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Problems with the Reintegration of Afghan Refugees

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Problems with the Reintegration of Afghan Refugees

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GRANT FARR, AUG 10 2018

Afghan refugees are beginning to return to Afghanistan. These returning refugees are creating new problems for Afghanistan as many are landless and therefore crowd the major cities, especially Kabul. Efforts to identify land for the returnees has floundered because of corruption and red tape. In addition, single Afghan men are being forcefully expelled from Iran and Europe creating new tensions. Refugees began fleeing Afghanistan in the 1980s as a result of the Soviet occupation of Afghanistan in 1979 and the war of resistance that followed. After the Soviet withdrawal in 1989 some refugees began to return, but the Soviet occupation was soon followed by a major civil war in 1992 when the *mujahideen* took control of Kabul and more refugees fled. This was followed by rule of the Taliban from 1996 to 2001. Although some refugees had begun to return during this period, the war waged against the Taliban government by the Northern Alliance and other groups forced more Afghans to flee.

Returning Refugees

Now refugees are beginning to return in larger numbers. Over the past three decades over 6 million refugees have returned. (IOM-UNHCR, 2017) Much of this repatriation took place between 2002 and 2008 in the years after the defeat of the Taliban government when the future of Afghanistan appeared optimistic. Most of these returning refugees were from Iran and Pakistan, and many participated in the UNHCR volunteer repatriation program (Duenwald, 2017). In a country with a population of just over 30 million, these returning refugees constitute over 20 percent of the population of Afghanistan. While there are some success stories, in general the returnees have negatively impacted Afghan society, placing a large burden on the infrastructure of a country that was already stretched thin (UN News ,2018).

Not only has the flow of refugees returning increased, but the demographic characteristics of these new returnees have changed as well. The refugees returning before 2008 were largely in family groups or in some cases whole villages. (Reliefweb, 2018) Now many of the returnees are young single men who do not want to return to Afghanistan but are being deported from Iran or Europe. (Constable, 2018). While the earlier returnees from Pakistan were mostly ethnic Pashtuns, most of the new returnees, especially those from Iran and Europe, are Hazara and Tajiks, minorities in Afghanistan. (Feroz, 2016) The reintegration of these new returnees presents new challenges for Afghanistan. Most do not want to be back in Afghanistan and will re-migrate to Europe or Iran as soon as possible.

Land Ownership Disputes

A major challenge in reintegrating returning refugees is land rights and property ownership. Many of the refugees have been out of Afghanistan for over 30 years, and in many cases while they were away their property, including buildings and land, has been taken over by others. In some cases, their property may have been sold and resold several times. In an agrarian society such as Afghanistan, where over 70 percent of the population lives in rural areas, land ownership, or the tenant rights to farm, are closely linked to economic security, political power, and social status. Without land, Afghans cannot support themselves. (Bjelica, 2016)

The illegal occupation of land, land seizures, the unsanctioned use of land for pasture by Kuchis (pastoral nomads), and the use of land for illegal poppy production by warlords and anti-government elements are common causes of

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conflict, both within and between families, tribes, ethnic groups, warlords, armed opposition groups, and the government. (NAMA, 2015) With the high population growth and the massive return of refugees, the demand for arable land has risen steeply since 2001, increasing land value and fueling conflict over land ownership and use. (UNAMA, 2015)

Since refugees may have fled without written deeds or documents, or in many cases never had legal documents in the first place, written documentation of land ownership is often missing. In addition, since most Afghans cannot read or write, documentation of land ownership is often unwritten, part of the family or village oral history. It is estimated that at least 50 percent of Afghanistan land ownership is not formalized; no one knows who owns what (Deschamps 2009).

As a result, land ownership disputes within families were common in Afghanistan even before the refugee repatriation crisis. Claims and disputes can take years to resolve. As a result, many returning refugee families do not even bother to reclaim their land or property, especially where powerful warlords or rich elites have confiscated the land. (UNAMA, 2015)

Solving the land problem in Afghanistan has not been easy. Afghanistan has layers of incompatible and confusing laws, regulations, and governmental decrees dealing with land ownership and use. In addition, various governments have given land to political and military elites, or illegally seized lands without regard to prior title. These conflicting laws, regulations, seizures and practices provide a confusing myriad of competing obligations and rights concerning land ownership, use, and access. (Deschamps, 2009)

In addition, the governmental judicial system is corrupt and ineffective, and therefore distrusted and avoided by most Afghans. It has been estimated that over 80 percent of the land dispute cases end up in the traditional dispute resolution system, that is, in local *jirgas* or *shuras* (Deschamps 2009). These traditional non-governmental court systems can often be effective, especially since they have more credibility with the people than the governmental court system, however, they have their inherent biases. For one, as with many Afghan systems, they discriminate against women and minorities, Because of the high casualty rate among men in the last 30 years there are a disproportionate number of women head of households. According to Islamic Sharia law, women do not have the same right to family land or property as male heads of households.(UNAMA, 2014)

Land ownership is therefore an important aspect of the reintegration of the refugee and IDP population. Several agencies have attempted to assist in creating an equitable and functional land arbitration system. The Norwegian Refugee Council, along with other groups, has established the Information Counseling and Legal Assistance (ICLA) program to assist returning refugees, IDPs, and other Afghans, in resolving their land or property disputes. This program has trained thousands of government judges on legal procedure. However, it is not yet clear that this and other efforts to reform the judicial system has had a positive result (Norwegian Refugee Council, 2015).

