Repatriating Afghan refugees: a sliding scale of voluntariness

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Introduction

The terror attacks on New York and Washington on 11 September 2001 had wide-ranging effects, also on the politics of displacement. In the immediate post-9/11 period, Northern states clamped down on ‘the asylum loophole’, claiming it was a weak spot in border control providing an entry point for potential international terrorists (Brouwer, 2003: 422; Guild, 2003; Human Rights First, 2004; Newland, Patrick, Van Selm and Zard, 2002). In the South, US interventionism, particularly in Afghanistan and Iraq, in the name of a global war on terror had profound effects on displacement patterns as well as on the humanitarian operations put in place to help the displaced. Insurgency and counter-insurgency operations in Afghanistan and Iraq led to a highly polarised and politicised climate in which humanitarian actors tried to carve out a modicum of ‘humanitarian space’ – an operational environment that allowed principled, independent and non-political humanitarian assistance based on needs rather than military or political goals. This was an uphill battle, as the US Department of Defence employed billions of dollars in humanitarian and development aid to win ‘hearts and minds’ in an effort to pursue military-strategic goals, and insurgents and terrorist groups treated international humanitarian organisations as a branch of western interventionism, and hence as legitimate targets of attack (Fishstein and Wilder, 2012; Hansen, 2007; Patrick and Brown, 2007).

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The post-9/11 period has as a result been rife with challenges for the United Nations High Commissioner for Refugees (UNHCR), whose task it is to protect and assist refugees and find solutions to their plight. With the politicisation of aid and the deteriorating security conditions for humanitarian work forming the backdrop, this paper studies the Afghan repatriation, led by UNHCR, of more than five million refugees from Pakistan and Iran in the period 2002 to 2012. The aim is to map the constrictive political space in which UNHCR operated and how this affected the refugee agency’s work. In addition to the practical challenges of return and reintegration on this massive scale, the repatriation operation presented the refugee agency with a fraught and sensitive political situation, wedged as it was between the mutually distrustful governments of Pakistan, Iran, Afghanistan and the US. Despite these constraints, which led to serious questions of the voluntariness and sustainability of the returns, UNHCR nevertheless managed to carve out a role that allowed some influence on the nature and pace of repatriation flows.

**The interests of central actors**

The return of Afghan refugees was high on the agenda of all the key actors shaping UNHCR’s operational environment. I begin by accounting in broad strokes for these interests, which left little leeway for UNHCR. I do not aim to provide an exhaustive account of all the goals of all actors, but focus on the interests of central actors to the extent they impacted on UNHCR’s work. This limits the discussion of the Afghan repatriation operation to the US, the two main refugee host states, Pakistan and Iran, and the Afghan central government. I do not include the Taleban. The motivations of Taleban insurgents are certainly pertinent to understand the highly restricted humanitarian space inside Afghanistan. In this analysis of the repatriation operation, the insurgency and attacks on humanitarian staff form the backdrop for UNHCR’s assessment of the feasibility and desirability of refugee repatriation. Considering this backdrop, how did the refugee agency navigate, negotiate and mediate between the interests of the governments of the US, Pakistan, Iran and Afghanistan?
The atmosphere was less polarised in the first five years after invasion, when a success story of sorts could be told of millions of Afghan refugees returning from Pakistan and Iran. But from 2006 onwards, repatriation flows slowed down and evidence mounted of insecurity, hardship and internal displacement for returnees. The ensuing analysis focuses in particular on this period between 2006 and 2012.

**US interests: UNHCR repatriation operation, but bilateral aid**

The interests of the US governmental and military actors had the greatest impact on UNHCR’s Afghan repatriation operation, both as occupying power in Afghanistan and as the refugee agency’s biggest donor. The US government had a strong interest in the repatriation of Afghan refugees, but competing interests sometimes came in the way of this goal.

First, as a donor, the US government had an interest in repatriation in general. In the period from 1997 to 2002, when UNHCR’s budget slipped well below the one billion dollar mark to which it had become accustomed, the US was among the donors that had tightened their purse strings. The low-point was in 2000, when UNHCR received just over 700 million dollars in overall contributions. From 2000 to 2004, US contributions remained steady at around 250 to 300 million US dollars.¹ UNHCR was ‘encouraged to work towards a more achievable budget that emphasized core functions and clear priorities’ by EXCOM (UNHCR, 2000: 3). The most desirable of these ‘core functions’ was solutions: a reduction in refugee and asylum numbers, preferably through voluntary repatriation. The opportunity after the 2001 invasion of Afghanistan to repatriate the world’s single biggest refugee population therefore came at an apt moment for UNHCR. Taking charge of the repatriation operation helped improve the perception that the agency was useful not only as an outlet for donors’ humanitarian ambitions to save lives, but also to achieve their political interests in reducing the refugee and asylum seeker burden on states.

