At the same time, and adding to the complexity, there have also been significant IDP returns, mainly of old caseloads however. Since 2002 UNHCR estimates that over half a million IDPs have returned to their homes in Afghanistan, although the rate has dropped off significantly recently with durable solutions difficult to find for remaining caseloads.

In addition to a general susceptibility to displacement in Afghanistan due to lingering inter and intra-community tensions combined with poverty, a weak rule of law and inadequate security forces preoccupied with fighting the Taliban, there are three main pressure points leading to internal displacement, some of which are indicated in the UNHCR categories. First, many refugees have been unable to return to their areas of origin in Afghanistan—because of insecurity, a lack of livelihoods, and poor economic and social infrastructure. As the pressure on refugees in Iran and Pakistan continues, it is anticipated that a majority of future returnees will also become internally displaced. A report by the Afghanistan Independent Human Rights Commission found that a majority of returnees (67.1 percent) were unable to return to their places of origin due to lack of land; or left after finding that their land had been taken.³⁹ A 2007 UNHCR survey of returning Afghan refugees found that only 41 percent even had a house in Afghanistan. According to McEwen and Nolan "Returnee claims constitute a large proportion of all disputes over private rural land ownership".⁴⁰

³¹ "Afghanistan: Plight of child deportees from Iran", 22 March 2009 (IRIN); <http://www.irinnews.org/Report.aspx?ReportId=83577>.

³² UNHCR, National Profile of IDPs in Afghanistan, 27 August 2008.

³³ IDMC, 2008, 4.

³⁴ K. Koser, 'Internal displacement in Afghanistan', http://www.brookings.edu/speeches/2007/1108_afghanistan_koser.aspx.

³⁵ UNHCR, National Profile of IDPs in Afghanistan, 27 August 2008.

³⁶ IDMC, 2008.

³⁷ J. Beall Beall and S. Schütte, *Urban Livelihoods in Afghanistan*; Synthesis Paper, Kabul: Afghanistan Research and Evaluation Unit, August 2006.

³⁸ K. Koser, 'Internal displacement in Afghanistan', http://www.brookings.edu/speeches/2007/1108_afghanistan_koser.aspx.

³⁹ Afghanistan Independent Human Rights Commission (AIHRC) *Economic and Social Rights in Afghanistan II*, 2007, <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=471f4a5b0>.

⁴⁰ A. McEwen and S. Nolan, *Water Management, Livestock and the Opium Economy: Options for Land Registration*, Working Paper Series, Kabul: Afghanistan Research and Evaluation Unit, February 2007.

Second, armed conflict is still escalating in certain parts of Afghanistan, increasing civilian casualties, shrinking humanitarian space, and causing periodic (sometimes short term only) displacement.⁴¹ During a working visit to Afghanistan in August 2007, the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons expressed particular concern that the methods both of the Taliban and of anti-insurgency operations are disproportionately impacting on civilians.⁴²

Third, the country is prone to natural disasters—floods, droughts, earthquakes, landslides. Drought-induced displacement in the north of the country, particularly in Saripul, Faryab and Jawzjan provinces, is an annual phenomenon. There are regular warnings of a pending humanitarian emergency in food-insecure areas in “the areas of Balkh, Samanga, Sri-Pul and Jawzjan in the north, Badghis, Nimroz and Ghor in the west, Logar in the east, Wardak in the center, and Khost in the southeast”.⁴³ Furthermore, a lack of livelihoods, as well as un- and under-employment are also causing migration in search of employment.

DISPLACEMENT, HUMAN DEVELOPMENT AND SECURITY IN AFGHANISTAN

As early as 2003 Amnesty International expressed concern ‘that large numbers of returns to a situation in which these returns cannot be sustained will be detrimental both to the safety and human rights of

returnees as well as to the long-term reconstruction of Afghanistan’⁴⁴—and UNHCR was criticized for ‘facilitating’ large-scale returns in these circumstances. Since then conditions in Afghanistan have deteriorated, yet pressure continues to mount in Iran and Pakistan on the remaining refugees to return.

