9 Taliban-run Afghanistan: The Politics of Closed Borders and Protection

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1 Introduction

Afghans have the unenviable distinction of constituting one of the largest, and oldest, refugee populations in the world, perennially buffeted by the whims of international politics. During the Cold War, the West's anti-Soviet agenda helped to ensure the topicality of their cause and generous donor support for refugee programs. The departure of the Soviets in 1989 resulted in the return of at least a million refugees to Afghanistan. However, when mujahedin groups, who had gained Western backing and renown as rugged freedom fighters in their jihad (holy war) against the Soviets, turned their guns on each other in the early 1990s, Afghans were again forced to flee their homeland. They streamed into the crowded camps that housed millions of refugees in Afghanistan and Iran. Between the arrival of the Taliban in the mid-1990s and the routing of that regime at the end of 2001, Afghans continued to trudge across borders, but were no longer welcome either in neighboring countries or in more distant lands.

The history of displacement and refugee flows from Afghanistan has many chapters and is still evolving; at the end of 2003, there were still millions of Afghans in Iran and Pakistan, and significant numbers are unlikely ever to go home. It is a complex story in which internal and external displacement flows as well as traditional migration patterns are sometimes difficult to disentangle, constituting different facets of a multi-mirrored reality shaped by demography, poverty, conflict, oppression, and long-standing survival strategies.

This chapter examines a relatively short period in a long saga of involuntary and forced displacement that was welcomed, ignored, discouraged, or resisted by those dictating the fate of Afghan refugees. Its focus is on refugees and shifts in attitude toward uprooted Afghans during the period of Taliban-run Afghanistan. This was a time when a loud chorus of political and other actors at the international level condemned the repressive policies and terrible conditions that forced people from their homes, but was largely silent on the policies and practices that made a
mockery of refugee law and resulted in thousands of Afghans being denied their right to asylum and international protection during the period of Taliban rule.

The chapter begins with a review of the conditions that led to the outbreak of armed conflict in 1979. It puts into context changing perspectives on the role of aid and attempts by relief agencies to professionalize their work and operate in line with humanitarian principles prior to, and during, the period dominated by the Taliban. It analyzes policy shifts in aid circles as the crisis deepened throughout 2000 and the implications of this for vulnerable Afghans who remained in their places of origin or sought help elsewhere.

The bulk of this chapter is concerned with the contentious debate and opposing agendas surrounding the situation of refugees in the latter Taliban years, when refoulement policies and closed borders greatly restricted the right to asylum for many Afghans and polarized positions within the aid arena. It focuses on the role of the United Nations High Commissioner for Refugees (hereinafter UNHCR) and its attempts to find a compromise solution that illustrates the limited support available for the right to international protection. A concluding section points to some of the lessons that need to be learned at a time when respect for international law is being challenged as never before (since the adoption of core treaties in the wake of World War II) and refugees are dependent on a humanitarian aid system that is increasingly used as a tool to advance political agendas that are detrimental to those in need of international protection.

II Roots of displacement

The Soviet invasion of Afghanistan in late December 1979 is generally identified as the beginning of a crisis that resulted in one of the largest refugee flows in contemporary times and the early death of millions of Afghans. An estimated six million people—more than a fifth of the population—fled their places of origin between 1979 and 1992. Afghans continued to flee their valleys and villages as mujahedin lawlessness in the early 1990s and repressive Taliban rule in the late 1990s exacerbated the effects of war, drought, and poverty and took an unprecedented toll on lives, limbs, and livelihoods.

It is worth recalling that Afghanistan was already an impoverished, landlocked, and largely feudal society that had been buffeted for centuries by imperial power struggles in Central and South Asia. It also suffered from divisive domestic upheaval prior to the Soviet invasion as traditionalists and modernists struggled to dominate society, the political landscape, and the future direction of the country.

The Afghan state that developed in the 20th century was weak and essentially an urban phenomenon with minimal interaction with the rural poor, who represented some 85 per cent of the population. Between the 1950s and 1970s, the government was largely dependent on foreign resources to fund development and the machinery of state, including a national education system that was seen by many rural Afghans as anathema to traditional patterns of social organization and power structures.

Rural-urban differences were largely defined by social and cultural attitudes and practices, levels of poverty, and underdevelopment. They were also shaped
by access to government services such as health and education, and new means of political organization that were driven, in part, by the emergence of a national university system that became a hotbed of leftist and Islamist dissent and revolutionary fervor in major cities in the 1970s.

The monarchy in Afghanistan had a troubled history, with palace intrigues and bloody changes of power among its chief characteristics. Although it originated in Kandahar, home of the Pashtuns, the largest tribal grouping spreading across the southern half of the country, the monarchy was part of the urban elite with little understanding of the social and political conditions in rural Afghanistan. King Zaher Shah, who had come to the throne in 1933 at the age of 19, was aware of the need for more representative government and presided over the development of a new constitution in 1964. Although the constitution provided for elected upper and lower houses of a consultative parliament, the government was not accountable to the legislature.

In 1973, simmering tensions among contending groups came to a head when Daoud, a cousin of the King and former Prime Minister, staged a coup that ended the rule of the monarchy. Leading a group of Soviet-trained military officers, Daoud declared Afghanistan a republic with himself its first president. Daoud’s coup signaled a break with the past, but he was no less dependent than previous regimes on external aid and no less unresponsive to the needs of his constituents. The Saur revolution in April 1978 overthrew Daoud and brought to power the Khalq faction of the People’s Democratic Party of Afghanistan (hereinafter PDPA), which had strong links with Moscow and was perceived as antagonistic to Islam. The PDPA had very little, if any, popular support beyond urban intellectuals and segments of the army; it ruled by decree and soon encountered strong resistance, including scattered insurrection in rural areas. Within a year, a nascent guerrilla movement in Afghanistan and regional tensions had pulled the country into an ever-deepening vortex of Cold War rivalries that culminated in the Soviet invasion of 1979.

Moscow encouraged the newly installed regime in Kabul to modify its doctrinaire approach and advocated respect for Islam in Afghan society, but this did little to dilute resistance to the Soviet presence. Meanwhile, the Carter Doctrine, announced in January 1980, spelled out U.S. commitment to resist Soviet expansion in South Asia, including significant amounts of military support provided to Afghan guerrilla groups with the help of Pakistan’s ISI (Inter-Services Intelligence).

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2 In addition to support from Middle Eastern countries, Washington acknowledged at the beginning of 1980 that it “had begun to supply light infantry weapons to Afghan insurgent groups following a request by President Carter for over $30 million in covert military aid.” See Matthew Fielden and Jonathan Goodhand, “Peacemaking in the New World Disorder: A Study of the Afghan Conflict and Attempts to Resolve it”, Peace-
By the mid-1980s, massive amounts of military and financial assistance to opposing sides in the Afghan conflict had led to a stalemate of sorts on the battlefield. The Kabul regime was ensconced in the cities, while an array of resistance groups, popularly known as the mujahedin, held sway in the countryside. When Gorbachev became the Soviet President in March 1985, he ordered a review of Moscow's Afghan policy. This led, in part, to the UN-sponsored Geneva Accords of April 1988 and the withdrawal of all Soviet troops from Afghanistan in February 1989. At this point, the demise of the Cold War was increasingly apparent. Najibullah, who took over as President in Kabul in November 1987, reversed Soviet-style policies and with Moscow's financial support was able to hold on to power for several years, contrary to the expectations of many. However, in the face of significant defections by government troops and continued fighting as mujahedin groups sought to expand their control of different parts of the country, Najibullah announced that he would leave office in March 1992, thus intensifying factional rivalries. Kabul became a battlefield as repeated attempts to form a governing coalition of mujahedin groups failed. By the end of 1994, Kabul was fast becoming the flattest capital in the world as shells from opposing militia rained down on the city killing an estimated 20,000 of its residents in the previous two years and generating new refugee flows.

The war, and the displacement that went with it, had many profound and far-reaching effects, including the militarization of Afghan society and major disruption of the rural economy. The emergence of new political parties dominated by armed factions contributed to the politicization of Islam. And the protection inherent in traditional patron-client relationships that had characterized rural Afghanistan for generations was eliminated, or greatly reduced, exposing minorities and other vulnerable groups to the unrestrained power of warlords and a near total disregard for the right of civilians to be treated as non-combatants. As the Cold War ended and the Soviet threat disappeared, the United States and the West disengaged from Afghanistan and its accumulation of unresolved problems.

The horror of the 1992-1994 internecine fighting, the transformation of Afghanistan into a patchwork of feuding fiefdoms, and the killing, raping, and looting that came to characterize mujahedin rule spread fear and revulsion among Afghan citizens. It also prompted Pakistan to rethink its sponsorship of Gulbudin Hekmaytar, leader of Hisb-i-Islami, the most fundamentalist and ruthless of the mujahedin factions that had benefited the most from U.S. Cold War support. U.S. disengagement from a violent and lawless Afghanistan, the emergence of the newly independent but weak Central Asian Republics, coupled with the prospect of increased trade across Central and South Asia, and continuing U.S. antipathy to Iran obliged regional players to review changing realities, particularly in terms of their national and economic security. As always, Islamabad was keen to see the emergence of a friendly regime in Kabul. As it shifted gears, Pakistan quickly be-
came known as a major benefactor, together with Saudi Arabia, of the Taliban, a new-style student militia, schooled in the Afghan refugee experience and religious madrassas (Koranic schools) in Pakistan.

The Taliban first came to international prominence at the end of 1994 when they liberated a convoy of Pakistani trucks that had been stopped by bandits who made money by extorting payment from lorry drivers along the major trade routes. These early exploits earned them a Robin Hood-type reputation, and they were lauded for taking action in mid-1994 against a mujahedin commander "who had reportedly abducted, raped and killed three women." In both local and international media, the Taliban were depicted as stern students who had acquired their Islamic zeal as dispossessed youth heavily influenced by their impoverished refugee experience and the violence that drove them and their families from their homes. The strict Islamic teachings of the Pakistani madrassas, where the Taliban core leadership was educated, provided a sense of purpose, discipline, and a world-view that rejected both Western and Communist values.

