

AFGHANISTAN: NO SAFE COUNTRY FOR REFUGEES

**An investigation into the country's political and
economic situation, its internal security
and the situation of refugees**

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PREFACE TO THE ENGLISH EDITION

Since the passing of the editorial deadline for the German edition of this text in August 2016 there have been many developments that have further contributed to the unsettling of Afghan refugees' lives in Germany. Despite many protests, in mid-December 2016 34 people were deported to Kabul, and by the middle of March 2017 some 70 people had been sent to Afghanistan on charter flights. Some deportations could be stopped at the last moment – one of them by the German Federal Constitutional Court. The people deported were by no means only asylum seekers whose applications had recently been rejected. Some of them were refugees who had lived in Germany for five, six years, or even longer, some were in permanent employment and had long been integrated. Some refugees were taken to the airport directly from psychiatric hospitals. While attempting to evade deportation, one Afghan man suffered serious injuries when he jumped from a height of several metres. Another of the affected people was a young member of the Hindu minority who was detained at the foreigners' registration office as he was trying to extend his discretionary leave to remain. Of a previously sizable community of Hindus in Afghanistan only a few thousand remain today, and the members of this residual minority community are no longer in position to support, let alone protect, one another.

The message sent by carrying out these deportation flights: Any Afghan national who has not been granted refugee status should not feel safe in Germany.

The commencement of these deportations – after more than 12 years of a tacit consensus to only deport offenders – has nothing whatsoever to do with an improvement of the situation in Afghanistan. Politicians, as well as the Federal Office for Migration and Refugees (BAMF), the agency responsible for these matters, are well aware that the security situation has continued to deteriorate even during 2016. In some of its own documents BAMF states that an internal armed conflict, manifesting itself in civil war-like clashes and guerrilla fighting between the Afghan security forces and the Taliban and other oppositional forces, is raging in all parts of Afghanistan. The Human Rights Envoy of the Federal Government was unable to identify any of the safe areas that the Federal Minister of the Interior and other members of the federal government had talked about.

Even the handful of areas that have been declared as safe in rulings made by the Federal Office do not offer permanent security, as attacks there demonstrate.

The experiences of Afghan nationals in Germany are a consequence of government attempts to introduce ever-harsher methods of terminating residency. A dual strategy is employed, under which many refugees are only left with the choice between voluntary departure under duress on the one hand, and deportation on the other. This is an abuse of the term "voluntary departure". Advice for asylum seekers (on their prospects, potential support, and on the risks of return) that does not prejudge the outcome is not on offer. Instead the aim is for the state to provide nationwide coercive advice to return, and to give it early on - for asylum seekers from nations with a low protection rate even immediately after their arrival.

Anyone who is blatantly made aware of the possibility of a return already at the stage of applying for asylum - by the very authority that will ultimately decide on the granting of protection - will understandably be dubious about the fairness of that procedure. The federal government has launched a return programme entitled "Starthilfe plus" ("Assisted start plus"). Possible target states listed include Syria, Eritrea and Afghanistan - i.e. states for which the protection rate in Germany is currently very high.

Indeed there are a significant number of Afghan people who under the pressure of the circumstances are forced to return voluntarily. According to reports by refugees and media information, experiences with the support for returnees - which in Afghanistan can apparently be accessed via IOM through the so-called ERIN programme - are more than problematic. With the exception of some who were provisionally housed in a guesthouse in Kabul, none of the voluntary returnees or deportees - both groups are eligible to receive benefits - have managed to secure any support. And even if such support did exist: How could it be sustainable, given the current situation in the country?

The security situation is worse now than at any point in the past decade. According to the annual report of the United Nations Assistance Mission in Afghanistan (UNAMA) in 2016, there were 11,418 civilian casualties of combat actions - a record high of recorded number of victims. In reality the figures are probably much higher. In order for a victim to be included in their statistics, UNAMA requires three independently verifiable sources for an event. In embattled areas or ones that have long been under the control of the Taliban or other militias this will virtually never be possible.

Returnees and deportees return to a country in which the number of internally displaced people has also reached record levels. As early as April 2016 Amnesty International estimated the number of internally displaced people to be 1.2 million, and by the end of the year a further 623,345 people had been displaced as a result of the war - three times more than in 2014. It is assumed that the actual figure is much higher still.

For the year 2017, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) forecasts a figure of 9.3 million Afghan nationals to be dependent on humanitarian aid. The pressure exerted by the neighbouring nations of Iran and Pakistan on refugees within their borders (some of whom had been living there for a long time) compounds the problem. Pakistan decided in the autumn of 2016 to no longer tolerate any Afghan persons within its borders from April 2017. In 2016 alone, more than a million people returned to Afghanistan from Iran and Pakistan. The humanitarian crisis is intensifying steadily. Kabul has become the primary destination of the largest movement of returnees in recent history, and as a result since 2001 its population has increased over tenfold. The infrastructure simply cannot keep up.

Access to the Afghan labour market is very limited, especially for individuals who have no support by local networks or local protection. A housing market worthy of the term "market" is virtually non-existent. Even some years ago ca. 75% of the urban population lived in slums, where people often face catastrophic sanitary and

hygienic conditions. According to UNOCHA, 40% of all people in Afghanistan are affected by chronic food shortages.

At best, returnees from neighbouring countries will be able to live off their savings for a few months or, like those deported from Europe, will manage to buy food for a few weeks. Sustainable re-integration is a rare prospect.

The facts that in the past few months there have been hundreds of deaths following attacks (including in Kabul), that so-called Islamic State is emerging as an additional violent protagonist and that even in the cities the level of insecurity for Afghans is greater than ever, have done nothing to change the Federal Minister for the Interior's assessment of the situation. Utterly trivialising the threat faced by civilians in Afghanistan he went as far as to suggest that they may well be victims, but not targets of Taliban attacks.

PRO ASYL has long been calling for the Federal Ministry of the Interior to face up to the facts and to alter its decision-making practice in cases of Afghan asylum applications. The UNHCR report for 2016 can form a basis for this. According to this report, the internal armed conflict in Afghanistan has further deepened and is subject to a fragmentation and strengthening of the insurgent forces.

However, the countermovement to the German government's tightening of its practice of deportations to Afghanistan is getting organised. Members of the Afghan community in Germany are now better informed on their remaining legal options. The surprise effect of the first deportation flight to Afghanistan has dissipated. A whole host of actions against deportations and protests have resulted in the aeroplanes departing fewer people than the authorities had hoped. The German media have reported at length on the fate of deportees in Kabul, to the extent that the affected people were willing to talk. Investigations proved that some of the individuals who had been earmarked for deportation by plane and been labelled as offenders did not in fact belong to that category.

A vigorous debate has emerged between the German governing parties, and even more so between the German federal government (which is planning to continue its course of further tightening) and the German federal states, who are responsible for carrying out the deportations. One federal state (Schleswig-Holstein) has halted deportations for three months (which thereafter however would require legal consent by the Federal Ministry of the Interior), while several other federal states have announced they would 'only' deport offenders. (It is worth noting that the first wave of these deportations included adolescents who had offended while they were still minors but subsequently had not re-offended and been integrated.)

Incidentally: What is the root of the clear conscience that accompanies the belief that it is acceptable to deport offenders - even into life-threatening situations and inhumane conditions?

Given such political disputes and debates, many Afghans are feeling very anxious, aware that each month a large number of negative decisions in Afghan cases are handed down. This state of limbo and uncertainty has disastrous consequences. It threatens the efforts to integrate people who have arrived from Afghanistan in the

past two years, who, in any case, were not well supported by the state. Belonging, as they did, to a group with unfavourable prospects for residency, they were not eligible for attending language and integration courses.

What does "pending further notice" mean? Legally and logistically it will not be possible to return thousands of people to Afghanistan, even if the Afghan government, under pressure from its major bankroller Germany, is forced to tow the line, and, following the signing of an agreement on returnees, will speedily issue travel documents upon request. However, it will probably continue to be the aim of the German federal government to frustrate Afghan refugees through a lowering of protection rates, ill treatment in matters of integration and exertion of pressure to acquiesce to 'voluntary' returns, and by organising deportation flights every so often.

Many people in Germany who since the 1980s have known people who had come from Afghanistan in the context of the various refugee movements, but also the younger generation who made their first experiences during the "summer of a welcoming culture", utterly disagree with these policies of the federal government. They will make themselves heard in further protests. However, we also all depend on those EU states that have thus far carried out deportations to Afghanistan and / or sympathise with the German conduct to implement discernible moves towards protection of Afghan refugees.

Afghanistan is not safe!

INTRODUCTION

In 2015, 78% of Afghan asylum seekers in Germany were granted protection following application checks. This number alone demonstrates the fact that the current debate on refugees from Afghanistan paints a false picture of reality. Thomas de Maizière, Germany's Federal Minister of the Interior of the CDU, has been a key figure among those pushing for a strategy of legitimising the deportation of Afghan refugees – regardless of the real causes of flight for Afghans and the resulting high acceptance numbers in Germany – while at the same time ignoring the dramatically worsening security situation in Afghanistan.

At the end of October 2015 de Maizière said that Afghanistan “has received a lot of aid” and that people can be expected “to stay there”.¹ Furthermore, according to de Maizière, there was agreement between the Afghan and German governments that it was unacceptable for Afghanistan to be ranked second on the list of principal countries of origin for refugees. If such agreement exists at all, it is only with a section of the Afghan government. For instance, Sayed Hussain Alimi Balkhi, the minister responsible for refugee matters, asked the German government to abandon deportations to Afghanistan, and, as the security situation in the country had worsened, urgently appealed to the German government to accept more Afghan refugees.² Balkhi stressed the fact that the Afghan government does not have the means to provide for refugees deported back to the country. The German government's professed consensus with its Afghan counterpart is hardly credible. It only serves to legitimise further deportations, as until now only a small number of people, especially offenders, have been deported back to Afghanistan. Experts consider Ashraf Ghani's government to be fragmented to such an extent that a collective and binding decision-making process seems unlikely, making negotiations with other states difficult.³

Deportations to Afghanistan put the lives of returnees at grave risk. Single persons without a network of family or friends in Afghanistan stand little chance of survival as they receive no government assistance. It is important to include these facts into the public discourse and to counter the perception that Afghans are third-class refugees, without the prospect of being granted the right to remain in Germany. It is the central purpose of this publication to supply points of arguments. By evaluating media reports and articles by various organisations the debate around deportations to Afghanistan is to be put into an objective context: What is the current security situation? What are the reasons for Afghans fleeing the country? How does the German asylum system deal with Afghans? What is the economic situation in the war-torn country? What would deportees be faced with upon their return?

The bottom line is that Afghanistan is not a safe country – not for its inhabitants and even less so for refugees and returnees. Therefore Afghan refugees must continue to enjoy appropriate protection in Germany.

1 Tagesschau, October 28th, 2015 (<https://www.tagesschau.de/ausland/demaiziere-afghanistan-101.html>).

2 Deutsche Welle, October 28th, 2015 (<http://www.dw.com/de/minister-afghanenwie-syrer-behandeln/a-18806590>).

3 Arvid Bell, Peace Research Institute Report No. 132: Afghanistan and Central Asia in 2015, p. 18.

DEMANDS ON THE GERMAN GOVERNMENT

In light of the situation in Afghanistan PRO ASYL demands:

- **Deportations must cease immediately.**
- **Afghan refugees must be granted permanent status of residence, which must include the right to family reunification.**
- **The Federal Office for Migration and Refugees must be instructed not to instigate repeals of proceedings admitting asylum seekers and refugees or of subsidiary protection under the pretence that there exist safe regions within the country (“internal alternatives for protection”) or an allegedly improved security situation.**
- **Afghan asylum seekers must be allowed to access integration and language courses, even during ongoing asylum procedures.**
- **In the light of the deteriorating security situation in Afghanistan, the German government must ensure that asylum procedures for people such as (former) Afghan affiliates of the German military or NGOs are carried out as speedily as possible.**

ADVICE FOR AFGHAN REFUGEES AND THEIR ADVISORS

Afghanistan is not a safe country for refugees, and most certainly not a safe country of origin in accordance with German asylum law. Claims that asylum applications by Afghan nationals have no chance of success are wrong.

The treatment of Afghan refugees is currently characterised by a government-approved strategy of destabilisation and discouragement. Increasing pressure to depart, as well as ostentatious media coverage of individuals departing voluntarily, attempt to create a public perception that a return to Afghanistan is possible – if not through voluntary departures then possibly through an increased number of future deportations.

There is method to the discrediting of causes of flight for Afghans. The fact that long drawn-out asylum procedures demoralise people is accepted in the interest of the politics of deterrence. Afghan refugees are thereby to be deterred from setting off on their way to Germany in the first place.

Refugees and their supporters, advice centres and lawyers should not waver in their efforts to fight for Afghan refugees' right to asylum and should publicly counter the narrative that Afghan refugees do not require protection.

Afghans in Germany

Millions of Afghans live in exile, some for decades. Approximately 54,000 Afghans have been granted German citizenship over the past 15 years. At the end of 2015, according to the Central Register of Foreign Nationals (AZR), some 131,000 Afghan nationals were recorded as residing in Germany. However, in actual fact this figure can be assumed to be higher by several tens of thousands, as many of those who arrived as asylum seekers during the course of 2015 had not yet been registered in the AZR by the end of that year. One thing is certain: the vast majority of Afghan nationals in Germany do not have a secure status of residence.

At the end of 2015, 35,000 Afghans with temporary permission to stay were in the middle of their ongoing asylum procedures. Around 9,000 people were registered with merely a temporary suspension of deportation and, in principle, face possible deportation. A further 31,600 people were registered in the AZR at the end of 2015 without status. The majority of these were probably individuals who had arrived over the course of that year and wanted to apply for asylum, but had not yet formally been called to file an application by the German Federal Office for Migration and Refugees (BAMF). In addition there are those who had not been registered at all with the AZR by the end of 2015. By the end of May 2016, BAMF had registered a further 37,000 newly arrived Afghan asylum seekers.⁴

⁴ BAMF, EASY Statistik (<http://www.bamf.de/SharedDocs/Meldungen/DE/2016/20160606-asylgeschaeftsstatistik-mai.html?nn=1367522>).

Despite some uncertainty in the data these figures suggest that significantly more than 120,000 Afghan people are currently living in Germany without secure status of residence, hoping for protection or the right to remain.

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Afghan asylum seekers are among those groups who have to suffer the longest delays in their asylum procedures: many refugees have to wait for many months just to be given a hearing to be able to present their reasons for applying for asylum, after which they again have to wait for months to be given an initial decision. During this entire period they are excluded from access to integration courses, simply because the Ministry for Internal Affairs is of the dubious opinion that Afghans have little chance of being able to remain in the country. In actual fact, the notion that all pending asylum cases can be dealt with in the near future is as unrealistic as the impending deportation of tens of thousands of people to Kabul.

