

Summary of conclusions and recommendations

1. New Delhi has accommodated a refugee population from Afghanistan since the early 1980s, when people began to leave the country in large numbers as a result of the Soviet intervention. The number of Afghan refugees recognized by and registered with UNHCR in New Delhi has fluctuated over the years, reaching a peak in 1993, when it stood at almost 26,000. Today, the number is around 15,000 - a tiny proportion of New Delhi's total population, which is in the region of 13 million.

A problematic situation

2. Over the past two decades, Afghan asylum seekers have been freely admitted to India and allowed to remain in the country once recognized as refugees by UNHCR. But in many other respects, the situation of Afghans in India has been problematic.

3. Because of India's unwillingness to accede to the 1951 UN Refugee Convention, as well as the country's failure to establish any domestic refugee legislation, the Afghan refugees have suffered from a precarious legal status and have not been accorded the formal right to work or establish businesses in India. Neither have the Indian authorities encouraged the Afghans to integrate or become naturalized citizens, although a significant proportion of them (currently around 65 per cent) are Hindus and Sikhs with historical links to the country where they have sought asylum.

4. There are currently no solutions in sight for most of the Afghans in New Delhi. The refugees are unwilling to repatriate due to the continuing conflict and human rights violations in Afghanistan, not to mention the economic devastation of their homeland and the dispersal of their relatives to other parts of the world. While a limited number of resettlement opportunities exist, most of the Afghans, especially those "of Indian origin", cannot benefit from this solution.¹

5. Many of the Afghans in New Delhi have experienced some significant changes in their conditions of life during the past decade. Throughout the 1980s, the refugees received a monthly subsistence allowance from UNHCR. But from 1992 onwards, following the fall of the Najibullah regime and a significant influx of new refugees, the majority of Afghans had their subsistence allowances terminated. In place of the allowance, many received a one-time lump-sum grant. This initiative was based upon the belief that many refugees had other sources of income, that they were living in relatively comfortable circumstances, and that they had the capacity to become self-reliant. It was also intended to curtail the spiralling cost of UNHCR's New Delhi programme.

6. While this new approach attained a number of its short-term objectives, events in India during the past two or three years have raised some important questions with regard to its sustainability. On one hand, the Indian government has pursued a new and less tolerant policy towards the Afghan refugees, making it almost impossible for them to renew the residence permits that previously enabled them to live and sustain themselves in New Delhi. On the other hand, public and political hostility towards the Afghans has grown, primarily as a result of the alleged involvement of Afghans in the Kashmir conflict and the hijacking of an Indian aircraft.

7. As a result of these developments, the Afghans in New Delhi have experienced mounting discrimination and harassment.² The refugees have also found it increasingly difficult to gain access to local markets and to engage in income-generating activities. UNHCR staff members and others who are familiar with the Afghan population believe that growing numbers of refugees are surviving by means of illicit activities and are leaving the country in an "irregular" manner to escape from

¹ While the phrase "Afghans of Indian origin" has become a well-established feature of the UNHCR vocabulary in India, this evaluation considers the term to be somewhat misleading as many of the refugees' concerned have only a remote connection with the country. Moreover, as a later section of the report explains, these refugees have not found it particularly easy to claim Indian citizenship.

² At the time of writing, no large-scale deportations or detentions had been reported, although the number of protection incidents involving individuals has certainly increased.

their current insecurity.

8. In response to these developments, UNHCR's New Delhi office has made representations to the Indian government. It has also provided assistance to the most needy refugees and has sought to establish a constructive dialogue with the Afghan population. But these initiatives have met with relatively little success.

9. In terms of its relations with the authorities, UNHCR's ability to advocate on behalf of the refugees has proved to be very limited in the current political and administrative climate. According to the organization's office in New Delhi, this situation is exacerbated by the fact that UNHCR has no legal status in India and lacks a strong domestic constituency. In the words of one paper prepared by that office, "the lack of formal accreditation of UNHCR New Delhi by the government of India also poses a constraint. UNHCR cannot easily get other UN agencies to support and lobby for refugee rights or collaborate with UNHCR in meeting the basic needs of food, shelter, schooling for children, health care etc. for mandate refugees".

10. UNHCR's efforts to establish a more constructive relationship with the Afghan population, especially its more vociferous elements, have also been frustrated by the organization's apparent inability to bring about substantive improvements in the refugee situation. Indeed, some commentators suggest that by opening up new channels of communication with the refugees - an entirely laudable objective - UNHCR may have inadvertently generated some expectations which cannot be fulfilled.

11. UNHCR's New Delhi office thus finds itself uncomfortably poised between a government and a refugee population which are placing very different pressures on the organization. To compound the situation, relations between the New Delhi office and UNHCR's Geneva headquarters have come under strain - the former additional resources to assist the urban refugee population, and the latter trying to control expenditures so as to limit the organization's global funding shortfall.

Policy recommendations

12. On the basis of the historical analysis summarized above, this report presents a number of conclusions and recommendations, some of them relating to UNHCR's global policy on refugees in urban areas, and others relating specifically to the organization's programme in New Delhi.

