CHAPTER 2

The 'Refugee Problem' and the Reality of Afghan Mobility

Geneva, spring 2006. I arrive at the UNHCR Headquarters to begin a four-month internship in the section housing the Afghanistan, Iran and Pakistan Desks, located on the third floor of the huge building, within the Operations Department, of the Asia Bureau. This section acts as the interface between Headquarters and the offices in Iran, Afghanistan and Pakistan that together run the 'Afghan Operation', one of the UNHCR's biggest programmes in terms of both funding and staffing. In 2006 the predicament of Afghan refugees was still one of the UNHCR's main concerns. In late 2001, regime change following the NATO intervention in Afghanistan had helped to unblock a situation that had become untenable for the UNHCR. Several million Afghans then returned to the country under the largest repatriation programme the organisation had ever mounted. Nevertheless, the three million or so Afghans living in Iran and Pakistan still represented one-tenth of the total of those falling under the UNHCR's responsibility. Pakistan and Iran remained the countries hosting the largest and third-largest number of refugees worldwide.

Since 2003, the section I was assigned to had also housed the Afghanistan Comprehensive Solutions Unit (ACSU), a small unit tasked with developing long-term strategy for Afghan refugees. The two members of this unit accepted my request for an internship. From my first meeting with Eric and Saverio,[1] and reading the programme documents, I realised that the strategy designed by the Afghanistan Comprehensive Solutions Unit diverged from the organisation's usual approach, particularly in terms of the way in which it understood Afghans' migration and the 'solutions' it envisaged. I was also surprised to learn that, under the auspices of the Afghanistan Research and Evaluation Unit, the anthropologist Alessandro Monsutti, a specialist in Afghan migration, a

leading light in transnational migration studies and the author of a monograph on the Hazaras, had been involved in this project; it was in fact through Saverio that I met him for the first time. I also observed that, original though it was, this strategy had gone largely unnoticed at headquarters. My surprise was met with enigmatic smiles by Eric and Saverio. I had the sense that they were keen to initiate an unorthodox venture, which must remain discreet in order to be carried through successfully.

The strategy developed for Afghan refugees post-2001 did indeed incorporate original and unconventional elements that could shake the foundations of the 'refugee problem' the UNHCR is responsible for addressing. In this chapter I describe the conceptualisations of mobility and politics underlying the paradigm of the 'refugee problem', before analysing the unorthodox elements constituting the innovative strategy designed by the ACSU project, and tracing the circumstances that led to its development. In particular, I show that in its view of mobility as an irreversible phenomenon and a potential resource, and in its holistic approach to migration, this project exposes the limits of the 'refugee problem' paradigm and of the three 'durable solutions' meant to address it. It revealed the gap between the conceptual, normative and institutional apparatus established by states, anchored in the premise of the nation-state, and the reality of Afghan migration.

Refugees: Dis-Placed Persons within the National Order

Introduced between the First and Second World Wars, the international refugee regime expanded significantly and became substantially more institutionalised during the second half of the twentieth century. By the early 2000s, it included the activity of not only the UNHCR but also a huge range of bodies operating throughout the world – agencies of various states, NGOs, human rights organisations, law practices, training and research centres. These bodies shared a set of norms, knowledges and procedures rooted in the paradigm of the 'refugee problem', as articulated in the 1951 Convention Relating to the Status of Refugees. These had emerged progressively over sixty years: they included the three 'durable solutions' ('voluntary repatriation', 'local integration' and 'resettlement'); a plethora of legal instruments and procedures (including, for example, the procedures for granting refugee status); techniques for managing populations (construction and management of camps, compilation of statistics, etc.); and a specialist terminology. At the centre of this apparatus sat the figure of the 'refugee' and the organisation of the UNHCR. Loss of the 'protection' of their state of belonging makes the refugee a priority recipient of legal assistance and humanitarian aid, as stipulated in the 1951 Convention. The UNHCR's mission is to seek 'solutions' for this population. I will examine

the cognitive foundations of the international refugee regime, for while the regime has developed over time, the paradigm of the 'refugee problem' has remained substantially unchanged. And it is this set of ideas about politics and human mobility that determines the conceptual repertoire and reasoning of actors involved in the international refugee regime, first and foremost officers of the UNHCR.

The first fundamental feature is that the 'refugee problem' as formulated in international law is based on a nation-based understanding of society, politics and mobility. Consequently, the reasoning of those who act to resolve this 'problem' is also rooted in the *national order*. Following Ulrich Beck, it could thus be said that UNHCR staff adopt a *national outlook*.[2] I borrow the concept of *the national order of things* from Liisa Malkki (1992, 1995a) to refer to a set of representations of the world marked out in terms of the nation-state, that is, a model of the state based on the specific experience of the states that were established in Western Europe from the eighteenth century onwards.[3] The national order posits, and thereby naturalises, a world composed of a finite number of territorially sovereign and mutually exclusive states, and isomorphism between the members of national communities and the territory of the state to which they belong. The nation-state forms the basic political unit, a sort of modular 'political shell' (Scott 2009) through which global government of people and things operates. Simply looking at what is commonly known as a 'political map' of the contemporary world is enough to get a sense of this order: each state jurisdiction is demarcated by clear boundaries and distinguished from others by a different colour. In this order, the 'natural' place of each individual is the territory of their state, among their co-nationals. This territorialised jurisdiction forms the 'natural' space of their existence, and their social and political life. Leaving the territory of the state where one belongs thus constitutes deviance, and requires that other states determine whether the entry of non-nationals into their territory is legitimate or not. This is, then, a sedentary order, which by positing mutually exclusive sets of populations, territories and states establishes a powerful criterion for the sociopolitical and spatial distribution of the whole of humanity based on national belonging.

The assumption of nation that underpins both the 1951 Convention and the UNHCR's mandate is primarily a matter of history. The countries that worked to create the interstate regime of protection for refugees were nation-states. This regime emerged in Europe, during the period when the model of the nation-state was spreading throughout the continent, as the treaties that ended the First World War had dissolved empires and redrawn the map of Europe on the basis of the nation principle. This was also the period when the earliest forms of national border control were being put in place: it was precisely the introduction of passports that made the intervention of a High Commissioner for Refugees necessary, to negotiate refugees' entry into national territories

(Noiriel 1997). As Kelly and Kaplan note, with Wilson's Fourteen Points and the creation of the League of Nations, the nation-state became, like the principle of state sovereignty,[4] one of the sources of legitimacy of multilateralism. As the term 'inter-national' and the very name of the League of Nations, later to become the United Nations Organisation, suggest, multilateralism presupposes a world where states and nations are congruent and where those who govern therefore represent the will of their nations (Kelly and Kaplan 2001). This hypothesis is clearly evident in the founding Charter of the United Nations: its preamble states that the 'peoples of the United Nations', through the intermediary of representatives of their governments, have created the organisation. The assumption of nation has only grown stronger subsequently, hand in hand with the global spread of the state. The repertoire of nation was taken up by the liberation struggles that ended colonialism, and it was as nation-states that the new states of Africa and Asia entered the interstate arena (Kelly and Kaplan 2001). From the point of view of the UN agents of multilateralism, the planet is now solidly bolted down in nation-states. Moreover, the legitimacy of the restrictive immigration policies adopted by Western countries from the 1970s onwards was based on the logic of the nation-state. Thus, in the early 2000s, the nation-state was the hegemonic norm of global political life and the dominant mode of representation of the global (Malkki 1998), both within and well beyond intergovernmental multilateralism.