Finding Land: The Land Allocation Scheme

Many returning Afghan refugees are landless and do not have land or property claims. In 2003, UNHCR estimated that 41 percent of returnees had no homes or land, and another 26 percent owned farms or houses, but had found these destroyed or damaged beyond repair on their return (UNHCR, 2003). To address the situation of landlessness, the Government of Afghanistan established the Refugee, Returnee, and Internally Displaced Persons Plan as a part of the Afghan National Development Strategy (2008-2013). In this plan the Afghan government, with the support of the United States and other allies, committed to provide access to land and land ownership to returning refugees and IDPs. A central part of this plan is the Land Allocation Scheme (LAS) established in 2005 as part of Presidential Decree 104, to redistribute intact and uncultivated government land to returnees and Internally displaced people.(UNAMA, 2015)

The Land Allocation Scheme seemed like a good idea, but was overwhelmed by Afghan bureaucracy and corruption. The Land Allocation Scheme created over 39 sites in various parts of Afghanistan. Each site was designed to hold several thousand families. In total over 300,000 plots of land was identified for distribution to returning refugees or

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internally displaced peoples (IDP). By the end of 2017 only about 14,000 plots had been distributed, leaving over 285,000 plots still available for distribution. However, only about 25 percent of those given land actually paid for the plots and lived on the purchased land. (UNAMA, 2015) In addition, of those returning refugees or IDPs who were given land in this program, over 80 percent ended up abandoning the land due to the lack of employment opportunities and inadequate basic services such as schools or hospitals (UNAMA, 2015).

Why has the plan for giving land to returning refugees or IDPs not been successful? One problem is that corrupt government officials have confiscated much of the land dedicated to this project for their own gains. (UNAMA, 2015) According to a United Nations Assistance Mission in Afghanistan (UNAMA) report on land grabbing, a governor of a province, not named, sold the land himself to IDPs and returning refugees, rather than giving them the land outright. Often land distribution is based on friendship or patronage. In Herat, for instance, the municipal land commission gave the 14,000 plots of land to cronies in the government and only 850 plots to returning refugees or IDPs. (UNAMA, 2015)

In addition, the process by which returning refugees or IDPs can apply for land is extremely complicated. To register for the land allocation scheme the applicant must first provide a voluntary repatriation form provided by UNHCR and which is given upon arriving in Afghanistan. But many returnees did not receive this form unless they came through official UNHCR channels. In addition, applicants must produce, a *tazkera* (ID document that most Afghans carry), and proof of landlessness, certifying that the applicant, or a relative, does not own any land or a house. The document proving landlessness is very difficult to get and usually requires bribes. (UNAMA, 2015)

The whole process of applying for land can take years. The process involves six stages, a total of 63 separate steps, each requiring signatures and approval by various authorities. In step two, for instance, the Minister of Refugees and Repatriation himself must review and approve every application. This approval process is a set up to extract bribes. Most applicants understand that approval is going to cost them about 20,000 Afghani, or about 300 dollars, in bribes. (UNAMA, 2015)

There are sites where this land distribution plan has worked. In Sheikh Mersin, a Land Allocation Scheme site in Nangarhar Province near Jalalabad, there has been partial success. This settlement houses about 2,500 families, mostly Pashtun refugees from Pakistan. The settlement has been successful in part because it includes a school, running water, and other needed facilities. Land Allocation Schemes in other areas have not worked as well. The Land Allocation Scheme site near Adkhoy in Faryab province did not have drinking water and was far from an urban center. There was no work, no schools, no hospital. As a result, no one stayed. (Red Cross, 2018)

The most interesting LAS is Aliceghan, the name a combination of Alice, for Alice Springs in Australia, and Ghan for Afghan. Aliceghan was built with the assistance of the Australian government, in part to be a place to which Afghan refugees in Australia could return. The Afghan government provided land in the District of Qarabagh, about 50 kilometers north of Kabul city in the Shamali plain. The site was settled in 2002, with the projected population to be about 60 percent Qizilbash, a Persian speaking Shia minority from Kabul, and the rest Pashtun. Originally targeted for 15,000 inhabitants, by 2011 only about 200 remained. And, of course, not a single Afghan refugee from Australia was known to have returned to Afghanistan to inhabit the settlement. The lack of a viable water system, no electricity, no jobs in the area, and the lack of a school or medical clinic led to the location's failure. (Healy, 2011)

Urban Displacement

A large number of refugees are not returning to their area of origin, but instead are migrating to areas in or near major cities, mostly Kabul. The reasons are many: Insecurity in their home provinces; lack of linkages to their families and communities following decades of as refugees living outside of Afghanistan; family growth, making return impossible due to already high pressure on land occupancy and use; the absence of adequate education and health facilities in rural locations; and the lack of livelihood opportunities for many of the returnees.

