

Perspectives on Afghan Refugee identity in Pakistan

Muhammad Najam ud din Farani

Abstract

Afghan refugees in Pakistan are a classical example of refugee-war nexus. They have been historically conditioned by wars and internal conflicts inside Afghanistan. The conflict within Afghanistan which has historically conditioned Afghan refugees has spanned for more than four decades. This study is an attempt to contextualize history, demographics, institutes, national policy and different factors that have conditioned the identity of Pakistani Afghan refugee community. This study also attempt to explore different perspectives on the identity of Afghan refugee community inside Pakistan.

Keywords: Identity, Afghan Refugees, Pakistan, Soviet intervention, 9/11

Introduction

Afghan refugees have been living inside Pakistan for four decades. They have been historically conditioned by wars and internal conflicts inside Afghanistan. They are historically contextualized by Cold War in general and the Soviet military intervention inside Afghanistan in the year 1979 in particular. Refugee-war nexus can be helpful in the historical contextualization of Afghan refugees in Pakistan before and after 9/11. The correlation between Afghan refugees and Afghan conflict can be explained with the help of refugee-war nexus which states refugees are a direct product of war (Kampf, 2019). The larger the scale of war, the larger the number of refugees is going to be. This has been the case with Afghan refugees as well. Their stay inside Pakistan has been conditioned by the Afghan war scenario. In this regard, this study is an attempt to contextualize history, demographics, institutes that have conditioned the identity of Pakistani Afghan refugee community. This study also attempt to explore different perspectives on the identity of Afghan refugee community inside Pakistan.

Conceptual Framework

According to Said (2001), refugee as a concept has been created by nation-states in the twentieth century in order to manage and control the affairs of politically bewildered helpless people who are in need of aid and support while they are in exile (Behrman, 2016). Kushner & Knox (1999) are of the view that the problem of refugee question from a historical point of view only got significant and garnered attention of the academia in the aftermath of two great wars in general and mass exodus faced by European continent in particular. Before these two great wars, there was a general silence and 'collective amensia' when it comes to the question of refugees and their predicament in history (Kushner, 1985, p. 11). In 1950, United Nations High

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Commissioner for Refugees (UNHCR) was created (Janik, 2017). In 1951, UN refugee convention was convened which passed the 1951 UN refugee protocol which is still operational and in full force right now (Chalabi, 2013).

With the end of WW2 and the beginning of Cold War, the rivalry for global domination cum hegemony between USA and the Soviet Union or the Union of Soviet Socialist Republics (USSR) led to the transformation of refugee identity from a global point of view as they now became the ambassadors of the Cold war (Marfleet, 2016).

Internationally recognized legal definition of refugee is given below (Yeo, 2014, p. 5):

“Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence is unable or, owing to such fear, unwilling to return to it.”

Historical Contextualization

The presence and existence of Afghan refugees in pre and post 9/11 periods inside Pakistan can be contextualized with the help of refugee-war nexus. The refugee movement of Afghan refugees from Afghanistan into Pakistan can be categorized into six different waves given below. They are (Ali, 1995):

- First wave (1973)
- Second wave (1978 to 1979)
- Third wave (1979 to 1989)
- Fourth wave (1989 to 1996)
- Fifth wave (1996 to 2000)
- Sixth wave (2001 to onwards)

First wave (1973)

In the aftermath of the coup in 1973, 1500 people associated and loyal to King Zahir Shah's regime left Afghanistan and assumed refuge inside Pakistan (Ali, 1995). Among those 1500 Afghan refugees, there were members of the royal family, people politically opposing Daud's rule in Afghanistan and some religious figure heads (Ali, 1995). This flight of 1500 loyalists of King Zahir Shah from Afghanistan into Pakistan is considered as the first wave of refugees from Afghanistan into Pakistan on account of political motivations.

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Second Wave (1978 to 1979)

Daud was removed from power in the year 1978 by Noor M. Tarakai led People's Democratic Party of Afghanistan (PDPA) which had strong connections with Soviet Union. Taraki's rule was short lived as he was removed shortly from power corridors by a second internal coup of the PDPA by Hafizullah Amin in the year 1979 (Grare & Maley, 2011).

In this aforementioned context, the migration of refugees from Afghanistan into Pakistan from 1978 to 1979 is considered as the second wave of refugees (Ali, 1995). During that second refugee wave in 1979, around 1, 93, 000 Afghan refugees relocated themselves in Pakistan due to political instability, the communist makeup of the Afghan government, Afghan government's policies in contrast to the traditional cultural values etc. (Grare & Maley, 2011).

Third wave (1979 to 1989)

From 1979 to 1989 is marked as the third wave of refugee influx from Afghanistan into Pakistan. This decade marks the largest number of refugee inflow from Afghanistan into Pakistan. It has been estimated that 1/3 of the total population of Afghanistan during this decade (Ali, 1995). It has been estimated that around 50 % of the total Afghan population arrived Pakistan in the first half of the decade (HRCP, 2009). Around 3.5 million refugees from Afghanistan migrated and took shelter inside Pakistan during the decade of 1979 to 1989 (Khattak S. G., 2003). During the height of this refugee influx, an average of 80, 000 to 90, 000 Afghans were entering Pakistan to seek basic necessities of life during a month (Grare & Maley, 2011).

Table 1.1: Population of Afghan Refugees in Pakistan from 1979 to 1989

Year	Afghan refugees
1979	400, 000
1980	1, 428, 230
1981	2, 375, 330
1982	2, 877, 480
1983	2, 900, 000
1984	2, 500, 000
1985	2, 729, 910
1986	2, 878, 100
1987	3, 156, 000
1988	3, 254, 393
1989	3, 272, 290

Source: UNHCR, Population statistics, 2019.