Even though an Afghan presidential decree guarantees refugees a “safe and dignified return”, across a range of indicators, conditions for IDPs and returning refugees are deteriorating in Afghanistan, an experience shared by the general population.⁴⁵ Due to a lack of access to land and shelter, a majority settle in *ad hoc* makeshift camps or squatter settlements. This is especially concerning during winter seasons.⁴⁶ Even though a presidential decree established a Special Land Disputes Court in 2002 in order “to specifically deal with private persons who are returnees or internally displaced and who seek to retrieve private properties of which they have been unwillingly deprived during the period since 1978”,⁴⁷ it has been largely unsuccessful.⁴⁸

In Kabul in particular there is a lack of infrastructure to support the population that has been swelled by returning refugees and IDPs—much of the city lacks proper sanitation facilities, electricity, schools or health centers.⁴⁹ Unemployment and underemployment is rife.⁵⁰ There are reports of food shortages and hunger in IDP camps.⁵¹ Lack of security is both a concern and a reality for returning refugees.⁵² Rights issues such as unresolved

⁴¹ IDMC 2008, UNAMA 2009.

⁴² http://www.brookings.edu/projects/idp/RSG-Press-Releases/20070820_afghanistan.aspx, see also UNAMA, 2009.

⁴³ IDMC, 2008, 7.

⁴⁴ Amnesty International, *Afghanistan - Out of Sight, Out of Mind: The Fate of the Afghan Returnees*, Index No ASA 11/014/2003, 23 June 2003.

⁴⁵ New York Times, ‘Afghan Refugees Return Home but Find Only a Life of Desperation’; 2 December 2008, http://www.nytimes.com/2008/12/03/world/asia/03refugees.html?_r=1&ref=asia.

⁴⁶ BBC News, ‘Little comfort in Afghan cold’, http://news.bbc.co.uk/1/hi/world/shout_asia/7812138.stm.

⁴⁷ World Bank, *Will formal documents of title and the courts resolve all land disputes?* Kabul Urban Policy Notes Series No.5, 2005 <http://siteresources.worldbank.org/SOUTHASIAEXT/Resources/223546-1150905429722/PolicyNote5.pdf>.

⁴⁸ L. A. Wily, *Looking for Peace on the Pastures: Rural Land Relations in Afghanistan*, Synthesis Paper, Kabul: Afghanistan Research and Evaluation Unit, December 2004.

⁴⁹ ‘Kabul facing unregulated urbanisation’, <http://www.alertnet.org/thenews/newsdesk/IRIN/396b256af37e91b75ad0b1674b104268.htm>.

⁵⁰ UN News Service, ‘Returning refugees to Afghanistan struggle to earn a living wage’, <http://www.un.org/apps/mews/printnews.asp?nid=29457>.

⁵¹ IRIN News, ‘Afghanistan: Little ear for IDPs in makeshift Kabul camp’, <http://www.irinnews.org/PrintReport.aspx?ReportID=82195>.

⁵² CHR Michelsen Institute, *Return in Dignity, Return to What? Review of the Voluntary Return Programme to Afghanistan*, CMI Report, 2008 :6.

community conflicts or fear of persecution of minorities are also a concern. Furthermore, young returnees often feel discriminated against as they often lack extensive networks or speak their mother tongue with an accent leading to a question of their 'Afghan-ness' by those who remained.⁵³

Many of these returning refugees and IDPs will not be able to go to their areas of origin in Afghanistan in the near future for a series of reasons. Perhaps the most important is security: "Large parts of the south, south-west, south-east, east, and central regions of Afghanistan are now classified by UN Department of Safety and Security (UNDSS) as 'extreme risk, hostile environments.'⁵⁴ Some estimate that the *Taliban* has a permanent presence in over 70 percent of the country.⁵⁵ The rule of law is also weak, especially in rural areas. In a 2007 survey by the Asia Foundation, 74 percent of respondents identified corruption as a major problem in Afghanistan;⁵⁶ and in a recent report by the International Crisis Group the police were described as a source of fear, rather than community protection.⁵⁷ Land mines are another critical obstacle: Afghanistan is one of the most heavily contaminated countries in the world—with 15 percent of the population living in affected areas. "According to the Mine Action Coordination Centre for Afghanistan (MACCA), on average over 60 people are killed or injured every month in mine-related

