

AFGHANISTAN: WHAT NOW FOR REFUGEES?

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AFGHANISTAN: WHAT NOW FOR REFUGEES?

EXECUTIVE SUMMARY AND RECOMMENDATIONS

As international efforts focus on the worsening insurgency in Afghanistan, the issues of refugee return and the mobility of Afghans in their country and around the region have been overshadowed. Meeting the needs of returnees and addressing population movements remain an essential part of finding a solution to the conflict. These issues must be better integrated into policymaking. They play a role in many of the sources of discontent that undermine the legitimacy of the government in Kabul – from land disputes to rising crime. Migration has a positive side as well since those living abroad sustain much of the economy, but a comprehensive approach to displacement and migration is needed, including better coordination among Afghanistan, Pakistan and Iran, if the benefits are to start outweighing the risks.

With the rural areas increasingly insecure, many returning Afghans have migrated to towns and cities, causing rapid urbanisation that is contributing to rising poverty, unemployment and criminality. Kabul's population has tripled in just seven years. Since young, displaced and unemployed men are particularly vulnerable to recruitment to the insurgency, the needs of a fast-growing poor and largely marginalised population must be urgently addressed. Moreover, as Afghans attempt to resettle in their home provinces or migrate to the country's more secure and economically productive zones, land disputes risk sparking deep-rooted tribal, ethnic or sectarian violence.

Afghan mobility should not be perceived solely as a source of conflict and instability. Internal and regional mobility has enabled families to diversify their sources of income. Remittances are essential to the economy, and households that are able to provide for themselves are a blessing for a state struggling to ensure security and provide basic services. The contribution of returning refugees to reconstruction and development through skills acquired in exile is already significant, and should be facilitated further through national reconstruction and development programs.

The country's institutions are ill-equipped to meet the needs of repatriating families, overcome obstacles to resettlement, and tackle the continued refugee presence in neighbouring countries. The government's inability to

provide for and protect its returning citizens by ensuring nationwide basic services and the rule of law has led to an increasing questioning of its legitimacy. These shortcomings compel many Afghans to rely on informal networks and other parallel structures based on patron-client relations that undercut the establishment of a durable state-citizen relationship.

While it struggles to ensure sustainable returns, the Office of the United Nations High Commissioner for Refugees (UNHCR) faces mounting pressure from Iran and Pakistan, the main refugee hosting states, to maintain high repatriation figures. However, UNHCR cannot resolve the refugee problem on its own. Broader efforts to address Afghan displacement are urgently needed that extend beyond a purely refugee/IDP (internally displaced persons) framework. Responsibility of meeting returnees' needs must also be delegated to a range of UN agencies and Afghan government actors and ministries.

The prolonged refugee presence and the persistence of unchecked cross-border movements have increased Pakistan's and Iran's leverage over their neighbour. Moreover, with migrants and terrorist networks often using the same transport routes, making it difficult to distinguish insurgents from migrants, Tehran and Islamabad are inclined to seal their borders and pressure the millions of remaining Afghan refugees to return home. As Iran and Pakistan toughen their stance, the threat of mass deportations strains Kabul's relations with both countries. If carried out, such deportations would further destabilise a fragile state.

Cross-border mobility will continue regardless of any attempts to curtail it. Efforts to improve security within Afghanistan and in the region must therefore integrate internal and cross-border population movements. The governments of Afghanistan, Pakistan and Iran must explore legal and political channels to liberalise and enable regional mobility, which would facilitate administrative control of cross-border movement and reinforce their capacity to control their populations and their territories. Such measures will also strengthen UNHCR's ability to provide for the most vulnerable segment of the Afghan population in exile. For such approaches to

succeed, however, they must be strongly endorsed by the international community and made an integral part of peace building in the region.

RECOMMENDATIONS

To the Government of Afghanistan:

1. Promote sustainable returns by:
 - a) creating viable livelihood opportunities through major development in the agricultural sector that makes use of returnees' skills and increases arable land availability;
 - b) strengthening municipalities' capacity to respond to population influxes through enhanced urban planning and infrastructure development;
 - c) ensuring the sustainability of existing land allocation schemes; and
 - d) supporting land dispute resolution initiatives by enhancing the transparency and neutrality of the judiciary and clarifying property rights and documentation.
2. Recognise that the Ministry of Refugees and Repatriation (MoRR) cannot ensure long-term resettlement on its own. To improve efficiency, establish in each appropriate ministry a branch specifically addressing refugees and IDPs while reforming the MoRR into an inter-ministerial consultative and coordinating body.
3. In the long-term, reduce reliance on informal patron-client relations by developing an effective and democratic state-citizen relationship by enhancing the transparency of, and enabling universal access to, neutral state institutions, including judiciary, law enforcement and administrative authorities, at the national, provincial and local level.
4. Improve regional cooperation and enhance the protection of Afghans living in Iran and Pakistan by:
 - a) addressing these states' concerns regarding unmanaged cross-border movements by improving the ability of state institutions, including police, customs and identity documentation-issuing authorities;
 - b) developing bilateral legal mechanisms, including permit systems, with Iran and Pakistan that provide for the free movement of Afghans, Iranians and Pakistanis to and from Afghanistan and allow them to live and work outside of their home country; and
 - c) strengthening collaboration with Iran's and Pakistan's law enforcement agencies.

To UN Agencies, particularly UNHCR:

5. Support safe, dignified and sustainable return and the protection of Afghan refugees in Iran and Pakistan by:
 - a) maintaining a strong commitment to voluntary repatriation;
 - b) refocusing UNHCR's efforts on ensuring continued refugee protection in Iran and Pakistan, rather than attempting to address or manage Afghan cross-border migratory movement;
 - c) recognising that UNHCR cannot ensure long-term resettlement on its own and pressing donors to consider including the needs of returning Afghans in wider development assistance; and
 - d) incorporating the role of informal cross-border social networks in Afghans' livelihood strategies and their capacity to sustain households when designing and implementing relief assistance and development programs.

To the Afghan Independent Human Rights Commission:

6. Coordinate with counterparts in neighbouring refugee hosting states, such as the independent Human Rights Commission of Pakistan, to investigate and monitor human rights of Afghan refugees and migrants in Iran and Pakistan.

To the International Community:

7. Enhance the capacity of Afghanistan's police, customs and documentation-issuing authorities to deliver travel documentation in an efficient and impartial manner.
8. Make investment in rural development and agriculture a major priority for economic development.
9. Recognise Iran as a legitimate stakeholder in Afghanistan, and assist in the creation of a framework that improves the capacity of Kabul, Tehran and Islamabad to manage population movements in a way that is internationally acceptable and is consistent with the reality of historical Afghan mobility.

To the Governments of Iran and Pakistan:

10. End detentions and deportations of Afghan refugees, and recognise Afghan migrants' contribution to the national economy, rather than holding them responsible for social unrest or poor development indicators.

11. Reform policies towards Afghan refugees by:

- a) in Iran's case, abiding by the 1951 Refugee Convention and in Pakistan's case, agreeing to sign and ratify the Refugee Convention and its 1967 Protocol;
- b) developing bilateral agreements with Afghanistan that provide for the free movement of Afghans

and of their own citizens to and from Afghanistan, including permit systems that allow them to live and work in each other's countries; and

- c) drawing on the Afghan refugee presence to enhance regional trade and economic cooperation.

Kabul/Islamabad/Brussels, 31 August 2009

AFGHANISTAN: WHAT NOW FOR REFUGEES?

I. INTRODUCTION

As security deteriorates in and around Afghanistan,¹ the successful repatriation of millions of refugees appears ever more elusive. Decades of war and instability have forced one in three Afghans to flee their home. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), on the eve of the Taliban's ouster in 2001, an estimated one million Afghans were internally displaced; almost six million had sought refuge in Pakistan and Iran, the main refugee hosting countries. Very few opted to relocate, either as refugees or migrants, to Afghanistan's Central Asian neighbours; and more than 100,000 migrated beyond the region.² Since then, five million refugees have returned home,³ indicating a level of trust in President Hamid Karzai's administration and the international community's ability to stabilise and rebuild Afghanistan.⁴

Today, however, millions of refugees still remain in Iran and Pakistan increasingly unwilling to return to an unstable homeland, while others continue to move within the country and beyond in search of security and jobs.

With Kabul and its international partners focusing their efforts on containing the growing Taliban-led insurgency instead of reconstruction, the incentives for refugee return are decreasing at a time when Iran and Pakistan are increasingly anxious to see the people leave.

With the myriad political, economic and security challenges facing the Karzai administration and the international community in Afghanistan, the impact and implications – negative and positive – of Afghan mobility on domestic and regional stability have been ignored. With temporary, work-related migration to neighbouring states becoming permanent through decades of war and instability, informal networks, reinforced by years of mobility and exile, now sustain large segments of Afghan society, including returning refugees and internal migrants. The return of this displaced population has implications for reconstruction and development. The sheer numbers of returnees are challenging repatriation and resettlement efforts. Kabul's legitimacy, moreover, depends on the administration's ability to support and reintegrate the returning families, overcome obstacles to return and tackle the challenges posed by the continued refugee presence abroad.

Those who remain in exile and those who move back and forth across borders also influence relations between Afghanistan and its neighbours with implications both for development and regional peace. There are some 900,000 registered refugees in Iran and over two million registered refugees in Pakistan, the vast majority of whom were either born or raised there. These refugees could become ambassadors of goodwill if their hosts treated them fairly.⁵

As it tries to stabilise a volatile region, the international community will also need new ways of dealing with the challenges of this regional mobility to ensure that it contributes to, rather than undermines, the Afghan state and society. This report will examine how the challenges posed by refugees and internal mobility can either contribute to Afghanistan's stabilisation and that of its Iranian and Pakistani neighbours, or, if inadequately addressed, further fuel internal violence and regional in-

¹ For earlier Crisis Group analysis on major Afghan and regional security challenges, see Crisis Group Asia Reports N°171, *Afghanistan's Election Challenges*, 24 June 2009; N°158, *Taliban Propaganda: Winning the War of Words?*, 24 July 2008; N°145, *Afghanistan: The Need for International Resolve*, 6 February 2008; N°125, *Pakistan's Tribal Areas: Appeasing the Militants*, 11 December 2006; N°123, *Countering Afghanistan's Insurgency: No Quick Fixes*, 2 November 2006; and Asia Briefing N°35, *Afghanistan: Getting Disarmament Back on Track*, 23 February 2005.

² UNHCR Statistical Yearbook 2005, Annex III, p. 231. See www.unhcr.org/cgi-bin/texis/vtx/statistics/openssl.pdf. See also David Turton and Peter Marsden, "Taking Refugees for a Ride? The Politics of Refugee Return to Afghanistan", Afghanistan Research and Evaluation Unit (AREU), December 2002.

³ UNHCR, Afghanistan Country Operations Profile, at www.unhcr.org/pages/49e486eb6.html.

⁴ Karzai stressed: "Repatriation of the refugees to Afghanistan from every corner of the world reveals the existence of peace, stability and security in the country". Hamid Karzai, head of the Afghan Transitional Authority, radio address to the nation on *Nowroz* 1382 (Afghan New Year), 8 April 2003. English translation at www.institute-for-afghan-studies.org/Currentper cent20Affairs/karzai-state-of-the-nation-speech.htm.

⁵ UNHCR Global Appeal 2008-2009, at www.unhcr.org/home/PUBL/474ac8e00.pdf.

stability. The report will not address the ways in which the Afghan government, UNHCR and others are addressing the challenges faced by the refugees themselves. Covered by a large number of other studies, including by Refugees International, the Bern-Brookings project, the UN Mine Action Service and a number of gender groups, these include issues such as returns to areas impacted by landmines, the need to enhance support to women heads-of-household and disabled returnees, returns to areas now dominated by poppy production, livelihood programs and projects to address criminality among the displaced.⁶

II. DECADES OF POPULATION MOVEMENTS

Afghanistan's inhabitants have both suffered and benefited from the country's location at the crossroads of Central Asia, the Middle East and South Asia. Historically, migration has been integral to Afghan livelihood and survival strategies, with nomads travelling from one valley to another in search of pasture; peasant families sending their young men to work in the region's trading centres; and localised disputes, internal strife and foreign invasions leading to displacement and new alliances with neighbouring tribes, *qawm*,⁷ or ethnic groups. While the mapping of Afghanistan's borders by the late nineteenth century constrained many traditional migratory routes, it did not end population movements. Shared ethnic, religious and cultural identities enabled people to move to and from Afghanistan as economic or political incentives arose.⁸ By the 1970s, labour migration westwards to Iran, for instance, reached several hundred thousand as rapid economic growth there led to increased demand for labour.

Afghanistan has never accepted the border separating Pashtuns in the south and south east from their fellow tribesmen in the frontier zones of the British Raj – and, after 1947, in the newly independent state of Pakistan. Pashtun tribes still believe that their homeland encompasses both sides of the Durand Line.⁹ Other Afghan ethnic groups, such as the central highlands Hazaras, were also regular labour migrants first to British India and then to Pakistan, including the trading centre of Peshawar, the mines of Balochistan and the agricultural land of the Indus valley. The civil war, which commenced

⁶ See Patrick Duplat and Kristele Younes, "Afghanistan: Open Eyes to Humanitarian Need", Refugees International, 21 July 2009; Kristele Younes and Patrick Duplat, "Afghanistan: Invest in People", Refugees International, 19 July 2008; Khalid Koser and Sussane Schmeidl, "Displacement, Human Development and Security in Afghanistan", Human Development Task Force 2009: U.S. Islamic World Forum, The Saban Center for Middle East Policy, Brookings Institution, 16 February 2009; Rhoda Margesson and Elizabeth Parker, "The Refugee Problem: Looking towards Afghanistan's long-term stability", *South Asia Monitor*, Center for Strategic and International Studies, 10 December 2008; "Afghan Refugees: Current Status and Future Prospects", Congressional Research Service, 26 January 2007; William B. Wood, "Long time coming: The repatriation of Afghan refugees", *Annals of the Association of American Geographers*, vol. 79, no. 3 (February 2005); and Eric Mooney, "Towards durable solutions for Afghan refugees and internally displaced persons", UNDP workshop, "Lessons learned from experience in Afghanistan", Brookings-CUNY Project on Internal Displacement, 4 February 2002.