Well-armed, not short of cash, and with public opinion swinging in their direction, the Taliban quickly swept across the Pashtun heartland in the south. After capturing the key city of Herat in September 1995 and Kabul a year later, they took power with the promise of ridding Afghanistan of the lawlessness, killing, and abuse of women that had characterized the mujahedin years. But the initial welcome the Taliban received in the countryside, as they put an end to warlord rule, began to evaporate as they proved no less ruthless than their predecessors. This was particularly the case in urban and other areas, where the Taliban's rigid interpretation of Islam, and draconian measures to segregate women from most aspects of public life, were deeply resented.

III Principles and politics

Indiscriminate Soviet bombing, insecurity, lawlessness, and disruption of the rural economy were major factors shaping population movements in the early years of the war. The existence of kinship networks across the border in Pakistan and to a lesser extent in Iran, coupled with the presence of aid agencies, also had a magnetic effect. Significant numbers of internally displaced also moved into Kabul and other cities and were assisted primarily through family networks and, subsequently, by the International Committee of the Red Cross (hereinafter ICRC) and the United Nations (hereinafter UN).

Migration and displacement were nothing new in the Afghan context. Population flows were facilitated by ethnic, religious, and linguistic links with Pakistan and Iran, which had been forged through centuries of nomadic and economic seasonal migrations. Pashtuns went to Pakistan, with the vast majority settling in plac-

es within a few days' walk of their villages. Hazaras and Tajiks gravitated toward Iran. And the elite headed to Europe, Australia, and North America. The successive waves of internal migration – often composed of families who could not afford the trip across the porous border – tended to repeat long-standing seasonal work patterns, which saw young men leaving their villages during the winter months to seek employment in the cities. The war also disrupted the nomadic life of the Kuchis, who were sometimes prevented from reaching their traditional summer pastures in the Central Highlands.

Just as Afghans and the mujahedin became pawns and tools of the “Great Game” contest played out in South Asia in the 1980s, humanitarian action was no less exempt from the machinations of Cold War politics.4 The fall-out from this continues to impact on the politics of Afghanistan and the refugees who sought sanctuary in neighboring countries.

From the outset, Cold War politics shaped the orientation and delivery of relief assistance, which was closely associated with anti-Soviet initiatives.5 Different mujahedin groups, for example, determined who received relief coupons in refugee camps and also influenced the recruitment of Afghan relief personnel by aid agencies. Refugee camps did provide sanctuary and much-needed assistance to Afghans fleeing war and persecution, but these were also “hotbeds of militancy and recruitment as well as safe havens for combatants.”6 A study in the late 1980s found that the work of many non-governmental organizations (hereinafter NGOs) was seriously compromised, given “the political interests of Pakistan, the complacency of UNHCR, and pressure from the US government.”7 Much of the aid for the refugees “was channeled through the Islamabad government and the Afghan resistance parties, despite considerable abuse of aid resources by both Pakistani officials and the Afghan parties in Peshawar.”8

During the Cold War, the manipulation and diversion of relief assets were not issues of critical concern within aid circles, which included a diverse group of

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4 The contest between the Russian and British Empires in the 19th century to control Central Asia caught Afghanistan in the middle; this struggle became known as the Great Game.


7 There were an estimated 3.5 million Afghan refugees in Pakistan in the early 1980s. Very little international aid went to Iran which hosted 1.5 million refugees. See Helga Baitenmann, “NGOs and the Afghan War; the Politicization of Humanitarian Aid”, 12 Third World Quarterly (1990) 62.

actors that ranged from regular relief personnel working with established international agencies to solidarity groups with anti-Communist agendas or undercover agents directing relief supplies to favored commanders inside Afghanistan.

The appointment, in mid-1988, of the highly acclaimed Prince Sadruddin Aga Khan to head the newly established UN Office for the Coordination of Humanitarian and Economic Assistance Programmes relating to Afghanistan (hereinafter UNOCA) helped re-orient assistance activities. This included efforts to enhance respect for humanitarian values and criteria so that there was greater emphasis than before on assistance to all on the basis of need. The departure of the last Soviet soldier across the Friendship Bridge linking Afghanistan with Uzbekistan in February 1989 convinced many Afghans that the war was over. But the promise of peace was short-lived. Mujahedin groups turned their guns on each other and slaughtered untold numbers of civilians. And many of the refugees who returned home in the early 1990s ended up in internally displaced person (hereinafter IDP) camps or had to flee back to Pakistan. This obliged aid agencies to rethink their recovery and rehabilitation plans as well as their own role in Afghanistan's turbulent political scene.

The changes unfolding in Afghanistan mirrored, to a significant degree, emerging events elsewhere in the world. The 1990s were a time of dramatic and rapid upheaval in the humanitarian arena as the realities and uncertainties of the post-Cold War world presented new problems and opportunities for aid actors. Two of the most significant changes included the large number of agencies — many of them brand-new to humanitarian endeavor — operating within protracted and violent conflict settings, and the tendency to package Western-led military interventions in crises of special interest to Washington and its allies as humanitarian operations. Debate on the role of humanitarian action, particularly in low-profile and protracted crises, resulted in different schools of thought. Core issues included the desirability of moving beyond classical stop-gap relief interventions to a more expanded humanitarian agenda that would seek to address the multitude of factors that threatened lives and traditional means of survival. In Afghanistan, debate within the aid arena on the role and impact of humanitarian activities was influenced by Cold War manipulation of relief and its ramifications for vulnerable Afghans. Mujahedin lawlessness and contempt for human life, as well as the arrival of the Taliban and their fatwas (decrees) that challenged a business-as-usual approach to relief efforts, also fueled debate. These reflections were also shaped by a growing consensus in support of improved accountability and a better understanding of the role and impact of aid, and the dynamics perpetuating humanitarian need in Afghanistan.

By 1997, after some twenty years of political turmoil, warfare, massive population displacement, and grinding poverty, exacerbated by profound underdevelopment, a significant proportion of Afghan families were in dire straits. They eked out a living as best they could, but unconscionable numbers of Afghans died every year because they lacked the basics needed for survival. Afghanistan was notorious for its infant and maternal mortality rates — among the highest — and its life expectancy and literacy levels — among the lowest — in the world. It was also apparent, after
two decades of armed conflict, that the immediate and accumulated consequences of war, including the limited availability of jobs and services, took a high toll on lives and greatly weakened traditional coping mechanisms and survival strategies.

In the eyes of Antonio Donini, an aid worker with long experience in the region, the "combination of soul-searching at the local level and the global quest for improved UN action in crisis countries resulted in a quantum leap in policy development" when it was agreed in 1997 to develop an overall strategy for Afghanistan. This brought together donors, NGOs, and UN entities within a common policy framework and decision-making apparatus. The resultant Strategic Framework for Afghanistan (SFA), which was officially launched in September 1998, sought to reduce disconnects between peace mediation, assistance, and human rights strategies.

For aid agencies, the Strategic Framework brought into play a new set of assumptions and working modalities, among them a commitment to principled common programming and the realization of five strategic objectives, which included "the return and repatriation of refugees from neighboring countries" and the "protection and advancement of human rights with particular emphasis on gender."

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9 Supra, note 6 at 126.

10 Action by humanitarian agencies was the most obvious and dominant aspect of international efforts in relation to Afghanistan since the departure of Najibullah in 1992. For the most part, Afghanistan was seen to have lost its strategic significance with the demise of the Cold War; UN peace mediation efforts warranted little attention and enjoyed less credibility. Attention to human rights was sporadic and consisted primarily of periodic visits by the UN Special Rapporteur (appointed 1984) and human rights NGOs that resulted in reports and an annual UN resolution that had little apparent impact on what was, in part, a deep-seated human rights crisis.

11 Principled Common Programming was, in essence, a declared commitment by the aid community and others to operate in line with a set of principles (that reflected humanitarian and human rights standards) within a common framework. Forging consensus on policy was, in part, driven by the recognition that aid agencies needed a common policy position, agreed objectives and priorities to counter Taliban policies that were harmful to vulnerable groups including women. In reality, giving effect to principles was more a question of struggling to achieve compliance than a mere statement of intent. Following is a summary of the Strategic Framework principles:

- Life-sustaining humanitarian assistance shall be provided in accordance with the principles of humanity, universality, impartiality and neutrality.
- Assistance shall be provided as part of an overall effort to achieve peace (this was widely understood to refer to the need to avoid unintended harmful consequences).
- International assistance will be provided based on need; it cannot be subjected to any form of discrimination including of gender.
- Rehabilitation and development assistance shall be provided only where it can be reasonably determined that direct political or military advantage will not accrue to the warring parties in Afghanistan.
- Institution and capacity-building activities must advance human rights. They should not seek to support any presumptive state authority which does not fully subscribe to core human rights treaties and IHL.
The jury is still out on the value or appropriateness of this approach in Afghanistan, particularly in light of the failure to reduce the tensions and misunderstandings that existed between the United Nation's political bureaucracy and humanitarian endeavor. However, there was broad support within the aid arena to define common objectives and interventions informed by humanitarian principles in the face of enforced discrimination, deliberate attacks on civilians, and the difficulties of operating in Taliban-run Afghanistan.

These common objectives and strategies greatly benefited the overall push for principled humanitarianism, which in turn had significant implications for inter-agency decision-making on refugees and the need to maintain the right to asylum and international protection. These will be discussed in the following pages.

