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OPINION

Pakistan's Eviction of Afghan Refugees as 'Illegal Foreigners' Causing A Humanitarian Crisis

Zaheena Naqvi & Mohamad Waseem Malla*



Pakistan is currently witnessing a large-scale deportation of Afghan refugees, initiated by the Interim government's nationwide crackdown on 'undocumented' foreigners residing in the country. This move has sparked widespread criticism, with international human rights organisations accusing the Pakistani establishment of using helpless Afghan refugees as scapegoats for its economic and internal security challenges. As per conservative estimates, approximately 300,000 Afghans have been forcibly uprooted and pushed across the Durand Line into Afghanistan, facing an uncertain future.

In a press briefing on 3 October 2023, Pakistan's interim Interior Minister, Sarfaraz Bugti, announced the government's plan to evict the 'illegal' foreigners, providing a short month-long deadline until 1 November 2023 for voluntary exit. He also warned that the government agencies would detain and deport the immigrants past the deadline. While this directive applies to all "undocumented" residents, it was designed specially to evict Afghans, who represent the largest refugee group in Pakistan. As expected, Bugti denied that the drive targeted the Afghan refugees, and stated that since "most of the undocumented people are from Afghanistan, and the impression that only people from

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Afghanistan are being evicted is wrong.”

An interior ministry circular on the previous day highlighted, however, that Pakistan hosted over a million undocumented Afghans, along with nearly 700,000 people with expired documents, attributing this deportation decision to involvement of illegal immigrants in “funding, facilitating terrorists, and other illegal activities” inside Pakistan.

Contrary to Islamabad’s assertions, the Afghan Taliban government strongly objected to the deportation policy, deeming it “unacceptable” and asserted that Pakistan’s security concerns were unrelated to the Afghans. The Afghan Taliban Defence Minister, Mohammad Yaqoob Mujahid, and Prime Minister, Mullah Mohammad Hasan Akhund, accused the civil and military leadership in Islamabad of violating the human rights and dignity of refugees, citing recurring court summons, unlawful arrests, and confiscation of their properties. Reeling under severe humanitarian crises, the Taliban government does not have the leverages to make Pakistan recant this step.

While hundreds of thousands of Afghan refugees were repatriated

before the deadline, the number surged to 327,000 as of 15 November 2023. The United Nations (UN) expressed alarm over this ‘disproportionate measure’, stating that “most of them (returnees) are in a very bad condition”. Likewise, Amnesty International called on Pakistan to fulfil its international legal obligations and “stop the crackdown against, and harassment of, Afghan refugees across the country.”

Afghan Refugees in Pakistan

Pakistan’s refugee problem is not new. It has acted as a safe haven for the displaced Afghans who found it easy to move across the 1,640-mile-long Durand Line border between the two countries and escape war and, most recently, persecution by the Taliban government. Pakistan has hosted millions of Afghan refugees on its territory since the late 1970s, starting with the Soviet invasion and occupation of Afghanistan in 1979 and the US led War on Terror in 2001.

The largely porous nature of the Afghanistan-Pakistan border ensured continued cross-border mobility. As such, many displaced people included economic migrants, escaping chronic poverty in a war-torn country over the years. As a

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result, Afghans have been entering Pakistan through land borders and were allowed to use their national identity cards as travel documents. Many of these refugees and asylum seekers have resided in Pakistan for generations. Some of those being evicted were even born in Pakistan. This contributed to substantial increase in the proportion of 'undocumented' immigrants in Pakistan.

The latest influx of Afghan refugees into Pakistan, roughly estimated at 600,000, was in the backdrop of the US forces' withdrawal from Afghanistan, leading to the Afghan Taliban's takeover of Kabul in August 2021 ousting the Ashraf Ghani-led Republican government. Most of these displaced Afghans comprised individuals escaping persecution by the Taliban, notably women and human rights activists.

As per various estimates, the number of Afghan refugees in Pakistan ranges between 3.7 million, as per the UNHCR, to 4.4 million, according to the Pakistani authorities. This includes the 1.2-1.73 million undocumented refugees and those with expired documents. Most of the refugees in Pakistan include second and third-generation Afghans who have been born in the country and

have no immediate connection to Afghanistan other than being born to Afghan refugee parents. Pakistan's latest move, therefore, is aimed at uprooting these families and pushing them into a dark abyss.