⁷ "The term *qawm* can refer to an ethnic group, a clan or a tribe (defined by a common patrilineal descent), a professional group (artisans, mullahs), a caste (*sayyad*) or a religious minority (Ismaili), or even people from the same village, neighbourhood or valley". Olivier Roy, "Ethnies et appartenances politiques en Afghanistan", in J.P. Digard (ed.), *Colloques Internationaux: le fait ethnique en Iran et en Afghanistan* (Paris, 1988), p. 202. In general, however, the *qawm* is composed of family members, friends and neighbours who share an attachment to a common *watan* (a geographic location that they recognise as their place of origin), whose families have known each other for generations and are bound by relations of mutual trust and obligation.

⁸ Uzbeks, Tajiks and Turkmens crossed the Amu Darya, the official border between Afghanistan and Tsarist Russia, into Central Asia as the Afghan state tried to assert its authority over its northern territory. After the 1917 Revolution, these same ethnic groups sought refuge in Afghanistan where they believed they would not be persecuted for practicing Islam.

⁹ The Durand Line demarcated Afghanistan and British India in 1893, dividing the Pashtun population.

in the late 1970s, did not change these patterns so much as alter the scale of this regional migration into one of the world's largest population displacements.

A. THE 1980S: THE ANTI-SOVIET JIHAD

The People's Democratic Party of Afghanistan's (PDPA) coup of April 1978 (also known as the Saur Revolution), the Soviet intervention in December 1979 and the anti-Soviet jihad that followed resulted in the largest population displacement in Afghanistan's history.¹⁰ By the time the Soviets withdrew in 1989, it was estimated that one third of the population had been forced to flee, with over 1.5 million internally displaced.¹¹

Soon after coming to power, the PDPA embarked on a radical program to modernise the nation and dismantle its feudal social structure. The regime targeted traditional power holders, including the clergy, local landed elites and intellectuals. Resisting these measures, tribal leaders mobilised support from the rural peasantry and spear-headed collective movements of flight, termed *hejrat*, or "exodus of dissent".¹² Entire Pashtun tribes from the rural south and south east sought the sanctuary and hospitality of fellow tribesmen in Pakistan.

The conflict escalated as Islamist groups – the mujahidin – with Pakistani support, conducted a war of attrition against the PDPA government and its Soviet backers, supported in their anti-Soviet jihad by countries as diverse as the U.S., Saudi Arabia and China. Fleeing the violence in the countryside, at first to neighbouring valleys, scores of Afghans then settled in safer urban centres such as Kabul or Mazar-e Sharif, while millions took refuge mainly in Iran and Pakistan, the main host countries, but also beyond the region. Despite the unprecedented scale of displacement, most Afghan refugees

drew upon traditional routes and existing transnational ties to protect and sustain their families.

Iran and Pakistan's policies in the 1980s marked the start of three decades of politicising the Afghan refugee issue. In February 1979, the Shah of Iran, a key Western ally, was overthrown in the Islamic Revolution, with significant ramifications for refugees. Although Iran had ratified the 1951 UN Refugee Convention and its 1967 Protocol in 1976, the new regime refused to abide by a text signed by the ousted monarchy. Instead, it granted Afghan refugees and guest workers the status of *mohajir*, or one who seeks asylum for religious reasons. In doing so, Tehran shielded itself from any outside influence on its management of the Afghan presence, and gave itself the leverage to reassess its policies towards refugees in the context of its evolving foreign relations.

Between 1980 and 1989, 2.9 million people, mainly Hazaras and Tajiks, resided in Iran. While many who were guest workers at the time of the Soviet intervention continued to be employed in Iran's cities, newly arriving refugees were housed in transit camps at least temporarily as Tehran tried to limit the population's integration into wider Iranian society. Isolated from the international community, Iran also initially did not solicit external assistance; when it did, in 1980, the assistance provided was minimal.¹³

At the onset of the anti-Soviet jihad in Afghanistan and a mere 30 years after its own creation, Pakistan, which is still not a party to the 1951 UN Refugee Convention or the 1967 Protocol,¹⁴ experienced "one of the greatest population movements from the South to the South, of the poor to the poor".¹⁵ General Zia-ul-Haq's military

¹⁰ See Crisis Group Asia Report N°62, *Afghanistan: the Problem of Pashtun Alienation*, 5 August 2003.

¹¹ In 1980, 11 per cent of the total Afghan population, estimated at thirteen to fifteen million, was believed to have been internally displaced. By the early nineties, there were an estimated 6.2 million Afghan refugees globally. Alessandro Monsutti, *Guerres et Migrations: Réseaux sociaux et stratégies économiques des Hazaras d'Afghanistan* (Neuchâtel, 2004), p. 17.

¹² See Alain Guillo, Jean-José Puig and Olivier Roy, "La guerre en Afghanistan: modifications des déplacements traditionnels de populations et émergence de nouveaux types de circulations", in Micheline Centlivres-Demont (ed.), *Migrations en Asie: migrants, personnes déplacées et réfugiés* (Berne, 1983), pp. 139-153; and Pierre Centlivres and Micheline Centlivres-Demont, "Etat, Islam et tribus face aux organisations internationales: le cas de l'Afghanistan 1978-1998", *Annales HSS*, vol. 54, no. 4 (July-August 1999), pp. 945-965.

¹³ While Iran hosted almost as many Afghan refugees as Pakistan, between 1979 and 1987 it received an estimated U.S.\$150 million in international aid for the refugee presence, while Pakistan received over U.S.\$1 billion. Turton and Marsden, *op. cit.*, p. 11, 19.

¹⁴ During and after the drafting of the 1951 Convention, both Pakistan and India argued that the Convention was tailored to the needs of European refugees following the Second World War, failing to address the needs of refugees in South Asia following the 1947 division of British India. At a UN meeting in November 1949 the Pakistani representative contended, "if the proposal before the Committee were adopted, Pakistan would have to share in financing the legal protection of an undefined number of refugees in Europe while obtaining no benefits for the millions of refugees in its own country". Quoted in Sara E. Davies, "The Asian rejection? International refugee law in Asia", *The Australian Journal of Politics and History*, December 2006.

¹⁵ Micheline Centlivres-Demont, "Les réfugiés afghans au Pakistan: gestion, enjeux, perspectives", in R. Bocco et R. Djalili (eds.), *Moyen-Orient, migrations, démocratisation, médiations* (Paris, 1994), p. 33.

regime saw the influx of three million refugees as an opportunity to advance its perceived national security interests. Stressing the cultural and religious affinities between Afghans and Pakistanis, Zia refused to grant refugee status. "If 3,000,000 refugees have come from Afghanistan we feel it is our moral, religious and national duty to look after at least 3,000,000 if not all of the 15,000,000 Afghans if they want to come to Pakistan", he said.¹⁶

The Zia regime designed a system of aid that exploited the idea of the Afghan *mohajir* mujahidin, or refugee freedom fighter.¹⁷ Afghans were housed in over 300 Afghan Refugee Villages (ARV) located mainly along the Durand Line in Pakistan's Northwest Frontier Province (NWFP) and Balochistan. The military's insistence that all external assistance be administered through government channels forced international humanitarian agencies to compromise their independence. As the Zia regime channelled aid to the ARVs and combat zones in Afghanistan, these increasingly militarised refugee camps fell under the direct control of the Islamist factions spearheading the anti-Soviet insurgency.¹⁸ Refugees were required to register with one of seven Pakistani-backed radical Sunni mujahidin parties or *tanzims* (organisations), who Zia believed were less likely to revive Pashtun territorial and nationalist claims.¹⁹ Such groups were also critical to Zia's Islamisation program at home and his Islamist ambitions for the region.²⁰

B. THE 1990S: CIVIL WAR AND THE RISE OF THE TALIBAN

After the Soviet Union's disintegration in the early 1990s, the PDPA government, deprived of Moscow's backing, soon faltered. President Najibullah's overthrow in 1992 left the victorious mujahidin the task of forming a gov-

ernment of national reconciliation. Over two million refugees from Iran and Pakistan returned home. Peace was, however, short lived. Unable to agree on a coalition government and deeply divided along personal, ethnic, tribal and ideological lines, the mujahidin parties confronted each other even more violently than they had the PDPA regime. During the lengthy civil war that followed, large numbers of internally displaced persons (IDPs) escaped battle zones and city dwellers, mainly Kabulis, were forced into exile in Iran and Pakistan.²¹

For Iran and Pakistan, the Afghans had now overstayed their welcome. The new arrivals to Iran were not granted the same rights as their predecessors and were considered illegal aliens. Assistance to refugee camps in Pakistan also declined as international aid dried out. While some Afghans went back home, the civil war compelled many to remain in or to move to Pakistani cities, including Peshawar, Quetta and Karachi.

The Taliban movement emerged in Kandahar in 1994. Although the predominantly Pashtun group counted among its ranks a number of mujahidin commanders from the anti-Soviet jihad, the foot soldiers were mainly young men brought up in exile in Pakistan's refugee camps and educated in madrasas. In 1996, Kabul fell to the Taliban, and by 2000 the group controlled 90 per cent of the country.²² The Taliban's ultra-orthodoxy and its discriminatory treatment of women and persecution of religious and ethnic minorities caused a new influx of refugees into neighbouring countries. Afghans who fled their homes during the Taliban years belonged to ethnic minorities or to educated, urban, middle-class families. Drought and the lack of economic opportunities in the war-torn country led to further displacement. Iran and Pakistan were now suffering from acute "asylum fatigue".²³

Tehran refused to register new arrivals and by 1998 started detaining and deporting Afghans. Having backed the Taliban financially and militarily, Islamabad deemed continued exile unjustified. Local resentment of the refugee presence also grew, with Afghans often accused of contributing to unemployment and criminality. In Balochistan, the Baloch majority resented the presence of Pashtun refugees whom they viewed as part of Islamabad's strategy to alter the ethnic balance of their

¹⁶ Frédéric Grare, *Pakistan and the Afghan Conflict 1979-1985* (Karachi, 2003), p. 40.

¹⁷ On Pakistani patronage of radical Afghan Sunni groups see Crisis Group Asia Briefing N°39, *Political Parties in Afghanistan*, 2 June 2005.

¹⁸ See Rüdiger Schöch, "Afghan refugees in Pakistan during the 1980s: Cold War politics and registration practice", Political Development and Evaluation Service, research paper no. 157, UNHCR, June 2008.

¹⁹ These included Burhanuddin Rabbani's Jamiat-i Islami, Gulbuddin Hikmatyar's Hizb-i Islami and a splinter group of the Hizb, Abd Al-Rabb al-Rasul Sayyaf's Ittihad-i Islami, Mohammad Nabi Mohammadi's Harkakat-i Islami Inqilab-i Islami-yi Afghanistan, Sebghatullah Mujaddedi's Jabha-yi Nijat-yi Islami and Syed Ahmad Gailani's Mahaz Milli-yi Islami-yi Afghanistan.

²⁰ See Crisis Group Asia Report N°36, *Pakistan: Madrasas, Extremism and the Military*, 29 July 2002.

²¹ "When in the month of February 1993, UNHCR figures indicated that 10,000 Afghan refugees had returned to Afghanistan, 12,000 Afghans were seeking refuge in Pakistan!". Centlivres-Demont, "Les réfugiés afghans au Pakistan: gestion, enjeux, perspectives", op. cit., p. 38. Translated from French by Crisis Group.

²² See Crisis Group Report, *Afghanistan: the Problem of Pashtun Alienation*, op. cit.; and Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia* (London, 2001).

²³ Turton and Marsden, op. cit., p. 14.

homeland; within Balochistan's predominately Pashtun areas, locals opposed the arrival of Afghan ethnic minority groups. Islamabad now sought to limit new arrivals and compel the refugees to return, attempting to close the border, with police harassment of refugees becoming commonplace.

III. THE RETURN OF A MOBILE POPULATION

The 2001 U.S.-led intervention in Afghanistan forced an estimated 300,000 people to flee the country and resulted in thousands becoming, at least temporarily, internally displaced. However, with the establishment of the Afghan Interim Authority, and as a result of the international community's commitment to reconstruction and peace building, Afghans grew more optimistic about their country's future. By returning to their homeland after years or even decades in exile, Afghans expressed their confidence in the post-Taliban political order. In 2002, UNHCR assisted the voluntary repatriation of almost two million refugees from Iran and Pakistan.²⁴ Although approximately three million registered refugees still remain in those two countries alone, to date, five million Afghans have returned home.²⁵ The sheer volume and speed of returns threaten to overburden the state, with implications for reconstruction, development and further displacement.

A. SOLIDARITY NETWORKS

Solidarity networks, composed of family members, friends and other contacts extending across one or several countries, are vital to Afghan mobility. These networks generally stem from kinship and *qawm*, or tribal affiliations, but are not necessarily mono-ethnic. Based on mutual trust and obligations contracted over generations, they constitute a powerful social and economic support system, thus helping the state to bear the burden.²⁶

During the decades of civil war, Afghans had relied extensively on these networks to migrate locally, regionally or internationally. Families fleeing their homes sought the assistance of their kin group or *qawm* to seek refuge in the neighbouring valley and, if problems persisted, to settle in Afghanistan's urban areas or in an asylum country. The location and prior migratory routes of these solidarity networks often determined where migrants went: Pashtun tribes continued seeking the hospitality of fellow tribesmen across the Durand Line in NWFP; and many Hazaras continued to go to Balochis-

²⁴ From March to October 2002, UNHCR assisted the return of 1.5 million refugees from Pakistan. Between April and October 2002, 222,000 Afghans returning from Iran benefited from UNHCR's voluntary repatriation program. Ibid, p. 19.

²⁵ "Global Appeal 2008-2009", UNHCR, at www.unhcr.org/home/PUBL/474ac8e00.pdf.

²⁶ See Pierre Bourdieu, *Le sens pratique* (Paris, 1980).

tan's capital Quetta or to Iran.²⁷ Families from the same *qawm* thus often settled in the same neighbourhoods or camps and maintained close ties even when they were dispersed geographically.