During this decade of third wave of refugee flow from Afghanistan into Pakistan, at one point, Pakistani Afghan refugee community was estimated to be slightly more than 3 % of the total demographics of Pakistan (Grare & Maley, 2011). In this decade, Pakistan emerged as the largest refugee hosting nation in the entire world.

Fourth wave (1989 to 1996)

The year 1992 led to the beginning of devastating civil war for Kabul. Robert Kaplan opined that the 1992 civil war between different Afghan militia groups was not for a national cause but for the mere collection of strongholds (Ruiz, 2002). There were around 5 to 6 factions of militant jihadis involved in this civil war but the two stronger parties which emerged as a result of this conflict were Gulbadeen Hikmatyar's Hizb-e-Islami and Ahmad Shah Masood's Jamiat-e-Islami. This civil war in its partial form succumbed to the victory of Kabul by the Taliban in the year 1996.

In lieu of the refugee-war nexus with no end to conflict in sight, Afghanistan saw the fourth wave of refugees from Afghanistan into Pakistan from 1989 to 1996. In 1990, the total registered population of Afghan refugees was recorded to be 3.29 million (Ali, 1995). In 1992, Pakistani Afghan refugee population fell to 3.24 million with the renewed hope that peace would prevail after the Soviet withdrawal from Afghanistan. The year 1992 saw the biggest jump in Pakistani Afghan refugee return to their homeland (AREU, 2006). In 1992, it is estimated that over 1, 250, 000 Afghan refugees returned back from Pakistan into Afghanistan (AREU, 2006). The Pakistani Afghan refugee community was dropped from 3.2 million to 1.47 million from the 1992 to 1994 (Grare & Maley, 2011). According to estimated statistics, from 1991 to 1994, 126, 026 refugees arrived in Pakistan against the repatriation of 1,757,402 returnees (Ghosh P. S., 2016). The figure 1.1 given below gives details of the returnees during the fourth wave of refugee inflow from Afghanistan into Pakistan from the year 1990 to the year 1996:

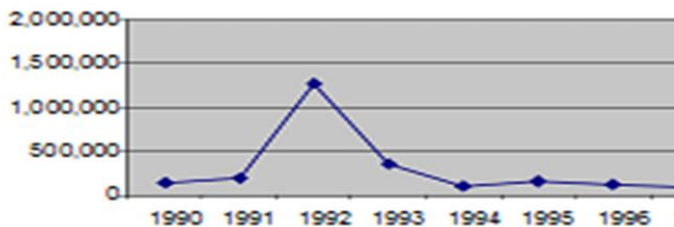


Figure 1.1: Number of Afghan repatriates returning back from Pakistan to Afghanistan (1990 to 1996) Adopted from UNHCR, February 2005, Refugee statistics.

The aforementioned figure describes the gradual decrease in the repatriation process after 1992 which can be explained with reference to refugee-war nexus and the Afghan civil war of 1992.

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Table 1.2: Population of Afghan Refugees in Pakistan from 1990 to 1996

Year	Afghan refugees
1990	3, 253, 000
1991	3, 098, 000
1992	1, 627, 000
1993	1, 476, 876
1994	1, 053, 000
1995	1, 200, 000
1996	1, 200, 000

Source: UNHCR, Population statistics, 2019.

Fifth wave (1996 to 2000)

Only two countries in the entire world recognized the Taliban regime in Afghanistan which was established in 1996 i. e.

- Pakistan
- Kingdom of Saudi Arabia

Besides these two countries, the other nations were hesitant to recognize the suzerainty and legitimacy of the Taliban regime due to their religious intolerant views, sectarian makeup, ethnic monolithic configuration and lack of respect for minority rights. This global isolation attitude towards Taliban regime produced an environment of economic recession and lack of pluralistic society based upon the principles of closed societies.

In this background, although UNHCR and other international donor agencies closed their programs in Pakistan for refugee assistance, around 90, 000 Afghans entered Pakistan to seek shelter as refugees from 1996 to 1999 (Segal, Elliott, & Mayadas, 2010). In 2000 alone, due to deteriorating economic circumstances and the resultant effects of the famine, around 172, 000 Afghans entered into Pakistan to seek refuge and basic necessities of life (Ruiz, 2002).

Table 1.3: Pakistani Afghan refugee community from 1997 to 2000

Year	Afghan refugees
1997	1, 200, 000
1998	1, 200, 000
1999	1, 200, 000
2000	2, 000, 000

Source: UNHCR, Population statistics, 2019.

Sixth wave (2001 to onwards)

As a result of the removal of Taliban regime in Kabul and the Bonn Agreement achieved by various delegates of Afghans in 2002, a surge in repatriation was observed in the similar fashion as it was observed in 1992. In 2002 alone 1.6 million Afghan refugees repatriated from Pakistan against 50, 000 refugees entering into

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Pakistan (Ghufran, 2006). In retrospect, Pakistan's response to Afghan refugees during the US invasion inside Afghanistan was a lot different from its response to Afghan refugees as compared to the hospitality that it offered during the Soviet years inside Afghanistan. After the US invasion inside Afghanistan, Pakistan closed down its borders for refugee asylum. No more refugees from Afghanistan were allowed to enter Pakistan's territory through official means. Furthermore, a tripartite agreement was signed between Pakistan, Afghanistan and UNHCR in the year 2003 which called for the voluntary repatriation of Afghan refugees from Pakistan (AREU, 2006).

