

The problems of afghan returnees and its effects on the process of repatriation

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Abstract

This research paper focuses on the problems of returnees in Afghanistan. It further discusses the status of refugees in Pakistan. Afghan refugees in Pakistan and Iran are the weakest point of Afghan foreign relations with the aforementioned countries. The government cannot push its policies because anytime Afghan government has proposed and voiced national interests issues with these neighbouring countries. Pakistan and Iran has retaliated through putting pressure on Afghan refugees. The government of Afghanistan cannot stop its intervention of these neighbouring countries. Therefore, if we provide the returnees services and solve their core problems. The repatriation rate will increase and Afghanistan will be safe enough from their interventions.

Keywords: afghan, Government, neighbouring, repatriation

Introduction

Background

The numbers of returnees are increasing daily; according to Ministry of Refugees and Repatriations (MORR) of Afghanistan the final date of all refugees is set as December 31, 2016. The decision was taken after the huge abuses of refugees by Pakistan, through 27 Tripartite Commission Agreement. The repatriation of around 2.5 million could be a catastrophic. But their effective settlement can contribute in the development of Afghanistan. As they bring knowledge, skills and expertise. In addition, the majority of returnees are youths. If Afghan government provides opportunities, it could be an asset. I am going to discuss some of the problems returnees face. According to recent studies unemployment, land and housing issues, security and education are the core areas of concern. But unfortunately, the fragile and corrupt government, the war, poverty and unexpected future keep Afghans find other destinations or become illegal migrants in Pakistan.

The current refugees abuses by Pakistani government and the unwillingness of refugees to return, is the clear proof of difficulties that they predict to be faced with. Negative public sentiment is increasing day by day. Pakistan is highly concerned about the influence of Indian intelligence among refugees and an economic burden. Furthermore, Pakistan wants to expand its urban areas, refugees are settled in commercial areas. And the Internal Displaced People in Pakistan reach to 2 millions, because of the anti-insurgency operations. Therefore, Corruption in Ministry of Refugees and Reintegration of Afghanistan questioned the distribution of land. The legal status of refugees in Pakistan is not determined clear, because is not signatory to the conventions regarding refugee's status. But Pakistan bears refugees on the basis of bilateral and trilateral agreement with Afghanistan.

The repatriation of Afghan refugees is challenging; all international and regional organizations agree to shift their policies to design effective strategies. Afghans cross-border moments have proven their repatriation more complex than

expected (Schmeidl, 2009, p.20) ^[12].

The Brief history of Afghan refugees

Moments across the border with Central Asia, Iran and Pakistan have historical roots, Afghans used to travel for trade, working on daily basis as low-paid labours in Pakistan and other neighbouring countries. The Soviet invasion in 1978 resulted in the fleeing of around 7 million Afghans to Iran and Pakistan. After the withdrawal of Soviet Union Forces in 1992, 1.2 million Returned in six months. Their return was welcomed by another civil-war so-called intra-Mujahidin war for taking control of government which prolonged till 1996, most of the returnees started to leave again. The civil-war followed by Taliban regime, which wiped out all educated and professionals, the country turned into an abandoned territory.

After the overthrow of Taliban's regime in 2001, people started repatriation. Till 2006 around four to five million refugees returned, the large number of repatriation in the history of United Nations. After 2006, the security situation of Afghanistan is of concern, and people are not wishing to return comparing to the beginning years of the overthrow of the Taliban regime. On one hand the security is getting worse on the other hand International Community is decreasing its military presence and down-sizing its personnel engaged in humanitarian service.

Was Pakistan's policy a shelf to protect refugees or a sword to stab them?

From 1980 to 2002 Pakistan constituted the largest refugees in the world. Pakistani conduct toward refugees was liberal and there was no concern of being jailed and tortured by Pakistani authorities. But there was hidden political manipulation of Afghan refugees and their recruitment into different insurgent's groups, which was part of Pakistan's policy (Grare & Maley, 2011, p.2) ^[6]. In general Pakistan policy was really flexible and smooth compared to Iranian policy, most of the refugees love Pakistan. Obviously, they had more facilities in life, free to everywhere without any

restriction. Even though, they were not obliged to carry any identity document till 2005. They had access to free Pakistani education and free local business; otherwise strangers are not allowed to conduct any business, to move without document and access free education in Pakistan. On the other hand, Pakistan was involved in destruction of mentalities. According to Wojdyla, Pakistan was financing so-called religious groups providing overall support to religious schools and Warlords who were engaged in Civil-war, and current insurgency. They were highly inspired by Pakistan to kill each other ((Wojdyla, 2015, pp.22, 23) ^[14].