With this understanding of the assumption of nation, I now turn to the thinking that underlies the 'refugee problem'. A refugee, as defined by international law in the mid-twentieth century, is an individual who has lost the 'protection' of their state. It is the failure of the political bond between state and citizen, formulated in terms of absence of 'protection', that prompts them to leave the territory of the state in question and results in absolute distress. Thus, the spatial distancing from the state's jurisdiction marks a fundamental rupture that is political before it is territorial, the equivalent of 'uprooting' (and, indeed, within the UNHCR, refugees are often described as 'uprooted'). What distinguishes refugees from other persons who have left the territory of their state of nationality is that the latter can return there or claim the 'protection' of their state of nationality wherever they are in the world. Refugees, on the other hand, deprived of the context where they could exercise rights, are totally politically destitute. This situation of distress results in a 'protection need' – a key UNHCR phrase identifying those persons for which the organisation is responsible. Thus, the figure of the refugee as defined in international law is a person out of place, and without place in the national order – a place that corresponds to a political context in which their livelihood, political and social life should be made possible. The term 'displacement', often used by the UNHCR to describe this phenomenon, powerfully conveys this idea of being out of place, of painful separation from a situation assumed to be the original

and natural order. In the eyes of all other states, the refugee is then simply a *non-national*: there is no place on earth where they can automatically exercise rights.

The condition of political destitution resulting from loss of the protection of one's state of nationality was highlighted by Hannah Arendt, who witnessed in person the political upheavals and migration of populations during and after the Second World War, the context in which the international refugee regime emerged. In a situation where belonging to a state remains the fundamental and essential condition for access to rights, those who no longer enjoy the protection of their own government have lost all political status and all protection. This equates to being deprived of the 'right to have rights':

> the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them. (Arendt 2017: 381)

In the absence of a sovereign world government and a political community that includes the entirety of the human race, rights can only be protected and upheld as national rights (Arendt 2017). Therefore, when a human being loses the protection of their state of belonging, they are effectively, to use another of Arendt's famous phrases, expelled from humanity altogether. In the wake of Arendt's seminal reflections, a number of researchers have highlighted the functional link between the figure of the refugee, as instituted by international law, and the interstate system, conceived as a closed system of nation-states from which the refugee has been ejected (Agier 2008, 2011; Haddad 2008; Malkki 1992, 1995a; Noiriel 1997, 2001; Nyers 2006). Agier (2008, 2011), for example, understands refugees collectively as a residual humanity of stateless people 'incarcerated outside'. Malkki (1992, 1995a) has emphasised the liminal nature of this figure who finds themself by definition external to the national order – 'between, rather than within sovereign states', as Haddad (2008: 7) notes. Nyers (2006) points out that the refugee shows us the 'inverted mirror image of the citizen', for they are located in a nonplace and is also out of step with what are seen as normal identities and spaces.

The UNHCR's activity can thus be construed as an attempt to create a *place-in-the-world* for refugees. International refugee law and the UNHCR were in fact created in order to establish a new place for these persons, and to *emplace* them in this location. Indeed, the UNHCR often makes reference to the 'asylum space' it has a duty to preserve. In addition, it asks host countries to maintain their 'capacity to host'. Thus, the UNHCR seeks 'durable solutions' in order to provide refugees with 'protection'. There are three of these solutions: 'integration' in the first safe country they reach, 'resettlement' in a further country and 'repatriation' to the country of origin. In each case, the aim is to restore

a situation where the individual is integrated as of right in a nation-state. This may be either their country of origin, provided the necessary conditions have been restored, or through the hosting of other countries that guarantee full and lasting inclusion of these vulnerable non-nationals. In a world now entirely made up of nation-states, there is no space outside of them or any substitute for sovereign nation-states. The place to be accorded to refugees must therefore necessarily be created within one of these state jurisdictions. The issue is therefore the access of non-nationals to a state jurisdiction, and the status granted them within it. Since, within the interstate arena, only sovereign states may authorise the entry and stay of non-nationals in their territory, the UNHCR's only way of restoring alignment between the law of sovereign nation-states and the distribution of populations through the world is to strive to influence states' policies on non-nationals.

During the early years of the Cold War, resettlement in industrialised countries was the 'durable solution' most commonly used. The need for labour to support economic revival in Europe combined with the strategic and ideological objectives of the Western bloc nations. This convergence of interests resulted in admission policies that were generous towards refugees from communist countries. Resettlement became a symbol in the ideological war and was widely used to assert the failure of communism and the benevolence of the West. Subsequently, as the rich industrialised countries became increasingly less inclined to welcome non-nationals from war-torn African and Asian countries, or to provide long-term funding for humanitarian interventions in host countries, the hierarchy of 'solutions' shifted. During the 1990s, after a number of conflicts had been resolved with the end of the Cold War, repatriation became established as 'the preferred solution' (Chimni 2004). A number of researchers identify the 1990s as a crucial turning point in the international refugee regime, which henceforth had to come to terms with Western countries' desire to contain flows (see, for example, Crisp 2003). Refugees, who were previously represented as heroes, were now seen as burdens – as suggested by the expression 'burden sharing', sometimes euphemistically rephrased as 'sharing responsibility'. According to this principle, which was increasingly promoted by the UNHCR, 'protection' of refugees should be shared among states in accordance with their capacities. A new rhetoric, still more strongly centred on the national outlook, emerged in the language of the UNHCR (Black and Koser 1999; Chimni 1998; Crisp 2004). This discourse idealised the bond with the country of origin and stressed isomorphism between a person and their jurisdiction of nationality as the ideal and normal situation: the country of nationality was considered the 'home', and the aspiration to 'go back home' – that is, to one's country of origin – was held to be universal.

With regard to Afghan refugees, the UNHCR was thus striving to solve what is often described in UNHCR documents as 'the complex equation for

the resolution of Afghan displacement' (UNHCR 2004a: 2). This telling expression reveals the 'mathematical' approach (Warner 1994) underpinning the paradigm of the 'refugee problem', a sort of 'international mathematics'. Solving this 'equation' involves creating a both material and legal space within the Iranian, Pakistani and Afghan state jurisdictions, in order to arrive at an appropriate distribution of Afghan refugees, one capable of ensuring the conditions for subsistence and safety for this population.

The 'Refugee Problem' and Afghan Mobility

When applied to Afghan migration, the conception of the 'refugee problem' itself becomes a problem. Some of the most convincing critiques of this paradigm have been formulated by anthropologists observing the disconnection between the UNHCR's conceptual apparatus and the reality of Afghan migration (see Table 2.1). They join a range of researchers, in both transnational migration studies and refugee studies, who have highlighted the limits of the 'refugee problem' paradigm, as defined in international law, as a way of understanding the social and political situation of populations fleeing conflict.

