

AFGHANISTAN

CHALLENGES TO RETURN

EXECUTIVE SUMMARY

Overview

Despite the return of almost 3 million Afghans to their homes since the signature of Bonn Agreement in December 2001, considerable numbers still remain displaced. Solutions for them in Afghanistan will depend largely on improved political and security conditions and thereby economic and social recovery.

Return to Afghanistan is a much more complex challenge than previously recognized. This is attributable not only to the challenges inside Afghanistan but also to the changing nature of population movements and social and economic shifts induced by protracted exile.

Population movements

There have been three major causes of population movements from Afghanistan - political conflict and violence, natural disasters, and economic migration. Many Afghans cross borders to look for seasonal employment, to trade, to access services, and to maintain social and family connections. These networks may have become a critical component in the livelihood systems of many Afghan families, including returnees.

Demographic and social changes

Afghanistan's population has almost doubled since the Soviet occupation to approximately 21 million; an additional 3 million remain outside the country¹. Afghans in exile have arrived at different stages over the last quarter of a century. There is a clear correlation between willingness to return and length of exile.

¹ This estimate includes only Afghans in Iran and Pakistan.

Exposure and access to more urbanized environments, labour markets, social services (health and education), electricity, transport and communications networks have enabled Afghans to experience a standard of living few knew previously in Afghanistan. The prospect of repatriation to a more restrictive and conservative environment and culture is especially challenging for women and youth.

Repatriation Trends

Analysis of trends to date shows that the majority of returns to date have been from urban locations. The majority left Afghanistan in the last five years and are mostly poor and illiterate. Approximately 70% claim to own no land or to have no access to land. Returns to unstable border provinces and poor areas such as the Central Highlands have been very low.

Asylum countries: Key challenges to return in the **asylum** countries include policy uncertainties, lack of economic assets, indebtedness, and continuing employment opportunities, maintenance of cross border social and family networks to spread risk, health and educational possibilities, vulnerability, reluctance to return to former livelihoods in rural areas, operational restrictions related to repatriation processing, costs, and export of possessions, and legal problems such as documentation, recovery of deposits, payments, and debts.

In Afghanistan, the primary challenges are security and political instability, the perceived weakness and partiality of the administration in Kabul, absence of functioning legal and judicial systems to ensure basic human rights, vulnerability to local commanders, slow economic and social progress especially in rural areas, limited employment opportunities, insufficient access to land and water, conservative customs and attitudes, opportunities for former civil servants and professionals, limited reach and impact of reconstruction programmes.

Conclusions

The effects of the long conflict on Afghanistan's politics, governance, economy, and society pose serious and diverse challenges to the realization of return and reintegration. Demographic, economic, and social changes have added unforeseen new elements to an already complex equation for the resolution of displacement both within and outside the region.

The challenges in Afghanistan are such that even an extension of existing arrangements for repatriation *sine die* may resolve neither the immediate tensions between the rate of return and absorption capacity inside Afghanistan, nor provide a definitive solution. They require a new framework that must address not only the complex long term challenge of reintegration and poverty but also issues such as seasonal migration, different categories of long staying Afghans, and persons in need of continuing international protection.

Political stability, security, and basic law and order in Afghanistan remain the key to encouraging a positive trajectory and climate for return and reintegration. Visible and robust improvements to the security and human rights circumstances especially at local level will be critical.

Many areas from where refugees and IDPs originated are severely under-developed and insecure. This will require long term, integrated programmes and specific investments in policy development and prioritisation, institutional cooperation and strengthening, and resource mobilization.

Rural poverty and experience in exile are fuelling an unanticipated level of internal mobility and urban migration. The situation may improve in future as agricultural production, transport, and communications infrastructure improve. In the short term, however, the current trend for returnees to gravitate towards urban centres is likely to continue.

The issue of land and tenure security is a significant obstacle both in terms of securing livelihoods and of recovering property. It is a sensitive and complex problem but one where well designed measures will need to be taken if rural recovery is to be sustained.

The effects of protracted displacement on the composition, capabilities, and poverty levels and vulnerability of the Afghan populations clearly impact on decisions about return. There will certainly be many that wish to repatriate but may be unable to do so in a sustainable fashion.

Progress in overcoming negative perceptions of conditions inside Afghanistan can be made through promoting greater flow of information and exchange visits. There is also a need for a particular effort to overcome real technical, financial, and legal obstacles that prospective returnees face prior to repatriation.

Recommendations

General: The highest importance must be attached to bringing durable peace, security, and the establishment of law and order to protect basic human rights. There can be no reasonable prospect of the stable conditions that the reconstruction process requires, or for repatriation to progress, if key return destinations remain inaccessible and unviable in significant parts of the country.

Return and reintegration should continue to be the primary focus of efforts by all concerned constituencies with even greater emphasis placed on the strengthening of developmental approaches, programmes, and resource mobilisation. These should be guided by sharper geographical and sectoral assessments for interventions in key returnee destinations.