Welcome as it was, the global reduction in refugee numbers did not rank high on the list of the US government’s political priorities. But, as was the case with Kosovar Albanian refugees
in 1999, the return of Afghan refugees after the 2001 invasion became central to US strategic interests. Mass refugee return was a propaganda victory for the US. It could be showcased as ‘voting with the feet’ in reverse; proof of the popularity and legitimacy among ordinary Afghans of the overthrow of the Taleban and the rebuilding of Afghanistan under the new government of President Hamid Karzai. A report by the Congressional Research Service to the 110th Congress in 2007 put the point across firmly:

The safe and voluntary return of refugees to Afghanistan is not only a major part of the U.S. reconstruction effort in Afghanistan, but also an important indicator of its success. To the extent that refugees continue to return, it can be seen that Afghans are taking part in the future of their country. (Margesson, 2007)

The desire to tell a repatriation success story was tempered by developments on the ground, particularly from 2005 onwards. As insurgency gained force and insecurity spread, concern grew that returns could contribute to worsening security conditions inside Afghanistan. Thus, while the US government desired refugee repatriation, it was not deaf to UNHCR arguments about sustainability. Cables from the US embassy in Kabul, released by Wikileaks, showed that US diplomats there viewed UNHCR officers as useful sources of information on the refugee situation in Pakistan, returnees in Afghanistan, and the Afghan government’s (lack of) initiatives on refugee issues.

While the US government took on a highly visible role in the reconstruction and humanitarian effort inside Afghanistan, it had no interest in taking charge of the repatriation operation from neighbouring countries. This was left under UNHCR control. Any other decision would have undermined claims that returns were spontaneous and voluntary, and not the result of US pressure. It would also have put the US government in an awkward diplomatic position as a negotiator between refugee host and sending states. Particularly, the US
government did not want to enter into negotiations with Iran on refugee matters, considering the animosity between itself and the Iranian government.

So far, US and UNHCR interests were largely in line. However, when turning to US interests inside Afghanistan, these were less complementary to UNHCR’s repatriation operation. Part of the strategy inside Afghanistan was for the US to take on, and take credit for, large-scale reconstruction and humanitarian work. This undermined UNHCR’s position inside Afghanistan. The militarisation of aid made it harder for the agency to move freely around the country, while the bilateralisation of aid restricted its funding flows. This contributed to making UNHCR’s efforts on behalf of returnees more moderate and short-term than the agency would have liked.

The divergence of US interests can to a large extent be explained by institutional divisions inside the US government. The State Department represented the US government’s political interest in successful repatriation, while the Pentagon represented the military interest in ‘winning hearts and minds’ through the strategic use of bilateral aid. In this conflict of interests, the Pentagon largely won out. Compared to the Pentagon’s vast and expanding aid spending, the budget of the State Department’s Bureau of Population, Refugees, and Migration (PRM), was not just small, but dwindling. The PRM’s funding, mostly channelled through UNHCR, ICRC and other international organisations, for work on behalf of Afghan refugees and returnees, dropped from US$160 million in 2002, to 61.5 million in 2003 and 47 million in 2005 (Margesson, 2007: 12-13). Thus while the US government saw it as in its interest to urge and facilitate repatriation of Afghan refugees, the State Department did not put sufficient monetary investment into this goal to ensure a broad based, long-term reconstruction, repatriation and reintegration plan aimed at making returns sustainable. This stands in stark contrast to the vast sums spent by the Pentagon just on the Commanders’ Emergency Response Program (CERP), where humanitarian and development decisions were made by military commanders based on local, short-term military needs. In 2012, the US government spent US$400 million on CERP projects, while it spent US$81 million on migration and refugee assistance (SIGAR, 2012: 5).
The interests of Pakistan and Iran: veteran host states

Pakistan and Iran have hosted millions of Afghan refugees for decades, often with little engagement or help from the rest of the world, particularly in the case of Iran. During the Soviet occupation of Afghanistan, both countries provided generous asylum for Afghan refugees, and allowed Mujahedin fighters to use their territory (including refugee camps) as bases. The hosts became less supportive of refugees during the Taleban regime in the 1990s, but generally retained an open border policy. Both countries’ governments were aware of the economic contributions the refugees made to their economy as labourers in textile, agriculture, construction and (in the case of Iran) oil and gas industries. In Iran most refugees lived outside of camps. Pakistan had a camps policy, but many Afghans made their way to urban areas for employment. In both Pakistan and Iran, an increased reluctance to host Afghan refugees from the early 1990s onwards was linked to reduced humanitarian and other aid from UNHCR, WFP and bilateral donors after the withdrawal of Soviet troops from Afghanistan.

After the 2001 invasion of Afghanistan, Pakistani and Iranian perceptions of Afghan refugees changed for the worse, both among the population and governments. This was not only due to changes inside Afghanistan. Attitudes towards refugees and asylum seekers were hardening across the world. Afghan refugees suffered from the general feeling among Southern refugee host states of carrying an unduly heavy burden, at the same time as Northern states attempted to reduce their, in comparison, small number of asylum seekers in the name of security and social cohesion. The idea of burden sharing, always difficult, was at a historical low within the international refugee regime. The newly prevalent combative attitude was exemplified by Pakistan’s top administrator on Afghan refugee matters, Habibullah Khan, on the occasion of his government’s threat to revoke refugee status for all Afghans by the end of 2012: ‘The refugees have become a threat to law and order, security, demography, economy and local culture. Enough is enough. [...] If the international community is so concerned, they should open the doors of their countries to these refugees’ (quoted in Shah, 2012).
Both Pakistan and Iran were struggling with worsening economic conditions in the latter half of the 2000s. Lawlessness increased in both countries’ border areas, but particularly in Pakistan, whose central government gradually lost its ability to assert control over Baluchistan and other frontier regions with Afghanistan. Both Pakistan and Iran increasingly viewed Afghan refugees through a security lens, albeit coupled with a more pragmatic understanding of the refugees’ economic contributions. Pakistan’s powerful security organs routinely accused Afghans of terrorism, crime and violence on Pakistani territory, and also saw refugee repatriation as a tool with which to put pressure on Kabul. Thus, the fate of the refugees was caught up in the conflict and distrust between Pakistan and Afghanistan’s governments, wherein both accused the other of supporting their respective insurgents and terrorist groups. Overall, pressure on Afghans to repatriate increased in intensity over the course of the decade. Pakistan declared its intention to repatriate all Afghans by 2009, a deadline later extended to the end of 2012.

