

HUMAN SECURITY AND IMPLICATIONS OF INVOLUNTARY REPATRIATION OF AFGHAN REFUGEES IN PAKISTAN

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***Abstract:** Pakistan the host of millions of Afghan refugees now seeks their expeditious repatriation. Over the years, Afghan refugees have become a serious concern for Pakistan-Afghan relations due to declining donor assistance, domestic constraints, weak economy, refugee fatigue, and the growing threat of terrorism. By shifting from an open-door policy to a closed door towards refugees from Afghanistan, Pakistan has changed from being a hospitable host to a country now reluctant to house the remaining refugees. This action cause serious human security challenges for the refugees. The main aim of the research is to highlight the problems faced by refugees in Pakistan and reasons behind their involuntary repatriation from Pakistan to Afghanistan. Therefore qualitative research has been conducted and data has been collected through secondary method. It has been concluded that the nature of ongoing repatriation of Pakistan-based Afghan refugees to Afghanistan is forceful and returnees face number of human security challenges. Also they have become victims of failed diplomacy and political tension between Afghanistan and Pakistan. The essential recommendations for the security of refugees and to curtail the involuntary repatriation of Afghan refugees from Pakistan are specified at the end of the study.*

Keywords: involuntary repatriation, Afghan refugees, human security

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Introduction

For many years Pakistan has accommodated many Afghan refugees and currently working on their repatriation process. Repatriation was defined as the movement of immigrants back to their homeland to resettle¹. It can be voluntarily or involuntary, repatriation that is taken place by refugees personal choice is voluntarily and repatriation due to use of force or coercive factors is regarded as involuntary. In many cases refugees who do not manage to receive a permanent status or any legal document to stay, have to return back to their home country beyond their personal choice. It is observed that process of repatriation of Afghan refugees is involuntarily. They are forced to leave their host country without keeping in mind the concerns and prevailing conditions for human security in their home country.

Human Security encompasses good governance, social justice, democratization, respect for human rights and the rule of law. Every step in this direction leads toward reducing poverty, achieving economic development and preventing conflicts.²No doubt if the assurance of human security is guaranteed to refugees it will encourage them to leave Pakistan and settle them in their home country Afghanistan.

According to International Refugees Convention of 1951, article 1(A) (2) has defined refugee as “an individual who is outside his or her country of nationality or habitual residence who is unable or unwilling to return due to a well-founded fear of persecution based on his or her race, religion, nationality, political opinion, or membership in a particular social group”.

Pakistan has been hosting large number of Afghan refugees for a very long time period. Since 1978 huge numbers of Afghans started migrating due to waves of violence, droughts, economic instability, communist coup and soviet invasion in their country. According to UNHCR (2016) survey 81% Afghans live in KPK, 10% are living in Punjab region, 7% in Balochistan and 1% in Sindh. Those Afghan refugees living in Pakistan who belong to eastern or southern part of Afghanistan are mostly Sunni and Pashtuns while the other ethnic communities migrated in significant number which includes HazaraShias , Sunni Tajiks and Balochi Sunnis³.

¹G. Gmelch, “*Return Migration*”, Annual Review of Anthropology 9, no. 1 (1980): 136

²Kofi Annan. “Secretary-General Salutes International Workshop on Human Security in Mongolia.” Two-Day Session in Ulaanbaatar, May 8-10, (2000). Press Release SG/SM/7382

³UNHCR “*Repatriation of Afghan Refugees from Pakistan*” (2016).

In 2012, a process known as Solution Strategy started with the involvement of Afghan, Pakistan, Iran and United Nations High Commissioner for Refugees (UNHCR) for the safe returns of refugees. During 2015, UNHCR facilitated about 3.9 million Afghans for repatriation to their home country. By the end of 2015, there were 1,560,592 registered Afghan refugees and about one million unregistered Afghans were in Pakistan. In 2016 about 600,000 Afghans migrated from Pakistan, comprising 370,000 registered refugees and 230,000 undocumented Afghans. So the overall number of about 2.5 million Afghans had dropped to about 1.9 million in that year⁴. Though Pakistan has not agreed to the International Refugees Convention of 1951 on to the status of refugees, but even today it has accommodated about 1 million registered and 1.5 million unregistered refugees⁵. From 2016 onwards due to national security concerns Pakistan authorities want Afghan refugees to leave Pakistan, especially due to the incident of Army Public School (where school children were killed by terrorists in indiscriminate firing) led to the repatriation of Afghan refugees in a rigorous manner. In 2015, Pakistan government deported round 20,000 undocumented Afghan refugees⁶.