incidents and half of the victims are children."⁵⁸ There are currently 5,560 known hazards and still 690 million square metres of land that need to be cleared, impacting over 2,090 communities. Disputes over land ownership and tenure are major sources of conflict in Afghanistan,⁵⁹ as the livelihood of a majority of Afghanistan's rural population (about 70 percent) depends on agriculture.⁶⁰ Many returning IDPs have found their land occupied, lack proper documentation to prove their ownership and in turn occupy the land of others.⁶¹ There is a general lack of access to justice; inadequate dispute resolution mechanisms;⁶² and on the whole an absence of compensation. Government land allocation schemes have begun to address this problem but they are often hindered by corruption. There have been recent criticisms that some of the sites identified for the resettlement of IDPs by the government's land allocation strategy are located on barren land and far from local towns where there may be work.

A lack of basic infrastructure is yet another obstacle to return, or may lead to re-emigration for those who have returned.⁶³ According to a 2007 report by the Afghanistan Independent Human Rights Commission on economic and social rights in Afghanistan, about 20 percent of returnees lacked access to health care, and another 40 percent felt they received inadequate services.⁶⁴ Overall, health

⁵³ M. Saito, (2008), *From Disappointment to Hope: Transforming Experiences of Young Afghans Returning "Home" from Pakistan and Iran*, Briefing Paper Series, Kabul: Afghanistan Research and Evaluation Unit.

⁵⁴ UNAMA, 2009, 11.

⁵⁵ ICOS, *Struggle for Kabul: The Taliban Advance*. London: International Council on Security and Development (ICOS), December 2008 http://www.icosgroup.net/documents/Struggle_for_Kabul_ICOS.pdf (accessed 22 December 2008).

⁵⁶ The Asia Foundation, *Afghanistan in 2007: A Survey of the Afghan People*, Kabul: The Asia Foundation, 2008.

⁵⁷ ICG, 'Policing in Afghanistan: Still Searching for a Strategy', *Asia Briefing* 85, 18 December 2008.

⁵⁸ UNAMA, *Afghanistan: Annual Report on Protection of Civilians in Armed Conflict, 2008; United Nations Assistance Mission to Afghanistan*, Human Rights Unit, January 2009; [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/JBRN-7PCD3P-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/JBRN-7PCD3P-full_report.pdf/$File/full_report.pdf); pp.iii, 10.

⁵⁹ L.A. Wily 2004; McEwen and Nolan 2007.

⁶⁰ L. A. Wily, *Land Rights in Crisis: Restoring Tenure Insecurity in Afghanistan*, Issues Paper Series; Kabul: Afghanistan Research and Evaluation Unit, March 2003.

⁶¹ Those who may have found shelter live in what is locally called *Zor abad*, literally meaning 'a place taken by force'—where people enclosed public lands and established residence without seeking official permission" (Beall and Schütte 2006, 21).

⁶² Tribal Liaison Office, *Land Based Conflict In Afghanistan: The Case Of Paktia*; Working Paper, Kabul: TLO 2008.

⁶³ 'Afghanistan: Returnees may become refugees again – ministry; Kabul, 19 June 2008 (IRIN), <http://www.irinnews.org/Report.aspx?ReportId=78822>.

⁶⁴ Afghanistan Independent Human Rights Commission, 2007.

workers lack access to over 40 percent of the country. About one third noted that their children (mostly girls) did not attend primary school, either because of a lack of school buildings, or child-labour (especially for boys).⁶⁵ Insecurity leads to increasing school closures (particularly of schools for girls) in Afghanistan, especially in insurgent-dominated areas in the south, southwest, southeast and east of the country. Even though some have recently re-opened, over 570 primary and secondary schools are still closed.⁶⁶ “In 2008, 293 school-related security incidents and 92 deaths were reported, compared to 232 school-based security incidents in the same period for 2007 and 213 incidents in all of 2006.”⁶⁷ Furthermore, as noted earlier, in many parts of Afghanistan there is simply no opportunity to establish—or regain—a livelihood and adequate source of income. Finally, there are vulnerable groups that require special attention; for example women, and especially the two million or so widows in Afghanistan; and unaccompanied minors who are vulnerable to recruitment for child-labour and trafficking.⁶⁸