Like Pakistan, Iran has seen centuries of labour migration from Afghanistan. Afghan workers add to the workforces of the oil and gas sector, agriculture and construction. Afghan refugees had the right to live, work and travel anywhere in the country. This welcoming attitude changed gradually during the 1990s, when Afghans were no longer understood as religious refugees fleeing Soviet occupation. But since Afghans in Iran, whether refugees or economic migrants, were viewed from a labour migration perspective, attitudes against them hardened in step with the faltering economy in the latter half of the 2000s due to a combination of the global economic downturn and international economic sanctions against the Teheran regime.

The interest of the government of Iran in the 2000s can be summed up as the wish to benefit from Afghan labour, while controlling the influx in a manner commensurate to labour needs. To achieve this goal, Iran has on several occasions deported Afghans – but only those deemed illegal immigrants, not those holding refugee registration cards. A stronger, more cohesive state than Pakistan, Iran has been able to assert relative control over its border regions
with Afghanistan, and has voiced fewer security concerns over the presence of Afghans on its territory.

The interests of Afghanistan’s government: not that interested?
The new government of Afghanistan after the 2001 invasion, led by President Hamid Karzai, shared with the US government the view that refugee repatriation was a potent symbol of the success of Afghanistan’s post-Taliban rule. In practice, the Afghan government was slow to address the fate of returnees once they had crossed the border, despite setting up a separate Ministry of Repatriations and Refugees (MORR). Beyond the registration and repatriation packages received at UNHCR repatriation centres on the border, and the limited work of UNHCR and other aid agencies targeting returnees and the communities receiving them, the millions of returning refugees were neglected.

Afghanistan has long benefitted from remittances from the vast Afghan diaspora abroad, whether in neighbouring countries or further afield. While the Afghan government wanted refugees to return, they also wanted opportunities for Afghans to stay and work abroad. For the refugees who returned, the Afghan government generally wanted them to go ‘home’ to the village from which they, their parents or grandparents had originally fled, years or decades earlier. Refugees themselves often preferred to move to urban areas, sometimes out of choice, sometimes because village life offered them neither security nor livelihood. In some cases, their village no longer existed, having been destroyed in one of Afghanistan’s many wars. Many headed to Kabul, which became one of the fastest growing cities in the world, sprouting large informal settlements. Although estimates vary, the city at least doubled in size between 2001 and 2010, from 2 million to 4.5 million (Metcalf and Haysom, 2012: 7).

The Afghan government’s response to urban migration was neglectful at best, hostile at worst. One government official was quoted as saying that ‘the best thing for the wellbeing of Kabul is to clean the IDPs from the city’ (ODI, 2012: 28). Arguing that to build housing, schools and healthcare facilities for the new urban arrivals would tempt even more people to
come, the government put few efforts into urban planning. This strategy had little effect other than contributing to a growing humanitarian crisis among Afghanistan’s urban poor. A US diplomatic cable, released by Wikileaks, confirmed the general concern that Afghan authorities neglected returnees. Discussing the lack of land allocation to returnees, the cable commented that those land allocation sites that had been designated by MORR for returnees ‘are remote and lack infrastructure, potable water, and economic opportunities, thus making it difficult to support returnees’.  

Another cable quoted UNHCR’s country representative at the time, Salvatore Lombardo, as telling the US ambassador ‘that there was a “sad lack of capacity” within the GOA [Government of Afghanistan] to deal with refugee issues’ and that ‘MORR had been consistently unfortunately in the selection of ministers’.  

Humanitarian and development aid distribution in Afghanistan has been plagued by corruption and abuse at all levels of government. MORR is one of the more notoriously corrupt ministries. UNHCR auditors, in an unpublished report, singled MORR out in a warning that ‘[f]unding of material and cash assistances with this partner should be limited to the maximum extent possible’ (OIOS, 2004). MORR also had a reputation for ineptitude and lack of planning. Considering the pervasiveness of corruption, the aim to cream off humanitarian funds earmarked for returnees must be included as one of the ‘interests’ of many Afghan government actors.

**The Afghan repatriation operation: a sliding scale of voluntariness**

When summing up the main interests of state actors affecting UNHCR’s repatriation programme for Afghan refugees, a contradiction becomes clear. While all the central actors – the governments of the US, Pakistan, Iran and Afghanistan – wanted the repatriation of Afghan refugees, their interests at the same time worked to some degree against UNHCR’s aim of achieving sustainable and voluntary return in safety and dignity. In the case of the US, the billions of dollars spent on reconstruction and humanitarian action in Afghanistan dwarfed the relatively modest sums earmarked for refugees and returnees. There was no grand strategy for
reintegration of returnees, more a hope that once you have encouraged refugees to return, they would disappear as a problem – or their needs would become identical to those of other Afghans. The Afghan government encouraged return but neglected urban development and internal displacement challenges. Iran’s interests were perhaps most straight-forward: the government wanted refugee repatriation, while keeping open a channel for seasonal or shorter-term labour migration on demand. Pakistan was more ambivalent. There was strong domestic pressure to repatriate all Afghan refugees, who were suitable scapegoats for the lawlessness and violence of the country’s tribal and frontier regions. At the same time the Inter-Services Intelligence (ISI), Pakistan’s powerful intelligence agency, took advantage of the refugee situation. ISI has long been accused of supporting the Afghan Taleban, and the refugee camps could be used in recruitment and planning of militant activity across the border. For instance, in one instance in 2009, militants camouflaged as returnees were arrested by Afghan police at a border crossing when it was found that their truck was filled with explosives rather than belongings.