Being as an eye-witnessed of propaganda against the Afghan current government and our national unity in religious ceremonies conducted in Pakistan during my stay as refugee, remind me the double-standard face of Pakistan. The propaganda is still going on. Currently, world has known Pakistan as a threat to globe and becoming alone in the region. That is way, Afghan refugees forced return is being used as a tool of pressure on Afghan government for three purposes. Firstly, Pakistan wants to have its strategic-depth in Afghanistan.

As the geographic situation of Afghanistan is of more importance for Pakistan to transit its own products and products from China to Central Asia. Secondly, Pakistan wants to draw the attention of International Community to contribute financially for the refugees burden, in fact Pakistan has been receiving billions of US\$ under pretext of refugees funds. Finally, India and Iran are getting closer economically; India is interested to have investment in Chabahar Seaport of Iran. India will focus its products to Central Asia through Iran and later to transit to Central Asia by Afghanistan.

Pakistan has political, economic and security concerns

Pakistan considers refugees are net drain on economy. And taking jobs of Pakistanis, but on the other hand Afghans are engaged in local entrepreneurship which help the micro-economic sector locally (Grare & Maley, 2011, p.5) ^[6]. Furthermore, many refugees are working in informal sectors, 43% involved in daily wage labor in construction sector, 37% involved in self-employment and small businesses, 15% in regular salary working of teaching in Afghan refugees schools and working in refugees' clinics and the rest of them were involved in farming, many Afghan refugees said that they have never sent remittances back to home-country, because they have no family members (Habibi & Hunte, 2006 ^[7], pp.14, 17). And the flow of money from Iran is higher than Pakistan, remittances plays important role receiving billions of dollars annually, tens of thousands of people go back to Pakistan (Kronenfeld, 2011 ^[9], p.12). There are many refugees working in Afghanistan, but they are residing in Pakistan. All the money they gain in Afghanistan, send to Pakistan. Therefore, the cross-border moments are not only for the purpose of economic motives.

The main reasons of cross border activities were as such that; 31% visiting family and friends, 30.05% employment opportunities, 12.3% are those people having houses on both countries, 11.2% medical purposes, 7.2% for trade and business purposes, 3.6% for education and the rest for other activities working (Davin & Majidi, 2009, p.32) ^[3]. This is reality that during the presence of international community from 2002 to 2014, not only Afghan refugees have been traveling between the border, a huge number of Pakistani were working on high salaries. In addition, according to

case study conducted by Afghanistan Research Evaluation Unit 48% of people crossing border for attending ceremonies, 35% meeting relatives, 8% collecting rent from property in Afghanistan and taking back to Pakistan and 2% cross border to look after property in Afghanistan (Habibi & Hunte, 2006, p.16) ^[7]. Therefore, the concern regarding economic burden is groundless. Refugees occupy a small number of population and they have contributed to the local business. In addition, Pakistan was not only the one financial source of refugees, many refugees family went to Gulf States for working; at least one person from each family works in Gulf States. The send money back home, there is no exact amount how much money they send but it is a huge amount. Even some the refugees' family members from Pakistan go to Iran, and they send money to families and relative in Pakistan.

Afghan government commitment and policy toward returnees

Afghan government is trying to bring back refugees since the its establishment, in 2002 Presidential decree issued on Dignified Return of Refugees, the decree provide support and protect their rights according to Bonn Agreement¹. According to Special Inspector General for

1 The Bonn Agreement was the initial series of agreements passed on December 5, 2001 and intended to re-create the State of Afghanistan following the U.S. invasion of Afghanistan.

Afghanistan John F. Sopko, "the government has been provided plenty of resources to assist returnees by United States government and international organizations such as UNHCR, IMO and ICRC have failed to bring up a sustainable solution plan, because of the lack of capacity and the corruption within the Ministry of Refugees and Repatriation" (SIGAR, 2015, p.10) ^[2].

The government irregularities and mismanagement in the distribution of land is the most causing factor, throughout some decades too many decrees and laws have be issued about the distribution of land, huge conflict over land titling and having no effective land dispute settlement mechanism. 80% of the land disputes are referred and solved in Informal Justice System (Jirga system)² without any fair and justiciable outcome, and having no effective enforcement power, even this method of mechanism has put people against each other on rivalry attitudes and many conflicts have been arisen (Macdonald, 2011, p.4) ^[11]. So, the real reason of going people to the Informal Justice System is the existence of corruption in the Formal System. Government is unable to tackle corruption and the prolongation of cases. This System induces people to Tribalism in 21century.