By contrast, an entirely foreseeable social problem of considerable proportions is the abuse of Afghan refugees as experimental subjects in the politics of deterrence: excessive waiting times, existential uncertainty and an ever-looming fear of deportation are hardly going to reduce their numbers. Instead, chances for integration are blatantly thwarted, with negative consequences for everyone involved. Given the large backlog of asylum applications at the German Federal Office, PRO ASYL is calling for a system under which the right to remain is granted to anyone who has been in the country for more than a year.

Prospects in asylum procedures

The rate of successful applications in cases of Afghan asylum seekers has been high and underlines the need for protection of this group. Officially, the success rate in 2015 is given as 47%. However, a further almost 39% of decisions was purely “formal”, in which BAMF does not even consider the substance of an application, but instead passes it on to another state for reasons such as lack of responsibility. By only taking into account cases in which BAMF actually considered the causes for flight and the need for protection of the individuals, an adjusted rate for need of protection can be calculated. In 2015 this was 78%, while in the first half of 2016 it was 52.9%.⁵

**Applications are not without chance for success.
If necessary one should litigate.**

⁵ BAMF, Antrags-, Entscheidungs- und Bestandsstatistik 2015, 2016.

From the viewpoint of the alleged existence of safe regions, the Federal Office for Migration and Refugees will continue to examine the asylum applications by Afghans more restrictively and will attempt to further lower the rate of successful applications. Nevertheless, increasing numbers of failed applications do not mean that the Federal Office's arguments will be accepted by the courts, and filing law suits contesting negative decisions by BAMF should be considered.

It is of the utmost importance that Afghan asylum applicants at the official hearings give truthful, extensive and nuanced accounts of their background and fate; including their individual reasons for fleeing the country, the whereabouts of family members, their family structure, as well as the concrete dangers and chances for survival should they be returned or deported.

This also goes for individuals who never lived as refugees in Afghanistan, but instead in another country, such as Iran. As Iran does not re-accept Afghan refugees, there is a genuine risk of deportation onwards to Afghanistan, which – if no ties to family or clan exist any longer – could be relevant for a possible granting of protection in Germany.

Detailed accounts should be given, especially for the region in and around the capital Kabul. BAMF seems to be of the opinion that certainly Kabul, but by now also Herat and Mazar-i-Sharif, are safe – especially for young men. It should be demonstrated through individual cases that, given the numbers of internally displaced people and the scarcity of resources, survival there is extremely difficult, even for young people, especially when family ties or other functioning social networks (no longer) exist in Afghanistan.

It is advisable for refugees to visit an advice centre at the earliest opportunity.

Furthermore, refugees have the right to be accompanied at their hearings by an advisor (paragraph 25, asylum law). A corresponding regulation can also be found in Point 7 of BAMF's service instructions: "If an applicant is accompanied to a hearing by an advisor (paragraph 14, VwVfG), that person is only to be admitted if the applicant puts on record an appropriate statement and the advisor's identity can be verified at the hearing. It is therefore important to make prior contact with BAMF, to carry ID and to have the refugee's permission to attend.

Guidance and personal advice are useful.

As hearings form a crucial part of the protection procedure, and many refugees might be nervous and need support, it can be very useful to accompany refugees. The advisor is not allowed not speak in place of the applicant but does have the right to ask questions to clarify and follow up points, for instance if facts are recorded wrongly or ambiguously. On such occasions it is worth intervening, in order to avoid subsequent inconsistencies. In addition, the advisor can require the interviewing person to ask additional questions to ensure that aspects of the refugee's situation are addressed that in the heat of the moment might otherwise be forgotten about. It

has happened in the past that an interviewer might add documents produced by the refugee into the files before properly reading them. In such a situation the advisor could intervene and insist that such evidence is taken note of.

Integration and participation

Unlike Syrian refugees, who are allowed to participate in BAMF's integration courses while their asylum applications are ongoing, Afghans are only allowed onto such courses once their applications have been approved. The reason given by the German Ministry for the Interior is the insufficiently high number of successful asylum applications, which, given the numbers, is a spurious argument, designed to impede the integration of tens of thousands of people.

Having said that, with support Afghan refugees can try to self-finance alternative German language courses or to access such courses run by volunteers. After leaving a first reception centre, refugees are also allowed to enter into employment or education; however it is worth noting that work permits have to be issued by the foreigners' registration office and that other jobseekers might be given "priority".

School attendance for minors is compulsory! In the past year, children's right to visit schools was often violated, as children often were not allowed to access education for months. In particular, unaccompanied minors from Afghanistan had to endure long waiting times. In all places where local authority structures are still not functioning properly, children's right to access education should be claimed actively and unequivocally.

Deportations

Until 2005, a complete ban on deportations was in place, and in the years since then very few deportations of Afghans have been carried out – most recently nine cases (in 2015) and 12 cases (in 2011). In most cases the federal states restricted themselves to deportations of men who had committed criminal offences.

Number of deportations to Afghanistan between 2011 and 2015



Source: Bundestagsdrucksache 18/7169 and 18/7588; Graphic: PRO ASYL

While these policies are set to change, mass deportations to Kabul are not to be expected in the near future. To what extent it will be possible to carry out deportations will depend on many factors, not least the actions of the Afghan government, which is under enormous pressure from the German and other European governments to co-operate. The fact remains that, given the desperately inadequate infrastructure in the country, deportations of thousands of Afghan refugees to Kabul would constitute a humanitarian catastrophe.

It is expected that official pressure on Afghan refugees, who are to an increasing degree not protected by the asylum procedure, will build up. More and more often they will be compelled to acquire passports and to leave the country “voluntarily”. In order to increase the number of voluntary departures, the German government will not shy away from making living conditions for people affected considerably more difficult, as has been the case in the past.

While pressure is mounting on Afghans to leave the country, mass deportations are (still) unrealistic.

It is clear that in the current political climate Afghan refugees are not entirely safe from deportation. However, a general feeling of panic should be counteracted by all involved, including advisors. It is, for example, worth pointing out that in Germany no-one can be deported before the end of any asylum procedure. Often asylum seekers are afraid of deportation before this is even a potential threat.

Investigating alternative options for right of residence

Afghan nationals who, despite unsuccessful asylum applications, have been living in Germany for some time under temporary suspension of deportation, should check their legal situation with the aid of a refugee advice centre or legal aid advisor, and clarify if they might be eligible to be granted the right to remain on grounds other than the right to asylum.

There are a number of different residence permit options and specific reasons for discretionary leave to remain. In some cases, for instance, a period of residence of 6-8 years can be sufficient for a permanent right to remain (paragraph 25b, Residence Act), though most types of residence permit require at least proof of (partial) means of subsistence and good integration.

For minors, a successful 4-year period of attending a school can also have a positive impact (paragraph 25a, Residence Act) on the chances of gaining the right to remain. If an apprenticeship has been started, no deportation can take place during the training period and, for the entire duration of the apprenticeship, at least a temporary suspension of deportation must be arranged (paragraph 60a, section 2, Residence Act). If no such legal provisions are effective, it is possible to apply to the Commission for Cases of Hardship at the federal state level.

Avoiding hurried advice on “voluntary” returns

The number of voluntary returns by Afghan nationals has been increasing. There are several reasons for this: frustration with the length of asylum procedures, sometimes hardly bearable living conditions in refugee shelters, disillusionment with a future in Germany, and worrying about family members left behind when no chance of family reunification seems to be on the horizon.

It is important that, even under the pressure of the circumstances, decisions to return “voluntarily” are not made over-hastily and without proper consideration. Some returnees have reported that in making the decision to return they were reacting to being told that their asylum applications in Germany had no chance of success. However, this is not the case for most people. In Germany, every asylum seeker has the right to an official decision on their application, before being requested to leave “voluntarily”.

Other, often young, refugees are disheartened, feeling abandoned and missing their families. Refugees’ decisions must be respected, but experience shows that “empty-handed” returnees are often not welcomed by their families and have to live with the stigma of having failed or acted irresponsibly. This should give refugees pause for thought. Only too often do returnees feel compelled to flee their countries a second time.

PRO ASYL is critical of any advice that urges a voluntary return early on during the application proceedings. Advice should always be given based on a sound knowledge of the individual circumstances and must not be based solely on the situation in the country of origin. In any case, requests for (voluntary) departure can only be issued following a legally binding decision. It is important to note that anyone who wishes to annul their previous decision to depart “voluntarily” (because they had been advised over-hastily as described above, or they are changing their mind about returning voluntarily for another reason) should seek immediate legal advice.

“Advice for Afghan refugees and their advisors” is also available online (in English and German, more languages to come):

www.proasyl.de/en/practical-links-and-information



ASYLUM FOR AFGHAN REFUGEES?

As long as the proportion of successful applications for protection remains high, the state will find it difficult to reduce the number of asylum seekers and the “abuse of asylum” argument will not gain any traction. Therefore the state strives to lower that proportion, in order to be able to publicly argue that it is “advisable to pursue the goal of a roll-back of economically motivated asylum claims [...] with renewed vigour.”⁶ A well-equipped toolbox is at the disposal of those wishing to lower the protection rate, with the legislature and the jurisdiction at the Supreme Court level usually working hand in hand.

Recognition in practice

Over the years, Afghan asylum seekers have time and again been among those targeted with repressive measures. Since the 1980s Afghanistan has almost continuously been among the primary countries of origin for refugees in Germany, despite early attempts to keep them away from the territory (such as a compulsory visa requirement in 1980, a compulsory transit visa requirement in 1981, the closing of routes of flight, and the declaration of transit countries as safe third countries).

During the Cold War, Afghan refugees, much like all refugees from the Eastern bloc, had, in principle, good prospects for being accepted. During the 1980s and 1990s extensive and complicated case law was developed on the interpretation of the term “political persecution”, which increasingly aimed at deterrence and, in the case of Afghanistan, tried to only recognise general dangers of civil war, which are not deemed relevant for asylum applications. For as long as German asylum practice attached little importance to the Geneva Convention on Refugees (despite the fact that this had been enshrined in domestic law since 1954), the protection rate (specifically for Afghanistan) kept being lowered. It was argued that political persecution could only be state persecution, and that in places where a (central) state authority does not exist, political persecution could not exist either. Using the argument that the Taliban did not hold any (even quasi-state) territory, thousands of Afghan refugees were initially refused protection during the 1990s. The fact that the Refugee Convention does not recognise the term “political persecution” was of no further interest. Since the Refugee Convention and the European Qualification Directive were incorporated into asylum law, and non-state persecution was allowed as grounds for the granting of refugee protection, this ploy no longer works. In the meantime policy makers increasingly attempt to deny the granting of subsidiary international protection, despite a worsening situation in Afghanistan and an increase in the numbers of civilian casualties.⁷

In recent years Afghans generally had good prospects for being granted protection in asylum procedures – as long as the BAMF accepted its responsibility and examined

6 Bundestagsdrucksache 18/8039, April 6th, 2016 (<http://dip21.bundestag.de/dip21/btd/18/080/1808039.pdf>).

7 See paragraph 4, section 1, clause 1, Nr. 3, Asylum Law.

the content of applications. In 2015 BAMF ruled in some 6,000 asylum applications by Afghans. In those cases where the BAMF examined the content of the application, the protection rate⁸ for Afghans in 2015 was around 78%. Since the announcement of a policy change by Thomas de Mazière, the German Federal Minister for the Interior, the protection rate fell to 52.9% during the first half of 2016.

When looking at the development of protection rates over the past few years, one cannot help but think that the increase – until the time of de Mazière’s political intervention – exactly mirrored the increasingly deteriorating security situation in Afghanistan.

Protection alternatives in Afghanistan?

The key approach taken to deny asylum protection, even in individual cases where concrete danger of persecution can be demonstrated, is to allege so-called internal “flight” or “protection” alternatives that affected persons can find in their countries of origin.

The so-called guiding principles for countries of origin, which form the basis for decisions for policy makers at the German Federal Office for Migration and Refugees, have, in the case of Afghanistan, already been modified according to political targets. According to the federal government, these should increasingly take into account internal alternatives of flight, with due regard to accessibility of such regions and possibilities of existence at such alternative locations.⁹ The federal government does not make clear where exactly these alternative regions are located. The guiding principles for countries of origin are classified material and as such only for official use.

Until now, only Kabul was seen as an internal alternative for protection; it was said that, at the very least, men fit for work would be able to get by there. The same argument has also been used to deny protection to people coming from other parts of the country.

An “internal alternative for protection” cannot simply be proclaimed – it is dependent on various preconditions.

The Federal Administrative Court of the Republic of Austria takes a different view and refers to the European Convention on Human Rights (ECHR): “The conditions for subsidiary protection for inhabitants are satisfied in the province of Kabul due to

8 The adjusted protection rate includes protection according to Art.16a GG, refugee protection, subsidiary protection and national deportation protection. It is calculated by deducting all “formal decisions” from the total number of judgements as given by BAMF. “Formal decisions” are those where BAMF does not make any content-based declaration, but are “settled otherwise”, e.g. because the responsibility of another EU country has been determined.

9 Bundestagsdrucksache 18/7169, December 22nd, 2015 (<http://dip21.bundestag.de/dip21/btd/18/071/1807169.pdf>).

impending violations of articles 2 or 3 of the ECHR and protocol 6 of the ECHR. An internal alternative for protection does not exist in Afghanistan. The situation is even more problematic for persons who have not been residing in Afghanistan for some time.”¹⁰

In point of fact, Kabul is a good place for hardly anyone, except perhaps a privileged few. Having grown tenfold in the past ten years, the city now has almost 7 million inhabitants. The infrastructure has not grown proportionally. The majority of Afghanistan’s internally displaced people (by now in excess of 1.2 million) try to get by in the ethnically segmented capital. Wretched refugee slums spring up all around the city. Those who are able to find a job are exploited and have to accept a complete lack of rights or contractual security; those without local connections are completely left out.

Even the German Federal Office for Migration and Refugees realises that in a multi-ethnic country dominated by tribal, family and clan structures not every citizen is able to travel freely, let alone live in any of the country’s local spheres of influence. Ethnic minorities without the support of social networks are not only isolated socially and economically, but face real danger to life and limb.

Meanwhile notifications by the Federal Office have cropped up in which the regions Herat and Mazar-i-Sharif, as well as Kabul, are provisionally described as safe for the purpose of internal alternatives of flight. Lawyer Gunter Christ points out that the reasonableness of any internal protection alternative must conform to article 8 of the guideline (RL) 2004/83 EG. According to this, “for internal protection the means of existence must be safeguarded to such an extent that a foreign national can reasonably be expected to reside there. This measure of reasonableness exceeds the lack of existential hardship as defined in paragraph 60, subparagraph 7, clauses 1 and 3 of the Residence Act.”¹¹

Similarly it is stated in paragraph 3e of the asylum law, “Internal Protection”:

Apart from protection against persecution, for the presumption of an internal alternative protection it is a necessary precondition that a refugee can “travel safely to the region in question, will be accepted there and can reasonably expect to settle there.

