



CENTRE FOR
JOINT WARFARE
STUDIES
(CENJOWS)

OCTOBER 1-15 2023



AFGHANISTAN WATCH

VOLUME 10 | ISSUE 1

'We're So Fearful': Pakistan Rounds Up Afghan Refugees For Deportation



WWW.CENJOWS.IN

OCTOBER 1-15 2023

AFGHANISTAN WATCH

'We're So Fearful': Pakistan Rounds Up Afghan Refugees For Deportation

<https://www.theguardian.com/global-development/2023/oct/14/afghans-living-in-fear-pakistan-to-deport-17m>

Comments

Introduction

There were 89.3 million people forcibly displaced world-wide at the end of 2021. Among those were 27.1 million refugees, half under the age of 18 (21.3 million refugees under UNHCR's mandate, and 5.8 million Palestine refugees under UNRWA's mandate). There were also 53.2 million internally displaced people, 4.6 million asylum seekers, and 4.4 million Venezuelans displaced abroad. [1] There are also millions of stateless people, who have been denied a nationality and access to basic rights such as education, healthcare, employment and freedom of movement. One such refugee crisis of Asia exist in Pakistan where almost 40 million Afghan nationals have migrated/displaced to inside geographical boundary of it since last six decades due to wars, oppressive regimes in Afghanistan and non-demarcation/dispute of international borders. The latest figures from the United Nations High Commissioner for Refugees (UNHCR) estimate that over 3,700,000 Afghans currently reside in Pakistan, with only 1,330,000 registered as refugees. Pakistan is not a signatory to the UN Refugee Convention and lacks a national asylum system.

Historical Perspective

To understand any current problem, inherited perspective of the same needs to be understood in the present context. Genesis of the Afghan refugees crisis in Pakistan lies in history. Afghanistan does not honour the present day Durand line; the international border between Pakistan and Afghanistan, which was drawn before the existence of present day Pakistan by mutual agreement between British and Afghan in 1893. Drawn by British diplomat Sir Mortimer Durand as part of a Durand line agreement between the British Raj and Afghan Amir Abdur Rahman Khan to define the limit of their respective spheres of influence in the region. The line is named after its creator and runs for nearly 2,640 km (1,645 mi) from the Hindu Kush in the west to the Pamir Mountains in the east.

[1] United Nations, "Peace, Dignity and Equality on a Healthy Planet, UNO Global Issues, [Online: Web], Accessed: 31 October 2023, URL: <https://www.un.org/en/global-issues/refugees>

OCTOBER 1-15 2023

AFGHANISTAN WATCH

The original intent of the Durand Line was to serve as a temporary demarcation until a more permanent solution could be reached between Afghanistan and British India. However, after the British withdrawal from Afghanistan in 1919 following the Third Anglo-Afghan War, the line became increasingly relevant as an international border. In 1947, when British India was partitioned into India and Pakistan, the Durand Line became the de facto border between the two newly independent states.[2]

Ethnic settlements of Pashtun tribes on both sides of Durand line continued to stay without any major impact on their lives between 1893 to 1947. Also post 1947, the porous border did not pose any problem for both the nations till 1979; when the Soviet war era began. Mass exodus of poor and lower strata population mainly after the USSR invasion led to a major swell up in numbers of Afghan refugees in Pakistan. The second wave emerged after the US-Taliban war in 2001 post 11 Sep attacks. Constant wars, oppressive Taliban regime, lack of basic amenities, ethnic affiliations and porous borders led to continuous movement of Afghan nationals to Khyber, Baloch and Sindh regions of Pakistan. " According to the UN high commissioner for refugees (UNHCR), there are almost four million Afghan refugees living in Pakistan, 700,000 of whom fled after the Taliban regained power more than two years ago. About 1.7 million are deemed to be in Pakistan illegally, with little legal protection or means to get asylum." [3]

Deportation : Why does Pakistan Want The Return of Afghans

Since the return of the Taliban regime in power in Afghanistan, there has been constant strain on bilateral relations between the Pakistani Government and Taliban. Also recent terrorist attacks on Pakistan security forces by Tehrik-e-Taliban Pakistan (TTP); which is aligned to Afghan Taliban, are considered to be the main reason in the policy shift of Pakistan towards Afghan refugees. Pakistan has seen a dramatic surge in violence this year with the majority of attacks occurring in the northwestern province of Khyber Pakhtunkhwa and the southwestern province of Balochistan, both of which border Afghanistan. The Pakistan government has repeatedly alleged that the Afghan Taliban is giving safe harbour to fighters belonging to the outlawed TTP.