Acknowledgement of the long term nature of the return and reintegration challenge, and the development of new approaches and arrangements that address refugee issues and

displacement within a wider solutions framework are required. These should be the subject of inclusive negotiations to be concluded by the end of 2005. The outcomes should be communicated in good time.

Afghanistan

The complexities of the reintegration challenge require a broader division of labour at the institutional level, and greater engagement of multilateral and bilateral agencies with expertise in long-term development and access to appropriate resources.

The Afghan authorities, in conjunction with their development partners, should consider specific measures to strengthen the impact of National Development programmes in Afghanistan in selected returnee destinations (e.g. where there is a coincidence of poverty and displacement) and in important sectors such as employment generation.

Bilateral assistance from the two neighbouring countries channeled to specific areas and sectors that could impact positively on return and reintegration prospects and opportunities should be explored with the Afghan authorities and, if requested, international development agencies.

High priority should be given to organising an inclusive and participatory consultation on land policy at provincial and national level. Under agreed guidelines and conditions, consideration could be given to a pilot scheme leasing state land to the landless (including returnees).

Policies and institutional responsibilities for an urban housing programme, especially for informal settlements, in Kabul and other provincial capitals should be the focus of urgent consultations with all stakeholders to finalise policy and mobilise resources.

Asylum countries

Data on the Afghan populations generated by past (Iran) and future (Pakistan) registration exercises should be made available for future planning purposes and expert review.

Renewed efforts should be made to remove technical and financial restrictions and obstacles to return during initial repatriation processing. Particular attention should be paid to lifting limitations on luggage and personal belongings.

Efforts to use the skills and experience of professional Afghans still in exile within the reconstruction process should be intensified through better networking and database management with agencies inside Afghanistan.

The nature of cross border movements to and from Pakistan and Iran should be studied more closely to identify patterns and modalities. The results should be the subject of dialogue among interested stakeholders to define how technical assistance

and training might improve data collection, cross border management, procedures, and processing.

There should be greater efforts by all parties to solicit the support of multilateral and bilateral development agencies and funds for initiatives in refugee impacted areas and host populations in the asylum countries. These can make a potentially important contribution to reducing poverty, addressing the effects of protracted displacement, and enabling sustainable return from, the asylum countries.

INTRODUCTION

1. Following the Bonn Agreement in December 2001 almost 3 million Afghans have returned to their homes from within and from outside the country marking a new found confidence in Afghanistan's prospects. Yet considerable numbers still remain displaced and uprooted. Securing future solutions for them will depend largely on an improvement in political and security conditions, and in consequence, on the pace and depth of economic and social recovery.
2. Much has been learned about the return and reintegration process, about the evolution of cross border movements, and about the demographic changes within, and experiences of, the displaced populations. They suggest that return to Afghanistan, whilst remaining the preferred solution for the majority of Afghans, is a more complex challenge than hitherto recognized. Indeed, UNHCR has drawn attention to this evolution in its Discussion Paper of July 2003, "Towards comprehensive solutions for displacement from Afghanistan." It believes that an understanding of these developments is critical to framing appropriate policies and programmes in future that can address the different dimensions of this challenge.
3. Within that perspective, the purpose of the present paper is to take stock of our knowledge to date, to analyse the main characteristics of the return challenge, and to offer guidance and recommendations for future policy development, planning, and programming. Its focus is primarily the challenges to return from the neighbouring countries which have generously hosted the vast majority of refugees and displaced Afghans for the last quarter of a century. In preparing this document, UNHCR has drawn on a wide variety of sources, most notably its network of offices in Afghanistan, Iran, and Pakistan. It has also examined a broad range of internal documents and material as well as publicly available information.

CONTEXT

4. UNHCR has repeatedly emphasized the primacy of voluntary repatriation and reintegration as the preferred durable solution. It recognizes, however, that an

intelligent pursuit of this objective must also take account of the considerable changes since official assisted repatriation began in 1992.

5. Experience shows that there is not one formula for durable return to Afghanistan. Repatriation is subject to a diverse array of influences including the original reasons for flight, the differing experiences of exile and displacement, family capital and assets, the motivations and strategy for repatriation, the risks and challenges inherent in return and reintegration in different locations, and the policy and institutional actions that shape the overall return process.
6. These all impact in different ways on the decisions and responses of a large, heterogeneous population. Indeed, this paper will suggest that the success of future return and repatriation exercises may, *inter alia*, depend increasingly on an ability to craft more context specific reintegration strategies and programmes in different areas and sectors.

