Migration Governance:

The Evolution of Concepts and Institutional Framework in Afghanistan

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Introduction

With a rapid increase in displacement threatening to overwhelm Afghanistan's public services, migration management became a key priority for the Afghan Government and its international partners. While migration and displacement have been standard features of Afghan society and state formation over the past decades, the scope and complexity of the recent displacement wave presents a new risk to stability and development of the country. Beginning in 2015, an estimated 250,000 Afghans left the country, contributing in part to the migration and refugee crisis in Europe. Of this population, a significant percentage is expected to be rejected and returned to Afghanistan. This coincides with the return of Afghans from Pakistan reaching record levels, resulting in over 600,000 returnees recorded for 2016. Internal displacement, as well, is at an all-time high with an estimated one million Afghans displaced within the country. A comprehensive response to the migration crisis is urgently needed to mitigate its effects in a volatile phase of state-building in Afghanistan.

Against this background, Afghan and German partners jointly selected migration governance as one of six key topics within the Governance Forum Afghanistan (Govern4Afg). In a participatory process, the research team aimed to analyse the current policy and institutional framework in responding to the migration crisis and identifying existing capacity gaps. This policy brief summarises the findings and recommendations from the research published in an Issues Paper on 'Migration Governance: The Evolution of Concepts and Institutional Framework.'

Methodology

Both primary and secondary data were utilised to produce this analysis on migration governance. The desk research included review of legal and policy documents, ministry strategies, reports of relevant organisations and academic literature. Primary data was collected from November 2016 to February 2017 in multiple waves of Key Informant Interviews (KIIs). An initial phase involved KIIs in Kabul with representatives from governmental and international stakeholders, while a second phase of interviews was completed in Nangarhar Province. In addition, the study draws on two consultation meetings with stakeholders, which took place in January and March 2017.

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Two provinces, namely Kabul and Nangarhar, were selected for this study. As the research focused on governance mechanisms, Kabul as the political centre is where most stakeholders relevant for the study can be found. Nangarhar Province was included to ensure the research captures all levels of governance. The province provides unique insight into recent trends with regard to migration and its governance, as the vast majority of returnees chose to settle in Nangahar.

- ### Limitations of the research

A number of limitations need to be considered when utilisingthis study. Most importantly, migration governance in Afghanistan had been undergoing rapid change at the time of the research. The research, therefore, focuses on this transition process itself, and the factors that shape it, rather than attempting to make statements about the final structure it will lead to. As the study is primarily informed by policy research, it relies on the quality of secondary data provided. Where data gaps exist, these gaps can be substantial for understanding migration governance in Afghanistan. In that, the study is limited to pointing out the lack of information.

Key Findings

Initially, migration governance evolved as part of general development efforts and was driven by a focus on voluntary repatriation of Afghan refugees from Iran and Pakistan, and internal displacement. The adoption of the 'Policy on Internally Displaced Persons' in 2013 subsequently represented the most significant step in forming an effective governance system for migration. Its implementation through the Ministry of Refugees and Repatriation (MoRR), however, faced repeated delays and was accompanied by accusations of corruption and inefficiency. In December 2016, the Government of Afghanistan introduced the 'Policy Framework for Returnees and IDPs' to strengthen the effectiveness of migration governance and build the systems required for responding to the new quality in displacement.

In its conceptual approach to reintegration, the 'Policy Framework for Returnees and IDPs' does not represent a significant shift compared to the previous principles laid out by the IDP Policy. As had been the case in the IDP Policy, the new framework acknowledges reintegration as a challenge for public service delivery that requires an integrated, long-term response. Instead, the new policy framework focuses on re-allocation of functions, mainly with regard to the role of the MoRR. An additional coordination body—the Displacement and Returnees Executive Committee (DiREC) housed at the Office of the Chief Executive Officer (CEO)—re-organised policy and coordination functions that were previously held by the MoRR. Other core sectoral responsibilities, such as land allocation and durable solutions, have been moved from the MoRR to Line ministries. In essence, the 'Policy Framework for Returnees and IDPs' attempts to enhance migration governance primarily through re-structuring its coordination mechanisms.

This, in part, reflects lessons learned from previous years, as the MoRR has been uniformly identified by stakeholders as a major roadblock to effective migration governance, with the ministry standing accused of lacking capacity, as well as engaging in corrupt practices. As a result, the ministry lost credibility with stakeholders and became increasingly marginalised in policy and programming initiatives.