[2] Usman, (2023), "What is the Durand Line?", Learn At Noon, [Online: Web], Accessed: 31 October 2023, URL: <https://www.learnatnoon.com/s/en-pk2/what-is-the-durand-line/>

[3] Shah Meer Baloch and Hannah Ellis Peterson, "2023", "We are so Fearful: Pakistan Rounds up Afghan Refugees for Deportation", The Guardian, [Online: Web], Accessed: 31 October 2023, URL: <https://www.theguardian.com/global-development/2023/oct/14/afghans-living-in-fear-pakistan-to-deport-17m>

OCTOBER 1-15 2023

AFGHANISTAN WATCH



Since the TTP's decision to renege on a peace accord with the Pakistani government in November, the group has launched more than 300 attacks in Khyber Pakhtunkhwa province alone this year. The frequency and intensity of the attacks have been increasing. The two latest attacks in Balochistan's Mastung city and Khyber Pakhtunkhwa's Hangu city in September killed more than 60 people and wounded dozens.[4]

Source: The Guardian

Pakistan's Interior Ministry announced on October 3, 2023, that all migrants living without legal status in Pakistan had 28 days to leave voluntarily or face deportation. Broad calls by Pakistani officials for mass deportation have instigated an increase in police abuse against Afghans, including harassment, assault and arbitrary detention. "Afghans in Pakistan have long been a political football kicked back and forth between the two countries with little regard for their rights," said Patricia Gossman, associate Asia director at Human Rights Watch. "With resettlement countries dragging their feet and the United Nations caught off guard by the Pakistani announcement, Afghans are facing the threat of being returned home to face Taliban persecution and a humanitarian crisis." Pakistani officials have blamed Afghans for a recent uptick in attacks by militant groups, linking these to "illegal migrants." [5] Pakistan has not adopted the UN Refugee Convention 1951, which confers a legal duty on countries to protect people fleeing serious harm. During last six months, Pakistan authorities began deporting Afghans for illegally entering the country but arrests and detentions have increased since 03 October 23. Nearly 1,400 Afghans including 129 women and 178 children have been detained in Karachi and Hyderabad alone, the largest number of arrests made to date in Pakistan.

[4] Abid Hussain, 6 Oct 2023 "Why is Pakistan planning to deport undocumented Afghans?" Accessed: 31 October 2023, URL: <https://www.aljazeera.com/news/2023/10/6/why-is-pakistan-deporting-undocumented-afghans>

[5] Fareed Khan @2023 "Pakistan: Threat to Deport Afghans" - Accessed: 31 October 2023, URL: <https://www.hrw.org/news/2023/10/12/pakistan-drop-threat-deport-afghans>

OCTOBER 1-15 2023

AFGHANISTAN WATCH

The mass deportations are being seen as a direct response to the growing hostility between the Pakistan government and the Taliban regime, which Islamabad blames for the recent deadly and uncontrollable resurgence of Islamist terrorism in Pakistan. Recent attacks have largely been carried out by Afghan militants belonging to the Pakistan Taliban and Islamic State's Afghan affiliate, both of which wage war on Pakistan for not enforcing sharia law strictly enough and reportedly have bases in Afghanistan. Taliban officials in Afghanistan have also ignored appeals by the Pakistan government to help stop cross-border terrorism. Shahzada Zulfiqar, a political analyst based in Quetta, says the government is using the mass deportations to send a message to Kabul. "The main objective of this crackdown is to pressure the Afghan Taliban government to stop supporting the Pakistani Taliban," he said. "Afghan nationals have carried out 14 of 24 suicide bombings in Pakistan this year," Zubair Jamali, the Balochistan state home minister, said. "They are involved in destabilising the country and it won't be tolerated." [6]

Border Fencing

Islamabad started fencing its porous border with Afghanistan in March 2017 after facing a spate of deadly attacks from Afghanistan-based Pakistani militant groups in the previous year. Despite a slow-performing economy, disruption caused by the COVID-19 pandemic and a volatile security environment, the work on the border continued mostly uninterrupted in the last four years. So far, 85 to 90 percent of the border has been fenced and the remaining work was expected to be completed by April 2021, however work has yet not been completed. Pakistan's reasons for embarking on this massive fencing project, however, are not only increasing border security and preventing smuggling. The fence will also help Pakistan politically by cementing the Durand Line as the permanent border between the sovereign territories of Afghanistan and Pakistan. [7]