BACKGROUND

7. Following the collapse of the Communist backed administration in 1992, and the installation of the interim *mujahidin* government, policy makers largely assumed that the Afghan refugee populations would repatriate within a few years. Indeed, almost 2 million Afghans did return. But by 1994, political instability and deteriorating economic circumstances inside Afghanistan not only prevented national recovery and reconstruction and stalled repatriation but also generated new population displacement and movements inside and outside the country.
8. Since the signature of the Bonn Agreement in December 2001 and the ongoing implementation of the peace process, large scale voluntary repatriation has resumed, internal displacement has largely stabilized (although solutions for many IDPs have still to be found), and secondary movements to countries outside the region have declined dramatically. There are more substantial grounds for believing that Afghanistan's present recovery and reconstruction process will be sustained. Indeed, the positive changes in the last two years have been impressive. But it is also widely acknowledged that there are many political, security, economic, and social challenges still to be addressed that will exercise considerable influence on the prospects for return

CHANGES IN POPULATION MOVEMENTS

9. Historically, there have been three major causes of population movements from Afghanistan - political conflict and violence, natural disasters, and economic migration. These factors have all contributed to varying degrees to the current composition of the Afghan populations outside their country.
10. There have been four distinct movements of Afghan refugees into the neighbouring countries of Pakistan and Iran each driven by specific aspects of

successive conflicts. The first and largest displacement occurred consequent to the communist-led coups and the subsequent Soviet occupation between 1979 and 1989, the second during the conflict between the Najibullah government and the *mujahideen* (1989-1992), the third during the inter-factional fighting and the rise of the *Taliban* movement (1994 - 2001) and the fourth at the time of the coalition intervention and the overthrow of the *Taliban* in the autumn of 2001.

11. Afghanistan is prone to natural disasters. Their effects are exacerbated both by a harsh climate, poor natural resource management, and the low level of development and public services. In 1971, widespread crop failure following severe drought caused many inhabitants of the affected provinces of northern and north-western Afghanistan to migrate to Iran. The same pattern was evident following the onset of protracted drought in 1998. Its impact was more widespread and profound due to the aggregate effects of the long conflict and triggered internal as well as external movements to both Iran and Pakistan.
12. Economic migration was initially characterised by the annual and seasonal movement of limited numbers of nomadic pastoralists and traders. By the early 1970s, the seasonal migration of Afghan male labourers to Iran and the Gulf States in search of employment was commonplace. It accelerated greatly after the oil price rises of 1973 fuelled a construction boom. Since the end of the Soviet occupation, there has been a rapid growth in the smuggling and transport of consumer goods through Afghanistan into the neighbouring countries. This has encouraged cross border movements and linkages among Afghan retailing networks both sides of its frontiers.
13. Over the last decade the nature of population movements to and from Afghanistan has become more complex. In addition to conflict and drought, many Afghans crossed the border to look for seasonal employment, to trade, to access services, and to maintain social and family connections. There is emerging evidence to support the view that these networks have become an important component in the livelihood systems of many Afghan families. The reverse phenomenon of Afghans temporarily returning to their homeland (especially to provinces close to the border) for seasonal employment, for trade, or to maintain active social relations has also been identified.
14. Many persons arrive in Pakistan by unofficial crossing points and are undetected and unrecorded. Stricter border controls, and the need for updated registration documentation, have made illegal and multiple movements to and from Iran a more costly and risky enterprise. This is underscored by the worrying rise in the use of professional traffickers. Despite these developments, and the improving economic situation inside Afghanistan since 2002, UNHCR has documented the continuing prevalence of migration to Iran from within returnee and their host communities, especially among the urban and rural poor.

DEMOGRAPHIC DEVELOPMENTS

15. Since 1980, the populations of all three countries have grown significantly. Accurate figures for Afghanistan's present population are hard to obtain as no census has been carried out since the 1970s. But a figure of around 24 million (including those outside the country) is widely used. This represents a near doubling of the pre-Soviet occupation population. There are no official estimates but most projections of population growth are in the order of 2.5%.
16. In Iran, the population has risen rapidly to around 68 million since the Islamic Revolution of 1979. But birth rates have fallen to under 2% since the mid-1980s following the introduction of family planning policies. Pakistan's population has also risen substantially to approximately 150 million and is projected to reach 200 million by 2015.
17. Although the results have not been officially announced, the recent government led registration exercise carried out in Iran has indicated the presence of approximately 1.4 million registered Afghans. In late 2001, the government of Pakistan figure of 3.3 million Afghans was swelled by an additional 300,000 persons who arrived during the coalition intervention. Since March 2002, a total of 1.8 million have returned home suggesting a remaining population of approximately 1.8 million. (UNHCR estimates that there are approximately 1.2 million Afghans in camps and villages in NWFP and Baluchistan.)