(2) Local circumstances and the foreign national’s personal circumstances [...] must form part of any consideration. For this purpose, precise and current information must be obtained from relevant sources.”

This also applies in cases where the subsidiary protection is not granted: it is not sufficient that “the region in question poses no substantial danger to the affected person,” but that “it has to be reasonably assumed that the person will settle there”.

10 Federal Administrative Court, judgement June 5th, 2014 - W199 1434642-1.

11 Gunter Christ, “Anerkennungs- und Rückführungspraxis von Deutschland und der EU betreffend afghanische Flüchtlinge”, manuscript for a lecture at a conference of federal law consultants, April 7th-9th 2016, Hohenheim, (http://www.nds-fluerat.org/wp-content/uploads/2016/05/Gunter_Christ_Afghanistan.pdf).

Each individual case must be tested according to these criteria.¹² Gunter Christ also investigates the UNHCR criteria for internal protection alternatives¹³, and concludes that in Afghanistan – including Kabul – no internal protection is possible, because:

- “There is neither a functioning state nor any other organisations listed in article 7 RL that could give effective protection;
- A life without hunger, but with shelter and, if necessary, health care and other essential social provisions cannot be ensured or guaranteed;
- The state does not safeguard protection from human rights violations and criminality; and
- Access to rights according to the Refugee Convention is not safeguarded.”

In the case of Kabul, Gunter Christ draws special attention to the severe and daily attacks on the city by the Taliban and a judgement of the Higher Administrative Court of Lower Saxony on July 28th, 2014, which found that a Pashtun refugee, who had evaded forced recruitment, was not safe from detection by the Taliban in Kabul and whose life therefore was in grave danger.

Christ also cited a number of recent BAMF decisions and judgements for the case of Herat, which demonstrate how inappropriate that city is as a “safe” protection alternative for refugees. These include, amongst others, granting of protection

- for an Afghan woman with Western appearance, against severe human rights violations (recognition according to paragraph 3, section 1, asylum law);
- due to a substantial danger to life and limb as a result of armed conflict (paragraph 60, section 7, clause 2, Residence Act);
- due to the threat of starvation or the impossibility of survival, including in Kabul and Herat (paragraph 60, section 7, clause 1, Residence Act);
- due to the threat of forced marriage (paragraph 60, section 1, Residence Act).

Using other sources, Christ also demonstrates the deteriorating security situation in Herat: rising numbers of abductions and killings, reports of car bomb attacks, and even poison gas attacks on schools in Herat, in which hundreds of children, mainly girls, were injured in 2015.

Gunter Christ also cites a great number of recent relevant events in Mazar-i-Sharif that demonstrate that the image of an oasis in a war-torn country is mere fantasy. He also points out that the notion of large numbers of referrals of Afghan refugees to Mazar-i-Sharif is completely unrealistic, as the town itself only has around 267,000 inhabitants.

12 Administrative Court Gießen, judgement January 27th, 2016 – 2 K 3674/14.GI.A, quoted by Gunter Christ, as above.

13 UNHCR guideline on international protection Nr.4 “Internal flight- or resettling alternatives”, as per article 1A(2) of the 1951 Convention and the 1967 Protocol on the legal situation of refugees, quoted by Gunter Christ, as above.

Density of danger: a legal term out of touch with reality

While many refugees do not have a narrative of persecution according to refugee law, they nonetheless flee their country out of a concrete sense of threat and danger to their lives. What are their chances in asylum procedures?

The Federal Administrative Court has transformed the concept of “density of persecution” – which for a long time played a crucial role in asylum procedures – into the concept of “density of danger”. Behind the unwieldy term hides something like the following calculation:

The number of inhabitants of a certain region (Afghanistan) is compared to the number of wanton acts of violence that occur in that region over a given time period. The ratio between conflict-related deaths and number of inhabitants yields a “threat coefficient”. This figure, sometimes cynically termed “body count index”, purports to provide a reliable indication of the level of threat in a region. This sounds rational and legally credible. Court decisions often assert that in a given case the “density of danger” in the region chosen for deportations does not exceed the “threshold of relevance” and that a deportation is therefore possible. Protection is only granted when the total number of violations is close to 50% of the total number of inhabitants.¹⁴ However, the 50% figure is almost never exceeded in any case. For example, the Afghan province of Ghazni has a threat coefficient of 0.05476 – i.e. in the lowest percentage range.¹⁵ And even Afghan asylum seekers who fled an extremely unsafe area are often told that, according to the above formula, their lives would certainly be safe in Kabul.

The absurdity of such calculations was recently made plain in an article by Prof. Dr. Dr. Paul Tiedemann, published in the *“Zeitschrift für Ausländerrecht und Ausländerpolitik”* (ZAR).¹⁶ Taking current case law¹⁷, Tiedemann calculated the density of danger coefficient for destroyed cities during World War 2. According to these calculations, the density of danger for Stalingrad was 19.2%, for Dresden 10.6%, and for Coventry 0.6%, meaning that if people had fled these cities, they could easily have been returned there according to current German law. Instead of such inhumane bean-counting, Tiedemann argues for case law that derives its standards from historically shared experiences and qualitative judgements deduced as a consequence:

“We tend to consider probabilities in the tenth-of-a-percent range as unimportant. This seems to be connected to the fact that the intuitions that lead us are justified when we assess chances but not when we assess risk. It is absolutely reasonable not to take the tiny chance of winning the lottery too seriously and therefore not to base life decisions on it. However, it may be extremely reasonable, and, when it

14 Federal Administrative Court, judgement April 27th, 2010 – C 4/09.

15 FAZ, February 2nd, 2016 (<http://www.faz.net/aktuell/politik/abschiebungsplaenefuer-afghanische-fluechtlinge14046723.html>).

16 Paul Tiedemann, “Gefahrendichte und Justiz – Versuch einer Rationalisierung”, ZAR 2016, pp. 53.

17 European Court of Justice, judgement February 17th, 2009, C-465/07 – Elgafaji.

comes to one's responsibility for one's children, downright necessary to evade a risk that is in the tenth-of-a-percent region, to sacrifice all worldly goods and to be prepared to seek an uncertain future in a foreign country."

**Per definition, no region in Afghanistan is safe permanently,
as the situation can change from month to month.**

Instead of leading to numerical games that are out of touch with reality, the levels and types of danger should be taken seriously. Afghanistan is a prime example: per definition, no region there is safe permanently, as the situation can change from month to month. To accuse refugees fleeing the region of having over-assessed the level of danger lacks not just empathy but also any rationality informed by past events. Further, if the "density of danger" is sufficiently low to deny Afghan asylum seekers, then why does the Foreign Ministry issue travel warnings for Afghanistan?

AFGHANISTAN IS NOT SAFE

In the spring of 2016 – that is before the main fighting season had begun – the security situation in Afghanistan was extremely tense. All across the country the Taliban and other insurgents were advancing, and regions could only be recaptured with the aid of the remaining US fighting forces and air support. Despite a deployment of Special Forces, large swathes of the important Helmand province were in effect surrendered by the government. At the beginning of March, government forces launched a renewed offensive. Despite all the talk of security, reconstruction and foreign aid there is a war raging in Afghanistan, and the civilian population is fundamentally in grave danger all across the nation.

Victims in the civilian population

The United Nations Assistance Mission in Afghanistan (UNAMA) published its annual report in February 2016.¹⁸ According to this, the number of civilian victims in Afghanistan has reached record levels: in 2015 the highest number was recorded since 2009. In total, the report records 11,002 civilian casualties, including 3,545 deaths and 7,457 injured persons. According to the report, in the period between the beginning of 2009 and the end of 2015, there were precisely 58,736 casualties, including 21,323 deaths and 37,413 injured persons. Increasingly, vulnerable persons were the victims of attacks: in 2015 the number of female victims rose by 37% and that of children by 14%.

UNAMA reports a rise in violence, more destroyed homes and thousands of new “displaced persons” and expects that the repercussions of the wave of violence will result in a prolonged destabilisation of the general population. The report states that there is practically no government support. UNAMA list three reasons for the renewed wave of violence: an increasing number of suicide attacks by groups opposed to the government, collateral damage resulting from attacks by government troops and people dying in crossfire, especially in the Kunduz region.

According to information by the Foreign Ministry itself, the danger to life and limb is rated as high or extreme in half of Afghanistan’s 400 or so districts¹⁹, while at the same time the threat levels are rising dramatically in areas that had previously been quieter.

Increasingly, the civilian population itself perceives the security situation as problematic. In 2015 the Asia Foundation published a representative survey that had been conducted in 2014. 65% of all Afghans state that they fear for their personal

18 United Nations Assistance Mission in Afghanistan (UNAMA), Afghanistan: Annual Report 2015. Protection of Civilians in Armed Conflict, Kabul, February 2016 (https://unama.unmissions.org/sites/default/files/poc_annual_report_2015_final_14_feb_2016.pdf).

19 FAZ, November 13th, 2015 (<http://www.faz.net/aktuell/politik/fluechtlingskrise/auswaertiges-amt-haelt-afghanistan-nicht-fuer-sicher-13909934.html>).

safety always, often or sometimes, which represents the highest figure since the foundation started to survey the region.²⁰ In addition, the poor security situation was seen as the main reason why Afghanistan as a whole was moving in a problematic direction.²¹ The shift in Afghan's perception of the security situation is also due to the fact that local militia, who were initially formed as reinforcements for government troops and were supposed to organise resistance against the Taliban in rural areas, themselves inflict extensive violence and terror on the civilian population.

Many Afghans fear for their personal safety.

On April 18th, 2016 Spiegel Online reported on a joint memorandum by UNICEF and UNAMA, which states that in 2015 the UN recorded 132 attacks on educational establishments and that 369 Afghan schools had to close partly or fully due to threats, intimidation or violence. Attacks on medical workers are on the increase, too: the same UNAMA/UNICEF memorandum details attacks on doctors, nurses and medical establishments. Such attacks, according to the report, rose from 59 in 2014 to 125 in 2015; 20 medical workers were killed, 43 injured and 66 abducted. This figure, however, also includes the many victims of the US attack on a hospital run by MSF in Kunduz in October 2015.

The increasing lack of security also means that members of local militia, troops of local warlords, but also members of the civilian population in the unstable regions try to find support and care with those who locally may be holding power sooner or later.

The province Nangarhar in eastern Afghanistan is a prime example of the confusing security situation in the country, where insurgents, who describe themselves as part of the so-called Islamic State (IS), took temporary control of several districts in the region and carried out attacks, for example in Jalalabad. Whether or not IS, who are striving for the establishment of a supra-national caliphate, will prevail is not yet clear. In the past, Afghans largely maintained a critical distance to Al Qaeda, as this was not seen as a native Afghan movement. Despite all the differences between the groups, the Taliban do not merely see themselves as an Islamic movement, but also as patriots. However, if IS did manage to gain a foothold in parts of the country, a competition for military successes might ensue.

As early as January 2015, in its report "Afghanistan – Security Situation", the European Asylum Support Office (EASO) drew attention to the impending threat situation.²² It is striking to see in the maps of the provinces in this report that the majority of security incidents took place along major roads. This may well be due to tactical reasons of a guerrilla war (fight against convoys, robbery of transported goods, attacks against checkpoints etc.), but it does seem doubtful whether a serious and complete documentation of incidents in the districts away from the roads can

20 Asia Foundation, Afghanistan in 2014. A Survey of the Afghan People, Kabul 2014, p. 32 (<http://asiafoundation.org/afghansurvey/>).

21 Ibid.

22 European Asylum Support Office (EASO), Country of Origin Information Report: Afghanistan. Security Situation, January 2015 (<https://easo.europa.eu/wpcontent/uploads/Afghanistan-security-situation.pdf>).

even exist. An uncontested takeover of a rural area by the Taliban may, if there is no military reaction, initially lead to a reduction of security incidents. Therefore it is questionable to what extent the portrayal of the situation in the map is realistic, and it raises the question of who in each case actually holds territorial power. Even at the time when government forces were still in Kunduz, the Taliban were the dominant force outside of the city.

In the spring of 2016 the extent of the Taliban-controlled area was larger than at any time since the US invasion in 2001.

During the Taliban's spring offensive, during which in mid-April 2016 fighting had returned to the outskirts of Kunduz and the surrounding areas, the *Neue Zürcher Zeitung*²³ reported the following: "The Taliban does not just attack in the northeast. The "liberation" of all government-controlled areas is the explicit objective of operation Omari, as the offensive is called in reverence of the long-standing Taliban commander Mullah Omar. Obaid (of the Afghan Analysts Network) assumes that clear strategic priorities are pursued. It is the aim of the insurgents to establish a corridor in the north, cutting off the economic centre of Mazar from the rest of the country. The province of Baghlan, which is important for this objective, currently experiences especially intense fighting. There, but also in Helmand in the south and countless other areas, the Afghan army can only hold its ground with the support of foreign forces. [...] An increase in hostilities has to be expected over the coming weeks and months."

In actual fact the security situation is even more serious than is suggested by official reports on Taliban successes. In the spring of 2016 the extent of the Taliban-controlled area was larger than at any time since the US invasion and the subsequent expulsion of the Taliban in 2001. According to the Afghanistan expert Thomas Ruttig, the Taliban have succeeded in occupying 23 of 400 regional centres temporarily or permanently.²⁴ Only in six cases were government forces able to swiftly re-take the territories. According to Ruttig's estimates, there is a much higher number of latently Taliban-controlled districts. "From such places fighting is often no longer reported; the government frequently only holds the district centre or even just parts of it." There were reports from five districts according to which the government only controlled the governor's office. Ruttig suspects that it may be Taliban strategy to intentionally leave the last part of power in government hands: "In some districts the Taliban refrain from making the final push in order not to provoke air attacks or larger counter-attacks, or, following pleas by the local population, refrain from attacking in order to avoid destruction."

23 *Neue Zürcher Zeitung*, April 19th, 2016.

24 Thomas Ruttig, "Fluchtursachen und 'sichere Schutzzonen' in Afghanistan", in: *Friedensgutachten 2016* (<http://www.lit-verlag.de/isbn/3-643-13370-0>).

The fall of Kunduz: a watershed

The rapid fall of the city of Kunduz, which also became a scandal for German foreign policy, represents a watershed in Afghanistan's security situation. On September 29th, 2015 the Taliban captured the city of Kunduz with its 300,000 inhabitants, which had previously been under the command of German troops for a long time. Not since the Taliban's loss of power had they been able to successfully take such a large city. (It should be noted that government troops were able to re-take the city two weeks later.)

The Bonn International Centre for Conversion (BICC) investigated the fall of Kunduz.²⁵ According to its analysis, the German forces were not able at any point to create a safe environment. Over time, the districts of Chardarah, Archi, Khanabad and Imam Sahib, all in the area surrounding Kunduz, turned into problematic areas. In part due to competition between local warlords, the German army gave up its aspiration of creating a safe environment in Kunduz years ago, said BICC's report.