Pakistan is the member of International Covenant on Political and Civil rights which has given the opportunity to every individual to move freely along with giving them the right of settlement. Pakistan is not the member of International Refugees Convention of 1951 apart from that Pakistan has not signed any legislation for refugees' protection, due to which the refugees suffer from unlawful detention, harassments, deportations and various other abuses. Hatred towards the Afghan refugees in Pakistan increased with the rise in terrorism especially after Army Public School attack in Peshawar. Moreover lack of legal status of refugees in Pakistan resulted into the violation of their rights. They are sent back to Afghanistan despite the rising insecurity and declining economy in Afghanistan. It has been demonstrated from the evidence that a large number of refugees or returnees have been forced to go from Pakistan, knowing that the conditions of Afghanistan are not safe with an increase in tensions between

⁴ Human Rights Watch "*Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees.*" (2017) (Accessed on, 2017-09-04).

⁵ UNHCR Report on issues faced by Afghan refugees during repatriation, Regional Policy Research and Training, Peshawar 2015.

⁶ United States Institute of Peace USIP "The Forced Return of Afghan Refugees and Implications for Stability", (2016).

Pakistan and Afghanistan particularly due to security threats and aid reduction, Pakistan is pressurizing Afghan refugees to repatriate from its territory. Environment of oppression and fear has been created for them by Pakistan security forces⁷.

Pakistan is bound by the norms of Customary International law which includes the provision on Civil and Political rights (1966). According to this provision the person can only be expelled from a country if he breaks the law and if the government wishes to deport someone, then it must provide valid reasons, and the respective authorities are required to examine their cases. Besides this, Pakistan is also part to United Nations Convention against Torture (1984) which is against torture and cruel punishments. This provision prohibits the refoulement of any individual to a place where there is a risk or torture and oppression. Non-refoulement is the principles of Customary International Law which prohibits a state receiving refugees from sending them back to a country surrounded with war and conflicts. As being a part of this customary International law, Pakistan had to obey its principles. However in 2015 Pakistani government exerted pressure on Afghan refugees which compelled them to return to Afghanistan. This involuntary repatriation of refugees seems against the International principle of non-refoulement.

Tripartite Agreement

The tripartite Agreement is signed between Afghanistan, Pakistan and United Nations High Commissioner for Refugees (UNHCR) to resolve long-standing refugee problem in Pakistan, signed on 7th May 2010 in Lahore and was extended till December 31, 2017. Under this agreement UNHCR will keep supporting voluntary repatriation of refugees from Pakistan and Afghanistan government will make sure that the returnees are given complete protection inside Afghanistan. Pakistan with the help of UNHCR will help those refugees who wish to repatriate and provide them with financial assistance, whereas the ones who do not wish to return will be given a refugee status and protection inside Pakistan. Forced deportation and harassment of Afghan refugees by security forces and government is against the obligations of tripartite agreement.

⁷Human Rights Commission of Pakistan, "Afghan Refugees in Pakistan: Push Comes to Shove." (2009).

Significance of the Study

The study provides an overview of the problems faced by Afghan Refugees in Pakistan and how they are compelled to repatriate from Pakistan despite the threatening situation of Afghanistan. The factors behind the involuntary return of refugees have also been discussed along with the inadequate role of government and law enforcement agencies in protecting the international legal rights of refugees. The detailed overview is carried out on the issue of involuntary repatriation of Afghan refugees from Pakistan which is an emerging and a prevalent instance of refugee rights violation.

