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The Role of UNHCR and Afghan Refugees in Pakistan

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The protection and shelter of millions of Afghans on Pakistan soil for over three decades has amplified the image of UNHCR as a humanitarian institution, which has worked along with the government of Pakistan to manage the burden of the largest caseload of refugees in the world. The office is credited with having carried out the largest repatriation of Afghans (approximately 3.6 million) to their home country since 2002. This operation has greatly enhanced the credibility and esteem of the UNHCR both within Pakistan and Afghanistan. The organisation coordinated the census of Afghans in Pakistan in 2005 followed by a nation-wide registration exercise conducted between October 2006 and February 2007, providing the much needed data for policy makers to formulate comprehensive strategies to cope with refugees. However, the agency has faced many challenges while administering and protecting Afghans. It has been criticised for carrying out the repatriation at a time when the situation in Afghanistan is far from stable. Moreover, its prolonged stay and collaboration with the government is engendering suspicions that it is not genuinely interested in resolving the refugee problem. Critics point out that both UNHCR and Afghans are not going to leave Pakistan as both have a vested interest in extending their stay—as it means employment for large numbers and a share of the pie of assistance.

The UNHCR was created by UN member states as a strictly non-political agency for the advocacy of refugees, but as it evolved during the Cold War its role has been determined by the politics of the international system plus the donors.[1] Protecting Afghan refugees has been a major test for the agency from the outset as they had escaped when their country was invaded by Soviet troops in December 1979. This led to the proxy war waged by the US through the Afghan Mujahideen via Pakistan. Many Afghan refugees participated in the war against their own government, crossing the border to carry out jihad to force the Soviet withdrawal. UNHCR was not a neutral observer, it became enmeshed in refugee politics despite its desire to maintain its humanitarian face by supporting the vulnerable and destitute Afghan population. It had to walk a tightrope from the very onset of the refugee flows into Pakistan. It had to protect and assist them in a highly politicised environment.

UNHCR's response to the largest case load

'Pakistan remains host to the largest refugee population in the world and its continuing generosity to the uprooted is vital', said UN High Commissioner for Refugees

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Afghan refugee families who fled their country due to war and drought, proceed to trucks to leave for Afghanistan at a UNHCR repatriation terminal in Peshawar, Pakistan on Tuesday, 19 April 2011. A total of 1,757 Afghan refugees had been repatriated in March as part of the on-going volunteer repatriation program, the UN refugee agency said. (AP Photo / Mohammad Sajjad)

António Guterres.[2] Pakistan has hosted them now for over three decades. However, it has not been alone in managing them. The locals, in addition to the Afghan commissionerates, have been helping refugees too. The Commissionerate Afghan Refugees (CARs) was created by Pakistan in 1979 to provide relief to refugees. The UNHCR operates through these Commissionerates. 'We signed the first assistance agreement in November 1979', says HasimUtkan, a UNHCR official, whose professional career has been more or less associated with the Afghan refugee crisis. 'I don't exactly recall whether there were one or two other colleagues who came . . . we were extremely thin on the ground. Then the Soviets invaded on 26 December 1979 and the operation took a totally different turn'[3]. In the beginning the UNHCR presence was meagre, but as years progressed it became a huge establishment as the number of fleeing Afghans increased. At that time neither the host nor the agency had envisioned the refugee stay to be a prolonged one; therefore there was no long-term planning.

During 1980–1981, 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 presence of nearly 2.7 million by November 1982. By June 1983, the number of Afghans settled in Pakistan had reached three million. It became the largest concentration in any one country.[4] The government figures did not include the unregistered refugees nor the births or deaths amongst the refugee populace. UNHCR established a permanent office in Pakistan in January 1980 and started what was to become 'the largest assistance programme ever undertaken' by UNHCR. It provided shelter, clothing, food and fuel, and acted to ensure a water supply to the camps and veterinary services for the three million

livestock, as well as non-material assistance like education and training.[5] The organisation soon gained credibility in the international community for playing a leading role in sheltering Afghans and in return started receiving massive funds from donors, particularly the US.