MAIN POPULATION CHARACTERISTICS AND SOCIAL CHANGE

18. The nature of the extensive and protracted Afghan presence in Iran and Pakistan has evolved during the last two decades. It contains strata from four displacement periods, ethnic minorities from all regions, and an overall mix of refugees, asylum seekers, and different categories of economic migrants. These groups have varying attitudes to return and make their decisions in what they judge to be their own interests. There is a direct correlation between the length of stay in exile and the willingness to return on a permanent basis.
19. In Pakistan, the Afghan population remains predominantly *Pushtun* though there are also substantial numbers of *Hazaras* (particularly in Baluchistan), *Baluchi*, *Tajiks*, *Turkomens*, and *Uzbeks*. The physical settlement of the Afghans in Pakistan has diversified and developed over twenty years. Although conditions vary, the majority of Afghans now live in permanent dwellings, most of which have been self-established. Only recent arrivals remain in temporary sites/camps.
20. A precise breakdown of location, numbers, and conditions of Afghan communities in urban contexts in Pakistan has never been established. It is believed that many Afghans first moved to the cities during the 1980s when local employment opportunities in NWFP and Baluchistan were over-subscribed or after seasonal agricultural work ended. Many male breadwinners continue to look for employment in cities often leaving their dependents in the refugee villages.

- 21.** The degree of social inter-action between Afghan refugee and local Pakistani village communities has not been documented in detail. Available data does suggest that Afghans tend to be consistently poorer than their host communities, have high levels of debt, and are often in poor health. Inter-communal relations have been predominantly harmonious in NWFP where there are close cultural and ethnic affinities. In Baluchistan, historical concern with the local ethnic balance has made the presence of the Afghans more sensitive. This is particularly the case when it has impacted on economic opportunities or placed pressure on the environment and the delivery of social services.
- 22.** At the same time, exposure and access to more urbanized environments, different labour markets, social services (health and education), electricity, transport, and communications networks have enabled them to experience a standard of living few knew previously in Afghanistan. Moreover, many Afghans have been able to start businesses and to develop marketing and retailing outlets. New forms of social organization and civil society have also emerged within the Afghan communities in response to their situation.
- 23.** In Iran, a previous registration exercise carried out in 2001 noted that approximately 1 million Afghans were living as families and had been in the country for a long time. (There were thought to be several hundred thousand Afghan migrant workers present in the country before the start of the Soviet occupation.) It indicated that it contained equal proportions (roughly one third each) of *Tajik* and *Hazaras*, with the balance being made up of the other ethnic groups. Only a fraction of Afghans (less than 2.5 %) have been housed in refugee villages, mostly in the east of the country.
- 24.** For a long period, Afghans were generously permitted free access to Iran's social services (health and education) and to work in designated sectors. There is little formal documentation or analysis of the employment profile and the impact of Afghans on the Iranian economy at national or local level or in individual sectors. During the 1980's, Afghans filled a significant gap in the work force during the war against Iraq. Despite stricter labour legislation, there is considerable anecdotal evidence to show that Iranian employers continue to appreciate Afghan workers as a source of cheap and reliable labour in a wide variety of sectors (agriculture, construction and services.)
- 25.** Social inter-action between Afghan refugee and Iranian communities has not been assessed though, as in Pakistan, there have been few recorded instances of serious communal strife. There are many documented cases of marriages between Afghan men and Iranian women. However, the nationality of the children resulting from these unions has proved legally problematic since they are not granted Iranian citizenship if born to an Iranian woman married to a foreigner. Overall, it is fair to surmise that exposure to the quality of life in Iran has had a significant impact on generations of (especially) young Afghans.

REPATRIATION TRENDS

- 26.** An analysis of data collected through UNHCR's voluntary repatriation forms and other relevant sources suggest that return to Afghanistan may broadly be attributed to three main factors.
- Positive changes in the political, security, and economic conditions allowing the opportunity to return to reclaim assets, reunite families, and resume former livelihoods;
 - Changes in official policies and public attitudes towards the protracted presence of Afghans in the asylum countries making their continued stay less attractive;
 - The relative decline in employment opportunities and economic circumstances in Iran and Pakistan.
- 27.** The demographic profile of those who have returned from Iran and Pakistan since 2002 indicates that 40% are of working age (18-60) and 40% are aged between (5-17). Gender numbers of returnees across all returnee age groups from Pakistan are equal; but notably larger numbers (65%) of working age men returned from Iran.
- 28.** With respect to socio-economic information, existing data suggests that the majority (80%) of the returnees from both countries is of low educational standard, is asset poor, and was predominantly employed as day labourers. Monitoring of returnees and information sourced from repatriation data indicates a high degree of landlessness (c.70%). Most of the returns (75%) from Pakistan have been from urban locations rather than the more established refugee villages and settlements.
- 29.** The overall pattern of return to Afghanistan indicates that:
- three times as many persons have returned from Pakistan than from Iran;
 - the largest ethnic group overall (50%) among the returns are *Pushtun*;
 - returns to the southern, eastern, and western provinces, and the central highlands have been low;
 - the majority of returnees have gone back to the central and eastern provinces (from Pakistan) and central and northern and western provinces (from Iran);

- among those returning during 2002, the largest overall number (1.3 million or 58%) left Afghanistan within the last five years (the period of *Taliban* control).
- a much higher than expected number (c. 42%) have returned to urban destinations;
- approximately 40% of the returning Afghans from Iran (predominantly single, unregistered men) have repatriated outside the official UNHCR assisted voluntary return process;
- although Hazara comprise 30% of the known Afghan population in Iran they have returned in modest numbers so far;

A comparison of repatriation between years 2002 and 2003 shows a significant and similar downward trend (three times as many persons returned in 2002 as compared with 2003) from both countries. There were no important deviations in patterns of destination, ethnicity, or demography.