IV Refugees and changed agendas

As the Taliban moved beyond the Pashtun south and sought to impose their brand of fundamentalist Islam on Shias and other minority groups, and proved less able than before to co-opt local leaders, Afghans were again subjected to no-holds-barred warfare and population displacement. One of the most infamous episodes of the early Taliban years revolved around efforts to dislodge General Dostum, and his mostly Uzbek forces, from Mazar in northern Afghanistan. A deal in 1997

12 One of the criticisms of the Strategic Framework was that it was very time-consuming since it required consensual decision-making. Thematic Groups that included selected donor, NGO and UN colleagues were established with the help of the UN Coordinator's Office to give overall guidance and policy direction for the realization of each of the five strategic objectives of the Strategic Framework. A Consultative Group on Human Rights that operated at the working level and reported to the HR Thematic Group was also established by the Human Rights Advisor in the UN Coordinator's Office. It was instrumental in analyzing and defining policy pertinent to protection and human rights issues including, on occasion, in relation to refugees when particular phenomena were seen to have implications for humanitarian endeavor in Afghanistan. The HR Consultative Group also acted as an advocacy tool.


14 General Dostum was an officer in the Najibullah regime until he switched sides in April 1992 to become the reigning warlord in the north. When routed by the Taliban in 1998, he found refuge abroad, primarily in Turkey. He returned to Afghanistan in 2001 as the Northern Alliance tried to generate enclaves in the Central Highlands. As one
between the Taliban and Dostum’s deputy, General Malik, collapsed shortly after the Kandaharis entered Mazar, the most important city in the north. Thousands of Taliban troops were killed or captured and subsequently executed. A Taliban push to take Mazar in May 1998 was also foiled. But the Taliban finally succeeded in August 1998 in a brutal takeover that involved the deliberate killing of civilians, generating widespread fear throughout the north. Then the Taliban took control of the Central Highlands a short while later, which effectively meant that the Northern Alliance ruled less than ten percent of the country at the end of 1998. During the next three years, until the routing of the Taliban from much of Afghanistan in December 2001, the non-stop supply of arms to both warring parties and frequent changes of the frontline did little to affect what was, essentially, a military stalemate.

The direct and indirect effects of warfare – coupled with the worst drought in living memory and significant human rights violations – took a harsh toll on lives and livelihoods and fed new and accelerated population flows. The bloody conquest of Mazar signaled this trend, as did a harsh crackdown in Bamyan in March-April 1999, when the Taliban killed scores of Hazaras and arbitrarily detained many others, including a well-known Afghan NGO health worker. In July, the Taliban pushed north from Kabul and overran the Shomali plain in an offensive that in-

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of Washington’s major allies, Dostum benefited greatly from US support when Mazar became the first city to change hands courtesy of US B-52s in November 2001.

15 According to Human Rights Watch “Hundreds of Taliban were attacked in the streets and killed and at least 2,000 taken prisoner, only to be summarily executed.... Most analysts appear to agree that General Malik was responsible for many of the summary executions of Taliban prisoners. However, a large number of Taliban forces were reportedly gunned down in the streets by the Hazara Hizbi-Wahdat. Malik fled to Iran and Dostum returned.” See HRW Report, Afghanistan: The Massacre in Mazar-i-Sharif, New York (November 1998).

16 Ibid. When the Taliban captured Mazar, they were particularly vengeful against Hazaras and systematically hunted down Hazara males in house-to-house searches. HRW estimated that “2,000 civilians may have been deliberately killed” while others were killed in rocket attacks as they fled the city.

17 The Northern Alliance was a loose coalition of the remnants of the Rabbani-led mujahedin government of the early 1990s. It received support from Russia, Tajikistan, and Iran and was favoured by the West.

18 Taloqan in northern Afghanistan changed hands in September 2000 which meant that Massoud, the military leader of anti-Taliban forces was evicted from his last major urban centre. This generated new population flows and concerns that the Taliban were about to rout Massoud from his stronghold in the Panjshir Valley. However, an infusion of arms and other support allowed Massoud and the Northern Alliance to open new, albeit temporary, fronts in the Central Highlands that added to the woes of the Hazaras, the dominant ethnic group who suffered tremendously and repeatedly at the hands of the Taliban. Pakistan and Saudia Arabia were among the principal backers of the Taliban especially during their rise to power. As events of 9/11 showed, the Taliban also received help from Al Qaeda.
cluded scorched-earth tactics and the forced displacement of thousands of women and children. Other offensives in 1999, including an assault in Kunduz-Takhar in September, and intermittent fighting around Darra Souf, showed that increasingly civilians were deliberately targeted and treated as the “enemy.”

Growing concern among aid workers about the deliberate abuse and targeting of civilians, and the implications of this for vulnerable Afghans, helped raise awareness in international circles about the dismal state of affairs in Afghanistan. However, throughout the time of the Taliban, international concern about the plight of Afghans was far more rhetorical than real. The Taliban were constantly lambasted for human rights violations, including discrimination against females, and for the woeful state of the country. However, UN donor member-states and others demonstrated very little willingness to provide tangible help that would mitigate the effects of Taliban policies. Western countries were reluctant to accept Afghan refugees or to fund education programs for the millions of Afghan children in camps in Pakistan and Iran. This had significant implications for refugees, at-risk Afghans inside the country, regional politics, and aid agency decision-making as the crisis in Afghanistan deepened and the need for international protection increased.

A Deepening crisis

There were some 2.7 million Afghans registered as refugees in Pakistan and Iran at the beginning of 1999, with another approximately 1 million unregistered in urban areas. Funding had dramatically decreased for refugee camps in neighboring countries since 1992, when it was anticipated – erroneously as it transpired – that Afghans would return home upon the demise of the despised Najibullah regime. At the end of 1999, the UNHCR announced that 92,000 refugees from Pakistan, and a much smaller number from Iran had returned voluntarily during the year. Those going home from Pakistan were largely Pashtun, while those returning from Iran were mostly Shia from the minority Hazara group. A major preoccupation throughout 1999 was the Government of Iran’s (hereinafter GoI) refoulement policy. This included picking up undocumented Afghans, mostly male, in the streets or at work areas such as construction sites, so that families were often unaware

19 The donor response to annual joint aid agency appeals for funds was better in Afghanistan than in many other low profile crisis settings, thanks in part to the nature of the collective programming process that included donor personnel. However, while the donor response, for example, for food aid was better than other sectors, annual appeals (that reflected what aid agencies were able or committed to deliver and were not a reflection of total humanitarian requirements) were routinely under-funded even as the crisis in Afghanistan deepened and population displacement increased exponentially.

20 This is not to ignore the fact that in June 1998, the UNHCR advised that the 4 millionth refugee had returned home. Part of the equation, however, was that many did this on several occasions!

21 UNHCR paper presented to the Afghanistan Support Group Meeting of donors and others in Ottawa, December 1999.
what had happened to a missing family member. Meanwhile, the Government of Pakistan (hereinafter GoP) announced in April 1999 that Afghans should go home and that humanitarian agencies should do more to facilitate this by accelerating rehabilitation efforts in Afghanistan. At the end of 1999, it was increasingly apparent that there was growing resentment of Afghan refugees in neighboring countries. Simultaneously, deteriorating conditions in Afghanistan were accelerating population movements.

The year 2000 got off to an inauspicious start when a number of Afghans, with their families on board, hijacked an Ariana plane on an internal flight that ended up in the United Kingdom, where practically all on board requested asylum. A few weeks later, Australia pulled up the welcome mat for Afghan and other, mostly Iraqi, asylum seekers arriving on rudimentary boats and claiming that they were economic migrants, even though a significant proportion of the new arrivals were Hazaras fleeing Taliban onslaughts in the Central Highlands. While the Australian government was more outspoken than most in its disdain for people seeking asylum and exhibited significant lack of interest in ameliorating the economic conditions that allegedly produced refugee flows, practically all countries of resettlement were closing their doors to Afghans and other refugees, even as they deplored Taliban persecution and discrimination against women and girls.

22 Some of those who were forcibly returned to Afghanistan tried to slip back to Iran at a later point. Others tried to eke out a living in Afghanistan. However, there is little concrete data on the coping mechanisms of those affected by refoulement.

23 Of course, Pakistan as a major backer of the Taliban, but also as a country that had hosted millions of Afghans since the beginning the war, was anxious to curb new refugee flows and bring about a reduction in the number of refugees it was hosting.

24 By the end of 1999, internal and cross-border population flows were on the increase. This trend accelerated and gained momentum during 2000 and 2001. In addition, millions of Afghans, many of them in remote mountain areas, needed help in their places of origin. At the end of 1999, the WFP started ringing alarm bells in the wake of a bad harvest. In February 2000, the WFP advised that wheat prices were up 50 per cent from the previous October and purchasing power had slipped by 1/3 in the same period. In April it was noted that 60-80 per cent of the livestock had been lost by the Kuchis (nomads) in southern Afghanistan then the worst hit region. In May, the UN launched a specific drought-related appeal for $1.8 million for seeds and other inputs to help farmers maintain livelihoods. In June, the UNCO advised that Afghanistan was caught "in the grip of the worst drought since 1971" with half the population affected, 3-4 million severely and 8-12 million moderately. In June, the UNCO also reported famine deaths in Dara Souf. In October, the FAO noted that Afghanistan was one of the three hungriest countries in the world with 70 per cent of the population undernourished; only Somalia with a rate of 75 per cent was hungrier. In December 2000, the UNCO warned that given the magnitude and severity of the crisis, and the relatively limited number of displaced, that the vast majority were too poor or too weak to move and additional support was needed to get help to remote areas.

25 The hijackers became instant heroes in the backstreets of Kabul where their exploits were applauded and ordinary Afghans wished them luck or offered to exchange places with them if they could.
In June 2000, the UNHCR indicated that circumstances in Afghanistan were not conducive to large-scale repatriation, given the human rights situation, limited or no funding for rehabilitation of basic services such as schools and health infrastructure, and the ongoing war. Meanwhile, a joint UNHCR-GoI program to support voluntary repatriation came into effect in April, enabling some 64,000 refugees to return by August; forced returns from Iran continued, but at a significantly reduced rate. When Madame Ogata visited Afghanistan, Pakistan, and Iran in September, on a wind-up visit of her tenure as UN High Commissioner for Refugees, she and the GoI agreed to extend the joint screening that was part of the assisted voluntary repatriation program for a further three months, a move that was not welcomed by aid personnel, who queried the wisdom of accelerating and facilitating return to hellish conditions in Afghanistan. These same conditions were simultaneously provoking a refugee exodus, primarily to Pakistan, and opened up a new round of questions on the overall policy of the United Nations regarding both the crisis in Afghanistan and related refugee and IDP flows.