Research Objectives

- To examine the issues of involuntary repatriation faced by Afghan Refugees in Pakistan.
- To discuss the reasons behind the forceful return of Afghan Refugees from Pakistan.
- To suggest some policy recommendations for the protection of refugees rights.

Research Methodology

In this study qualitative research has been done, moreover descriptive and historical analysis has also been done. All the data has been collected through secondary sources through multiple books, journals, newspaper articles, UNHCR reports and Non-governmental Organizations' publications. Collected data is arranged into different figures and analyzed through content analysis method. For analytical understanding researchers have also studied previous literature on the topic. Moreover the researchers also have analyzed Pak-Afghan relations, foreign intervention in Afghanistan, individual case studies, refugee problems and hence the reasons responsible for involuntary repatriation of Afghan refugees from Pakistan have been evaluated.

Findings

Process of Repatriation: Before 2014, the Afghan refugees living in Pakistan both undocumented and documented had been living in peace. However after December 2014 terrorist attack by Tahreek-e-Taliban on APS in Peshawar, which killed 150 people including 135 children, the authorities of Pakistan implemented National Action Plan (NAP) for combating

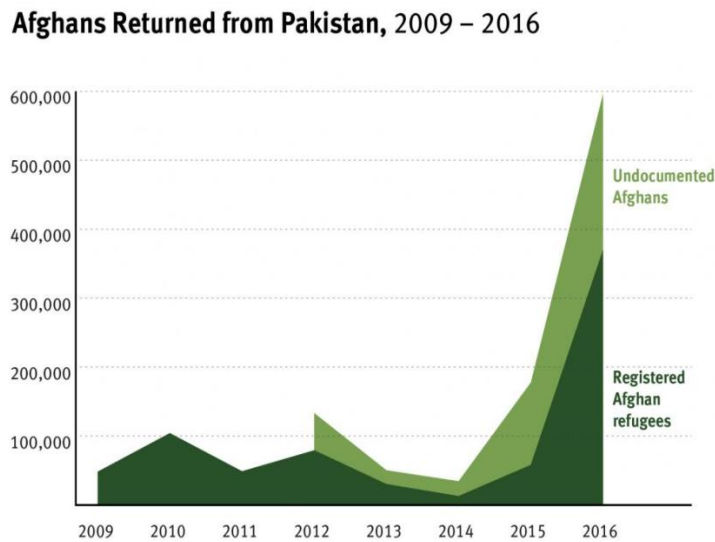
terrorism. The plan comprised of new policies which included repatriation of Afghan refugees from Pakistan. The consequences of this plan created an upsurge of abuses by law enforcement agencies against the Afghan refugees such as arbitrary detention, coercion, illegal use of power and house destructions. In July 2015 the abuses lessened, however after September 2015 the harassment by police, fear of deportation, detention, kept driving them out of the Pakistan territory. The National Action Plan (NAP) which was adopted in January 2015, aimed at registering all the Afghan refugees until July 2015. It is estimated that in year 2013-14 approximately 100,000 Afghans left Pakistan. During 2015, nearly 200,000 refugees repatriated from Pakistan, because they wanted to escape from vindictive behavior of police. Since July 2016, approximately 600,000 refugees had been repatriated from Pakistan to Afghanistan involuntarily which included 366,000 registered Afghans and rest of them were unregistered. According to Human Rights Watch (HRW) this was one of the largest involuntary returns of Afghan refugees⁸.

According to UNHCR in October 2015 both Pakistan and Afghanistan had agreed to register undocumented refugees and they will be given Afghan passports along with Pakistani Visas. However till the end of January 2017 no such process of registration could take place. A large number of non-registered Afghan refugees repatriated to Afghanistan after July 2016 involved economic migrants mainly. Authorities of Pakistan said that the Proof of Registration (POR) cards of Afghan refugees will be valid till 31st of March, 2017. Upon the expiry of POR cards they have to leave Pakistan. On the other hand UNHCR also restarted its money grants on 1st March 2017 and it further promotes involuntary repatriation of Afghan refugees. However Federal cabinet of Pakistan agreed on extending the date of POR card until 31st December 2017. However no public announcement was made on it and resultantly a lot of Afghan refugees repatriated to Afghanistan in early February 2017. In many cases appeals were made by the Afghan refugees to extend their stay till 2019⁹.