Table 1.4: Pakistani Afghan refugee community from 2001 to 2018

Year	Afghan refugees in Pakistan
2001	2, 197, 821
2002	1, 226, 569
2003	1, 123, 647
2004	1, 290, 408
2005	1, 084, 208
2006	1, 043, 984
2007	2, 034, 416
2008	1, 780, 150
2009	1, 739, 935
2010	1, 899, 842
2011	1, 701, 945
2012	1, 637, 740
2013	1, 615, 876
2014	1, 504, 912
2015	1, 560, 592
2016	1, 352, 160
2017	1, 392, 610
2018	1, 403, 521
2019	1, 416, 078

Source: UNHCR, Population statistics, 2020.

The aforementioned table 1.4 shows a slow gradual decrease in Afghan refugee population in Pakistan from the year 2001 to the year 2019 due to the voluntary repatriation process coordinated by UNHCR, Pakistan and Afghanistan. Similarly like the drop in Afghan refugee population in the year 1992, in the sixth wave of Afghan refugees from Afghanistan into Pakistan, year 2002 saw the biggest drop in Pakistani Afghan refugee community due to the effects of US invasion of Afghanistan and subsequent removal of the Taliban regime. This downfall pattern in the Pakistani Afghan refugee community remained consistent till the year 2006. A sudden surge in the Pakistani Afghan refugee community was observed in the year 2007 due to the emergence of Taliban spring in the latter half of the year 2006. Due to committed nature of all the signatories of the Tripartite agreement, this surge was tackled in the later years after 2007. Keeping in view the political instability and economic uncertainty inside Afghanistan and US negotiations for the end game in Afghanistan, the trickle-down effect on the Afghan refugee population has stalled a bit from the year 2016 to the year 2019.

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All the aforementioned figures and tables related to Afghan refugee population in Pakistan from the year 1979 to the year 2019, estimated by UNHCR are only subject to registered estimation. Unregistered Afghan refugees are as equal as or more than in numbers as compared to registered Pakistani Afghan refugee community.

Population

In the year 2005, a census regarding the official estimation of Afghan refugee population was conducted by UNHCR and Pakistan Census Organization (PCO). According to the census 2005, distribution of the Afghan refugee population in different provinces of Pakistan tells us that Khyber Pakhtunkhwa (KP) resides the largest number of Afghan refugees with a 61.6 % of the total Afghan refugee population in Pakistan (UNCHR, 2005, p. 7). Balochistan was declared as the second biggest province after KP in terms of providing accommodation to 25.2 % of total Afghan refugee population in Pakistan (UNCHR, 2005, p. 7). Punjab was determined to be the third largest province of Pakistan providing shelter to Afghan refugees with a 6.8 % of the total Afghan refugee population in Pakistan (UNCHR, 2005, p. 7). Sindh had a 4.5 % of the total Afghan refugee population in Pakistan with Islamabad and Azad Jammu and Kashmir (AJK) residing 1.5 % and 0.4 % of Pakistani Afghan refugees respectively (UNCHR, 2005, p. 7). 3% growth rate among the Afghan refugees was being observed during the 2005 census organized by UNHCR and PCO. 2005 census statistical data further tells us that 42 % of the Afghan refugees were living in camps while 58% of the Afghan refugees were living outside the camps (UNCHR, 2005, p. 6). Moreover the census establishes the majority of Afghan refugees as Pashtuns with a whopping percentage of 81.5 % (UNCHR, 2005, p. 6).

According to UNHCR Pakistan official webpage, the current registered population of Afghan refugees in Pakistan in the year 2019 (September) is estimated to be 1, 410, 155 (UNHCR, 2019). Provincial makeup of Afghan refugee population in Pakistan in the year 2019 (September) according to UNHCR Pakistan official page is given below (UNHCR, 2019):

- KP (818, 727)
- Balochistan (324, 280)
- Punjab (165, 278)
- Sindh (63, 828)
- Islamabad (33, 758)
- AJK (4, 279)
- Gilgit Baltistan (5)

Typology

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Rahimullah Yusufzai, famous Pakistani journalist, expert on Pashtun and Afghan affairs, categorizes the Afghan refugees keeping in view of the following motivations given below (Rehman & Shahzad, 2009):

1. Political considerations
2. Security considerations
3. Economic considerations
4. Better living circumstances
5. Family considerations

Afghan refugees are struggling with their identity, place and position in Pakistan. They have been subject to racial profiling, unequal treatment, social exclusion, discrimination, isolation, expulsion and exclusionary behavior in the state of Pakistan which in the aftermath of 9/11 has tried its best to limit their presence to refugee camp life, providing limited means of sustenance of life (Saito, 2008). This in turn as a consequence of aforementioned treatment has led to crisis of identity for Pakistani Afghan refugee community.