The Frankfurter Allgemeine Zeitung (FAZ) reaches a similar conclusion on the state of the security situation.²⁶ The material losses in Kunduz are listed as follows:

"Ten government buildings were burned down; a bridge worth €7 million was destroyed; more than 700 vehicles, including police cars, fire engines, Humvees, private cars and UN vehicles were stolen, as well as countless computers from government buildings and offices of international organisations – and with them highly sensitive data, whose loss could compromise staff security. The most serious event was arguably the looting of a regional office of the Afghan Secret Service. According to residents' eyewitness accounts, the Taliban arrived in two dozen vehicles in order to make off with documents and computers. According to Afghan security sources the convoy was later shelled from the air. 'Otherwise we would have had to expect targeted attacks on agents over the next few months.'"

The fall of Kunduz demonstrates how quickly power structures can shift in Afghanistan.

It is questionable if this air strike was able to prevent the looting of documents by the Taliban; there were no relevant reports of successful operations at the time. Local authorities would find it difficult to convince staff members who had fled to neighbouring provinces to return to Kunduz. The fall of Kunduz is described by the FAZ as a military failure:

25 Katja Mielke/Conrad Schetter, "Der Fall Kunduz: Ein Plädoyer für eine kritische Bestandsaufnahme statt militärischem Aktionismus", Bonn International Centre for Conversion, October 6th, 2015 (https://www.bicc.de/fileadmin/Dateien/pdf/press/2015/BICC_Kommentar_Kunduz.pdf).

26 FAZ, October 19th, 2015 (<http://www.faz.net/aktuell/politik/ausland/asien/afghanistan-dastrauma-von-kunduz-13863532.html>).

“The background to the fall of Kunduz continues to be the source of much internal wrangling. Members of the Afghan government and the security forces are trying to blame each other for the humiliation of Kunduz. Sections of the police are accused of having run away from the enemy. The army is accused of having tolerated a situation for months in which the Taliban was able to quietly expand its positions around the city. The former governor, Daneshi’s predecessor Omar Safi, is accused of having “sold out” the city to the Taliban. He makes an especially good scapegoat, as at the time of the attack he was in Tajikistan and, instead of hurrying back to his province, he tried to abscond to London. Fingers are also being pointed at the president’s security adviser, Hanif Atmar, who ignored all warnings of an imminent attack on the provincial capital.”

Against this background, the German Interior Minister’s constant assertions that Afghanistan is safe and that Afghans should stay in their country are untenable. Given that even German troops cannot safeguard stability, it is doubtful that Afghan forces could achieve this by themselves. Kunduz is a watershed precisely because it demonstrates how quickly power structures can shift in Afghanistan. It is not possible for anyone to make reliable predictions relating to the whole of the country – neither for German interior ministries, nor for administrative courts that are responsible for making decisions on possible deportations as part of a risk assessment.

On the German news programme *Tagesschau* (October 28th, 2015) the journalist Jürgen Webermann commented on public remarks by the Federal Minister for the Interior, according to which so much foreign aid had been poured into Afghanistan that one could therefore expect Afghans to stay in their country. Here is an excerpt:

“Tell this to a person in Kunduz. Kunduz was an important centre of German foreign aid. When German troops left there in 2013, the German foreign minister at the time, Guido Westerwelle, said to the people: ‘We’re not abandoning you!’ As it happened, the person standing next to him in the army camp was the then defence minister Thomas de Maizière. And indeed, the Organisation for International Co-operation (GIZ) built schools in Kunduz and supported the judiciary. GIZ is the German government’s political arm for development.

Then, about a month ago, the Taliban came. They captured Kunduz within a few hours – a major city with well over 100,000 inhabitants. They looted the offices of aid organisations, including those belonging to GIZ. Eyewitnesses report how the extremists, Kalashnikov in hand, posed on top of German vehicles. In spring, a German member of GIZ had been abducted, and in August a female member of GIZ’s staff was abducted, in the street, in an upmarket area, right outside her office. [...]

The whole country is affected by the war – and yes, it is a war. Investors are staying away, and aid organisations and NATO troops have pulled out, which has led to the loss of thousands of jobs. Even the more peaceful regions are going downhill. [...] And we really expect Afghans to kindly stay in their country? Instead, one could pose an equally terse question to Thomas de Maizière: Have Germany’s policies in Afghanistan not been a failure, and are the refugees perhaps our comeuppance?”

The Taliban

The Taliban first came to prominence in 1994 in the Kandahar region in Afghanistan’s south. They took control of the town of Kandahar and quickly captured other provinces. In 1995 the Taliban started a two-year siege of Kabul, entering the city in September 1996 and establishing the Islamic Emirate Afghanistan there, which was only recognised by Pakistan, Saudi Arabia and the United Arab Emirates. In each region they took control of, the Taliban pursued a policy of massacres and scorched earth. For the period between 1996 and 2001 UN sources list more than 15 massacres. In 1998 the Taliban started to systematically starve parts of the population by cutting off large sections of central Afghanistan from UN relief supplies. When their regime was toppled in October 2001 during the US-led intervention, its leaders went abroad, mostly to Pakistan. Supported largely from there, they continued their military fight and regime of terror in Afghanistan.

The majority of the Taliban’s attacks and other actions are directed against the Afghan civilian population. According to the UN, in 2009 they were responsible for more than 75% of Afghan civilian casualties.²⁷ Over the past few years civilians were also the target of the Taliban’s deadly attacks. Given this situation, it is inexplicable why the German government asserts that the security situation in Afghanistan is sufficiently under control and why it insists that the Taliban leadership “has repeatedly and credibly instructed its fighters [...] to avoid civilian casualties.”²⁸ Shortly after the publication of this threadbare argument, over 60 people were killed in a Taliban attack on the headquarters of the Secret Service in Kabul, in the vicinity of which there are also the Department for Defence and the US embassy. Over 300 people were injured. It can hardly be assumed that the majority of the victims weren’t civilians. The German government’s desire to increase the number of deportations to Afghanistan seems to be accompanied by a growing willingness to take Taliban propaganda on trust.

The umbrella term “Taliban” includes quite heterogeneous splinter groups and interests. Over a substantial amount of time, Pakistan’s Secret Service ISI operated a more or less official policy of supporting the Taliban. Since the establishment of the organisation, religious schools in Pakistan, who also solicit for Afghan refugees, have

27 The Weekly Standard, August 10th, 2010 (<http://www.weeklystandard.com/article/490510>).

28 Bundestagsdrucksache 18/8141, April 15th, 2016 (<http://dip21.bundestag.de/dip21/btd/18/081/1808141.pdf>).

been functioning as training grounds. Furthermore, the Taliban sometimes portrays itself as the armed wing of the ethnic group of the Pashtuns, who in Afghanistan felt marginalised under the Karzai administration. In addition there are other subgroups that see themselves as part of the Taliban or co-operate with it for a wide variety of reasons.

Since 2011 there have been attempts by the USA to negotiate directly with the Taliban. In 2013 the Taliban installed an office in Qatar as an “embassy” for this purpose, but for one reason or another the negotiation process is stalling. Whether or not negotiations as part of a peace process have a chance of success not only depends on who will prevail within the Taliban (the often-invoked moderate Taliban or other factions), but especially on the interests of all neighbouring countries and powers who, for a long time, have been staging their struggles for dominance in Afghanistan.

The drone war and its consequences

“It would appear that the remaining US forces in Afghanistan are increasingly employing armed drones for its attacks, after Afghanistan, Iraq, Pakistan and Yemen became the countries where US forces waged the world’s first drone war as part of the global war against terror,” writes the journalist Florian Rötzer.²⁹ A symbolic threshold seems to have been crossed: in Afghanistan the robot wars have started. According to the US Air Force, already in 2015 more munitions were fired by drones than by manned aircraft, and while in 2011 around 5% of the US Air Force’s rockets and bombs were launched using drones, that number had risen to 56% by 2015.

In 2011 around 5% of the US Air Force’s rockets and bombs were launched using drones; by 2015 that number had risen to 56%.

The use of drones is cheap and largely devoid of risks for the operating crews. However, the permanent horror of the electronic eye of a roving drone is a traumatic experience for large parts of the population. Contrary to the myth of the “clinical strike”, drones are often not able to distinguish between combatants and civilians. Surveys clearly detailing civilian casualties caused by drones are not available.

According to the UNAMA report, more than 60% of all civilian casualties are caused by the Taliban. The remaining deaths and injuries can be attributed to the Afghan army, the police, troops loyal to the government and warlords. However, this statistical report published in 2009 is attracting much well-founded criticism. It seems questionable that NATO troops are only responsible for 2% for all casualties. It would appear that its aim is to corroborate the perception that this is only “collateral damage” in otherwise pinpoint-accurate operations.

²⁹ Telepolis, April 22nd, 2016 (<http://www.heise.de/tp/artikel/48/48036/1.html>).

Under the heading “Whitewash of the West?”, Emran Feroz gave a summary of the various criticisms of the UNAMA report.³⁰ What might be surprising for Western observers is the fact that many Afghans – from the Taliban to Afghanistan’s ex-president Karzai – are united in their condemnation of the UNAMA report. Karzai insists that the bombings, drone attacks and deployments of Special Forces kill many more civilians than is publicly known. Few “mishaps” are as obvious as the US attack on MSF’s hospital in Kunduz, which made headlines for weeks and has left indelible marks in the memories of the region’s inhabitants.

At any rate, as statistics on casualties only exist from 2009 onwards, the UNAMA reports do not include the periods of the most intense warfare and highest number of casualties in Afghanistan. And, says Feroz, there is a further methodological issue about UNAMA’s figures: “According to the organisation, at least three separate sources are required for the verification of a single incident. However, there are hardly any journalists or human rights workers on the ground in the war-torn regions of Afghanistan, and reporting from the ground is inadequate in many cases. It is, for example, hardly known who gets killed by US drone strikes. The stock phrase used is ‘suspected extremists’ – and that’s the end of it.”

If the Taliban are successful in occupying further territory, the drone war will probably continue and be further intensified, while an Afghan air force is still only at a very early stage of inception. In Afghanistan, which is bombed by drones like no other, the practice to remodel civilian casualties into Taliban will continue, and the deceit of terror from the air will carry on competing with the deceit of Taliban attacks on the ground.

Armed militias against the Taliban and “Islamic State”?

According to a report in the *Handelsblatt* on March 8th, 2016, a plan existed (and became publicly known in March 2016) to counter the military achievements of the terror militia “Islamic State” in Afghanistan with armed civil defence groups, especially in the province of Nangarhar. This is a problematic concept. The support forces of the Afghan local police – all too often not more than armed militias under the command of local warlords – have in the past themselves been accused of grave human rights violations. The current Afghan president Ghani promised before his election to abolish these militias if at all possible, but since the successes by the Taliban and IS in 2015 more of these militias have come into existence, and nothing more than a crash course in using Kalashnikovs, rocket-propelled grenades and machine guns is envisaged as their training. These new measures are intended to offset the loss of fighting power through desertions, deaths and injuries. According to a NATO spokesperson quoted in the *Handelsblatt* report, the Afghan army is currently short of around 25,000 men.

While Karzai’s government did announce a strategy to disarm the existing militias following the fall of the Taliban (which was done in order to prevent a recurrence of the situation that existed before the Taliban, where a number of Mujahideen factions waged war against each other following the withdrawal of the Soviet army), the

30 Telepolis, February 24th, 2016 (<http://www.heise.de/tp/artikel/47/47479/1.html>).

strategy of counting on local militias as allies is not actually a new one. Particularly over the past few years Afghanistan's political leaders have often relied on the support of militias controlled largely by former Mujahideen leaders. In 2015, on the sidelines of the re-capturing of the city of Kunduz from the Taliban, it became apparent that hundreds of fighters under Mohamed Omar in the province of Kunduz at the very least received ammunition from the government in Kabul, and even before the spring offensive against Kunduz in 2015 a second Tajik militia group was allegedly called in and armed.

**Not only the Taliban, but also local residents
are victims of armed militia.**

The increasing significance of armed militias is a major security issue, because their victims are not only the Taliban. One aspect that gets ignored in discussions on Afghanistan's security, according to Thomas Ruttig, is the expansion of pro-government paramilitary units with support by Western governments – among them, despite official denials, the German government. "In addition to Taliban threats against all Afghans who are working for the government or co-operate with it, uncontrolled militias increasingly carry out attacks against local civilians. Both types of act represent a form of political persecution."³¹

The German government's assessment of the security situation

The German interior minister Thomas de Maizière doggedly insists that more Afghans have to be deported to Afghanistan. However, even German authorities agree with international organisations that the security situation in Afghanistan has deteriorated drastically.

In December 2015 the German government answered a parliamentary question on the planned intensification of deportations to Afghanistan.³² The question's preface summarises the German government's position since October 2015, which is the same month in which Federal Interior Minister Thomas de Maizière – evidently spurred on by the fact that by then Afghanistan had moved up to second place on the ranking list of countries of origin – expressed his displeasure about the numbers of Afghan refugees:

"We agree with the Afghan government – we are not happy [with the status quo]. Increasingly members of the Afghan middle classes are coming over. And we also agree with the Afghan government on this: Afghanistan's youth and middle class families should stay in their country and help rebuild it."

31 Thomas Ruttig, "Fluchtursachen und 'sichere Schutzzonen' in Afghanistan", as above.

32 Bundestagsdrucksache 18/7169, December 22nd, 2015
(<http://dip21.bundestag.de/dip21/btd/18/071/1807169.pdf>).

He went on to say that vast sums of foreign aid had been poured into the country and that German soldiers were involved in making Afghanistan safer. Could one not expect, then, that Afghans would stay in their country? "People who come from Afghanistan as refugees cannot expect to stay in Germany, not even on temporary suspension of deportation." Such statements foreshadow attempts to influence the decisions of the Federal Office for Migration and Refugees and to eventually achieve more rejections of asylum applications and deportations.

Safety in Afghanistan is a myth.

Such references to members of Afghanistan's middle class – who, according to de Maizière, have no reasons to flee their country – completely misjudge the reality of the situation. Given the concrete threats and the dismal security situation in the country there are just as good reasons for members of the middle classes to flee the country as there are for members of other social classes.

Another argument made against the current levels of flight from Afghanistan is the fact that German soldiers have allegedly contributed to making the country safer. However, this, too, is a myth – one in which not even the German army itself believes any longer. For the first few years, the military intervention had been portrayed as a sort of armed development aid – drilling wells and establishing girls' schools, but in the end German soldiers were not able to effectively contribute to making Afghanistan sustainably safer. This is demonstrated by the past years alone, during which successive retrograde steps occurred in regards to security.

Consequently de Maizière wanted to send a clear signal: "Stay at home! We'll remove you from Europe [...] and send you straight back to Afghanistan!"³³ The leaders of the governing parties appropriated Maizière's strategy in a resolution from November 5th, 2015, whose explicit intent it was to "contribute to the creation and improvement of internal alternatives of flight and in this context to revise and adapt BAMF's basis of decision making."³⁴ This made possible an intensification of deportations. To be clear: As it was not possible to create internal alternatives for flight by military means, they had to be invented on paper. The Federal Office for Migration and Refugees is handling it.