In *War and Migration*, his monograph on the migrations of the Hazaras, Alessandro Monsutti (2005) shows how this people from central Afghanistan, faced with endemic insecurity and poverty, established extensive socio-economic and commercial networks throughout the region, extending from Iran to Pakistan and Afghanistan. These networks are based on geographical dispersal of kin groups and diversification of their members' means of subsistence. Monsutti's study encapsulates the gap between the 'refugee problem' paradigm and the concrete reality of migration and politics.

Table 2.1. Differences between the 'refugee problem' paradigm and the sociological approach in the early 2000s

'Refugee problem' paradigm	**Migration studies**
Migration is an exception	Migration is normal
Migration is problematic	Migration is a resource or solution
The refugee is a victim	The refugee has agency
Selective approach to migration focused on individual cases	Holistic approach to migration
Return to the country of origin is the preferred solution	Return does not represent the end of the migration cycle, nor the restoration of a pre-existing order
Nation-states	There are sociopolitical systems other than states (e.g. ethnic or tribal solidarity)

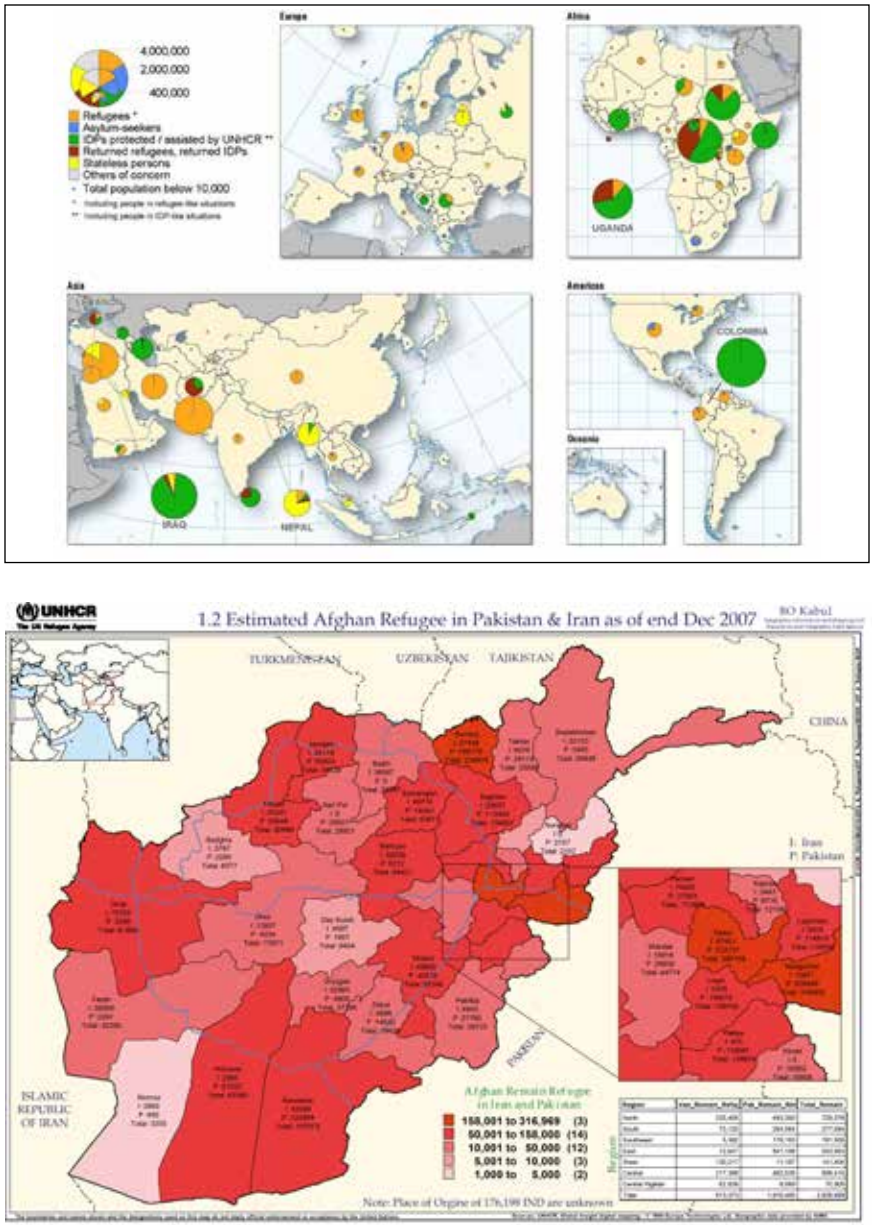

Figure 2.1. Representations of migration. Maps produced by the UNHCR show the population 'under its mandate at the end of 2006' (above) and Afghans in Iran and Pakistan at the end of 2007 (below) (UNHCR 2008a: 24; 2007d: 11). © UNHCR

Set alongside one another, Monsutti's book and the UNHCR reports produced during the same years appear to discuss two different realities. While in the UNHCR reports migration is treated as a problematic exception, Monsutti's study shows that for the Hazaras, it is an everyday reality that has become integrated into their way of life. Historians and anthropologists have shown that migration is a normal and structural element of human societies (Lucassen and Lucassen 1999). All studies of Afghan migration show that for the populations of Afghanistan migration, in its diverse forms, has a long history in the region, dating back to a time well before the beginning of the conflict and the current geopolitical organisation. Even in the 1970s, Afghanistan, a landlocked, mountainous country with only 12% agricultural land, had one of the lowest levels of development in the world and a high birth rate. Migration has therefore historically been a basic socioeconomic strategy that enables people to cope with both droughts and political instability. Furthermore, the Iranian and Pakistani economies have long presented attractive labour markets. Movement is also facilitated by cultural, tribal and linguistic links that span state borders.[5] Thus, the conflict has simply amplified a pre-existing phenomenon.

These contradictory conceptions of mobility, as a deviation on the one hand versus an everyday phenomenon on the other, are underscored by the different understandings of the relationship between people and space in Monsutti's study and the UNHCR documents. The latter perceive migratory flows in terms of a spatiality rigorously anchored in the geopolitics of the nation-state system. This contrasts with the space of multidirectional circulation and recurrent cross-border movements described by Monsutti. These differences are particularly evident in the graphic representations offered by the UNHCR (see Figure 2.1) compared with those in Monsutti's studies (see Figure 2.2). The UNHCR often shows migrations as static population 'reserves' within states, using circles rather than arrows. In addition, it classifies migration flows by country or province of origin. The second map, designed to facilitate management of programmes for the reintegration of returnees, shows very clearly how the migrant population is viewed through the lens of its link with a specific physical place in Afghan territory. By contrast, Monsutti's studies emphasise routes and movements, indicated by arrows. In the first map in particular, it is worth noting that routes have the same 'graphic status' as international borders. Centlivres and Edwards, who studied Pashtun Afghans in Pakistan, observe that the category 'refugee' as defined by international law is incommensurate with the social, cultural, tribal and religious context in which Pashtun movements take place within Pashtunistan, a region that straddles the Afghanistan-Pakistan border (Centlivres 1988; Centlivres and Centlivres-Demont 1999; Edwards 1986).

