Surveillance as Protection – or Protection as Surveillance?

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Collection and processing of statistical data was an important part of the work of the Kabul Branch Office. An entire section (the Data Section) was dedicated to this work, and controlled a vast, region-wide IT system. The section was networked with all the Sub-Offices in Afghanistan, which were themselves linked to the Encashment Centres and the border crossing points, and with the Data Sections in Tehran and Islamabad, controlling their own nationally centralised systems. This structure produced an impressive amount of data that could be used to determine the location of the Afghan population in Iran and Pakistan as well as returnees in Afghanistan, and to classify them in terms of 'place of origin' and demographic characteristics, all updated daily. All of these data, presented in the form of maps or statistical tables, were assembled in a fifty-page folder that was my bible, kept at hand to help me to answer donors' questions and write my reports (UNHCR 2007d). The UNHCR's main source of legibility for Afghan migrants was the documents they possessed – the *Amayesh* cards discussed earlier, and the 'Proof of Registration' cards and repatriation certificates considered in this chapter. Establishing administrative surveillance mechanisms, in the form of procedures for census, identification, registration and issue of documents, forms an essential part of the UNHCR's activity. As an illustration, between 2001 and 2008, as the organisation committed substantial resources to the region, four million Afghans were counted in Pakistan and three million biometric cards were issued. In addition, all of the four million Afghans returned from Iran or Pakistan under the repatriation programme were registered and issued repatriation cards.

The UNHCR's administrative surveillance has been studied mainly in localised contexts, such as the camps, or at distribution points for individual

aid packages. In such contexts, enumeration and census procedures are often seen as the expression of an ideology of control and the nonparticipatory nature of refugee aid programmes (Harrell-Bond 2002: 61–62; Harrell-Bond et al. 1992; Hyndman 2000: 130–31). But these authors seem to forget that administrative surveillance underpins the work of all kinds of bureaucratic institutions, including those of liberal states. As for the studies that examine the UNHCR's work at large, they mainly focus on the camps and on the selection of migrants, and the resulting effects of confinement and containment (Agier 2011; Scheel and Ratfisch 2014; Valluy 2009); less attention has been given to identity documents and administrative surveillance mechanisms. However, the latter have been extensively studied by researchers focusing on the policies of control and externalisation of migration adopted by Western states since the 1990s (Bigo and Guild 2005; Broeders 2007; Farraj 2011; Schuster 2011; Torpey 2000). Even so, in these studies it is usually the role of the IOM rather than that of the UNHCR that is highlighted (see, for example, Andrijasevic and Walters 2010).

In this chapter I examine the mechanisms of administrative oversight of Afghans that the UNHCR helped to establish in the Afghanistan-Pakistan region between 2001 and 2008. I first consider why the UNHCR needed to create these mechanisms. I then describe three key UNHCR programmes in the region and the forms of administrative surveillance that accompanied them: the census of Afghans in Pakistan, the monitoring of flows under the repatriation programme, and the monitoring of movement recommended in the ACSU strategy. Analysis of these surveillance mechanisms reveals the paradoxical nature of the UNHCR's policies: aiming to incorporate migrants administratively into states, they effectively integrate them into systems of state control that necessarily restrict their movement. For the millions of Afghans concerned, these programmes naturalised their link with the Afghan state, emplaced them definitively in Afghan territory and made any subsequent movement illegal. This paradox is particularly striking in a region where states had not developed surveillance mechanisms comparable to those of modern liberal states – it is precisely this absence of monitoring that has enabled Afghans to move relatively freely within the region in recent decades. I further show that the government of Afghan migration promoted by the UNHCR is not purely a matter of confinement, exclusion and selection; a rationale of *incorporation* is at work that, at the same time as it promotes a sedentary order in which the relationship between populations and territories is subjected to the national order, operates to exclude Afghan migrants by *emplacing* them and by *illegalising* their movement. It therefore becomes clear that even though it is presented as a strategy to support movement, the ACSU project ultimately does not escape this rationale, because state control of movement is considered the fundamental prior condition.

The UNHCR and Administrative Surveillance of Non-nationals

Mechanisms for enumeration and registration are established by bureaucratic institutions operating over vast territories, their aim being to govern a population. In order to create and then implement public policies, the institution needs to capture and get a grip on the population. It was in the seventeenth century that European states began to develop mechanisms of administrative surveillance enabling them to exert authority over the population from a distance. These mechanisms were based on a key moment of contact between the individual and the institution. The link thus created was sanctioned by the issue of a document unique to its bearer, thanks to elements the institution could verify (birth and marital status, signature, or indeed biometric data such as a photograph or fingerprints). For the individual, the administrative identity thus established determined their status vis-à-vis the institution concerned, including the entitlement to enjoy the treatment or rights of which the institution was guarantor. This procedure enabled the institution not only to identify individuals, but also, since the standardised information gathered could be processed statistically, to get a hold of the population as a whole.

Administrative surveillance mechanisms are therefore central to the 'governmentalization of the state' (Foucault 2009), particularly its capacity to exert regulatory authority over a population. James Scott introduces the concept of *legibility* to describe the state's effort to organise the population in way that facilitates the exercise of its administrative functions of taxation, conscription and suppression of revolt, and also of redistribution of resources and access to rights. Its aim was 'rationalizing and standardizing what was a social hieroglyph into a legible and administratively more convenient format' (Scott 1998: 3).