Just as they provided assistance in exile, these networks are also facilitating reintegration by helping refugees resettle in their original communities. Some, particularly in Pakistan, are able to visit their relatives at home to assess the feasibility of returning to their home province. As the insurgency escalates and living conditions fail to improve, particularly in rural areas, Afghans within the country and in exile can tap the information, shelter and livelihood opportunities that such networks provide in Kabul, Mashad, Peshawar or even as far away as Dubai and London.²⁸ This social network also enables repatriating Afghans to leave again should conditions deteriorate at home.

Families sometimes choose to return precisely because members of their kin group or *qawm* remain in exile. In the words of a parliamentarian from Uruzgan province: "Those who have family staying in the country of asylum are fine, their family helps but those who don't are likely to become refugees again".²⁹ The former are less likely to once again face displacement because of economic hardship. By living throughout the region, they can make use of a variety of economic opportunities while benefiting from differing living costs. For instance, since salaries are higher in Afghanistan and living costs lower in Pakistan, a number of refugees come to work in Afghanistan's towns, leaving part of their family in Pakistani cities until they have secured sufficient resources to bear the cost of the household's repatriation. Similarly, because wages for unskilled labour are higher and living costs lower in Iran than in Afghanistan, Afghan families, facing Iranian state repression and discrimination, return home while leaving their young men behind to work. Families find it easier to resettle if they diversify their sources of income and rely on regional and even global remittances, as the state is still unable to provide basic services.³⁰

B. CHALLENGES TO DEVELOPMENT

1. Rural areas

Three decades of fighting, air strikes, land mines, land grabs by local warlords and severe drought have undermined agricultural production, affecting the physical and economic security of rural communities. Many farmers have been deprived of their right to tend their land as tenants or sharecroppers, and many herders remain unable to follow their traditional routes, having lost access to communal pastureland.

A number of Afghans who returned to the countryside after 2002 had fled their homes in the late nineties or in end-2001. During their relatively short absence, most had maintained strong ties with their communities and often managed to retain their property or access to land. Regular visits and contacts between families and friends facilitated returns and reintegration. These returnees have similar needs to those who had stayed behind, including assistance to rebuild their destroyed houses, seeds and saplings for their fields and orchards, and livestock to replenish their herds.³¹

Humanitarian agencies have provided significant emergency relief assistance including food, shelter reconstruction, water tanks and pumps to rural communities in several provinces but, as security deteriorates, these organisations are struggling to reach everyone, particularly in the south and south east.³² With their home provinces turning once again into war zones, thousands of Afghans are being displaced each year, adding to a caseload of approximately 166,000 IDPs who had been displaced prior to or immediately after the ouster of the Taliban regime.³³ Unable to secure assistance in their areas, many are forced to move to other provinces, and remain there over the long term.³⁴

The continued presence of warlords also continues to affect the security of rural communities, with villagers either forced to flee or accept the protection of violent strongmen. Possessing large landholdings, many war-

²⁷ See Alessandro Monsutti, "Afghan Transnational Networks: Looking Beyond Repatriation", AREU, August 2006.

²⁸ Crisis Group telephone interviews, Afghan Hazara and Uzbek migrants, October 2008-February 2009.

²⁹ Crisis Group interview, Kabul, September 2008.

³⁰ Elca Stigter and Alessandro Monsutti, "Transnational Networks: Recognising a Regional Reality", AREU, April 2005.

³¹ Crisis Group interviews, MP Uruzgan province and MP Herat province, Kabul, September 2008.

³² Crisis Group interview, Diego Camena, European Community Humanitarian Aid Office (ECHO), Kabul, September 2008. Participants at a seminar hosted in June 2008 by the Brookings Institution reported, "There is an erosion of humanitarian space in Afghanistan. About half of the country is currently inaccessible to humanitarian groups". At www.brookings.edu/events/2008/0623_afghanistan.aspx.

³³ See "National Profile of Internal Displaced Persons (IDPs) in Afghanistan", UNHCR, November 2008.

³⁴ Crisis Group interviews, humanitarian aid worker and IDPs from Uruzgan, Helmand and Kandahar, Kabul, April 2009.

lords have incorporated rural areas into the war economy. Through their extensive control of arable land, they have also increased poppy cultivation, which is now the primary source of income for many households.

The international community, the U.S., in particular, has not until very recently paid sufficient attention to rural development.³⁵ Rapid and sustained investment in the agricultural sector would have benefited reconstruction and demonstrated commitment to nation building, especially as three quarters of Afghanistan's population relies on agriculture.³⁶ Instead, absent adequate and appropriate international assistance,³⁷ useable farmland remains scarce. The lack of arable land, which makes up just 12 per cent of the country's area, as well as natural disasters such as droughts and floods and rising prices have resulted in growing food insecurity in several regions. This has in turn produced its share of displacement towards cities as well as agriculturally productive provinces.³⁸

Landlessness also remains a major obstacle to return. According to the Norwegian Refugee Council's (NRC) Ingrid Macdonald, "Of the two million refugees remaining in Pakistan, almost 90 per cent claim to have no land or property in Afghanistan; along with insecurity, this will be one of the greatest challenges facing their return and reintegration".³⁹ It is also one of the main reasons for returnees' internal displacement. An Afghanistan Independent Human Rights Commission (AIHRC) report disclosed that over half of the IDPs interviewed

cited lack of housing (43.4 per cent) and lack of land (7.5 per cent) as the main causes for their displacement. The AIHRC report also notes that "lack of housing features as a major obstacle to return and reintegration, affecting 67.1 per cent of interviewed returnees who chose not to return to their places of origin and 67.3 per cent who left their places of origin after return".⁴⁰ With families growing in size in exile, it is even more difficult to provide for these increased numbers on their return to Afghanistan. "Where people left as one family they are now coming back as four or five; where before they needed 300 square feet of land [roughly 91 sq. metres], now they need 1000 [roughly 305 sq. metres]", said a Kabul municipality official.⁴¹

To supplement the family income, their young men often move within the country or migrate abroad – secondary migration – particularly to neighbouring Iran and Pakistan.⁴² Although all repatriating Afghans are required to return to their home province to receive assistance, a significant number, the landless in particular, have also settled in areas of economic growth. To provide for the most vulnerable returnees while discouraging secondary migration, President Karzai issued a presidential decree authorising the allocation of land to landless families returning to their home province. The Ministry of Refugees and Repatriation (MoRR) initiated Land Allocation Schemes (LAS) in 22 provinces and established land distribution commissions to receive and verify the claims of returning IDPs and refugees. By end-2008, 32,586 families out of 300,000 had been allocated plots in these schemes.⁴³

Today, these plots are sold at a highly subsidised rate and are large enough to accommodate households.⁴⁴ However, only about 4,000 families have moved to these sites, with others taking possession of plots without actually settling there. According to the AIHRC, although

³⁵ The Obama administration has pledged a substantial increase in assistance for rural development and agriculture. In the first public discussion of the administration's policy towards Afghanistan and Pakistan by Ambassador Holbrooke and his interagency team, Otto Gonzalez, from the U.S. Department of Agriculture describing the agricultural development program, said: "What we have is a strategy that is integrated, resourced, civilian and military, and one that really puts agriculture to the forefront where it needs be in a country like Afghanistan". "U.S. Policy in Afghanistan and Pakistan", A Center for American Progress Conversation with Ambassador Richard Holbrooke and his Interagency Team", Center for American Progress, 12 August 2009.

³⁶ Ahmed Rashid, *Descent into Chaos: How the War against Islamic Extremism is Being Lost in Pakistan, Afghanistan and Central Asia* (London, 2008), pp. 174-175.

³⁷ The Bush Administration tried to encourage U.S. private sector investment in Afghanistan's agricultural sector but this failed because of the land was arid and unproductive. For more detail, including reasons for the failure of U.S. government initiatives to boost the rural economy, see Rajiv Chandrasekaran, "U.S. pursues a new way to rebuild in Afghanistan", *Washington Post*, 19 June 2009.

³⁸ See "National Profile of Internal Displaced Persons (IDPs) in Afghanistan", op. cit.

³⁹ Quoted in AlJazeera.net, 12 August 2008 at <http://english.aljazeera.net/focus/2008/08/2008812135027967466.html>.

⁴⁰ "Economic and Social Rights in Afghanistan II", Afghanistan Independent Human Rights Commission (AIHRC), August 2007, p. 23, 47.

⁴¹ Crisis Group interview, Eng. Yasin, Deputy Director, Policy & Coordination Department, Kabul Municipality, Kabul, September 2008.

⁴² Migration to Iran has continued after 2002 and an average of 20,000 people cross the Durand Line between Afghanistan and Pakistan daily. Crisis Group interview, Nader Farhat, UNHCR spokesperson, Kabul, September 2008.

⁴³ "Afghanistan at the crossroads: Afghan returnees assess the lay of the land", UNHCR, 19 November 2008 at www.alertnet.org/thenews/newsdesk/UNHCR.

⁴⁴ The size of the plots is usually around 300 sq. metres but in areas where households require livestock, plot sizes go up to 500 sq. metres. A *biswa* or 100 sq. metres is sold for 1500 Afghs (\$30). Crisis Group interview, MoRR spokesperson, Kabul, September 2008.

50 LAS were inaugurated, only fifteen of them have been developed, with an average occupancy rate of only 17 per cent.⁴⁵

A number of factors can explain the discrepancy between high demand and low turnout. Land for the LAS is provided by the rural rehabilitation and development ministry and has to be identified as unused. In practical terms, however, “unused” means non-arable. With extremely low water levels, which make agricultural production near impossible, rural communities have little incentive to move to these sites. Because infrastructure development has also been very slow, and most of the LAS are located at least an hour’s drive from nearby towns, access to basic services is limited.⁴⁶

The ambiguous nature of land ownership in Afghanistan is another factor. In a number of provinces, villagers from neighbouring communities, Afghans returning from Western countries, local warlords and even some government ministries such as the defence ministry have claimed land designated for the LAS.⁴⁷ In Paktia, for example, a group of returnees “are in limbo” in an area beside an army airbase, having been allocated plots supposedly owned by the defence ministry that “now wants to develop the land”.⁴⁸ The beneficiary selection process is also flawed allowing, for example, investors rather than needy families to acquire LAS plots that are near towns and cities.⁴⁹ Hence this initiative, although arguably well intended, is exploited by the powerful and has failed to meet the needs of the most vulnerable segments of the population.

After years of turmoil, it is extremely difficult to determine who owns what in Afghanistan. Successive governments and warlords have used land to reward their followers; religious and customary law have their own forms of land documentation; title deeds have gone missing or have been forged; and often the same land has been sold repeatedly. Multiple claims to land should therefore come as no surprise as people return.⁵⁰ Disputes are in general dealt with at the village level but

returning families often have limited access to justice. In 2003, the government established a special land court to examine the property rights of returnees. This body has only had limited success partly because, in the absence of the rule of law, many of its judgments could not be enforced. District primary courts now hear land dispute cases, but local powerbrokers often influence the proceedings.⁵¹

In 2003, the Norwegian Refugee Council started offering legal advice and representation in Pakistan and Afghanistan to returning refugees and IDPs who claimed their property had been confiscated during their absence. The NRC has, however, relied almost exclusively on communities’ traditional and informal systems of justice such as *jirgas* (councils of elders) and *shuras* (councils).⁵² Although such traditional and informal community-based mechanisms may resolve some disputes, they do not necessarily uphold individual or even human rights and are also patently discriminatory against women. At best, they should be regarded as only as a transitional system which should be replaced by a formal, non-politicised and impartial justice system.⁵³

The government-mandated National Solidarity Program (NSP) maintains that the Community Development Councils (CDCs) it has established in rural communities have proved efficient in settling land disputes.⁵⁴ However, their scope is limited to local level resolution of individual claims, while many of the conflicts over land originate from past grievances among competing ethnic groups and tribes. Many refugees and IDPs simply cannot return home for fear of persecution, and thousands of Pashtun families, including nomadic Kuchis, continue to pay for the Taliban’s crimes. Barred from returning to their farms in the north or to their pastures, they either remain in exile, or settle in urban areas or seek refuge, along with others fleeing drought and insecurity, in IDP camps and informal settlements in the south.⁵⁵

⁴⁵ “Economic and Social Rights in Afghanistan III”, AIHRC, December 2008, p. 47.

⁴⁶ Crisis Group interviews, ECHO, European Commission and IRIN, Kabul, September 2008. See also “Refugees bemoan government’s ‘empty promises’”, IRIN, 14 August 2008.

⁴⁷ Crisis Group interview, European Commission official, Kabul, September 2008.

⁴⁸ Vivian Tan, “Afghan returnees still in limbo after two harsh winters”, UNHCR, 23 April 2007.

⁴⁹ “Economic and Social Rights in Afghanistan III”, op. cit. See also Kristele Younes and Patrick Duplat, “Afghanistan: Invest in People”, op. cit.

⁵⁰ See Crisis Group Asia Report N°64, *Peacebuilding in Afghanistan*, 29 September 2003.

⁵¹ Crisis Group interview, Takhar MP, April 2009.

⁵² Conor Foley, “Legal aid for returnees: the NRC programme in Afghanistan”, Norwegian Refugee Council, 2004.

⁵³ See Crisis Group Asia Report N°45, *Afghanistan: Judicial Reform and Transitional Justice*, 28 January 2003.

⁵⁴ Crisis Group interview, Wais Ahmad Barmak, executive director, National Solidarity Program (NSP), Kabul, September 2008.

⁵⁵ For details of the historical origin of ethnic tensions and violence committed against Pashtuns in the north after the Taliban’s fall, see Crisis Group Reports, *Afghanistan: the Problem of Pashtun Alienation and Peacebuilding in Afghanistan*, both op. cit. See also “Paying for the Taliban’s Crimes: Abuses against ethnic Pashtuns in Northern Afghanistan”, Human Rights Watch, April 2002.