UNHCR and most of the NGOs operated programmes for Afghan refugees in Pakistan made little or no pretence of neutrality. With the US as its major donor, the UNHCR could not remain impartial in its humanitarian activities, and subtly supported the US policy in Afghanistan by assisting Afghan refugees who participated in the freedom war. It remained a silent spectator to the refugees' involvement in the war, thereby polarising Pakistan–Afghan relations. Gen Zia ul Haq, then president of Pakistan, seized the opportunity to use the refugees to his advantage, took control of the camps and began using them as safe havens for Mujahideen. The US supported Gen Zia's policy of using refugees for strategic purposes. The politicisation and subsequent militarisation of refugees began with the tacit approval of the host and the US. The UNHCR did not protest against these developments; on the contrary it continued operating, giving implicit approval.

The government of Pakistan encouraged the formation of seven political parties of Afghans. They were refugee parties, with political aims to overthrow the regime of Babrak Karmal, forcing out the Soviets and setting up an Islamic government in their home country. Critics soon pointed out that these Mujahideen did not have any policy of their own, but that their objectives and activities were shaped and guided by Pakistan, more specifically by the Directorate for Inter-Services Intelligence (ISI), Pakistan's military intelligence service. The control of these parties was not institutionalised, but the government of Pakistan and ISI were able to shape their policies by allocating or withholding supplies for specific parties, in a strategy of incentives (supplies) and disincentives (withholding supplies), including important arms supplies. These Mujahideen parties became intermediaries between the Afghan resistance on the one hand, and the Pakistani authorities and international governments on the other.[6] These parties gained legitimacy within Pakistani administrative circles and exerted influence over refugees in the camps, which in turn became major reservoirs for recruiting Mujahideen for waging war against the Soviets.

Refugees were asked to register themselves with one of the seven parties to be eligible for assistance. Upon registration the family heads received a passbook for monthly rations. In return the parties gained political clout amongst the refugees, using aid as an effective tool to control and manipulate them. While some refugees joined the Mujahideen parties willingly to wage jihad, others did so reluctantly to continue receiving the much needed supplies to survive. UNHCR and the majority of NGOs stood by and made no effort to monitor or stop the abuse and violation of refugee rights by the Mujahideen. The UNHCR and World Food Programme (WFP) had no means to ensure that food went exclusively to non-combatants. Between 1979–1997, the UNHCR spent over a billion dollars on Afghan refugees in Pakistan.[7] But most of this aid was going through the Mujahideen to the refugees. The presence of UNHCR was approved of by the refugees, but there was also growing criticism over its impartiality as a humanitarian agency.

Those who lived in the Afghan Refugee Villages (ARVs—a term used for the camps in Pakistan) received assistance. By the mid 1980s there were more than 300 Afghan refugee villages (ARVs) throughout Pakistan. With the exception of a single camp near Mianwali on the western border of the Punjab province, all were in either NWFP (now Khyber Pukhtunkhwa) or Balochistan. The government did not

confine Afghans to the camps, but those who lived outside received no assistance and were mostly unregistered. The number of ARVs or camps fluctuated over the years given the nature of the Afghan influx.

Gen Zia ul Haq effectively used Islam and the traditional code of Pushtunwali to house Afghans. Seeking temporary refuge from political persecution has a place in Islamic tradition based on the historical *hijrat* (migration). This provided sanctity to the Afghan refugees who were termed *muhajirs* (refugees), and expected similar hospitality and accommodation as meted out to the Prophet Mohammed and his companions when they migrated to Medina to avoid persecution in Mecca in 622 CE Simultaneously the Pushtun traditions of *melmastia* (hospitality) and *panah* (refuge) came into play as most of the Afghan refugees who crossed the Durand Line were Pushtuns. For the UNHCR, Islam and the Pushtun traditions assumed importance as they helped the agency in providing the much needed protection and support to refugees in Pakistan as it was neither a signatory to the 1951 UN Convention Relating to the Status of Refugees nor the 1967 Protocol. The legal vacuum was filled up by the Islamic and Pushtun traditions. UNHCR credited the locals for hosting Afghans. 'In the initial stages of the Afghan crisis, refugees were fed and sheltered by the local residents in extraordinary acts of charity and hospitality.' Neither residents nor refugees suffered from the problems that often plague massive forced migration; there were no epidemics and no serious cases of malnutrition.[8]