The state developed tools for capturing the population (censuses, the land register, registration of births, marriages and deaths), and standardised categories for structuring this knowledge (property, location and identity). The population thus became fixed on paper, containable in a single gaze; it was henceforth accessible and manageable (Scott 1998). Gérard Noiriel (2001) describes the process whereby the state developed the capacity to identify each citizen, to track them from birth to death, and to situate them in their proper location, as an 'identification revolution'.

This infrastructure of identification also underpins states' capacity to draw a distinction between members and nonmembers, and to assign different treatments to each (Noiriel 2001; Torpey 2000), including preventing or punishing unauthorised residence. The distinction between nationals and non-nationals can only be established by reference to documents that thus become the signifiers of nationality.[1] Foreigners who do not possess documents certifying their eligibility to enter the territory (passport, visa or residence permit) are not authorised to be there. And as the state is able to identify

nationals, regulation of immigration also takes place passively, since the mere physical presence of foreigners in state territory does not confer access to rights. Documents thus establish a genuine border: if the geographical boundaries of a state mark the perimeter of its territory, identity documents mark the perimeter of its population.

The UNHCR's needs are similar in many respects to those of states. Whether in order to identify the population 'under its mandate', to formulate appropriate recommendations, to plan its programmes or to administer the distribution of aid, or indeed to seek funds from donors or negotiate with host states, the organisation needs to get a grip on the populations concerned. This requires quantitative data that capture the population in question and thus render it accessible to administration (Crisp 1999b): how big is it, what are its demographic characteristics and its location? The establishment of mechanisms of identification, enumeration, registration and issue of documents is therefore often a priority in UNHCR interventions. There is a 325-page manual entirely devoted to this process, which opens with the words: 'Registration of refugees and asylum-seekers is, first and foremost, a key protection tool' (UNHCR 2003c).

Conclusions 91 (LII) and 102 (LVI) of the Executive Committee encourage the UNHCR and states to introduce and improve mechanisms of identification and the issuing of documents to refugees and asylum seekers, and to enhance them through the use of new technologies. For the UNHCR, these procedures are first and foremost a way of making a population visible and accessible. To be gotten hold of and identified is to exist for the organisation; this is thus the only way to gain access to its assistance. Here, then, surveillance, in the UNHCR's understanding, returns to its etymological meaning of 'watching over'.

The mechanisms for surveillance of Afghan non-nationals established by the UNHCR were strongly linked to state machinery. While the UNHCR can easily set up registration procedures at a local level – in a camp, for example – it is more complex on a bigger scale. The organisation did not have a large enough infrastructure or a sufficiently extensive presence in the territory. Logistically data collection can only be carried out at a local level, going over entire regions with a fine-tooth comb or by intercepting people as they move. The UNHCR is therefore forced to fall back on, or at least to collaborate with, states, which are better equipped in terms of their presence in the territory, staff and infrastructure. This creates a screening effect: it is difficult or even impossible for the UNHCR to capture individuals and flows in places where the state has not established its own administrative hold.

The link with state machinery is not only a matter of operational requirements: one of the UNHCR's explicit objectives is that states should identify and regulate non-nationals. The state is seen as the ultimate frame within

which people and things are governed. Absence of state action is the source of refugees' vulnerability, and it is by reinserting the refugee into a state framework that protection is re-established (see Chapter 2). A protection situation therefore implies that the non-nationals concerned be incorporated with a defined status into a state jurisdiction. Associating them with states, making them discernible and governable by the state, is consequently seen as a prerequisite for their protection.

The methods and issues involved in the concrete implementation of the administrative surveillance procedures promoted by the UNHCR thus depend strongly both on the control states have over their jurisdiction and on their attitude towards the population concerned. If this attitude is not compatible with the UNHCR's priorities, the establishment of such mechanisms becomes the focus of delicate negotiations.

Like European countries, Iran has developed a centralised, efficient system of identification and documentation. The 2001 census of Afghans was conducted at the initiative of the Iranian government, without the UNHCR having any say in the matter. Tellingly, it did not include any questions on 'protection needs', a criterion that was fundamental for the UNHCR, but inconvenient for the government. Furthermore, the Iranian authorities were always reluctant to share data from the census and from renewal of cards, and this was a continual point of contention with the UNHCR. The Afghan and Pakistani states, on the other hand, had much less administrative command of the territories and populations in their jurisdiction. Here the UNHCR had a much greater role and influence in establishing and running these mechanisms. But it still had to compromise with the Pakistani authorities' priorities.

An Illegible Population

Up to the early 2000s, the Afghan population in Pakistan was a submerged, illegible world for the UNHCR. Neither the UNHCR nor the Pakistani government had a precise idea of its size, its demographic characteristics or its location outside of the camps. The figure of two to three million put forward at the end of 2001 was merely an approximate estimate based on the population in the camps, and was impossible to verify, owing to the size of the population and the regions involved (millions of individuals, an entire country, a border over 2,000 km long), and also to the fact that Afghans' movements and their presence in Pakistan had not previously been subject to administrative surveillance by the Afghan and Pakistani states.

The Afghan state had not developed documentation mechanisms comparable to those of European states, and the decades of conflict had disrupted those that were in place. Since that time, the majority of people had not been

registered at birth and had no identity document (*taskira*). The most recent census dated back to the 1970s. The UN plan to organise one did not come to fruition. Since 2002, electoral registers and voting cards had been the most widespread means of identification and documentation in the country. Passports, which were only available in Kabul, were not common and remained too expensive for the majority of the population.