Afghanistan's rural areas are in urgent need of major development programs, adequately financed and supported by the international community. Modernising the infrastructure of the agricultural sector and creating appropriate irrigation systems for arid agriculture would enhance production and access to markets. If and when these investments materialise, returnees' contribution will be crucial since refugees in Iran, and to a lesser extent in Pakistan, are now familiar with modern agricultural techniques. Without such reforms, returnees will have little choice but to depend on and drain already limited state resources.

2. Urban areas

The past seven years of refugee return, internal displacement and secondary migration have caused rapid urbanisation. Although cities have always attracted labour migrants from the countryside, ongoing conflict has replaced a largely seasonal and male presence with longer term settlement of entire families searching for security in towns and cities.⁵⁶

Returnees' skills and investments, essential to urban centres' vibrancy, have generally contributed to economic, social and political development. However, with the urban infrastructure weakened by decades of conflict, Afghanistan lacks the resources to sustain such rapid urban expansion and the resulting increase in poverty, unemployment and criminality threaten to undermine reconstruction efforts.

Refugees returning from Pakistan and Iran have tended to settle in the cities, and Kabul in particular. In 2001, Kabul's population was approximately 1.5 million; by 2005, it had reached an estimated 3.5 million; increasing further to 4.5 million in 2008.⁵⁷ Termed "one of the fastest growing cities in the region",⁵⁸ Afghanistan's capital – as other urban centres – is likely to continue expanding for the foreseeable future with security and living conditions deteriorating in the rural areas. When repatriation started in 2002, many returnees returned to

Kabul, claiming to be originally from the capital,⁵⁹ plausible enough given the influx into the city particularly during the Taliban years.⁶⁰ Furthermore, many Afghan refugees have lived in cities abroad, thus adapting to urban environments, and have chosen to relocate to urban centres in Afghanistan. Since even those hosted in refugee camps abroad, particularly in Pakistan, rarely engaged in agriculture but rather in the commercial and service sectors, they are unlikely to revert to rural modes of subsistence.

Repatriating refugees have acquired skills and resources that will help the urban economy and are essential to Afghanistan's sustainable development. The Afghan government and international organisations have benefited from the return of highly qualified individuals from the Afghan diaspora. English-speaking and computer literate Afghans from Pakistan, for example, are providing the UN, non-governmental organisations (NGOs) and government sectors with skilled local staff while helping bridge a gap between internationally designed programs and the Afghan people. Labourers returning from Iran as trained electricians, plumbers or carpenters are rebuilding the country's infrastructure.

Returning entrepreneurs and traders have not only provided a boost to Afghanistan's economy crippled by years of instability, they have also brought skills and created jobs.⁶¹ Returnees' contribution to the country's media is also widely recognised: "There are now hundreds of newspapers and radio channels, and at least eight TV stations in Kabul only, and I would say 80 per cent of them are run by returnees".⁶² Many such returnees have also contributed to building a democratic state, supporting, for instance, women's participation in the

⁵⁶ According to the World Bank, an estimated 30 per cent of Afghanistan's population is urban. www.worldbank.org/af. According to AREU, this may be an underestimation. Jo Beall and Daniel Esser, "Shaping Urban Futures: Challenges to Governing and Managing Afghan Cities", AREU, March 2005.

⁵⁷ Crisis Group interview, Kabul municipality official, Kabul, September 2008. See also Eric Lévron, Stéphane Magnaldi and Jessica Patera (Groupe URD), "Modes de subsistance des réfugiés en milieu urbain: Etude de cas Kaboul Afghanistan", UNHCR, February 2006.

⁵⁸ Beall and Esser, op. cit., p. 11.

⁵⁹ In 2002-2003, 90 per cent of repatriating refugees claimed that their place of origin was Kabul. Lévron, Magnaldi and Patera, op. cit., p. 5.

⁶⁰ The 1979 coup had forced the ousted elite into exile, and the civil war turned the countryside into battlefields, forcing thousands to seek refuge in the relatively safer urban areas. From a pre-1979 population of 750,000, six years later the capital had grown to almost two million. With the Soviet army's withdrawal, Kabul was no longer shielded from conflict. As the Afghan civil war entered a more violent phase in the nineties, the city's population dropped to a mere half million. Under the Taliban, minorities and the educated middle class fled Taliban rule, but the city also witnessed an influx of people escaping the drought-stricken rural areas and the fighting between the Taliban and opposing warlords.

⁶¹ "Returnees have created many employment opportunities. Like this man who had a carpet business in Pakistan. When he came back, he opened a factory just outside of Kabul that produces soft drinks. He's employing 300 people". Crisis Group interview, IRIN official, Kabul, September 2008.

⁶² Crisis Group interview, Nader Farhat, UNHCR spokesperson, Kabul, September 2008.

public sphere, upholding civil rights or participating in democratic debate. Returnees have also actively participated in the formation of the elected government.⁶³

The perceived impact of refugee return on reconstruction and development nevertheless remains controversial. Typically, the longer and farther away their exile, the more they are regarded with distrust by fellow Afghans. Afghans returning from Europe or North America are often accused of being motivated by the high salaries paid by international organisations rather than a longer term commitment to the country's future. "They've left their families in the West, they invest in the West and keep a hand on their foreign passport they have in their pocket. They're not very different from the other foreigners who are here They are strangers in their own country".⁶⁴ Some Afghans who remained in the region throughout the civil war even argue that those returning from the West should have no role in the country's reconstruction since they did not suffer or help defend their country. On the contrary, by now questioning local commanders' authority and legitimacy, they are further fracturing a population already divided along factional and ethnic lines.⁶⁵

Others question the contribution of refugees returning from neighbouring countries to Afghanistan's democratisation: "In Iran, they've been influenced by state ideology. In Pakistan, they've been educated in madrasas. They're actually very conservative", said an Afghan journalist.⁶⁶

Nevertheless, Afghans who returned in the early years after the Taliban's removal from power often had the qualifications, resources and social networks to reintegrate and participate in economic and political development. As Iran and Pakistan toughen their stance on refugees, however, and returns become largely motivated by push factors, many Afghans repatriating today "do not have all the cards in hand".⁶⁷ As they settle in Kabul or in provincial capitals in search of work, they tap already scarce resources, aggravating the problems faced by the urban poor and hindering management of urban areas. With 63 per cent of refugees returning from Pakistan illiterate and 67 per cent of them claiming to

have no skills,⁶⁸ the return of Afghans from neighbouring countries has increased competition over the few low-skilled jobs the Afghan economy has produced in recent years. Returnees have also often been the first victims of the rise in unemployment.

Herat, for instance, owes its bustling economic activity to its border location. Returnee investment in transport, communications and property has been significant, and refugees returning from Iran, labour migrants and IDPs from Afghanistan's western provinces have enhanced the town's multicultural character. These population influxes have also led to the spread of slums and informal settlements in the city's outskirts and criminality among the displaced and unemployed, including drug abuse among male deportees from Iran in particular.⁶⁹ In Uruzgan, where coalition forces are battling the Taliban, young displaced, unemployed men are particularly vulnerable to recruitment by militants,⁷⁰ who are increasingly able to exploit the administration's shortcomings to widen their support base.⁷¹

Faced with a fast-growing, poor and marginalised population, the government is finding it difficult to provide basic services. For example, Kabul's electricity supply, water resources, sanitation and waste collection services, designed over three decades ago, were intended for a population that did not exceed a million; they cannot meet the needs of the informal settlements that today constitute more than 50 per cent of the city,⁷² inhabited mostly by returnees and IDPs.⁷³ The municipality plans to integrate these areas into its new master plan for

⁶³ According to the UNHCR spokesperson, 25 to 40 per cent of members of parliament are returnees. Ibid. Crisis Group has not been able to verify this figure.

⁶⁴ Crisis Group interview, Afghan aid worker, Kabul, September 2008.

⁶⁵ Crisis Group telephone interview, returnees from Peshawar and Mazar-e Sharif, February 2009.

⁶⁶ Crisis Group interview, Kabul, September 2008.

⁶⁷ Crisis Group interview, official from the Bureau of Population, Refugees and Migration, U.S. Department of State, Kabul, September 2008.

⁶⁸ "Statistical Overview of Afghan Refugee Population in Pakistan, Iran and Other Countries, Returned Afghan Refugees from Pakistan, Iran and Non Neighbouring Countries, IDP Population Movements, Reintegration Activities and Extremely Vulnerable Individuals (EVI) Program – 2 January – 31 October 2007", UNHCR, October 2007, p. 3. www.aims.org.af/sevices/sectoral/emergency_assistance/refugee/unhcr_summaries/oct_07/summary1.pdf. Skill development initiatives targeting returnees include HELP NGO in Herat and Iran providing vocational training and tools based on Afghanistan's market needs. Crisis Group interview, European Commission, Kabul, September 2008. MoRR has also established professional centres for both male and female returnees. Crisis Group interview, MoRR spokesperson, Kabul, September 2008.

⁶⁹ Crisis Group interview, Herat MP, Kabul, September 2008.

⁷⁰ Crisis Group interview, Uruzgan MP, Kabul, September 2008.

⁷¹ See Crisis Group Asia Report N°158, *Taliban Propaganda: Winning the War of Words?*, 24 July 2008.

⁷² See "National Profile of Internal Displaced Persons (IDPs) in Afghanistan", op. cit., p. 12.

⁷³ According to some estimates, 70 to 90 per cent of Kabul's population is housed outside of the city's original master plan. Crisis Group interviews, Kabul municipality, IRIN and European Commission, Kabul, September 2008.

“greater” Kabul,⁷⁴ but this may take time. UN-Habitat, in collaboration with implementing partners and the municipality, has helped upgrade a number of informal settlements. While the MoRR’s land allocation schemes were also intended to provide for the needs of landless returnees while curtailing the capital’s uncontrolled expansion,⁷⁵ these LAS, located at a fair distance from the city, have yet to attract Kabul’s most vulnerable households. According to a humanitarian aid worker, “With rapid urbanisation, these areas will be part of the city in the next ten to fifteen years. But these people just can’t wait that long”.⁷⁶

IV. CHALLENGES TO STATE CONSOLIDATION

A. MAINSTREAMING RETURNS

The Taliban had barely been defeated when the newly established Afghan transitional authority, faced with massive repatriation, designated refugee return and successful reintegration a national priority. The creation of the Ministry of Refugees and Repatriation (MoRR) signalled the government’s willingness to complement international organisations’ efforts. Setting up return commissions, Kabul also signed tripartite agreements with refugee hosting states and UNHCR to ensure gradual, voluntary and sustainable repatriation.⁷⁷ The agreements with Iran and Pakistan are meant to demonstrate Afghanistan’s and UNHCR’s commitment to refugee return and to ensure that Tehran and Islamabad adhere to the principle of gradual and voluntary repatriation.

Despite the various resettlement programs, ensuring durable reintegration remains largely beyond the MoRR’s reach. Distinguishing between returning Afghans and the rest of the population is not only close to impossible, but counter-productive. Almost every Afghan has either been displaced or migrated at some point during decades of conflict, or can name a family member, friend or neighbour who has. Since returning Afghans experience hardships that mirror those of the rest of the population, targeting assistance to returning refugees and IDPs reinforces resentment among the settled population and thus hinders reintegration. “When you help mobile people, they tend to be better off than the rest”, said an official of the International Organisation for Migration (IOM).⁷⁸ To meet the needs of returnees, and to ensure the viability of their return, the government must therefore ensure the sustainability of development and peace for all Afghans.

The ministry of rural rehabilitation and development and the ministry of urban development and housing have included returnee assistance, aimed at both refugees and IDPs, in their national programs. Others, including NGOs, UN agencies and donors, are also aiming to integrate returnee assistance into their development programs. Since reintegration permeates all aspects of reconstruction and development, the needs and vulnerabilities of returning households fall under the mandate of almost all government ministries. The MoRR’s role has been

⁷⁴ Projections for the upcoming master plan are being extended to cater for a population of up to eight million people. Crisis Group interview, Eng. Yasin, Deputy Director of Policy and Coordination Department, Kabul municipality, Kabul, September 2008.

⁷⁵ The Kabul municipality claims that the MoRR did not request its assistance and that it does not have the capacity to do so. Ibid.

⁷⁶ Crisis Group interview, Kabul, September 2008.

⁷⁷ A return commission for the north was formed in 2003 to overcome obstacles preventing the return of refugees from certain ethnic minorities to the northern provinces. See Crisis Group Report, *Peacebuilding in Afghanistan*, op. cit.

⁷⁸ Crisis Group interview, Kabul, September 2008.

limited as has its ability to ensure that other ministries and government actors address returnees' needs.

In 2003, the government established a consultative group on returnees, refugees and IDPs. Comprising government ministries, UN agencies, NGOs and donors, the group aims to facilitate coordination, under the MoRR's overall responsibility, between the various returnee and IDP programs. According to MoRR's spokesperson: "The rules are well defined and each ministry has its own responsibilities. For example in the land allocation schemes, the ministry of agriculture allocates the land, the ministry of urban development prepares the land, the ministry of public work paves the roads, and so on".⁷⁹ Nevertheless, inter-ministerial coordination has been wanting. Each ministry should establish a section that specifically addresses the needs of refugees, returnees and IDPs to maximise efficiency. At the same time, the government should remodel the MoRR as an inter-ministerial consultative and coordinating body.

B. STATE LEGITIMACY

So long as security remains a concern, state institutions will be hard-pressed to ensure durable reintegration and return. The Afghan National Army (ANA) and coalition forces have been losing ground to the insurgency in the south and south east in particular, making governance and delivery of aid by NGOs and international organisations increasingly difficult. Although many return to their villages once fighting has ceased, destruction of infrastructure and deterioration in living conditions in general may lead to more lasting population displacements.