Institutes

Institutes or organization that deal with the running, administration or governance related affairs related to the presence of Afghan refugees inside Pakistan can be divided into two major categories given below:

- National institutes/organizations
- International institutes/organizations

In this regard, main national institutes are given below:

- Ministry of States and Frontier Regions (SAFRON)
- Chief Commissionerate Afghan refugees, Islamabad
- Provincial Chief Commissioner Offices for Afghan refugees
- National Database and Registration Authority NADRA

Among the National institutes/organizations, SAFRON acts as the chief federal body which deals with the institutional bureaucratic administration of Pakistani Afghan refugee community. SAFRON ministry further decentralizes its functions to Chief Commissionerate Afghan Refugees (CCAR) which further on monitors and regulates its functions and authorities via its provincial branches located in 4 provincial capitals of Pakistan (Ali, 1995). The Chief Commissionerate for Afghan refugees office was first founded to help and assist Afghan refugees inside Pakistan in the year 1980 located at the capital of Pakistan i. e. Islamabad (Schoch, 2008). In the year 2001, the government of Pakistan under the ministry of interior laid down the foundation of

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National Alien Registration Authority (NARA) which was also meant to administer affairs of Pakistani Afghan refugee community living inside Karachi (AREU, 2005). In the aftermath of 9/11, the responsibility to deal with the affairs of Afghan residents in Karachi was taken away from NARA (AREU, 2005). National Database and Registration Authority (NADRA) along with statistics department of Pakistan deals with organization of the registered data related to the presence of Afghan refugees inside Pakistan. Board of statistics in its recent demographic census of Pakistan also considered the numerical data concerning Pakistani Afghan refugee community in the year 2017.

An organogram in the form of figure 1.2 is given below which provides the organization stratification of national organizations related to the governance of Afghan refugees inside Pakistan.

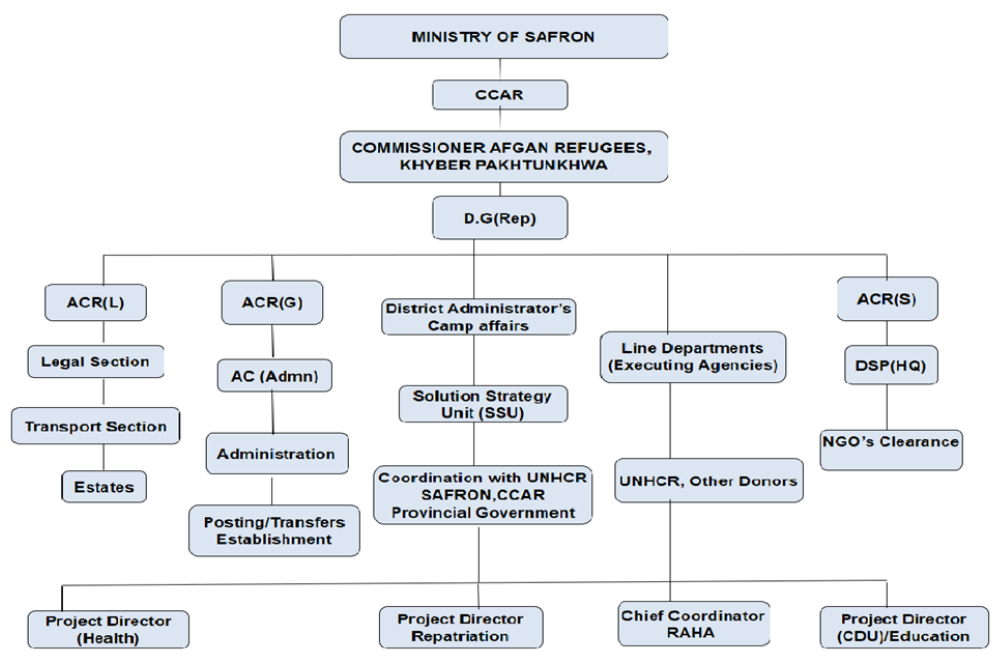


Figure 1.2: Organizational Chart of Bureaucratization of Afghan refugees inside Pakistan, Adapted from Commissionerate Afghan Refugees, KP, Peshawar.

As far as international institutes or organizations are concerned, UNHCR plays the pivotal role in this regard. UNHCR not only helps the government of Pakistan in the statistical management of Afghan refugees in Pakistan but it is also involved in the donor management, repatriation programs, rehabilitation and resettlement programs, basic service delivery programs etc. Other important international organizations who were involved in the past or at present assisting Afghan refugees inside Afghanistan are World Health Organization (WHO), World Food Program (WFP), United Nations

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International Children's Emergency Fund (UNICEF), and World Bank (WB) etc. Many states have also donated for the welfare assistance of Afghan refugees inside Pakistan. Moreover, Non-Governmental Organizations (NGOs), International non-governmental organizations (INGOs) and International governmental organizations (IGOs) have also played crucial role in the financial assistance regarding provision of basic subsistence facilities for Afghan refugees living inside Pakistan.

Identity

We live in a globalized world wherein our identity is not only shaped by corresponding relationship with a singular idea, object or place set (Tamang, 2009). This peculiar feature of the modern globalized world makes it an arena of multi-identities wherein individuals and groups are being perceived through the layers of various spectrums of visuals, images, speeches and acts. Afghan refugees are also part of this multi-identity world wherein they can't only be identified only by a singular monolithic visual, image, speech or act.

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Different perspectives which shape the identity of Afghan refugees in Pakistan are given below. They are:

- Ethnic perspective
- Religious perspective
- Political perspective
- Economic perspective
- Legal perspective

Ethnic perspective

The identity of Pakistani Afghan refugee community is also constituted by their ethnic framing. Although all refugees from Afghanistan who are residing inside Pakistan are Afghans by nationals yet their national representations inside Pakistan are dominated by their ethnic backgrounds. The Afghan refugee population inside Pakistan is ethnically divided into following categories given below:

- Pashtuns
- Tajiks
- Uzbeks
- Hazaras
- Turkmens
- Balochs

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- Others

Afghans refugees inside Pakistan predominantly identify themselves as Pashtuns by their ethnicity as Pashtuns constitute 85 % of the total Afghan population inside Pakistan (UNHCR Pakistan, 2019). The ethnic configuration of Afghan refugees inside Pakistan by the month of August, year 2019 is given below in the form of figure 1.3 which provides the data about the ethnic representation of Afghan refugees in the form of a pie chart.