Up to the 2000s Afghans had always entered Pakistani territory freely, without being subject to state monitoring. There is a strong history of cross-border movement and the border is porous. It was drawn in 1893 to suit British colonial policy and did not correspond to any ethnic or geographical reality. It bisected Pashtun territory, which extended from the Peshawar valley to Kabul, as well as the Kandahar valley and the Helmand valley as far as Quetta. The Pashtuns share a language (Pashto) and a customary law (*Pashtunwali*) (Barth 1998; Centlivres 1988; Edwards 1996). This border therefore never represented a real separation (Green 2008; Nichols 2008). It is in any case more visible on maps than on the often mountainous ground, where it is sometimes not even marked. Moreover, the two states themselves had not officially recognised it: Afghanistan had not renounced its claims to the Pashtun zones located on the Pakistani side, and Pakistan exploited this fact to exert its influence over Afghanistan (American Institute of Afghanistan Studies and Hollings Center for International Dialogue 2007). These interests combined with the two states' physical inability to truly control it. During the 1980s, this border was a key site of resistance, transfer of weapons and Mujahideen activities; in the 2000s, it was the nerve centre of drug trafficking and Taliban guerrilla activities in Afghanistan. People moved freely across it, including at Torkham, one of the two main border crossings, where the state authorities often did not ask to see any documents.[2]

The Pakistani government had never granted formal status to Afghans present in its territory or issued documents authorising their residence. The only exception was in the 1980s, when some of the families living in camps were issued cards (*shanakhti*) for the purposes of organising food distribution. Afghans had never been counted or identified: the 1998 census completely ignored this population.

Some Afghans settled in camps in the North-West Frontier Province (NWFP) and Balochistan, officially designated 'Afghan Refugee Villages'; others spread freely through the remainder of the territory, mainly in cities. The regions where the Afghan presence was densest were the Pashtun regions adjacent to the border, known as the Federally Administered Tribal Areas (FATA). Here the Pakistani state's hold was weak. Since the colonial era, this region, with a population of some three million people, had always enjoyed semi-autonomous status, and the state had never been able to establish direct control. Pashtun tribal custom was the inescapable frame within which security

and individual access to resources were negotiated, where *Pashtunwali* was more powerful than the state's law and justice, and state infrastructures was reduced to the minimum (Abou Zahab 2010; Rashid 2008). Here the tribal order was an essential intermediary for the Afghan and Pakistani states. For individuals, the relationship to the state via the bond of nationality was not the only nor the most important criterion for gaining access to the resources essential to subsistence and to social and political participation. This is clear from the welcome offered to Afghans in the frontier regions of Pakistan during the 1980s: the dominant criteria for settling there were being Muslim and Pashtun, in a Muslim and Pashtun area, rather than being an Afghan in Pakistan (Centlivres 1988; Centlivres and Centlivres-Dumont 1999; Edwards 1986; Shahrani 1995). *Pashtunwali* advocates hospitality (*melmastia*) and asylum (*panah*) for all members of the ethnic group. Islam prescribes the duty to migrate from lands where its practice is repressed (*dar al-kufr*) to those where it is freely practised (*dar al-Islam*).

Finally, it should be noted that by the end of the 2000s, the Pakistani state still had not developed an identity documentation structure efficient enough to identify its own citizens, and thus distinguish them clearly from foreigners. Kamal Sadiq (2009) shows that in Pakistan, as in other postcolonial contexts, many immigrants had access to basic rights without having a formal status, and that some obtain formal citizenship by illegal means, paradoxically becoming more official than locally born people who still do not enjoy citizenship. During the 1980s, many Afghans found conditions sufficient for subsistence and settled in the long term. Some even acquired Pakistani identity cards.

The Census of Afghans in Pakistan

Prior to the 2000s, the UNHCR had never attempted to grasp the Afghan population in Pakistan in its entirety. This was initially because the attention of humanitarian agencies was focused on the camps. Then, during the 1980s, Afghans were well received, and the absence of regulation meant that they could enter and settle in Pakistan freely. Subsequently, lack of funding and the size of the task discouraged any urge to establish administrative surveillance mechanisms. However, after 2001, more accurate data became essential for the UNHCR, for two reasons: first, in order to better manage and coordinate repatriation and reintegration programmes (information on the population's places of origin, for example, would have enabled reintegration programmes to be adapted in advance to the potential locations for return); and, second, given the now overtly restrictive policies in Pakistan, the organisation needed to be better informed to argue its case. In this new situation, the UNHCR had more resources and authority. It therefore proposed that the Pakistani

government conduct a census to count and establish a profile of the Afghan population in Pakistan.

The organisation of the census was the subject of lengthy negotiations between the UNHCR and the Pakistani government. The UNHCR secured the right to organise the process, but at the price of compromising with the Pakistani authorities, who were more interested in encouraging repatriation than in granting rights to Afghans. Negotiations focused on two central issues: the information to be gathered and the legal consequences of the census.

By common agreement, assessment of the 'protection needs' of Afghans in Pakistan was deferred. Pakistan would have risked having to manage an enormous population that it could not easily get rid of. The UNHCR preferred to wait until it was able to screen a smaller population. The 2003 Tripartite Agreement had in fact specified that at the end of the repatriation programme, there would be screening of 'residual caseloads' to identify Afghans 'in need of international protection' (Agreement 17/03/2003, Article 6.2). The UNHCR had succeeded in getting this clause included, under which Pakistan indirectly recognised that not all Afghans would have left the country and that some of those who remained might need long-term residence permits.