In this climate, the challenge for UNHCR was to oversee a repatriation operation where returns were voluntary, timely and sustainable while managing the great – and exaggerated – expectations of host states and donors of a speedy return of the entire Afghan refugee population.

UNHCR was immediately enthusiastic about the prospects for mass voluntary repatriation. In December 2001, only a month after the Taleban was ousted, UNHCR re-established its offices in Afghanistan and began working towards tripartite repatriation agreements between the newly established government of Afghanistan, the two main host states, Iran and Pakistan, and itself (Lumpp et al, 2004: 150). The tripartite agreements (signed in April 2002 in the case of Iran, but taking another year in the case of Pakistan) helped reduce conflicts and misunderstandings between Afghanistan and its neighbours over repatriation issues. Both tripartite agreements promised to uphold core principles of refugee protection: the voluntary
nature of return in safety and dignity; a guarantee that UNHCR would have access to refugees and returnees; and the establishment of tripartite commission to oversee the operation.

There was no question within UNHCR’s leadership whether the refugee agency should take charge of the repatriation operation. Repatriation movements and returnees are core to its mandate as well as popular with donor states. UNHCR had long advocated repatriation as the preferred solution for refugees, and did not want to miss the opportunity to take charge of this vast return operation. Furthermore, large numbers of Afghans were already returning spontaneously, with or without the intervention of UNHCR. The agency acted quickly to establish some measure of order to the repatriation flow.

UNHCR’s leadership added clear value for host governments, the US and its NATO coalition, and Afghanistan’s transition government alike. That the guardian of the international refugee regime was in charge added legitimacy to the repatriation process. All Afghans repatriating through the agency’s voluntary repatriation centres were registered and counted, thus providing better information on the numbers, nature, needs and destination of returnees. The voluntary repatriation packages and cash handed out at the repatriation centres were incentives for refugees not just to return, but to do so in an orderly manner. The Voluntary Repatriation Forms issued by UNHCR at the border had the added benefit of functioning as travel and ID documents (Lumpp et al, 2004: 165).

The refugee agency itself was in need of an operational success story after years of criticism, specifically of its failure of leadership during the Kosovo crises (Barutciski and Suhrke, 2001), but also general accusations of having stretched itself too far and overstepped its mandate. UNHCR needed to show itself as quick, efficient and useful in its service both to refugees and states. When millions of Afghans returned, they showed that the ‘preferred’ durable solution of voluntary repatriation could become a reality even for the most protracted of refugee situations. Afghan returns were the largest contributor to the drop in the global refugee
population from 12 million in 2001 to 9.5 million on 2003. Thus, the decision to take charge of the largest repatriation operation in the refugee agency’s history was enthusiastic.

The operation boosted UNHCR’s donor relations. In a period where ‘donor fatigue’ and hostility to asylum was widespread, the returning Afghans could be celebrated by both donor states and UNHCR as a major achievement. Over two million refugees returned in 2002 alone, 1.8 million of them assisted by UNHCR (Lumpp et al, 2004: 150), leading to accolades for the refugee agency. Summing up the 2002 annual meeting of UNHCR’s Executive Committee (EXCOM), the Chairman noted that ‘[t]here was broad recognition and commendation of UNHCR’s efforts to assist Afghan refugees and displaced persons to return over the past year. The UNHCR team was credited as being “arguably the most effective for any refugee crisis at any time in the past”’ (UNHCR, 2002d: 36).

Because of this convergence of interests in refugee return among host states, donors and UNHCR itself, the refugee agency was reluctant to come across as a break on the speed of returns. The refugee agency asserted officially that, ‘[i]n Afghanistan, UNHCR’s voluntary repatriation strategy is that of “facilitating” (as opposed to “promoting”) the voluntary repatriation of Afghans upon their fully informed request, as conditions – in the current transition period and within areas in which military action involving the use of force are ongoing – are not yet considered fully conducive for most refugees to return’ (Lumpp et al, 2004: 162). In reality the distinction between facilitating and promoting was harder to make. UNHCR itself may not have directly urged refugees to return, but its repatriation centres and cash handouts unavoidably added to the many different incentives and pressures on Afghan refugees.

In the first two years after the invasion, the distinction between promotion and facilitation was largely academic. Returns were happening so fast, and in an atmosphere of optimism, that there was little concern about its voluntary nature, despite continued insecurity and lawlessness inside Afghanistan. But problems were in the offing from the start. In a study of return patterns in 2002-2003, at the height of the mass repatriation movement, UNHCR
acknowledged that ‘the numbers returning to urban areas (Kabul, Jalalabad, Kunduz) was much higher than anticipated’, with 34 percent heading to Kabul (Lumpp et al, 2004: 150). The same study also highlighted that 61 percent of this early flow of returnees were refugees from the Taleban period who were relatively recent exiles, and that 70 percent were landless (Lumpp et al, 2004: 150-151).