In its answer to the aforementioned parliamentary question the government explained at length which contacts it intended to use in its attempts to increase pressure on the Afghan government and to create more willingness to re-admit Afghans whose asylum applications had been rejected. It stated that the Afghan government had requested that repatriations should only be carried out in a way that was manageable by Afghanistan – whatever that may mean. The Afghan government is already failing in its gigantic task to care for over a million internally displaced people.

33 Federal Ministry of the Interior, November 10th, 2015 (<https://www.bmi.bund.de/SharedDocs/Kurzmeldungen/DE/2015/11/bundesinnenminister-auf-dem-sonderrat-der-innenminister-in-bruessel.html>).

34 Resolution by the party leaders of CDU, CSU and SPD, November 5th, 2015, section H (http://www.spdfraktion.de/system/files/documents/ergebnis_pv5_11_.pdf).

When asked about its current assessment of the Taliban's expansion into areas that had previously been seen as safe, the German government offers an interesting interpretation of the situation: "The Taliban's control over Afghanistan in 2001 is not comparable to the current situation in any way. Back then the Taliban controlled the vast majority of urban centres and were easily able to establish governmental (administrative) structures in parts of the country."

It needs to be pointed out that currently the Taliban does not need to pursue such a strategy. Absolute control of the territory and the establishment of governmental structures would create more problems for the Taliban than it would solve, as it would need to concern itself with questions of administration and provision which in turn would absorb some of its strength. In the current situation it is enough for the Taliban to have the initiative on its side and to demonstrate that it can draw attention to itself at any time with spectacular attacks deep in government districts. Furthermore, by occupying Kunduz it achieved maximum destabilisation with limited military resources. The knowledge that a city that was considered safe could simply be overrun and occupied by the Taliban is formative and traumatic for many people in the region. In the spring of 2016 the Taliban announced its intention to begin capturing larger cities.

At the end of November 2015, an internal report by the German Foreign Ministry (dated November 6th, 2015), contradicting the Interior Ministry's assessment of the security situation, was leaked to the press.³⁵ According to this report, the security situation differed substantially from region to region, but was "still volatile". The Foreign Ministry also confirmed that the number of civilian casualties was at a record high. The report described that in many parts of the country the state's monopoly on the use of force was "challenged significantly by insurgents and militias", and went on to say that "the biggest threat to the Afghan population derives from local rulers and commanders. The central government has little influence over these people and is only able to control them and investigate or condemn their actions to a very limited degree." The government, according to the report, is not in a position to provide effective protection for the population.

In view of "facts relevant for asylum" the report states that the situation of women and children is especially dire. "Traditional discriminating practices and human rights violations against women continue to exist, especially in rural and remote areas. [...] Sexual and gender-specific violence is widespread." The report goes on to say that "especially among the ranks of the army and police, but not limited to these groups, the sexual abuse of children and young people continues to be a major problem in large parts of Afghanistan. [...] No police investigations are taking place."

Nevertheless, the German government continues to live an entirely alternative security world: a parliamentary communication (*Bundestagsdrucksache* 18/7169) states that "the urban centres, by contrast, are 'sufficiently under control' by the Afghan government", and that "it is estimated that currently at least two thirds of the total population live there". This use of the term "sufficiently under control" is apparently compliant with the central decree by the Ministry of Defence on the

35 Tagesschau, November 25th, 2015 (<https://www.tagesschau.de/ausland/auswaertiges-amt-afghanistan-101.html>).

“definition of the security situation in Afghanistan as part of the military intelligence situation” from November 2013. This central decree is another classified document and only for internal use – what delightful German bureaucracy.

It is not possible to provide an assessment of the security situation for the whole of the Afghan civilian population.

The German government goes on to say that: “At the same time the security situation remains distinct from region to region across the country. There are regions with open armed hostilities and there are other regions where, despite isolated security incidents, the situation is relatively stable and which have moderate economic prosperity. It is not possible to provide an assessment of the security situation for the whole of the Afghan civilian population.”

However, anyone who reads newspapers will have noticed that the regions with open armed hostilities are not only on the increase, but that a very dramatic picture is emerging: not only do attacks (“isolated security incidents”) occur in many separate places, but fighting is breaking out, leading to large numbers of casualties. It would be interesting to learn where the German government’s alleged regions with “moderate economic prosperity” are located. Do islands exist in the sea of the Afghan economic misery? More detailed explanations are sadly not available.

These unfounded claims are simply an overture to a rhetorical ploy by the government. While the “security situation” clearly refers to regions with active fighting, the “threat situation” (which, as the government is at pains to point out, is distinct from the “security situation”) refers to attacks that take place on Afghan administrative facilities and local security personnel, as well as Western nationals, German and allied troops, and UN and aid agencies’ staff and facilities. These, after all, are the declared main targets of the militias, says the government. This foreshadows the line of argument that the Federal Office for Migration and Refugees will be fed in the future: where there are open hostilities in pitched battle, there might be a problematic “security situation”. Elsewhere ordinary citizens will hardly be affected by the “threat situation”.

The German government also shows itself to be completely removed from reality when it comes to its portrayal of the situation Kunduz, which, tellingly, is evaluated as being “sufficiently under control” following the recapture of the city. One might almost assume that this categorisation had already been decided on weeks before the capture of Kunduz. The German government states that the German reconstruction work carried out in Kunduz continues to improve the inhabitants’ standard of life, and that there is a strong presence of government security forces in the city. “The governmental infrastructure was largely destroyed by the Taliban and has yet to be rebuilt.” Can a city be “sufficiently under control” when the governmental infrastructure has not yet been reinstated?

This leads the German government on to its forecast for the future. To understand its message it is best to start reading at the end of the parliamentary communication (*Bundestagsdrucksache*) where it says: "It is not possible to make reliable forecasts about the future development of the security situation." Nevertheless, a little earlier in the text, the government is quite happy to engage in speculation when it states that most urban centres, i.e. the provincial capitals, probably would remain "sufficiently under control" by Afghan security forces. It speculates that the Taliban would continue to attempt attacks on government installations and infrastructure and to exploit these attacks for their propaganda. It goes on to say that until now the Afghan security forces had always been able to defend against such attacks or to fight back. Following the capture of Kunduz such prognoses – depending on one's point of view – have to either be seen as part of a hero story or a cock-and-bull story.

Tom Koenigs, the current chairman of the Human Rights Committee in the German parliament and UN Special Envoy to Afghanistan from 2006 to 2007, does not agree with the government (*Deutsche Welle*, December 2nd, 2015):

"I cannot fathom why one would return refugees to a war zone. Nobody knows which direction the war is going in; even in Kabul the situation is entirely unstable. [...] The whole of Afghanistan could very quickly turn into a war zone."

The German government was also asked about how – from a practical and safety-related viewpoint – it envisaged creating and improving internal alternatives for flight. In its answer one can find nothing much beyond a reference to supporting the Afghan army through training and advice: "The German government additionally seeks to increase its support for the Afghan security forces in their fight against human traffickers and document counterfeiters and increase its support with the re-integration of returnees, job training and programmes for the promotion of employment." The fight against traffickers and counterfeiters can hardly be seen as an attempt to create internal alternatives for flight. Instead, it is an attempt to involve the Afghan authorities in the prevention of flight. A request for clarification on where these safe alternatives are located in Afghanistan was ignored by the German government.

In an article in the *Süddeutsche Zeitung* from February 2nd, 2016, Stefan Klein wrote:

“War is war, and even in relatively quiet regions such as Bamian or Pandshir the situation can change at any time. These regions are not suitable for the resettling of large groups of returnees. It may be understandable that the governing coalition in Berlin is looking for ways to reduce the refugee pressure, but [such safe regions] will not be found in Afghanistan – unless one is prepared to betray all humanitarian principles that Western civilisation still stands for.”

A secret EU plan: 80,000 Afghans are to be deported

It is not unique to Germany that Afghan refugees are at the centre of many political attempts to deny the causes of flight, to trivialise the threat level and to achieve more deportations.

In March 2016 a confidential EU document was leaked to the public,³⁶ in which it is suggested to use the foreign aid for Afghanistan as a means to exert pressure on the country to accept more returning refugees. The document envisages deporting more than 80,000 Afghans “in the near future”. One of the triggers for the debate is the worry that there might be renewed refugee movements from Afghanistan to Europe. Interestingly, the paper lists realistic reasons for why a renewed movement of refugees might indeed happen: rising levels of violence in Afghanistan as a result of which 11,000 civilians were killed in the past year alone, as well as the catastrophic economic situation which, on the one hand, is a result of the tense overall situation but also due to economic decline following the extensive withdrawal of troops. Despite the fact that the EU is clearly aware of the fraught security situation it just does not want to offer protection to Afghan refugees. On the contrary, deportation attempts are to be reinforced on a massive scale, alongside attempts to keep Afghan refugees in the countries of first reception. The document states: “Due to the deteriorating situation in Afghanistan and the pressure on Afghans in Pakistan and Iran there is a high risk of additional refugee flows to Europe. This requires a reinforced intervention in order to preserve alternatives for flight within the region.”

The EU-Turkey deal – a blueprint for negotiations with Iran?

³⁶ PRO ASYL, Secret EU plan: 80,000 Afghans are to be deported, News, March 23rd, 2016 (<https://www.proasyl.de/news/geheimer-eu-plan-80-000-afghanen-sollen-abgeschoben-werden>).

It is not clear why interventions in Pakistan and in Iran, where millions of Afghan refugees continue to live, should be more promising now than they have ever been in the past. Why would there be real prospects in the neighbouring states for millions of refugees now, when this has not been the case for decades? It would appear that the EU attempts to replicate the model of the Turkey deal: prevention of flight on Turkey's part in return for material compensation from the EU, plus some limited admission according to quotas. Indeed, the Turkey deal was not the first case in which transit or first reception nations were hired as Europe's doormen in return for material or other compensation. What does not seem to be of importance in such plans is the fact that Afghans try to move onwards from such states precisely because they can see no future for themselves there.

In order to persuade the Afghan government to consent to the return of tens of thousands of Afghans – despite the ongoing tense situation in the country and the continuous territorial gains by the Taliban – the EU is choosing to employ a combination of pressure and support: according to EU strategy, foreign aid and trade agreements are used as incentives to arrange and effectuate deportation treaties.

Cutbacks in foreign aid as a means to exert pressure: a ludicrous idea

Additionally, the EU commission wants to threaten Afghanistan with cutbacks in foreign aid, which accounts for a considerable percentage (40%) of the country's gross domestic product. This is a ludicrous idea for the simple reason that such a step would be a major contributor to further destabilisation of the country. If Afghanistan does show willing, the EU would in return make more places available at European universities – a nod to the Afghan elite, many of whose children are already abroad anyway, be it as students or business people.

“There is no reason to assume that all of Afghanistan's problems will be solved in the near future.”

NATO Secretary General Jens Stoltenberg on the decision by the heads of state at the NATO summit in Warsaw (July 2016) to extend the Afghanistan mission until 2020 (*Spiegel Online*, July 9th, 2016).

The leaked EU document also encourages member states to harmonise their various asylum policies toward Afghan refugees. According to the document, there is still a range of approaches to the issue of which type of protection status should be granted (refugee status or subsidiary protection), as well as to the question of which regions in Afghanistan should be considered safe or otherwise. According to the document's subsequent section, this underlines the need for the creation of a joint designation of safe regions in Afghanistan – a task which, the document goes on to say, is not entirely straightforward due to the deteriorating security situation. The

paper also mentions the fact that the European Asylum Support Office (EASO) recently published information on countries of origin and an analysis on Afghanistan, in which regions are identified as safe or otherwise.

Upon close examination of the EASO paper in question (dated January 2016)³⁷, the above claim seems questionable. EASO's account can, at best, be used to classify regions according to higher or lower levels of threat on the basis of security-related incidents. Provinces that could be considered almost safe are hardly mentioned in the EASO document.

A political aspiration: fewer approvals of asylum

The confidential EU paper does elucidate the fact that there is consensus between the EU Commission and the Dutch presidency on the need to develop, in co-operation with EASO, guidelines for member states on the treatment of asylum applications by Afghans. In plain language: on the issue of asylum law, the aim is a more restrictive approach for EU countries that have a special interest in the matter. The entire issue has to be seen in the context of a twofold refugee policy. On the one hand, it is an aspiration to reduce and control the volume of "migration" from Afghanistan, as well as the movement of Afghan refugees from Pakistan and Iran towards Europe. On the other hand, one wants to clear the way for the return of Afghan "migrants" to the region. "Creating a favourable environment for returns", in diplomatic language. A subsequent section of the document – which follows a discussion of various restrictive options – discourages decision makers from putting too many disincentives in place, i.e. putting excessively strong pressure on Afghanistan, as this could risk a further deterioration of the already dismal socio-economic situation, which in itself could reinforce the pressures on "irregular migration".

37 European Asylum Support Office, EASO Country of Origin Information Report: Afghanistan. Security Situation, January 2016 (https://coi.easo.europa.eu/administration/easo/PLib/EASO-COI-Afghanistan_Security_Situation-BZ0416001ENN_FV1.pdf).

THE SITUATION OF AFGHAN REFUGEES IN THE REGION

In the period from 2015 to the present day, Afghanistan has been experiencing massive refugee movements – the fourth such event in its recent history. The first large-scale movement of refugees from Afghanistan was a result of the Soviet invasion in 1979 and the ensuing ten-year war. A majority of the Afghan diaspora in Germany is linked to that event. The second mass-movement was triggered by the conflict between the various parties and Mujahideen factions in the wake of the Soviet withdrawal (1992-1994). A third mass-exodus was caused by the brutal Taliban regime (1996-2001), which by many Afghans was initially seen as a hope vis-à-vis the preceding chaos – a hope that was soon dashed by the many atrocities of a Sharia-invoking regime. The radical exclusion of all girls and women from school attracted much attention in this context.

Millions of Afghan refugees have been living in exile for years or even decades, especially in the neighbouring countries of Pakistan and Iran, but also in the states around the Persian Gulf, where many have found employment. Yet even there, few manage to build a future with a permanently secure status of residence and economic security, and many Afghans in exile are discriminated against. At times the pressure on them to return home intensifies, at other times they are tolerated.

For a long time Pakistan and Iran have also been the destination for those who could not afford to flee to industrialised nations and/or have family, ethnicity or other ties to neighbouring states. For example, many Pashtuns live on both sides of the Afghan-Pakistani border, which, drawn in colonial times, bisects the Pashtun region. Many people who as Dari-speakers can communicate with Iranians as well as many Afghan Shiites sought their fortunes in Iran.