Interestingly, Pakistan has not ratified the United Nations Refugees Convention or its 1967 protocol. However, it has inked a tripartite agreement with the United Nations High Commissioner for Refugee (UNHCR) and the Afghan government in 2003. This was largely aimed at ensuring specific rights and privileges for Afghan refugees, and restraining the Pakistani government from repatriating the refugees by force.

Why are Afghans being deported?

The Interim Government of Pakistan ascribed its decision to deport undocumented immigrants to the worsening internal security of the state. It has blamed Afghan immigrants for the exponential surge in violence in 2023. Pakistan has claimed that the illegal Afghan residents were directly linked to 14 suicide attacks in 2023, although the security establishment has not yet divulged any details thereof, raising questions over its claims. The interior

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ministry circular on 2 October 2023, while stating that the undocumented “resident foreigners pose a serious threat to the security of Pakistan” has specifically charged held Afghan residents responsible for being “involved in funding, facilitating and smuggling terrorists,” along with drug trafficking.

This is not the first time Pakistan has attempted to repatriate Afghan refugees back to Afghanistan. There have been consistent efforts to ‘encourage’ Afghans to cross over the Durand Line. As per the International Organization for Migration (IOM), Pakistan undertook considerable measures to push more and more people back into Afghanistan from 2012 onwards, which speeded up following the Peshawar School attack by TTP in december 2014. In a similar exercise, in September 2016, the Pakistani government had ordered undocumented Afghan residents to leave voluntarily by 15 November 2016. The IOM revealed that “diverse push factors, including deteriorating protection space in Pakistan”, pushed nearly 225,630 Afghan immigrants back to Afghanistan in 2016. Human Rights Watch (HRW) report in 2017 called it the “most extensive and illegal forced repatriation of refugees in recent history worldwide.”

A close reading of the developments reveals that this policy has been influenced by the unravelling of Pakistan’s Afghan policy, which has undergone a qualitative decline in the last two years. The return of the Afghan Taliban to Kabul through the active connivance of Pakistan’s military establishment in August 2021 was seen as a triumph in Islamabad. A significant proportion of Pakistanis considered the fall of Kabul as an advantage to Pakistan with a potential strategic depth, including nullifying the interests of its top adversary, India, in Afghanistan, as New Delhi had gradually increased its strategic capital through several developmental interventions since 2001.

The recent events signify the limits of the Pakistan military establishment’s unconditional backing of the Afghan Taliban. The deep state of Pakistan, responsible for its Afghan policy, had imagined that the Taliban would continue to operate as its strategic tool in regional geopolitics and be amenable to its demands to rein in groups such as their ideological cousins, the Tehreek-e-Taliban Pakistan (TTP), and Baloch insurgents who are allegedly using the Afghan soil to mount attacks on Pakistani security forces. To their

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disbelief, attacks by these groups have increased after the return of the Taliban and their requests to rein in TTP have fallen into deaf ears.

As such, recent months have seen Islamabad accusing Kabul of providing a safe haven to these groups inside its territory, including operational support, because of a surge in militant attacks targeting security services across Khyber-Pakhtunkhwa and Balochistan. Pakistan's interim prime minister, Anwarul Haq Kakkar, likened the action to non-cooperation from the Taliban to address Islamabad's security concerns, which primarily includes action against the TTP or, at the least, restraining it from conducting cross-border attacks. These assertions have invited strong reactions from the Afghan interim government, which has dismissed these allegations. Afghan government spokesperson Zabiullah Mujahid has indeed asked Islamabad to look inwards and resolve their "domestic problems on their own and not blame Afghanistan for their failures", insisting that Afghanistan was not responsible for maintaining Pakistan's security.