Meanwhile, ‘voluntary’ repatriation has largely come to a halt and those who remain in Iran and Pakistan are likely to return only if forced.⁶⁹ In addition to having a different demographic profile from those who have already repatriated (e.g., age, length in exile), the negative experiences of those who have returned influence the decision of those

who remain to stay put.⁷⁰ Furthermore, ‘if returnees re-migrate after having failed to reintegrate successfully, they are likely to be even more critical of possibly returning in the future’.⁷¹

If threats not to renew refugee permits take place in Pakistan (renewal is up at the end of 2009), these refugees will effectively ‘transform’ into illegal or irregular migrants, or simply ‘cease to be Afghans’ as many already hold Pakistani ID cards. Iran has already established a policy whereby Afghan refugees have to renew their residence permits every six months.⁷² Refugees are likely to experience increasing harassment from government authorities and increasing resentment from local populations in both countries. Their loss of legal status will result in a loss of access to legal and social services. Women and children are likely to become vulnerable to exploitation in the work place and possibly human trafficking.

Beyond the dire human development/security implications for returning refugees and IDPs in Afghanistan themselves, it is possible to discern a series of wider implications for development and security both nationally and within the region, especially as the Afghan refugee situation has been subject to politicisation in the past.⁷³ As early as the 1980s, refugees were ‘pawns in the larger geopolitical struggle’ for regional and international domination,⁷⁴ a trend that is starting to repeat itself.

⁶⁵ *Ibid.*

⁶⁶ ‘Afghanistan: Dozens of schools reopen in volatile south’, Kabul, 26 March 2009 (IRIN) <http://www.irinnews.org/Report.aspx?ReportId=83662>.

⁶⁷ UNAMA 2009, 9.

⁶⁸ M.A. Rahjo, ‘Afghanistan: UNHCR Considerations for Specific Groups Relevant to the Determination of Refugee Status’, in Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (ed.), *Country Report Afghanistan*, 11th European Country of Origin Information Seminar (Vienna, 21–22 June 2007), pp. 23–54; B. J. Stapleton, ‘A means to what end? Why PRTs are peripheral to the bigger political challenges in Afghanistan’, *Journal of Military and Strategic Studies* 10:1, 1–49, <http://www.jmss.org/2007/2007fall/articles/stapleton.pdf>.

⁶⁹ S.Schmeidl and W. Maley 2008, 168.

⁷⁰ Saito, 2008.

⁷¹ Saito, 2008, 3.

⁷² ‘Afghanistan: Limited scope to absorb more refugees’, Jalalabad, 15 March 2009 (IRIN), <http://www.irinnews.org/Report.aspx?ReportId=83474>.

⁷³ S.Schmeidl and W.Maley, 2008.

⁷⁴ G. Loescher, *Beyond Charity: International Cooperation and the Global Refugee Crisis*. New York, New York: Oxford University Press, 1993, 89; see also R. Schöch, ‘UNHCR and the Afghan Refugees in the Early 1980s: Between Humanitarian Action and Cold War Politics’, *Refugee Survey Quarterly* 27: (2008)1.

First, the return of such large numbers of refugees has almost certainly exacerbated existing problems in Afghanistan, by placing huge pressure on the country's absorption capacity.⁷⁵ Examples range from pressure on limited services, to competition for jobs, to stoking communal and ethnic tensions. As Turton and Marsden have observed, repatriation has been neither in the best interests of the majority of its intended beneficiaries nor of the long term reconstruction of Afghanistan.⁷⁶

Second, the remaining refugees under pressure to return from Iran and Pakistan may seek alternatives, including for example migrating internally within those countries to urban areas, or joining the large force of (largely illegal) labour migrants. Such an outcome would add to pressure on resources and competition for jobs in urban areas, and further exacerbate negative public sentiments towards the refugees in host countries, if not regarding Afghanistan as a whole.