Returnees

**After 30 years of war, 75% of all Afghans
have been displaced at least once during their lifetime.**

Over 30 years of war have led to 75% of all Afghans having been displaced at least once during their lifetime. For those who have lived in a neighbouring country for a long time, a deportation to Afghanistan is not a return to their home, contrary to suggestions by the German government. After just a few years away, a changed local community or shifted local power structures can leave returnees without connections to social networks, without which survival in Afghanistan is unthinkable. Furthermore, when people are returned to their regions of origin, often conflicts around land ownership arise. Many waves of refugees pass over large parts of Afghanistan, during which land is left behind and re-settled without tenures, which results in internally displaced people competing with other refugees and returnees.

Traditional methods of dispute settlement often are no longer effective, and for some land claims original tenures no longer exist.

In the end, many refugees cannot return to their regions of origin and as a result become internally displaced people. As such they live in miserable conditions on the outskirts of Kabul or of other cities and have to fight for their very existence. Where the government is largely absent, there is a risk that returnees, especially young men, will be recruited by violent networks or militias. As foreigners in their new environment they are easily identified, and their social isolation and lack of employment opportunities makes them easy targets for the recruiters. The rate of unemployment among returnees and internally displaced people is especially high.

Many homeless returnees go to Kabul and try to eke out a living there, even though the city already has over 7 million inhabitants, many of them internally displaced people, all competing for limited resources. The capital city is also divided along ethnic lines and the security situation is by no means stable. The return of deported people from Iran or Europe does not increase the forces for reconstruction but instead swells the ranks of internally displaced people.

Internally displaced people

The number of internally displaced people who, as a result of the war in Afghanistan had to leave their hometowns, has almost doubled in the last three years. Amnesty International estimates the number of internally displaced people to be 1.2 million.³⁸ As recently as 2013 the number was still below 500,000.

A long time before the number of internally displaced people reached the current record high, the German parliamentary faction *Bündnis 90 / Die Grünen* made an inquiry into the situation of internally displaced people in Afghanistan. Despite skilful diplomatic language, the government's answer to this parliamentary question³⁹ reveals a number of problems.

**There is a lack of almost anything that is
of importance to internally displaced people.**

It maintains that: "The difficulties in integrating large numbers of internally displaced are many and varied. There still is a lack of a national implementation plan, and there is neither a high-ranking government post responsible for co-ordinating refugee policy, nor are sufficient financial resources available. On the provincial level, there is also often a lack of qualified personnel, who could, for instance, draw up regional action plans. The concrete challenges include, among others, land and property disputes, a high rate of unemployment, and a lack of

38 Amnesty International, "My children will die this winter": Afghanistan's broken promise to the displaced, 2016 (<https://www.amnesty.org/download/Documents/ASA1140172016english.pdf>).

39 Bundestagsdrucksache 18/4606, April 13th, 2015 (<http://dipbt.bundestag.de/dip21/btd/18/046/1804606.pdf>).

infrastructure, security considerations and access to humanitarian aid." Another way of putting all this would be: There is a lack of pretty much anything that is needed for the daily survival of internally displaced people.

In response to the question of what the impact of the security situation in Afghanistan is on the ability of humanitarian aid organisations to reach internally displaced people, the German government says in its parliamentary communication (*Bundestagsdrucksache*): "Access to internally displaced people in Afghanistan continues to be substantially disrupted. This is due to armed conflict, risks of abduction and attack, and threats against schools, hospitals and international institutions. Especially in Afghanistan's south and east, as well as in remote areas, access to internally displaced people is possible only to a limited degree and can sometimes only be administered remotely by humanitarian aid organisations. Better access can be gained largely through local negotiation procedures involving concerned local communities and, if circumstances require, opposition groups, and by successful attempts by aid organisations to gain the trust and acceptance of the local population through impartial work that concentrates on concrete support, such as with birth assistance."

Some things might be achieved by NGOs who, in relative independence from the government, might negotiate pragmatic concerns with the armed opposition and the local population – but one can hardly speak of security or government protection given the fragility of these negotiation processes.

In its report from 2016, "My children will die this winter", Amnesty International criticises the Afghan government's treatment of internally displaced people and talks of Afghanistan's broken promises towards them.

The new national policies for this group of people announced by the Afghan government in 2014 are, in reality, turning out to be simply more empty promises, says the report. Most internally displaced people in Afghanistan barely survive in horrendous conditions, often with hardly any access to food, education or health care. As well as the Afghan government's inaction, the general lack of resources, and inadequate capacities on the part of the Afghan government, Amnesty International also criticises the international communities' waning interest in solving the most pressing existential problems of the internally displaced people.

"I cannot see any improvement; our situation has gone from bad to worse. I have the feeling we have been forgotten..."

A 16-year-old internally displaced girl in Kabul, November 2015, quoted by Amnesty International (2016): "My children will die this winter."

The report warns that at a time of exploding numbers of internally displaced people, a continuously worsening security situation and ongoing economic crisis, the lack of an effective aid strategy is most disturbing. Amnesty International assumes that the trend towards ever-greater numbers of internally displaced people will continue in the future.

The Taliban's widespread practice of regularly checking vehicles in order to identify, threaten, abduct or kill members of the government, security forces or international organisations makes it even harder to sustain supply structures for internally displaced people.

Afghans in exile in Iran

Around three million Afghan refugees live in Iran, which, along with Pakistan, is the most important reception country. About a third of these people have permits of residence. During the Afghan-Soviet war (1979-1989), Afghans were not only generously accepted by Iran but also given financial support. Very few people were granted Iranian citizenship, but many were given permits of residence. These generous policies changed with the withdrawal of Soviet troops. The Iranian state tried to increase pressure on refugees to return home and in this drew on prejudices against Afghans such as already existed in the Iranian population.

Despite the drastically worsening climate and the increased pressure to depart, many Afghans stayed in Iran; most of them without access to social welfare benefits and very limited access to employment.

In Iran, Afghans are second-class citizens.

Apart from refugees registered by the government (who are granted a sort of provisional permit of residence that limits the area within which they are allowed to move and is limited to six months at a time), there are large numbers of entirely illegalised refugees. As a source of cheap labour they nevertheless have become an important pillar of the Iranian economy and a permanent feature of many building sites, where they are doing heavy work under often extremely dangerous conditions.

Yet even the officially registered refugees are subject to a number of restrictions in addition to their restriction of movement within the country. They have only limited access to educational institutions, which means that very few obtain secondary-school or university-level qualifications. Neither are they allowed to start businesses or engage in self-employed work. They have to rely on Iranian front men with whom they have to negotiate conditions, which in turn can lead to an increased susceptibility to blackmail. Afghans are also discriminated against in matters of civil law.

Over the past years, the Iranian government's actions often were informed by short-term political opportunism. Under former president Ahmadinejad, Afghan refugees were repeatedly made scapegoats for economic problems, and in 2007 and 2012 plans were sanctioned under which Afghan refugees without official papers could be deported en masse. Such mass deportations duly took place in the spring of 2012. Actions such as these were designed to increase the numbers of "voluntary" departures. The repatriations of these "voluntary returnees" were supported by UNHCR.

Nevertheless, a resolution passed in 2012 by the Iranian cabinet, which expressed the intention to deport 1.6 million foreigners, mostly Afghans who were "residing in Iran illegally", seems to have never been implemented to its full extent. Instead the Iranian government once again used Afghan refugees as pawns in its negotiations with Afghanistan, as it did in 2012, when the Iranian government threatened to deport all Afghan refugees if Afghanistan was to sign a treaty on strategic co-operation with the USA. The realisation of this threat would have plunged Afghanistan into a deep economic and humanitarian crisis, because of the huge numbers of refugees it would have been unable to house and provide for. The deportation of refugees from Iran to Afghanistan is a considerable factor in the crisis-ridden Afghan economy.

According to the United States Institute for Peace (USIP), the number of deportations from Iran to Afghanistan during the period between January and October 2015 alone was 192,000; a figure supported by the International Organisation for Migration (IOM) and the UNHCR. This is in addition to 57,000 spontaneous returns by refugees who had been registered in Iran and 260,000 spontaneous returns by Afghans who had lived in Iran without documentation.⁴⁰ The term "spontaneous returns" disguises the fact that many returnees had been under enormous pressure to leave Iran. This is why many of them did not have an opportunity prior to their departure to plan their move, to arrange accommodation or to make arrangements with relatives who might be able to put them up.

It is the very poorest refugees who, as second-class citizens, feel compelled to return. While the Afghan government – as part of its overall strategy concerning internally displaced people – has long had in place a national strategy for the treatment of returnees, the means of support are very limited. The basic idea is that people should return to their regions of origin. In reality, due to the security situation and other factors, many end up in urban metropolitan areas. They become internally displaced people and are at a real risk of being recruited by violent groups.

**It is doubtful whether for Afghan refugees in Iran
there is a way out of their situation
as second-class citizens.**

It is doubtful whether for Afghan refugees in Iran there is a way out of their situation as second-class citizens. Nevertheless, in 2015 the Iranian government took steps

⁴⁰ Belqhis Ahmadi and Sadaf Lakhani, United States Institute of Peace, "The Forced Return of Afghan Refugees and Implications for Stability", January 13th, 2016.

towards allowing non-registered refugee children in Iran – of whom it is estimated there are hundreds of thousands – to attend state schools. To what extent bureaucratic hurdles will actually be overcome, and children – who often have to contribute to their families' income by working – will actually be able to attend, remains to be seen. According to media reports, the Afghan and Iranian governments have, in principle, come to an agreement to grant residential status to Afghans living in Iran illegally.

The German government would like to persuade Iran to improve the situation for Afghan refugees and – simultaneously – include Iran in its plans for the prevention of flight. The EU-Turkey deal from early 2016 could be the blueprint here. A statement during a recent visit to Iran by the president of Lower Saxony, Stephan Weil (SPD), seems to fit into the very same picture, advocating, as it did, possible talks with Iran on how to diminish the influx of refugees from Afghanistan and Pakistan.⁴¹

Various media organisations have reported on the fact that there is one extremely dangerous and controversial route to permanent legal residency for Afghan refugees in Iran: young Afghan refugees are recruited by the Iranian government as mercenaries to the Assad regime in Syria, and are deployed on various fronts in Syria as part of a kind of Shiite international force alongside Hezbollah.

The German news magazine *Der Spiegel*⁴² reported that almost all Afghans who were sent into battle were members of the Shiite Hazara minority. According to the report, since 2014 alone more than 700 of them have died at Aleppo and Daraa. The recruits come from an “inexhaustible reservoir of despair”; especially persons of illegal status without refugee registration in Iran. Criminals are recruited under the promise of a waiver of their remaining sentences, and illegal Afghan construction workers are arrested in police raids and put under pressure by having the prospects of mercenaries' wages and residency permits dangled in front of them.

\$500 per month for going to war in Syria

A report by Human Rights Watch also states that the Iranian Revolutionary Guard, some of whom are also fighting on the side of the Assad regime in Syria, recruit Afghan nationals with the promise of Iranian citizenship or, at the very least, improved circumstances for their families.⁴³ Some of the affected people also reported that they were threatened with deportation if they refused to co-operate. The fact that such recruitments happen is no secret; Iranian and Afghan media have reported on these for years. As reported in the Iranian media, commanders of the Iranian Revolutionary Guard attended the funerals of Afghans killed in Syria.

41 FAZ, March 17th, 2016 (<http://www.faz.net/aktuell/politik/fluechtlingskrise/afghanistan-und-pakistan-stephan-weilfuer-verhandlungen-mit-iran-ueber-fluechtlinge-14130485.html>).

42 Christoph Reuter, "Syrien – der Krieg der anderen", *Der Spiegel* Nr. 20/2015, pp. 90-94.

43 Human Rights Watch, "Iran Sending Thousands of Afghans to Fight in Syria", January 29th, 2016.

According to the Wall Street Journal, already in 2004 members of the Afghan parliament condemned the fact that Afghan refugees were offered a monthly wage of \$500 for a deployment in Syria.⁴⁴

The precarious situation and lack of prospects for the majority of Afghans in Iran, which often is the subject of political discussions, leads many to attempt to flee onwards to other countries, including Germany. Afghans who have fled Iran will not be accepted back by Iran at a later stage. In German asylum procedures it is therefore necessary to test causes of flight and obstacles for deportation that relate to Afghanistan.

Children's and young people's causes of flight from Afghanistan

In February 2016, Adam Naber analysed a number of current studies on the situation of children and young people in Afghanistan for the *"Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V. (BUMF)*.⁴⁵ According to his report, entitled *"Afghanistan: Causes of flight and worries of young returnees"*, it is not just general uncertainties, but also person-specific threats (due to region of origin, ethnicity, family affiliation and professional background) that are potential causes of flight. "While members of the Pashtun community are at risk of being recruited by the Taliban as fighters or forcibly recruited as suicide bombers, members of the Hazara community are more likely to be targets of attacks and killings."

Some families' relationships with the Taliban lead to a particularly high chance of their sons being forcibly recruited. The Afghan state is in practice not able to safeguard protection for individuals. According to the report it is difficult to gauge who is more feared by the population: the local police, armed militia or the Taliban. It goes on to say that the powerlessness experienced during the years of civil war has led to a collapse of governmental and social protection structures and that the current power structures have led to a situation where even close relatives do not feel able to stand up for the rights of victims, and where crimes such as rape and abduction are tolerated rather than reported.

**Almost 25% of civilian casualties
are children.**

Almost 25% of civilian fatalities are children – a figure with an upward trend. 25% of all Afghans who leave the country are between 15 and 24 years old, which is a clear reflection of the lack of opportunity for young people. Every year 400,000 Afghans enter a labour market in which most of them stand no chance.

44 Wall Street Journal, May 22nd, 2014
(www.wsj.com/articles/SB10001424052702304908304579564161508613846).

45 A. Naber, "Afghanistan: Gründe der Flucht und Sorgen jugendlicher Rückkehrer", *Asylmagazin* 1-2/2016, pp. 4-8.

Children and young people are also under threat in another way. Cases where boys are forced into sexual servitude alongside forced labour are not rare. In particular, more and more boys between the ages of 14 and 18 are being trafficked as slave labourers or child soldiers. According to a report by Human Rights Watch, the Taliban increasingly recruits children for military service,⁴⁶ and in the region of Kunduz alone (the former base of the German army), at least 100 children from a single district were deployed as fighters.⁴⁷ But it is not only the Taliban that recruits minors: the Afghan police, who often act entirely independently of the government, and militias independent of the Taliban are also accused of using minors and similar methods. According to international law, the forcible recruitment of children and their deployment in combat operations is a war crime.

On April 18th, 2016, Spiegel Online commented on a joint report by UNICEF and the UN mission UNAMA, according to which, in the year 2015 alone, 369 Afghan schools had to close partially or completely due to threats, intimidation or violence, affecting a total of 139,000 children and 600 teachers.

In 2015 the UN recorded 132 attacks on educational institutions and its staff – a rise of 86% compared to the previous year, and 110% more than in 2013. Most attacks were carried out by the radical Islamic Taliban and other militant groups. But government forces were also accused of having misused schools for military purposes. The northeast and the west of the country were worst hit. 19 attacks by opposition forces were directed explicitly against the education of girls, among them, according to the report, two bomb attacks, one abduction and 14 cases of threats or intimidation.