KEY CHALLENGES IN COUNTRIES OF ASYLUM

30. Based on the preceding analysis, and on data sourced from the field, the main challenges to return within the asylum countries may be grouped and summarized as follows:

Policy

- Policy uncertainties encourage delays in decisions to return among an important portion of the Afghan populations which is awaiting clarity about their future status, entitlements, and prospects for continued stay.
- The continuing retention of established policy and institutional machinery geared only, or predominantly, to refugee repatriation encourages belief that no fundamental change in attitudes and approach to their continuing stay is imminent.

Economic

- Poverty, limited capital assets, skill deficits, vulnerabilities, and indebtedness place significant brakes on repatriation, especially where there are financial and technical barriers to return.
- Afghans continue to find employment opportunities and employers due to their reputation for hard work, reliability, and low cost.

- Access to health and different types of education remain powerful stay factors.
- The southern and eastern provinces and the central highlands present the sharpest political, security, and development challenges to the largest portions of the remaining populations. Due to insecurity and poverty respectively, returns to these areas have been the lowest during 2002-3.
- The possibility to retain family members and networks, and to ensure future access to the asylum countries, play a significant enabling role in delaying the decision to return until reliable circumstances are in place on both sides.
- Many Afghans are indebted to smugglers, or have mortgaged family property to finance their travel and are reluctant to return until they have sufficient funds to release them from their financial bonds.
- Some Afghans have found business and trading opportunities and developed networks that support and attract a significant number of people in the asylum countries.
- There persist strong perceptions that there are few economic opportunities, unattractive terms and conditions, and real technical obstacles (e.g. non respect of certificates, experience) for professionals such as teachers and former civil servants to resume their previous occupations.
- Opportunities for wage labour in the agricultural and construction sectors in the asylum countries are also co-incident with the repatriation season.

Social

- There is a clear link between the motivation to return and the length of exile, with far fewer long-staying and well-established communities choosing to repatriate.
- Tribal elders and some *jihadi* era commanders exercise greater influence over Afghan communities in exile than would now be possible in Afghanistan.
- Slowing levels of return lessen peer and psychological pressure to repatriate, and increase scepticism of the governments' commitment to sustain a strong push for return.
- Persons suffering from physical and mental health problems and disability are reluctant to return to more adverse environments.

- Many women and youth in particular are reluctant to leave the relatively emancipated and liberal conditions they have enjoyed in the asylum countries for the much more restrictive society, culture, and opportunities in Afghanistan.

Operational

- There are insufficient numbers of Voluntary Repatriation Centres, many public holidays disrupt continuity, and the procedures to leave are prohibitively costly and time consuming.
- There are quantitative restrictions on luggage and freight, and fiscal barriers to exporting capital and productive assets.
- There is insufficient access to media channels and distribution networks, and limited opportunities to organise direct inter-face with Afghan communities and to provide regular, accurate information about the situation in Afghanistan to prospective returnees.

Legal

- Afghans believe that the different types of permits and documents issued to them over the years may still retain some value in supporting their stay.
- An unknown number of Afghans have acquired documentation such as I.D. cards and passports with which they are able to extend their stay.
- The slow recovery of rental deposits, payment of salaries, debts, and other financial bonds normally through arbitration outside formal court processes dissuades or postpones many departures.
- The non recognition of marriages and birth certificates leading to personal and legal difficulties

KEY CHALLENGES IN AFGHANISTAN

- 31.** This portion of the document highlights both the general and specific challenges in Afghanistan that must be addressed and overcome if durable return is to be maintained and secured. Many of these are co-incident with the requirements of the overall peace, recovery, and reconstruction process. As greater insights into the reintegration process have been gained, it has become clear that there are issues that (a) represent particular difficulties both for returnees and their communities, and (b) affect both specific areas of return and particular groups within the refugee and displaced populations.

Political

- The continued prominence of controversial figures in Afghanistan's ongoing political process generates concerns among Afghans in exile over the legitimacy of the government, the country's future political stability, and fears among individual returnees about their physical security.
- Progress towards the observance of basic human rights remains limited. The central government is perceived as still unable to exercise sufficient influence over security, law and order, and justice especially outside the capital.
- The *Taliban* and its supporters remain an active threat and source of destabilization across parts of the south, south-east, and eastern provinces. The related effects of the counter-insurgency efforts are seen as partially responsible for perpetuating conflicts in these areas.
- The projection of violence (or the threat of it) still remains the most efficient route to power, funds, and property and sustains concerns over the lack of formal redress. Neither the central government nor traditional forms of local governance are yet able to counter this. Regional warlords are often unable even to discipline local commanders nominally loyal to them and who are responsible for a wide range of abuses against communities.
- The 'ethnicisation' of the conflict has deepened suspicions and eroded confidence in communal relations among the country's minorities.
- The impact of the first phase of the reconstruction process has yet to be felt in parts of the country from which many Afghan refugees originated. This has compounded suspicions about the partiality of the political process and the prospects for positive change.