While it is very important not to impute refugees with tainted intentions without substantiation,⁷⁷ it may also be worth considering, thirdly, possible interactions between returning refugees and IDPs in Afghanistan and other security issues and threats, especially as these populations are poor, unemployed, and feel disenfranchised and marginalized. The source of problems lie less with the displaced populations themselves than with inadequate assistance and protection. They may be associated with urban unrest (e.g. in Kabul in 2006 and in Jalalabad in 2005); the narcotics industry; or cross-border trafficking of people, arms and drugs. In other

contexts it has been suggested that IDPs may be sympathetic towards or actively support insurgency groups, especially if they do not consider their government to be assisting them adequately,⁷⁸ or at the least provide an easy recruitment ground for the insurgency.⁷⁹

Finally, the situation of returning refugees and IDPs in Afghanistan has put a further strain on already tense political relations between the Afghan government and its neighbours. Afghanistan is likely to resist repatriation to avoid further exacerbation of the sorts of problems outlined here; while Iran and Pakistan show no let up in their determination to continue to send Afghans home.⁸⁰ As in the past, Afghan refugees have once again become a convenient scapegoat in their host countries for social ills, an assertion Afghanistan rejects. Especially Pakistan, under increasing international pressure for its failure to rein in growing fundamentalism, is blaming Afghan refugees camps for harbouring extremists that not only feed the insurgency in Afghanistan, but are increasingly destabilising the Federally Administered Tribal Agencies (FATA) of the country.⁸¹ "Taliban insurgents are alleged by Pakistani officials to have infiltrated four border camps, using them as bases to attack U.S. forces in Afghanistan."⁸²

POLICY RECOMMENDATIONS

1. De-politicize displacement

One of the hallmarks of Afghan displacement, and one of the reasons that it has persisted, is that considerations other than

⁷⁵ S.Schmeidl and W.Maley 2008, 'Afghanistan', Pp. 262-266 in *UNHCR Global Appeal 2009 Update* <<http://www.unhcr.org/publ/PUBL/4922d4250.pdf>>.

⁷⁶ D.Turton and Marsden, 2002, 35, 56.

⁷⁷ G. Uehling, 'Unwanted migration', *New Issues in Refugee Research*, Working Paper 109, Geneva : UNHCR, 2004.

⁷⁸ E. Ferris, 'The Looming Crisis: Displacement and Security in Iraq', Brookings Institution Foreign Policy Paper Series, No.5; see also E. Parker 2008 and S.Schmeidl and W.Maley 2008, 139 noting this problem for Pashtun refugees forcefully departed from Iran. http://www.brookings.edu/papers/2008/08_iraq_ferris.aspx.

⁷⁹ S. Schmeidl and W. Maley, 2008.

⁸⁰ Schmeidl and Maley 2008.

⁸¹ *Ibid.*

⁸² Parker, 2008.

protection have been at the heart of international responses, and the human security of refugees has competed with national and regional security agendas. In the early years of Afghan displacement, the refugees became victim to Cold War politics.⁸³ In 2002, repatriation became a means to legitimise the peace process and fledgling Karzai administration.⁸⁴ Now, the interests of host countries (wanting to rid themselves of a long-term burden) has overruled the best interests of the refugees and of the country of origin. The U.S. overall approach in the region, and also towards the refugee problem there, has historically been determined by U.S. strategic interests, including homeland security, rather than any humanitarian agenda.⁸⁵ The post 9/11 U.S. engagement in Afghanistan shows no more enlightenment.⁸⁶ The U.S.-led intervention had less to do with solving the humanitarian crisis in the country, or the longstanding protracted refugee situation, than with protecting U.S. soil from further terrorist attacks. While UNHCR was under pressure from host country, regional, and also international politics, it is nevertheless surprising that it chose Afghanistan as a success story for the durable solution of repatriation, especially as at this point it is unclear if there is anything durable about the mass returns prompted by the fall of the Taliban at the end of 2001.

Finding durable solutions for Afghanistan's refugees and IDPs is essential for national and regional security. But sustainable solutions cannot be achieved in a politicized context. The normative framework that underpins the international refugee regime needs to be re-asserted and

emphasized. Specifically: it is a human right to leave one's own country; access must be granted to the territory of other states; asylum is a non-political act; *refoulement* (forced repatriation) is prohibited; refugees have economic and social rights; and there is an international obligation to search for genuine durable solutions. These principles should determine the responses of host governments to Afghan refugees, and of the international community—including the U.S.—in relations pertaining to refugees with these host governments. Equally UNHCR should fulfil its mandate to assist and protect refugees, and find durable solutions for them. The international community, especially the US, should support UNHCR to fulfil its humanitarian agenda rather than pushing a continued repatriation agenda. Funding needs to be made available for other solutions than return. For its part the government of Afghanistan has an obligation to protect and assist internally displaced persons, as advised by the Guiding Principles on Internal Displacement. Ideally a comprehensive national law or policy on IDP is required. However as the Afghan government has difficulties to even protect its own population; the international community may need to provide targeted assistance in the area of returnee and IDP protection.