The Soviet withdrawal from Afghanistan in February 1989 as result of the Geneva Accords (April 1988) was considered to have removed the security threat for refugees to return to their country. The UNHCR was expected to assist and cooperate in the voluntary repatriation of Afghans. Gen Zia the main supporter of Afghan refugees and jihad died in an air crash in August 1988. Benazir Bhutto became the new prime minister, but her government could not take a bold decision on Afghanistan, as the ISI waited for the Mujahideen to take over power. President Najeebullah remained in power, thereby blocking the way for a political settlement. The Mujahideen with backing from ISI resisted the early repatriation of Afghans, thereby denying legitimacy to the Soviet- installed regime. However, all refugees were not enticed by the Mujahideen and they returned to their homeland. Returnees complained about the harassment at checkposts in Pakistan between the refugee villages and the border, where payments were demanded or goods confiscated in lieu of payment.[9] The UNHCR could not ensure the security and safety of the refugees as the political parties of the Mujahideen openly discouraged returns and in many areas blocked the roads.

UNHCR and the prolonged Afghan Repatriation

President Najeebullah stepped down in April 1992 and the Mujahideen came to power under the leadership of Professor Burhanuddin Rabbani, in accordance with the Peshawar Accord of April 1992.[10] The power shift led to a mass repatriation of Afghans. The installation of the new regime was seen by the refugees as a political victory over the communist elements in the country and they were now willing to return. The government too wanted refugees to return, as they were its strong supporters and allies during the resistance years. Pakistan too wanted the repatriation of an estimated 2.8 million registered refugees. 'The unregistered are somehow or the other looking after themselves. They are not directly dependent on the government and therefore not a liability for the government, although they do have an effect on the market.'[11] At the time the unregistered numbers of refugees who had migrated to Pakistan in the 1990s

was estimated to be half a million, mostly living in the urban centres of Peshawar and Karachi.

Repatriation was largely based on the encashment of refugee pass books. The cash grant to returnees of $100 was given after their passbooks were cancelled. They were also provided with 300 kilograms of wheat. As refugees were given the cash and wheat within Pakistan, it left them free to decide not only when to return but also whether to return. Globally the UNHCR was encouraging repatriation of refugees as the most durable solution. The 1990s were termed a 'decade of repatriation'. In line with its global approach the repatriation of Afghans translated into some successes for UNHCR operations in Pakistan. The encashment programme was largely seen as an incentive for refugees to return.

The international community particularly the US and Western powers were no longer interested in continuing assistance for Afghans. They stressed the need for repatriation as it would bring the refugee cycle to a conclusive end. However, the refugees deregistered without returning. Premature encashment, availed either because of poverty or because of a desire to return following the fall of Najibullah, led to considerable hardship. Once deregistered, refugees who were unwilling to return found themselves in the same disadvantageous situation as many of the unregistered refugees in Pakistan.[12] UNHCR could not ensure the return of those who had encashed their passbooks. Some of the refugee families had several ration cards. The UNHCR established offices in Afghanistan—Herat, Kandahar, Jalalabad and Mazar-i-Sharif—to meet their protection and immediate rehabilitation needs. During the same period the organisation was faced with new influxes, as factional fighting continued amongst various Afghan Mujahideen groups, accentuated by the involvement of external actors—the US, Pakistan, Saudi Arabia, etc.—each pursuing its own policy objectives. Each used the Afghan crisis to consolidate their influence over their client Afghan factions.[13]

In August 1992, Pakistan closed its border to new refugee influxes, 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. Others moved into the camps abandoned by refugees. However, the UNHCR succeeded in repatriating over a million in a short space of time. Critics soon pointed to the 1.5 million registered Afghans remaining in Pakistan. They believed that the repatriation programme was not comprehensive, as reintegration strategies were still in their infancy, and incapable of integrating a huge population. UNHCR and the international community relied on the encashment system for repatriating Afghans. The agency was aware of the dwindling international assistance for Afghans in Pakistan, therefore repatriation was encouraged. 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 issue for the donors was to get themselves off the assistance register. There was new realisation amongst donors that Afghan refugees had lost their geopolitical significance as the Soviet Union had collapsed and they were no longer needed to resist Communist expansionism, or further the geopolitical objectives of the donors.[14] This slowed down repatriation, as political conflict continued amidst new flows of refugees.