Economic

- Despite initial 'catch-up' growth in 2002-3 and a recovery in agricultural production, public and private sector investment programmes and implementing capabilities have been slow to develop.
- Poverty and limited employment opportunities appear to be the most significant, individual obstacle to return, especially in rural areas. Although costs and prices are mostly lower in Afghanistan, and wage levels with the asylum countries have narrowed, the differences in the scale of opportunities remains marked.

- Access to land for farming is a major constraint especially in provinces with high population density, or in upland areas. According to UNHCR data, a large percentage (c. 70%) of returnees claim that they possess no or insufficient land or have no access to land, even for building a house. Many experience difficulties in recovering former land and property. The terms of trade for sharecropping have become increasingly exploitative.
- Previous natural resource endowments, asset levels (especially landholdings) and livelihood systems are no longer sufficient to support the increased needs of an enlarged population (both returnee and host community families).
- Nomadic pastoralism has been badly affected by drought, poor animal husbandry practices, and increased - sometimes violent - competition with sedentary farming communities for access to land for grazing and cultivation.
- Transport, communications, and energy infrastructure are under-developed and even non-existent in rural areas and even small towns from where many returnees originated.
- In some parts of the south (particularly), and in many of the more remote rural communities, regular access to sufficient water for both farming and domestic use remains a problem.
- Although the threat has been substantially reduced in recent years, the contamination of farming land and infrastructure (irrigation canals) - and even housing - by mines and unexploded ordnance remains an impediment to return and reintegration in particular areas, especially around former front lines (north east, Shomali valley, north west).

Social

- The presence, operations, and quality of public health and education services and programmes especially at district and community level is limited.
- Traditional, conservative cultural values and practices (dress codes, gender restrictions, mobility) and family pressures (financial, personal feuds) discourage return among Afghans (especially women and youth) who have experienced relatively liberal conditions whilst in exile.
- Inability of former professionals and civil servants to find suitable employment compatible with their status, reputation, and self-image.

- There are concerns among returnees that poverty levels may force them into selling family assets (including children, especially daughters for marriage) or to sending one or more male family members abroad again to earn money or alleviate pressure on household resources.
- Young men with few opportunities for local employment are seen as highly vulnerable to conscription (and a source of potential extortion if they refuse) by local factional commanders.
- Drug availability, use, and addiction have become more widespread among both the population at large and among returnees.

Legal

- Lack of respect for, and awareness of, national decrees and directives and human rights obligations protecting returnees from demands by local commanders and authorities for illegal taxation, arbitrary payments, private conscription.
- The perceived absence of a competent and functional legal and judicial system to adjudicate disputes over the recovery of land and property is a source of major concern. This is deepened by the frequent inability of traditional dispute settlement mechanisms to resist the influence of local commanders.
- Insufficient physical and legal protection from discrimination and abuses by local commanders and their supporters among local and community authorities who may view returnees as privileged and wealthy.
- Difficulties for professionals (e.g. teachers) and students (secondary, tertiary) in obtaining official acceptance of documents, certificates and experience gained abroad, and for former civil servants to have their previous documentation/experience considered for employment.

Operational

- After years of conflict, political crisis, and under-investment, public institutional capacities – especially at field level – are still insufficiently prepared and resourced for the management of reconstruction programmes.
- The roll out of large national programmes and infrastructure projects has been slower and narrower than anticipated. They have yet to build a sound reputation based on tangible impact to attract returnees especially to specific areas of the country.

- The level of policy and programme coordination among government departments and the scarcity of resources (human, technical, financial) at provincial and district level is a major impediment to efficient service delivery.
- Many of the areas of return (e.g. the central highlands, south east) face sharp development challenges and will require longer-term investments especially in infrastructure to improve economic and social conditions.
- The high level of returns to urban areas, especially Kabul, was not anticipated. Institutional responsibilities and programming arrangements for managing reintegration in the urban context need to be strengthened especially low cost housing.
- There is a lack of reliable and experienced implementing capability (private contractors, NGOs) in many provinces and districts to carry out even relatively straightforward short-term interventions.