⁸ Human Rights Watch Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 2017. <https://www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees>

⁹ Human Rights Watch Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 2017. <https://www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees>.

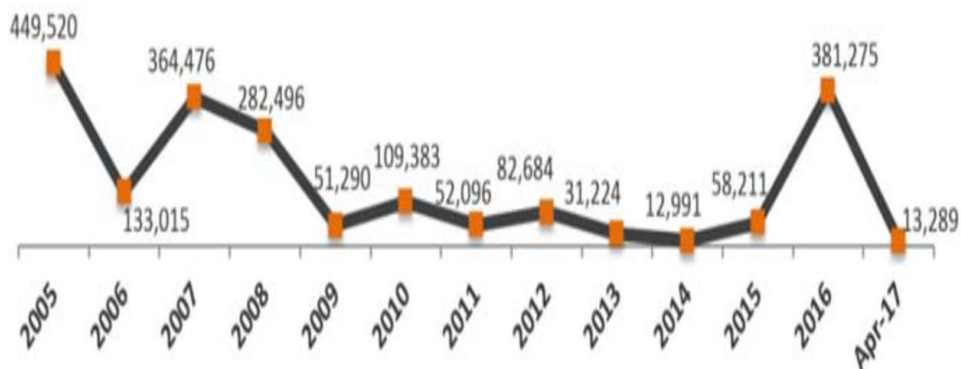
Figure 1: Afghan Refugees Returns from Pakistan 2009 to 2016



Source: Pakistan Coercion, UN Complicity: The Mass Forced Return of Afghan Refugees, p 76.

It is seen that although the process of repatriation started in 2009 but major shift in this process occurred in 2015 to 2016 under the National Action Plan. Afghan refugees started moving to their home country in rigorous circumstances in these years.

Figure 2: Summary of Afghan Refugees Voluntary Repatriation from Pakistan to Afghanistan from 2005 to 2017.



Source: Afghan National Registration Database (ANR) – 2017 & Exit Questionnaire Database
<http://www.unhcrpk.org>

In 2002 around 4,314,460 Afghan refugees have repatriated from Pakistan with the assistance provided by UNHCR. Their number varied over the years and has reduced substantially, from around 450,000 in 2005 to 58,211 in 2015. An increase was viewed in 2016 as more than 381,275 refugees returned to their country. Furthermore in April 2017, 13,289 refugees repatriated to Afghanistan, comprising of 3,132 families. Several returnees were from KPK(68%), followed by Baluchistan(13%) and Punjab(10%) province respectively. The returns in April 2017 saw a substantial increase (82%) compared to the first half of 2016, during which 7,294 individuals repatriated while, 13,289 individual repatriated in the month of April 2017 alone¹⁰.

Moreover some of the identified Pull and Push factors became responsible for the Afghan refugees repatriation is described below.

Figure 3: Pull Factors towards Afghanistan

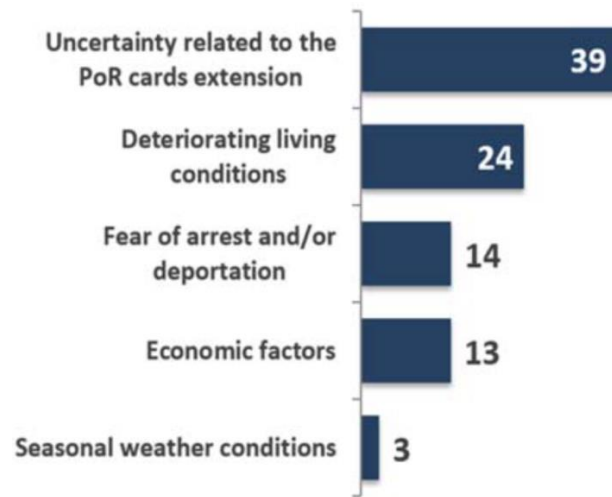


Source: Afghan National Registration Database (ANR) – 2017

Data shows that large number of refugees wants to go back to their home country Afghanistan to reunite with their family members, few of them want to leave due to business opportunities, money grants from UNHCR and land incentives to the returnees by the Afghan government.

