

**PAKISTAN'S INCONSISTENT REFUGEE POLICIES:  
IDENTITY AND CULTURAL CRISIS OF  
AFGHAN REFUGEES IN PAKISTAN**



*REPORT:*

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REPORT

**Pakistan's Inconsistent Refugee Policies: Identity and Cultural Crisis  
of Afghan Refugees in Pakistan**

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*Overview*

Despite the fact that Pakistan is not a party to the 1951 Convention Relating to the Status of the Refugee and its 1967 Protocol relating to Refugee Status, it has been housing largest number of Afghan refugees since Soviet invasion of Afghanistan in 1979. According to the United Nations High Commissioner for Refugees (UNHCR) the number of registered Afghan refugees in Pakistan by 2014 was 1.61 million.<sup>1</sup> Additionally there are nearly 1 million undocumented Afghans refugees living in Pakistan.<sup>2</sup> Although, the number of Afghan refugees in Pakistan has remained variable under the protracted exodus due to civil wars ensuing to the Soviet invasion of Afghanistan as well as repatriations under the regime changes (collapse of communist regime 1992) and the United States (US) and its allies' intervention following the September 11, 2001 terrorists attacks (hereafter 9/11) on the US to Afghanistan, today, Pakistan continues to host the largest number of Afghan refugees comparing to any other country around the world.

For nearly four decades, the Afghan refugees in Pakistan have remained subject to varying refugee policies of the government of Pakistan. For example, Pakistan's Afghan refugee policies have changed from being friendly and benevolence in late 1970s to restrictive during the 1990s, and particularly to abusive measures in the contemporary era. The Pakistan's Afghan refugees policies have remained inconsistent pertinent to changing political and strategic situations in the region as well as to changing circumstances of international humanitarian assistance to Afghan refugees in the post-Cold War era. The most important reasons were the

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<sup>1</sup> See United Nations High Commissioner for Refugees, Pakistan: Refugee Operation 2014, <http://unhcrpk.org/wp-content/uploads/2013/12/UNHCR-Pakistan-Refugee-Operations-Leaflet2.pdf>, (accessed December 21, 2015).

<sup>2</sup> See Special Inspector General for Afghanistan Reconstruction, "Afghan Refugees and Returnees: Corruption and Lack of Afghan Ministerial Capacity Have Prevented Implementation of a Long-term Refugee Strategy," August 2015, <https://www.sigar.mil/pdf/audits/SIGAR-15-83-AR.pdf>, (accessed December 21, 2015), 1.

demise of the Soviet Union, which washed out strategic and political importance of the region in international community, particularly to large extent to the US interests, which negatively impacted the economic assistance and aid flow to Afghans refugees. In the same way, emergence of new deadly conflicts in Africa, (Rwanda, Somali) and Eastern Europe (Bosnian war) in the post-Cold War era have shifted humanitarian and political attentions from Afghan refugees in Pakistan to Africa and Eastern Europe. Consequently, the largest UNHCR operating office in Pakistan<sup>3</sup> with lack of political and economic support from donor countries found itself incapable of providing requisite protection to Afghan refugees.<sup>4</sup>

Seen from the above stated perspective, what matters here is not the refugee policies of Pakistan or the executions of such policies, but rather what is important to know is how strategic and politically inspired inconsistent refugee policies of Pakistan have influenced social and cultural identities of Afghan refugees in Pakistan. Notably, what is equally important to understand is, for millions of Afghans, Pakistan symbolises country of origin in which they were born and where they had spent the most important moments of their life (childhood, marriage, setting up businesses, raising their children) irrespective of friendly or brutal refugee policies of Pakistan. Viewed in this light, central issue is that how to reintegrate millions of Afghan refugees who from their births onwards have raised practicing different culture, tradition and education in Pakistani societies to their country of origin where their ancestors were born. Equally important is to look into economic, social, cultural and security backlashes of Pakistan's Afghan refugee strategies on Pakistani societies.

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<sup>3</sup> See Rudiger Schoch, "Afghan Refugees in Pakistan during the 1980s: Cold War Politics and Registration Practice," *UNHCR Policy Development and Evaluation Service*, Research Paper no.157, June 2008, <http://www.unhcr.org/4868daad2.html>, (accessed, January 9, 2016), 1.

<sup>4</sup> See Daniel Langenkamp, "The Victory of Expediency Afghan Refugees and Pakistan in the 1990s," *The Fletcher Forum of World Affairs* 27 (2003), 230.

Seen from this aspect, this report focuses on political and security concerns of Pakistan as well as pertinent to this the identity and cultural crisis of Afghan refugees in Pakistan.

Before starting with next part, it is useful to have some clarity about what we take “refugee” to be in this report. Refugee in this paper refers to a person who is forced to leave his or her home for reasons such as prosecution (because of race, religion, nationality), fear of being killed, looted and sexually assaulted. It is also important to elaborate why Pakistan has become a favourite destination for millions of Afghans to seek refuge in. There were at least two important factors that made Pakistan a favourite destination for Afghan refugees. First, was the ethnic and religious proximity of Pakistan to Afghans (particularly, Pashtuns) and second was Pakistan’s benevolence refugee policy, *prima facie*, during the Cold War. Nevertheless, there are series of accusations on the part of Pakistan that her benevolence and generous attitude towards Afghan refugees, allowing them to live and work freely across the country, was a part of its national strategic agendas.<sup>5</sup>

### **Historical Background**

The constitutional amendment in 1964 that adapted a modern governing system that allowed the formation of political parties, parliament, and an independent judiciary department in Afghanistan.<sup>6</sup> Nevertheless, with more than ninety per cent of the population being illiterate, the new reform had little or no impact on the everyday lives of predominantly rural and tradition-bound Afghans.<sup>7</sup> According to Katzman,

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<sup>5</sup> Langenkamp, “The Victory of Expediency Afghan Refugees and Pakistan in the 1990s,” 230 also see page, 232 -233.

<sup>6</sup> See Angelo Rasanayagam, *Afghanistan a Modern History*, (New Delhi: Brijbasi Art Press Ltd. 2011), 40.