Insecurity within Afghanistan was also worsening. An editorial in Refugees Magazine from 2003 revealed tensions between UNHCR’s wish to celebrate a much-needed repatriation success story and its recognition of the dire situation awaiting returnees. Optimistically entitled ‘Going Home...The good news’, the editorial went on more ambiguously to quote High Commissioner Ruud Lubbers as describing ‘the continuing return of civilians to Afghanistan amidst economic ruin and a worsening security situation as a “remarkable achievement”’ (Refugees Magazine, 2003: 3). It was indeed remarkable that so many continued to return, considering the conditions in Afghanistan. So remarkable, that it began to raise concern whether refugees were returning voluntarily and in conditions of safety and dignity, as the tripartite agreements stipulated.

The quote from High Commissioner Lubbers reveals his personal position on Afghan repatriation. In interviews, UNHCR staff working on Afghanistan said Lubbers saw the repatriation as a ‘flagship operation’ and that he was ‘very, very keen’, ensuring resources were available and the best people deployed.” The diversion of resources towards Afghanistan was not sufficiently matched by increased donations, which meant that UNHCR operations in other parts of the world suffered (Lubbers, 2002).

Soon after the ousting of the Taleban, Lubbers advanced the idea of working towards cessation of refugee status for Afghan refugees by 2005. AN internal UNHCR debate during 2002 ended in the conclusion that this would be premature, which indeed it was. Where the idea had originally come from is unclear, but there is no doubt that a declaration from UNHCR of cessation of refugee status for Afghan refugees would have been highly popular with regional host states, the US and its European NATO allies (countries that, in addition to deploying
troops in Afghanistan, also hosted many Afghan asylum seekers and refugees). NATO pushed early on for closure of the refugee camps in Pakistan, considering them a source of instability. The idea of cessation met with strong resistance within UNHCR, however, and the agency adopted instead the more credible position of facilitating but not encouraging return.

Disagreement within UNHCR on how to handle repatriation to an impoverished, chaotic and increasingly violent country continued. Its Pakistan and Afghanistan offices held differing views. This was understandable considering their very different vantage points: Afghan based staff saw the problems of reintegration, inability to monitor the fate of returnees, and the dangers of mass returns leading to social, economic and political instability. Pakistan based staff noticed the mounting lawlessness and violence in Pakistan’s border regions, and the pressure from Pakistani, US and NATO officials to repatriate all Afghan refugees.

By 2005, the period of ‘easy returns’ (of recently arrived refugees who had retained strong links to Afghanistan) had come to an end. A 2002 census of the refugee population in Pakistan, conducted by UNHCR and the government of Pakistan, revealed the difficulties ahead. First, it showed that there were many more Afghans in Pakistan than the Pakistani government had thought. Second, the refugees had remained in exile so long that ‘return’ would entail a painful and difficult process of establishing a new life in an almost foreign country. The census revealed that ‘the vast majority of Afghan families in Pakistan arrived in the first years of the refugee crisis; over 50% arrived in 1979 and 1980 alone’, and that ‘a very substantial number of the Afghans remaining in Pakistan were in fact born in Pakistan—not Afghanistan’ (Margesson, 2007: 4).

As returns were slowing down, and the prospects of future mass returns on a par with the period from 2002 to 2005 looked slim, host states’ impatience with remaining Afghan refugees mounted. UNHCR’s stance on where voluntary repatriation ended and forced repatriation began was ambivalent. On the one hand, it made it clear that any deportation of Afghans with refugee ID cards would constitute *refoulement* and would be unacceptable. On the
other hand, agency staff quietly acknowledged that it could be a matter of chance whether a particular Afghan became registered as refugee or declared an illegal immigrant. As one UNHCR staff member explained: ‘Iran is deporting a lot of unregistered Afghans. UNHCR cannot call it refoulement since they are unregistered. We can help them to return in dignity and get help on the Afghan side of the border. But we cannot call it refoulement without getting the registration system in trouble’. The refugee agency seemed reluctant to pursue the issue of refugees falling through the registration cracks, in fear of damaging working relationships with Iran. UNHCR reckoned that most of the unregistered Afghans in Iran, and almost all deportees, were in the country primarily in search of work. The same could probably be said about many of those with refugee status, since most Afghans who chose not to repatriate did so out of a mix of economic and security motivations. UNHCR focused its efforts on facilitating controlled and staged returns, protecting vulnerable refugees through resettlement programmes, and slowing deportations and return flows in order to avoid harmful effects on Afghanistan’s stability and economy.

UNHCR had a similar pragmatic attitude to forced returns in the case of Pakistan, although the agency viewed the government there as pursuing a more aggressive, hostile and intemperate policy towards Afghans. It criticised the scapegoating of refugees and viewed Pakistan’s declaration that all refugees must return by 2009 (a deadline later pushed back to 2012) as unworkable and counterproductive. To call returns ‘voluntary’ sometimes took a leap of imagination, as in the early 2007 repatriation drive for undocumented Afghans in Pakistan, headed by UNHCR. Many of the returnees gave as their reason for returning the ‘threat of arrest, detention and deportation’ in Pakistan. The account of this repatriation drive in a cable from the US embassy in Kabul showcased the prevailing ambiguous understanding of the status of Afghans in Pakistan. The returnees in question were undocumented, but the cable implicitly agreed that at least some were ‘genuine refugees’:
There are some indications that many of these "returnees" are not genuine refugees but regular border-crossers eager to take advantage of a generous UNHCR repatriation package. The 2007 UNHCR repatriation package is $100 per returnee verses [sic] an average of $23 per returnee in 2006.\(^{viii}\)