Instead of taking any proactive steps to curb TTP activities, the Afghan Taliban have offered to act

as a conduit between the group and the Pakistani establishment, thereby signalling their desire to project themselves as autonomous and independent of Pakistan's control. This should be seen as the main reason for the hardline approach being taken by Pakistan's caretaker government, at the behest of the deep state, which is actually calling the shots from behind the scene. It is essentially a double-edged sword with far-reaching implications for Pakistan's stability, even if the miltabishment might be hoping that this move would pressurise the Afghan Taliban into taking some stern measures against the TTP. In fact, the mass return of Afghan refugees is likely to create the condition for Afghan Pashtuns developing further empathy for TTP, which is fighting for a Taliban-like rule in Pakistan. Moreover, the return of Afghan refugees will adversely impact Afghan Taliban's governance by exacerbating economic challenges. It is also likely to increase Afghanistan's dependency on humanitarian aid from the international community. This could potentially force the Afghan Taliban to greenlight TTP's actions, leading to a heightened risk of violence in the country.

Additionally, the caretaker Government's actions should be seen in light of the Pakistani

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establishment's tactic to divert popular attention away from its failure to stabilise the country in economic and security terms. Successive Pakistani governments have failed to turn around the country's economic fortunes, with Pakistan's foreign debt touching over \$125 billion in October 2023. Given the ongoing repression on the anti-establishment parties such as Pakistan Tehrik-e-Insaaf (PTI), economic mismanagement, and deteriorating security situation, such a diversionary policy was very much on the cards, especially because the deep state would have found it easy to sell it conveniently to people that these unwanted refugees were eating up the national resources and posing an obstacle to the country's growth. This a convenient strategy to evade accountability and responsibility for its failures.

Moreover, the constitutional mandate of the interim government to execute such a coercive measure is questionable, especially because it jeopardises Pakistan's long-term national security. This move has shocked rights activists, lawmakers, and strategic analysts in Pakistan, who have challenged the constitutionality of the deportation drive in the Supreme Court of Pakistan. However, this has not slowed down the Pakistani

establishment's drive to evict the Afghan refugees.

A Manmade Humanitarian Crisis: Afghans in a lurch again

Pakistan's repatriation/deportation exercise has pushed Afghan refugees back into the abyss that they had escaped from. This move has particularly hit those who had crossed over the Durand Line in August 2021 following the Taliban takeover of Kabul. The refugees being evicted predominantly include those associated with the former Afghan Republican government, such as officials, journalists and activists, who fled Afghanistan fearing persecution at the hands of the Taliban government.

Reports suggest that many of these at-risk Afghan refugees have their asylum applications pending with multiple Western governments, such as the United Kingdom, United States, Germany, and Canada, with this policy jeopardising their waiting time in Pakistan because of the expired documents. The forced return of this group of people, given their former status, has been flagged by many rights bodies with concern, notwithstanding the Taliban's announcement of general amnesty to them.

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Moreover, repatriation of these refugees at this juncture may also worsen the human rights situation in Afghanistan and the humanitarian crisis it has faced following the return of the Taliban. Notably, the Taliban have adopted a harsh social control policy, relegating women to the margins, with girls being denied education beyond the formative years.

Multiple international rights bodies have condemned the Pakistani government's actions, with the UN High Commission for Human Rights (UNHCHR) asserting that these actions directly contravene international human rights law while expressing concern that those facing deportation are at significant risk of human rights violations upon their return to Afghanistan, "including arbitrary arrest and detention, torture, and other cruel and inhuman treatment." Likewise, Human Rights Watch accused the Pakistani government of employing coercive measures such as threats, abuse, and detention to compel Afghan asylum

seekers lacking legal status to return to Afghanistan.

The Pakistani government's additional limitations on the belongings that the Afghan returnees can take, specifying that livestock and cash exceeding 50,000 Pakistani rupees must be abandoned will in fact add to the already worsening humanitarian crisis. The International Crisis Group has reported from the ground that Pakistan's law enforcement agencies were seizing amounts below that limit, as well as personal items like jewellery, with sporadic reports that police allegedly solicited "sexual favours from Afghan women looking to avoid detention."

Therefore, at a time when the world is focussing on the evolving situation in West Asia and Eurasia (Ukraine), it is imperative not to overlook the humanitarian crisis being created by Pakistan. This underscores the necessity for the international community to protect the rights of Afghan refugees.. ■

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