<sup>7</sup> Rasanayagam, *Afghanistan a Modern History*, 41.

even today, people prefer to practice customary law (about 80 of cases are decided in the informal justice system)<sup>8</sup>, let alone 1960s' epoch when there were merely 50 secondary high schools with total enrolment 16,650 students (about 3,060 of which were female students) in the entire country.<sup>9</sup> In fact what is important to note in this context is the way in which Afghans living in cultural and religiously bounded tribal cocoons were not ready to embrace modernisation. The Afghan politburo's miscalculated, ad hoc and impromptu efforts to modernise Afghan nation state, in fact, has become one of the root causes of political instability that gradually jeopardised the *raison d'etre* and threatened the very existence and sovereignty of Afghanistan later during the Cold War and in the post-Cold War epochs.

The new constitution what Shankar calls "New democracy" allowed Marxist and communist leaders to form the first Afghan political party so-called People's Democratic Party of Afghanistan (PDPA) in 1960s.<sup>10</sup> Additionally, easing censorship on press, under the promulgation of Press Law in 1965, provided a lip service to the growing political movement against the constitutional monarchy in Afghanistan.<sup>11</sup> The PDPA eventually overthrew the self appointed President, Sardar Mohammad Daoud Khan who came to power ousting his cousin monarch, King Zahir Shah in 1973, under a political mutiny called Saur revolution in 1978. The revolution fragmented political unity in Afghanistan. The PDPA divided into conflicting political parties of PDPA *Khalq* (people) and *Parcham* (flag). Furthermore, some new political

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<sup>8</sup> See Kenneth Katzman, "Afghanistan: Politics, Elections, and Government Performance." *Congressional Research Service*, 12 January 2015

<http://www.fas.org/sgp/crs/row/RS21922.pdf> (accessed July 25, 2014), 13.

<sup>9</sup> See Saif R., Samady, 'Education and Afghan Society in the Twentieth Century', *United Nations Educational, Scientific and Cultural Organization, Education Sector*, November 2001 <http://unesdoc.unesco.org/images/0012/001246/124627E.pdf>, 43.

<sup>10</sup> Rasanayagam, *Afghanistan a Modern History*, 48, also see Uma Shankar, 'Problem and Prospects of Constitutional Government in Afghanistan' in K. Warikoo ed.

*Afghanistan Challenges and Opportunities Vol.2* (India: Pentagon press 2007),56.

<sup>11</sup> *Ibid*

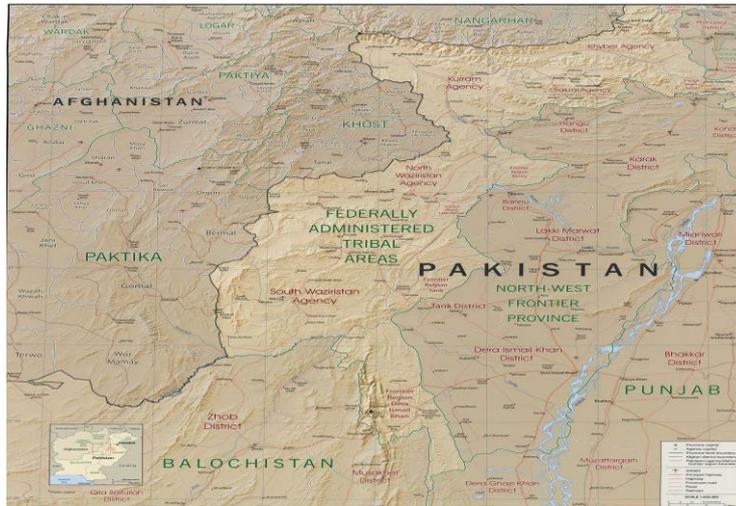
parties representing different ethnic groups such as “*Shu’la-yi-Jawed* (Eternal Flame)” led by Hazara minority and “*Setam-i-Milli* (Against National Oppression)” headed by Tajik<sup>12</sup> emerged and joined the political conflict in the country.

In late 1970s, Afghanistan fell in the thrall of domestic (social, economic, refugee) and external geopolitical challenges (the Cold War politics). This phenomenon convinced Pakistani decision makers and strategist that it is expedient to response Afghanistan’s irredentist claims on its Pashtun inhabitant territories (Pashtunistan, the Federally Administered Tribal Areas, FATA, and Khyber Pakhtunkhwa, formerly known as North-West Frontier Province, NWFP) (see Map.1). Thus, it was timely for the strategic thinkers in Pakistan to intrude and meddle in domestic politics of Afghanistan. For such strategic encroachment towards Afghanistan Pakistani decision makers had two strong and important reasons, religion of Islam and ethnic proximity. As a result, Pakistan’s strategic enclaves towards Afghanistan during the Cold War an later years became highly provocative.

#### Map.1: Afghanistan – Pakistan: Central Border

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<sup>12</sup> See Paul Fitzgerald, and Elizabeth Gould, *Invisible History, Afghanistan’s Untold Story* (United States: City light 2009),106.



Source: University of Texas University<sup>13</sup>

The Cold War proxies under the banners of Islamic Jihad accentuated by external forces, such as Pakistan, Saudi Arabia, and the US had gained a political momentum and transformed the political conflict into a military version of warfare across the country. The religiously motivated wars so called Afghan jihad prevailed across the country. Importantly, mujahedin (those who fight for the sake of Islam) primarily conducted jihad in rural areas (80% of the population lives in rural areas<sup>14</sup>), particularly in the south-eastern regions bordering Pakistan. Consequently, the mujahedin led wars ravaged and destroyed mass populated rural areas, which forced hundreds of thousands of Afghans to flee their homes. As a result early jihad, between 1978 and 1979, prior to Soviet invasion of Afghanistan, about 400,000 Afghans fled into Pakistan.<sup>15</sup>

Importantly, seen from the above stated perspective, it would be a mistake to say that the Soviet invasion of Afghanistan was the foremost and the first cause that

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<sup>13</sup> See University of Texas University, 2008, [http://www.lib.utexas.edu/maps/middle\\_east\\_and\\_asia/txu-oclc-308991615-afghan\\_pakistan\\_2008.jpg](http://www.lib.utexas.edu/maps/middle_east_and_asia/txu-oclc-308991615-afghan_pakistan_2008.jpg) (accessed, January, 9, 2016).