¹⁰Afghan National Registration Database (ANR) 2017

Figure 4: Push Factors from Pakistan



Source: Afghan National Registration Database (ANR) - 2017

Moreover it is also seen that there are also push factors which are compelling refugees to leave their host country like uncertainty about their legal refugee’s status. Their legal documentations are not provided to them, Proof of registration cards date is not extended, living conditions are not favorable and most of them are living in poverty. They also face challenges due to their unsecured future in Pakistan.

Involuntary Practices against Afghan Refugees: There are number of involuntarily practices observed against the Afghan refugees, like deportation threats as unregistered Afghans were unable to find protection and experience mass forced return of Afghan Refugees. Through different case studies it is found that refugees faced many issues of police theft, harassment, and arbitrary detention. Moreover many times Police raids have violated the dignity and privacy of refugees. In many areas urban sweeps and mass-refoulement incidents are taken place. Resentment of Pakistani community and increased rents for Afghans is becoming a common practice. Moreover difficulties faced by refugee women and children and shutting down Afghan refugee schools are creating huge problems for them.

In order to investigate the issue of involuntary repatriation of Afghan refugees from Pakistan it is necessary to evaluate the reasons behind it. Many factors, external and internal, combined with the role of the key stakeholders brought about this violation.

➤ **Security concerns:** Studies suggest that some refugee camps are becoming the nurseries of terrorist groups and large number of terrorist activities that took place in Pakistan is associated with the refugee camps. The authorities stopped giving visit visas and POR cards to the Afghan nationals and monitored the illegal movement of Afghan refugees within and outside Pakistan. Large number of Afghans shifted to Pakistan after 9/11 among those Afghan immigrants many of them became mercenaries of foreign intelligence agencies. In 2008 there were total of 60 suicide bombing attacks in which 889 people died and 2,072 got injured, it also includes a severe and deadly “Marriot Blast”¹¹. After 2014 terrorist attack on APS School in which two of the Afghan militants were involved, Pakistani authorities started a crackdown on Afghan refugees. Almost 30,000 refugees repatriated to Afghanistan and 2000 got deported because they didn’t have POR cards. In 2015 nearly 1000 Afghan refugees returned daily through Torkham crossing¹².

➤ **Strict border closure policy:** Pakistan has closed its borders often due to security concerns. The provisions of International Refugee Law (IRL) Afghan militants came to Pakistan in order to seek shelter and it is very difficult to detect the movement of Afghan militants entering Pakistan due to porous border between two countries. The terrorist attack in 2009 on Lahore Police Academy where Tehrik-i-Taliban claimed responsibility of the incident, one Afghan was also found involved and got imprisonment for 10 years. An Afghan boy named Fida Hussain lived in Pakistan tribal areas was arrested for being involved in 2011 suicide bombing took place in Dera Ghazi Khan. Afghan militants were also involved in Camp Badaber terrorist attack in year 2015¹³.

¹¹A. W. Wafa and Alan Cowell, “Suicide Car Blast Kills 41 in Afghan Capital”, *The New York Times*, JULY 8, 2008.

¹²Emma Hooper (ed.) *Telling the Story, Sources of Tension in Afghanistan & Pakistan: A Regional Perspective* (2011-2016) © 2016 CIDOB

¹³United Nation High Commission Refugees, *Repatriation of Afghan Refugees from Pakistan* 2016.

➤ **Instability in Afghanistan:** United States of America carried out air strikes in Afghanistan after 9/11 incident. Before that there was already internal instability in Afghanistan, government was not stable, ethnic and sectarian conflicts, drugs and terrorism was already prevailing. Situation became more critical after 9/11 incidents. No doubt being ‘frontline state’ Pakistan was affected to a greater extent. Pakistan has been inflicted with large influx of refugees, terrorism, religious extremism and sectarian violence. Huge numbers of army officials have been deployed by Pakistan on its western border to monitor Afghans movement.