The UNHCR and WFP ended food aid to most refugees in 1995. They based their decision on the results of a survey that revealed that a majority of the refugees were self-sufficient or would be able to achieve self-sufficiency if they had to do so. They believed that the stopping of food supplies might stimulate repatriation, but this did

not happen. This led to a movement of refugees to the cities in search of work.[15] Afghanistan saw another political change in 1996, when the Taliban came to power, triggering new flows to Pakistan. The Taliban brought about relative peace to various parts of the country, but their strict policies and implementation of Shariah forced many Afghans to leave their country. These refugees were mainly educated, urbanised and comparatively well off, and could settle in cities without assistance from the UNHCR. Having recognised the Taliban regime, Pakistan wanted refugees to return. During 1997 some 10,315 families consisting of 70,123 individuals crossed into Pakistan.[16] In 1999, the government changed its *prime facie* refugee policy, requiring proper legal documentation for entering the country. This was a restrictive measure and a departure from its earlier policy of opening its doors for Afghans.

Pakistan became tough on refugees, denying entry to Afghans unless they had a valid Afghan passport and a valid Pakistani visa. It also embarked on a policy of mass refoulement. The governor of Khyber Pukhtunkhwa (then NWFP) issued an order authorising the police to detain and deport any Afghan without legal documents. This led to the harassment of refugees and forcible returns during periods of crisis, as in October 2001 the US attacked Afghanistan following the 9/11 incident. This led to further displacement, and UNHCR set up new camps along the border areas, hoping however that the collapse of Taliban regime would enable the refugees to return soon. After the installation of the interim administration of Hamid Karzai, mass returns took place despite the worst drought in years and political instability.

During this period UNHCR decided to wind up its relief programme for new refugees and initiated repatriation for both new and old refugees. Hasim Uktan, the country representative for UNHCR, was optimistic about refugees returning, while many continued to be sceptical.[17] Despite the fragile infrastructure and persistent security problems in parts of Afghanistan, more than 1.8 million refugees returned in 2002 assisted by UNHCR and the Afghanistan Minsitry of Refugees and Repatriation (MoRR). This turned out to be the largest repatriation in the history of UNHCR. It enhanced the credibility of the institution, which had become the target of criticism from many quarters for not being able to assist or protect Afghans after the mid 1990s. However, it had failed to anticipate the large numbers who would want to return home, and was not prepared for the viable reintegration of these refugees. It had planned for 400,000 Afghans returning from Pakistan with an equal number being assisted to return from Iran. Given the prevailing scepticism at the time, it was believed that many refugees would not actually return as it had not happened in the past. The target was surpassed only in 15 weeks after the repatriation started on 1 March 2002. The UNHCR had to make adjustments in its operations as its budget was overstretched. It divided its aid over four priority areas—protection, travel assistance/returnee packages, shelter and water.[18] Pakistan started closing down certain camps and cooperated with the UNHCR in assisting repatriation. The closure of the sprawling Nasir Bagh Camp in the suburbs of Peshawar city sent a clear signal to refugees that UNHCR favoured repatriation rather than maintaining refugee camps. Housing more than 80,000 individuals and established in the early 1980s, Nasir Bagh was formally closed down in May 2002.