The situation of women

While the situation of women and women's rights in Afghanistan during the Taliban regime was covered extensively in the media, and the extreme oppression of women – a subject which touched a public nerve at the time – turned out to be one of the major concomitant arguments for military intervention in 2001, public awareness of these issues has since waned.

The years under the rule of the Taliban, between 1996 and 2001, were an organised terror regime against women, the ultimate symbol of which was the compulsory wearing of the burka in public. The Taliban imposed a prohibition on the employment of women, and schooling for girls stopped at eight years of age and, in any case, consisted only of religious instruction.

Excluded from work and education, many women are unable to support themselves or to contribute to their household income. Especially hard hit were families that had previously been getting by on the income of a widow, or an educated woman, who might have worked as a primary school teacher. However, in the lowlands of

46 Human Rights Watch, "Afghanistan: Taliban Child Soldier Recruitment Surges", February 17th, 2016 (<https://www.hrw.org/news/2016/02/17/afghanistan-taliban-child-soldier-recruitment-surges>).

47 tagesschau.de, February 17th, 2016.

Afghanistan the traditional situation carried on – women sustaining agriculture and all associated tasks with arduous and generally unpaid work.

The majority of the Taliban's rules were directed against women's mobility, thus drastically infringing on their daily life or tying them to the home entirely.

There were other regulations that had a huge negative effect on the medical treatment of women. Not only were the numbers of female medical staff and hospital beds for women reduced drastically, but also a ban was introduced on male doctors touching women's bodies during examinations. These radical codes of conduct were accompanied by severe and publicly administered penalties for contravention.

On paper women have equal rights – but in daily life these are violated.

With the end of the Taliban regime in 2001 a new era of hope began, also in respect of women's rights. Many of the restrictions imposed by the Taliban were revoked or no longer accepted – at least in urban areas. Women's rights actually began to play a significant role in the changing society – even beyond their significance in legitimising the military intervention in Afghanistan. Projects by local or international NGOs helped to put women's social standing and their rights centre-stage, and brave female activists addressed the issues head-on. Many aspects of female oppression in the country predated the Taliban regime, and it cannot be expected that they will disappear along with the Taliban's rule.

In actual fact there were some improvements under Karzai's government, but the laws introduced for the protection and emancipation of women continue to be violated every day without any legal repercussions.

A self-determined life outside the family is almost impossible for Afghan women.

The women's rights and aid organisation "Medica Mondiale" lists several aspects of women's oppression and lack of rights:

"According to the UN, 70-80% of all marriages are forced, and most brides are not even 16 years old. More than half of all inmates in Afghanistan's prisons are detained for so-called moral crimes – they are accused of adultery but in most cases are victims of rape or forced prostitution.

Many Afghan women see suicide as the only escape from all-encompassing psychological and physical violence. Suicides where the victims set themselves on fire are common in Afghanistan.

On paper women have equal rights; since 2009 there has even been a law on the cessation of violence against women. In reality, however, judges rarely implement this.

A self-determined life outside the family is almost impossible for Afghan women.

On average, Afghan women have 4.9 children. Only 39% of all births are attended by midwives or doctors.

With an estimated 400 cases of woman dying for every 100,000 live births, Afghanistan has one of the highest maternal mortality rates in the entire world. Every two hours a woman dies during the birth of her child. Causes for maternal mortality are often young age, lack of vitamins and inadequate medical care during pregnancy.

Only 32% of women between 15 and 24 years of age can read, whereas for men of the same age group the figure is 61%.⁴⁸

These figures are two years old, but there is no reason to assume that they would have improved since then, as the precarious security situation has had a negative impact on medical care in general and on the mobility of the NGOs remaining in the country in particular.

Abductions of staff and threats against them occur frequently. When a female Indian human rights activist working for the Aga Khan Foundation was abducted near Kabul in June 2016, the human rights activist William Gomes criticised the failure of the government in Kabul:⁴⁹ "Judith D'Souza's abduction not only demonstrates how dangerous it is for women to work in Afghanistan, but also underlines the government's failure to provide concrete protection for women."

One should not think of the Taliban as the sole perpetrators of human rights violations against women. The case of Farkhunda, a woman who was tortured to death in the street in the middle of Kabul by an angry mob on March 19th, 2015, demonstrates this. The mere accusation by a mullah that she had burned some pages of the Koran was apparently enough to whip a crowd into a frenzy. The mob viciously killed Farkhunda while filming the entire scene. The perpetrators were definitely not Taliban, but young Kabul residents, some in Western clothes and some in traditional Afghan dress. Thousands of demonstrators condemned the act, but this event shows the extent of the male potential for violence after four decades of war, even in places where no fighting is currently happening.

It is true that since 2001 millions of girls have been able to return to school and that women are allowed to work, if they find a job. There are now female members of parliament and there have been some improvements in access for women to health care. However, Sima Samar, chairwoman of the Afghan Human Rights Commission, is still sceptical about the situation. She acknowledges that there are some improvements – such as the fact that in today's Afghanistan there is much more public discourse on women's rights than previously – but says that the question has

48 Medica Mondiale, "Wo wir arbeiten: Afghanistan"
(<http://www.medicamondiale.org/wo-wir-arbeiten/afghanistan.html>).

49 Agenzia fides (official publication of the papal mission work abroad), June 13th, 2016
(www.fides.org/de/news/60220#).

to be asked whether people, in an attempt to reassure themselves and to highlight positive trends, are not perhaps deluding themselves and the international community.

The fact remains, however, that if you are born a woman in Afghanistan you run a much higher risk of living in poverty and misery than if you are born a man. Single women and widows are still especially hard hit. According to UN estimates, following 40 years of war in Afghanistan, there are almost 1.5 millions widows in the country. Usually they can expect no support from the state. Sandra Petersmann summarised the situation of this group of people:⁵⁰ "In a country dominated by men, where women are at first their father's and then their husband's property, widows are women without identity. They feel, and are, unsafe. The general public refers to them as "pots without lids" and views them with suspicion. If these "manless" women cannot find shelter with their families or are not married on within the family, they are fair game. Many turn to begging, others to prostitution."

And yet there are many Afghan women who walk new and brave paths – at least in the larger cities. Often they are the first of their kind: the first female mayor, the first female general, the first female member in the military's special forces, the first female taxi driver, rapper, boxer, the first First Lady. In her book *Ausgerechnet Kabul (Kabul, of all places)*, the Journalist Ronja von Wurmb-Seibel, who partly lives in Afghanistan, warns of a danger of overlooking such life stories. However, the future prospects for such paths will depend on whether they will be viable following a possible shift of power structures in the wake of negotiations and compromises with the Taliban.

50 tagesschau.de, June 11th, 2016.

THE ECONOMY, THE SHADOW ECONOMY AND THE BUSINESS OF WAR

A devastated Afghan economy

More than 35 years of almost uninterrupted war – how could an economy possibly function? However, even in times of peace Afghanistan found it very difficult to initiate a reasonably self-sustaining economy. There are a number of obstacles: an agricultural area dependent on a very limited and precarious supply of water, a lack of infrastructure in almost all areas, and the existence of only a small number of branches of economy, all with very low production capacities.

Afghanistan is rich in natural resources, but the exploitation of these requires security and peace – otherwise there is a risk of mines being run and “protected” by warlords and their armed forces, as is the case in some African countries.

Not that there is a shortage of groups interested in exactly that sort of scenario. One is reminded, for example, of the attempts by the Californian oil consortium Unocal to install a pipeline across Afghanistan following the takeover by the Taliban in the 1990s, and to involve the Taliban in this venture. Unocal’s negotiator on that occasion was the later Afghan president Hamid Karzai.

Even today, 80% of the country’s 1,400 mining sites are not in government hands but belong to regional warlords or the Taliban, says Thomas Ruttig:⁵¹ “For example, the Afghan-Uzbek general Abdul Rashid Dostum, recently made vice-president, controls the gas and oil fields in northern Afghanistan. Other commanders who were close to the former vice-president Qasim Fahim, who died in 2014, control the precious stone mines in Badakhshan and the Panjshir Valley. The Taliban are mining marble in Helmand, and the Haqqani family, who has close ties to the Taliban, control the bauxite mines in Chost, from where illegal transports cross the border into Pakistan on a daily basis.” The warlords – entrepreneurs dealing in violence and natural resources – run their own militias, often disguised as security firms. They will not give up their arms, even if the Afghan government formally takes power in their area. On the other hand, the warlords are willing – to this day – to co-operate with partners from the international banking sector. A goldmine in the northern province of Baghlan is officially run by the Islamist militia commander Naderi and the US bank JP Morgan – as it happens neither partner has any experience in the mining business, as is noted in a report by Integrity Watch Afghanistan.⁵²

A few thousand rich individuals and their clans have lined their pockets.

51 Thomas Ruttig, “Unerreichbare Schätze – die riesigen Rohstoffvorkommen sind die einzige Hoffnung für das bettelarme Land”, *Le Monde Diplomatique: Die große Unruhe: Afghanistan und seine Nachbarn*, Edition No. 17, 2015, pp. 33-37.

52 Integrity Watch Afghanistan, “Plunderers of Hope”, 2015 (<http://iwaweb.org/wp-content/uploads/2015/12/The-Plunderers-of-Hope.pdf>).

The Afghan government assumes that by 2024 the mining and oil sectors will account for half of the country's GDP. These are vague hopes in the current situation – a desperate programme given the currently empty Afghan state coffers and the end of economic aid from abroad, which at some point in the future will inevitably come about. "Even if the Afghan government invested all of its income in the military, it could only cover a third of the annual cost of \$5-6 billion," says the Special Inspector General for the reconstruction of Afghanistan (Sigar).⁵³

At the time of the withdrawal of most ISAF troops from Afghanistan it became apparent that the growth rates of the Afghan economy since 2001 – a 500% rise in GDP which is celebrated as a major success story – mean very little for the majority of Afghans. A few thousand rich individuals and their clans have lined their pockets and have – not only in the past few years – transferred billions of dollars abroad, all entirely legally. Some of the elite own real estate abroad, live there or have children studying at universities abroad.

The urban middle class, which has grown over the past 15 years, are living in precarious circumstances. It is they who are most likely to lose their jobs following troop withdrawal. Through above-average wages they were able to profit from the presence of the international force by working in the service industry, as drivers, translators etc. The lion's share of the boom was due to orders by the Western military worth billions of dollars. Yet in 2014 Afghanistan was about to go bankrupt; wages and bills were not paid. It was only due to Western emergency funds that it was possible to pay the wages of the Afghan security forces, whose members otherwise might have deserted in even greater numbers than had already been the case.

More than 34,000 members of the police are said to have deserted during 2015, or worse, defected to the enemy side, often taking their weapons with them. Reasons were a lack of equipment, arms and logistic support and the apparently excessive security risk. In response, the former Secret Service adviser to President Obama made a statement in the US senate in February 2016: he warned that Afghanistan was on the brink of political collapse; that political cohesion was melting away; that local rulers were increasingly acting in an entirely uncontrolled fashion; and that financial bottlenecks and continuous Taliban attacks across the whole of the country were eroding stability. According to US military sources, during 2015 the Afghan army had to replace roughly a third of its 170,000 soldiers – a result of desertions, casualties and scant willingness by troops to sign up for further service. In practice this means that a third of the Afghan army consists of recruits who are in their first year of service and who have just completed only a three-month training course. According to NATO sources, in 2015 – i.e. the first year during which the Afghan army had responsibility for all combat operations carried out – the casualty rate shot up dramatically by 26%. 15,800 soldiers – which means one in ten – were wounded or killed. NATO general John Campbell, who was commanding general in Afghanistan in 2015, remarked in a talk show: "The Afghan security forces lose roughly 4,000 men per month. Most of them not in combat, but because they desert. Some have been fighting for two or three years in Helmand, without a break. Then they go home and

53 Quoted in Thomas Ruttig, "Die Reichtümer Afghanistans", *Le Monde Diplomatique*, October 2014.

never come back.”⁵⁴ According to a statement by a representative for the International Crisis Group, the fact that Afghan security forces even exist at all any more can only be explained by the fact that a lot of money is invested in the recruiting of new soldiers and the relatively high wages. The amount is said to be in the region of \$5 billion – and even that amount can only be safeguarded through funds pledged until 2017 only.

In any case, the intermittent and not sustainable economic boom has bypassed most people outside the cities. There, people live from what they can eek out of the poor soil. In many regions the cultivation of poppies for opium production and the production of hashish is part of farmers’ strategy for survival. Afghanistan is the world’s market leader in the production of these drugs. In 2000 the Taliban banned the production of drugs in their territory – as the ruling power they did not consider it useful, and even alien to their religious beliefs. In the current situation of war, however, they seem to have fewer scruples. Wherever they can, they impose a sort of tax on the production of opium. Especially in times of war the production of drugs flourishes, and for many among the poor rural population it is one the few relatively secure sources of income. Yields per hectare for the cultivation of opium poppy are more than ten times higher than for cereal crops, and substantially less water is required – a serious consideration in Afghanistan, where there have been several droughts over the past few years. The harvest is collected from the farms by local rulers’ agents, farmers do not incur any further marketing costs and advances on future harvests are paid out. Raw opium has other advantages over other agricultural products, too. It can be stored without cooling, can, if necessary, be transported in batches in case of expulsion from the land, and has widespread use as a sort of “emergency currency”. Even in the sphere of influence of the Afghan government and its affiliated local rulers, the business of drugs – due to a lack of alternatives – plays an important role.

The impact of foreign aid

The German Minister for the Interior uses foreign aid paid to Afghanistan as justification for the planned deportations from Germany.

Foreign aid: self-help for the donating countries?

However, in a recent article summarising 13 years of NATO missions, the Afghanistan expert Thomas Ruttig argues that the war in Afghanistan exemplifies how increasing militarisation and privatisation systematically invalidate principles of developmental policy.⁵⁵ It is worth reading up on the facts of developmental policy in that report. “Apart from corruption, uncontrolled flight of capital, and war, the imbalance between expenditure for the military and that for the civilian sector is a major cause for the sluggish reconstruction. In the case of the USA – whose spend of \$7 billion between 2002 and 2014 makes it the largest donor – the ratio between civilian and

⁵⁴ Reuters World, August 6th, 2015 (<http://in.reuters.com/article/afghanistanmilitary-idINKCN0QB26420150806>).

⁵⁵ Thomas Ruttig, “Militarisierte Entwicklungshilfe”, *Le Monde Diplomatique: Die große Unruhe: Afghanistan und seine Nachbarn*, Edition No. 17, 2015, pp. 16-20.

military expenditure was 1:16; in the case of Germany the official figure was 1:2.5. The total direct expenditure to date on Afghanistan over the past 13 years is estimated to be \$1 trillion, 90% of which was spent on the security sector. [...] Put sarcastically, this rather seems like self-help on part of the donor countries," says Ruttig.