2 Jirga is the Informal Justice System to resolve civil and criminal cases in Afghanistan. It is a tribal-styled system differ province by province, but the main structure to resolve dispute is similar all over. But criticized because of its contradiction with Constitution and Islamic principles.

The legal status of Afghan Refugees in Pakistan

As Pakistan is neither party to the Convention regarding Refugees Status of 1951, nor to the Protocol of 1967 on Status of Refugees. Therefore, the status is not that much clear, but Pakistan granted Prima Facie refugee status till 2001. In August 2001, Pakistan shifted its policy from Prima Facie to Individual status. Whereas, UNHCR 2006 guideline has given Prima Face status, instead of individual

because the situation in home-country was not justifiable for return (Zieck, 2008, pp.254-256) ^[15]. As Pakistan is not party to aforementioned conventions, it is bound to the 1993 Cooperation Agreements and other eight compacts with Afghan government and UNHCR. As long as the security situation is not guaranteed back at origin home, they have protection as refugees. Furthermore, based on other international documents such as Declaration of Human rights, International Convention on Civil, Political Rights and International Convention on Social, Economic and Cultural Rights and other those to which Pakistan is signatory. Afghan refugees needs to be protected (Zieck, 2008, p.272) ^[15]. After the fall of Taliban regime, Pakistan favoured to return refugees, closing residing camps and convening other regulation to limit the moment of refugees to their specific residential places. It was a kind of indirect forced return, even though there was a tripartite agreement between Pakistan, Afghanistan and UNHCR (Grare & Maley, 2011, p.3) ^[6].

The core challenges of re-integration

Returnees may not have the ability to reintegrate into the new society to which they return, they may face new challenges to adjust to the environment. The feeling of isolation, the shortage of resources to make their livings and the existence of hate may result in the dis-integration. There could be many challenges which facilitate backflow of returnees or finding new destination. These challenges could be un-employment, land and housing problems, education, security and psychological. In addition to these challenges, according to AHMADI & LAKHANI (2016) ^[1], refugees face cultural and social differences too, because of their adoption to culture and languages of foreign. And women are discriminated in local areas in every sector from health care, education and mobility from one place to another. There is no effective monitoring system both by UNHCR and government, because of the security concern. The monitoring and project evaluation are conducted by unskilled staffs of Non-Governmental Organizations. If they assess refugees' needs on the basis of rationality, that could contribute to their growth.

Economic challenge for returnees

According to IOM (2011) ^[8], economic reintegration is the process of reinserting migrant into the economic system of her/his own country, in order to gain his own living (p.88). Therefore, the returnees are in large numbers. They can work as low-paid labor, the existence of industry or the creation of jobs is the most important factor in sustainable reintegration.

The economic growth in 2006 is around eight, as distributed unequally, the Human Development Index ranks at the 173 out of 178 countries. The weak socio-economic status of Afghanistan is reflected by returnees, 60,3% of the returnees are living below the World Bank's poverty line, the contribution from the West is not enough (De Bree, 2008 ^[5], p.6). this is the data from last years, the current situation is intense the un-employment rate is around 40%, after the withdrawal of International Peace-keeping Forces. Furthermore, the economic sector and business activities are monopolized by Warlords and government officials. According to De Bree (2008) ^[5], 90% of returnees in term of employment are unsecure.

Land and housing problems

Most of the returnees face the problems of access to their prior to immigration owned land and houses, According to the case study, 51% of them had homes before seeking refuge, 27% owned land. But currently they don't have access to their property and 71% found their property damaged upon their coming (Habibi & Hunte, 2006, p.9) ^[7]. Due to unsecure land tenure, it is really problematic for international organization to provide sheltering contribution to returnees. Within exile or because of war they have lost all documents to prove their ownership, their property is claimed by different people. The main motive was up going prices of land after 2001 mostly the warlords and political elites have claimed many refugees' lands (Macdonald, 2011 ^[11], p.3). In addition to the conflicting ownership, the informal land dispute resolution system (Jirga System) intense tension between returnees and tenants, which often result in violence. Furthermore, the presidential decree of 2005, which allocate land plots to returnees under the Land Allocation Scheme, the process of the Scheme is slow and lacks transparency (AHMADI & LAKHANI, 2016, p.4) ^[1]. This Scheme is the most corrupt ever; local commanders and Warlords have great influence on the process of allocation of plots. The second weak point of the Scheme is that, government does not provide any policy for building homes on allocated plots. When returnees receive plots, they sell it with very low price, instead of building homes. Government should stipulate not to sell homes, because when they sell plots, finish their money and get homeless. Again, become burden on government. Many of them have subjected to second displacement mainly to large urban cities with temporary tenting.