Pakistan allowed the UNHCR to set up Voluntary Repatriation Centres (VRCs). These centres were to verify whether those returning were genuine or not. The returnees were registered at these centres and entitled to basic assistance, and a cash grant of $100 per family to cover their transportation costs. This time the agency was more vigilant regarding returns and did not want to repeat the mistakes of the

1992 encashment programme. It did not want recyclers back on its soil. However, recycling was taking place; they received aid for repatriation but came back to Pakistan hoping for a second payment.[19]

Pakistan kept its border closed to discourage flow backs. Recycling was not easy to curb because of the porous border, and with no birth certificates or other records to examine, sorting the bogus from the real was a challenging task:

> 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. And a recycler will often send different family members – a husband, a wife or a son – to the VRC each time, thereby making recognition even more difficult.[20]

Acknowledging that the UNHCR officials had denied assistance to genuine refugees who wanted to return in the year 2002, it trained its staff to identify and verify refugees intending to go back to their country.

To prevent Afghan recyclers from getting repatriation assistance, Iris technology was first used at the VRC in Peshawar for 'ultimately eliminating recyclers and concentrate [sic] on persons of concern and devote more time to vulnerable individuals.'[21] It is foolproof and can spot anyone who is seeking assistance twice. Although it guarantees that nobody receives assistance more than once it cannot stop recyclers. The UNHCR and its verifying instruments are concerned with removal of the names of refugees from their registered records rather than addressing the issue of recycling. Some consider it as another manifestation of an ideology of control and surveillance, which has become institutionalised in the humanitarian assistance regime, and which challenges the beneficiaries to find ever more ingenious ways of evading its reach.[22]

UNHCR continued to assist the voluntary repatriation of Afghans under an agreement signed with Afghanistan and Pakistan in October 2002, duly approved by the governments in March 2003 for a period of three years (2003–2005). Filippo Grandi, the UNHCR chief of Afghan operations said that it provided a solid legal framework for future repatriations.[23] The agreement contributed to improving the bilateral relations between the two neighbours. Whether UNHCR would successfully repatriate all refugees by the end of 2005 was a major question mark. Screening of refugees was to take place to identify those who might be in need of protection. However, it lacked any provision for dealing with those who refused to return. The security situation had not improved sufficiently to enable reintegration of returnees. While voicing satisfaction regarding the huge numbers who were returning the UNHCR also admitted that lack of security impeded the process and led to new displacement, particularly of ethnic Pushtuns from the northern parts of the country.

UNHCR stressed that repatriation contributes to peace building, and more aid flows were needed to stabilise the security situation. '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'.[24] The initial euphoria however was over and refugees carefully assessed their options before returning. Even those who had returned and were unable to cope with the ground realities in Afghanistan came back to Pakistan.

Those who returned mostly settled in Kabul and the surrounding provinces, where there was relative security. However, Kabul was overburdened, and returnees caused shortages of housing, infrastructure and health facilities. UNHCR stressed that

Afghanistan's capacity to welcome back its citizens had to be built up rapidly, with the active participation of development and aid agencies:

> People think UNHCR has cash reserves, that is not the case. It relies on international donors for its operations . . . It is conscious of the fact that at times the aid goes 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.[25]

While Afghanistan wants its people back, it does not want them to migrate to urban centres, which has led to exacerbating the economic problems of the country. Reintegration is a complex process, and it takes years for returnees who have lived for decades outside their country to assimilate into their own civil society.

The fact that UNHCR continues to facilitate and not promote voluntary repatriation to Afghanistan is significant, in that doing so it acknowledges that the situation in Afghanistan is neither objectively safe for returnees nor, in its estimation, are most of the returns likely to be durable. The numbers assumed great importance over durability of repatriation. Refugees who have stayed in Pakistan for more than two decades did not take the Tripartite Agreement seriously, and openly declared their reservations about repatriation. This was proved by the 2005 census of Afghan refugees in Pakistan and their subsequent registration in 2006. When the results of the census were announced, the presence of over three million refugees in Pakistan shocked both UNHCR and the Pakistani government in the face of an ongoing repatriation programme. For the UNHCR to repatriate such large numbers by March 2006 was beyond its resources and operational capacity.[26] There had been lapses but UNHCR was satisfied with the successful counting of a large and highly mobile population. Moreover, it used the statistics effectively and gained more time to repatriate Afghans. The census was therefore followed by a four-month campaign to register Afghans (October 2006–Februay 2007). The registration provided a Proof of Registration (PoR)—a card that enabled refugees to stay for another three years in Pakistan (December 2009). The card termed them as Afghan citizens rather than refugees, indicating that temporarily they were allowed to stay in Pakistan. A UNHCR survey reported that 82 per cent of the residual population was not willing to return under conditions of instability.[27] Taliban insurgency increased in these years, threatening security despite the presence of an estimated 150,000 foreign forces. Sustainable return and reintegration are becoming increasingly difficult, as the political and security situation makes the operational environment for UNHCR insecure. The office has lost its personnel too, though the numbers are few but it becomes difficult to carry out relief operations amidst growing threats to the life of its officials.