➤ **Economic and Social problems:** Due to large influx of refugees Pakistan also suffers from weak infra-structure and economic problems, grants given by United Nations to Pakistan for accommodating refugees were not sufficient. Furthermore it increases the burden on the economy of Pakistan. An enormous population of Afghan refugees caused a great burden on country’s national economy.

➤ **Tensions between ethnic groups:** Afghan refugees have somehow fueled a feeling of distrust among ethnic groups living in Pakistan. The inflow of Afghan refugees in Pakistan has caused major demographic changes. In the case of Baluchistan province, Afghans have gone through worst ethnic conflicts. Baloch, one of the largest ethnic groups residing in Baluchistan feared that they might get converted into minority.

➤ **Fake identification documents:** Another main reason behind the repatriation of Afghan refugees was the cancellation of fake identification documents acquired by them from many years. The National Database and Registration Authority (NADRA) have allegedly been involved in giving fake identity cards to the refugees. Since year 2015 around 100,000 and more CNIC cards have been blocked. A large number of Afghan refugees staying in Balochistan have possessed fake CNICs. Many refugees returned false identity cards; driving licenses and Pakistani passports became dysfunctional after the cards were blocked. This step has encouraged a lot of refugees to return their fake CNICs to Pakistani authorities. Another main reason behind the repatriation of Afghan refugees was the cancellation of fake identification documents acquired by them from many years. .

➤ United Nations High Commissioner for Refugees (UNHCR) due to a lot of pressure from Pakistan authorities increased the cash payments from \$300 to \$500 in 2016 given to Afghan refugees for repatriating. This is one of the coercive factors which compelled the refugees to return. UNHCR was unable to process the complaints of thousands of refugees. With an increase in cash grants and due to the worsening conditions of Afghan refugees in Pakistan which UNHCR couldn't put an end to, UN agency somehow became responsible for mass refugee maltreatments. UNHCR failed to provide information to Afghan refugees about the worsening situation of Afghanistan thus encouraged the refugees to repatriate by doubling the cash grants. Non-Governmental Organizations remained unable to provide them protection by negotiating with government. They tried to be careful while criticizing the government policies with the fear that government might cancel their registrations. Local NGOs mainly Afghan organizations in Pakistan aren't as strong as the International NGOs and NGOs who are working under UNCHR are restricted to UN policies within which the funding is provided¹⁴.

➤ **No domestic law for refugees:** Pakistan's 1951 Foreigners Order, promulgated in accordance with 1946 Foreigner Act, it gives authority to civil administration to grant or refuse permission to enter into Pakistan. Those foreigners who do not possess Pakistani visa cannot be allowed to enter Pakistan's territory. There is no specific provision which could allow the entry of asylum seekers and this refusal of entry to refugees by the authorities of Pakistan challenges the right to seek refuge, which is preserved in Universal Declaration of Human Rights, UNHCR's Executive Committee and International Customary Law. According to article 22 of this treaty, the refugee children must be provided with appropriate security and humanitarian assistance. According to article 28 and 29 of this convention, the refugee children have the right to get education. A lot of refugee who had been living in Jalozai camp didn't have access to the primary education. This shows that Pakistan has been falling short of the International legal obligation. Abuse by police and security forces in the case of involuntary repatriation of Afghan refugees the police has remained ineffective and infringed the rights of refugees. Afghan refugee's lack of legal status in Pakistan is one of the major reasons behind their abuses,

¹⁴Human Rights Watch 2017.

harassment, extortion and detention and police in several parts of KPK destroyed the house of Afghan refugees and asked them to pay bribes¹⁵.