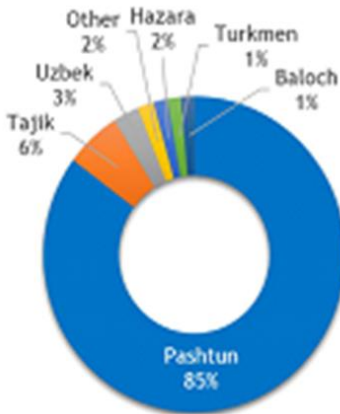


Figure 1.3 Ethnic Configuration of Afghan refugees in Pakistan Adapted from UNHCR, 2019, UNHCR data portal.

Ethnic configuration of Afghan refugees inside Pakistan and Pashtuns constituting the majority of the Afghan refugee demographics in Pakistan demonstrates the fact that due to the strong presence of Pashtuns in Pakistan generally and in KP and Balochistan in particular, it was a logical destination for majority of the Afghan refugees to seek refuge inside Pakistan due to the Pashtunwali culture shared by Pashtuns, encoding hospitality for Pashtuns as part of one great tribe or nation across two nation-states (Ali, 1995; Centilivers & Demont, 1988).

Religious perspective

Migration or Hijrat in Islam has a significant place in the lingua franca of Islam as it not only holds a sacred place in the religion of Islam but it also holds a special place in the Islamic history as Prophet Muhammad (Peace Be Upon Him) left for Medina from Mecca in the year 622. During the reign of Hazrat Umar, deliberations between the companions of Prophet Muhammad (Peace Be Upon Him) went on regarding the enunciation of a calendar symbolizing the Islamic context to the rest of the world. It was decided during those deliberations that the year 622 which marked the migration of Prophet Muhammad (Peace Be Upon Him) from Mecca to Medina, would act as

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the first referent year of the Islamic calendar, making it to be famously known as the Islamic or Hijri calendar (Ahmed D. , 2006).

Quran, the most sacred text for the faith holders of Islam also highlights the significance of migration in following the path of Allah. In Quran, there are 17 verses which corroborate about migration as one of the central tenants of the religion Islam. These 17 verses in which Quran Quran mentions the concept of migration are given below:

- Chapter 2, Surah Al-Baqara, verse 218
- Chapter 3, Surah Al-Imran, verse 195
- Chapter 4, Surah An-Nisa, verse 89
- Chapter 4, Surah An-Nisa, verse 79
- Chapter 4, Surah An-Nisa; verse 100
- Chapter 8, Surah Al-Anfal, verse 74
- Chapter 8, Surah Al-Anfal; verse 75
- Chapter 9, Surah At-Tawba; verse 20
- Chapter 16, Surah An-Nahl, verse 41
- Chapter 16, Surah An-Nahl, verse 110
- Chapter 22, Surah Al-Hajj, verse 58
- Chapter 24, Surah An-Nur, verse 22
- Chapter 29, Surah Al-Ankabut; verse 26
- Chapter 33, Surah Al-Ahzab; verse 50
- Chapter 59, Surah Al-Hashr; verse 9
- Chapter 60, Surah Al-Mumtahana; verse 10

The religion Islam promises glory, dignity and heaven to those who have leave their homes either because they are forced to leave their faith or in order to fight to defend or project the way of Allah. It was in that spirit that Prophet Muhammad (Peace Be Upon Him) advised Ansar (locals in Medina) to help in a manner necessary for helping refugees migrating from Mecca to Medina.

Afghan refugees in that aforementioned spirit sought refuge in Pakistan in the aftermath of Soviet invasion inside Afghanistan. As a consequence of sharing the same faith and in particular holding the idea of hijrat in high esteem, Pakistan was a natural destination for Afghan refugees to settle in as long as the conditions in Afghanistan do not came to normalcy. Akbar S. Ahmad says that “on crossing into Pakistan, Afghans were received as fellow muslims and equally important fellow

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tribesmen” (Ahmed A. S., 1986, p. 166). Moreover, there was an added political motivation to continue their resistance against the Soviet occupation of Kabul.

One of the major motivations for refugees from Afghanistan to migrate and seek refuge inside Pakistan was the secular orientation of Soviet backed regime in Kabul during the decade of 1980’s. Soviets and their communist backed regime in Kabul represented an extreme to their cultural values which the Afghans hold very near and dear to their heart.

In Chapter 3, Surah Al-Imran, verse 3 of the Quran, Allah says: “And those who emigrated and were emigrated from the habitations, those who suffered hurt in My way, and fought, and were slain-them I shall surely acquit of their evil deeds, and I shall admit them to gardens underneath, which rivers flow”. This verse implies that those who are fighting in the path of Allah and have left their homes to pursue Jihad are also considered as Mohajirs (Migrants). In this context, Mujhadeens also considered themselves as Mohajireens, creating a symbiosis of Mohajir/Mujhaid duality (Centilivers & Demont, 1988). This in turn creates a community of refugee population inside Pakistan which exhibits the characteristics of Holy warriors, commonly known in the Islamic tradition as mujhadeens (Schoch, 2008; Khattak R. K., Afghan refugees and NAP, 2015).

Almost all afghan refugees inside Pakistan are Muslim by religion and they can be further divided into two major categories i. e.