The military, international and Afghan, is the first to reach villages that have just been reclaimed from insurgents. They are often the only ones able to provide immediate assistance. That NATO-ISAF soldiers deliver aid not only "blurs the line in the minds of the population between the military, the humanitarians and their actions",⁸⁰ it also raises doubts, even if the ANA participates in these operations, about Kabul's ability to provide for its people without the backing of foreign armies. Although UN Security Council Resolution 1806 calls for coordinating with the military when necessary, UN agencies often do not have the capacity to do so and many NGOs are understandably wary of compromising their independence. Assistance delivered by the military is not always neutral and can thus prove counter-productive. According to an informed international observer, the

"U.S. army's forms for relief assistance in villages are actually quite well done, taking into account infrastructure, gender, etc., but soldiers are asked to indicate if the village is anti-, pro- or neutral".⁸¹

The Afghan National Police (ANP) is widely perceived as a coercive instrument of state control rather than an institution committed to the protection of citizens, exacerbating the climate of lawlessness and impunity produced by warlordism.⁸² The ANP's failure to provide security undermines the state's legitimacy, compelling Afghans to rely on strongmen, hampering resettlement and reintegration, and even driving some to leave again or to join anti-government groups.⁸³

The continuing clout of warlords, sometimes from within state institutions, weakens the state's guarantee of protection and equal rights to all citizens, thus contributing to population displacement. After the fall of the Taliban, for instance, fighting between rival commanders over land and resources in the north forced thousands to flee and impeded returns. From 2002, Uzbek, Tajik and Hazara militiamen targeted Pashtun villagers, attacking and evicting families in reprisal for the Taliban's crimes.⁸⁴

In past decades, with the state either absent or perceived as hostile, the Pashtun presence has decreased in the north, giving Uzbeks, Tajiks and Hazaras a renewed sense of control over the land north of the Hindu Kush mountain range. Some 500 returning Pashtuns from Pakistan have been unable to reclaim their homes in the

⁸¹ Crisis Group interview, Kabul, September 2008.

⁸² For Crisis Group reporting on the Afghan police, see Crisis Group Asia Briefing N°85, *Policing in Afghanistan: Still Searching for a Strategy*, 18 December 2008; and Asia Report N°138, *Reforming Afghanistan's Police*, 30 August 2007.

⁸³ Ibid.

⁸⁴ While Pashtun minorities in the north are often associated, in the minds of other ethnic groups, to the Pashtun-dominated Taliban, the roots of popular resentment towards Pashtuns in the north and tensions over land ownership are historical. Uzbeks were the dominant political force in the northern parts of present-day Afghanistan until Pashtun leaders defeated them in the nineteenth century. To assert their control over these areas and subdue competing tribes, Kabul's Pashtun rulers encouraged fellow Pashtuns from the south to settle in these newly-acquired territories, issuing them property deeds to land that had often been communally owned. Afghanistan's ethnic minorities understandably resented the arbitrary redistribution of their land by the Pashtun-dominated state. Crisis Group telephone interviews, Pashtuns and Uzbeks from Maymana, Faryab province, Kabul, April 2009. See also Crisis Group Report, *Afghanistan: the Problem of Pashtun Alienation*, op. cit.; and "Paying for the Taliban's Crimes: Abuses against Ethnic Pashtuns in Northern Afghanistan", Human Rights Watch, op. cit.

⁷⁹ Crisis Group interview, Shamsuddin Hamid, MoRR spokesperson, Kabul, April 2009.

⁸⁰ Crisis Group interview, international observer, Kabul, September 2008.

north-eastern province of Takhar.⁸⁵ Having fled the area in the 1980s during the Soviet occupation, they claim that Uzbek and Tajik militiamen and villagers seized their properties while they were in exile. Their documents proving ownership may well be genuine but other ethnic groups rarely recognise their validity.

“Certain MPs are trying to turn this dispute into a political dispute based on ethnicity. This is very dangerous. The issue should be dealt with in the courts”, warned a Tajik parliamentarian from Takhar.⁸⁶ A Pashtun politician from the province disagreed, arguing that the dispute will linger in the courts while the returnees, the rightful owners, continue to suffer “from the injustice done to them by those whose only documentation is guns and the use of force”.⁸⁷ A commission appointed by President Karzai to handle the dispute returned to Kabul without a solution in September 2008, prompting the then Minister of Refugees and Returnees Shir Mohammad Etibari to argue: “The government cannot compel commanders and militias and cannot enforce the rule of law”.⁸⁸

Both competing parties have now ceded some sort of formal or traditional property title to a second commission, which presented its findings to Karzai, who in turn decided to hand over the case to the courts, presumably in a move to de-politicise it.⁸⁹ The judiciary, however, has a daunting task ahead. “Corruption, incomplete investigation and misuse will further complicate the settlement of the case”, said a Tajik parliamentarian.⁹⁰ Failure to resolve the matter effectively raises the risk of turning a legal dispute into ethnic conflict. Similar

problems are likely to occur in other parts of the north as more Pashtun families return.⁹¹

The state’s inability to enforce rule of law and ensure the protection of returning Afghans will not only continue to impede return and lead to further population displacement, but is also fuelling localised disputes that could ignite broader tribal, ethnic or sectarian tensions. In these circumstances, returning Afghans, mistrustful of the state, are left with little choice than to turn to influential local powerbrokers. By mobilising parts of their solidarity networks instead of soliciting state institutions, they are reinforcing the long-established clientelism that has impeded the development of a genuine state-citizen relationship in Afghanistan.

⁸⁵ As estimates vary, this report relies on figures indicated in “Afghanistan: Ethnic antagonism spurs land disputes in north”, IRIN, 11 September 2008.

⁸⁶ Crisis Group interview, September 2008. For analysis on the challenges to establishing a functioning legal framework upheld by a competent and credible judiciary, see Crisis Group Asia Report N°116, *Afghanistan’s New Legislature: Making Democracy Work*, 15 May 2006.

⁸⁷ Crisis Group interviews, Kabul, April 2009.

⁸⁸ The commission had returned to Kabul without resolving the dispute and was to resume negotiations after Ramadan at the end of September 2008. Two suggestions were being discussed and, if approved, were to be presented to President Hamid Karzai: to hand over the issue to the courts, or to issue a decree returning the land to the returnees. See “Afghanistan: Ethnic antagonism spurs land disputes in north”, op. cit.

⁸⁹ The case was initially presented to the Khwaja Bahauddin district court but has now been transferred to the Takhar provincial capital city court, based on the returnees’ claims that the district court was dominated by local powerbrokers. Crisis Group interviews, Takhar MPs, Kabul, April 2009.

⁹⁰ Crisis Group interview, Tajik Takhar MP, Kabul, April 2009.

⁹¹ Inter-ethnic conflict continues to displace thousands of families but disputes within ethnic groups or tribes have also caused displacement. See “National Profile of Internal Displaced Persons (IDPs) in Afghanistan”, op. cit., p. 9.

V. REGIONAL CHALLENGES

Located at the crossroads of Central Asia, the Middle East and South Asia, Afghanistan has been particularly vulnerable to the intrusive policies of neighbouring states looking to assert regional – and global – influence. The prolonged Afghan refugee presence in Iran and Pakistan has increased these states' leverage over Afghanistan. With the fall of the Taliban leading to a re-assessment within Islamabad and Tehran of their relationship with Kabul, how these relationships evolve, specifically in managing population movements, will inevitably impact Afghanistan's reconstruction, state consolidation and peace building.

A. IRAN

1. Country of asylum

Iran is officially host to slightly less than a million Afghan refugees. This figure, however, only includes refugees who arrived and registered prior to 2001, and participated in the government updating registration exercise held in 2006-2007.⁹² If new arrivals, undocumented refugees and labour migrants are included, the figure may well rise to roughly two million.⁹³

Until the 1990s, despite its refusal to grant Afghans formal refugee status, Tehran provided subsidised education, health care and food. Although many were allowed to settle in the areas where they found work, access to property was limited and employment opportunities largely restricted to manual labour.

Eager to send refugees back to Afghanistan after the Taliban fell, Tehran revoked many of the privileges it had earlier granted, including access to subsidised health, education and food rations. In February 2004, school fee exemptions were rescinded and refugees had to pay higher health care premiums. From early 2005, they also had to pay nominal taxes.⁹⁴ Many of the informal schools Afghan children attended have been closed down, and employers hiring Afghan labourers who do not have valid work permits are regularly fined.

Police harassment, such as systematic identity checks, has increased, and authorities have resorted to mass deportation – more than a million between 2002-2007⁹⁵ – of illegal, unregistered or incarcerated Afghans. Those who have committed crimes or lack proper documentation are arrested, moved to transit camps and sent across the border. In 2008, the government reportedly deported 400,000 Afghans, although the actual scale of deportations is difficult to determine since a number of deportees may have re-entered Iran and been deported more than once.⁹⁶ Moreover, the Iranian government's decision in 2006 to institute a "no-go area" policy, partially or entirely restricting foreigners' access to 22 provinces, has further complicated Afghans' stay in Iran. Refugees living in those areas were ordered to relocate to other provinces or repatriate to their home country; non-compliance would lead to deportation.⁹⁷ Although most deportees are single men illegally employed in Iran, they also include women prisoners and unaccompanied minors. A number of registered refugees have also reportedly been arbitrarily arrested, had their documentation confiscated and then been forcibly repatriated. Many have suffered police abuse while in detention.⁹⁸

Despite Tehran's restrictions, some international aid organisations have provided assistance to deportees at the border. The AIHRC monitors deportations at official border-crossing points, registering claims of police violence, arbitrary detention and proof of registration card confiscation, as well as identifying unaccompanied minors, women and victims of human trafficking. Its staff report that Iranian authorities often intensify deportations when AIHRC teams are not present at the sites, in the evenings or on weekends.⁹⁹ UNHCR implementing partners are also present at the border to provide assistance to registered refugees, families and vulnerable individuals, and IOM assists deportee families with transportation from the border to transit centres in Afghanistan. According to a deportee, "At the border, on the Iranian side, UNHCR asked us if we had been ill-treated, but we were told beforehand by the Iranians that they would kill us if we said anything".¹⁰⁰

Extensive coverage by Afghan and foreign media of forceful evictions of refugees in Iran led the parliament

⁹² Susanne Schmeidl and William Maley, "The Case of the Afghan Refugee Population: Finding Durable Solutions in Contested Transitions", in Howard Adelman (ed.) *Protracted Displacement in Asia: No Place to Call Home* (Aldershot, 2008).

⁹³ Ibid.

⁹⁴ "UNHCR-ILO Cooperation Towards Comprehensive Solutions for Afghan Displacement", Research Study on Afghan Deportees from Iran, August 2008.

⁹⁵ Ibid.

⁹⁶ Martin Patience, "On the Afghan-Iranian border", BBC News, 7 April 2009.

⁹⁷ See Carrie Chomuik, "From open door to no-go: interpreting Iran's policy toward Afghan refugees", Stimson Center, 23 February 2009.

⁹⁸ Crisis Group interview, Hazara labour migrant to Iran, Kabul, September 2008. See also Kristele Younes and Patrick Duplat, "Afghanistan: Invest in People", op. cit.

⁹⁹ Crisis Group interview, AIHRC personnel, Kabul, April 2009.

¹⁰⁰ Crisis Group interview, Kabul, September 2008.

in Kabul to try to dismiss the minister of foreign affairs and the head of the MoRR in 2007,¹⁰¹ although the former was restored through a Supreme Court decision the following month. Tehran later agreed to reduce deportations but, stressing that it does not deport refugees but only “illegal nationals”, argued that “a government has the right to ask [foreigners] about their country, the reason for their visit and their intentions”, and that some “can be expelled, detained, tried or imprisoned”.¹⁰²

2. Tehran’s concerns

The Iranian government believes that the prolonged presence of this large Afghan population is unjustified since the basic causes for their exile no longer exist. The repatriation drive also partly stems from concerns over unemployment, crime, national security and border controls.

Such concerns exaggerate Afghan refugees’ adverse impact on Iranian society. According to an ILO-UNHCR study in October 2006, Afghans of working age represented a mere 1.8 per cent of the total active labour force in Iran.¹⁰³ With Afghans primarily engaged in the informal sector – while unemployment is highest among people with higher educational qualifications – the Iranian economy has arguably profited from the influx of Afghan labourers in the 1980s when Iranian men were enrolled to fight against Iraq, and continues to benefit from a “cheap and obedient labour force”.¹⁰⁴

With an estimated 600,000 to 1.6 million drug users,¹⁰⁵ Tehran has made counter-narcotics a top priority. Iran is also vulnerable to drug smuggling to Western Europe, particularly by Baloch and Kurdish trafficking networks along its eastern and western borders respectively. Reacting to perceived linkages between drug smuggling

and unmanaged cross-border population movements, including financing to anti-government groups, Iranian authorities have constructed barriers and increased the number of personnel at their border with Afghanistan.¹⁰⁶

However, the link between illegal migration and drug trafficking is at best tenuous. Most drug smuggling networks are too well equipped and organised to rely on individual migrants. Some Afghans do resort to smuggling limited quantities of narcotics to earn quick money or cover debts, but with the high risk involved, the practice is not widespread.¹⁰⁷ In fact the first victims of Tehran’s anti-narcotics efforts are arguably Afghan economic migrants, often targeted by Iranian authorities, rather than the drug smugglers themselves.¹⁰⁸

Many observers argue that the crimes Afghans commit are generally restricted within their own communities, and primarily affect fellow Afghans. In the words of Iranian lawyer and Nobel Peace Prize laureate Shirin Ebadi: “Afghans could not even open savings accounts in Iranian banks. They had to carry cash and this caused a growth in crime amongst Afghans”.¹⁰⁹

Tehran has sought strong bilateral ties with Kabul. Trade and investment have grown, with Iran contributing to infrastructure development in the western provinces of Herat, Nimroz and Farah. To promote trade and to encourage legal labour migration, Tehran has developed a more liberal visa policy and begun regular flights. The Iranian government is also pursuing an agreement to encourage Iran-based Afghan families to repatriate in exchange for a valid time-bound but renewable work permit for a few employed members of the household.¹¹⁰

The response in Kabul has been mixed. While some see the Iranian scheme for work permits as a positive response to Afghan needs for jobs outside their country, others

¹⁰¹ See David Montero, “Afghan refugee crisis brewing”, *Christian Science Monitor*, 17 May 2007.

¹⁰² Ali Majidi, first secretary of the Iranian Embassy in Afghanistan, interview on Aina TV, 15 January 2008.