Security and other challenges

There is complex interplay between the pull and push factors, pull factors are the driving force behind the decision to return, many returnees said that the improvement of security was their first preference and the improvement of employment in Afghanistan second. The harassment by police in Pakistan, return to relatives, the feeling of lack of belonging and the cessation of food rations and camps closure were some of the challenges (Habibi & Hunte, 2006, p.18) ^[7].

Human security is one of the important indicator to determine whether the post-conflict state is ready for repatriation or not, because human security is important factor for the human development. Returnees are the most vulnerable to be effected by bad security (Wojdyla, 2015 ^[14], pp.16-17). Returnees are internally displaced, because of the insecurity in their places of origin. Where government has no sovereign power, young returnees are really exposed to be recruited by extremist's groups, because of having no legitimate means for income and social isolation (AHMADI & LAKHANI, 2016, p.3) ^[1]. Due to the security situation, many factories have stopped working. The investors are trying to extract their capital out of Afghanistan. Which has been resulted in huge crisis in employment sector.

Building the returnees and villagers relationship

According to my point of view, reintegration of refugees requires vocational education, trainings and their participation in political and social association. Government shall provide all these opportunities. According to Dumper,

(2006) [4], all these opportunities could be achieved through Social support network or the effective contribution of local elders in reintegration process, these elders has some kind of power to contribute to reintegration. The case of Cambodia failed, because of the non-participation of elders toward returnees versus villagers' problems (p.225). In Afghanistan leader or elders are not in contact with the government and NGO, because any elder working with them will be killed by insurgents. The contributing organizations are not able to work in sites. Government should ensure security otherwise no progress could be achieved.

Conclusion

There are three categories of refugees, firstly those really poor, they cannot afford transportation fare and they don't have land to build houses. This category is really vulnerable. The second category are those, who has lost the sense of belonging as Afghans or who are richer, they want to stay forever. The third category are those called insurgents, they are not coming till the negotiation process with government is not finalized. The last category is really important to be repatriated, as Schmeidl, (2009) [12], notes; Refugees' camps in Pakistan are the centers for insurgents training. They provide an easy recruitment pool for the growing insurgency in Afghanistan. If international community wants to eradicate terrorism, they should assist in repatriation of Afghan refugees (p.21).

Single country approach is not the solution for repatriation and reintegration. Currently, Afghan government is not in a stable position to deal with the upcoming millions of refugees. Therefore, International Community needs to contribute, because their repatriation seems necessary. The more they stay there; the threat to regional security will be increased.

Most returnees observe their return as failure which is highly problematic for them. This is because of the environment is not adjusted for them and due the insecurity, they don't feel safe. These all worsen their psycho-social condition and around 89% of returnees are not satisfied with lives and prefer to leave Afghanistan again (De Bree, 2008, p.19) [5]. Many returnees are coming down with mental illnesses; especially women are more affected by insecurity issues. Because women cannot go out, cannot participate in any social and civil organization for the purpose of socio-economic growth of the society. Returned women encounter variety of health, education issues. Counsel centres can solve these problems, the elders of community and religious member can provide opportunity for returnees' participation. The regional directorate of migration and repatriation are headed by people of old age from Soviet era. They cannot implement new policies; they resist to reforms, because they don't know the information technology. The regional directorates are not connected with academic institutes. Currently there is no study on returnees' participation and reintegration, therefore, it is important to analyse the situation scholarly.

Finally, Afghan refugees both in Pakistan and Iran are subject to discrimination, Afghan government needs to improve the security situation, create more jobs and improve the land tenure system to make refugees repatriate. Refugees are one of the vulnerable factors for Afghan government to lose against neighbours, because they use refugees as a pressure tool to have its strategic depth. In addition, repatriation can help in the peace-building process. Finally,

the situation of returnees influences the process of repatriation of Afghan refugees both in Pakistan and Iran. If the returnees have good situation it can speedy the process of returning.

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