Presentation to the ECRE EU Tampere Summit Parallel Meeting

Draft action plan for Afghanistan and the neighbouring region

I have been asked to comment on the draft action plan for Afghanistan and the neighbouring region produced by the High Level Working Group, as a specialist on Afghanistan. I have worked for the past ten years as Information Coordinator of the British Agencies Afghanistan Group, based at the British Refugee Council. In this role, I provide information to British NGOs, to the British Government's Department for International Development and to the European Commission on the political, military, economic, cultural and humanitarian context of aid programmes in Afghanistan. I have also undertaken many studies and written extensively on refugee-related issues. I am, in addition, a Research Associate at Queen Elizabeth House, Oxford and author of a standard work on the recent history of Afghanistan.

The draft action plan represents a welcome initiative in facilitating an integrated approach on the part of the European Union to the major sources of asylum seekers. In examining the root causes of the conflict, the report notes the level of destruction, the serious human rights abuses, including the denial of female access to employment, education and health care and the fact that Afghanistan ranks last in UNDP's Human Development Index. It also identifies the scope for positive action on the part of the European Community to bring an end to the conflict, to seek an improvement in the human rights situation and to support the reconstruction process.

Regrettably, at the present juncture and for the foreseeable future, it has little power to influence events. The parties to the conflict are determined to pursue the military option and they are rumoured to be supported in this objective by elements within Pakistan, Iran and the CIS. They have also shown themselves unresponsive to concerns expressed by the international community over their human rights record. It is only through reconstruction programmes that the European Community can have a meaningful impact under present conditions.

In spite of this, the High Level Working Group report implies that the major factor in the increasing number of Afghans seeking asylum in Europe is a decrease in economic prospects and does not, in my view, give sufficient attention to the very real climate of fear which affects educated Afghans in both Afghanistan and Pakistan.

It does, nonetheless, make the important point that Afghans can easily travel between Afghanistan and Pakistan without official travel documents, a reality which derives from the fact that Pakistan and Afghanistan are inextricably linked on many levels, economically and politically. This is important because it is my contention that an Afghan is no safer in Pakistan than he or she is in Afghanistan.

I am, therefore, very concerned that the report suggests that only a very limited number of Afghans feel insecure in Pakistan and that many of these are primarily affected by cross-border feuds. Afghan intellectuals and professionals, as well as those targeted by virtue of their political affiliation, ethnicity and religion, have felt insecure in Pakistan throughout the ten years that I have been involved with Afghanistan and have, at times, felt extremely insecure. There are indications that the level of fear and insecurity has been increasing for some time, exemplified by the

statement issued by UNHCR on September 20th that refugees had been pouring into its Peshawar office for days, demanding to be re-settled in western countries. Certainly, my own contacts suggest that many Afghan intellectuals currently feel under considerable threat and a number of these have found their way to the U.K. in recent months after their continued stay in Pakistan remained untenable. This may be linked with a growth in the power and influence of radical Islamic elements within both Pakistan and Afghanistan. As in other parts of the world, notably Algeria, increasing radicalism results in a targeting of educated people, who not only represent a threat to the potential or actual power base of the radicals but also, by virtue of their moderate or liberal views, are seen as insufficiently Islamic or even secular. Amnesty International reported in March 1999 in "Afghanistan: Detention and killing of political personalities" that it had "for many years raised concern about the killing of Afghan personalities in Pakistan." In response to a letter sent by Amnesty International, the Taliban insisted that it was "not the Taliban but other groups who "commit terrorist acts and violations and put the blame on the Taliban"". The Taliban thus confirmed the anarchic nature of threats, intimidation and attacks on Afghans in Pakistan.

UNHCR notes, in its"Update to the background paper on refugees and asylum seekers from Afghanistan", published in January 1999:

" Certain groups of the population which were and are now likely to run a particular risk of attacks and persecution include members of specific ethnic, religious or political groups in areas controlled by warlords hostile to them, educated Afghan women, secular-minded individuals, Afghan academics and other professionals, officials of the former governments and journalists covering the political crisis."