By August 2000, families at the rate of sixty to seventy a day had begun to arrive in Pakistan from the north of Afghanistan. The majority of these linked up with kinship networks in the North West Frontier Province (hereinafter NWFP), a rugged mountainous area where tribal chiefs, rather than GoP authorities, predominate. The more unfortunate ended up at Shamshatoo and Jalozaı camps near Peshawar, the capital of the NWFP. In October, the UNHCR began to interview new arrivals at the Torkham border crossing and to mobilize a coordinated response and additional funding as the exodus became more pronounced. However, on 13 November, the GoP indicated in writing to the UNHCR that given the accelerated pace of new arrivals, including 12,000 alone at the Torkham border crossing in October, it was directing all border posts "to ban the entry of Afghans" and urged the UN to establish "refugee" camps in Afghanistan. The GoP letter also indicated that the Taliban authorities supported this proposal.

This tightening of the screws on Afghan asylum seekers was of great concern and gave rise to a flurry of interviews and press releases by the UN Coordinator's Office (hereinafter UNCO) and groups such as Human Rights Watch calling attention to the conditions provoking refugees to flee and the right of Afghans to seek asylum. As part of the Strategic Framework approach, UN coordination entities for humanitarian and development work were combined in the Office of the UN Coordinator which

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26 Afghan refugees in Iran were mostly Shia Hazaras from Bamyan and other parts of the Central Highlands, the scene of the bloodiest warfare in the latter years of the Taliban regime.

27 This correspondence noted that people from war-affected areas would be in a better position to return home from camps inside Afghanistan "as soon as the conditions return to normal". Thus while the GoP maintained in public that Afghans were fleeing poverty, it was well aware that Afghans were fleeing war and the horror, including human rights violations, that went with it.

28 As part of the Strategic Framework approach, UN coordination entities for humanitarian and development work were combined in the Office of the UN Coordinator which
the majority of Afghans seeking asylum were “farmers and casual laborers from
drought and war-affected rural communities in the northern provinces of Afghani-
tan” and that refugees from frontline areas were likely to continue to arrive dur-
ing the winter months, given the conditions in their area of origin. However, the
UNHCR felt a lot of pressure to make some accommodation with the GoP, which
was encouraging it to open camps inside Afghanistan. In light of this proposition,
this author and other UNCO colleagues visited Torkham, and the proposed refu-
gee site at Jalalabad, some 50 kms west of the border with Pakistan, in November,
2000 and concluded that there was no basis for considering the creation of an IDP
or any other type of camp in this part of Afghanistan. Pakistan was not enforcing
its ban on new arrivals in a stringent manner, and there was no longer a pile-up
of Afghans seeking to cross the border, as had happened in the initial days after
the ban’s announcement. It was also apparent that Afghans, especially Tajiks and
other minorities who were harassed when passing through Torkham, were going
to take alternate routes over remote mountain passes to avoid Taliban and GoP
border officials.

The first year of the new millennium came to a close with the prospect of
more war, more human rights violations, more sanctions, continuing drought, and
deeplening poverty, exacerbated in part by the effective Taliban imposition of its
ban on poppy production. It was increasingly difficult to maintain humanitarian
space, given a spate of Taliban edicts and decisions that hindered access to par-
ticular groups and made it extremely difficult for agencies to support programs
designed to help vulnerable women, including a high proportion of female-headed
households. It also became clear at that time that there was a potential for casu-
also included, for example, the mine-action program, an air service, information ca-
pacity, and the Gender and Human Rights Advisors.

29 UNCO study, Assessment of New Arrivals in the NWFP, Pakistan, Islamabad (October 2000).

30 There had been 2 deaths in a stampede at Torkham; Afghans who had been waiting
for days pushed through the border gates when they were opened for a short period
shortly after the ban was imposed. By 29 November, Torkham border had re-opened
for Afghans with bona fide refugee papers which effectively meant that Afghans who
were in Pakistan a long time and were comfortable returning home for short periods
could do so while Afghans fleeing threats to their lives were denied entry and asylum.

31 Two notable examples include Edict #8 issued in July 2000 which forbade aid agencies
to employ Afghan women outside the health sector. This had immediate and dramatic
repercussions for a planned WFP household survey in Kabul to determine who was
most vulnerable and to counter well known corruption in the use of food coupons for
subsidized bread. Given Afghan cultural realities it was not possible to deploy male
staff to undertake a household survey that necessitated interviews with households
headed by women. Another example was the Taliban decision to close down WFP
subsidized female-run bakeries without any prior notice. The Taliban decided not to
implement this after pressure from the public and aid agencies. See Matthew Fielden
and Sippi Azerbaijani-Moghadam, Female Employment in Afghanistan, A Study of De-
cree #8, UNCO, Islamabad (October 2001).
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The crisis was compounded by the Taliban—who were proving more and more difficult to work with—and at the same time by the strenuous efforts at the international level to depict them as the sole cause of all problems in Afghanistan. Exacerbating the situation, there was a one-sided arms embargo that effectively ensured the continuation and intensification of the fighting.\(^\text{32}\)

Growing numbers of Afghans were fleeing their homes and villages, but the vast majority were too poor, unable, or unwilling to flee.\(^\text{33}\) It was these internally stuck people—referred to by the UNCO as Internally Stuck People (ISPs)—who were of most concern as their suffering was largely hidden and difficult to alleviate. Definitive figures were not available, but an estimated 12 million Afghans, or roughly half the population, were deemed hungry or undernourished at this time.\(^\text{34}\) The agreed strategy was to target vulnerable families in their home communities and to avoid encouraging the emergence of IDP camps or the entrenchment of spontaneous settlements.\(^\text{35}\) However, it was equally clear at the end of 2000 that significant numbers of Afghans were fleeing persecution or insecurity as a direct result of armed conflict and related military activities, and it was both unethical and inappropriate to attempt to preempt or ignore such population movements.\(^\text{36}\)

\(^{32}\) It was increasingly apparent from mid-2000 that the hardliners and non-Afghans in the Taliban Movement were in the ascendant. It was also clear that the more the Taliban were pushed into a corner, the more ideological and anti-Western they became. This perspective was underscored in February 2001 by the destruction of artifacts in the Kabul Museum and Taliban insistence on blowing up the two famous and ancient Buddha statues of Bamyan a short while later.

\(^{33}\) Given the nature of the terrain in the Central Highlands, for example, and the widespread use of landmines, especially by the Northern Alliance when they attempted to establish pockets of control in Taliban-held areas, it was difficult, dangerous and expensive to flee.

\(^{34}\) An MSF study (January 2001) showed that mortality rates among children less than five in villages it surveyed in Faryab Province was 5.2 per 10,000 daily.

\(^{35}\) Compared to other crises, and prior experience in Afghanistan, IDP numbers did not appear alarming—by September 2001, they hovered around the one million mark—but the resources of the aid community were already stretched to breaking point trying to help Afghans in drought affected areas, the urban poor, and communities directly affected by armed conflict and gross human rights violations. IDP camps were widely seen as problematical and not part of the solution even if, on occasion, they could not be avoided. Women and minorities were particularly vulnerable in IDP camps and young men were at high risk of forced recruitment. Camps, however rudimentary, tended to act as a magnet for additional displacement contributing to a vicious and unending dynamic that was beyond the scope of the aid community to address given the limited humanitarian resources (technical and financial) that were available. IDPs were known to absorb a disproportionate amount of available resources as well as media and donor attention. It was also of concern that IDP camps near to border areas would be used to undermine the right to asylum.

\(^{36}\) In addition to sporadic fighting in the Central Highlands and northern frontline areas, 8 civilians including IDPs were killed in a Taliban bombardment in the Panjshir Valley in February 2000 which coincided with fighting in Kunduz. A failed Taliban offensive
Thus, while the majority of at-risk Afghans needed urgent help in their places of origin, those who fled their homes were no less in need of, and entitled to, life-saving interventions.

**B Protection, politics, and policy wars**

From a humanitarian perspective, a central issue as the crisis deepened throughout 2000 was the alarming number of Afghans who faced diminishing chances of survival, a large proportion of whom were in need of international protection. However, there were significant differences of opinion within the United Nations on the push to send Afghans back to Afghanistan and the role of the UN in relation to this. On the one hand, UNHCR Pakistan was consumed with its efforts to secure an agreement with Pakistani authorities that would allow those Afghans deemed to be genuine refugees to gain asylum. However, it was apparent to aid personnel working in Afghanistan that much of the country was refugee-producing rather than refugee-receiving at the end of 2000. The UNHCR's approach was hotly contested by Afghanistan-based field staff, who considered it unethical and imprudent to facilitate the return of Afghans to places that posed well-documented threats to their survival.

This situation was not helped by the fact that since the 1980s, UNHCR operations in Afghanistan's neighboring countries were run as individual national programs, so that there was no regional refugee strategy. The refugee programs in neighboring countries were also run separately from the agency's activity in Afghanistan. This hampered efforts to develop a comprehensive portrait of the Afghan crisis and attempts to pull together a unified strategy on vulnerability, displacement, and refugee flows. It was apparent that the UNHCR was unable to address protection requirements adequately, had serious difficulties sorting out internal policy differences, and was dependent on other agencies to support assisted and spontaneous returns to a country reeling from the effects of war, drought, and repressive Taliban

against Taloqan in August 2000 resulted in 100,000 IDPs; when the Taliban succeeded in ousting Massoud from Taloqan on 5 September, more people fled although an estimated 70 per cent of the town's population returned before the end of the year. 2001 began with a massacre in Yakawlang in Bamyan province with Bamyan town itself changing hands in February for the third time since 1998. Continued hit-and-run offensives by Northern Alliance troops in the Central Highlands meant that by May 2001, Yakawlang had changed hands four times within a 4½ month period. Attacks in Ghor in Western Afghanistan in July and August accelerated population flows as did intensified Taliban efforts to forcibly recruit young men as fighters in the north.