- Sunni Muslims
- Shia Muslims

Hazaras in Pakistan are Shia Muslims by their religious orientation of Islam while the remaining ethnicities of Afghan refugees in Pakistan are primarily Sunni Muslims by their religious orientation of Islam. Pakistan faced the backlash of the sectarian fault lines that existed during the Taliban rule inside Afghanistan. Hazaras in Pakistan have been facing the repercussions of the Sunni-Shia divide inside Afghanistan and the region for quite a long time. Furthermore, the balance of loyalties between religious ideology and national identities has led non-state militant violent organizations to gain sympathies and diffuse themselves among the Afghan refugee population inside Pakistan.

Political perspective

The symbiotic duality existing in between Afghan resistance forces and Afghan refugees during Soviet invasion of Afghanistan provided a political dimension towards the existence of Afghan refugees inside Pakistan. Pakistan’s and international community’s political considerations towards Afghan refugees inside Pakistan during the Soviet invasion of Afghanistan were based on two foundations i. e. (Grare & Maley, 2011)

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- Humanitarian context
- Military context

Afghans migration from Afghanistan to seek refuge inside Pakistan were compelled to seek allegiance with any one of the seven Afghan political cum militia groups stationed inside Peshawar in order to get access to basic necessities of life through the official state channel (Tamang, 2009). Perhaps it was for that reason, Pakistan never signed the 1951 refugee protocol as it would have necessitated Pakistan's impartiality in the Soviet Afghan quagmire and Pakistan and the international community would have failed to support and assist the Afghan mujhadeens against their resistance against Soviet occupation of Afghanistan.

After the Soviet withdrawal from Afghanistan, these mujhadeen plus refugees were perceived as an additional mean of maximizing Pakistan's national security framework by assisting and diverting their forces towards Kashmir Jihad during the decade of 1990's (Khan & Wagner, 2013). This Indian perspective about the presence of Afghan mujhadeens disguised as refugees is further supplemented by Pakistan's then strategic doctrine of strategic depth developed by the former chief of Pakistan armed forces General (retired) Aslam Baig (Shukla, 2011).

Internationally, during the contemporary global war against terrorism, allies and rivals alike have blamed Pakistan for nurturing non-state terrorist organizations and Taliban and providing them safe havens to tunnel their violent activities. The epicenter of blame argument revolves around the tribal belt of Pakistan and the Afghans living within that belt. They forget to remember that it was through their support including international organizations such as UNHCR that Pakistan was able to harbor Afghan refugees inside Pakistan. Perhaps for that reason, Pakistan wants the repatriation of Afghan refugees as soon as possible to end this blame game and also to secure its internal borders against non-state violent organizations.

The repatriation project of Afghan refugees inside Pakistan is perceived by some as a forced migration instead of a voluntary return program as they are of the view that Pakistan is trying to use Afghan refugees as a bargaining chip in its foreign policy to maximize its interests in the Afghan end game (Siddiqui, 2019). Afghan refugees can act as emissaries of peace bridging the trust deficit between the two neighboring nation states i. e. Pakistan and Afghanistan.

Economic perspective

Pakistan is a densely populated country with its own burden to balance out the economic reserves with a population with increasing proportion. The added responsibility to cater the basic needs and sustenance of life for Afghan refugees living within Pakistan has increased the humanitarian responsibility as well as the economic burden for the state of Pakistan.

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Dr. Saifullah Chaudhary, who is a senior officer positioned at International Labor Organization (ILO) had commented in a seminar regarding the socio-economic circumstances of Afghan refugees and the countries which are harboring them. Regarding Afghan refugees living inside Pakistan, he gave his analysis that the conditions in which Afghan refugees were living, their lives exhibited poor economic indicators regarding their earning and livelihood inside Pakistan (The Express Tribune, 2013).

With reference to economic perspective in lieu of Pakistani Afghan refugee community, there are two major perspectives given below:

There are those who frame Pakistani Afghan refugee community as contributors towards the growth of Pakistan's economy and are not a burden on the government of Pakistan from an economic stand point of view. They support their argument by highlighting the examples of Afghan refugees contributing as laborers in the infrastructural development, constituting a major stake in the carpet weaving industry in Peshawar, Afghans running the Karkhano market, Afghans involved in managing trucks inside the transport network etc. Afghans who are living in the rural areas of Pakistan, around 32 % of them earn their livelihood via agriculture (UNHCR Pakistan, 2019). It has been estimated that Afghan refugees are contributing around 150 million dollars per year in Pakistan's economy (Ahmadzai, 2016). Furthermore, Afghan refugees staying inside Pakistan are not stationary in their movement as most refugees are by the qualification of their status and definition. There are many among them who exhibit transitional and transnational features which puts a doubt over their status as refugees from a definitional stand point of view (Monsutti, 2012). Their transitional and transnational characteristics are depicted by their to and fro movement from their place of refuge to their homeland and back to their place of refuge for the sake of work (Kronenfeld, 2008). This begs the question that those who exhibit such characteristics should be accepted as refugees or not. If not, they should be categorized under the umbrella term of economic migrants and should be removed from the list of registered refugees living inside Pakistan.