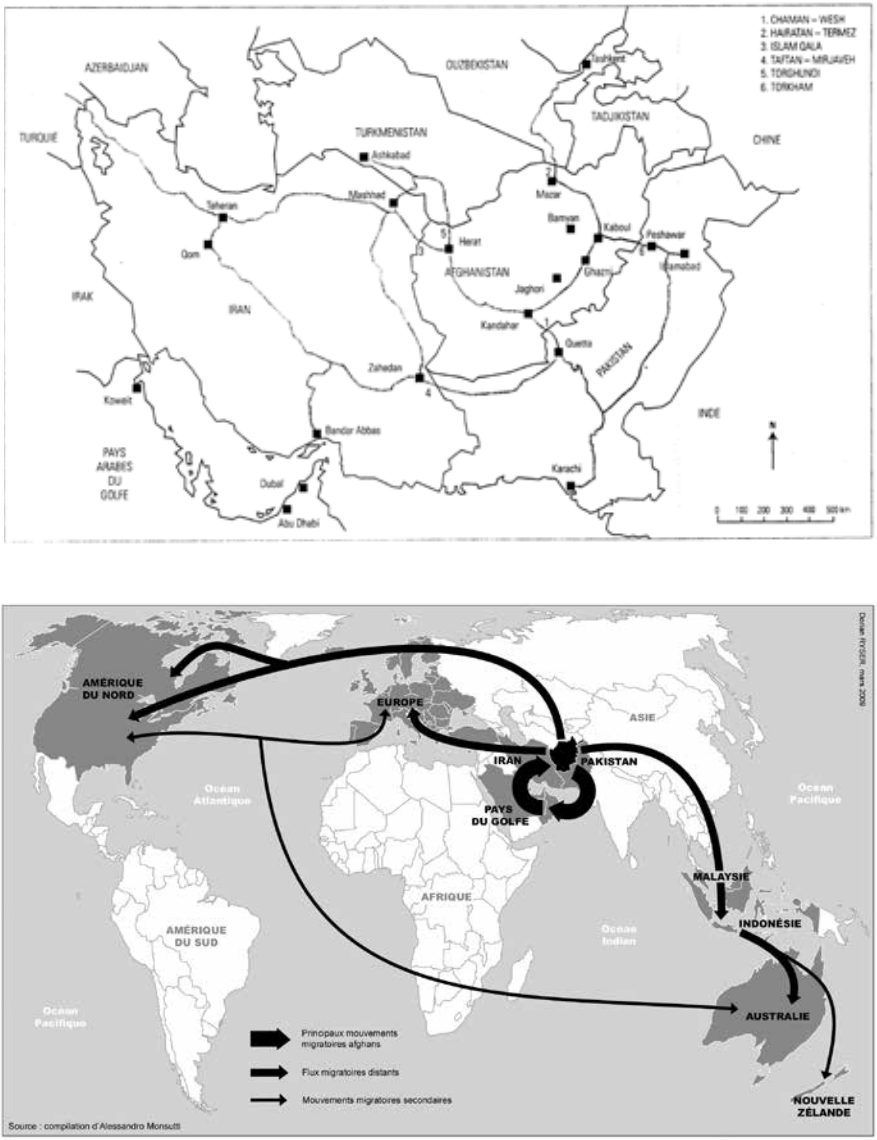

Figure 2.2. Representations of Afghan migration. Maps produced by Alessandro Monsutti show the main migration routes in the Iran-Afghanistan-Pakistan region (above) and Afghan migration throughout the world (below) (Monsutti 2004: 21; 2009: 104). © Alessandro Monsutti

While the UNHCR documents present refugee mobility as a traumatic experience and an expression of distress, Monsutti argues that in the case of the Hazaras, mobility should be seen as a resource instead of a problem. Rather than leading to the breakdown of structures, geographical dispersal allows groups to reproduce social links despite war and dispersal. Transnational networks and relations of solidarity generate a substantial flow of funds to Hazarajat, in amounts much higher than the international aid channelled by NGOs and UN agencies. Monsutti contrasts the victim image frequently presented by humanitarian organisations with the agency of migrants, who are seen as social actors capable of taking charge of their lives. Many studies have recognised the importance of mobility and transnational networks for the survival and subsistence of displaced populations (Bakewell 2000a; Horst 2006; Huttunen 2010; Stepputat 2004; van Hear 2002), and a number of authors have reflected on UNHCR officials' tendency to see refugees as victims, denying them all agency (Malkki 1996; Nyers 2006; Pupavac 2006).

The gap between the 'refugee problem' paradigm and the approach of researchers is also evident in the classification underlying the UNHCR's population of concern: the difference between forced and voluntary migration. This distinction is the foundation of the UNHCR's activity, for the concept of the refugee defines its sphere of competence. In each case, then, the organisation strives to understand whether it is dealing with persons who have been forced by persecution to leave their country or with people leaving of their own free will in order to better their living conditions. Monsutti, however, argues trenchantly that a conceptual framework based on causes is unable to take into account the complexity of the migration strategies developed by the Hazaras, and is therefore both descriptively and analytically inadequate. He views war and poverty as factors that combine with and mutually reinforce one another, driving hundreds of thousands of young Hazaras to move across borders. This argument chimes with those of a growing number of researchers who have also questioned the analytical usefulness of the distinction between 'refugees' and 'voluntary migrants', pointing out that it is impossible to apply it and to distinguish discrete categories of migrants, both empirically (Bakewell 2000a; Fresia 2006) and theoretically (Richmond 1988: 20; Turton 2003: 7). Historians and anthropologists studying migration prefer a global approach that addresses contemporary mobility as part of a continuity. They aim to analyse migratory configurations from a historical and socioeconomic standpoint, and examine how the categories defined by migration policies influence the identities and strategies of migrants (Adelkhah and Bayart 2007; Bakewell 2000a; Black 2001; Malkki 1995b; Lucassen and Lucassen 1999; Turton 2003).

A further disparity emerges with the concept of return. While repatriation has been presented by the UNHCR as the 'preferred solution' since the 1990s,

researchers question the idea that return constitutes the 'end of the migration cycle', or a move backwards, and argue that repatriation cannot be conceived as simply restoring a prior order (Al-Ali and Koser 2002; Black and Koser 1999; Cassarino 2004; Hammond 2004; Ray 2000; van Aken 2003; Warner 1994). These researchers in fact show that migration trajectories are rarely linear and that return is often just one stage in a broader trajectory of migration (as in the case of visits to the country, for example). They demonstrate how both migrants and living conditions in the country alter to the extent that return can come to resemble a new departure, and show that migrants' multiple belongings call into question the idea of the country of origin as the definitive 'home'.