The UNHCR ultimately had substantial input into the design of the questionnaires. It was thus able to include questions seeking information it required for planning its programmes and arguing against the Pakistani authorities' restrictive policies. These included, for example, place of origin in Afghanistan, date of arrival in Pakistan, intention to return to Afghanistan and the motivation for this choice. These data subsequently served as evidence for the assertion that the Afghan population was made up of individuals who were durably settled, had little inclination to return, often originated from regions where conflict was ongoing and owned no property in Afghanistan. Moreover, the census enabled the UNHCR to identify hundreds of thousands of people raising 'special concerns' who were priority for aid.[3]

In terms of the status of Afghans in Pakistan, the interests of the Pakistani authorities prevailed. It was agreed that the count and data collection would be followed by the issuing of temporary residence permits lasting three years. Called a 'Proof of Registration' (abbreviated to 'PoR card'), these were biometric documents showing the photograph and fingerprints of the bearer (see Figure 11.1). Given the pressure for return that the Pakistani authorities had been exerting since 2003, it is clear that in their eyes, the census was primarily a way of legally getting rid of a substantial proportion of Afghans, since the repatriation programme involved cancelling the residence permit. This formalised residence permit can therefore be seen as the formalised end of residence. Moreover, these documents conferred only right of residence, and not the right of movement or to work. They also made it possible to take a harsher stance towards Afghans who had no residence permit. This mechanism was similar

to that initiated by the 2001 census of Afghans in Iran (see Chapter 7) and to the strategy common in EU countries whereby some migrants are registered in order to better exclude or even deport them (Engbersen and Broeders 2009).

From the UNHCR's point of view, the situation was certainly not ideal, but the census was seen as an efficient way of saving time. UNHCR staff hoped that at the end of these three years, with concessions from the organisation, negotiations would result in the establishment of an adequate asylum system, procedures for controlling cross-border movements, and provisions for long-term residence. Moreover, since all those counted were officially protected from deportation until 2009, the UNHCR would have had a strong argument to counter the growing pressure for return. The organisation had also secured assurances that residence permits would be renewable (under procedures to be decided later). From this point of view, they offered a form of protection, even if it was basic and uncertain.

The census operation, sanctioned by two agreements (Memorandum 19/04/2004, Memorandum 19/04/2006), was jointly conducted, drawing on the parties' respective resources and priorities. The UNHCR provided much of the funding. These funds came primarily from the European Union, the United Kingdom and the United States, which were well disposed towards the census in view of their security concerns regarding the 'war on terror' and combating the Taliban. The Pakistani state made its infrastructure available:

Figure 11.1. 'Proof of Registration' (PoR) card. https://media.unhcr.org/ © UNHCR/Duniya Aslam Khan

the census was conducted by the Population Census Organization, which assigned 3,143 agents who went over the whole of the national territory with a fine-tooth comb. The registration process employed over 1,000 agents distributed through 100 registration centres, as well as mobile teams; here it was the National Database and Registration Authority, a department of the Interior Ministry responsible for issuing Pakistani identity cards, that made its infrastructure available. The UNHCR supervised the operations, organised training for the agents and monitored their work throughout the process.

The census took place early in 2005. A total of 3,049,268 Afghans were counted, a figure that far exceeded the UNHCR's predictions.[4] The data collected were statistically processed and compiled into a seventy-page publication (UNHCR, SAFRON, and PCO 2005). Subsequently, between October 2006 and February 2007, 2,153,088 residence permits were issued (SAFRON, NADRA and UNHCR 2008).

The census marked a turning point in the government of Afghans in Pakistan. From a situation of generalised informality, a large proportion of them had become visible, legible and quantifiable for the UNHCR and the Pakistani government. From this point onwards, only Afghans who held a PoR card existed in the eyes of these two institutions. They could either apply to the repatriation programme or be protected against deportation. For those who could not produce this magic key (those who had chosen not to present themselves for the census and all those who had arrived after it took place), the Pakistani state's decrees were final: from April 2007, they would be considered 'illegal migrants' and treated in accordance with national laws (in other words, deported or punished).[5]

Oversight of Returns

The programme for repatriation from Pakistan was introduced in the early 1990s, following the retreat of the Soviet Union from Afghanistan. But it was not until late 2001 that it was adapted to allow thousands of people to take advantage of it each year.[6] The programme rested on a transnational infrastructure. Here too, the UNHCR drew on state administrations at the same time as providing essential resources in the form of funding, its transnational presence, its expertise in repatriation programmes, and its data collection and processing technology. In late 2001, all the states concerned were in favour of the programme, its introduction did not involve difficult negotiations, and the UNHCR was free to organise and run it as it wished.

The programme infrastructure consisted of Repatriation Centres in Pakistan, run by teams from the Pakistani Commissionerate for Afghan Refugees (CAR) and the UNHCR. Those who wished to take advantage of the

programme had to register and were issued a Voluntary Repatriation Form.[7] At the same time, Encashment Centres were set up in Afghanistan, on the main access routes, where teams from the UNHCR and the Afghan Ministry for Refugees distributed return aid. In 2007 there were still five active Repatriation Centres in Iran, as well as two in Pakistan and six Encashment Centres in Afghanistan. The journey was made independently. The repatriation card was the keystone of the programme: when they arrived at an Encashment Centre in Afghanistan, returnees had to present this document in order to receive aid (see Figure 11.3).[8] This showed details of the registration procedure that made the document unique and identifiable, followed by information on the bearer and their family, place of residence in the country of asylum and place of origin (or destination) in Afghanistan. This card certified the movement of the individual from one state jurisdiction to another. The person ceased to be considered a refugee by the UNHCR, but could receive return aid and would be oriented towards reintegration programmes for which only returnees were eligible. During field visits, I noted that UNHCR officers regularly asked to see the repatriation card in order to verify the eligibility of the person concerned (see Figure 11.4). People kept these documents carefully on their person, often in plastic bags to prevent them getting damaged, given that this was often the only document the individual, and indeed the entire family, possessed.