A UNCO study in Balochistan in March 2001 found that the flow of new arrivals was “due to drought, war or a combination of both.” The study found that, in general, new arrivals “from southern provinces left because of drought which has been exacerbated by the accumulated effects of war ...”, those from northern and central provinces “fled primarily due to a combination of drought and war” while those from “northeastern provinces escaped fighting.” See UNCO, *Assessment of Newly Arrived Afghans in Balochistan*, Islamabad (19 March 2001).
policies. However, the UNHCR's institutional reflex, which demanded that it alone fashion the scope and nature of the response to the problems confronted by Afghan refugees, complicated the formulation of system-wide policy.

In the last four months of 2000, more than 120,000 Afghans had fled to Pakistan, and that pattern was set to continue as news of yet another massacre, this time in Yakawlang, filtered out at the end of January 2001. Simultaneously, the UNHCR faced problems raising resources for the refugee influx and obtaining GoP agreement to interview and help new arrivals in Jalozai. The media in Pakistan maintained an anti-Afghan bias and suffered from historical amnesia, forgetting Islamabad's desire to host Afghan refugees when they were useful pawns during the Cold War. The media, rarely if ever, referred to Pakistan's support for the Taliban, including its steady supply of arms throughout the Afghan "civil war." Senior UN officials and intergovernmental fora were equally reluctant to confront, or give voice to, the role of Pakistan in aiding and abetting the very conditions that obliged Afghans to flee, once it was clear that diplomatic efforts to secure respect for asylum rights had failed.

During the first few months of 2001, various senior level UN officials did push for change in the GoP position, particularly in terms of the ban on new arrivals. The UNHCR also needed a green light to help newly arriving refugees at a new site and a formal agreement on screening (to facilitate effective humanitarian action toward refugees as well as voluntary repatriates) to head off refoulement of bona fide refugees. General Musharraf, Pakistan's self-appointed Chief Executive, was generally

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38 On 28 December 2000, Northern Alliance (also known as United Front) troops captured Yakawlang and made their base at a local hospital where they killed a sick Taliban soldier. On 7 January 2001, Taliban forces marched on Yakawlang where they met strong resistance and had to retreat. With reinforcements, they attacked again and opposition forces withdrew. A HRW report explains that the Taliban began rounding up "civilian adult males, including staff members of local humanitarian organizations. The men were herded to assembly points in the center of the district and several outlying areas, and then shot by firing squad in public view. ... The killings were apparently intended as a collective punishment for local residents whom the Taliban suspected of cooperating with United Front forces, and to deter the local population from doing so in the future." The Yakawlang massacres resulted in the death of some 170 people including ten Afghan aid workers and massive displacement as villagers fled for their lives into the nearby mountains where lack of shelter in the freezing cold was a huge problem resulting in further deaths. See HRW, Massacres of Hazaras in Afghanistan, New York (19 February 2001).

39 The UNHCR was urged repeatedly to do studies illustrating the overall impact of Afghans on the Pakistani economy, as well as regional migratory flows and projections, to facilitate more informed debate in Pakistan. After two decades of refugee experience in Pakistan there were good reasons, over and beyond the controversy of 2001, to have a more informed understanding than was available of the impact and contribution of Afghans to Pakistani society and the way in which the refugee experience had, report­edly, shaped the genesis of the Taliban movement.

40 The UNHCR was reluctant to use the term "refoulement" arguing that most Afghans had not been interviewed/their individual status had not been determined. However, in
seen as conciliatory, particularly in the context of a visit by UN Secretary-General Kofi Annan in March. However, Pakistan's Foreign Minister and other senior government officials were adamant that GoP policy had not changed and that the UN had to do more to stem the refugee flow by providing more aid and building more camps inside Afghanistan. GoP officials stated constantly that the new arrivals were economic migrants and even claimed that there was no war in Afghanistan.

While the GoP held a firm line, arguing that Afghans were better off at home and should stay there, the UN had serious difficulty — and expended a great deal of energy — trying to define its position and an agreed approach to the problem. In the process, its diffused efforts weakened its capacity to address the protection needs of Afghans both in and outside the country.

At the end of January 2001, the UN Afghanistan and Pakistan Country Teams (hereinafter UNCT) met to hammer out a joint policy on refugees, but from the outset, there were divergent perceptions as to the core nature of the problem and how it should best be addressed. Personnel working in Afghanistan were acutely aware that the situation was deteriorating fast, and they were facing an uphill battle to mobilize additional resources and reach the most vulnerable. It was equally clear that asylum and international protection were essential for the survival of many Afghans, as there was precious little that aid agencies could do to ensure the physical security and integrity of at-risk people in frontline areas or at the receiving end of deliberate Taliban abuse.

UNHCR Pakistan was very conscious of government pressure to block the arrival of Afghans seeking asylum and floated different ideas to address the GoP agenda, including a camp near Jalalabad, in Afghanistan, on the road to Torkham, to interview prospective new refugees. This proposal was met with incredulity when presented to the Afghanistan UNCT, as did suggestions for additional IDP camps in Afghanistan. The basic premise of Afghan-based UN aid agencies and partner NGOs was that IDP camps should only be established when there was an evident need, such as significant concentrations of displaced in a particular locality, and when camps did not undermine the right to seek international protection. The

the glory days of the Cold War, the UNHCR had always referred to this population as refugees. Once an individual meets refugee criteria, he or she is a refugee with the right to international protection whatever the status of related administrative procedures.

These included (a) encourage the GoP to work with the UN to assist new arrivals on a temporary basis in Pakistan, (b) the UN to focus on increasing aid inside Afghanistan, and (c) continuing help to IDPs.

The NWFP Governor said recent arrivals were “economic benefit seekers and not refugees as there was no war in Afghanistan” and added that the “compulsion to come here is food, not war ...” See “Governor adamant on Afghan refugee problem”, IRIN, Islamabad (2 February 2001).

Various studies, including one by the WFP in February, found that conflict, and related security concerns, was an immediate factor in the decision-making of 89 per cent of new arrivals in Shamshatoo and Akora Khottak camps in Pakistan. The majority of new arrivals hailed from northern and Central Highlands frontline areas where minorities suffered the most at the hands of the Taliban.
position of the Afghanistan UNCT was that the UN should pursue a two-pronged approach, namely more protection for Afghans whether IDPs, refugees, or in situ, and more material assistance for all vulnerable Afghans whether in Afghanistan or a neighboring country. However, there was constant re-interpretation of this two-pronged strategy when, almost invariably, the protection element got dropped by interlocutors working outside Afghanistan. For example, in mid-March, a few days after Kofi Annan’s visit, the Pakistan UNCT referred to the two-pronged approach as more help inside Afghanistan and reassurance to the GoP that the UN would assist repatriation. For UN staff working in Pakistan, the priority was to achieve consensus on Jalozai, a camp that received a lot of media attention, given the visibility of the suffering and the GoP intent to make it an example by minimizing assistance to deter further arrivals.

The split in UN opinion was thrown into a tailspin on 15 March when word reached Islamabad that Mr. Lubbers, the new UN High Commissioner for Refugees, was quoted in Washington to the effect that he hoped to assist the return of 1.5 million Afghans, a move that the journalist Norman Kempster noted “would require close cooperation with the Taliban and a sharp increase in aid to that pariah state.” The article noted that Mr. Lubbers said categorically that many Afghans “may no longer qualify as refugees under international law now that the fighting has died down and the Taliban controls about 95% of the country.” Kempster’s article was met with disbelief and consternation within aid circles in Afghanistan, where the official position was that the UNHCR would only consider voluntary repatriation to “areas conducive to return,” that is, areas that were safe and where reintegration was likely to be sustainable. The latter entailed the presence of aid agencies that were in a position to assist receiving communities with such basics as rehabilitation of shelter and irrigation systems.

Given the spate of conflicting signals, and different interpretations of the earlier agreed two-pronged policy position, there was great concern that the limited progress made during Kofi Annan’s visit had been negated and that actors beyond Afghanistan still did not appreciate just how bad the situation was in the country.

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44 In a context of violent conflict and repression, humanitarian actors in Afghanistan had limited capacity to address protection problems that directly put lives at risk as a result of armed violence.

45 Throughout this period, the Taliban gave mixed messages, calling for an IDP camp at Jalalabad and occasionally exhorting the GoP to be “brotherly” to Afghan refugees.

46 The fact that negotiation with the Taliban was presented as the key issue rather than the plight and rights of Afghans reflected international political thinking at the time. See Norman Kempster “Official offers Afghan Refugee Plan Aid: UN agency chief proposal to negotiate with the Taliban is expected to spark controversy, especially in the US”, Times Mirror Company, Washington (14 March 2001).

47 Ibid.

48 Of course, all of this discussion was happening within the context of an Afghanistan that the world loudly berated for its brutal discrimination against women, a concern that did not feature to any significant degree in the refugee debate.
The absence of a common analysis, strategy, and policy in relation to refugees was clearly to their detriment and that of other vulnerable Afghans in Afghanistan. After lengthy consultation, the UN Coordinator, Erick de Mul, went to Geneva for meetings with the High Commissioners for Refugees and Human Rights, armed with a consensus field position of the Afghanistan and Pakistan UNCTs. He also had maps that showed the extent of fighting, food insecurity, and population movements.