Lastly, the gap between the UNHCR's conceptual framework and the reality of Afghan migration is also apparent in the political arena. Because UNHCR officials favour the national outlook, the organisation fails to recognise any sociopolitical order and any kind of solidarity other than those based on nation. However, in Monsutti's work, the state is not seen as the sole and principal context for people's livelihood and the circulation of resources; from this point of view, ethnic solidarity can often be more efficient than the protection of a state. Anthropologists Centlivres and Edwards have shown that in Pashtunistan, displaced people could easily find refuge with neighbouring tribes, in accordance with the tradition of Pashtunwali[6] and Islamic precepts (Centlivres 1988; Centlivres and Centlivres-Demont 1999; Edwards 1986; Shahrani 1995). Many studies also show that ethnic solidarity can have a greater impact than state policies on the living conditions of people fleeing conflict (Fresia 2009a). The exercise of power in the contemporary world cannot be reduced purely to the logic of the state. As Malkki points out, in response to an article by Habermas where he analyses the formation and limits of the nation-state while at the same time representing this form of political organisation as the universal and exhaustive key to reading the state of world politics, although the 'family of nations' has become the dominant mode of representation of the 'global', it cannot represent all of the complex, emergent and only partially articulated forms of association and political solidarity at work in the contemporary world (Malkki 1998: 435).

'Toward Comprehensive Solutions'

The strategy developed by the Afghan Comprehensive Solutions Unit[7] departed from the traditional understanding of the 'refugee problem' and incorporated a number of elements drawn from research conclusions. It started from the basis that the repatriation of all Afghans from Iran and Pakistan should be excluded from consideration:

> even an extension of existing arrangements for repatriation *sine die* may resolve neither the immediate tensions between the rate of return and absorption capacity inside Afghanistan, nor provide a definitive solution. (UNHCR 2004a: 2)

Despite the large-scale repatriation that had taken place, definitive and full return was not possible owing to the irreversibility of the social and economic processes arising from the prolonged conflict in Afghanistan. The strategy based this conclusion on three main considerations.

First, the 2001 change in regime could not transform Afghanistan into a welcoming country overnight. The process of political transition was in its infancy, and much of the country lacked sufficient means of subsistence, education and employment opportunities. Thus, even with an optimistic prediction for political stabilisation and gradual economic growth, the reconstruction supported by the international community would take time.

Second, a proportion of the Afghan population that left the country more than twenty years earlier was now durably settled in Iran and Pakistan. A whole generation had been born outside of Afghanistan and had grown up without ever having known the country. Despite precarious conditions, this population had become used to higher standards of living than in Afghanistan, for example, in terms of access to education and healthcare. It was therefore highly unlikely that this section of the population would wish to leave these countries.

Finally, the Afghan presence in Iran and Pakistan was a product of major migration flows. Cross-border migration had seen an unprecedented rise during the decades of conflict, and remained high, particularly since it was now supported by solid transnational networks. A considerable proportion of these movements was not necessarily due to persecution or conflict, but rather stimulated by what appear to be persistent economic and social factors. There remained a marked economic differential between Afghanistan, where demographic growth continued to outstrip economic growth, and its two neighbours. Moreover, migration was the source of substantial transfers of funds. These funds were both a crucial contribution to the subsistence of Afghan families and a factor in the country's economic recovery.

It was thus clear that full return was impossible, and the way in which states and the international bodies concerned managed Afghan populations outside of Afghanistan needed to be rethought. The new strategy subdivided the Afghan population living in neighbouring countries into four categories, for each of which appropriate solutions needed to be created:

(1) 'Prospective returnees'. For those Afghans in Iran and Pakistan who intended to return to Afghanistan, repatriation and reintegration programmes represented a genuine solution. The UNHCR planned to maintain its repatriation and reintegration programmes in partnership with

the Afghan authorities, so that in future the Afghan government had the capacity to integrate and protect the repatriated population.

(2) 'Persons in need of continuing protection'. While for some Afghans the persecution that had led to migrations in the past was decreasing, the fall of the Taliban regime did not automatically eliminate the 'need for international protection' against all forms of human rights violation and persecution. It was therefore essential to establish national asylum regimes in Iran and Pakistan that met international standards, incorporating procedures for granting refugee status and robust official forms of protection.

(3) 'Longstaying Afghans'. Some Afghans who were stably settled in Iran and Pakistan probably did not wish to return to Afghanistan. But although they were not strictly in 'need of international protection', they should enjoy less precarious conditions of residence, based on a long-term right of residence. Development programmes in regions with a large Afghan population, established in collaboration with the World Food Programme (WFP), could facilitate this process.

(4) 'Migrant workers'. A system for managing migration flows could give the many migrant workers regular channels for travelling and working in neighbouring countries, enhancing the benefits of this socioeconomic strategy. This would require the International Labour Organization (ILO) and the International Organization for Migration (IOM) to participate in setting up a migration regime, which would make it possible to establish agreements on migration flows and support capacity building within the government bodies concerned.

To sum up, the strategy recommended reconfiguring the way in which states, in collaboration with international organisations such as the UNHCR, the IOM, the ILO and the WFP, address and manage the presence of Afghans in Iran and Pakistan, and migration flows in the region. It proposed introducing a set of four provisions that were adjustable depending on the type of migration. These were: the repatriation and reintegration programme; an asylum regime aligned with international standards; more stable conditions of residence for Afghans long settled in Iran and Pakistan; and a bilateral agreement governing the status of migrant workers. Once the transition had been achieved, the role of the UNHCR would be much reduced, in terms of both staffing and funding. Its role would be confined to monitoring procedures for granting asylum and the standard of treatment of persons recognised as refugees. In order to encourage this transition, the two members of the Afghanistan Comprehensive Solutions Unit began by commissioning research into population movements in the region, setting up collaborations with the IOM and the ILO, and engaging in a process of 'strategic consultations' with the governments concerned.

An Innovative Project

In its approach to the phenomenon of Afghan migration, and its perception of the UNHCR's mandate in this context, the strategy developed by the Afghanistan Comprehensive Solutions Unit stepped back from the UNHCR's habitual framing of the 'refugee problem'. The implementation of the strategy would involve shifting from a refugee-centred perspective to a mobility-centred one. The problem was redefined not as one facing states that had to manage often unwanted non-nationals, but as a problem of the *relationship* between populations, territories and states. In this the strategy recognised that the national order has intrinsic limits, and attempted to find a way out of the zero-sum game that would result from the pursuit of repatriation for all. By taking into consideration the historical and socioeconomic reality of migration, it proposed that mobility should be seen as natural and positive, while adopting a holistic approach to migration flows.

Under the conventional view of the 'refugee problem', the fact that individuals move across state borders is problematic. It poses a problem to the other states, which must decide how to treat non-nationals often perceived as undesirable within their jurisdiction. All the 'traditional solutions' involve settlement, either in the country of origin, where citizens may be able to return following changes that ensure their safety and livelihood are provided for, or in another country if it agrees to grant them legitimate residence. Limiting migration is therefore always considered desirable, or at least as evidence of the success of the solutions implemented.