As conditions in Pakistan deteriorated, both politically and economically, it was clear from interviews with returnees that UNHCR’s encashment centres, providing returnees with cash grants, served as repatriation incentives, somewhat undermining UNHCR’s official position of facilitating rather than encouraging return:

Most said poor economic conditions in Pakistan were the main factor in deciding to return. A few said they feared spreading insecurity could eventually reach them in Pakistan. They chose to return sooner rather than later, reckoning that the international community would turn its attention to the humanitarian crisis in Pakistan and withdraw its support for Afghan returnees. In particular, they wanted to take advantage of the cash assistance provided to returnees (approximately $100 per person) while they thought it would still be offered. \(^ix\)

For UNHCR, maintaining the often fictional distinction (in terms of experiences and reasons for flight) between registered refugees and unregistered illegals enabled it to avoid some difficult questions regarding the sliding scale of voluntary return: The agency decried (most cases of) refoulement of registered refugees, but otherwise remained quiet about forced return and deportations of non-registered Afghans in refugee-like situations – indeed facilitating forced return through registering and assisting those forced back to Afghanistan. UNHCR adopted this approach partly because of realities on the ground. To do otherwise, and to come across as against repatriation, could mean that the refugee agency lost what influence it had and its good relations with donors.
But many within UNHCR also felt that the status of Afghans in Pakistan and Iran, whether registered as refugees or not, fell into a grey zone. Monitoring and research showed that returnees were not specifically targeted for persecution or discrimination. They were experiencing the same kinds of (not inconsiderable) hardships as other Afghans were. The refugee agency could not be entirely sure about this conclusion, though, since staff were not able to monitor the fate of returnees in the most violent and volatile regions of Afghanistan. At the same time, the situation for Afghans in Iran and Pakistan was getting worse, both economically and politically, including harassment, beatings, arrests and summary deportations. The question arose: were Afghan refugees better off in their host states or back in Afghanistan? The answer was not entirely obvious. For camp dwellers in the increasingly lawless and violent frontier regions of Pakistan, return might be a better option. For urban refugees with jobs and livelihoods in their host states, return meant in most cases a deterioration of living conditions. In 2012, the UN Secretary General reported that ‘recent UNHCR studies show that up to 60 per cent of returnees are considered to be living in worse conditions and experiencing significant problems rebuilding their lives in Afghanistan’ (UN Secretary-General, 2012: 6). Such findings led UNHCR to urge a slow pace of returns, but not to abandon the overall aim of repatriation.

**Great Expectations, greater frustrations**

UNHCR had to contend with great, and increasingly unrealistic, expectations of refugee returns. The initial enthusiasm with which host states, donors and indeed High Commissioner Lubbers himself had foreseen the end to one of the world’s largest and longest standing refugee populations did not last long. UNHCR surveys of refugees and returnees showed already in 2002 that the pace of return could not last. Too many refugees had established deep roots in their host countries; too few opportunities awaited the majority of the returnees who did not own land or possess the labour skills, education or economic resources to re-establish themselves in Afghanistan. Adding to host states’ frustration, censuses of the remaining Afghan refugees after the first mass repatriation movement showed hardly any dent in the remaining refugee
population. Before the 2001 invasion, Pakistan had estimated its Afghan refugee population at around two million. ‘Almost everyone was caught off-guard, when subsequently 2.15 million Afghans returned in 2002, and yet most of the camps in Pakistan (and to some extent the cities in Iran) continued to house large numbers of Afghan refugees’ (Margesson, 2007:3). Pakistan’s encampment policy had led many Afghans to slip unnoticed into urban centres rather than opt for registered life in the camps. The 2002 census revealed that around half of all Afghans in Pakistan lived, previously uncounted, in urban areas. In March 2005, UNHCR and the Government of Pakistan conducted a new census of all Afghans (not just registered refugees) in Pakistan. This time the number had increased to just over 3 million (UNHCR, 2006:304).

Fast forward to 2009, after the return of five million Afghans, and there were still around two million refugees in Pakistan and one million in Iran (plus around another million unregistered ‘illegal’ migrants estimated by the Government of Iran) (UNHCR, 2009). The stubborn numbers had many explanations: Most important was the host governments’ and UNHCR’s census and registration drives, providing a more accurate picture of the Afghan population in exile. Births and population growth among the Afghan refugee population also contributed to the increase. And fluid borders, particularly with Pakistan, led to much informal cross-border movement in both directions. Worsening conditions within Pakistan and Iran, with fewer jobs and more harassment (including large-scale police raids on informal urban refugee settlements in Pakistan), also led previously unregistered refugees to come forward in order to qualify for repatriation assistance for returning to Afghanistan. Finally, there was suspicion of some fraud, where the same returnees re-crossed the border in order to acquire more than one cash grant. This may have inflated return figures, although UNHCR instituted more rigorous repatriation registration practices early on.

Whatever the reasons, great expectations turned to greater frustration, particularly in Pakistan. The perception of Afghans as drug runners, bandits and terrorists became widespread, and were combined with economic worries as the country’s economy struggled. In 2006 and
2007 the Government of Pakistan closed several refugee camps due to security concerns. Since in reality refugees had nowhere to go but back to Afghanistan, this constituted forced repatriation (Margesson, 2007). Mostly, though, Pakistan abided by the Tripartite Agreement, at least formally, by offering residents of camps destined for closure the option of moving to other (not necessarily appropriate or safe) camps. Iran also deported hundreds of thousands of Afghans from the mid-2000s onwards.