When De Mul met Ruud Lubbers in Geneva at the end of March 2001, he was eloquent in explaining the horrors of life for most of the people in Afghanistan. He made it clear that the Taliban had substantial resources to continue waging war, and were unrelenting in their oppression, so it was unrealistic to expect the refugee exodus to cease. Stressing that Afghans would leave Afghanistan either horizontally (across borders) or vertically (through death), he advocated a more frontal approach to the issue of asylum, including highlighting the connection between external support for war and refugee flows. But at a time when the UN Security Council had introduced a one-sided arms embargo favoring anti-Taliban forces, no one had the stomach to challenge the status quo, whatever the consequences for vulnerable Afghans. The need to accelerate preparations for a Forum on Refugees and Displacement was also discussed, but the UNHCR was unenthusiastic about an open meeting concerned with regional policy on the Afghan refugee and displacement situation.

It was increasingly apparent that dissension within the UNHCR itself meant that it was pursuing a multi-track policy that equated protection with screening of new arrivals (in line with refugee criteria) and assisted return for voluntary and spontaneous repatriates, while advocating increased support for IDPs and others in Afghanistan. In other words, the UNHCR was narrowing its focus and downplaying the lack of protection in Afghanistan that prompted so many to flee and colored the decision of those reluctant to return home. This was underlined in an interview Mr. Lubbers gave to Online Newshour, in which he said that given the extent of Taliban control, it was inevitable “that we find a policy whereby substantial numbers of refugees will go back to Afghanistan itself and that the Taliban regime takes care of them.” When asked specifically if he was prepared to send people back “to one of the worst countries in the world in which to live,” Mr. Lubbers responded that it was a difficult choice, but Afghans had to be assisted to live in their own country. He noted that the Pakistani authorities felt overburdened with millions of refugees and referred to the need for female empowerment projects in Afghanistan and a more ambitious resettlement program to third countries. Of course, programmes to empower females required a stable environment as well as long term and predictable funding.

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49 Personal notes, Geneva Meetings (March 2001).
50 Online NewsHour interview with Mr. Lubbers by Ray Suarez (27 March 2001), available at <www.pbs.org/newshour/bb/asia/afghanistan/lubbers.html>.
51 Ibid. Mr. Lubbers also called for more dialogue with the Taliban and referred to sanctions and the boycott of the Taliban as one of the factors behind the refugee flow.
52 Of course, programmes to empower females required a stable environment as well as long term and predictable funding.
ghan refugees was important, but it had little impact in terms of attitude or policy changes. Some donors did increase funding for refugees in Pakistan, but European Union and other Western countries showed little interest in opening their doors to refugees or supporting measures geared to upholding international refugee law. As in other crisis settings, as long as the problem was contained and did not arouse domestic public opinion, rich countries were content with the status quo.

Meanwhile, back in Pakistan, Syed Iftikhar Hussain Shah, the Governor of the North West Frontier Province, claimed in an interview with IRIN (Integrated Regional Information Network, an OCHA supported humanitarian news service) on 28 March that there was no persecution in Afghanistan and that all Afghans who had not been formally registered as refugees should be returned, “but all those who had been in Pakistan for over two years would be exempt.” This essentially excluded all new arrivals and was ethnically biased and partisan. Mr. Shah was effectively making a distinction between Pashtun and non-Pashtun refugees, since most of the former had arrived in pre-Taliban times, when Pakistan and its allies were supporting anti-Soviet resistance.

The debate in the media continued throughout April, as did discussion in the humanitarian arm of the UN, but to no great effect in terms of forging a consensus. Mr. Lubbers was convinced that part of the answer was getting more Afghans to return home, and he announced that he was going to Afghanistan to appeal for a six-month ceasefire so that aid efforts could be strengthened, thereby facilitating repatriation. His Afghan visit did not produce a cessation of hostilities, and discussion on this with the warring parties merely underlined the stalemate on the political front. The fact that the UN had significantly scaled up its activities in Afghanistan – WFP was feeding 3 million people a month by the end of April – while the refugee exodus continued unabated did not resonate at UN headquarters.

Media coverage of the refugee situation was unrelenting, with much of the focus on the dire if not unique conditions at the Jalozai camp, near Peshawar in Pakistan. A New York Times article described it as a place of “utter wretchedness” and “a graveyard of the living” for those seeking refuge there. In early May, the

54 However, by end April some SC members were openly querying the sanctions approach as the sole strategy to the Afghan crisis.
55 In the eyes of many, it underscored how off-course the UN was in that humanitarian actors felt obliged to assume a peace-making role given the absence of viable initiatives from the political arm of the UN.
56 Barry Bearak, “To escape war-ravaged, drought-parched Afghanistan, 80,000 have crammed into a place of epic wretchedness in Pakistan”, New York Times (29 April 2001). The UN mostly took a beating in the press and was contrasted with the efforts of others such as Jemima Khan, a prominent personality in Pakistan and the UK, who, in two weeks, raised $86,500 that was used to buy tents and other essential supplies. She was also very outspoken about the inhuman conditions in the camp particularly for women and sick children. See “Jemima Khan raises funds for Jalozai”, IRIN, Islamabad (30 April 2001).
Pakistan UNCT agreed to consider discrete help to Jalozai prior to an ironclad agreement with the GoP which was unhappy with the wave of negative publicity that the plight of recent Afghan arrivals had generated. Mr. Lubbers proposed a package of measures for Islamabad's consideration, including joint UNHCR-GoP screening at Jalozai to determine who among the new arrivals were refugees and increased UNHCR support to IDPs in eastern Afghanistan, while it initiated the development of the screening teams.

An interim Afghanistan Support Group (hereinafter ASG) meeting in Islamabad in June 2001 concluded that it was important to avoid a revolving-door situation, particularly regarding Afghans who were not considered entitled to refugee status during the screening process. The ASG reiterated the need for a Refugee and Displacement Forum to consider issues from a regional perspective, and reached broad consensus “on the need for interventions of a long-term nature” on the rehabilitation front, noting that it was “safe to invest in carefully targeted development activities such as education and agriculture.” In other words, the ASG had finally faced up to the need to go beyond emergency relief interventions to curb the pace of the deepening crisis, related population movements, and rising mortality rates.

However, when it came to refugees, the GoP was no less intransigent than before, even though the aid community, with donor support, had significantly expanded its activities in Afghanistan. In mid-June, GoP authorities called again for the creation of a camp in Jalalabad, stepped up the pace of forced returns and harassment of refugees, and issued a new eviction order to residents of Nasir Bargh, a camp that had existed for more than a decade close to Peshawar. UNHCR Pa-

57 Various organizations including the Human Rights Commission of Pakistan had issued statements, or written to Mr. Lubbers, in anticipation of his visit and discussions with GoP officials. In May, more than 20 children died within a few days from heat exposure and the WFP began to deliver food supplies.

58 Up to this point, the UNHCR had been minimally involved with IDPs who received help from the ICRC and NGOs as part of an agreed division of labour. The UNHCR also proposed an inter-Ministerial level meeting to increase international support for UNHCR's strategy on IDPs and refugees but given UNHCR's fluid position on Afghan refugees, and minimal engagement till then on IDPs, this proposal encountered various difficulties. The Forum meeting on regional refugee and displacement issues was finally held in October 2001 when the situation in Afghanistan was on the verge of regime change and a new chapter in its history.


60 The ASG also noted that improving the human rights situation was fundamental to effective peace-building and that it was imperative to respond quickly to help farmers adversely affected by the ban on poppy production.

61 On 15th June, an Afghan refugee, Mr. Salahuddin Samadi, a father of 6 young children, was stopped when traveling to Islamabad airport where his sister was taking a flight to Germany. When he failed to produce the requisite bribe, he was beaten by the police and died of his injuries on 26th June. A delegation of Afghans marched on UNCO
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Pakistan considered that it had no option but to comply with GoP demands, even when the GoP stalled on an agreement, brought forward the agreed repatriation schedule, and used a bulldozer to demolish homes in Nasir Bargh prior to any decision-making by the residents. The UNHCR's credibility continued to head south when aid workers learned that it had agreed to support voluntary repatriation to anywhere in Afghanistan for Jalozai residents, the majority of whom had fled frontline areas; this was contrary to early assurances that assisted return would only be to selected areas identified as conducive to reintegration. UNHCR Pakistan and Afghan-based agencies disagreed on the level of coercion being used to convince Afghans to return "voluntarily"; one outcome was that the UNHCR handed out cash payments to returnees for its initial return convoys during the first week of July as UNCO, WFP, and others did not want to facilitate a process that fell far short of basic protection standards and set an unhelpful precedent. In the eyes of many, Afghans were being put in the position of jumping out of the frying pan and into the fire, while the UNHCR argued that it felt compelled to agree to "exceptional" arrangements (including repatriation prior to screening) for Jalozai residents to facilitate a wider agreement with Pakistan. The UNHCR's position that screened-out Afghans were not its concern added to perceptions that the UN was being ostrich-like and worse, given the horrendous situation of growing numbers of Afghans in and outside the country.

The next day to protest the treatment being meted out to them and the general lack of interest of the UN in this. A US Committee for Refugees report noted that "refugees have less and less confidence in UNHCR to protect them. They don't expect anything from UNHCR." See "Afghan Refugees Shunned and Scorned", Washington (September 2001). UNHCR Pakistan issued a lengthy press release on World Refugee Day, 20th June that referred on numerous occasions to Afghan refugees being a burden, references that did not add to its luster in aid circles. The UNHCR was widely seen as being more concerned about cordial relations with the GoP than delivering on its protection responsibilities.

Neither did WFP have adequate food pre-positioned to hand out as part of the return package. The UNHCR paid $117 per family as an exceptional measure to cover transport and food costs. Subsequently, families received $90 and 150 kg of wheat when they repatriated under the auspices of the UNHCR.