However, in the strategy developed for Afghanistan Afghan mobility was considered normal. The strategy recognised the historicity and irreversibility of Afghan migrations: 'it is understood that the Afghan population is an inherently mobile one' (internal document).

This migration constituted a concrete fact that must be taken into account in any consideration of the situation, an unavoidable and irreversible reality that cannot be ignored in policy-making: 'border crossings between Afghanistan and Pakistan are a reality' (internal document).

Moreover, Afghan mobility was seen as an asset, an important economic and social resource for the livelihood of families and also for the viability of the state, thanks to the transfer of money it generated. It should therefore be valued. This means recognising the agency of migrants, the importance of transnational networks and their fundamental role in supporting the livelihood of the Afghan population. As Saverio put it at a conference in Kabul in 2007, the 'comprehensive solutions' project aimed to put the 'human element' at the centre of the equation.

This view meant asserting unequivocally that in the case of Afghanistan – a country with limited natural resources that has suffered decades of political

instability – isomorphism between population and territory was not a viable solution. The strategy also took into account the economic disparities between Afghanistan and the neighbouring countries, particularly with regard to their capacity to provide people with a livelihood. From this point of view, migration is necessary and fundamental to the livelihood of Afghan populations and the viability of the Afghan state. Rather than seeking to reduce it, what was needed was to legitimise the presence and movement of Afghans outside their country of origin. Mobility therefore featured among the solutions proposed. In the strategy, the permanent presence of substantial numbers of Afghans in Iran and Pakistan, and cross-border mobility itself, were not completely eliminated, even in the scenario where Afghanistan returned to a state of stability. The strategy recommended a direct approach to the Iranian and Pakistani authorities, using continuous and persistent pressure to encourage the states in the region to accept first that migration will continue and second that a proportion of the Afghan population will remain permanently in their countries.

Furthermore, the strategy adopted a holistic approach to Afghan migration within the region: rather than distinguishing refugees from other kinds of migrants, it proposed solutions adapted to several categories of migrants. It thus asserted a continuity between forms of migration and how these should be addressed in state policy – hence the expression *'comprehensive solutions'*. In this case, the UNHCR should not prioritise its mandate and the population strictly within its area of competence (persons 'in need of protection'), but should adopt a broader perspective, situating this population within the larger category of migrants as a whole. For example, the strategy repeatedly spoke of 'population movements', which is not an official policy term, using it to describe the overall phenomenon of migration. Provisions relating to persons who fall within the organisation's competence were considered within the 'broader policy framework for displacement' (UNHCR 2007a: 1). 'Migrant workers' were therefore also taken into consideration and it was recommended that a legal framework be put in place to regulate the conditions of both their residence in Iran and Pakistan and their cross-border movements.

Thus, the strategy was distinctive in the way in which it stepped back from the categories and mandates of international organisations. The documents repeatedly highlighted the fact that the situation extended beyond the UNHCR's mandate and competence. It required a more multifaceted programme of action than the organisation was able to offer 'additional solutions that lie outside UNHCR's mandate need to be found ... [This] type of challenge can only be addressed by innovative arrangements that go beyond UNHCR's mandate and competence' (UNHCR 2003a: 2–6).

The UNHCR needed to become active in sectors where it has no authority – development, the fight against poverty, migrant workers – by setting up

collaborations with other organisations. During my placement, I observed Saverio and Eric planning studies on the impact of Afghan migration on the labour markets in Iran and Pakistan. They also discussed the details of projects for training Afghan consular officials in Tehran and Islamabad with officers from the IOM, and development projects planned for areas with a high Afghan presence in Pakistan with officers from the United Nations Development Project (UNDP).

The proposed strategy thus did not take its line from the compartmentalised areas of competence of international organisations or existing policy categories (primary among them those of 'refugee' and 'durable solutions'), imposing them on reality from above. On the contrary, the aim was to take the complex and fluid reality as the starting point. This meant adopting an analysis that set Afghan migration in a historical and socioeconomic perspective, in order to create policies better fitted to this reality by shifting existing areas of competence – even if this meant challenging pre-established categories and domains. Planning documents repeatedly emphasised the need to move away from a 'humanitarian'- or 'refugee'-focused position that could not encompass the phenomenon facing the organisation, which had evolved 'beyond the parameters of a refugee paradigm into a more complex, multi-faceted challenge that will require additional solutions' (UNHCR 2003a: 6). Solutions should be adapted to contextual reality rather than the other way round.

The Emergence of the Strategy

A number of factors converged to create an institutional context favourable to the origin of this innovative strategy: First, the scale and complexity of the Afghan situation, which represented a major test for the UNHCR in the early 2000s, and the need for it to reformulate its role during a delicate transition phase called for in-depth analysis and strategic reflection; second, the meeting between two individuals with complementary personalities and shared affinities, who found a way to assert their point of view; third, a supportive environment at Headquarters, where senior managers were seeking to encourage research into comprehensive and innovative approaches. Seen from the point of view of sociology of institutions (Bezes and Le Lidec 2010; Nay and Petiteville 2011), the situation thus combined exogenous change (the new context in Afghanistan at the end of 2001), two norm entrepreneurs (Saverio and Eric) and a political window (UNHCR Headquarters becoming open to the development of innovative solutions). I will now consider these three factors in more detail.

In the early 2000s, Afghanistan was a key issue for the UNHCR, which needed to demonstrate its capacity to meet the challenge. For two decades,

Afghans had represented the largest population under its remit. In the new geopolitical context (see next section below), this became the largest intervention, in terms of both funding and staffing, that the organisation had ever managed. When Afghanistan moved to the centre of the international stage, the UNHCR had to redefine its activity in a new, postconflict context that was highly sensitive thanks to the intermeshed defence and national security interests of a number of states, including the 'fight against terrorism' being conducted by the United States and its allies.[8]

Ruud Lubbers, the High Commissioner at the time of the 9/11 attacks, had only been in post since the beginning of that year. According to an employee who was involved in the redeployment of the UNHCR in the region between 2001 and 2002, Lubbers felt that Afghanistan would be 'his operation' – the great mission that would go down in history as the key issue under his leadership. Aware of the repercussions the attacks would have in Afghanistan, he entrusted a team based in Pakistan with the task of monitoring how the situation developed during the military campaign. He was therefore receiving daily detailed telephone reports of the team's activities.