2. Targeted humanitarian assistance

Humanitarian assistance to Afghan refugees and Afghanistan has reduced in recent years and been supplanted by returnee assistance. For at least three reasons, targeted humanitarian assistance is still required in the region. First, mass repatriation should not distract from the continuing needs of those refugees who remain.

⁸³ S. Schmeidl and W. Maley, 2008, 160.

⁸⁴ D. Turton and P. Marsden, 2002; See also R. Black and S. Gent 'Defining, Measuring and Influencing Sustainable Return: The Case of the Balkans', Working Paper T7, Brighton: Development Research Centre on Migration, Globalisation and Poverty, 2004.

⁸⁵ F. Grare, Rethinking Western Strategies Toward Pakistan: An Action Agenda for the United States and Europe, Washington, DC: Carnegie Endowment for International Peace, 2007.

⁸⁶ A. Rashid, *Descent into Chaos: The United States and the Failure of Nation Building in Pakistan, Afghanistan, and Central Asia*, New York: Viking, 2008.

As has been explained, they are often people who have specific reasons not to return, including their particular vulnerability. Furthermore, as emphasized before, those who remain face increasing infringements upon their rights in the context of growing pressure on refugees in Iran and Pakistan.

Second, assistance is clearly required for growing numbers of internally displaced persons in Afghanistan. The preceding section has outlined some of the human security issues that characterize internal displacement in Afghanistan—poverty, unemployment, lack of shelter, vulnerability to exploitation, and so forth. The government of Afghanistan currently does not have the capacity to protect or assist its own citizens who are internally displaced, nor to address the wide range of root causes underlying internal displacement. As demonstrated above, (internal) displacement is not simply a human security issue, at the scale at which it is taking place in Afghanistan it also has significant implications for economic, social, national and regional security.

Third, a lack of support from the international community should not be permitted to be an excuse for the government of Pakistan, in particular, to continue to pressure refugees to return. The fate of Afghanistan and its displacement crisis might be a possible avenue for the U.S. to find some common (cooperative) ground with Iran. “Iran’s opposition to the return of the Taliban, its concern about the drug economy affecting its citizens, and its plans to expand ties with Afghanistan and Central Asia make it a potential ally in bringing stability to Afghanistan, because none of those goals can be achieved without it.”⁸⁷ This could have positive effects on Iran’s treatment of Afghan refugees.

3. The need for ‘alternative durable solutions

Finding solutions for protracted refugee situations is never easy, especially when dealing with a population as large as the Afghan refugees, many of whom have been displaced for well over two decades or were born in exile with little knowledge of their so called ‘home’ country. A useful starting point, however, might be to acknowledge the complexity of the situation (and subsequently the solutions required) rather than looking for ‘quick fixes’. While the sheer size of the Afghan refugee population may have made large-scale resettlement or local integration unfeasible, greater efforts could (and possibly should) have been made to look beyond repatriation as the only durable solution. UNHCR recently brokered a tentative agreement with Pakistan to extend the stay of Afghan refugees for four more years: “Communities in Baluchistan and North West Frontier Province would get upgrades to their roads, schools, farms, and medical clinics” in exchange for hosting refugees until the end of 2012.⁸⁸ The total package would be worth US\$140 million. This does not however necessarily resolve the protracted situation of Afghan refugees, as displacement is simply put on hold and the achievement of a more durable solution is deferred. Perhaps local integration for some refugees who are more adapted to Pakistan than Afghanistan should be considered, even if in small numbers only. UNHCR just recently signed an agreement with Tajikistan on integrating 1,000 refugees who have lived there for up to twenty years.⁸⁹

For those refugees from whom repatriation or local integration is not currently possible, there are other options open to some, including through taking advantage of extended family networks across the world.⁹⁰ The U.S. and

⁸⁷ Afghanistan’s Other Neighbors: Iran, Central Asia, and China, 2009, 5.

⁸⁸ L. MacInnis, “Pakistan to get \$140 mln for sheltering refugees,” Reuters, 13 March 2009, <http://in.reuters.com/article/southAsiaNews/idINIndia-38498120090313>.