UNHCR launched an initiative known as 'Afghanistan Plus' (September 2006), aimed at developing a broader policy framework within which displacement may be managed as a migration and poverty problem, rather than a refugee situation. This shift in approach gave a new dimension to the presence of Afghan refugees. This meant overcoming poverty: managing the flow of people across the Durand Line and providing protection only to those who genuinely cannot return. Viewing refugees in this broader framework indicated that these people were economic migrants in search of a better living across the border, and no longer needed to be treated as refugees. UNHCR is closely cooperating with the governments of both Pakistan and Afghanistan. This

new approach is a burden-releasing strategy for the agency. The office failed to repatriate the residual population, therefore had to come up with a new rationalisation for the presence of Afghans.

The year 2010 was the most violent and bloodiest in the nine-year war in Afghanistan. The United Nations, through the UN Department of Safety and Security (UNDSS), reported 2,412 civilians dead and 3,803 wounded between January and October 2010—a 20 per cent rise from 2009. Some military analysts predict that violence will worsen in 2011, when international forces begin their withdrawal. The security situation is unlikely to improve in the current year, thereby impeding sustainable repatriation, though the Afghanistan National Development Strategy (2008–2012) prioritises repatriation. The government of Pakistan has extended the stay of an estimated 1.7 million Afghan refugees until December 2012. The PoR cards have been modified according to the new deadline. How the UNHCR is going to cope with the emerging situation is yet to be seen. As insurgency intensifies—its operations are likely to be obstructed.

Conclusion

The UNHCR has been in Pakistan since the first Afghan refugee arrival in the country. It has operated through the office of the Afghan Commissionerate of Pakistan. The protracted nature of the Afghan conflict has posed a challenge to the operations of UNHCR. The office has come a long way from managing the largest caseload of refugees to handling the largest repatriation in its history. Its record can at best be described as mixed. It has protected, assisted and repatriated Afghan refugees over a period of three decades. For Afghans the institution has retained a benign image, which enabled it to continue its operations. However, the presence of over a million refugees in Pakistan dents its high profile, because the office has failed to make them go back. UNHCR has not been able to come up with a comprehensive and innovative strategy to repatriate the residual population of Afghan refugees to their homeland. The UN High Commissioner is conscious of the fact that these Afghan are less likely to return even by the end of the new deadline—December 2012—when the PoR cards expire, therefore voicing the need for treating them as economic migrants rather than refugees. No matter whatever name is given to them, most Afghans expect to be treated well and not be harassed until they themselves discard the mantle of refugees. They cannot be pushed back. Therefore, UNHCR has to continue its operations in Pakistan until the Afghans remain. Over the last six years the office has mainly assisted and provided relief to the internally displaced population of Pakistan, after earthquakes, floods and military operations. Afghans who have been affected due to the latter have received more attention and help.

Most Afghans are not as vulnerable when they initially came to Pakistan, but they expect the same magnanimity and respect from their host and the UNHCR. They do not want to be harassed or deprived of facilities such as education or health, etc. The UNHCR has failed to stop the increasing harassment of refugees by the law-enforcing agencies. The UNHCR and Pakistan cannot duck criticism given their present policies towards refugees. Finding a solution to this 'quasi-permanent' population of Afghans[28] is becoming a major problem and tarnishing the image of the UNHCR.

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