<sup>14</sup> Samadi, 'Education and Afghan Society in the Twentieth Century', 14

<sup>15</sup> See Hassan-Askari Rizvi, "Afghan Refugees in Pakistan: Influx, Humanitarian Assistance and Implications," *Pakistan Horizon* 37, no.1 (First Quarter 1984), 42.

forced tens of thousands of Afghans to leave their homes, localities, villages, and cities in late 1970s. In fact, what forced Afghans to flee their homes seeking refuge within and/or outside their country was the start of religiously motivated wars, jihad, against the Afghan government that sparked religious sectarian violence across Afghanistan. The Afghan religious leaders supported by regional and international powers (in the context of the Cold War) initiated sectarian war under the auspice of Islamic doctrine of jihad to control central power in the state. At the same time in so doing, they had served interests of regional and international powers under the Cold War politics in Afghanistan. However, this is not to say that Soviet invasion of Afghanistan was not the main catalyst for the influx of millions of Afghan refugees to the neighbouring countries such as Pakistan and Iran. Nonetheless, what is important to note here is to emphasise that it was not the Soviet invasion of Afghanistan the first and foremost reason that forced Afghans to flee their homeland. Rather, it was the exposure of internal problems such as political conflict, ethnic issues and religious concerns to external geopolitical pressure as Gupta suggested in her book, *Afghanistan Politics, Economics and Society* under the Cold War politics.<sup>16</sup>

### ***Soviet Invasion of Afghanistan, 1979-1989***

The world witnessed unprecedented movement of refugee when Soviet Union invaded Afghanistan in 1979. Within a year over six million Afghans were forced to leave their homeland in search of refuge in different countries around the world.<sup>17</sup> Within this context, as stated earlier Pakistan has housed the largest number of Afghan refugees in the world. Most of the Afghan refugees were placed in refugee camps built in the frontier regions of Pakistan such Federally Administered Tribal

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<sup>16</sup> Ibid.

<sup>17</sup> See Hiegemann, Valentina, 'Repatriation of Afghan Refugees in Pakistan; Voluntary?', *Oxford Monitor of Forced Migration* 4/1 (May 2014),42.

Areas, Peshawar, and Quetta provinces. In 1995 there were about 300 refugee camps (70 % were in Khyber Pakhtunkhwa province formerly known as North-West Frontier Post, NWFP and 25 % in Baluchistan province)<sup>18</sup>, which were mainly dwelled by Afghan Pashtuns (for example in 2005 Afghan Pashtuns comprised 81.5% of Afghan refugees in Pakistan)<sup>19</sup>.

A decisive moment for the Pakistan's policy towards Afghanistan was the Soviet invasion of Afghanistan in 1979, when the Afghans lost their sovereignty. Under General Mohammad Zia-ul Haq's - then President of Pakistan - policy the Directorate of Inter-Intelligence Agency (ISI), Pakistan intelligence agency, with the help of the US Central Intelligence Agency (CIA), began covert religious warfare, training Afghan refugees to fight against Soviet and Afghan troops in Afghanistan.<sup>20</sup> The phenomenon of Afghan jihad, training young Afghans to fight against the Soviets and Afghan government forces, has become an important aspect of the defence policy for Pakistan. Given the importance of strong religious faith among Afghan refugees, Pakistani strategists have utilised Islam as variable forces to pursue its strategic policies towards Afghanistan. Consequently, Pakistani Pashtun generals (General Akhtar Abdul Rahman and General Nasrullah Babur), religious political parties (Jamaat-e Islami Pakistan) used Afghan refugee to exert their strategic policies towards Afghanistan. For instance, Pakistan supporting the Taliban (an Afghan radical religious political group predominantly formed of Pashtuns) sought for a

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<sup>18</sup> See Shireen Issa, et al., 'Pakistan: Refugee History of Pakistan: An Afghan Case Study', in Uma A. Segal, Doreen Elliott and Nazneen S. Mayadas *Immigration Worldwide: Policies, Practices and Trends* (New York: Oxford University Press), 178.

<sup>19</sup> Ibid

<sup>20</sup> Rasanayagam, *Afghanistan a Modern History*, 48, also see Ahmed Rashid, *Taliban: The Story of the Afghan Warlords* (London: Pan Books, 2001), 130.

“strategic depth against India” in Afghanistan.<sup>21</sup> Viewed from this perspective, it can be said that throughout the history of Pakistan, Islam, as a political and strategic tool, has played an important role in the defence policy of Pakistan towards Afghanistan. The security strategy of Pakistan was formulated under the perception that the Afghan irredentist claims (Durand Line and Pashtunistan) posed major threats to the sovereignty and existence of Pakistan during the Cold War era. Under such political and strategic loaded policies Afghan refugee’s cultural and social identities have shaped in Pakistan.

Within this context, it is significant to note that education have also played equally important role as Islam in constructing social and cultural identities of Afghan refugees in Pakistan. The curriculum used to impart Afghan refugee in various refugee schools and madrasas were designed by US Agency for International Development (USAID) at the University of Nebraska to provide religious endorsement for armed struggle in the defence of Islam.<sup>22</sup> Since these madrasas and school were not build as centres to promote education, particularly modern knowledge or even genuine religious education, but rather the important task was to allocate mass young recruits to fight for the cause of the Cold War under the rhetoric of jihad as ultimate Islamic duty. ‘Neither teachers nor students [in refugee schools and madrasas] had any formal grounding in maths, science, history or geography and many of these warriors did not even know the history of their own country or the story of the jihad against the Soviets.’<sup>23</sup> What mattered in this context was the way in which the history of Afghanistan, particularly political, had to be re-modelled to meet

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<sup>21</sup> Rasanayagam, *Afghanistan a Modern History*, 142-143.

<sup>22</sup> See Sarah Ashraf, “Lesson Learnt: Religious education and training provided by madrasa,” December 2012, [http://www.ahrc.ac.uk/What-We-Do/Strengthen-research-impact/Inform-public-policy/Documents/Religious\\_Education.pdf](http://www.ahrc.ac.uk/What-We-Do/Strengthen-research-impact/Inform-public-policy/Documents/Religious_Education.pdf), (accessed 12 December 2014), 19.

<sup>23</sup> Rashid, *Taliban: The Story of the Afghan Warlords*, 32.

strategic interests of Pakistan and its allies. For example, the last king of Afghanistan who is titled as “father of the nation” in current Afghan constitution was illustrated as treacherous, disloyal, and corrupt Afghan leader. Further, almost all political leaders including Amir Amanullah Khan, who gained Afghanistan’s independence over its foreign affairs from British Colonial India in 1919, and the President Sardar Muhammad Daoud Khan, founder of democracy in 1973, were illustrated as traitorous corrupt leaders. Marketing desired models of pedagogy, particularly mass religious education has gradually washed out the notion of patriotism, nationalism and the sentiments of pan-Afghanism amongst the new generation of Afghan refugees in Pakistan.