13. With regard to the global policy, the evaluation suggests that the existing policy document, issued in December 1997 and reproduced as Annex A, should be revised on the basis of the following considerations.

14. A distinction should be made between host states which respect the provisions of the 1951 UN Refugee Convention and host states which fall outside of this category. This amendment is required to address the situation of those urban refugees who lack a secure legal status, who do not have a formal right to engage in income-generating activities, and who cannot benefit from the solution of local integration.

15. The policy document should make a distinction between the attainment of self-reliance, which is essentially a socio-economic process, and local integration, which requires a refugee to enjoy the legal and physical protection of the country where he or she has been granted asylum.

16. The notion of self-reliance should itself be more carefully defined. The policy document should make it clear, for example, that unassisted refugees cannot be regarded as "self-reliant" if they are living in abject poverty and are obliged to engage in illicit activities in order to survive. The document should also point out that refugees who have very limited access to public services and social support systems cannot realistically be expected to attain self-reliance.

17. The existing policy document states that UNHCR should promote self-reliance amongst urban refugee populations in ways that "respect the policies of the government". The document should make

an explicit reference to those situations in which government polices actually obstruct UNHCR's efforts to promote self-reliance.

18. A revised version of the policy document should recognize more clearly that urban refugee populations are not always the result of "irregular movements" from first asylum countries. The document should also acknowledge that refugees in urban areas do not always have the option of living in a rural camp or settlement.

19. The existing policy document fails to explain why refugees in urban areas are invariably expected to attain self-reliance, while refugees living in camps are often assisted indefinitely. The document also fails to explain why the provision of assistance to urban refugees should be based upon a periodic means test, whereas refugees living in a camp generally receive the same level of assistance, irrespective of their relative wealth and access to income-generating opportunities.

20. The policy document should underline the practical difficulties associated with the application of means-testing to urban refugees. It should also highlight the problems that are likely to arise when the termination of assistance and the promotion of self-reliance appear to be motivated by the need to effect a rapid reduction in UNHCR expenditure.

21. The policy document should place greater emphasis on the means whereby UNHCR encourages and assists urban refugees to establish sustainable livelihoods. More specifically, the policy document should underline the need for self-reliance programmes:

- to involve refugees as soon as they have been admitted to a country and their legal status has been determined;
- to be based on careful planning and preparation, as well as a detailed knowledge of the refugee population concerned;
- to draw on the expertise of organizations with an understanding of the local market and experience in the promotion of small-scale enterprise;
- to be based upon the principles of "people-oriented planning", and therefore to adopt an approach which is sensitive to the issues of gender, age, ability and culture.
- to be regarded as long-term investments, and therefore to receive the level of financial support that is required for effective planning, testing and implementation; and,
- to incorporate systematic monitoring and follow-up mechanisms.

22. While recognizing the demands which urban refugees often make upon UNHCR, the policy document should place greater emphasis on the need for the organization to establish a positive partnership with them. In accordance with this principle, the document should underline the importance of refugee participation and consultation, as stated in UNHCR's community services guidelines. UNHCR should also support the cultural, social and community development activities of urban refugee communities – a routine feature of the organization's programmes in rural refugee camps.

The New Delhi programme

23. Turning to the future of UNHCR's programme for Afghan refugees in New Delhi, the evaluation suggests that the organization should continue to monitor the welfare of Afghan refugees in the city, taking due account of their legal, physical, material and psychological security. In this respect, the evaluation notes with particular concern the long delay in filling the protection officer's post in New Delhi, and calls for immediate action to address this problem.

24. As well as monitoring the situation of the refugees, the UNHCR office in New Delhi should continue to pursue its current strategy: seeking a speedy and lasting solution to the residence permit problem; promoting the enactment of national refugee legislation; encouraging the Indian authorities to offer citizenship to Afghans, particularly those "of Indian origin"; and establishing a constructive dialogue with the refugees. To achieve this objective, UNHCR should approach the Indian government at the highest level with a proposal for a joint and comprehensive review of the refugee situation in New Delhi.

25. Because of the residence permit problem, UNHCR has been obliged to make special assistance payments to the most needy Afghans in New Delhi. The evaluation endorses this approach. For while it is true that large numbers of very poor people manage to survive in New Delhi without international assistance, refugees find themselves in a particularly disadvantaged position and do not have access to the same social support networks as many other residents of the city. As a general principle, moreover, UNHCR should not expect its clients to live well below the poverty line, even if many local people find themselves in that unfortunate position.

26. With regard to the promotion of self-reliance amongst the refugees, UNHCR should exploit whatever opportunities exist to achieve this objective. But in the current political climate, such initiatives will have to be small-scale and low-profile in nature, and they are likely to be very modest in their achievements.

27. If, however, it proves possible to resolve the residence permit problem and the Afghan refugees are able to compete more fairly in the local economy, a new self-reliance programme should be introduced. Such a programme should be based on rigorous research, be tested on a pilot basis, be adequately financed and managed by individuals and organizations with relevant expertise. It should also be accompanied by continued efforts to ensure that refugees in New Delhi are given the formal right to work, trade or establish a business.