The focus on re-alignment of functions at the policy level, however, neglects other challenges that restricted policy implementation in the past and, possibly, were even more relevant. Lack of capacity, especially at the provincial level, proved to be a major hindrance, as did the weak integration between central and sub-national governance levels. These challenges persist, raising doubts about how effective the new policy frameworkwill be in mitigating the migration crisis in the short- to medium-term.

The marginalisation of the MoRR and the introduction of the DiREC also raises broader questions for governance in Afghanistan. In building parallel structures of decision-making instead of prioritising strengthening of existing institutions, it is one example for centralisation trends that transform Afghanistan's institutional landscape to date. An assessment of the political economy underpinning the decision-making leading to the new policy framework suggests that this is the result of political conflict between the parties participating in the National Unity Government, re-enforced by shifts in priorities of the international community. While accumulation of decision-making in political centres may be more effective in the short-term, stakeholders should not underestimate the long-term effects on political stability this approach carries.

For the MoRR, the current political environment implies a limited number of options for re-positioning the institution. With the crisis restricting access to resources, the MoRR will have to prioritise fields in which to invest. This may incorporate addressing issues of migration, which are currently neglected by the new policy and coordination systems.

The research shows that although migration governance has been subject to rapid change, expectations on its effectiveness in responding to the migration crisis need to be moderated. More attention needs to be paid to matters of policy implementation instead of policy-formulation at the central level. In that, the current migration crisis also re-enforces the need for strengthening of general planning and governance mechanisms, especially at the sub-national level as a pre-condition for effectively managing public service response to displacement.

Recommendations

For the government

- Develop a long-term strategy for DiREC and the functions it adopted by either institutionalising the committee or formulating a transition process in which its functions are reverted to original stakeholders;

- Prioritise and strengthen policy into action through bridging the centre-province divide and move close to where people are residing and require the most support;

- Clarify the role of DiREC and its support structures, including their funding requirements, in the long-term development of migration structures to ensure sustainability, and inform capacity-building strategies of the MoRR accordingly;

- Address the broader barriers to effective national and sub-national governance, such as planning capacity and integration of governance levels. Shift the focus from policy-making to implementation, and enhance the integration of levels of governance from planning to management;

- Assist the MoRR in clarifying its roles and responsibilities for returnees and IDPs, and re-define allocation of functions where necessary.

For the MoRR

- Conduct a strategic review that generates a joint assessment on the factors that hampered institutional development in the past;

- Identify and implement initiatives that foster credibility of the MoRR among both national and international stakeholders;

- Define MoRR's role as the leading organisation that will coordinate and serve as the focal point for refugees' and returnees' concerns. The challenge is enormous and needs a concerted effort among governmental organisations, rather than becoming the sole responsibility of MoRR. Therefore, there remains a need to sharpen MoRR's roles and responsibilities to address the refugees and returnees' issues.

- Revise the ministry's strategic plan to align the policy frameworkfor returnees and IDPs,as well as the prioritisation of roles prepared by the MoRR.

For the international community

- Align reintegration programmes to the government's comprehensive approach of streamlining reintegration into public service delivery, and shift the focus to support the strengthening of the institutional systems that deliver these services;

- Re-visit the current position on limiting engagement with the MoRR to assess whether space for cooperation exists that could assist the MoRR in breaking the cycle of distrust and lack of capacity;

- Utilise migration governance as a case study to review the general strategic approach to institution-building and development in Afghanistan;

- Systematically evaluate past efforts in capacity-building to counter subjective perceptions with a comprehensive understanding of its potentials and limitations, as well as the effectiveness of individual methods and instruments.

Further study on the theme

- Conduct a full-scale, nationwide study on migration governance at the sub-national level, especially in provinces of high return;

- Further explore the dichotomy of coordination and implementation functions to formulate strategies for institutions focused on policy-making and coordination, such as the MoRR, and develop strategies that enhance their effectiveness.

About the Afghanistan Research and Evaluation Unit

The Afghanistan Research and Evaluation Unit (AREU) is an independent research institute based in Kabul. AREU's mission is to inform and influence policy and practice by conducting high-quality, policy-relevant research and actively disseminating the results, and by promoting a culture of research and learning. To achieve its mission AREU engages with policy makers, civil society, researchers, and students to promote their use of AREU's research and its library, to strengthen their research capacity, and to create opportunities for analysis, reflection, and debate.

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