It is also important to note that Afghan refugees were not only religiously and culturally manipulated forces against the Afghan state and Soviet troops during the Cold War, but rather, Afghan refugees were politically and ethnically divided into over a half dozen conflicting Islamic factions, which were supported by different state and non-state Islamic groups. The exertion of such policy was an attempt by Pakistani strategists to make sure that Afghan refugees do not establish a unanimous nationalist identity.<sup>24</sup> As a result, each Islamic faction, aside being a resisting force against Soviet and the Afghan state forces, were conduits for the strategic and political interests of regional and international states. For example, the Hizb-I Islami (Islamic Party) faction was led by Gulbeddin Hekmatyar, supported by Pakistan and Saudi Arabia; Jamiat Islami (Islamic Society), led by Burhanuddin Rabbani, was supported by Pakistan, Iran and, later India, (during the Afghan civil war); Hizb-I Islami Khalish (Islamic Party Khalis), led by Mohammad Younus Khalis, was supported by Saudi Arabia and Pakistan; Ittihad-I Islami (Islamic Union), led by Abdulrab Rasul Sayyaf,

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<sup>24</sup> See Peter, Tomsen, *Wars of Afghanistan: Messianic Terrorism, Tribal Conflict, and the Failure of Great Powers* (USA: PublicAffairs 2011), 252.

was mainly supported by Saudi Arabia; and Hizb-I Wahdat Islami (Party of Islamic Union ), led by Abdul Ali Mazari, was supported by Iran<sup>25</sup>. The US unilaterally supported all factions through Pakistan's secret service, the ISI.<sup>26</sup> Each Islamic faction had set up separate schools, madrasas, and universities that instructed mainly religiously motivated jihadi pedagogies. As stated earlier the curriculum of these madrasas was designed and developed at the University of Nebraska under the auspices of the USAID<sup>27</sup>. Throughout this period, education centres became conduits leveraging the political and strategic interests of regional and international powers. Additionally, each faction provided registration cards, which besides providing political affiliation to a particular faction enabled Afghan refugee to receive monthly rations.<sup>28</sup> Thus, for many Afghan refugees joining factions and taking part in jihad meant to earn living.<sup>29</sup> These kinds of violation of refugee rights by Afghan factions were generally overlooked by the UNHCR and other non-governmental humanitarian agencies.<sup>30</sup>

Nevertheless, irrespective of political manipulation, during the Cold War epoch, Pakistan's attitude towards Afghan refugees had remained generous in general. For example between 1978 and 1980 Pakistan with its own resources not only allowed millions of Afghan refugees to enter to the country, but also allocated spaces

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<sup>25</sup> See Oliver Roy, *Islam and Resistance in Afghanistan* (Cambridge: Cambridge University Press, 1986), 128-148, also see Amin Saikal, *Modern Afghanistan: A history of struggle and survival* (London: I.B. Tauris & Co. Ltd, 2004), 210-213.

<sup>26</sup> See Steve Coll, *GHOST WARS: The Secret History of the CIA, Afghanistan, and Bin Laden, from Soviet invasion to September 10, 2001* (United States of America: Penguin Group, 2004) 59-70.

<sup>27</sup> Ashraf, "Lesson Learnt: Religious education and training provided by madrasa,"<sup>19</sup>.

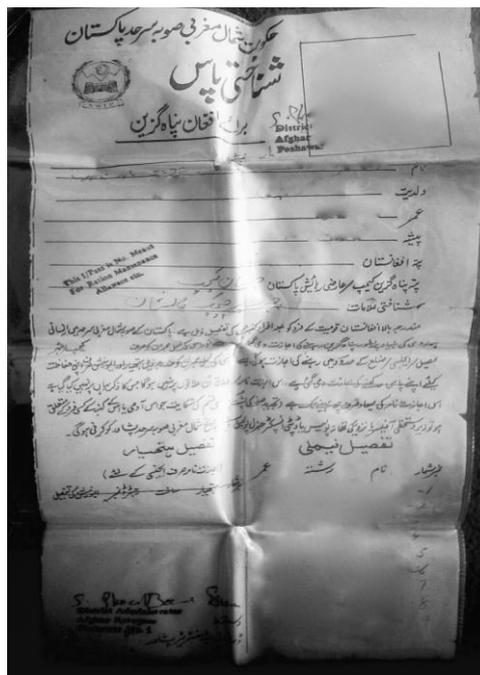
<sup>28</sup> See Nasreen Ghufuran, "The Role of UNHCR and Afghan Refugees in Pakistan," *Strategic Analysis* 35, no.6 (2011), 947.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

for them to create their own communities.<sup>31</sup> The Commissionerate for Afghan Refugees (CAR) – established in each camp by the government of Pakistan - registered and controlled refugee communities.<sup>32</sup> The CARs were governmental institutions that issued identity papers known as *Shinakhty Pass*, to head of each refugee family (see Figure.1).

Figure.1: Afghan Refugee Identity Pass



Source: From author

The identity passes had allowed Afghan refugees to move freely and work in informal sectors in Pakistan.<sup>33</sup> Working in informal sector meant none of the refugee assets were officially registered under the government or non-governmental organisations. For example, the pass had not allowed Afghan refugees to own immovable properties, vehicles such as truck – although majority of Afghan refugees worked in

<sup>31</sup> See Frederic Grare and William Maley, “The Afghan Refugees in Pakistan,” *Fondation pour la Recheche Strategique*, Middle East Institute June 2011, [http://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_Report\\_1647.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1647.pdf) (accessed December 21, 2015), 3.

<sup>32</sup> Langenkamp, “The Victory of Expediency Afghan Refugees and Pakistan in the 1990s,” 232.