At the end of 2002, a further surveillance procedure was introduced in these centres in order to prevent return journeys aimed at obtaining the aid several times over. When the repatriation card was issued, the holder was subject to an iris scan. The resulting database could be used to verify that the person in question was indeed accessing the programme for the first time.

For the UNHCR, the repatriation card also represented a powerful tool of legibility. Not only did it make it possible to identify each returnee and their family – and hence, for example, to verify that he had indeed received the aid he was due, or to reunite families – but it also gave access to an overview of the whole of the repatriated population. In addition, computer processing of the data enabled the UNHCR to monitor the progress of return day by day, as noted in Chapter 8. The result was a synoptic view of returns over time (see Figure 11.5). In addition to making it possible to adjust reintegration programmes, these data were also presented as tangible proof of the 'success' of the programme, and helped to secure further funds for its continuation.

This infrastructure made it possible to control the returns of Afghans and to orchestrate it in such a way that they were 'processable' by the UNHCR and the Afghan state. Return migration took place in an orderly way that was transparent to the UNHCR, in a predictable timeframe and following an expected trajectory, since there were points that people had to pass through: if the person wanted to receive aid, they could only do so at point B, on condition that they had first passed through point A.

Figure 11.2. Checking PoR cards in a Repatriation Centre in Pakistan. https:// media.unhcr.org © UNHCR/Vivian Tan

Figure 11.3. A returnee showing his repatriation card to a UNHCR officer. Photo by the author.

WEEKLY RETURN TRENDS 2007

Branch Office Kabul-Afghanistan

Weekly Return Trends -2007

DAILY & MONTHLY RETURN 2007

CUMULATIVE RETURNS FROM 3 MAR 02 - 07 Dec 07

Figure 11.4. Statistical data relating to the repatriation programme (2001–7)
(UNHCR 2007d: 14) © UNHCR

The Management of Movement Recommended by the ACSU Project

The third administrative surveillance system promoted by the UNHCR was that recommended in the ACSU strategy. 'Management of population movements' of Afghans in the region is an expression that recurs frequently in the project's strategy documents (UNHCR 2003a, 2007a). It refers to one of the project's aims: to reach a situation where all international movements, and therefore all Afghan presence in any of the three countries, were known to and managed by the respective states. This strategy did not call either repatriation procedures or the census into question. The census in particular, in addition to being a tool for good 'management of population movements', was seen by the strategy's authors as a crucial source of information to be used in negotiating with the Pakistani authorities.

Through the ACSU strategy, the UNHCR encouraged the Afghan, Iranian and Pakistani states to establish bilateral systems to regulate the movement of migrant workers. The aim was to render the 'hieroglyph' of Afghan movements legible and therefore subject to management by states. To this end, the ACSU project recommended establishing a process similar to that of the repatriation programme, but to be run by the states themselves, initially with support from the IOM and the ILO. Training was organised to support more efficient management on both sides of the border: an improved infrastructure, an increased number of state agents (police and administrative staff), efficient border control procedures. The UNHCR also advocated establishing a more efficient and accessible system for the issue of visas by the Pakistani and Iranian embassies and consulates in Afghanistan. In order for this to become possible, Afghanistan had first to improve its own system for issuing passports – hence the need to support the Interior Ministry. This institutional infrastructure would enable states to manage movements in both time and space.

Although the UNHCR does not usually concern itself with the movement of nonrefugee migrants, the thinking behind the ACSU project here aligned with one of the institution's unwavering positions: migration that takes place in full view of institutions helps to reduce the vulnerability and precarity arising from recourse to people traffickers and undocumented residence (UNHCR 2000b, 2005d, 2006e, 2007a: 5, 9, 2009). In the UNHCR's view, having to resort to smugglers or people traffickers made migration financially expensive and personally dangerous. In the host country, the lack of official status exposed migrants to exploitation in the labour market and to punishment by the police (arrest or deportation).

The Establishment of the National Order

The administrative surveillance mechanisms introduced (or promoted) by the UNHCR were centred on strictly nation-based principles. The organisation's work is dedicated to associating 'displaced' people with a state and incorporating them effectively into a state jurisdiction, by defining and activating a link based on nationality. Within a few years, the people who had been counted in the census and/or participated in the repatriation programme were administratively identified as 'Afghans', and had thus become governable by the UNHCR and by the Afghan and Pakistani states, either as citizens in Afghanistan or as non-nationals in Pakistan.

Thus, the UNHCR's activities worked towards establishing the national order in this region of the world. The organisation strove to enact an order in which the relationship between individual and territory was subject to the logic of the nation-state – a logic that partitions the world and its population, by means of exclusive bonds between portions of the world's population and their states of nationality – and sought to incorporate 'displaced' people into that order. In this order, nationality is the principal characteristic of human beings, the criterion that determines their place in the world and how they should be governed (Hindess 2000, 2002).