There are also those who are of the opinion that Afghan refugees are acting as burdening factor on Pakistan's economy and Pakistan should pursue policy of either shifting that burden to regional or international stake holders or support and implement a policy contributing towards smooth and swift Afghan refugee repatriation (Khan R. , 2016). Pakistan is characterized as a developing state with its own share of economic difficulties. In this context, it is quite evident that Pakistan is not self-sufficient in terms of accommodating Afghan refugees and providing them adequate means of sustenance inside Pakistan. Pakistan has a problem of unemployment as far as providing earning opportunities for its own citizens. It has been reported that Afghan refugees inside Pakistan are consuming around about over one million jobs which implies that Afghan refugees have illegally occupied these jobs by getting citizenship through fake Citizen National Identity Cards (CNICs)

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(Khan R. , 2016; Danish, 2018). Moreover, Afghans who are not registered inside Pakistan and run their businesses and shops inside Pakistan escape the tax payment system in Pakistan, earning for them but not returning the responsible dividends to the state of Pakistan in terms of taxes (Roehrs, 2015). This fact has been confirmed by Ghulam Nabi, vice president of KP chamber of commerce as he has noted that out of 20, 000 shops in Peshawar city, Afghans own 10, 000 shops and being not registered as the citizens of Pakistan, they do not pay their taxes and hence have a negative influence over the development and growth of KP's economy in particular and Pakistan's economy in general (Roehrs, 2015). In this regard, Pervez Khattak, former Chief Minister of KP opined his views in the following words: "We are in the state of war and the stay of Afghan refugees was an additional burden on the health sector and other infrastructure of the province" (Zee News, 2014). Furthermore, the economic cost of global war against terrorism in Pakistan, the blame game regarding the presence of safe haven for terrorists inside Pakistan and the dispersion of anti-terrorist elements under the garb of refugees requires swift and prompt action from the Pakistan, necessitating a policy framework which allows and promotes the eventual Afghan refugee repatriation.

Legal perspective

The basic international legal documents which deal with the recognition, status, presence and rights of refugees all around the globe are given below:

- UN refugee protocol 1951
- UN refugee protocol 1967

UN refugee protocol 1951 is considered as the first document on refugee rights which was legally accepted to a large scale by the international community of nation states. It was by and large concerned with the refugee exodus suffered by the Europe in the aftermath of World War 2. The decentering in the 1951 UN refugee protocol due to its Eurocentric approach was dealt with the introduction of UN refugee protocol introduced in the year 1967.

Pakistan is not a signatory of UN refugee protocol 1951 and UN refugee protocol 1967 (Chowhan, 2011). From a moral stand point of view, Pakistan is not against the ethical considerations of the aforementioned protocols. It's just that Pakistan has to cater to its political and strategic considerations and compulsions surrounding the presence of refugee population in its homeland particularly in the context of Afghan refugees inside Pakistan and their presence since the Soviet invasion of Afghanistan. The great game required inside Afghanistan during the Cold war required from both from the western countries in general and USA in particular that Pakistan should play an active proxy role in their favor. The duality paradox of refugee-warrior community inside Pakistan during the first two decades was one of the main primary reasons that Pakistan never became part of these aforementioned protocols in the first two decades since the Soviet invasion of Afghanistan.

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The principle of *refoulement* ingrained in the aforementioned refugee protocols of 1951 and 1967 required that Pakistan can never pressurize or force these refugees back to their homeland no matter how large their burden may become from political, economic and strategic point of view (HRCR, 2009). Article 33 of the 1951 protocol states that “No contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion” (UNHCR, 1977; Hiegemann, 2014, p. 43). In lieu of prolonged length of conflict inside Afghanistan which has spanned over 4 decades and the principle of *refoulement* entrenched in the aforementioned protocols; Pakistan might have a point in not becoming part of the aforementioned agreements in consideration of its geo-strategic and geo-political complications surrounding the Afghan quagmire (Lanzetta, 2017).

Pakistan although is not a signatory of 1951 and 1967 international refugee protocols for the reasons mentioned above yet Pakistan is a member of International Covenant on Civil and Political rights (ICCPR) 1966, International Covenant on Economic, Social and Cultural Rights (ICESCR) 2008, and Convention on Torture (COT) 1984 (Grare & Maley, 2011). This thus implies that Pakistan may not abide by the legal considerations of refugee international law from a legal stand point of view but from a moral or ethical stand point of view, Pakistan does abide by the ethical considerations regarding the rights of individuals who might have fled their lands for multifarious reasons.

Afghan refugees inside Pakistan, from a legal perspective, are divided into two major categories.

- Registered or documented refugees
- Unregistered or undocumented refugees

Afghan registered or documented refugees inside Pakistan are those who have received their Proof of Registration (POR) cards while Afghan unregistered or undocumented refugees are those who have not received their POR cards.

There is no national legislation in particular made by Pakistan’s national legislature regarding the legal recognition of Afghan refugees inside Pakistan (Chowhan, 2011). In the absence of any national legislation to regulate the presence of Afghan refugees inside Pakistan, following existing law was deemed to be appropriate for the regulation and the management of Afghan refugees inside Pakistan.

- Foreigner’s Act, 1946

Pakistan’s Naturalization Act 1926, provides 4 sections which provide basis for legal grounds regarding the citizenship of Afghan refugees inside Pakistan are given below (Gillani, 2016).