Once the military campaign was over, Lubbers handed over the reins of the operation to Mr Gortani, whom he considered one of the brightest and most trustworthy of the senior officials. Gortani in his turn took care to appoint equally trustworthy colleagues in Kabul, thus forming an efficient and close-knit team. Over the course of 2002, this team organised the redeployment of the UNHCR in Afghanistan, established the massive repatriation programme[9] and designed a strategy for reintegrating returnees. Yet while all the organisation's resources and public focus were turned towards the repatriation programme, these officials realised that major challenges would come once the flow of returnees had dwindled. A new impasse loomed on the horizon, owing to the peremptory expectations of the Iranian and Pakistani governments, which continued to encourage total repatriation. Even in late 2001 the Iranian and Pakistani statements and arguments were unequivocal: after two decades, it was time to put an end to the problems posed by the Afghan presence in their territories. They continued to insist that the crisis situation in which Afghans had found themselves was now resolved. These declarations also pointed to donor involvement in Afghanistan and the transition donors were putting in place, which was supposed to guarantee stabilisation of the country and facilitate the reintegration of repatriated Afghans. But in the view of Gortani and his close colleagues, given the situation in Afghanistan and the scale of Afghan migration, definitive return of millions of Afghans was unthinkable. Resolving this difficulty therefore required clear-sightedness and the development of a strategy that went beyond the single question of repatriation.

Afghan Refugees 1979–2001

The 1979 Soviet invasion marked the beginning of a long period of conflict and political instability in Afghanistan. Clashes between Mujahideen and Russian-backed forces were followed by a state of civil war between various factions within the country, which continued until the Taliban came to power. Migration soared, primarily to neighbouring Iran and Pakistan. It is estimated that by the end of the 1980s, the conflict had resulted in at least one million deaths and the internal migration of three million more people. In addition, six million Afghans – approximately one-fifth of the population – had left the country, mainly for Iran and Pakistan. By the end of the 1990s, the number of Afghans in these two countries was estimated at four million.

While the Iranian and Pakistani governments initially welcomed these Afghans, their attitude changed radically during the 1990s, as they began to hold Afghans responsible for social and economic destabilisation in their countries.[10] They also accused them of criminality and drug trafficking. During this period, the two governments' statements led to a sharp deterioration in the living conditions of Afghans settled in their countries. Their access to social services was cut, and they regularly suffered harassment. They were also often expelled, despite the fact that the civil war, the establishment of the Taliban regime and the food crisis had worsened conditions for subsistence and safety in Afghanistan. Donor countries had been reducing their funding since the strategic issue had disappeared with the end of the Cold War.

The 9/11 attacks, the US military intervention in Afghanistan, the fall of the Taliban regime and the start of the international reconstruction project led to a massive geopolitical upheaval, which had a major impact on UNHCR programmes in the region. Afghanistan became the focus of an international political transition and economic reconstruction project, in which the UN was fully involved. The Security Council sponsored an inter-Afghan agreement for a political transition leading to the re-establishment of government institutions. It also set up a UN Assistance Mission in Afghanistan (UNAMA) and commissioned a NATO-led international force to train the Afghan security forces and ensure maintenance of security of the country. The great powers' unprecedented political and financial investment in reconstruction of the country and regime change raised hopes of lasting peace and stability in Afghanistan. This regime change encouraged the return of tens of thousands of Afghans as soon as military operations ended in November 2001.

This realisation prompted intense high-level discussion in the Geneva, Kabul, Islamabad and Tehran offices. In July 2003 these debates resulted in an initial discussion paper entitled 'Towards a Comprehensive Solution for Displacement from Afghanistan' (UNHCR 2003a). The approach recommended in this persuasive and well-argued document was presented by the authors as the only hope for achieving a durable solution. Three months later, the Afghanistan Comprehensive Solutions Unit was set up at UNHCR Headquarters, its purpose being to develop a long-term strategy for the region. The unit at that point comprised two individuals who had been centrally involved in writing the discussion paper. Saverio had served as Regional Liaison Officer since 2002, acting as the link between the Tehran, Kabul and Islamabad offices. Eric had been Policy Advisor at the Geneva Headquarters for the Afghanistan Operation for about a year. As Saverio's posting was coming to an end, the idea of setting up a policy unit to support 'operations' came into being.

Such an ad hoc unit is unusual for the UNHCR. Decisions on strategy are generally taken by senior officers themselves within each operation; in addition, there is a department attached to the High Commissioner's office, the Policy Development and Evaluation Service, that was concerned with analysis and evaluation of the organisation's policy. The strategic importance and exceptional nature of the Afghan situation, and the risk of an impasse that had been highlighted by those promoting the new strategy, help to explain why this ad hoc unit was set up and how the strategic objectives were defined. As Dulong (2010: 262) notes, in situations of institutional crisis, the costs of subversion are reduced amid uncertainty and the loosening of containing structures. The immediate, concrete priority was to manage the situation on the ground in the best way possible, and to redefine the UNHCR's mission in the new, postconflict context, rather than to preserve the refugee paradigm.

Leadership of the Afghanistan Comprehensive Solutions Unit was entrusted to Saverio and Eric, despite the fact that they did not hold senior management-level positions in the UNHCR. They had nevertheless established themselves as authorities on Afghan refugees. Saverio and Eric did not know one another personally before they began working together, but they formed a dynamic, efficient partnership. Their complementary experience and approaches surely contributed to the successful launch of the 'comprehensive solutions': Saverio had followed a career that was both international and internal to the UNHCR, and Eric an Afghan-centred career outside the UNHCR, Saverio's more focused on action, Eric's on analysis. Saverio could be seen as the charismatic insider and Eric as the intellectual outsider. Between them, they combined a wide range of resources that helped to back up their vision: in-depth knowledge of the Afghan context and of the UNHCR, a solid network

both within and outside the organisation, strategic acumen, and excellent persuasion and negotiation skills.

Saverio began a promising career with the UNHCR at a young age, with numerous postings in Congo, Djibouti, Cambodia, Lebanon, New York and the Balkans where he was able to demonstrate his capacities. Skilled, confident and ambitious, over the course of his career he had also developed detailed knowledge of the internal mechanisms of the UNHCR, and a critical clear-sightedness about the dysfunctional aspects of the organisation. Over the course of his missions, he had established close relationships within the UNHCR, and his relationship of trust with Mr Gortani, who had invited Saverio to join his team in Kabul, was crucial to the launch of the initiative. Over a lunch where he told me about the origins of the project, Saverio recounted how, as they admired the Afghan mountain landscape over which they were flying, the two had enthusiastically developed the plan to set up this unit, which among other things would allow them to continue working together. Mr Gortani's privileged relationship with the High Commissioner probably helped him gain a level of legitimacy with the organisation's reputedly somewhat conservative senior officers that was otherwise difficult to achieve (Fresia 2010).

Eric had only been at the UNHCR since 2002, having previously worked for a long time with other organisations in Afghanistan. His experience of working in the field in Afghanistan was thus much longer than Saverio's eighteen months. Afghanistan was the country in which he specialised. With a doctorate in economics, his thinking did not start from the premise of the 'refugee problem'. He sifted and evaluated the pertinence of the terms he used, even if it meant shaking up pre-established ideas. He followed the news, and current research in the region, closely; he had established close relationships with a number of researchers, experts and officers of organisations such as the UNDP, the WFP, the IOM and the European Commission who were working on or in Afghanistan. His office housed an extensive library that brought together academic publications, research reports and grey literature, organised in large cardboard file boxes. This explains how he already knew the work of Alessandro Monsutti, which was still little known at the time, as the original French version of his book *War and Migrations* was not published until 2004. Eric's way of thinking, as an English-speaking expert on Afghanistan rather than on refugees, meant that the content, terminology and style of the unit's strategy documents stood out from the organisation's standardised format and set vocabulary. The writing style is fluid, and the structure original and persuasive. Detailed analysis of the context takes priority, preceding recommendations.