¹⁰³ Piyasiri Wickramasekara, Jag Sehgal, Farhad Mehran, Ladan Noroozi and Saeid Eisazadeh, “Afghan households in Iran: Profile and impact”, ILO-UNHCR, October 2006.

¹⁰⁴ Crisis Group interview, Dad Noorani, editor, Radio Kilid, Kabul, September 2008.

¹⁰⁵ According to the UN’s 2005 World Drug Report, Iran had the highest proportion of opiate addicts in the world, at 2.8 per cent of the population over the age of 15. Only two other countries, Mauritius and Kyrgyzstan, passed the 2 per cent addiction rate mark. According to its 2009 report, Iran and Pakistan were the two countries most affected by drug trafficking, with Iran maintaining the 2.8 per cent drug use rate. In May 2009, an Iranian government official disclosed that the country had 1.2 million drug addicts. UN World Drug Report 2009. See also “Iran has 1.2 million drug addicts”, Agence France-Presse, 8 May 2009.

¹⁰⁶ Elca Stigter, “Transnational Networks and Migration from Herat to Iran”, AREU, January 2005, pp. 22-23.

¹⁰⁷ Ibid. In 2007, Iranian authorities arrested sixteen Afghan teenagers on charges of drug smuggling. They were sentenced to death, provoking strong reactions among Afghan parliamentarians demanding Iran’s leniency. Afghan Independent Tolu TV, 11 October 2007, at <http://paropamisus.wordpress.com/2007/10/11/tolu-tv-afghan-mps-call-on-iran-to-repatriate-underage-convicts-to-afghanistan>.

¹⁰⁸ Fifteen to twenty economic migrants were reportedly killed by Iranian border security in the first six months of 2008 as they attempted to cross the border illegally. Chief adviser to the MoRR, Abdul Qadir Zazai, said that Afghan economic migrants are often “wrongly labelled as terrorists and smugglers”. “Returnees may become refugees again – ministry”, IRIN, 19 June 2008.

¹⁰⁹ UNHCR interview, posted on Reliefweb, 8 August 2008.

¹¹⁰ Crisis Group interview, deputy minister, MoRR, Kabul, September 2008.

argue that the plan is not practical. The proposal is currently being negotiated among Iran, Afghanistan and UNHCR, but an agreement is unlikely unless Tehran revises its terms. According to MoRR deputy minister: "Iran's proposal was for work visas for 300,000 people. We sent a delegation but there were no concrete results. They were offering a six-month permit and as soon as you applied for it you had to bring your family back to Afghanistan. Then you had to get a passport and a visa and this takes at least six months. So we asked for a three year permit at least, but we haven't managed to agree".¹¹¹

Wary of a deal that could encourage further labour migration from Afghanistan, Iran wants to limit these work visas to registered refugees. The Afghan government, for its part, maintains that Afghans in Iran without proper documentation should be eligible to apply and that these permits should enable entire households to remain in the country.¹¹² Tehran also may have a broader objective: that registered Afghans receiving these work permits would be considered labour migrants, thus relinquishing their refugee status and the protection that it provides.

Despite growing hostility to their presence, most Afghans in Iran remain unwilling to repatriate. Families who have been in exile for more than a decade, young Afghans born and educated in Iran, and Shia Hazaras have little incentive to return to a war-torn and largely insecure homeland. Afghanistan's Iranian consulates also receive visa applications by the thousands. Once a legal entry is secured, Afghan labourers overstay their month-long visa to reimburse their cost of travel and save enough to provide for their families at home. Since travel documents such as passports and visas are difficult to obtain, many Afghans also cross the border illegally. Traditional seasonal migration and an increase in cross-border mobility during the decades of conflict have created the networks needed to cross illegally into Iran, which assist first-time migrants in doing so.¹¹³

3. Moving beyond distrust

Forceful evictions of families by Iran, especially during the harsh Afghan winter, have created localised humanitarian crises.¹¹⁴ Kabul's struggle to curtail such deporta-

tions highlights its inability to protect its citizens in Iran. Some also believe that Iran may use the threat of mass deportations to gain leverage in its tense relationship with the West.¹¹⁵ Indeed, a large forced return would further destabilise Afghanistan and undermine the credibility of U.S. and European efforts there.

Many Afghan Sunnis, as well as members of the international community, are suspicious of Tehran's ties to some ethnic groups or armed factions who had sought refuge in Iran during the anti-Soviet jihad. Although Iran's support to mujahidin groups was limited in the 1980s, in 1991 the government assisted in the union of Hazara factions under a single party, the Hezb-e Wahdat Islami Afghanistan. The group later joined the Northern Alliance in fighting against the Taliban.¹¹⁶ Tehran's perceived influence, through the Hezb-e Wahdat, over Hazaras, who form the majority of Afghan refugees in Iran, is hence widely regarded with suspicion even as the party participates in parliament and extends support to the Karzai administration.¹¹⁷ While shared faith certainly links Iran to the Shia ethnic group, and Hezb-e Wahdat enjoys significant support among refugees in Iran, Tehran is unlikely to commit itself to defending Hazaras.

The Bush administration's hostility towards Iran certainly complicated Kabul's efforts to include its western neighbour in reconstruction and peace building. If the two countries are now to find solutions to the long-term presence of refugees and to managing cross-border population movements, the international community, particularly the U.S., must accept Iran as an active and legitimate stakeholder in Afghanistan.¹¹⁸ President Obama's acknowledgment of Iran's role in Afghanistan's

agrees to halt deportations – Afghan minister", IRIN, 29 December 2008.

¹¹⁵ Crisis Group interview, international observer, Kabul, September 2008, and Afghan government official, Kabul, April 2009.

¹¹⁶ See Grare, *Pakistan and the Afghan Conflict*, op. cit., pp. 189-190.

¹¹⁷ In the summer of 2008, as tensions between Hazaras and Kuchis in Behsud district in the central province of Wardak intensified, the Hazaras "reacted very fast, in a very professional way", according to a Pashtun aid worker. "They were being advised by the Iranian embassy. They had big banners – no printing press in Afghanistan has the capacity to make such big banners so fast. They were made in Iran, they had 'Printed in Mashad' written on them. But the Iranians denied any involvement". Crisis Group interview, Pashtun aid worker, Kabul, September 2008.

¹¹⁸ See Crisis Group Middle East Report N°38, *Iran in Iraq: How Much Influence?*, 21 March 2005. For analysis on the EU's diplomatic role in engaging Tehran, see Crisis Group Asia Report N°107, *Rebuilding the Afghan State: The European Union's Role*, 30 November 2005.

¹¹¹ Ibid.

¹¹² Crisis Group interview, foreign affairs ministry spokesperson, Kabul, April 2009.

¹¹³ "In particular when young men travel for the first time to Iran, smugglers from the area of origin can provide guidance, deal with Baloch smugglers who facilitate the actual crossing of the border, as well as onward movement in Iran to the place of destination". Stigter, op. cit.

¹¹⁴ At the end of 2008, Iranian authorities agreed to halt large-scale deportations during the winter until March 2009. "Iran

reconstruction and willingness to include Tehran in stabilising the region are steps in the right direction.

Kabul will also have to demonstrate willingness to address Tehran's concerns about the illegal entry of persons and goods into Iran. Iranian deputy foreign minister Mohammad Mehdi Akhundzadeh's proposal at the international conference on Afghanistan at The Hague in March 2009 to assist Kabul in countering drug smuggling provides an opening for increased and more effective cooperation between the two states.¹¹⁹ However, international assistance remains essential to increasing Afghan law enforcement agencies' capacity to curb drug trafficking and other illegal trade and to enhance the judiciary's authority to prosecute smugglers.

As security conditions and livelihood opportunities in Afghanistan improve, the Afghan refugee presence in Iran will gradually decrease and patterns of temporary economic migration will resume. Since not all Afghans will return to their home country, Tehran should consider granting legal status to Afghans who do not fall into the category of refugee while respecting its obligations under UN conventions towards those who, under these conventions, retain that status. UNHCR must pressure and persuade the Iranian government to meet its obligation to protect Afghan refugees who cannot safely return. As for seasonal labour migration, bilateral negotiations, with the possible assistance of such international organisations as the IOM and International Labour Organization (ILO), should aim to regularise cross-border mobility by developing a framework that encourages legal and managed labour migration.

B. PAKISTAN

1. Country of asylum

Despite not being party to UN conventions relating to the status of refugees, Pakistan hosts the largest number of Afghan refugees in the world. Although more than three million Afghans are believed to have repatriated from Pakistan since 2002, more than two million still remain, according to a government and UNHCR registration exercise in 2006-2007. Because not all Afghans have been able or willing to register, the actual figure is likely to be even higher.¹²⁰ Since all members of the

household were required to be present at the time of registration, small children, the elderly, the disabled and those who were travelling at the time, often could not reach the registration centres and thus remain unaccounted for. Furthermore, many avoided the exercise out of fear of persecution and/or deportation if their presence was officially recorded.¹²¹ A number of Afghans have also acquired Pakistani national identity cards, either through fraudulent documents, corrupt officials or on the black market and are unlikely to register since that would result in the loss of their Pakistani citizenship.

Despite being citizens of two distinct and often antagonistic states, Pashtuns on either side of the Durand Line have always maintained close ties. Common tribal affiliations, regular cross-border movement and the regeneration of social ties through marriages and other alliances have buttressed this continued unity. During the anti-Soviet jihad, Pashtun tribes in the south and east of Afghanistan had naturally sought refuge among fellow tribesmen in Pakistan's borderlands. Cross-border ties and routes remained functional even after Pakistan's hospitality strained and international attention, and hence assistance, declined. The porous border also contributed to a continued influx, albeit in much smaller numbers, of Afghans from other minority ethnic groups who, displaced by instability at home, were attracted to Pakistan because they shared their Sunni faith with the majority of Pakistanis.¹²² Similarly, a number of Shia Hazaras followed routes established decades earlier by labour migrants from Hazarajat to Quetta and Karachi, cities with sizeable Shia populations.¹²³

Today, the vast majority of refugees are ethnic Pashtuns from Afghanistan's border provinces, who fled the country during the anti-Soviet jihad, or their descendents.¹²⁴

Kleinschmidt, assistant representative, UNHCR, Islamabad, March 2009.

¹²¹ Some of the staff implementing the registration exercise also allegedly requested payment from Afghan refugees. Although these charges are yet to be confirmed, rumours of corruption may have deterred a number of Afghans from registering. Crisis Group interviews, Islamabad, October 2008, April 2009.

¹²² Afghan Uzbek (Sunni) refugees living in Peshawar until 2005, for instance, could not take refuge in Uzbekistan because crossing the border illegally was too dangerous and costly. When they initially fled Taliban rule in Mazar-e Sharif in 1998, they did not seek refuge in Iran because of its majority Shia population. Crisis Group phone interviews with Afghan Uzbek returnees from Peshawar, Mazar-e Sharif, February 2009.

¹²³ On Afghan Hazaras in Pakistan, regional mobility and transnational networks, see Alessandro Monsutti, *Guerres et Migrations: Réseaux sociaux et stratégies économiques des Hazaras d'Afghanistan* (Neuchâtel, 2004).

¹²⁴ Some 77 per cent of the Afghan population in Pakistan today arrived before 1988 – 50 per cent from 1979-1980; 80

¹¹⁹ According to a survey published by UNHCR and ILO in December 2008, Afghans in Iran remit an estimated \$500 million to Afghanistan annually while smuggling networks are believed to generate an annual \$94 million in fees from migrants. "Iran agrees to halt deportations", op. cit.

¹²⁰ By one account, there are an estimated 400,000 unregistered Afghans in Pakistan. Crisis Group interview, Killian

Most Afghans who have not repatriated were either born in exile or have spent most of their life outside their country. Over half of Afghan refugee households live in Pakistan's cities, while the refugee camps that remain open have come to resemble small towns. Many lack a formal education, and derive a meagre income in the construction or transport sectors. Having built their lives in Pakistan, most do not wish to return to Afghanistan even as they maintain links to kin groups, tribes and *qawms* there.

2. Islamabad's asylum fatigue

Although Islamabad is officially committed to gradual and voluntary return of refugees, some in Pakistan have become wary of the prolonged Afghan presence. They argue it aggravates already serious socio-economic challenges, security threats and chronic political instability. As in Iran, Afghans in Pakistan are held responsible, at least partly, for the rapid and often anarchic urbanisation of provincial capitals and, by accepting lower wages, for competing with the local poor for jobs. Government authorities accuse them of contributing to rising criminality, including the smuggling of stolen goods, drugs and arms. Refugees have also repeatedly been accused of ties to the Afghan Taliban and al-Qaeda.¹²⁵

Seemingly exasperated by the decrease in returns in recent years, and searching for scapegoats when pressured by the international community to clamp down on terrorist groups, General Pervez Musharraf's military regime and now, with sensitive areas of domestic and regional security policy still in the military's control, the Pakistan Peoples Party (PPP)-led government pressured the refugees to return. The military government closed a number of refugee camps and demolished informal settlements, claiming that they provided safe haven to Taliban militants and criminals such as drug smugglers, stressing that the refugees were not forced to repatriate but allowed to resettle in other camps where they would not pose a security threat.¹²⁶ In 2004 and 2005, it ordered the closure

per cent are Pashtuns from the south and south east of Afghanistan. Schmeidl and Maley, op. cit., pp. 149-150.

¹²⁵ Crisis Group interviews, Pakistan middle-class families, Peshawar, August 2008; and Rawalpindi and Islamabad, January 2009. See also Pervaiz Iqbal Cheema, "Reviving the blame-game", *The Post*, 13 July 2008; Candace Rondeaux, "After decades, Pakistan forces thousands of Afghans to leave", *Washington Post*, 16 April 2008; "NATO, Pakistan say Afghan refugees must return home", *Daily Times*, 1 February 2007; and Imtiaz Gul, "Peshawar: The city that once was", *The Friday Times*, 10-16 November 2006.