⁸⁹ <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=47f3a4334>.

⁹⁰ A. Monsutti ‘Afghan migratory strategies and the three solutions to the refugee problem’, *Refugee Survey Quarterly* 27: (2008)1.

other countries, however, could also re-evaluate and step up formal resettlement of the most vulnerable of the remaining refugees, or those least likely to ever return. Afghan refugees already have extensive family networks in the U.S. and elsewhere and in most cases are well adjusted. Perhaps part of the solution to the Afghan refugee problem lies less with the rigid durable solution framework traditionally advocated by UNHCR and more with supporting the migratory survival strategies that Afghans have adopted, an option UNHCR recently put forth itself.⁹¹ Here mobility in essence would be the solution, not staying put either in host countries (local integration), finding a new permanent residence abroad (resettlement) or returning permanently home (repatriation). The economic interdependence and interconnectedness between Afghanistan and its neighbours would support such a solution, if political and security consideration would allow for it. Then local integration, for example, need not mean awarding citizenship, but could include temporary labour agreements allowing a transitional and transnational lifestyle. Assistance to host states (both economically, and in terms of diplomatic incentives), as UNHCR has recently started in Pakistan, should be a major consideration in working out such arrangements, rather than simply buying more time.

Such a global approach to the Afghan refugee problem would also mirror the solutions put forth to resolve the security dilemmas in the region (especially in regard to Pakistan). Maley argues that 'it should be recognized that without a regionally based approach, no single state's problems are likely to be resolved. Interconnectedness is the name of the new Great Game.'⁹²

Recognising this reality, however, may still take some time, during which it is likely that the protracted nature of the Afghan refugee situation will continue unresolved, even if individual Afghans manage to find their own personal durable (or temporary) solution.

4. Strengthening the Afghan state and peace-building process

Rather than using the return of refugees to as a false indicator that Afghan reconstruction and peacebuilding are on track, energy should be diverted to bringing refugee rights center-stage. According to Loescher *et al.* the nexus between refugee return (and returnee profiles) and state-building needs to be considered further.⁹³ This is especially crucial as those who remain have not only suffered from a diminution of economic capacity and social networks, but essentially lack the experience of surviving in a state-free environment; being very much used to controlled camp environments or 'strong' states. In such circumstances the focus needs to be on creating an enabling return environment instead of managed repatriation programmes that are at odds with reality in the wider political environment. This means recognising the distinctive features of those who remain and taking steps to find ways of meeting these specific refugees needs in both the socio-economic and political spheres, while hopefully at the same time improving the lives of those who have already returned. If the trend of forcing refugees back continues without adequately addressing protection and reintegration, new returnees can become a destabilising force by being recruited into the every-growing ranks of insurgency, as a network to protect them.⁹⁴

⁹¹ UNHCR, *Protracted Refugee Situations*, 20 November 2008. UNHCR/DPC/2008/Doc. 02. <http://www.unhcr.org/refworld/docid/492fb92d2.html>, pp. 20-21.

⁹² W. Maley, 'Afghanistan and its region' pp. 81-93 in J. A. Thier (ed.), *The Future of Afghanistan*, Washington, DC: U.S. Institute of Peace, 2009, 90.

⁹³ G. Loescher, J. Milner, E. Newman and G. Troeller, (2007), *Protracted Refugee Situations and Peacebuilding*, Policy Brief, Number 1(2007) (United Nations University).

⁹⁴ Parker, 2008.

As noted earlier, the U.S. engagement in Afghanistan particularly has never primarily had the purpose of rebuilding the Afghan state, but rather to reduce a terrorist threat. According to Ghani and Lockhart, ‘the international community was resistant to the concept of state building’ in Afghanistan, rather focussing on ‘old approaches ... wrapped in the language of state building’.⁹⁵ Thus, it might be wise to balance military assistance to Afghanistan with a coherent state-building strategy that tries to fix some of the earlier mistakes made, such as a failure to focus on sub-national governance.⁹⁶

5. Active monitoring of population movements

As early as 2003 Amnesty International was critical of the lack of access for UNHCR and other international agencies in many parts of Afghanistan, making protection, and especially the monitoring of returnees, difficult.⁹⁷ Effective monitoring would have shown much earlier that rapid and vast repatriation was not working as well as anticipated and that return was likely to be anything but sustainable. Having this knowledge now emphasizes the urgent need to monitor future return even more carefully, including checking-up on the well-being of those who returned several years ago. Only through monitoring can assistance and protection to returnees—especially those internally displaced—be improved.