The High Level Working Group report does not specifically record the very significant increase in the number of Afghans seeking asylum in the U.K., since the U.S. air strikes on Afghanistan of August 1998. From the information which the British Refugee Council has received, very many of those who have sought asylum after spending a period in Pakistan have only left following threats and intimidation. It is clear from their experiences that it is not necessary for someone to have been politically active. The rumour mill is extremely important in Afghanistan and casual remarks made in some gathering or other can be exaggerated out of all proportion and lead people to be targeted. Similarly, regular contact with foreigners can be misinterpreted. This has been a particular problem for Afghans working for aid organisations.

Pakistan is, itself, becoming increasingly unstable and is in danger of fragmenting. There is a very real risk that radical Islam will take a strong hold within a government which is desperate to stay in power. The factors which lead moderate Afghans to feel under threat from Afghan organisations will also, therefore, apply in respect of Pakistani organisations. Such an environment will not be conducive to the enjoyment of security which is an essential element for those living in exile.

It is no accident that, as the report states, many of the Afghans who have sought asylum in Europe have been relatively well-educated. Educated Afghans were targeted by the PDPA regime in 1978-79, by the Soviet-backed Government between 1979 and 1992 and by radical Islamist parties in Pakistan and Afghanistan from the

mid 1980s onwards. Some "purges" have seen people killed or imprisoned in their thousands.

I am pleased, therefore, that the report draws a distinction between refugees originating in the rural areas and "modern" Afghans, who are stated to be the particular targets of persecution by the Taliban. It may be that the presence of Osama bin Laden in Afghanistan and of associated networks in Pakistan and Afghanistan has further increased the level of risk to Afghan moderates, as well as to British and U.S. nationals. It must also be stressed here that the organisations which represent a threat to moderate Afghans have networks throughout Pakistan and are able to operate freely. Thus, although their presence is more concentrated in Peshawar and Quetta, they are in a position to pursue any Afghan they choose to target, wherever he or she is in Pakistan. Further, the police can not be relied upon to provide protection. The intelligence services within Pakistan may also be active.

There is good reason to believe that Afghans who have fled to Europe because of particular threats will be targeted on their return in order to give a lesson to others who might be contemplating flight. Those targeting moderates will be suspicious of any who have gone to Europe because they will fear that these will have been spreading negative information about them in Europe.

A further assumption in the report is that Afghans will not be forcibly returned to Afghanistan from either Pakistan or Iran. However, there are recent indications that both the Pakistan Government and the Taliban are making moves to encourage an early return of the remaining Afghan refugee population. Were these moves to result in concrete action, it would be difficult for Afghans to escape the attention of the authorities. Afghans are readily identifiable in Pakistan by virtue of their physiognomy, their dress and their accents. They are routinely stopped for questioning by the police, wherever they are in Pakistan. Similarly, in Iran, while UNHCR, as stated in the report, will assess the potential risks to individual returnees, there are many incidents of arbitrary arrests and deportations of Afghan refugees. It is therefore the case that Afghans deported to Iran would not necessarily be protected against return to Afghanistan.

The reference in the report to the use of agents and of forced documentation, for the purpose of claiming asylum in Europe, reflects the reality that it is virtually impossible for Afghans to seek asylum in the U.K., at least, without paying agents many thousands of pounds. This is extremely regrettable and argues for some alternative to be identified, however imperfect.

Some countries already operate re-settlement programmes, and this may be a way forward. The High Level Working Group also proposes that immigration officers be posted in the region, which suggests some kind of visa process. This option may also be worth exploring, on the basis that applications for visas for the purpose of claiming asylum would be made in Islamabad, Tehran or in the Central Asian Republics rather than Afghanistan. There are, however, potential problems relating to ease of access to embassies or consulates in each of these countries and to the openness of appointed immigration officers to the complexities of the political situation and associated risks to Afghans in exile. The document produced by ECRE, ENAR and MPG, "Guarding Standards – Shaping the Agenda" is rightly cautious on this point and argues that "the

issue of externalising and exporting border control requires urgent reconsideration from a legal, democratic and refugee protection perspective.