¹²⁶ Referring to Islamabad's decision to close down Kacha Abadi in 2005, an Afghan settlement located on Islamabad's outskirts, the interior ministry claimed that the settlement "poses a security threat because it is close to the capital and,

of all camps in the Federally Administered Tribal Areas (FATA), a move that the UNHCR endorsed partly because the refugees were not forced to repatriate but allowed to relocate within Pakistan.¹²⁷ When Afghans resisted these evictions, police were used to suppress dissent.¹²⁸

If Pakistan were to continue camp closures or even resort to mass deportations and forcible repatriation, this would translate into internal displacement along the Afghan side of the Durand Line since it would challenge the border provinces' absorption capacity. In June 2008, for example, the closure of Jalozai camp in NWFP, then one of Pakistan's largest refugee camps, compelled 53,000 Afghans to return. Some 14,000 have been unable to return to their places of origin because of conflict or landlessness, with many staying instead in temporary settlements in the country's eastern provinces.¹²⁹ This camp has now reopened, but to accommodate Pakistani IDPs fleeing the conflict-hit areas of NWFP's Malakand region.¹³⁰

By increasing Afghan refugees' vulnerability, such camp closures have not improved Pakistan's security but are instead creating a fertile ground for jihadi recruitment. Said UNHCR's Ewen Macleod: "Over 80 camps have been closed since 2004 – including all those in FATA – but security has markedly declined".¹³¹ Militant activity or military operations in Pakistan's tribal belt have compelled many refugees to return to Afghanistan, while others have resettled in NWFP, migrated to cities such as Karachi or Islamabad, or even moved to rural Punjab.

Many Afghans who have been forced to leave the now-closed refugee camps claim that their living conditions and security have deteriorated because of the limited availability of affordable accommodation and increased

according to Pakistani officials, is sometimes used as a safe haven by 'criminals and terrorists'". Authorities later stepped up efforts to close refugee camps in the border provinces of NWFP and Balochistan. Ron Synovitz, "Pakistan: 30,000 Afghans to be evicted from refugee settlement near Islamabad", Radio Free Europe, 4 August 2005.

¹²⁷ "UNHCR Voluntary Repatriation of Afghans Accelerates from Pakistan's Tribal Areas", press release, UNHCR, 23 August 2005, at www.unhcr.org.pk/news/pr_23_08_05.html.

¹²⁸ In one such instance, the police clashed with Afghan refugees in May 2007 during the operation to close down Pir Alizai camp in Balochistan. "Clashes at Pakistan refugee camp", BBC News, 16 May 2007.

¹²⁹ "Afghanistan: Jalozai Camp Closed, Returnees Face Difficulties at Home", IRIN, 2 June 2008.

¹³⁰ For analysis on Pakistan's IDP crisis, see Crisis Group Asia Briefing N°93, *Pakistan's IDP Crisis: Challenges and Opportunities*, 3 June 2009.

¹³¹ Crisis Group interview, UNHCR, Kabul, September 2008.

police harassment and arbitrary detentions.¹³² A young Afghan man who fled Kabul in 1992 and now works in Islamabad said: “The police know me but every evening on my way back from work, they stop me. If I show them my registration card, they ask for my visa. If I give them my passport, they demand to see my registration card. I have to make sure I have both on me at all times”.¹³³ As it does with respect to refugees in Iran, the AIHRC should monitor and register such cases and, in doing so, work closely with its Pakistani counterpart, the independent Human Rights Commission of Pakistan (HRCP). Collaboration with its Pakistani counterpart, including through information sharing and joint monitoring, would expand the AIHRC’s reach and correct potential blind spots.

Relations between Pakistan and Afghanistan have improved significantly with the restoration of civilian rule after the February 2008 elections. Nevertheless, with sensitive areas of domestic and regional security policy still in the military’s control, Afghan refugees are still subjected to state coercion. In October 2008, for instance, the government ordered the deportation of 50,000 Afghan refugees, accused of supporting armed groups, from FATA’s Bajaur Agency where the military has been conducting operations against tribal militants since fall 2008.¹³⁴ In April 2009, 300 Afghans, allegedly in Pakistan without proper documentation, were arrested in connection to a series of terrorist attacks. Inspector General of the Frontier Corps Major General Saleem Nawaz had earlier blamed Afghan refugees for the worsening law and order situation in the restive border province of Balochistan, accusing them of smuggling weapons into Pakistan for Baloch insurgents.¹³⁵

Since Kabul refuses to formally recognise the Durand Line of 1893,¹³⁶ the 2,500-km border drawn by the British colonial rulers of India between today’s Pakistan and Afghanistan, as the international border, many of Islamabad’s measures to regulate cross-border movements have been unilateral. In 2007, for instance, the Musharraf government tried instituting a border management system at the Chaman border crossing point in Balochistan by issuing identification cards to those crossing. The initiative, however, lasted only a year, as “the cards were cut up on the Afghan side”, according to an official in

the interior ministry’s migration management cell.¹³⁷ The military has also tried to fence and mine segments of the Durand Line.

Despite wariness of a protracted refugee caseload, Pakistan must recognise that, after decades of exile, Afghans now permeate Pakistani society. The registration exercise, mentioned above, undertaken with UNHCR in 2006-2007, granted Afghan refugees the right to live and work legally in Pakistan until the end of 2009. It also gave authorities and donor agencies an opportunity to refine their estimates of the number of Afghan refugees and to thus better target aid to the most vulnerable segments. The PPP-led government has agreed to review and possibly extend the 2009 deadline for registered Afghans’ stay to the end of 2012, a decision expected to be announced in November 2009. Afghans living in Pakistan will now have to renew their proof of registration (PoR) cards at centres run by Pakistan’s National Database and Registration Authority and UNHCR. The exercise will not cover unregistered Afghans but will update the data on those who are registered.¹³⁸

3. Moving beyond distrust

With at least 20 per cent of Pakistan’s 160 million-strong population living below the poverty line,¹³⁹ Afghan refugees, representing a mere 2 per cent of the total population, can hardly be held responsible for poor social indicators. Much of Afghans’ income-generating activities arguably fill a gap between supply and demand.¹⁴⁰ According to a 2008 study, thousands of Afghan refugees arrived in NWFP’s capital Peshawar during the 1980s at a time when Pakistani Pashtun labourers were increasingly migrating to the oil-rich Gulf states, leaving many jobs vacant.¹⁴¹ Today, as laid-off Pakistani workers return from the Gulf states because of the global economic crisis, there is renewed competition in the local labour market and increasing resentment towards Afghans taking jobs at the cost of locals.

Pakistan has, however, benefited from international assistance aimed primarily at the refugee caseload but extending, through large-scale development programs, to the local population. Moreover, the country profits from

¹³² Crisis Group interviews, Afghan families in Peshawar, August 2008; and Rawalpindi and Islamabad, January 2009.

¹³³ Crisis Group interview, Afghan refugee, Islamabad, March 2009.

¹³⁴ “Pakistan to deport Afghan refugees”, Associated Press, 6 October 2008.

¹³⁵ “Refugees creating law, order problem”, *The Nation*, 29 March 2009.

¹³⁶ Kabul periodically makes irredentist claims on Pakistan’s Pashtun-majority NWFP, FATA and the Pashtun belt in Balochistan.

¹³⁷ Crisis Group interview, Zaheed Abassi, migration management cell, interior ministry, Islamabad, April 2009.

¹³⁸ Crisis Group interview, Killian Kleinschmidt, assistant representative, UNHCR, Islamabad, March 2009.

¹³⁹ Asian Development Bank figures, Pakistan 2008 fact sheet.

¹⁴⁰ Crisis Group interview, international humanitarian aid worker, Islamabad, October 2008. See also “Afghans in Pakistan: Broadening the Focus”, AREU, January 2006.

¹⁴¹ Robert Nichols, *A History of Pashtun Migration 1775-2006* (Oxford, 2008).

trade ties with Afghanistan, which have partly been developed and sustained by refugees, given that the total volume of bilateral trade to Afghanistan has increased from approximately \$140 million in 2000-01 to roughly \$1.1 billion between July 2008-March 2009, making Afghanistan its third largest export market after the U.S. and the United Arab Emirates.¹⁴²

Pakistani claims that Afghan refugees are responsible for promoting terrorism are overstated and disingenuous. While refugee camps were militarised in the 1980s for the U.S.-supported anti-Soviet jihad, the Pakistani military continued to patronise extremist Islamist groups based in these camps well after the Soviet withdrawal, both to expand its influence in Afghanistan, and to extend the jihad to India-administered Kashmir.¹⁴³ So long as Pakistani authorities perceive greater advantages in blaming the refugees rather than addressing the political and socio-economic causes of the country's deteriorating security, including the military's continued support to Afghan and Pakistani jihadi proxies, regional stability will be elusive.

By creating a database of Afghan refugees, the UNHCR registration exercise of 2006-2007 may give Pakistani authorities a valuable tool to distinguish refugees from militants. This should not, however, be used to justify mass deportations. Said UNHCR's Ewen Macleod: "Some refugees are attracted to the Taliban as was the case in the past with the mujahidin. They are easy prey, especially unemployed young males. But so is the local population".¹⁴⁴

Instead of making the refugees scapegoats, the government should address the needs of an increasingly alienated Pashtun population, particularly in the borderlands, by bringing FATA into the national mainstream through the repeal of the draconian Frontier Crimes Regulation (FCR); and the incorporation of the tribal agencies into NWFP, and thus within the purview of the NWFP assembly, provincial secretariat and judiciary. It should also channel much-needed economic development to these

areas.¹⁴⁵ The Refugee Affected and Hosting Areas initiative, a UN program initiated by UNHCR's head Antonio Guterres in Islamabad in mid-2008, aims to reduce the negative impact of a long-lasting refugee presence and promote co-existence between Afghan refugees and the local population through upgrading facilities and services.¹⁴⁶ If adequately supported and implemented, this could contribute significantly to easing tensions.

Afghans are now more than ever before a part of Pakistan's cultural terrain. Unilateral actions by Pakistani authorities to control cross-border mobility would not only sever social and economic networks essential to Afghans' survival, attempts to forcibly repatriate the refugees would also be strongly opposed by Kabul – and by Pakistani Pashtun nationalists. Although the unsettled status of the Durand Line contributes to lawlessness, at this point in time, Kabul cannot afford to officially recognise it as the international border since it would be strongly opposed domestically. Until the formal settlement of the dispute, however, both states must devise mutually acceptable mechanisms that would enable the managed flow of people and commodities, and which may ultimately provide the necessary level of cooperation and trust for such a settlement.

¹⁴² "Regional country variation analysis (final figures) July -March (2008-2009)", Trade Development Authority of Pakistan, at www.epb.gov.pk/v1/statistics/july09/310709/by_country.xls; See also M. Zafar Haider Jappa, "Revisiting Pak-Afghan trade arrangements", *The News*, 27 April 2009.

¹⁴³ See Crisis Group Report, *Pakistan's Tribal Areas: Appeasing the Militants*, op. cit.; see also Crisis Group Asia Reports N°164, *Pakistan: The Militant Jihadi Challenge*, 13 March 2009; N°95, *The State of Sectarianism in Pakistan*, 18 April 2005; N°73, *Unfulfilled Promises: Pakistan's Failure to Tackle Extremism*, 16 January 2004; N°49, *Pakistan: The Mullahs and the Military*, 20 March 2003; and N°36, *Pakistan: Madrasas, Extremism and the Military*, 29 July 2002.

¹⁴⁴ Crisis Group interview, Kabul, September 2008.

¹⁴⁵ See Crisis Group Report, *Pakistan's Tribal Areas: Appeasing the Militants*, op. cit.

¹⁴⁶ See "Global Appeal 2008-2009: Pakistan", UNHCR; and "UNHCR Chief Ends Pakistan Visit to Review Protracted Afghan Situation", UNHCR, 28 August 2008.

VI. WORKING TOWARDS A REGIONAL APPROACH

A. BETWEEN PROTECTION AND SECURITY CONCERNS

With the experience it had acquired since the 1980s with Afghan refugees in Iran and Pakistan, and in similar operations around the world, UNHCR appeared to be the most suitable if not the only organisation capable of facilitating large-scale return after the fall of the Taliban. In 2002, the agency organised one of the biggest assisted voluntary repatriation programs in its history. At the same time, Western states were quick to modify their policies towards Afghan asylum seekers, including discouraging further resettlement in favour of return.

Today, facing rampant poverty, weak state institutions and deteriorating security conditions, Afghans are becoming increasingly disillusioned with the international community's and Kabul's ability to meet their expectations. Conflict has resulted in a sharp decline in returns and continued internal and regional population displacement. As UNHCR comes under mounting pressure from refugee hosting states to ensure high rates of repatriation, future returns will be largely characterised by push rather than pull factors.

Finding itself "alone on the dance floor",¹⁴⁷ UNHCR has assumed responsibilities that it cannot and should not have to meet on its own. It can, for instance, facilitate repatriation but cannot ensure that conditions in Afghanistan are conducive to return or ensure return is sustainable. The international community could have avoided this crisis had it acknowledged earlier the complexity of Afghans' mobility instead of addressing their presence abroad only as a refugee/returnee issue. Although UNHCR personnel recognise that mobile Afghans straddle or transcend the official categories assigned to them,¹⁴⁸ the three key states – Afghanistan, Iran and Pakistan – along with the international community remain bent on limiting the problem to one of refugees and returnees and, hence, to UNHCR's ambit.

The transnational solidarity networks that facilitate Afghan mobility extend well beyond UNHCR's mandate, but need to be taken into account in addressing the refugee problem. Moreover, Afghan mobility largely persists in a legal and political vacuum, rendering ongoing efforts to control population movements counter-productive, and perpetuating a seemingly endless blame game between

Afghanistan and its neighbours. The international community should help to devise a framework that meets international standards, and at the same time enhances Kabul, Tehran and Islamabad's capacity to manage population movements in a way that complements Afghans' historical migration patterns.