<sup>33</sup> Grare and William Maley, “The Afghan Refugees in Pakistan,” 4.

transportation as truck driver, none of them officially owned their trucks – and establish official businesses.<sup>34</sup> Thus, viewed in this light, it can be said that although in general the Pakistani government's policy towards Afghan refugees remained benevolence during the Cold War, Afghan refugees legal status have remained ambivalent under inconsistent policies by Pakistani authorities such as harassments by police, denial of provision of access to courts and insecurity of businesses and assets with no legal registrations. The drastic change in Pakistan's Afghan refugee policy occurred when strategic importance of the region for world politics declined by Soviet withdrawal from Afghanistan, particularly after the last communist regime in Afghanistan collapsed in 1992. The evaporation of strategic importance of the region for the West, particularly to the US interests after the withdrawal Soviet troops from Afghanistan and dissolution of Soviet Union in early 1990s, declined the flow of aid to Afghan refugees in Pakistan. Consequently, Pakistan's generosity towards refugees dried out.

### *Afghan Civil War*

Following the collapse of the last communist regime headed by the President Muhammad Najibullah in 1992, under the UNHCR incentive repatriation program – that granted each returning family of \$100 cash and 300 kilograms of wheat<sup>35</sup> - about 1.4 million Afghan refugees from different camps around Pakistan returned to Afghanistan in a short period of time.<sup>36</sup> However, the UNHCR's incentive repatriation program did not last long. Despite the government of Pakistan and the UNHCR's efforts to encourage voluntary repatriation of Afghan refugees to their home country

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<sup>34</sup> Ibid

<sup>35</sup> Ghufuran, "The Role of UNHCR and Afghan Refugees in Pakistan," 949.

<sup>36</sup> Hiegemann, 'Repatriation of Afghan Refugees in Pakistan; Voluntary?' 42

in 1993,<sup>37</sup> the internal conflicts between the Afghans Islamic factions to control central power in Kabul from 1992 onwards did not paved the way for most of the Afghan refugees in Pakistan to repatriate to their home country. To jettison from the refugee burden, alternatively Pakistani strategists have started exerting harsh measures against refugees such as abusing refugee rights, detentions and harassments.

The turning point in the context of civil war was the emergence of Taliban (Students), who by portraying and implementing a self-styled rigid version of Islam such as denouncing women's rights to gain education further escalated internal war and crime against humanity in the country, which forced additional hundreds of thousands of Afghans to enter Pakistan. During this epoch Afghan refugees had gone through enduring agony of humiliation, extortion, harassments, although being granted identity passes have remained subject to fines and 'refouler – forcibly return refugee to a country where his or her life is threatened.'<sup>38</sup> From 1992 onwards Pakistan followed a dual strategy policy towards Afghans. On the hand, by supporting Taliban, Pakistani strategists wanted to make sure the regime that controls power in Afghanistan remains friendly to Pakistan. On the other hand by exerting harsh and strict policies towards Afghan refugee in the country they forced millions of Afghans to repatriate. Although, situations for millions of Afghan refugees were inhumane in Pakistan, drought, mass killings, sectarian violence, and serious violation of human rights stopped millions of Afghan refugees from repatriation to Afghanistan during Taliban era. According to Langenkamp about '5 million Afghans during Taliban were dependent on food aid to survive and mortality rates were skyrocketing, with one in

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<sup>37</sup> See Marjoleine Zieck, "The Legal Status of Afghan Refugees in Pakistan, a Story of Eight Agreements and Two Suppressed Premises," *International Journal of Refugee Law* 20 no. 2 (April, 2008), 256-258.

<sup>38</sup> Langenkamp, "The Victory of Expediency Afghan Refugees and Pakistan in the 1990s," 243.

four children dying before age of 5 and thus it was clear that the country was on the verge of a full-blown humanitarian emergency.<sup>39</sup> Consequently, Pakistan preserved its status quo as home for largest number of Afghan refugees in 1990s. However, the worst epoch for Afghan refugees in Pakistan was the time when UNHCR and World Food Program announced that they would terminate their operations in Pakistan by 1998.<sup>40</sup> In fact this was the most desperate time for Afghan refugees when their country was almost entirely fell under the control of Taliban. Consequently, the fate of millions of Afghans refugees was left at the mercy of Pakistan in late 1990s.

The third wave of hundreds of thousands of Afghans searching for shelter started with the US intervention in Afghanistan in 2001. The convictions that considered the terrorist attacks on the US in 11 September 2001, were masterminded, and planed in Afghanistan led US with its allies to intervene in Afghanistan in 2001. The 2001 intervention so called Operation Enduring Freedom once more forced nearly one million Afghans to leave their homes in search of refuge in neighbouring countries, particularly Pakistan.<sup>41</sup>

However, after spending multi billions of dollars, the international community led by the US has failed to build a prosperous functioning strong state in Afghanistan. As a result, Afghanistan has remained entangled with a series of acute challenges such as sectarian violence, economic downturn, corruption and absence of rule of law. Within this context, the enduring Taliban led insurgencies and suicidal terrorist attacks have gained momentum and remained as one of the main factors that have

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<sup>39</sup> Langenkamp, “The Victory of Expediency Afghan Refugees and Pakistan in the 1990s,” 46.

<sup>40</sup> Langenkamp, “The Victory of Expediency Afghan Refugees and Pakistan in the 1990s,” 236.

<sup>41</sup> See Hiram Ruiz and Emery, Marget, ‘Afghanistan’s Refugee Crisis’, *Middle East Research and Information Project* <http://www.merip.org/mero/mero092401>, (accessed September 2, 2015).

impeded refugee repatriation to Afghanistan. Consequently, despite the fact that Afghan refugees in Pakistan have remained subject to harassments and inconsistent refugee policies, they are reluctant to repatriate to Afghanistan.

### **Legal Status of Afghan Refugees and Existing Challenges**

As stated earlier, the UNHCR or the government of Pakistan have never granted Afghan refugees in Pakistan a constant legal status. The *shinakhti pass*, or later provided Afghan Citizen Cards were merely used to provide proof of registration. In other words, the refugee cards were used to provide statistical information. Significantly, the accurate number of Afghan refugees in Pakistan has remained in disarray. Notably, the number of refugees in Pakistan plays potential political and economic (aid) roles in state and non-state organisations' (such as UNHCR and other humanitarian non-governmental agencies) refugee policies.

Importantly, as noted previously, the refugee documents had not provided any legal status to Afghan refugees to legally reside and work in Pakistan. In addition to ambiguity of legal status, interestingly, when public and state perception of Afghan refugees in Pakistan is examined, it can be said that there is no discrimination between those who were born and lived for almost three decades and those refugees who have newly escaped from the war zones in Afghanistan. This is partly due to vulnerability of Afghan Citizen Cards to series of frauds by Pakistani authorities (corruption) as well as by Afghan refugees (not returning cards after repatriation, and replacement of demised refugee's card by unregistered refugee).<sup>42</sup>

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<sup>42</sup> Special Inspector General for Afghanistan Reconstruction, "Afghan Refugees and Returnees: Corruption and Lack of Afghan Ministerial Capacity Have Prevented Implementation of a Long-term Refugee Strategy," 5.