A number of those who have studied the spread and establishment of the nation-state have argued that rather than pre-existing the state, the 'nation' derives from institutional activity, particularly the capacity of states to instil a sense of national belonging in the population (Anderson 2006; Balibar and Wallerstein 1991: 88; Hobsbawm and Ranger 1983; Noiriel 2001; Roy 1997). These studies focus on the institutional infrastructure essential to nation-building, a process often led by the elites who control the state. Anderson's definition (2006), in his description of the nation as an 'imagined community', emphasises precisely the material means (the press, censuses and museums) without which it is impossible to imagine the nation as a sociopolitical community. Hobsbawm and Ranger (1983) analyse the role of the state in the 'invention of tradition', the production of a common history. Noiriel and Roy focus on nation-building as a process of state expansion and manufacture of a habitus: the reality of state institutions is manifested in the everyday gestures of people, contributing to constituting them as a nation.

In the current case, the vectors of nation-building were the documents issued (PoR cards, repatriation certificates, passports and visas) and the systems of administrative surveillance dependent on them. The UNHCR was active at the level of both individuals and states, first connecting them and then shaping their relations in accordance with the nation-state model. The UNHCR's nation-building project was split into two parts: first, it had to establish the national distinction between Afghans and non-Afghans, and to

demarcate the Afghan and Pakistani jurisdictions territorially; and, second, it had to ensure that the two state administrations were capable of making these differences operative, and used them for the purposes of governing.

The census and the repatriation programme thus worked to manufacture the Afghan nation. These mechanisms sanctioned individuals' identity as Afghan nationals subject to the Afghan state. By identifying its bearer as an 'Afghan citizen temporarily resident in Pakistan', the PoR card assigned an administrative identity based on nationality. The repatriation certificate was effectively an identity document for returnees, since possession of it ensured eligibility for reintegration programmes and facilitated the issue of an Afghan identity document. Individuals were thus marked as nationals: through the use of biometric data (iris scans, fingerprints and photographs), nationality was permanently bound to their bodies. Rooted in the physical, it thus became naturalised (Douglas 1986). The relationship was unique: no one can be bound by this same bond to two states at once. This was evident from the fact that the UNHCR and the Pakistani government, aware that some people had been able to procure Pakistan identity documents, forbade all those who possessed them from taking part in the census.[9] For an individual, being classified as an Afghan national had important consequences: their exclusive bond with the Afghan state was now certified. In the rest of the world, they would be merely a foreigner.

In addition to acting on individuals, the UNHCR also intervened with states, encouraging them to promote national difference and to use it as a basis for governing. Although the establishment and management of these mechanisms could often be a source of tension, the UNHCR worked to consolidate and extend the Afghan and Pakistani states' control over migrants. The model followed by the UNHCR is that of a state with a legal apparatus and an efficient identity infrastructure that enables it to monitor and regulate migration. States' power to control was strengthened through the training and supervision the UNHCR provided to Pakistani government staff employed on the census and to staff from the Afghan Ministry of Refugees assigned to the repatriation programme, as well as through training offered to Afghan and Pakistani border officials by the ILO and the IOM, which the UNHCR recommended. In the interim the UNHCR partially replaced the states; for the time being, it was the repatriation programme that made the international border operative, through the Repatriation and Encashment Centres.

In contrast to the nation-building processes studied by most researchers, this project is distinctive in that it was promoted not by a state, but by an international organisation: it was not the state elites who first imagined the nation and sought to make it tangible, but the officials of an international organisation.[10] The aim was not to establish the internal and interstate legitimacy of a particular state as a nation-state, but rather to consecrate a link between

individuals and territories, seen as the fundamental criterion for global government and modernity. Its other distinctive feature was that the first to be defined as nationals were located in other countries. Rather than as nationals, they had to be recognised as non-nationals so that they could be governed as foreigners.

UNHCR officials pursued this nation-building process largely unconsciously. In this interstate agency whose mission is rooted in the national order, that order is understood as the normal state of affairs. The nation-state is seen as the only viable form of political organisation, *the* premier context in which politics and social relations are conducted. Individuals are national citizens before being, for example, Pashtun or Baloch. Thus, 'ethnicity' usually does feature only as a demographic or socioeconomic characteristic. UNHCR officers imagine that mutually exclusive national populations exist by nature. 'Afghans' in Pakistan are therefore theoretically immediately identifiable, as if there was a direct natural link between them and the Afghan state that pre-exists identification procedures, and is merely formalised by these procedures. The inability of the Afghan and Pakistani states to make national difference effective was seen as a deviance to be rectified, since 'normal' states were able to control their borders. The nation-building process was therefore seen and presented as the remedy for a lack of competence, a normalisation. The fact that the UNHCR Head of Mission in Kabul argued for the 'normality' of controlled borders clearly demonstrates this teleological focus towards an ideal model of the regulatory nation-state with strong control:

> there are a very large number of Afghans moving in both directions every day. This is an entirely normal situation. However what is not normal about it … is that the vast majority of these movements are not regulated … I think you will agree that this is not a normal situation for any international border. (UNAMA 2009)

The UNHCR's nation- and state-centred vision incorporates a reductive and false understanding of power and the reality of migration. The hypotheses that structure it fail to grasp the complexity of exercising power in Afghanistan and Pakistan. In this region, the logic of the nation-state only partially explains the formation of states, political organisation and social belonging. The nation-state model appeared there in the nineteenth century, imposed by British imperialism. Experts on the region agree that rather than this exogenous model being 'imported', it was 'grafted' (Bayart 1996, 2006), in an implantation process specific to each historical context. Thus, although the model did result in political reorganisation and shifts in identity (Pakistan, after all, emerged from the division between Muslims and Hindus in India), it also had to be articulated with other pre-existing political, social and moral institutions, such as tribal or ethnic systems. This resulted in states that root their legitimacy

and assert their authority in ways different from those of modern Western nation-states, and a situation where several political, legal and social systems co-exist. It is precisely the complexity of the relationship between the state and the political institutions that pre-existed it that shapes the contemporary politics of the two countries (Barfield 2010; Edwards 1986; Roy 1985).