Despite this environment, UNHCR did not distance itself from the Afghan repatriation operation. It retained its ambiguous stance on the question of forced return of Afghans who did not have refugee documentation. But even if the agency refused to call the many forced returns refoulement, it saw it as its duty to convince host states to slow down the pressure on Afghans to return. The aim was to ensure a return process that was *as voluntary as possible*. The diplomatic role of managing the expectations of host states and donors became central to UNHCR’s strategy in the Afghan repatriation operation.

UNHCR’s approach to managing expectations is exemplified in a diplomatic cable from 2007, which describes a meeting between UNHCR’s country representative, Salvatore Lombardo, and the US ambassador in Kabul. The UNHCR representative did not criticise the aim of continued substantial repatriation, but warned against politicisation, inflammatory statements and unrealistic expectations. The aim was to get all parties – including the US – to see the benefits of accepting that repatriation would be slow:

Lombardo noted that, while repatriations of Afghan refugees were proceeding, GOP/GOA [Governments of Pakistan and Afghanistan] “politicization” of the refugee issue and, particularly, the camp closings was souring the bilateral dialogue. Afghan refusal to acknowledge their lack of capacity to absorb large numbers of returns, coupled with unreasonable Pakistani return targets and the GOP’s broad brush characterization of the refugees and the camps as “security threats”, made for a difficult working environment. Both
sides, he suggested, need to reduce their rhetoric and set reasonable expectations if progress is
to be achieved. Returns are going to continue to be slow."

The refugee agency coupled such private advice with public statements aimed at
convincing hosts and donors that some Afghans needed to remain in exile:

The upsurge in violence in Afghanistan since 2006 has rekindled refugees’ concerns not only
about security and the political stability of their country, but the viability of supporting their
families in their homeland under current conditions. The gap between the living conditions
and economic opportunities in Afghanistan and the neighbouring countries is considerable.

(UNHCR, 2009: 2)

UNHCR managed to convince Pakistan to extend its ‘deadline’ for the return of all
Afghans from end of 2009 to end of 2012, and then by increments of 6 month extensions in
2013. It could not convince the government to abandon such deadlines altogether, but
considering the intensity of distrust between Pakistan and Afghanistan’s governments, the
lawlessness of the refugee hosting areas, and Pakistan’s deteriorating economic and security
conditions, it was an achievement for UNHCR (of course together with other actors) to avoid
mass refugee deportation.

The refugee agency also managed to convince key donors, including the US, of the need to
continue providing aid for Afghans in Pakistan and Iran, not just for returnees. This made it
easier for UNHCR to urge host states to allow refugees who did not want to repatriate to stay. A
turning point took place around 2006, when the US and its NATO allies had to accept that
security conditions were worsening in Afghanistan. From the perspective of military strategy –
the perspective that carried most weight with the US government – UNHCR’s arguments
against mass forced return were convincing. If hundreds of thousands of people who had been
in exile for decades and who had few resources or links to the country were forcibly repatriated, it would surely add to instability. Employed and productive Afghans sending remittances home from Pakistan and Iran were more conducive to reconstruction than unemployed and impoverished returnees sheltering in Kabul’s informal settlements. Speaking in 2008, a UNHCR staff member involved in the Afghanistan operation said that the ‘buzzwords now are peacebuilding and post-conflict reconstruction: Why it is important to include refugees in peacebuilding. They have a positive role to play. Refugees come back, bring skills, often more access to education.’ But they could only play a positive role if their return was managed, voluntary, and sustainable.

To some extent this strategy worked. UNHCR struggled to obtain funding for its refugee programmes in Pakistan and Iran in the early 2000s (international assistance had been greatly reduced already in the mid 1990s, contributing to the growing hostility towards refugees in host countries (Margesson, 2007: 6)). As late as 2005, the agency warned how the ‘significant reduction of the operational budget [for its refugee operation in Pakistan] had a negative impact on the quality of assistance delivered in camps’ (UNHCR, 2006: 305). By 2008, the agency was generally happy with donor relations and funding flows for its Pakistan operations, emphasising the need to support refugee hosting areas as much as camps themselves. This said, funding for refugee and returnee operations were a drop in the ocean compared to the vast military spending in Afghanistan, and much of humanitarian and development aid funds were distributed according to military-strategic needs.

**How did UNHCR fare?**

UNHCR spent much of the 2000s reasserting its role and reputation as a protection agency, in light of the worsening protection climate for refugees and asylum seekers after 9/11. In the case of Afghan repatriation, however, the agency’s pragmatism and willingness to work with host and home states despite their shortcomings were more on display. While many returns were voluntary, many were not. Particularly after 2005, returning Afghans were pushed as much as
they were pulled, with fewer job opportunities, camp closures, and harassment in their host
countries. Threats from Iran and Pakistan to revoke refugee status for all Afghans led many to
take advantage of UNHCR’s repatriation offers, worried that the generosity of the cash grants
would not last. Whether this can be called voluntary repatriation is doubtful. It is also doubtful
whether UNHCR’s role could be described as merely facilitating. The ambiguity regarding many
Afghans’ status was not questioned by UNHCR. By leaving the distinctions unclear between
refugees, registered refugees, registered Afghans, people in refugee-like situations, economic
migrants or illegals, the agency could avoid having to call forced returns *refoulement* – unless the
deportations involved Afghans with refugee documents. Host governments on their side mostly
honoured the refugee documents and did not deport those carrying them. UNHCR could thus
continue cooperating with governments, while working behind closed doors to reduce forced
returns. It did so with considerable skill, but nevertheless leaving a sense that it took part in a
repatriation operation with sliding standards for what constituted ‘voluntary return in conditions
of safety and dignity’.