When Pakistan's refugee policy is viewed from a legal perspective, it can be said that the provision of refugee status under the law of *prima facie* by Pakistani strategists and decision makers<sup>43</sup> has never guaranteed any consistent legal status for Afghan refugees in Pakistan. Pakistan's Afghan refugee policies have remained inconsistent in line with its changing strategic preferences and political interests. However, according to Zieck the status of *prima facie* do not legally justify Pakistan's irresponsible Afghan refugee policies.<sup>44</sup> Because, according to the UNHCR a refugee under the status of *prima facie* qualifies status of refugee under the UN convention.<sup>45</sup> Viewed in this light, Afghan refugees should be provided official status in Pakistan.

Notably, those Afghans who refuse to return to Afghanistan are culturally and socially more Pakistanis than being Afghans. The history they experienced, the culture in which they grow up and the dietary they consume accentuate Pakistani identity not Afghan. Consequently, despite the fact that Afghan refugees have become a scapegoat for any problems in Pakistan at any time, their cultural and social affiliations with Pakistani societies make them stay in Pakistan rather than return back to their home country.

Given the fact that the economic and security situations of Pakistani cities where Afghan refugees live in bulks (Peshawar, Quetta and Karachi) are not better-off than most of the cities such as Jalal Abad, Kabul and Mazar-e Sharif in Afghanistan, for considerable number of Afghan refugees the prime concerns of repatriation to Afghanistan is not insecurity. But rather, it's cultural and social factors that restrict

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<sup>43</sup> Zieck, "The Legal Status of Afghan Refugees in Pakistan, a Story of Eight Agreements and Two Suppressed Premises," 254-255.

<sup>44</sup> Zieck, "The Legal Status of Afghan Refugees in Pakistan, a Story of Eight Agreements and Two Suppressed Premises," 256.

<sup>45</sup> UNHCR Guideline on the Application in Mass Influx Situation of the Exclusion Clauses of Article 1F of the Convention relating to the Status of Refugees, *UNHCR* February 2006, <http://www.refworld.org/docid/43f48c0b4.html> (accessed January 15, 2016), 3.

Afghan refugees to repatriate to Afghanistan. Seen from this angle, it can be said that spending nearly four decades in Pakistan, most of the Afghan refugees have lost their sentiments of belonging to Afghanistan – patriotism, and pan-Afghanism.

What matters here is not to say that cultural and social elements are the sole factors that restrict repatriation of Afghan refugees to their country, but what is important to emphasise is cultural and social factors are enduring catalysts that impede Afghan refugees from returning to their home country. Since cultural and social diversity of Afghan refugees are product of a history in which they have been born, and raised, their impacts likewise remain long-lasting. Given the fact that most of the Afghan refugees living in Pakistan belong to rural areas, villages and provinces that have been the most volatile and insecure regions where Taliban led insurgencies frequently happen such as Helmand, Paktiya, Qunduz and Jalal Abad, security concerns have also remained as a given catalyst beside cultural and social factors that have impeded considerable number of Afghan refugees from repatriation. Although UNHCR once again has launched incentive voluntary repatriation program based on encashment of Afghan Citizen Cards (granting amount of cash up to \$500 for vulnerable cases<sup>46</sup>), In the light of the above stated challenges, Afghan refugees are reluctant to return back to their home country.

### **Pakistan's Afghan Refugee Policies and Backlashes**

In the wake of its creation, Pakistan was crippled by a series of border and ethnic disputes with both of its immediate neighbours, India and Afghanistan. Likewise, Pakistan had to tackle a series of domestic challenges, including sectarian violence,

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<sup>46</sup> United Nations High Commissioner for Refugee, 'The 2015 Afghan Refugee and Returnee Overview', <https://docs.unocha.org/sites/dms/Afghanistan/2015%20Afghanistan%20Refugee%20and%20Returnee%20Overview.pdf> (accessed September 15, 2015), 88.

ethnic issues, and problematic civil and military relations.<sup>47</sup> According to Maley, Pakistan was created as “an insecurity state”.<sup>48</sup> Given the precarious political, strategic, and complex security environments, the Pakistan military not only became the sole guarantor of security and protection for the sovereignty of the nation, but it also dictated Pakistani foreign affairs and governed the strategic decision-making body.

The watershed in the context of Afghan-Pak (Afghanistan and Pakistan) relations was the time when Prime Minister Daoud by gaining Soviet and Indian supports on the issue of Pashtunistan has propelled the agenda into the international arena. This made Pakistani generals to perceive the Afghan irredentist claims as security threat to their state sovereignty and existence. Thus, Pakistan’s strategy towards Afghanistan has developed to reflect such perceptions. As stated earlier, the turning point for Pakistani strategists to contain Afghanistan’s Pashtunistan policy towards Pakistan occurred when President Daoud was killed in a political mutiny, the Saur Revolution, in April 1978. After the Coup of 1978, the country fell into thrall of domestic political turmoil. The Pakistani strategist perceived the political unrest in Afghanistan as an inevitable strategic opportunity to respond to Afghanistan’s Pashtunistan policy. In this context, Pakistan used Islam as a tool to intrude into Afghan domestic issues. Within this context what matters is why Pakistani decision makers opt for Islam as a strategic tool to construct their policies towards Afghanistan. Observing the role of Islam in the political history of Pakistan, it can be said that

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<sup>47</sup> Feroz Hassan Khan, “Comparative Strategic Culture: The Case of Pakistan.” *Strategic Insights* 4, no.10, (October 2005), 2.

<sup>48</sup> William Maley. *Twentieth-Century Wars: The Afghanistan Wars* 2<sup>nd</sup> ed. (China: Palgrave Macmillan, 2009), 56.