How, then, is the UNHCR's position to be explained? I have noted that the hypothesis of the national order underpins the paradigm of the 'refugee problem' and therefore the UNHCR's mission, making it difficult for the organisation to distance itself from that order. Moreover, the nation-building process promoted by the UNHCR can be seen to have the implicit goal of constructing a world in which the organisation's activity is both legitimate and facilitated. Implanting the nation-state order implies reinforcing the UN's legitimacy and raison d'être, which is based on the hypothesis of a world organised politically and socially around nation-states. Strengthening the Afghan and Pakistani states' control in line with the nation-state model was therefore an exercise in making the world conformable. This resulted in the creation of a more legible and negotiable field, thus facilitating the pursuit of the organisation's own project. The nation-state as a tool of legibility of the world is particularly important for an international body that acts at the planetary scale: it is through this vision that the world can be grasped as a homogeneous whole and thus becomes 'manageable'. Ultimately, nation-building contributes to shaping the world in accordance with the organisation's viewpoint, making its mission meaningful and viable, so that it can rightfully participate in the government of the world.

The establishment of the national order promoted by the UNHCR has two consequences. At the political level, the effect is as noted in Chapter 9: the organisation is indirectly involved in creating a hierarchy among models of political organisation, and thus in a hegemonic process. The UNHCR presents a specific form of political organisation – the nation-state as it developed in Western countries during the nineteenth and twentieth centuries, as a direct consequence of the assertion of democratic and liberal principles of political legitimacy – as a universal model. This immediately establishes a hierarchy between states – normal versus abnormal, those that 'already' operate as they should versus those that do not 'yet' do so.

In terms of the UNHCR's activity, I show below that this nation- and state-centred position also gives rise to a paradox and a serious shortcoming. The paradox lies in the effort to enact the nation-state order and to incorporate migrants into it with the aim of protecting them, when this sedentary order actually works to emplace them in Afghanistan and restricts their possibilities for movement. The shortcoming emerges in the failure to recognise processes that in fact have a much greater impact than state action on the dynamics of migration and migrants' decisions.

Exclusion through Emplacement and Illegalisation

There is no denying that the state framework can offer real resources. To the extent that states exist and are, to varying degrees, effective, being able to claim an official link with them can allow people to claim rights and to benefit from certain services. But state control of migration can also impose powerful restrictions on the movement of any individual. As holders of 'legitimate means of movement' (Torpey 2000), in the national order states are free to decide the conditions under which non-nationals may enter and stay in their territory. This power also extends to the legitimate use of force to expel foreigners not authorised to stay. There is therefore often a misalignment between the aspirations of people who wish to migrate and their possibilities for doing so legally.

This was the case for Afghans in the 2000s. Conflict and poverty were still raging in Afghanistan. In Pakistan the state's attitude was now openly hostile. The UNHCR advocated introducing more effective and forceful border control, and stricter application of the law on foreigners in Pakistan. This unconditional support for the state also risked enabling or amplifying the constraint the Pakistani state was able to exert over Afghans. What the UNHCR saw as benevolent oversight could easily tip over into disciplinary surveillance. Migrants were at risk of being stuck, held in a sedentary system in which they were more dependent on and more exposed to states that manifestly did not want to or were not capable of offering them anything, despite the fact that migration was for them an essential survival and subsistence strategy.

Many studies have shown that stronger state administrative surveillance of migrants goes hand in hand with an increase in the obstacles, costs and risks associated with movement. The restrictive immigration policies adopted by EU countries – nation-states where administrative control and the ability to instil national difference is an important element of their constitution and their current operation (Noiriel 2001; Scott 1998; Torpey 2000) – are a telling example. Since the 1990s, these countries have tried to increase their control over migrants in order to stem immigration, seal their borders and increase the costs of illegal residence for non-European citizens. The strategies adopted include interception (in Mediterranean waters, at the border and within their territories) and a plethora of increasingly sophisticated remote administrative surveillance techniques. The Eurodac system, a Europe-wide database of the fingerprints of asylum seekers designed to prevent migrants from making several applications within the Schengen zone, has received the most attention, but it is not the only one (Broeders 2007; Engbersen and Broeders 2009; Farraj 2011). Researchers increasingly recognise that being identified by a state does not necessarily mean inclusion; administrative surveillance can just as well form part of a deliberate strategy of exclusion of

foreigners (and even some nationals) (Engbersen and Brodeers 2009; Muller 2004; Sprokkereef and de Hert 2007; Thomas 2005; Wilson 2006).

In the Afghanistan-Pakistan region, it was precisely the lack of state regulation that enabled millions of Afghans facing war and poverty to leave Afghanistan and settle in Pakistan from the 1980s onwards. This situation changed radically after 2001, a time when state control was intensifying in parallel with a major UNHCR intervention in the region. The combination of the repatriation and census programmes formed part of a mechanism that worked towards emplacement in Afghanistan and illegalisation of any subsequent movement. To the extent that states were able to exert control over Afghans, they became fixed, 'held' in a sedentary order and a situation of relative distress, either in a country where life and subsistence were extremely difficult, but that was considered to be the portion of the planet where they naturally belonged, or in Pakistan or anywhere else in the world as undesirable non-nationals.