**After more than 14 years of intervention
more than 60% of children suffer
from malnutrition.**

He goes on to say that even the World Bank criticises the fact that the funds flowing into the civilian sector only account for a very low proportion of the domestic economy. Ruttig claims that the gulf between military and civilian spend would appear wider still if the total cost of the war was used as the basis for calculations. According to the German Institute for Economic research (DIW), in 2010 the ratio of the expenditure of the Ministry for Defence to that of other departments was 9:1 – yet the official figure was given as 2.5:1. Development objectives, such as overcoming poverty or the defence of human rights, are subordinated to the fight against terror, says Ruttig. He claims that while NATO, and especially the US military, had been leading protagonists in the exploration of raw materials and the fight against corruption, they made a mockery of their efforts by simultaneously financing the warlords. The sorry upshot: after more than 14 years of intervention, in a country that continues to be one of the poorest in the world, 60% of children suffer from malnutrition and 7.4 million people suffer from an acute lack of food.

However, despite this pessimistic picture painted of the overall situation, one should not forget the fact that there are NGOs that run or support successful projects in Afghanistan. This is the case for a variety of sectors: schools and other educational establishments, health care institutions and advice centres. In many cases the host organisations have been able to enter into negotiations or agreements with the warring factions, thus creating conditions under which they are able to carry out their work. For example, it is now possible to run schools for girls in some parts of the country, even in Taliban territory. Many of these projects were made feasible because of NGOs decoupling themselves from militarising development aid and not relying on military protection for their facilities.

Who are the warlords?

In their descriptions of the protagonists and perpetrators of security violations, many situation reports and human rights reports on Afghanistan talk of the so-called warlords, who hold regional or even supra-regional power in parts of Afghanistan. It is a very fuzzy term. In Europe, too, belligerent and violent entrepreneurship has existed for hundreds of years; by the late Middle Ages and early Modern Era a specialised business of war had evolved there. It goes beyond the scope of this publication to describe how the specifically Afghan type of warlord evolved (in particular through the resistance against the Soviet occupation and fuelled by arms shipments from various countries). Therefore the following account concentrates on a limited period in Afghanistan's recent history, which serves to demonstrate how

goods and capital flowing into the country have made the business of war flourish. It is also the intention to clarify that it is not the Taliban alone who constitutes a constant source of uncertainty and threat to the country, but that warlords and commanders of regional militias are powerful and dangerous in a sort of intermediate realm between the government and the Taliban's sphere of influence. That is why maps that depict security incidents only in reference to the Taliban possibly provide a distorted view for some regions.

The following section concentrates on Afghans who profit from the business of war. It should, however, not be forgotten that the majority of funds that flowed into the military and security sector, as well as the "civilian reconstruction", ended up with US firms and international consortia, whose close ties to the administrations of recent US presidents are evident. Compared to Halliburton, Blackwater and many others, the Afghan warlords are small-scale entrepreneurs in the business of security and violence.

Warlords: Afghan profiteers of the business of war

The term "warlords" was established to describe a species of violent entrepreneur that takes advantage of the economic aspects of military conflicts and situations of uncertainty and instability. In the Afghan context, these individuals pursue their own interests, are largely independent from the central government and entangled in a variety of corrupt relationships, but are not necessarily on the side of the Taliban. Such warlords make their profits in a wide range of sectors: drugs, transport, security etc.

A subcommittee on National Security and Foreign Affairs – the Committee on Oversight and Government Reform of the US House of Representatives – studied the Afghan warlords. Their 2010 report "Warlord, Inc. – Extortion and Corruption along the US Supply Chain in Afghanistan" investigated in what ways warlords profit from the supply chain for troops in Afghanistan and the problems encountered in the context of the supply chain.⁵⁶ It states pessimistically that the warlords would probably continue to play a central role in Afghanistan's political, economic and military power structures long after the United States have left Afghanistan and the American convoys have stopped rolling through the country. The report comes to the conclusion that people serve and die in the service of these warlords for money, rather than due to considerations of tribal, ethnic or political loyalty. It quotes an Afghanistan expert: "The partial conversion of warlords into businessmen is, in many ways, akin to the establishment of Mafia networks, which are also active both in the legal and illegal economy and use violence to defend or possibly expand their interests." Whether one calls them businessmen, commanders, strongmen, militia

⁵⁶ US House of Representatives, Report of the Majority Staff, Rep. John F. Tierney, "Warlord, Inc. – Extortion and Corruption Along the U.S. Supply Chain in Afghanistan", 2010 (http://www.cbsnews.com/htdocs/pdf/HNT_Report.pdf).

leaders or warlords, each one of them – able, as they are, to command hundreds or thousands of armed men in regular combat operations, and moving largely outside direct control by the central government – is a competitor for the legitimacy of the state.

However, this situation did not arise out Afghanistan's traditions or indeed out of nowhere: it is, in fact, the international community that has to carry a substantial burden of responsibility. The British chief of the NATO Regional Commando South in Kandahar told reporters that warlords had been given permission to create private militias and that these had been portrayed as private security firms. Therefore, argues the army chief, these private security firms must be seen as creations of the international community. The brother of Afghanistan's ex-president Karzai observed laconically that if they weren't working for security firms, they'd probably be with the Taliban.

Along the US supply chain the businesses of the private merchants of violence are flourishing. The report "Warlord, Inc." addresses key facts: the security of the US supply chain is largely in the hands of warlords; along the main highways they have formed allegiances for the purpose of running protection rackets. The commodity: security for the supplies. The price: protection money. According to the report, the sums paid by the transport firms are a major component of the Taliban's finances. The same transport firms, it goes on to say, are also exploited in the course of the ubiquitous corruption by Afghan officers, governors, police chiefs and even local army units.

Of course it is not only the Afghan warlords who are profiting from the overall situation. The report also sheds an interesting light on the principal contractors, who supply Afghan transport firms with sub-contracts responsible for supplies. It talks, for example, of a firm that was founded in 2005 in the US state of Virginia by the son of the Afghan Defence Minister. Other firms registered in the US and owned by Saudi, Iranian or other interest groups also turn up in the report. It is clear that the profits from the protection business do not only go to the Taliban, but also to government circles and into the pockets of other investors.

The report "Warlord, Inc." describes a typical career, using the example of commander Ruhullah. A new type of warlord who commanded 600 men who were engaged in armed conflict with insurgents, i.e. the Taliban, he openly admitted to bribing governors, police chiefs and army generals. Still unknown in 2001, he became the single biggest player in the business of providing security for the US supply chain by controlling the major transport route between Kabul and Kandahar. \$1,500 per "protected" truck was the going rate, and no-one in the US asked about his methods or those of his agents. No private security firm working for the US presumably would be allowed to use arms with a fire power exceeding that of an AK-47, yet commander Ruhullah's men use heavy machine guns and rocket-propelled grenades. Such stories of Mafia-style ascendancies are legendary in Afghanistan. According to a report in the New York Times, an illiterate former foot patrol officer turned commander of a private army now controls the link roads in the Uruzgan province, north of Kandahar. His police troops were disbanded, but he kept

the title of police chief. In the space of a few years he made millions of dollars through the NATO supply chain. His fighters co-operated with the US Special Forces and Afghanistan's former president credited him with making the Uruzgan province safe almost single-handedly.

Germany's conduct in Afghanistan strengthened the warlords.

In an article in "taz"⁵⁷ in 2013, Philipp Münch (of the research institute Afghanistan Analysts Network) described how, following the fall of the Taliban in 2001, the commanders of the so-called Northern Alliance in northern Afghanistan and the central government in Kabul were the first to secure important posts for themselves. According to his analysis, these commanders were never interested in the successful re-building of the state, as this would have hindered their core business in the drugs trade. Nevertheless, in the ensuing elections they were able to win public support using tactics of intimidation. The regions and networks closely connected to the Taliban were left behind – a reason for the later success of the Taliban in those areas. Münch delivers a damning indictment of German strategy in Afghanistan, which, according to him, never amounted to a strategy at all. He claims that while rebuilding the state it was the tenet of most departments to work with anyone who had managed to secure any kind of official label for themselves, including, where necessary, warlords. Sometimes, however, alliances were forged with groups who were assumed to potentially be the strongest party, independent of their formal position. Münch's report claims that in the province of Badachshan the German army employed militias as guards, whose job it was to protect the German army camp from attacks by armed militias under the control of the same warlord. According to Münch, the pandering of the German army to whoever was the strongest party helped to cement the existing distribution of power, while creating the impression of German complicity with the ruling class in the eyes of those who were excluded from such splendid co-operation.

Ultimately, when Afghan refugees talk of the oppressive experience of ubiquitous corruption, they do not mean a few small favours here or there – instead they are talking about power structures and security. Local commanders, who, with the acquiescence of the Afghan government, grab large parts of the power and economy for themselves, are hardly less dangerous than the Taliban. Anyone in the country who openly talks about the government's corruption and its collusion with the warlords puts themselves at great risk. Educated Afghans are painfully aware of these connections. Local potentates running protection rackets, Mafia-style private armies linked to the government, whole sections of government that are corrupt and profiteering – all colluding with each other. What hope is there for those who cannot or do not want to associate themselves with any of these gang structures? The gigantic funds that have been poured into Afghanistan over the past 15 years have helped to turn corruption from a local endemic problem into an intractable structural problem.

57 taz, November 12th, 2013 (<http://www.taz.de/Afghanistan-nach-Abzug-der-Bundes-wehr/!5055186>).

FACTS ON AFGHANISTAN

Afghanistan is a very mountainous country: only 10% of its territory lies at an altitude of below 600 metres. Less than 6% of the land surface is agriculturally usable, and many of those usable parts rely on irrigation. Over recent decades there have been several severe droughts – climate change might be causing a reduction in rainfall as experienced in some parts of the country. Already there are signs of water supplies becoming even scarcer as a result of melting glaciers.

Afghanistan consists of 34 provinces that are subdivided into 329 districts. This is an important fact, not least because most reports on the security situation do not apply to whole provinces but are an account of the situation in certain districts.

Afghanistan has at least 31.5 million inhabitants.⁵⁸ Available figures on population distribution between rural and urban areas seem outdated – in 2010, 80% of the population were still said to be living in rural areas, and only 20% in urban areas. Due to increasing insecurity in the population, large numbers of internally displaced people and migration into the larger cities (which is attributable to economic and ecological reasons), the ratio is likely to have changed drastically in recent times.

Afghanistan is home to people of a multitude of ethnic groups, among them Pashtuns (42%), Tajiks (27%), Hazara (9%), Uzbeks (9%), Aimaqs (4%) and Turkmens (3-4%). Various other ethnic groups together account for 4%.

Almost 100% of the population are Muslims, of whom 80% are Sunnis and 20% Shiites (especially the Hazara people). Most of the Hindu and Sikh minorities are thought to have left the country over the past years.

Almost 50 languages are spoken in Afghanistan, in addition to some 200 different dialects – testament to the fact that Afghanistan is even more diverse than the above population statistics suggest. More than half of the population speaks Dari, the Afghan variety of Persian. Dari and Pashto are both commonly used as lingua francas.

Since the start of the civil war in 1979 the country has repeatedly descended into war and violence, promoted by various and ever-changing protagonists, including from abroad. The consequence of these troubles are always mass flight events: more than 30 years of war have led to 75% of all Afghans being displaced at least once during their lifetime. Millions of Afghans have fled their country over the years.

58 United Nations Population Fund 2014 (<http://www.unfpa.org/>).

A BRIEF HISTORY OF AFGHANISTAN

1740: The Pashtun leader Ahmad Shah Durrani founds an independent Pashtun kingdom, which can be considered to be a precursor of the state of Afghanistan. The region soon comes under the influence of the expanding British colonial empire.

1801: The name Afghanistan is first mentioned in the Anglo-Persian peace treaty.

1838 - 1842: The First Anglo-Afghan war is the result of a collision of Russian and British colonial interests in Central Asia. Russia wanted access to the Indian Ocean, while Britain wanted to incorporate Afghanistan into the later British India. British attempts to conquer Afghanistan end in a catastrophic defeat for Britain.

1878 - 1880: Second Anglo-Afghan war. Afghanistan becomes a kind of protectorate of British India. The British army suffers heavy losses in the battle of Maiwand and withdraws its troops by 1881. The British consent to the appointment of the next Emir of Afghanistan, Emir Rahman, who goes on to inflict cruel treatment on the Hazara people and curtail the power of tribal leaders.

1893: The so-called Durand Line is fixed as the border between Afghanistan and British India (modern Pakistan). As it crosses the areas of settlement of the Pashtuns it remains controversial to this day.

1919: Third Anglo-Afghan war: the later king Amanullah declares war on the British. Afghanistan gains its sovereignty (Treaty of Rawalpindi).

1923: Afghanistan becomes a constitutional monarchy. Tribal resistance against the king's attempts to modernise the country.

1939 - 1945: Afghanistan remains neutral in World War Two.

1973: Following a coup, the former head of government, Daoud Khan, assumes power and proclaims a republic. His support comes in part from the communist PDPA, which later carries out another coup in opposition to attempts to create a one-party state. Taraqī becomes president. Ensuing secularisation and land reform attempts, as well as a rapprochement with the Soviet Union, lead to resistance within conservative circles.

December 24th, 1979: Soviet invasion following months of turmoil in Afghanistan. A civil war escalates, and the USA, Pakistan, Saudi Arabia and others finance and arm Mujahideen groups.

1988 - 1989: Withdrawal of the Soviet army. The war's balance sheet: almost 15,000 Russian casualties and 18,000 Afghan casualties, with an estimated 90,000 Mujahideen casualties and 1.5 million civilian deaths; 6 million Afghan refugees abroad (3.5 million in Pakistan, 2.5 million in Iran); 2 million internally displaced people.

1992 - 1996: Continuing clashes between rival Mujahideen groups and partition of the country into various zones of power. Destruction of the capital.

September 1996: Capture of Kabul by the Taliban, who had first emerged in Afghanistan in 1994. In the ensuing period the Taliban control 90% of the country.

October 7th, 2001: Following the September 11th terror attacks on the World Trade Centre in New York, the US-led military intervention begins. The Taliban are ousted from power within weeks. One month later the International Conference on Afghanistan in Bonn agrees on Karzai as interim leader. The government is supported by the International Security Assistance Force (ISAF), which also includes German troops. The anti-terror operation (Operation Enduring Freedom) continues in parallel.

December 2009: US president Obama announces the start of the withdrawal of US troops within 18 months, while dramatically increasing troop numbers by 100,000 at the same time.

December 2014 - January 2015: Most NATO troops withdraw with the conclusion of the ISAF mission, including the majority of the German army contingent. The mission's balance sheet: 3,470 foreign military casualties. There are no figures for the overall numbers of civilian casualties and those of the Taliban and other military groups. In January 2016 the subsequent mission "Resolute Support" starts, in the course of which over 13,000 soldiers are to train and advise the Afghan army. US Special Forces also remain in the country.

Further reading:

Current analysis is available on the website of the Afghan Analysts Network:

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