A UNCO study on the circumstances surrounding forced returns, and consequences of this, found that Afghan men were routinely picked up by Pakistani police in urban areas and that individual police zones had to reach daily quotas to catch and return Afghan males. One outcome of this policy was a significant increase in the push for bribes as various police stations exceeded their quota. Fear of GoP harassment created great anxiety among refugees and restricted their mobility and livelihood opportunities. The study also found varying degrees of collusion with the Taliban authorities who sometimes obliged young men pushed back at night to go to the front to fight. See UNCO, Study on the forcible return of Afghans in NWFP, Pakistan, Islamabad (May 2001).

However, while the UNHCR decided that it had no responsibility for those who were screened out, it argued that the WFP should provide food to screened-out vulnerable families.
Polarization within aid circles on the refugee situation contributed to a barrage of media reports during July and August, with conflicting views as to whether Afghans had any real choice in their decision to return and the prospects for those who did repatriate or were pushed back from Pakistan. Thus, for example, while the UNHCR was quoted to the effect that returning Afghans knew best about conditions in Afghanistan (which they undoubtedly did), when asked in a study conducted by the International Refugee Committee to explain why Afghans were signing up to repatriate, the same article noted that two-thirds of Jalozai residents cited "armed conflict and persecution" as the main reason for fleeing. A few days earlier, a senior official from Commissionerate of Afghan Refugees (hereinafter CAR), a GoP entity, noted that demolishing 20-30 houses in Nasir Bagh would be sufficient "to create fears and pressure regarding the immediate vacation of the camp." When the UNHCR claimed that the "vast majority" were going home to their places of origin, a closer study of the UNHCR's own reporting found that a mere 51 per cent were able to recover their original lands and homes, and only 21 per cent said they returned because security had improved since they left Afghanistan.

Clearly, it was "push" rather than "pull" factors that were determining the return of refugees to Afghanistan in 2001. In late July, an IRIN article indicated that 700-1,000 Afghans were crossing daily into Iran. According to an International Rescue Committee (July 2001) survey of families in Nasir Bagh, 80 per cent "did not know where to go or whether to remain in Pakistan." Speaking to IRIN, one elderly resident, Zahir Khan Jabberkhal, declared, "it is a catastrophe" and queried how Afghans were expected to return given the war and disastrous conditions inside the country and stressed that "we are not going out of our free will and we don't know where to go."

On 2 August, 2001, after much arduous negotiation, the UNHCR and the GoP signed a screening agreement that, in principle at least, provided a framework for

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65 It is worth recalling that Iran continued to forcibly return Afghans throughout this period while some 10,000 Afghans were trapped between the Afghan and Tajik borders, on the Amu Darya river, not allowed entry to Tajikistan and unable or unwilling to return to Afghanistan.
66 "Afghans repatriated from Jalozai", IRIN, Islamabad (11 July 2001).
68 "Majority of repatriated going back to original homes", IRIN, Islamabad (20 July 2001).
69 The UNHCR's own figures indicated that 82,000 Afghans had been expelled from Iran during the first six months of 2001 and 3,400 from Pakistan, a figure generally considered on the low side. During the same period, 39,600 Afghans repatriated from Iran and Pakistan. At the same time, Afghans continued to flee their places of origin to become refugees or IDPs.
70 "Iran: situation for Afghans deteriorating", IRIN, Islamabad (27 July 2001).
71 "Focus on Afghan refugee removal from Nasir Bagh", IRIN, Islamabad (25 July 2001).
72 Ibid.
temporary protection for Afghans who met agreed criteria that reflected, in part, the Organization of African Unity (hereinafter OAU) refugee definition, which is much less restrictive than the 1951 Refugee Convention definition. In an IRIN article, the UNHCR expressed satisfaction with a pre-screening exercise designed to see how many Afghans were willing to sign up for repatriation, but most aid workers remained skeptical as news continued to emerge of refugee reluctance to return. The same article quoted a Nasir Bagh resident who indicated that “most of us don’t want to go back, but it seems that the screening will force us to do that.” Indeed, the screening agreement did not significantly change GoP attitudes and practices vis-a-vis recent Afghan arrivals. During a UN-sponsored visit of senior GoP officials to Afghanistan (so that they could see for themselves the work of aid agencies and prevailing conditions), the delegation, which was accompanied by the UN Coordinator for Afghanistan, Mike Sackett, was accosted in Jalalabad by Afghans. They had just been refouled from Jalozai, where they had arrived a short while earlier, after a 500 km trek from Sangcharak, a brutally contested area in north-central Afghanistan. It transpired that the Afghans had been tricked into leaving Jalozai and thought they were going to Shamshato, a nearby camp.

These were not the only Afghans who protested the circumstances surrounding their return to Afghanistan. Shamsul Huda, a young father of two, said the situation in Pakistan was unbearable for Afghans, adding that the “Pakistani government gave us a deadline and here we are”; they “call this a voluntary repatriation programme,” he said “but its real name is deportation.” On 31 August, the UNHCR temporarily suspended the screening operation to protest the forced return of those Afghans who had met the GoP delegation and the UN Coordinator in Jalalabad. A UNHCR spokesperson in Pakistan said the deportations were “incomprehensible” and were “a clear breach of the screening agreement,” and that the

73 The UNHCR-GoP agreement also made allowance for vulnerable Afghans who were screened-out namely people with specific needs such as unaccompanied elderly and people originating from drought-affected areas; such screened-out vulnerable people were allowed to stay in Pakistan until conditions affecting their vulnerability changed. The agreement called for immediate screening to begin at Nazir Bagh and Jalozai, and later at New Shamshato camps. The UNHCR said the agreement represented a “fair compromise” including “phased return” for screened out vulnerable Afghans such as female-headed households. However, the agreement “contained no commitment from the government to refrain from deporting Afghans from urban centers or other camps.” See U.S. Committee for Refugees Report, Afghan Refugees Shunned and Scorned, Washington (September 2001) at 38.

74 “Focus on controversy over refugee screening process”, IRIN, Peshawar (20 August 2001).

75 Ibid.

76 Press reports indicated that CAR officials had taken this action “on the directive of the NWFP governor and other high officials”; see The News, “147 Afghans tricked to leave Pakistan,” Islamabad (30 August 2001).

77 “Repatriation from Pakistan picks up pace”, IRIN, Jalalabad (30 August 2001).
UNHCR was seeking an explanation and assurance that no further deportations would occur. 78

This particular drama was only one of many that illustrated the pitiful situation of Afghan refugees. The tug of war within the aid community concerning their plight was overshadowed at the end of August as the UNHCR and others made unsuccessful entreaties to the Australian Government to let 434 mostly Afghan refugees reach Christmas Island after they had been rescued by a Norwegian cargo ship on 26 August. 79 Afghans had applied for asylum “in at least 68 different countries” in 2000, but only a small number ever reached Australia, which had granted asylum to some 3,600 by August 2001. 80 According to the UNHCR, Afghans were the largest single nationality seeking asylum in Europe and North America during the first six months of 2001, with 24,000 applications. 81

Meanwhile, up on the Afghan-Tajik border, aid agencies had been doing battle among themselves and with different sets of authorities as they sought to define an acceptable strategy for some 10,000 Afghans who had fled Taloqan after the Taliban captured it in September 2001 82 and were camped on two islands on the Amu Darya River. 83 The situation was complicated by the presence of Northern Alliance military and artillery in close proximity to the civilians, who gave conflicting accounts as to whether they wished to seek refugee status in Tajikistan. 84 There was

79 John Howard, the conservative Prime Minister of Australia, refused to allow the ship to dock at Christmas Island even though the Norwegian Foreign Ministry advised that the refugees were picked up after a request from the Australian rescue authorities. Howard wanted them returned to Indonesia where they had boarded their un-seaworthy vessel to seek asylum in Australia. See Peter O’Connor, “Hunger-striking refugees threaten riot aboard Norwegian ship off Australia”; The Associated Press, Canberra (27 August 2001).
81 Frontier Post, “24,000 Afghans seeking asylum in Europe”; Peshawar (6 August 2001).
82 The first OCHA Dushanbe Situation Report on these Afghans noted that the area was “close to the frontlines and have been subject to several shootings and shelling. The refugees/IDPs are caught between different forces, including the Russian Border Forces (RBF). At least six people were reported injured due to the shelling that took place during the last two weeks.” The same report indicated that a first joint inter-agency mission led by the UNHCR had visited the area on 11 and 13 November. A second inter-agency mission from 29 November to 1 December “concluded that some 10,000 civilians ... are in serious danger.” See “Humanitarian Situation on the Tajik-Afghan Border” Weekly Update #1, Dushanbe (6 December 2000).
83 As the level of the river rose and fell, it was unclear whether the islands were deemed to be in Tajikistan or Afghanistan or partly in both.
84 By mid-January it appeared that there were no fighters on the island known as #13 but it was generally assumed that any food and other help to this location would attract people from the nearby island, know as #9. A WFP assessment mission in February noted that the presence of Russian Border Forces and Afghan field commanders did
divergence of opinion within aid circles as to what exactly the civilians wanted to do, but it was widely understood that they were unable to make informed, independent decisions, given the controlling role of the armed commanders. Russian military personnel who controlled aid agency access and activity in the area patrolled the Tajik border. In addition, the islands and border area were unsafe, given occasional outbursts of warfare that threatened both the "island Afghans," as they came to be known, and aid personnel.

Lengthy negotiations with Dushanbe and Northern Alliance authorities failed to produce agreement on asylum, unhindered aid agency access, or a separation of civilians and combatants. Agencies went through a stop-go process of providing limited help, especially during the harsh winter months, but could not agree on a common position. The situation was also complicated by different tendencies and perspectives on the part of Afghanistan- and Tajikistan-based agencies, with the former more sensitive to the danger of the Northern Alliance military benefiting from humanitarian interventions – and Taliban perspectives on this – and potential implications for access to beleaguered groups in Afghanistan. The parallel between the situation on the Tajik border and other closed borders that hindered or blocked access to Afghan asylum seekers was apparent to all, as was the potential for Iran and Pakistan to exploit this.