Another reason for monitoring is the need to disaggregate new population flows from Afghanistan in order to distinguish those people with the right to protection and assistance in international law. It is likely that a proportion of those currently crossing the border from Afghanistan into Pakistan and possibly Iran as illegal labour migrants are in need of protection from violence or

persecution and would qualify as refugees. The simple fact that international actors do not like the scenario of re-emigration or fresh refugee flows should not be used to deny refugees the protection they deserve.

Monitoring is equally important for border security. Uncontrolled population movements undermine the exercise of state sovereignty and will further destabilize an already insecure and dangerous border zone. In particular allegations of extremists mixing with refugees makes monitoring essential. Being able to differentiate forced migrants from refugee warriors, even if this is difficult, allows for refugees to be protected rather than scape-goated.

A final aspect of monitoring population movements is that the international community should bring to bear diplomatic pressure on the governments of Pakistan and Iran to cease forced returns of Afghan refugees. The burden of proof, however, might be difficult in the end, as much of the so called voluntary return has already been forced, with UNHCR and the international community standing by. It is possible that monitoring could serve as a deterrent at least for Pakistan, which tends to deny such action. Iran, however, is already fairly open about its right to deport illegal immigrants. Even monitoring may not force either country to give rights to refugees who deserve it.

As UNHCR and other international actors lack access to most displaced populations, creative monitoring strategies need to be explored, possibly by empowering returnees, IDPs or local Afghan communities to assist in the process. This could also lead to displaced population becoming

⁹⁵ A. Ghani and C. Lockhart (2008), *Fixing Failed States: A Framework for Rebuilding a Fractured World* (Oxford: Oxford University Press), 12.

⁹⁶ A. Wilder and S. Lister (2007), ‘State-building at the Subnational Level in Afghanistan: A Missed Opportunity’, in Wolfgang F. Danspeckgruber with Robert P. Finn (ed.), *Building State and Security in Afghanistan* (Princeton: Liechtenstein Institute on Self-Determination, Princeton University) pp.85-102.

⁹⁷ Amnesty International, 2003, 28.

part of the process of finding durable solutions, rather than having everything decided for them.

CONCLUSION

Migration and displacement in and from Afghanistan are bewilderingly complex: One of the world's largest and most enduring protracted refugee situations coincides with the largest repatriation in recent history. Returnees to Afghanistan cross paths with increasing numbers of cross-border migrants, traders and new refugees moving in the opposite direction. Many returning refugees have effectively become internally displaced persons in Afghanistan, forming one of an increasing number of different IDP categories in that country. Some refugees who have chosen not to return to Afghanistan have remained as 'irregular migrants' and in some cases paid smugglers to move further away. Refugee camps that once hosted Afghan refugees in Pakistan are now being occupied by Pakistanis displaced internally by fleeing violence in the Bajaur agency of the Federally Administered Tribal Areas (FATA) in North West Frontier Province. There are even reports of Pakistanis now crossing the border to Afghanistan in search of temporary sanctuary from violence.

Maintaining pressure on repatriation at present is not advisable, even if refugee camps are suspected of being breeding grounds for extremists. The same argument can be made for forced returnees who may simply join the insurgency out of spite or lack of options. Rather than dodging responsibilities and continuing to hold refugees hostage to political games, the international community, with the U.S. at its lead, should begin to see the Afghan refugee problem as an opportunity to deal with regional peace and stability in a non-military way. By stepping up its humanitarian agenda not only can it assist Pakistan, but possibly also reach out to its arch-enemy Iran. At present the Afghan state may be hard-pressed to make drastic changes that can allow for the return of all remaining refugees. Thus, instead of literally forcing the issue, alternative solutions such as discussed here should be explored and funded. After all, the alternatives are grim, and another cycle of unwanted (forced) population movements is very likely to occur, creating an entire new generation of refugees who may finally have had enough and rule out future return altogether. This is likely to be an unintended consequence the international community is not able to afford.