*Islam is integral to Pakistan's strategic culture because it contributed to shaping societal dispositions and the orientations of policymakers. Islam is closely associated with the establishment of the state and the constitution designates the state as an 'Islamic Republic,' with an emphasis on the Islamic character of Pakistani identity and a stipulation that no law can be enacted that violated the basic principles and teachings of Islam. Islam figures prominently in political and military discourse.*<sup>49</sup>

Thus, given the fact that Afghans have strong affinity towards Islam, for Pakistani strategists the rise of some anti-government Islamic movement in early 1970s<sup>50</sup> was timely to use Islam as strategic tool towards Afghanistan. Consequently, the Afghan religious activists such as Gulbuddin Hekmatyar and Burhanuddin Rabbani backed by Directorate for Inter-Services Intelligence (ISI) and Jamaat-e Islami Pakistan (one of the strongest Islamic political party in Pakistan),<sup>51</sup> had started political and military warfare against the Afghan government under the religious justification that the Afghan politburo's friendly policies towards the Soviet Union as contrary to the tenets of Islam.

The early jihad forced nearly, 400,000 Afghans mostly from South-Eastern regions bordering Pakistan, to flee into Pakistan.<sup>52</sup> This number was exacerbated into millions when Soviets forces invaded Afghanistan in 1979. General Muhammad Zia-ul Haq, who was then the President of Pakistan, named Afghan refugees in Pakistan as Muhajirin (qualified refugee status under Islamic law) and Mujahedin (those who

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<sup>49</sup> See Hasan Askari Rizvi "Pakistan's Strategic Culture." In *South Asia in 2020: Future Strategic Balances and Alliances*, edited by Micheal R. Chambers, 305-328, (United States: The University of Michigan, 2002) , 319.

<sup>50</sup> Rasanayagam, *Afghanistan a Modern History*, 59.

<sup>51</sup> Tomsen, *The Wars of Afghanistan*, 100-102.

<sup>52</sup> Rizvi, "Afghan Refugees in Pakistan: Influx, Humanitarian Assistance and Implications," 42.

fight for the sake of Islam) and appealed Pakistanis to have religious commiseration with them.<sup>53</sup> Since Zia's jihadic strategy in which he considered Afghan refugees as a secret tactical weapon<sup>54</sup> was not going to win the war against Soviet and Afghan state in its own, he allowed "some 35,000 Muslim radicals from forty three countries, in Middle East, North and East Africa, Central Asia and Far East Asia to pass their baptism under the fire with the Afghan Mujahidin."<sup>55</sup>

However, Pakistan's policy using Afghan refugees as shield under strategic interests came with a cost. Pakistan paid the price with the "proliferation of arms all over the country; Kalashnikov culture...terrorism" that destabilised security of the nation.<sup>56</sup> Consequently, the backlashes of Zia's Afghan policy to Pakistan's politics, security, culture, and economy have remained immense. In fact, what Pakistan faces in the context of the militancy of the religious parties, extremism, drug-trafficking, Kalashnikov culture, and Islamic terrorism, today, are the outcomes of Zia's policies towards Afghanistan during the Cold War. In addition to this, the inconsistent Afghan refugee policies, particularly after the Cold War, harassments, violation of basic refugee rights, and using refugees in line with economic and strategic interests hampered formation of friendly state in Afghanistan in the post-9/11. For example, although majority of Afghan politicians, strategists and decision makers in today's Afghan government were refugees in Pakistan in the past such as Hamid Karzai, former President of Afghanistan, due to serious abuse of basic rights, and inhumane behaviours by Pakistani authorities, and misuse of Afghan refugees as strategic tool

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<sup>53</sup> Ghufuran, "The Role of UNHCR and Afghan Refugees in Pakistan," 948.

<sup>54</sup> Coll, *GHOST WARS: The Secret History of the CIA, Afghanistan, and Bin Laden, from Soviet invasion to September 10, 2001*, 61.

<sup>55</sup> Rashid, *Taliban, Oil, and the New Great Game in Central Asia*, 130.

<sup>56</sup> See Shahid M. Amin, *Pakistan's Foreign Policy: A reappraisal 2* ed. (Pakistan: Oxford University Press 2011),100.

in the past, their political and strategic stance towards Pakistan has generally remained unfriendly.

In public sector, although, Pakistanis have cultural, religious, and ethnic proximity with Afghans, remarkable influx of millions of Afghan refugees to Pakistan in a short period of time caused frustration and hostility among Pakistanis towards Afghans.<sup>57</sup> Such resentments by Pakistani people were in reflection to economic, social, cultural, and political burden of Afghan refugees in the Pakistani societies. Given the importance of piles of political, economic and security challenges due to declaration of Eastern Pakistan as an independent state of People's Republic of Bangladesh in 1971 after a bloody war, in which Pakistani military was accused of crime against humanity<sup>58</sup> and establishment of marshal law under a military coup d'état in 1977 by General Zia-ul Haq, people in Pakistan were already suffering from series of economical, social and political constraints, let alone encumbrance of millions of Afghan refugees in a short period of time to share limitedly provided social services in the country. This proportionately negatively affected Pakistani people's attitude towards Afghan refugees. People in Pakistan started accusing Afghan refugees for economic downturn and deteriorating security in the country. The Pakistanis' accusations may have been true if one observes how madrasas by preaching jihad, and some providing military training under the auspice of jihad against the secular state such as Lal Masjid (Red Mosque)<sup>59</sup> have mushroomed across the country. Although, the centres training young Afghan

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<sup>57</sup> Ibid

<sup>58</sup> See Macdermot Naill, 'Crime against humanity in Bangladesh' *International Lawyer* 7 no. 2 (April 1973), 476-78.

<sup>59</sup> For detailed analysis on Red Mosque, see Qandeel Siddique, "The Red Mosque Operation and Its Impact on the Growth of the Pakistani Taliban", *Norwegian Defence Research Establishment*, (October 2008), <https://www.ffi.no/no/Rapporter/08-01915.pdf>, 13.

refugee, mujahedin, moreover accumulation of thousands of radical Islamists from all around the world was part of well-calculated strategic policy that was choreographed by the Pakistani government, its military establishment including secret services to pursue Pakistan's strategic interest in the region,<sup>60</sup> it is people of Pakistan who have been suffering from Islamic radicalisation, terrorism, insecurity and sectarian violence in the country from the last three decades.