The supportive environment at Headquarters further helps to explain how the 'comprehensive solutions' project came into being. The UNHCR generally promotes strategic reflection as a characteristic of a robust, authoritative

and flexible organisation. The strategy proposed by Saverio and Eric also fitted well with the new drive towards 'finding solutions' instilled by Ruud Lubbers when he took over as High Commissioner. This impetus generated a climate of discussion and reflection around 'durable solutions' and resulted, among other things, in the 'Convention Plus' launched by the High Commissioner in 2001. This initiative, in a spirit of research and openness to innovative solutions, specifically aimed to promote 'comprehensive' approaches to crises that had hitherto remained intractable (UNHCR 2004b, 2006a: 121–26). Saverio and Eric's strategy fitted perfectly into this initiative, finding a place and an institutional justification as one of the cases that adopted the 'Convention Plus approach', despite the fact that in practice, as noted above, the strategic drive came from elsewhere. Two other Comprehensive Plans of Action were developed under the 'Convention Plus' initiative, for the contexts of Somalia (UNHCR 2005c) and Colombia.[11]

During my posting at the UNHCR Headquarters, I also noted that the theme of mobility also interested the 'higher echelons' on the eighth floor, particularly the Policy Development and Evaluation Service. The director of this service had influence with international decision-makers on matters of asylum and migration. Himself the holder of a doctorate, his long experience of international institutions combined with close links with the world of academic research. He demonstrated a lucid awareness of the challenges that the UNHCR, and UN institutions responsible for managing migration more generally, faced in the new global context at the turn of the twenty-first century (Crisp 1999a, 2003; Crisp and Dessalegne 2002). During the early 2000s, he had temporarily left the UNHCR to sit on the Global Commission on International Migration, set up by the UN Secretary-General to make recommendations for strengthening the 'international governance of migration'.[12] Its final report, which calls for new approaches, is the first international document to address international migration as a unitary, global issue, while highlighting protection of migrants' rights (Global Commission on International Migration 2005). When I met him in his office in 2006, he had just resumed the directorship of the Policy Development and Evaluation Service. On a scrap of paper that I kept, he sketched a drawing with arrows, representing the mobility of Afghan refugees. He explained that the UNHCR was then beginning to see 'migration as a fourth solution'. He was following the developing strategy of the Afghanistan Comprehensive Solutions Unit from a distance, but with interest.

In the situation opened up by the NATO intervention in Afghanistan, would this original, well-thought-out strategy enable the UNHCR to create conditions of livelihood and security for the Afghan populations concerned? And on another level, would it give the organisation the opportunity to rethink the paradigm of the 'refugee problem', given how this paradigm failed

to encompass the phenomenon of migration and the political space of the contemporary world? A failure that was becoming increasingly difficult to ignore within the UNHCR, whether it emerged in the concrete limits facing the organisation in the pursuit of its mission or in the rising criticism from researchers studying its work. At that point, the 'comprehensive solutions' strategy represented an exceptional response to an exceptional situation – this was one of the conditions that had enabled it to be established. As I have noted, this strategy had been developed for the very concrete purpose of managing a crucial, thorny issue in the best way possible rather than with the aim of attacking or reforming the institution. Its unconventional aspects remained, for the time being, without fanfare. But, as I have also noted, this strategy carried a potentially destabilising message: if you really want to find a viable solution, you need to change the terms of the equation. Given allies within the organisation and in the academic world, the new direction in the Afghan case could thus usher in a change of mindset that would completely recast the international refugee regime. The remainder of this book follows the institutional journey of the 'comprehensive solutions', opening a window onto the bureaucratic apparatus of the UNHCR in action.

Notes

1. These and all other names that appear in this text are pseudonyms in order to protect the identity of my interlocutors both within and outside the UNHCR.
2. Beck introduces the distinction between *methodological nationalism*, the attitude of those sociologists who locate their reflections within the framework of the national order, and the *national outlook*, the same attitude as adopted by social actors (Beck 2006).
3. From the Enlightenment onwards, liberal democracies, and the principle of self-determination of the people, began to become established in Western Europe. The sovereignty of the state was redefined as national sovereignty. The nation, understood as a limited, culturally homogeneous community of equal citizens, emerged as the basic polity, and as such underpinned the legitimacy of the state as sole guarantor of the rights and wellbeing of citizens. The state's laws and the means of coercion it possesses are legitimate, in that they emanate from the will of the members of the nation who have elected those who govern them. The boundaries of the nation determine the members who enjoy civic and political rights, are entitled to the services provided by the state, and have duties in return (payment of taxes, conscription) (Anderson 2006; Habermas 1998; Hobsbawm 1992; Noiriel 1997).
4. Since the seventeenth century, the interstate system has been legally and politically organised on the principle of state sovereignty, under which the state has supreme and absolute authority in its jurisdiction. The principle of non-interference in the internal affairs of other states was recognised for the first time by the 1648 Peace of Westphalia.

5. For a historical and anthropological perspective on Afghan migration, see Adelkhah (2007), Dupree (1975), Green (2008), Hanifi (2008), Monsutti (2005), Nichols (2008) and Roy (1988).
6. The customary code of the Pashtun people.
7. The outline that follows draws from the UNHCR (2003a) and (2004a) papers.
8. For an overview of the post-2001 geopolitical context, see Rashid (2008), Roy (2004, 2007) and Majidyar and Alfoneh (2010).
9. This programme had been launched in the late 1980s following the 1988 Geneva Accords providing for the withdrawal of Soviet forces. It was suspended several times during the 1990s.
10. For more details on the evolution of reception policies in Iran and Pakistan in the 1980s and 1990s, see Adelkhah and Olszewska (2006), Kronenfeld (2008), Marsden (1992), Rajee (2000), Rizvi (1990), Schöch (2008), and Turton and Marsden (2002).
11. See UNHCR (2005c) and the *Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America*, Mexico City, 16 November 2004. However, in these cases the 'toolbox' remained unchanged. These plans aimed instead to reinforce each of the three 'durable solutions' by finding new ways of implementing them. In this case, the term 'comprehensive' indicates the focus on how the three 'solutions' can complement one another, rather than a holistic approach to migration flows. The only initiative comparable to the strategy developed for the Afghan context after 2001 was the approach adopted by the UNHCR during the mid-2000s in West Africa, when it called for the application of the Economic Community of West African States (ECOWAS) treaty on freedom of movement in the region (Adepoju et al. 2007).
12. In the early 2000s the UN Secretary-General attempted to put the issue of 'migration' back on the agenda. In a famous report, Kofi Annan asserted that 'it [was] time to take a more comprehensive look at the various dimensions of the migration issue' (United Nations 2002: 10).