The report notes that the European Commission has provided a significant quantity of funding for development aid and humanitarian assistance and that there has been a decrease of support activities in Afghanistan since the summer of 1998. This recent decrease has resulted in a very substantial decline in funding during the current year arising from the departure of NGOs from Kabul, bureaucratic changes within the Commission and a more hesitant approach to aid in the wake of the U.S. air strikes of August 1998. The report suggests that any significant increase will be subject to "a lasting peace settlement" and to the "establishment of a government entity with which donors can work".

In looking at the action proposed, it is important to stress that the Taliban do not have the structure to ensure that their decisions are complied with throughout the area under their control. Thus, even if they were disposed to conform to the human rights treaties to which Afghanistan is a signatory member or to take action to ensure that their declaration on amnesty to all returnees is adhered to, they are not in a position to enforce these. In this context, it is worth noting that the assessment of the High Level Working Group, that the amnesty offered by the Taliban to all returnees is likely to be respected, conflicts with the British Home Office's Country Assessment on Afghanistan, with whose conclusions I am in accord. There have been many instances which demonstrate that they do not have totally effective control of their forces, let alone other elements who might choose to take action against those they find unacceptable.

The proposal to seek re-admission agreements with Pakistan, Iran and the Central Asian Republics would certainly place returnees at personal risk within Pakistan, if not in the other countries. The European Union would also not be able to ensure that those re-admitted were not subsequently forced to return to Afghanistan. Further, it runs counter to the principle of burden sharing for Europe to deport refugees to Pakistan, Iran and the Central Asian Republics, which, in receiving over 6 million refugees between them, have taken a disproportionate responsibility over many years, in spite of difficult economic conditions.

The measures proposed to block and discourage the access of potential asylum seekers to Europe suggest that Europe accepts no responsibility for the large number of Afghan intellectuals and moderates who are currently under threat from radical organisations in Afghanistan and Pakistan. While controls are important, they must be combined with a sense of responsibility for those facing persecution and efforts must be made both to identify ways in which such people can claim asylum in Europe without having to resort to illegal means and to ensure that the exercise of controls is not carried out in such a way as to hinder those with legitimate claims for asylum. It would be extremely unfortunate if the European Union states were to enter into re-admission agreements just as the level of intolerance is increasing in both Pakistan and Afghanistan.

The High Level Working Group report is right to note the importance of avoiding a brain drain of educated Afghans to Europe and it is because of this that so many Afghan professionals have worked for humanitarian agencies in Pakistan for years.

However, these same professionals should not be asked to take unacceptable risks with their own lives and the lives of their families. It may be some years, if not many years, before the opportunity will arise for them to again contribute to the reconstruction of Afghanistan. In the meantime, it is reasonable that they should be accorded protection outside the region.

In looking to the future, it is important to take on board the fluidity of the situation. The action plan should allow for the fact that the level of risk to individual Afghans could change significantly in response to developments. Writing on Afghanistan in November 1993, T. Thompson and S. Winding commented:

"It is not possible to give an exhaustive account of the groups that risk persecution, precisely because alliances and conflicts are changing and seem to arise across ethnic, political, social and class barriers and are not perceived to follow any regular and predictable pattern (Thompson, T., and Winding, S. 9 November 1993. 7)
Extract from "Update to the background paper on refugees and asylum seekers from Afghanistan", UNHCR, January 1999.

In summary, it is my view that:

1. Pakistan is no safer than Afghanistan for Afghan intellectuals and others targeted by virtue of their political affiliation, ethnicity, religion etc.
2. Such Afghans would be at risk throughout Pakistan.
3. There are no guarantees that Afghans returned to Pakistan, Iran or the Central Asian Republics will not be forcibly returned to Afghanistan.
4. It would be irresponsible for the European Community to return Afghans to these countries and to thus put them in a situation of potential danger.

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