

Comprehensive review of NAP

Afghan refugees and NAP

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The National Action Plan (NAP) is uttered with such feelings of achievement as if it was the last bullet lodged between the eyes of the last militant standing. Yet, a close reading makes one wonder if the attempt is to indulge in number games of adding point after point to NAP with no particular relevance to the issue.

Let me return to one such issue, the place of Afghan refugees, a NAP point. In its entirety, the point calls for formulation of a policy that deals with Afghan refugees, starting off with their registration.

Even if the point was conveniently left out of the document, the government's anti-terror plan would still not be hurt.

Convenient excuse

Afghans came to Pakistan mostly in 1980s in the aftermath of war in their country. At the peak, 4.4 million Afghan refugees lived in Pakistan. Their sheer number made Pakistan one of the largest recipients of refugees in the world. At one point, the country hosted 21% of the world's refugees, overwhelmingly, Afghans.

Despite being a non-signatory to the Geneva Convention of Refugees, Pakistan, in a considered policy, threw open its borders to the Afghans, who were encouraged to

cross over and embraced as "brothers in faith". Ever since we are working closely with United Nations High Commissioner for Refugees (UNHCR) and other international agencies under agreed protocols and looking after them.

Moreover, from 1979-80 till 1991, the same refugees were our *mujahideen* (holy warriors). We launched them against their own country. The UNHCR and the world are equally culpable in violation of stated international law on refugees. Again, from 1991 onwards, we played a big role in their internal squabbles. And yet, none of us seemed to have any issue with that.

But, now, the presence of about 2.6 million Afghan refugees in the country is causing a great deal of heart burning, some because of racial and economic reasons, others because of their perceived involvement in crimes and militancy.

Admittedly, refugees all over the world cause problems for the host countries. They are considered a burden. These days, Europe, despite its riches, is trying to turn into a fortress refusing entry and rehabilitation of a few hundred thousand asylum seekers. Same can be seen in our attitude towards Afghan refugees.

But to attribute all our present ills – crimes, drugs, weapons, militancy

etc. – to Afghan refugees is a mistake. Yes, some of them are involved in crimes, but how many?

The case of their involvement in militancy is weak. The National Action Plan was primarily focused on militancy in Pakistan, after the ghoulish attack on December 16th, 2014 on Army Public School in Peshawar in which 164 young students lost their lives. The attack has hardly anything to do with Afghans, as all the attackers were Pakistanis.

Thus, to say that Pakistan would have been one of the most stable and safe country, without Afghan refugees, is wrong conclusion. Pakistan would have been facing much ordeal, had 2.6 million refugees turned the militant path. Majority Afghan refugees are abiding their time peacefully, doing menial jobs.

The law-enforcement agencies, despite their worst criticism of refugees, have never been able to produce any figures on their involvement in crimes. Blaming refugees is a convenient excuse. For the police these hapless people are milch cows. What rather needs to be checked in is the exploitation of both registered and unregistered refugees by police. There is no voice to express their exploitation.

Registering Afghans

At present, the number of registered Afghans in Pakistan is 1.6 million; in addition, over a million undocumented Afghans live Pakistan, according to the Commissioner of Afghan Refugees (CAR).

Lately, it is said the issue is less about registered Afghan refugees than unregistered one. The Ministry of States and Frontier Regions was quick to follow up the NAP point to formulate a comprehensive policy to deal with the issue of Afghan refugees, beginning with their registration.

Apparently, the architects of NAP did not know that a policy already existed.

Pakistan's policy towards Afghan refugees is shaped by the Tripartite Agreement, signed by Pakistan, Afghanistan and UNHCR. The agreement, which calls for voluntary repatriation of Afghan refugees was first signed in Brussels in March 2003 and has been renewed since then. As of now, it is valid till 31 December, 2015.

Still, on March 10th, 2015, a bilateral meeting took place between Pakistani and Afghan officials at SAFRON ministry. The two governments agreed to document the unregistered Afghan refugees with technical support by National

Database Registration Authority, the country's identity-card issuing authority, and verification by Afghan authorities; constituted a committee of three members each from Pakistan and Afghanistan to work out the modalities of documentation; charted out a common strategy and plan involving Pakistan, Afghanistan and UNHCR, with clear timelines keeping in view the absorption capacity of Afghanistan; and endorsed the Enhanced Voluntary Return and Registration Package (EVRRP) for Afghans.¹

Just day after the SAFRON meeting, on March 11th, 2015, the 25th Tripartite Committee meeting was held in Islamabad. The Committee reaffirmed their commitment to the voluntary repatriation of the refugees in safety and dignity keeping in view the enabling environment in Afghanistan. It was agreed that full and effective integration of refugees in Afghanistan will be a gradual and challenging endeavour. It was also agreed that the new reform agenda of Afghanistan will include the returning refugees.

Then, there is another committee, of four players, one more than the tripartite now. This committee, the Quadripartite Steering Committee, also include Iran, another host of Afghan refugees. The quadripartite committee met in Tehran on May 19th, 2015 and endorsed the Solution

Strategy for Afghan Refugees (SSAR), which calls for voluntary return and sustainable integration and assistance to host countries.

The process of documentation of unregistered Afghan refugees was expected to start in July-August this year, according to Commissioner of Afghan Refugees but this seems to have been delayed. The Ministry of Finance has released 150 million rupees to NADRA for this purpose.

The progress thus made is quick and satisfactory. But the point is, as one can glean from the above, it has little bearing on the effort against militancy.

Generous host

International refugee law is governed by the 1951 Geneva Convention of Refugees or its additional 1967 Protocol. According to these, as long as a refugee conforms to the laws, regulations and public order of the host country, that person is not to be discriminated on the basis of race, religion or country of origin. The personal status of a refugee, such as in marriage, is to be governed by the country of domicile, or in case of no domicile, the law of the country of residence.

The foremost principle governing the international refugee law is the principle of *non-refoulement*, a

¹It is US\$200 per individual and US\$1200 per family.

French word meaning “no forced expulsion”. The return of the refugee has to be on voluntary basis and in a dignified manner.

Although Pakistan is not a signatory to these codes, its policy, as discussed above, calls for voluntary repatriation.

Still, ever since the NAP has been announced, Afghan refugees in Pakistan have once again come under the radar of law-enforcement agencies.

This happens as the world conscience has been shaken by fate of asylum seekers in the Mediterranean and in the Indian Ocean. Chaotic and shameful scenes are on display in mainland Europe splashed by TV screens around the world. The EU is paralysed and has failed to come up with a united response to this human tragedy. Similarly, the south eastern Asian countries looked the other way from the dying Rohingyas and desperate Bengalis left to drift on the sea.

Compared with the current global apathy and callousness towards migrants, Pakistan, Turkey and Lebanon have earned praise of the world by hosting millions refugees running from war. Pakistan comes out as a star for hosting millions of refugees for the longest period in history.

We should not squander the goodwill.