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- Section 3
- Section 4
- Section 5
- Section 10

Section 3 of the Naturalization Act 1926 provides the basis for citizenship on account of duration of at least 8 years stay inside Pakistan (Gillani, 2016). According to the conditional parameters of section 3 of the Naturalization Act 1926, there are many Afghan refugees who do have a claim to the citizenship of Pakistan. Section 4 of the Naturalization Act 1926 provides the basis of citizenship on account of anyone who has been born inside Pakistan (Gillani, 2016). According to one estimate, out of total population of Afghan refugees inside Pakistan, 73 % refugees were born inside Pakistan (Gillani, 2016). This very fact provides the legal foundation for the citizenship claim for many Afghan refugees inside Pakistan. On this very premise of section 4 of the Naturalization Act 1926, an Afghan refugee named Ghulam Sanai, who was born inside Pakistan, applied for citizenship of Pakistan by citing the section 4 of the Naturalization Act 1926 via a judicial petition which was eventually rejected by the Peshawar High court as it mentioned in its judgment that clause 4 of the Naturalization Act was not framed for Afghan refugees and they should be treated under the premise of Foreigner's Act 1946 (Gillani, 2016).

Section 5 of the Naturalization Act 1926 provides the basis for citizenship on account of blood relationship with paternal or maternal side of Pakistani descent (Gillani, 2016). Many Afghan refugees since their arrival inside Pakistan due to their Pashtun ethnicity have been able to develop marital relationship with Pakistani citizens and have babies out of those relationships who can apply for citizenship but the government and courts of Pakistan have refused the application of section 5 in this regard. Moreover Section 10 of the Naturalization Act 1926 also provides the basis for citizenship on account of marriage which can provide legal basis for Afghan refugees due to their kinship developed through marriage with Pakistanis to apply for citizenship (Gillani, 2016). Two sections of the Citizenship Act 1951 also provide the basis for citizenship for Afghan refugees inside Pakistan. They are:

- Section 3
- Section 4

Section 3 and Section 4 of the Pakistan citizenship Act on account of birth related to any parts of Pakistan provide legal basis to acceptance for Pakistani citizenship which has been refused and rejected by the political and legal system of Pakistan (Khan A. , 2017).

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Pakistan's national policy

Pakistan's national policy regarding the presence of Afghan refugees can be divided into three phases of history i. e. (AREU, 2005)

- 1979-1989 (open door and supportive policy)
- 1990-2001 (open door and non-supportive policy)
- 2001 to onwards (close door and non-supportive policy)

Pakistan's last national policy on Afghan refugees was promulgated in the year 2013 according to which Pakistan synchronized its policy according to the policy outlines given by the Solutions Strategy for Afghan Refugees (SSAR) which is regional in character and intends to promote repatriation cum resettlement of Afghan refugees with an added focus on registration, rehabilitation and improving basic living facilities for Afghan refugees living inside Pakistan (Khan M. A., 2014). In that context, Refugee Affected and Hosting Areas (RAHA) program was jointly introduced by UNHCR and Pakistan with a focus on community acceptance of Pakistani Afghan refugees and in correlation with SSAR, it provides the capacity building foundation for Afghan refugees which in turn will facilitate them when they return back to their homeland and making them able to get resettle and find work for their sustenance of their life (UNHCR Pakistan, 2018).

Findings

- In lieu of refugee-war nexus, historical contextualization of Pakistani Afghan refugee community before and after 9/11 tells us that there is a direct correlation between war and the transformation of individuals and groups into refugees.
- In lieu of religio-political identity of Pakistani Afghan refugee community, they constituted a warrior-refugee community in the past; showing resistance as mujhahids against the Soviet occupation of Afghanistan and receiving aid under the garb of a refugee inside Pakistan from the western powers. This duality of character regarding the religious identity of Pakistani Afghan refugee community provided a troublesome scenario in the wake of Pakistan's war against terrorism after 9/11.
- Pakistan has made no particular legislation regarding its refugee population. Already existing domestic protocol i.e. Foreigner's Act 1946 act as the basis for the legal cover provided to the existence of Pakistani Afghan refugee community.
- The rationalization of Pakistan's negative response towards granting the citizenship status to Pakistani Afghan refugee community is located in the undocumented presence of almost half of their population within the settled areas of Pakistan without recognizing the due course of law.

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• Pakistan's contemporary national policy on Afghan refugees was outlined in the year 2013 in lieu of SSAR. According to SSAR, Pakistan and other stakeholders agreed on four objectives given below:

- Registration
- Repatriation
- Resettlement
- Reintegration

Recommendations

1. As long as war-like circumstances remain within Afghanistan, members of the Pakistani Afghan refugee community should not be encouraged for repatriation as the entry of more refugees in a war zone would lead to the creation of many.

2. In lieu of sections 3, 4, 5, 10 of the Naturalization Act 1926 and section 3, 4 of the Citizenship Act 1951, many members of the Pakistani Afghan refugee community have a right to citizenship which should be allowed.

3. SSAR is the suitable way forward for the management of the Pakistani Afghan refugee community. For SSAR to become successful, all stakeholders should focus on increasing the Afghan government's capacity for resettlement and reintegration of Afghan repatriates.

Conclusion

Afghan refugees have been acting as peace ambassadors in this region and as a source of cordiality between Pakistan and Afghanistan. This cordiality is conditioned by factors such as common history, religious and ethnic identities. These facets of Afghan refugee presence inside Pakistan for 40 years should never be forgotten while formulating any policy regarding their future. There are indeed security concerns regarding the undocumented presence of the Pakistani Afghan refugee community after 9/11. In this regard, registration and border management should be implemented in a comprehensive way. Successful repatriation is an ideal which should be contextualized, keeping in view the war situation of Afghanistan. As long as there is no peace settlement reached with reference to Afghanistan, the speed of the Afghan repatriation program should be slowed down gradually. The future of Afghan refugees should be highlighted in view of SSAR and the principle of regional collective responsibility.

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