### ***Conclusion and Policy Implication***

No matter how Pakistan is accused of holding hidden political or strategic agendas in its policy towards Afghan refugees in Pakistan, there is one truth that is not open to debate that millions of Afghan men, women, and children found Pakistan as their second home country where they have been living for over three decades. Likewise, it is also true to say that Pakistan has burdened economic, social, political, and security challenges by housing millions of Afghan refugees since late 1970s. In a press conference the Pakistani Minister for State and Frontier Regions, Abdul Qadir Baloch, stated that Pakistan has spent more than US\$200 billion for Afghan refugees in the last three decades.<sup>61</sup>

However, in the same way, no matter how Pakistani strategist and decision makers accentuate that their policies towards Afghan refugees were righteous, substantially they have failed to win hearts and minds of millions of Afghans in Pakistan. Particularly, since the termination of ambivalent *prima facie* policy (closure of refugee camps, cessation of basic rights such as education, continuous harassment)

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<sup>60</sup> Rasanayagam, *Afghanistan a Modern History*, 54-57; also see Rashid, *Taliban, Oil, and the New Great Game in Central Asia*, 130.

<sup>61</sup> See The Express Tribune, with the International New York Times, 'Burdened economy: Pakistan has spent \$200b on Afghan refugees', <http://tribune.com.pk/story/622518/burdened-economy-pakistan-has-spent-200b-on-afghan-refugees/>

in late 1990s, Afghan refugees were left in full-blown humanitarian crisis in Pakistan. For example, in 2001 the Federal State of Khyber Pakhtunkhwa ordered the police authorities in each zone to indiscriminately detain and deport 10 to 15 Afghan refugee men each day.<sup>62</sup> Given the responsibility of man to guard physical and economic wellbeing of his family, the abrupt disappearance of refugee men – under Pakistan’s *refouler* policies – have left thousands of refugee families with more severe economic and security conditions.

Although, Afghan refugees in Pakistan, even today, after spending over three decades face series of acute challenges such insecurity, harassments, subject to racial bias, inequalities in terms of receiving social services such as provision of standard education, their cultural and social lifestyle accentuate Pakistani identity rather than Afghani. Important within this context is the absence of a nationalist sentiment amongst Afghan refugees in Pakistan. In other words, Afghan refugees lack the notion of patriotism, pan-Afghanism. This can be easily observed if one scrutinises how Afghan refugees are reluctant to be part of national reconstruction and development programs in Afghanistan. In the context of repatriation issues, although existing literatures, governmental statements, inter-governmental and non-governmental humanitarian organisation, societal organisations, including NGO and media reports have repeatedly shown and advocated that security concerns, corruption, economic concerns, religious extremism, gender inequality, ethnic bias and Islamic terrorism in Afghanistan as main catalysts that prohibit Afghan refugees from repatriation to their home country, surprisingly, it cannot be denied that the life condition for Afghan refugees in Pakistan in the context of security, corruption, economic constraints, religious extremism and terrorism, gender inequality, and

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<sup>62</sup> Langenkamp, “The Victory of Expediency Afghan Refugees and Pakistan in the 1990s,” 243.

ethnic bias are not better-off, but rather worse in some regions in Pakistan (FATA and Khyber Pakhtunkhwa) than Afghanistan. Viewed in this light, it can be said that for considerable number of Afghan refugee who prefer to stay in Pakistan the prime concerns of repatriation to Afghanistan is not solely insecurity, corruption, gender inequality or ethnic bias, but rather it is socio-cultural diversity that encumber their reunification to their homeland.

In the context of Pakistan, it cannot be denied that protracted presence of millions of Afghan refugees have been negatively affecting social, cultural, political and security structure of the country. Given the fact that how Kalashnikov culture, radical extremism, jihadism and terrorism are expanding as a potential security threat to the state and its citizens, Pakistan is in thrall of serious security challenges, let alone bearing burden of millions of Afghan refugees in the country. Additionally, in the last ten years Pakistan was victim of heavy natural disasters such as the Kashmir earthquake in 2005 and 2010 flood. As a result of such natural calamities tens of millions of people in the country have become internally displaced. Moreover, the Pakistan military operations against terrorist groups in FATA has deteriorated and exacerbated already tense situations by increasing the size of internally displaced population in the country. With such challenges in hand Pakistan is incapable of providing adequate humanitarian assistance to its own citizens let alone provision of humanitarian assistance to nearly two millions of Afghan refugees in the country. Consequently, the international community have greater responsibility to assist the government of Pakistan to take its responsibility in provision of basic humanitarian assistance not only to its own citizens but also to Afghan refugees.

A positive solution to the issue of Afghan refugees in Pakistan would be a building a constant bona fide refugee policy to a degree at which the official

documents provided to Afghan refugees would be credential in both public and government eyes. The current identity cards provided with the help of UNHCR to Afghan refugees are just a proof of identification that distinguishes them from Pakistani nationals. Although, the Afghan refugee Proof of Registration card states that it ‘protects against risks such as extortion, arbitrary arrest and detention’<sup>63</sup> the cardholder have continuously remained victim of illegal detentions and extortion by Pakistani authorities<sup>64</sup>. Given the fact that the population dwelling along the over 2,500km long mountainous Afghan-Pak borders have their sibling across borders, it is extremely difficult if not impossible for both Afghanistan and Pakistan to stop or control cross border movements. Thus, it is necessary for both Afghanistan and Pakistan to take some important steps to change their de facto policy towards Afghan refugee in Pakistan. Afghanistan with the help UN agencies can build refugee camps in relatively peaceful provinces of the country such as Mazar-e Sharif, Samangan, Farah, and Herat similar to those built in Pakistani cities during the Cold War. This will enable Afghan refugees to build their own societies within Afghanistan. This will be an incentive program, particularly for those Afghan refugees who have lost their homes during the protracted wars, or have no land to build homes or unable to pay expensive rents in major cities such as Kabul. For those Afghan refugee who prefer to stay in Pakistan, provision of credible identity documents such as residence permits (credential to open bank accounts, businesses and to establish legal companies, entrepreneurs as well as enabling re-entries to Pakistan) to refugees will help boost

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<sup>63</sup> See UN News Centre

<http://www.un.org/apps/news/story.asp?NewsID=47225#.VhEHCXskIeM>.

<sup>64</sup> See Sharon Bern, ‘UN: Afghan refugees Harassed in Pakistan’ *Voice of America* <http://www.voanews.com/content/un-says-afghan-refugees-harassed-in-pakistan/1776166.html>,

economy of Pakistan (increase in trans border trade, tax levies) as well as it will provide better scrutiny on illegal activities.

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