Because Afghan cities, especially Kabul, do not have the facilities to house this many returnees, many end up living in cramped conditions, either with relatives or in sprawling spontaneous settlement in makeshift shelters or in disused

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buildings.

As a result, Kabul's population has tripled since 2001 and is growing at an estimated 150,000 people per year. A city, which not too long ago had a population of around 500,000, now houses over 5 million people (Afghan Population, 2018). The official population of Kabul is listed at 3.8 million, but many people are living in unofficial residences and are therefore not counted. It is estimated that about 80 percent of Kabul residents live in unplanned informal settlements taking up about 70 percent of the city's area (Norwegian Refugee Council 2018). These informal settlements are often located on governmental or disputed land. The returnees and IDPs moving to Kabul are squatting on land without legal possession, making them vulnerable to corruption. Informal taxation, or extortion, schemes have developed, with lucrative benefits to slumlords.

The New Returnees

Beginning April 3rd of 2017, Pakistan renewed its efforts to send the Afghans home (Hashim, 2018) and in the last year Iran has also become much more aggressive in deporting Afghans. (Zahid, 2017) On October 2, 2016 the EU signed an agreement with Afghanistan called the Joint Way Forward, to deport an unlimited number of Afghans back to Afghanistan. (Shea, 2017) This was part of \$15.2 billion aid package for Afghanistan. While the European Union countries have granted asylum status to some Afghan refugees, they have also identified many Afghan as "economic migrants", rather than "political refugees", who are therefore not entitled to political asylum. (Shea, 2017)

Whereas the earlier returnees were largely in family or even village groupings, the new returnees are mostly single men who left Afghanistan to find work. (Majidi, 2016) As a result, reintegrating these returnees has been, and will continue to be, especially difficult. Most of the Afghans going to Iran or to Europe are looking for a better economic future. Afghanistan's economy is fragile and clearly unable to support the high numbers of returning refugees.

Many of the Afghan refugees forcefully repatriated from Europe or Iran have incurred large debts. Even though Iran is a neighboring country, travelling to Iran requires money. Some Afghans attempt to get to Iran on their own, which involves crossing the Iranian border at night in rural areas, but in most cases, migrants turn to smugglers. Smugglers charge about 45,000 Afghanis, or about \$700, to smuggle a person into Iran, and it may take several attempts. In some cases, these smugglers are actually affiliated with Iranian employers who recruit the Afghans as laborers. In other cases, the Iranian bosses may pay for the passage of an Afghan laborer to Iran to be recouped against wages once in Iran, creating a situation of bonded labor. Majidi, 2016)

Getting to Europe, which many Afghans are now trying to do, requires considerably more money, often 600,000 or 700,000 Afghanis, or about 10,000 dollars. (Majidi, 2016) It is also much more dangerous. To get the money for their journey to Iran or Europe, in a country with no proper banking system, Afghans seeking to migrate must borrow from immediate family or relatives. This informal relative-based banking system is common in Afghanistan and is used for other purposes as well, including building a house, or for treatment of a sick child, and is paid back according to traditional methods. To put it into dollars, the family of a young man trying to migrate to Europe may have borrowed as much as \$10,000 in a country where the average month salary is \$30. This is an incredible debt for a family, but if the Afghan migrant is successful in getting to Iran, or even better to Europe, they can make this amount of money fairly quickly and repay the loan. (Shuja, 2016) However, if they are caught and returned to Afghanistan, they are less likely to be able to repay this debt. Therefore, if they are deported back to Afghanistan from Europe or Iran, they often return empty-handed and become a burden on their family. Their only solution is to leave for Iran or Europe again.

Interviews conducted by the Norwegian Refugee Council with Afghan men who have been deported from Europe or Iran report that there is nothing for them to do in Afghanistan (Norwegian Refugee Council, 2018). Some have acquired skills or work experiences abroad for which there is no place in Afghanistan. With no job or opportunity, and with a large debt, many returnees leave for Europe again.

Conclusion

The repatriation and reintegration of refugees poses many problems for Afghanistan. One of the important issues is

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land ownership. Many of the refugees have been out of the country for decades and, in some cases, others have occupied their property. Since Afghans generally distrust the governmental court system, many take their property dispute to local *jirgas* or *shuras*. Some NGOs have attempted to train local judges in proper legal procedure, but progress is limited. An additional problem is the crowding of returning refugees in Afghan cities, mainly Kabul. Large sections of Kabul where returning refugees are forced to live are illegal settlements without facilities, water, or proper sanitation. Finally, Afghanistan faces the problem of a new wave of returning refugees, different than those who returned earlier. Many of these new returnees are being deported from the country of refuge, especially Iran and Europe. These returnees are mostly single men. They and their families have often borrowed large sums of money from relatives or others to finance their travels. These returnees do not want to return and many leave as soon as possible. They are restless and dissatisfied with the current situation in Afghanistan. (Shuja, 2016)

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