Pakistan's interior minister Sheikh Rashid Ahmed said that fencing along the Durand Line was more than 90 per cent complete and he pledged it would be completed, but the Afghan acting defense minister in an interview with National Radio and Television of Afghanistan (RTA), said that so far Pakistan has not been allowed to complete the fencing. Taliban have not accepted the Durand Line as the 'official' boundary between Afghanistan and Pakistan. There have been frequent skirmishes between Taliban and Pak security forces along the border after the fall of Kabul in August 2021. [8]

[7] Abdul Basit @2021 "Pakistan-Afghanistan border fence, a step in the right direction" Accessed: 31 October 2023, URL: <https://www.aljazeera.com/opinions/2021/2/25/the-pak-afghan-border-fence-is-a-step-in-the-right-direction>

[8] Business Standard @ 16 Feb 2022 "Taliban says they did not allow Pak to continue fencing along Durand Line" Accessed: 31 October 2023, URL: https://www.business-standard.com/article/international/taliban-says-they-did-not-allow-pak-to-continue-fencing-along-durand-line-122021600080_1.html

OCTOBER 1-15 2023

AFGHANISTAN WATCH

Apart from cross border terrorism, dwindling economic state of the nation, political instability and increasing stranglehold of Pakistan army on state machinery have played major role in policy shift of Pakistan government with respect to Afghan refugees. Though in the past Pakistan has carried out deportations of Afghanistan refugees. During a 2016 campaign, more than 6,00,000 Afghan immigrants, both registered and undocumented, returned to their country, according to data compiled by the United Nations High Commissioner for Refugees (UNHCR). A Human Rights Watch report from 2017 called it the “world’s largest unlawful mass forced return of refugees in recent times”. That year saw the exodus of 150,000 Afghans while in 2018, after at least six extensions to a deadline to leave the country, almost 50,000 Afghan citizens, both registered and undocumented, were expelled, according to the UNHCR. [9]

Migrants or Refugees

Afghans in Pakistan are temporary residents from Afghanistan who are registered in Pakistan as refugees and asylum seekers. They fall under the jurisdiction of the United Nations High Commissioner for Refugees (UNHCR). Most of them were born and raised in Pakistan during the last four decades. Additionally, there are also Special Immigrant Visa applicants awaiting to immigrate to the United States. The Pakistani government began admitting Afghans after the beginning of the Soviet - Afghan War in 1979; by the end of 2001, there were almost four million of them on the Pakistani side. As of October 2023, the United Nations estimates that nearly 3.7 million Afghans reside in Pakistan, while Pakistani authorities believe the number to be as high as 4.4 million. Of these, only a few hold the required documentation allowing them to legally stay in Pakistan. As of June 2023, out of total 3.7 million, approximately 13,33,749 are registered refugees, according to UNHCR. [10]



Source: AP News

OCTOBER 1-15 2023

AFGHANISTAN WATCH

Proof of Registration (PoR) Card is an identity document for Afghan refugees that entitles them to legally remain in Pakistan. The card is valid throughout Pakistan. It is important that registered Afghans carry their PoR cards at all times and present it to law enforcement agencies on demand. PoR cardholders have the right to reside in Pakistan and cannot be arrested under the 1946 Foreigners Act or other preventive laws. However, the PoR card does not give immunity from criminal prosecution if bearers are involved in criminal activities or breach the law of Pakistan. The PoR card is not a travel document and does not allow one to cross international borders, including between Pakistan and Afghanistan. PoR cards must be verified by National Database and Registration Authority (NADRA) to enable one to open a bank account, rent a home, obtain a SIM card, etc.[11] Number of Afghan residents are awaiting renewal of their residency cards in wake of announcement of deportation policy by Pakistan government.

Taliban Government's Viewpoint

Taliban regime hasn't taken Pakistan Government announcement to deport Afghan refugees positively. The interim Afghan government led by the Taliban gave a stinging rebuke of Pakistan's announcement, calling it "unacceptable". Government spokesperson Zabihullah Mujahid on Wednesday responded to Bugti's remarks, urging the Pakistani government to "reconsider the decision". Afghan refugees are not involved in Pakistan's security problems, he said on X, formerly known as Twitter, adding that Pakistan "should tolerate them".[12]

Similar plan of action by Iran to deport 5 million Afghan refugees has further aggravated the problem for Afghanistan as well leading to the humanitarian crisis. Iranian Interior Minister Ahmad Vahidi said on September 27 that 5 million Afghans who he said were living "illegally" in the Islamic republic will be deported. Vahidi said the authorities were "close to implementing the plan," although he did not provide further details. Imran, an Afghan living in Iran's southwestern city of Shiraz, told Radio Azadi that the authorities were already "gathering Afghans from cities irrespective of whether they have legal documents or not." [13] However no major deportation or any government directive like Pakistan has been issued by Iranian government. Also, non recognition of Taliban government by the world leading to financial crunch and country experienced its deadliest earthquakes, four of them between 07 to 15 oct 23, killing more than 3,000 people and causing unfathomable destruction in already deprived villages. Majority of nations of world, which remains non committal on helping Afghanistan due to non formation of an inclusive government further make matter worse when it comes to refugee crisis management.