CONCLUSIONS

- 32. General:** Return to Afghanistan remains the preferred solution for all parties to this long-standing refugee and displacement problematic. But the continuing reverberations and effects of the long conflict on Afghanistan's politics, governance, economy, and society pose serious obstacles to the short-term realization of this objective. In addition, the demographic, economic, and social changes and developments that have taken place among the refugee and displaced populations over a quarter of a century have added unforeseen new elements to an already complex equation.
- 33.** Tensions have emerged between the speed with which the asylum countries would like to see the return of the remaining Afghans, absorption capacities inside Afghanistan, and the current time-frame of the voluntary repatriation agreements. These are of such a nature and dimension that even an extension of existing arrangements *sine die* may be unlikely to resolve them. As such, policy adjustments are required to meet a new and more complex calculation that must look beyond the current arrangements for refugee repatriation.
- 34.** The continuing importance of return and reintegration is acknowledged. But durable return requires considerably more time and investments, and will generate qualitatively new challenges than those hitherto envisaged by policy-makers. New ways must be identified to match the needs and expectations of the different stakeholders.
- 35.** Transnational networks, migratory movements, and continued residence in the asylum countries will continue to offer critical and attractive livelihood

- opportunities for Afghans for which specific policy measures will have to be devised.
- 36.** Clear and timely communications about the future prospects for different types of Afghans in the asylum countries prior to the expiry of the Tripartite Agreements could also contribute to repatriation movements.
 - 37.** Afghanistan: Political stability and security in Afghanistan remain key to encouraging a positive trajectory and climate for return and reintegration in the years to come. Visible and robust improvements to the security and human rights circumstances especially at local level will be critical.
 - 38.** The confidence that will flow from a more representative and inclusive government's ability to manage a reduction of violence and lawlessness, will be instrumental in generating support for public and private investment programmes.
 - 39.** Assuming slow but positive changes in the political climate in Afghanistan, it may be anticipated that the private sector will grow in the years ahead in important sectors such as agriculture, construction, transport, services, and manufacturing. In the short term, the reconstruction programme itself will remain the major source of employment and should offer more opportunities for return and an improved reintegration environment.
 - 40.** A particular challenge will be building sustainable conditions in resource poor, under-developed, and insecure areas from where many refugees and IDPs have originated. This will require long term, integrated programmes and specific investments in policy development and prioritisation, institutional cooperation and strengthening, and resource mobilization.
 - 41.** The management of the reconstruction process in general, and the design and delivery of programmes impacting on return and reintegration in particular, represents a sharp challenge for the Afghan authorities especially at local level. The transition to nationally-led structures has placed great pressure on a public administration with few resources and limited experience of modern systems.
 - 42.** The risks of dependency attendant on the continued maintenance of large scale humanitarian assistance programmes are evident. At the same time, indications of vulnerability and extreme poverty are troubling in areas such as food security, water, housing, and health. The ability to respond to these through more developmental programmes still remains limited.
 - 43.** Poverty is fuelling a high level of internal mobility and urban migration. The situation is expected to improve in the years to come as agricultural production rises and transport and communications infrastructure improves. In the short term, however, the current trend for returnees to gravitate towards urban centres is likely to continue.

- 44.** The issue of land and tenure security has emerged as a significant obstacle both to overall economic progress and agricultural productivity in rural areas, and to the return of Afghans from Iran and Pakistan both in terms of securing livelihoods and of recovering property. It raises complex and sensitive policy issues - which institutions should oversee governance of land ownership, where and at what level should administrative control of land management be placed, what should be the future of state owned land, whether legal or reconciliation processes should be used to address new and old conflicts, and how can fixed cultivation and pastoral systems co-exist more sustainably.
- 45.** In addition to the economic differentials between Afghanistan and its neighbours, access to social services (health and education) has long featured as a major pre-occupation among the refugee populations. The possibility of relatively straightforward access to clinics and schools, especially in view of the large proportion of children and young people within the Afghan population in Iran and Pakistan, has generated new expectations for these services on return.
- 46.** There will certainly be many Afghans that wish to return but may be unable to do so in a sustainable fashion. This implies that greater investments both among the populations in exile (skills development, asset building) and within their areas of origin (employment generation, infrastructure, social support) in Afghanistan may be needed to ensure that repatriation remains dynamic and durable.
- 47.** Within the asylum countries, some progress in overcoming negative perceptions of conditions inside Afghanistan can be made through promoting greater flow of information and exchange visits. There are positive developments in Afghanistan which merit greater visibility. At the same time, there is also a need for a particular effort to overcome real technical, financial, and legal obstacles that prospective returnees face prior to repatriation

RECOMMENDATIONS

General

- 48.** The highest importance must be attached to bringing durable peace, security, and the establishment of law and order to ensure basic human rights throughout the country. There can be no reasonable prospect of the stable conditions that the reconstruction process requires, or for repatriation to progress, if key return destinations remain inaccessible and unviable in significant parts of the country.
- 49.** Return and reintegration should continue to be the primary focus of efforts by all concerned constituencies with even greater emphasis placed on the strengthening of developmental approaches, programmes, and resource mobilisation. These should be guided by sharper strategic, geographical, and sectoral assessments in key returnee destinations.

- 50.** Acknowledgement of the complex and long term nature of the return challenge, and the development of new approaches and arrangements are required. The transition to a new policy framework should be the subject of inclusive negotiations that should aim to conclude before the end of 2005. The outcomes should be communicated in good time.
- 51.** Future institutional arrangements for managing displacement should take account of the requirements of the emerging realities of the population movements both sides of Afghanistan's borders. Early provision should be made to examine and prepare appropriate institutional arrangements to support the development of an official policy and programme on seasonal labour migration.
- 52.** The extent and operation of transnational networks, and their contribution to livelihoods and household budgets, should be the subject of specific research, dialogue, and discussion with a view to developing policy and appropriate institutional and technical support.