The Afghan repatriation operation was far from perfect from the point of view of
voluntariness. It was even more questionable from the point of view of sustainability. The
buzzword may have been refugees’ contribution to peacebuilding. The reality looked rather
different, as admitted in a moment of undiplomatic honesty by Peter Nicolaus, UNHCR’s
representative in Afghanistan at the time. He told the news agency AFP in December 2011 that
the way the refugee agency handled Afghan refugee repatriation had been ‘the biggest mistake
UNHCR ever made [...]. We thought if we gave humanitarian assistance then macro-
development would kick in’ (IRIN, 2012). Instead, many returnees became internally displaced,
and the growing population of IDPs were neglected. The UNHCR-led Afghanistan Protection
Cluster (APC, 2011: 15), discussing protection needs for returnees in the Northern and North
East Regions of Afghanistan, noted that many ‘have returned to a situation of internal
displacement due to their inability to return to their villages of origin, while many others have
chosen to remain in urban centres due to their inability to resume life in their demolished and isolated villages of origin’. Those who went to urban centres mostly fended for themselves, as an ODI study of Kabul’s informal settlements made clear:

‘Help from government or international actors has largely been absent, and displaced and longer-term residents interviewed in this study overwhelmingly relied on themselves and their communities for support and demonstrated little faith in formal governance, judicial and law enforcement systems and institutions in Kabul. For displaced populations, the reluctance of the authorities to recognise the right to locally integrate in Kabul is the principal obstacle to the achievement of a durable solution, affecting both recently displaced and longer-term residents alike.’ (ODI, 2012: 39)

Conclusion
UNHCR’s room for manoeuvre in the crowded humanitarian and political landscape of refugee emergencies was always limited, and became more so in the post-9/11 security environment. In the case of Afghans in Pakistan and Iran, host states, home state and major donors all wanted the refugees to return, as did many of the refugees themselves.

In this environment, there are two different yardsticks with which UNHCR’s performance could be measured. One would be the high standards of core principles of refugee protection, voluntary return in dignity and safety, and sustainability of return, set out in UNHCR’s mandate. On that score, the Afghan repatriation operation was highly flawed, and it would be hard to imagine the possibility of success. Considering the enormous challenges of peace building and reconstruction in Afghanistan, Pakistan’s descent into economic and political turmoil, particularly in the border regions, and Iran’s economic problems, the repatriation operation could not be anything but politically fraught and full of uneasy compromises for
UNHCR. Considering the limited budget and presence UNHCR had inside Afghanistan, its ability to safeguard the sustainability of returns was limited.

The other yardstick would be to take the political limitations to what UNHCR could achieve – state interests and conditions on the ground – as the baseline and ask whether the refugee agency added value by its handling of the refugee repatriation operation. Were fewer Afghans pushed back because of UNHCR’s involvement? Was the repatriation process more orderly, more sustainable? Were tensions and conflicts between host and home states defused due to UNHCR’s interventions and efforts, including the negotiation of tripartite agreements? The answer, as this account has shown, is yes, but at a price. The refugee agency had to maintain the fiction that the difference between registered refugees and other Afghans in exile was meaningful from a protection point of view – a formalistic position that made for easier relations with host countries and relatively good protection standards for those Afghans who were registered as refugees. But there is little evidence, particularly in Pakistan, that Afghans who made their way to urban centres, and thus were not registered as refugees, had very different reasons for flight than those who went to camps and were given registration cards.

UNHCR’s leadership of the Afghan refugee operation added value for host states, donors (particularly the US and its NATO allies in Afghanistan) and home state, as well as for many of the Afghan refugees and returnees, particularly those registered as refugees and those willing to go back. But the operation also undermined the agency’s claim of being first and foremost a protection agency, confirming again that the pragmatic aim to remain relevant to the interests of donor, host and home states often took front seat in the refugee agency’s operational choices. From this perspective, the Afghan repatriation operation was a moderate success, but too problematic in nature for UNHCR to promote it publicly. The sliding scale of voluntariness and the limited protection role UNHCR could play for Afghanistan’s displaced, both inside and outside the country, was a reminder of the tensions between the refugee agency’s declared status as the UN’s protection agency and operational realities on the ground.
Bibliography


Notes

1 Funding information is available in UNHCR’s annual global reports.
2 Cable 09KABUL3912_a, Kabul: 7 December 2009.
3 Cable 07KABUL2324_a, Kabul: July 19 2007.
4 This is clear from US diplomatic cables released on Wikileaks and a host of NGO and research reports.
5 See US diplomatic cable from the Kabul office, released on Wikileaks, cable no. 09KABUL838_a, Kabul: 3 April 2009.
6 Interview with UNHCR staff, Geneva Headquarters, 23 April 2008, interview number 23/4/2008/A
7 Interview with UNHCR staff member, Geneva Headquarters, 7 June 2008, interview number 7/7/2008/C.
8 Cable no. 07KABUL1744_a, Kabul: 24 May 2007.
* See Cable 07KABUL2324_a, Kabul: July 19 2007.