[10] Afghans in Pakistan, Accessed: 31 October 2023, URL: https://en.wikipedia.org/wiki/Afghans_in_Pakistan

[11] Proof of Registration Card (PoR) --- Accessed: 31 October 2023, URL: <https://help.unhcr.org/pakistan/proof-of-registration-card-por/>

[12] Abid Hussain @ 06 Oct 2023 "Why is Pakistan planning to deport undocumented Afghans?" Accessed: 31 October 2023, URL: <https://www.aljazeera.com/news/2023/10/6/why-is-pakistan-deporting-undocumented-afghans>

[13] Abubakar Siddique @ September 29, 2023 "The Azadi Briefing: Iran And Pakistan Plan To Deport Millions Of Undocumented Afghan Migrants" Accessed: 31 October 2023, URL: <https://www.rferl.org/a/azadi-briefing-afghan-migrants-deporting-iran-pakistan-russia/32616150.html>

AFGHANISTAN WATCH

The Way Ahead

Although Pakistan has not adopted the UN Refugee Convention 1951, which confers a legal duty on countries to protect fleeing people from serious harm, it has entered a tripartite agreement with Afghanistan and the UNHCR, which allows the UNHCR to provide Afghan refugees with registration documents that entitle them to stay in Pakistan and open bank accounts. A spokesperson for UNHCR said: "UNHCR acknowledges Pakistan's generosity in hosting one of the world's largest refugee populations for more than 40 years. Since 2021, UNHCR has been in discussions with the government on measures and mechanisms to support vulnerable Afghans. Regrettably, no progress has been made.[14]

As per Taliban government, more than 60,000 Afghans have returned between 23 Sep to 22 October. Also Pakistan government is in process of deporting Refugees back to Afghanistan even before 01 Nov deadline. Actual number of refugees returning back to Afghanistan would only be clear once whole process stabilises on both sides of border. Though Pakistan has declared 01 Nov 23 as the deadline for Afghan refugees to return to their country, it remains doubtful regarding nuances of such large scale deportations which has never taken place in the history of mankind. The Pakistan government has not disclosed any plans about how it intends to deport undocumented people. The task to identify them has been given to the Ministry of Interior Affairs, and regional police and the Federal Investigation Agency are to carry out the deportations. Authorities have said a task force will be created to initiate the crackdown after the November 1 deadline, and those Afghans who do not have documentation will be handed over to Afghan officials unless they are wanted by authorities for suspected criminal activities.[15] Afghanistan is also in the midst of an economic and humanitarian crisis that has left almost half of the population, dangerously food-insecure, with women-headed households disproportionately affected. In such a scenario, any influx of more people in the country will further worsen the socio-economic situation of Afghanistan. This scenario will give rise to breeding grounds for germination of terrorism in the region, which may lead to regional instability.

India is not a signatory to the 1951 Refugee Convention. The Foreigners Act of 1946 governs matters pertaining to refugees, conflating asylum seekers with foreigners who voluntarily enter India. According to UNHCR, the U.N. refugee agency, India hosts more than 15,000 refugees from Afghanistan. (This figure includes the children of Afghans born in India). However, India has shared common historical, cultural, social and economic interests with Afghanistan for centuries. In the meantime, India is not likely to deport any Afghan refugees nor has done so far. Also, the implications of such a large scale deportation which has never taken place in the history of mankind, will unfold over time. At the timing of publication of this report process of deportation of Afghanistan refugees from Pakistan is underway. Final outcome shall be covered in subsequent editions.

By
Col Rajesh Grover
Senior Fellow, CENJOWS

[14] Shah Meer Baloch in Pakistan @ Mar 2023 "Pakistan crackdown on Afghan refugees leaves 'four dead' and thousands in cells" Accessed: 31 October 2023, URL: <https://www.theguardian.com/global-development/2023/mar/02/pakistan-crackdown-on-afghan-refugees-leaves-four-dead-and-thousands-in-cells>

[15] Abid Hussain @ 06 Oct 2023 "Why is Pakistan planning to deport undocumented Afghans?" Accessed: 31 October 2023, URL: <https://www.aljazeera.com/news/2023/10/6/why-is-pakistan-deporting-undocumented-afghans>