Afghanistan

- 53.** In the short term, the present sharing of institutional responsibilities for the return and reintegration process within Afghanistan should be retained but made to work more effectively, especially at local level and in urban contexts. There needs to be even stronger emphasis on institutional strengthening, system development, and capacity building that includes provisions for a sharper engagement and advocacy on protection issues.
- 54.** Bilateral assistance from the two neighbouring countries channeled to specific areas and sectors that could impact positively on return and reintegration prospects and opportunities should be positively explored in conjunction with the Afghan authorities and, if requested, international development agencies.
- 55.** Within the framework of the major National Development Programmes (NSP, NEEP, NABDP) consideration could be given to:
- a) mobilising additional resources for provinces with actual high returnee populations (e.g. Kabul, Ningahar, Baghlan, Kunduz, Herat),
 - b) affirmative targeting districts of potential return in key provinces (e.g. Herat, Farah, Ghazni, Bamyan, Paktia, Kandahar) with a strong focus on employment generation,
 - c) rewarding successful return linkages with communities in Iran and Pakistan with supplementary programme funds, and

- d) strengthening the programme management and the monitoring/evaluation systems in these locations to track the impact on the reintegration process more closely.
- 56.** Consideration should be given to the planning of specific programmes in returnee (refugee and IDP) destinations (e.g. Badghis, Faryab) affected by inter-ethnic tensions. The release of funds for negotiated projects should be made conditional on the establishment and maintenance of good communal relations, and the verified achievement of agreed return figures.
- 57.** High priority should be given to organizing an inclusive and participatory Convention on Land Policy at provincial and later national level. Based on the results of this consultation, the Afghan authorities should invite international expertise and the engagement of leading development agencies to assist it in drawing up future policy and administrative arrangements.
- 58.** In the short term, consideration should be given to the development of policy guidelines - and mechanisms for their implementation – to permit the leasing of state owned land to the landless (returnees, local poor) by provincial administrations.
- 59.** The future replacement and continuation of UNHCR’s shelter and water programmed by nationally led interventions should be accorded high priority within future programmes in the National Development Budget. Future consideration could be given to increasing the UNHCR cash grant for returnees and perhaps WFP food assistance (in food insecure areas.)
- 60.** Policies and institutional responsibilities for urban housing, especially informal settlements, in Kabul and other provincial capitals should be the focus of inclusive consultations with all stakeholders (especially local community organizations) to clarify legal issues, agree on a future strategy, and mobilize resources.

Asylum countries

- 61.** The clear and timely communication of future policy measures, especially those concerning repatriation, should be agreed and carried out as and when the negotiations on the post 2005 arrangements are completed.
- 62.** The data on the Afghan populations generated by past (Iran) and future (Pakistan) registration exercises should be made available for future planning purposes, and be the subject of future discussions within the Tripartite Commissions and or expert review.

63. Renewed efforts should be made to remove technical and financial restrictions and obstacles to return during initial repatriation processing. Particular attention should be paid to lifting limitations on luggage and personal belongings.
64. The network of Legal Advice Centres and Dispute Resolution Committees should be extended and further supported in their efforts to overcome financial and other problems inhibiting return.
65. More regular and improved access to local media outlets, and greater direct interface between Afghans in exile and their home communities should be encouraged to upgrade the flow of information on the return and reintegration process.
66. Efforts to identify, attract, and use the skills and experience of professional Afghans still in exile within the reconstruction process should be intensified through better networking and data-base management with agencies inside Afghanistan.
67. The nature of cross border movements to and from Pakistan and Iran should be studied more closely to identify patterns and modalities. The results should be the subject of dialogue among interested stakeholders to define how technical assistance and training might improve data collection, cross border management, procedures, and processing.
68. The economic impact (costs, benefits, injury) of Afghans on specific labour markets and sectors in the asylum countries, and the contributions of remittances to the Afghan economy (national and household), should be analysed closely by agencies with appropriate expertise, and the results discussed by affected stakeholders with a view to guiding future policy, regulation, and requirements.
69. The overall impact of the protracted Afghan presence on economic opportunities, environmental resources, and social services in the asylum countries should be the focus of specific and detailed programmes and interventions designed to redress negative consequences and promote more sustainable practices among the affected communities.
70. The possibility of programmes encouraging asset accumulation and skill building through public works employment among Afghan communities in exile should be considered with savings components built in to support future return and reintegration within agreed time limits.
71. There should be greater efforts made to solicit the support of multilateral and bilateral development agencies and funds for initiatives which can also make a potentially important contribution to reducing poverty in, and enabling sustainable return from, the asylum countries.

Geneva, March 2004