Current efforts, including enhanced political, economic and police cooperation between Afghanistan and its neighbours,¹⁴⁹ all aim at regularising and enhancing the flow of commodities while curtailing cross-border terrorism and trafficking of drugs, arms, and people.¹⁵⁰ By emphasising border control over border management, however, such initiatives are often limited to technical assistance to the police and customs authorities. Border crossings will continue regardless of attempts to curtail them. To ensure that these population movements contribute to regional development rather than to instability, the regional actors should, with international assistance, establish legal channels that permit and document cross-border movements.

B. INTEGRATING MOBILITY

Kabul, Tehran and Islamabad should consider issuing permits to their citizens that allow them to move freely to and from Afghanistan, creating regimes that emulate regional integration agreements such as the Economic Community of West African States,¹⁵¹ which allow citizens of member states to live and work outside their country and move between member states. Travel documentation, specifically for this purpose, that complies with mutually agreed standards between Afghanistan and its neighbours could be provided by each state to its citizens. IOM's technical expertise can ensure the efficient exchange of such documentation. Such mechanisms would facilitate administrative control of cross-border population movements and would also

¹⁴⁹ The Canadian government initiated the Dubai process in November 2007, bringing together Pakistani and Afghan officials to improve their capacity to manage and cooperate at the three recognised border crossing points on the Durand Line. Other initiatives include the Doha Conference on Border Management in Afghanistan (28 February 2006), the Kabul Declaration on Regional Economic Cooperation (5 December 2005), the Doha Declaration on Regional Police Cooperation (19 May 2004) and the Kabul Declaration on Good-Neighbourly Relations (22 December 2002).

¹⁵⁰ The European Commission has started an UNDP-implemented program on border management between Tajikistan and Afghanistan's Badakhshan province. The endeavour is presumably easier to implement along the Amu Darya than along the Durand Line.

¹⁵¹ ECOWAS has developed a Protocol on Free Movement of Persons, Residence and Establishment.

¹⁴⁷ Turton and Marsden, *op. cit.*

¹⁴⁸ Crisis Group interviews, UNHCR officials, Kabul and Islamabad, March-April 2009.

improve bilateral relations, thus contributing to regional stability. They would also improve territorial control, particularly as regards efforts to combat narco-trafficking and other activities by criminal networks. The international community should endorse such an initiative and press the three governments to enhance transparency and strengthen collaboration between their law enforcement agencies.

Channelling rather than impeding migratory flows would also enable UN agencies such as ILO as well as the governments concerned to monitor labour migration and enhance migrant workers' rights. Moreover, if Tehran and Islamabad were to grant legal status, through this permit system, to those Afghans who can no longer be considered refugees nor be expected to resettle in Afghanistan in the near future, the UNHCR could then reassess its responsibilities towards Afghans in the region. Since the permits would legalise the status of those Afghans whose social networks and economic strategies transcend national boundaries, the number of people falling directly under UNHCR's mandate would be drastically reduced, enhancing, in turn, the organisation's ability to perform its job. Refocusing attention on Afghans who, owing to a well-founded fear of persecution, are unable or unwilling to return to their homeland, UNHCR will be better able to protect asylum seekers, particularly with respect to the most vulnerable refugees. UNHCR would also be better placed to persuade Pakistan to sign the Refugee Convention and to ensure that Iran abides by its international obligations.

For the governments of Iran and Pakistan to endorse the move, however, Kabul must think beyond its own interests. Any such agreement must not only support Afghan mobility but should also allow Iranian and Pakistani citizens to freely seek business or livelihood opportunities in Afghanistan. Liberalisation of movement would benefit Kabul by enhancing regional trade and economic collaboration. Since development initiatives too would gain from a regional approach, the UN, aid and donor agencies should strengthen cooperation between their regional offices. Such an approach is not only possible but also urgently needed in this unstable and underdeveloped region.

VII. CONCLUSION

While refugee returns impact positively on state consolidation, renewed population displacement, secondary migration and a decrease in returns from exile are both causes and consequences of the state's shortcomings. Meeting the needs, including security, of repatriating families, overcoming obstacles to return and tackling the continued refugee presence abroad will be a litmus test for Kabul's ability to govern.

Seven years after the fall of the Taliban, the Afghan government and the international community have yet to ensure security and even basic services to the Afghan people. Absent security and livelihood opportunities, millions of refugees are understandably unwilling to return home. Those that have chosen to return are unable to find viable livelihood opportunities in the largely insecure rural areas, and are challenging cities' absorption capacity, imposing pressure on scarce resources and impeding reconstruction. These returnees are, however, also contributing to social and economic development. The burden they impose on a fragile state unable to meet their needs is eased by solidarity networks which remain a source of stability for many families. Although Kabul cannot afford to sever these networks altogether, it must seek legal mechanisms to ensure that they do not perpetuate clientelism, limit the state's writ, and undermine the establishment of a strong state-citizen relationship.

Afghanistan's bilateral relations with Iran and Pakistan will be crucial if it is to protect its citizens who remain in exile. Despite these countries' stated commitment to gradual and voluntary repatriation, the threat of mass deportations that would further destabilise Afghanistan always looms. To avert this danger, Kabul, Islamabad and Tehran should work together, with international support, to devise mechanisms to manage cross-border population movements in such a way that regional security is enhanced and regional economic opportunities exploited to the fullest. Liberalising mobility and thus strengthening administrative control over border crossings will enhance Afghans' livelihood strategies and opportunities, increase the transparency of their networks, and improve regional cooperation. Such a framework, based on internationally acceptable and recognised norms, would need the support of states in the region but also that of the local population.

With the Taliban resurgent in Afghanistan, and the Pakistani military failing to clamp down on terrorist networks in its tribal areas, addressing the needs of Afghanistan's mobile population will not be peripheral but central to ensuring regional peace and stability. Islamabad's transition to civilian rule and the Obama

administration's openings towards Iran have created space for closer regional cooperation. Indeed, an agreement between the foreign ministers of Afghanistan, Iran and Pakistan in Kabul in April 2009 to explore ways "to ensure safe and legal movement of their citizens"¹⁵² provides an opportunity to move beyond rhetoric and seize the positive potential of regional mobility.

Kabul/Islamabad/Brussels, 31 August 2009

¹⁵²"First meeting of Foreign Ministers of Afghanistan, Iran and Pakistan on trilateral cooperation", joint statement, foreign affairs ministry, Afghanistan, 27 April 2009.

APPENDIX A

MAP OF AFGHANISTAN



APPENDIX B MAP OF IRAN



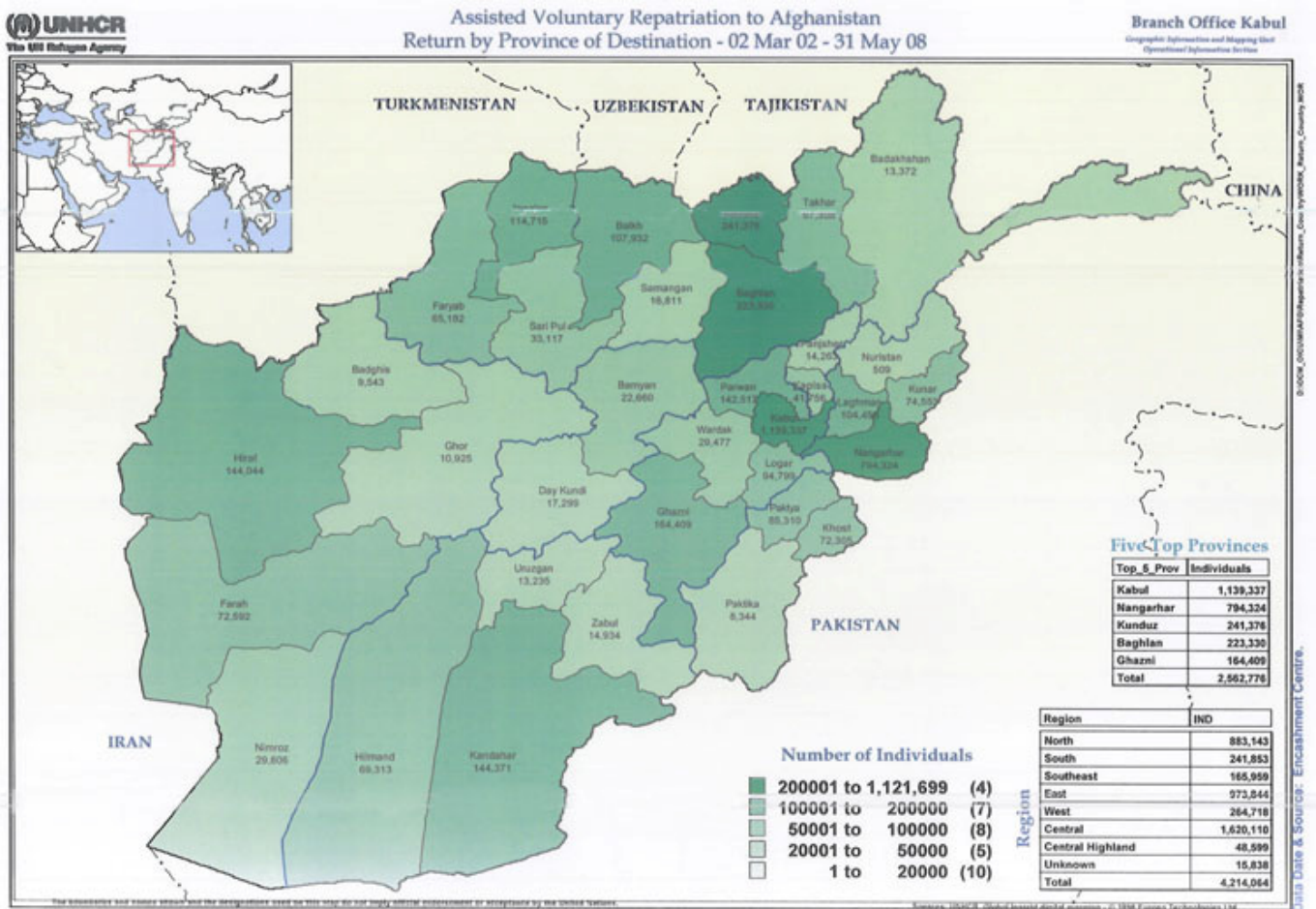
APPENDIX C

MAP OF PAKISTAN



APPENDIX D

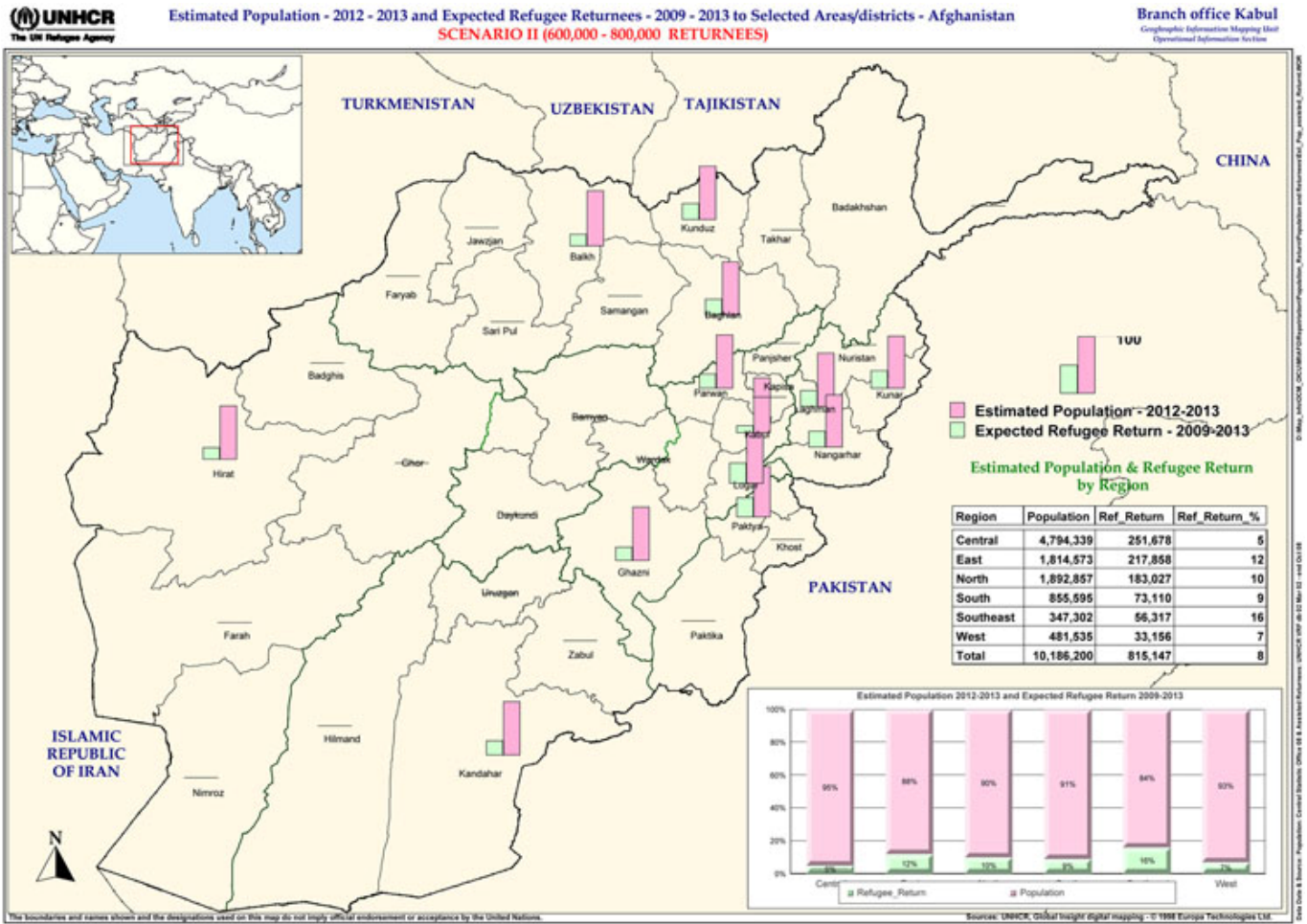
MAP OF RETURNS TO AFGHANISTAN, 2002-2008



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APPENDIX E

MAP OF EXPECTED RETURNS TO AFGHANISTAN, 2009-2013



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APPENDIX F

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