Challenges to Human Security of Afghan Refugees: Security situation in Afghanistan is very uncertain and current government is not prepared to receive returnees. Lack of basic facilities food shelter, economic instability in Afghanistan, terrorism, sectarian violence, violent conflicts and displacements of migrants put returnees into precarious conditions. Women and children are not allowed to move outside so education and health facilities are not provided to them. Victims mostly belonging to labor and working class are returning back involuntarily and are economically poor, according to Human Rights Watch, their properties and housing of refugees are already destroyed and seized. It put them in high risk of poverty and security threats. Huge amount of returnees are leaving Pakistan due to harassment by Pakistani police and lack of labor opportunities. Also several of them attracted toward monetary aid provided to them by nongovernmental organizations. But they feel threatened due to unstable economic and law enforcement situation in Afghanistan¹⁶.

It is also seen that many returnees have issues in their social adjustments and reintegration in the Afghan society. Most of them have grown up outside the areas of Afghanistan. According to United States Institute of Peace (2016) reports returnee's families face psychosocial traumas; gender based violence and has issues due to economic problems. Many of them have to face risk of violent conflicts and vulnerability, also no proper housing for returnee's high risk of food insecurity, no availabilities to employment opportunities and services, such kind of situations are promoting grievances against the governmental authorities.

Conclusion

The nature of continuous return of Pakistan-based Afghan refugees is forced and therefore a violation of refugees' right to non-refoulement. Despite the rule of non-refoulement,

¹⁵Ibid.

¹⁶P.Gossman and SaroopIjaz, *What Are You Doing Here? Police Abuses against Afghans in Pakistan*. New York: Human Rights Watch, 2015.

this study highlights that Pakistan has hassled refugees to move back to a more unsafe country of their origin. Keeping in view the debilitating security and socio-economic conditions of a state, the process of repatriation to Afghanistan has neglected the willingness of refugees to return to their native land. In such circumstances, it is concerning how desirable the extraction of Afghan refugees had been if it has occurred involuntarily, and providing no security to their life and freedom upon return to Afghanistan has made the whole process consequential for both countries. One could contend that Pakistan, with the participation of the global network and the organizations included, maybe damaging universal displaced person rights and breaking the legitimate standard of non-refoulement.

Apart from all the challenges Afghan refugees became instrumental tool for the economic development of Pakistan. They have brought some benefits to the Pakistani economy as well, through their service Pakistan received cheap labor and cloth industry flourished in many areas of Pakistan especially in Peshawar and many areas of Khyber Pakhtunkhwa.

Returnees were mostly labor class, skilled and knowledgeable, who were afraid that they hardly find any job on their return to home country. There are unaware of present situation of Afghanistan, unsure about housing, education and employment facilities in home country. Furthermore mismanagement of present Afghan government, bomb blasts and terrorist attacks will lead to poverty and vulnerable conditions for the returnees.

Pakistan and Afghanistan have to maintain friendly relations with each other to resolve the refugee's security issues. For a long time hostile attitude of both states has disturbed the regional security. Both countries have adopted a blame game policy toward each other for rise of terrorism, border security issues and instabilities in their respective countries. In the current scenario both countries are trying to stabilize their relations by strict border surveillance and monitoring. Furthermore friendly visits of Pakistani high officials are expected to resolve the issues between Pakistan and Afghanistan.

Recommendations

- The contenders of forced withdrawal should be given security, access to essential offices, job trainings and legitimate assurance. The administration needs to give them insurance inside Pakistan until it is secure for them to return.
- To maintain a strategic distance from coercive return of undocumented Afghan outcast from Pakistan, the administration needs to restore the issuance of POR (Proof of Registration) cards. The validity period of POR cards should be stretched out with a specific end goal to give space to the administration to start an enduring and rights-respecting resolve for Afghan evacuees. Short term expiration of POR cards should be prevented to leverage the refugees.
- A detailed inspection must be carried out to find out the involvement of Afghan refugees in crimes and terrorism.
- Joint Collaboration between Afghan and Pakistan governments should be encouraged to start a voluntary program which should include complete information of settlements and situation of Afghanistan.
- Directives should be issued by the Government, educating the administration authorities and police to end human rights violation against the unregistered and enlisted Afghan refugees.
- Awareness programs should be initiated by Government among the citizens of Pakistan regarding respect for refugees.
- The government of Afghanistan ought to execute a clear strategy on the arrangement of land and lodging for returnees and guarantee the fair allocation in respective matter.