The UN refrained from going public or making senior-level demarches to the Northern Alliance – notwithstanding the visit of Mr. Oshima, the UN Emergency Relief Coordinator to Afghanistan, in February – to relocate its combatants or to assure the protection and well-being of civilians under its control. In March, the UNHCR suspended its activities on the islands, but NGOs persisted in providing periodic assistance with the OCHA's help. The absence of above-board consultation with the civilians, and lack of opportunity for same, would undoubtedly have elicited a far different response if this was in Taliban-controlled Afghanistan. The OCHA headquarters straddled a middle position, agreeing both with the UNHCR and the NGOs, and did not call for the right of asylum to be respected, even though it was clear that the civilians were under the control of armed commanders and the islands were unsafe. This matter was still unresolved when the situation in Afghanistan was transformed utterly by the events of 11 September.

not allow for confidential discussion with the civilians who appeared "to be under tight control of the armed forces". See "Field Visit to Pianj with UNHCR delegation", WFP Dushanbe (20 February 2001).

A Tajik news service report indicated that ISA (Islamic State of Afghanistan) officials are "opposed to the idea of moving the refugees to Tajikistan." See BBC Monitoring Service, Asia Plus, "Refugees languish on Afghan-Tajik border as officials celebrate holidays" (30 December 2000). The UN, for example, was unable to send a mission in early January when it was "denied security clearance by the Russian Border Forces and the Tajik Minister of Security." See "Plight of Afghan displaced remains at an impasse", IRIN, Dushanbe (12 January 2001).
Norah Niland

C  Sealed borders

After 9/11, humanitarian and human rights advocates found it increasingly difficult to get a hearing in Washington and other Western capitals on the implications for civilians of the planned warfare in Afghanistan. When the B-52 bombing campaign began in mid-October, the official position of the U.S. government and its Coalition allies was that war could be waged without harm to civilians or impeding humanitarian action.86 A key issue was the sealing of Afghanistan's borders, apparently at the behest of Washington, which was intent on capturing Osama bin Laden and other Al Qaeda operatives. In contrast to the pre 9/11 situation, the UNHCR and High Commissioner Ruud Lubbers were vocal and steadfast in advocating for the rights of refugees and the need to help those trying to escape the war.

In the end, the borders were never officially opened to asylum seekers, but Islamabad agreed to grant some Afghans “temporary protection” on humanitarian grounds, while urging aid agencies to support camps that emerged just inside the Afghan border. The Pakistani government's small but important concession could be attributed in large part to the persistence of the UNHCR and advocacy efforts focused on upholding the right to asylum. However, as anticipated, camps full of asylum seekers at Spin Boldek and Kilo 46, just inside Afghanistan's borders with Iran and Pakistan respectively, did prove problematic and dangerous for civilians as armed elements sought to usurp these settlements for their own purposes when the Taliban was swept from power at the end of 2001. This experience was but one illustration of the importance of mobilizing aid community support for policies that avoided expedient “solutions” that undermined international law and the right of all fleeing life-threatening conditions to seek asylum and international protection.

V  Conclusion

There are books waiting to be written on the Afghan diaspora experience, particularly from the perspective of the refugees themselves. A chapter on one short, if significant, time period since the beginning of the exodus in 1980 can, at best, provide only a blurred snapshot of the agonizing circumstances, the policy debate, and the conflicting agendas that shaped the response of the aid community in and outside the country.

From the outset, human rights violations were a significant factor propelling Afghans to seek refuge, but very little was done to curb the abuse of civilians. The politicization of the refugee situation, including manipulation of relief activities, was another major characteristic that had severe repercussions for Afghans both at home and elsewhere.

86 After the first few weeks of the bombing campaign there was a clear pattern of “smart bombs” going astray resulting in significant numbers of civilian casualties, bombing of humanitarian and other assets essential for survival – including two attacks on an the ICRC warehouse in Kabul in broad daylight – and use of cluster bombs that are inherently indiscriminate in urban areas.
One of the most striking messages from Afghanistan, particularly in the latter Taliban years, as the crisis deepened and affected millions, was the importance of aid actors working together to develop an overall analysis of vulnerability and a unified strategy to address the problems faced by different groups in both Afghanistan and neighboring countries. The importance of ensuring that help to some did not disadvantage others should be obvious. Similarly, triage proved an unacceptable option to aid personnel when the constraining factors were political agendas driven by an anti-refugee bias. As experience from Afghanistan demonstrated, when Pakistan pressured the UNHCR to restrict the arrival of new refugees, the strategy of sacrificing some to save others met a barrage of criticism in the media that was influential in ameliorating, if not ending, harsh anti-asylum practices.

However, as outlined above, aid actors spent an inordinate amount of time doing battle with each other, given the lack of consensus on refugee policy and the push to send Afghans home at a time when desperate civilians were literally fleeing for their lives and millions were at risk of starvation. One of the most alarming aspects of the contentious debate surrounding refugee policy from mid-2000 to mid-September 2001 was the propensity of senior-level UN decision-makers to dismiss concerns that go to the heart of effective humanitarian action in violent and abusive environments. It was also clear at the time that those who did survive had to struggle daily to eke out a living under the harsh Taliban rule that relegated women to a twilight existence. With the added wisdom of hindsight, it is even more difficult to understand why the UNHCR felt compelled to support a policy of refugee return when all available evidence pointed to the fact that Afghans were dying in unprecedented numbers as a result of war, poverty, and persecution.

The UNHCR was locked into a situation that was partly self-inflicted. It was poorly positioned to influence public opinion either in Pakistan or in UN donor states and had limited credibility among refugees and those seeking asylum. For the most part, it was humanitarian agencies other than the UNHCR that undertook studies to ascertain the conditions and circumstances shaping the refugee exodus. Unquestionably, the UNHCR had limited leverage to influence government policy - in either host or donor states - when rich countries are more interested in containing rather than resolving crises and are reluctant to share the costs of hosting refugee populations that their policies have often helped create. However, the

87 This is not to infer that things improved for Afghans in search of asylum post 9/11. At the behest of Washington, Afghanistan's borders were sealed - ostensibly to stop the flight of Taliban officials - when US bombing commenced in October 2001. Since the initiation of the Bonn peace process in December, 2001 Afghans refugees around the world have been under pressure to return home.

88 Thanks to funding from the Swiss government, the UN Coordinator's office was able to organize or support studies on conditions in place of origin and factors influencing the decision-making of refugees, IDPs and those who were forcibly returned to Afghanistan. Agencies such the International Rescue Committee, MSF, the World Food Programme, and the U.S. Committee for Refugees also interviewed new arrivals and/or examined the coping strategies and situation of refugees in Pakistan and Iran.
institutional tendency of the UNHCR to find pragmatic solutions that downgrade the importance of international protection needs to be challenged. The UNHCR needs to have the commitment and capacity to deliver on its international protection responsibilities. This includes allocating more resources for protection work and less eagerness to adopt agendas that are shaped by narrow national interests, including, for example, attempts to curtail refugee flows by increased support for IDP camps.

In a world that is distressingly indifferent or hostile to refugees, the UNHCR and the wider humanitarian community must invest more heavily in educating public opinion about the root causes of involuntary population movements, which are often, in part, the outcome of external support for abusive authorities and practices as well as the maintenance of an international global order that works to the disadvantage of weak and dysfunctional states and their impoverished populations. In this connection, it is worth highlighting the fact that human rights entities were largely absent from the policy debate and associated efforts to give tangible effect to refugee law. The limited role of these organizations in a protracted crisis such as Afghanistan points to the need for greater collaboration between them and humanitarian agencies.

On a more positive note, experience from Afghanistan shows that the investment in building inter-agency policy-making mechanisms was instrumental in nurturing community-wide awareness of the issues affecting refugees. This, in turn, was critical to advocacy efforts geared to securing compliance with refugee law. Unfortunately, too few resources are dedicated to advocacy or indeed protection work, even though NGOs have an important role to play in pressuring governments and inter-governmental bodies to meet their responsibilities in line with international refugee law.

Similarly, too little attention is given to developing an insightful analysis of the root causes and changing societal dynamics that lead to crisis, disruption of the status quo, and population upheaval. There is very little research, for example, on the extent to which the Taliban phenomenon can be linked to the bitter experience of flight from a rural way of life and the lessons learned in the fundamentalist madrasas that gave the uprooted refuge in Pakistan. Only time will tell if post-regime change efforts in Afghanistan are successful in building a peace strong enough to facilitate the return and reintegration of the millions of Afghans who sought refuge abroad. There are very few insights on the impact of refugees on host societies and how the diaspora experience has affected those who fled and those who remained at home. The push for peace in Afghanistan is, in part, a continuation of the old struggle between traditionalists and modernists that fed the turmoil of the 1970s, prior to the outbreak of armed conflict. The brutality, disruption, and displacement of the war years have deepened the cleavages in Afghan society and this has profound implications for peace and the future direction of the country. The Afghan refugee saga illustrates the fact that contempt for the rights and well-being of refugees and others who are tossed about by the cruelties of protracted warfare has far-reaching consequences at the local as well as the global level.
The Afghan refugee drama is still unfolding, as some 2 million returned home in the first two years after the Bonn Agreement (December 2001). But a recurrent theme from the start of the crisis is that chaos in Afghanistan, as in other disaster settings, cannot be neatly contained or cordoned off behind closed borders. In a world constantly made smaller by globalization and post 9/11 trends, citizens everywhere are affected when people are made to suffer, are disenfranchised, and are obliged to move as a result of human rights violations, inequitable trading systems, unrepresentative governance, or fundamentalist and chauvinistic doctrines that propagate “them and us” perspectives that are the hallmark of racist regimes. In that sense, all the world’s citizens are potential refugees. We all have a stake in upholding international law, norms of civilized behavior, and a global system of governance that counters poverty, exploitation, alienation, and involuntary displacement.