I now turn to consider in more detail the two principles of the mechanism established during the 2000s: emplacement and illegalisation. The repatriation programme can be seen as a mechanism of emplacement aimed at sedentarising and definitively implanting Afghan migrants in the only portion of the planet where their presence was considered legitimate. In his article on the introduction of the iris scan into the repatriation programme, Jacobsen (2010) clearly demonstrates that the programme was designed as a one-way process whose aim was to return Afghans to their country of nationality, so that they would remain there permanently. The iris scan was introduced precisely to discourage returnees from going back to Pakistan and receiving aid again on their return. The fact that international aid was overwhelmingly concentrated in Afghanistan clearly shows that it was in this country that Afghans were now supposed to live and find the means of subsistence. In the logic of the programme, returnees were supposed not to move again after their return. This was seen as normalisation of their position in the world. The idea was that a migration cycle was coming to an end, and any subsequent movement was to be seen as an indicator of the programme's failure. The possibilities of legitimate movement ended with return. It was no longer possible to leave Afghanistan legally. Passports, which could only be obtained in Kabul, were extremely expensive for most Afghans, and visas were rare.

Although UNHCR officers saw the census as a way of ensuring more secure status for Afghans settled in Pakistan, in fact it reinforced the mechanism of emplacement in Afghanistan. In a context where the Pakistani authorities were determined to 'close the chapter on refugees' as quickly as possible and the UNHCR was increasingly powerless, the census in fact gave the Pakistani state a way of funnelling the Afghans counted towards repatriation and legitimately getting rid of them. This phrase from the report on the census

is telling, emphasising 'the importance and need to enumerate Afghans in Pakistan and to issue documentation to better manage this population and to *facilitate voluntary repatriation* as the most preferred solution' (SAFRON, NADRA and UNHCR 2008: 4, emphasis added).

Moreover, as noted above, for thousands of residents of the Jalozai and Kacha Gari camps, the PoR card did not guarantee that they could stay in Pakistan. For the other Afghans counted, little changed in terms of benefits or rights, but they had become legible to the Pakistani authorities, who now had detailed data on all those who had left under the repatriation programme (who could now be punished in the event they returned to Pakistan) and on all those recorded who remained (who could thus be more easily pressured to return to Afghanistan).

Emplacement in Afghanistan was the counterpoint to the illegalisation of their subsequent movement. By recognising the status of migrants in relation to the state, repatriation and the census made the boundary between legality and illegality more effective. States became more able to impose their own criteria for legitimate and illegitimate movement, through law and administrative surveillance. While those who had been brought under the sway of state law (returnees and holders of the PoR card) were caught up in the restrictive mechanism of emplacement in Afghanistan, the costs rose correspondingly for those who remained outside this sway (those who had chosen not to be counted in the census and those who moved between the two states out of sight of state surveillance).

These costs came first in the form of exclusion from the benefits that could be claimed by Afghans who had an official status (legitimate residence in Pakistan, international aid in Afghanistan). But, above all, they now found themselves in a situation seen not as part of a generalised 'informality', but rather as 'illegal' – in other words, an illegitimate situation that implied a breach of the state's authority and could therefore be legitimately repressed and punished. Afghans who were unable to produce a PoR card could theoretically now be deported – and the Pakistani state had the means to punish them. It was also possible for the Pakistani authorities to use the biometric data they held to refuse entry and residence. Moreover, in the new context, the Pakistani state had greater scope for applying the law selectively, in a precise strategic way, as did the Iranian authorities (see Chapter 7). In these circumstances, remaining invisible in order to avoid state control became more difficult, more costly and more dangerous.[11]

The UNHCR presented its initiatives as working to 'regularise' migrants, but following Nicholas de Genova's work (2002) on the 'production of illegality', they could be seen as helping to *illegalise* migrants, since they introduced a distinction between legality and illegality, and enabled states to enact that distinction.[12] As there was no possibility of legitimate residence

other than as a returnee in Afghanistan or PoR cardholder in Pakistan, or any possibility of movement in conformity with state laws, any other movement or presence in Pakistan became by definition illegal and, as such, illegitimate and subject to sanction.

The bilateral migration regime for migrant workers proposed by the ACSU project appeared to have the aim of remedying this situation of immobilisation in Afghanistan and illegalisation of movement out of the country. But by 2008, when the census took place, no progress had been made towards establishing this regime. The Pakistani state showed no inclination to introduce it, and even if it had wished to, it may reasonably be doubted whether such a system would have permitted the thousands who might have wished to move to do so legally.

Agier (2008, 2011), studying the mechanism of encampment in Africa, which confines migrants to isolated camps, points out that the international government of refugees operates to exclude an undesirable population. In the Pakistan-Afghanistan region, a similar mechanism of exclusion is in operation. But here, the mechanism does not operate through confinement within small spaces. Many of the camps in Pakistan had become quasi-urban centres, and a large proportion of the Afghan population in Pakistan lived in the country's cities. The logic operating here was not so much one of confinement as one of incorporation into a sedentary order in a subaltern position; it operated not through the technology of the camp, but through administrative surveillance and the law. This order assigned 'displaced' Afghans a place-in-the-world, and both restricted and regulated their movements outside of this place. Movement was not completely eliminated. Some movement was even encouraged (particularly the movement of return), while others were not prevented, but were rather hampered and rendered reprehensible. In contrast to camps, the spaces of exclusion were the much larger ones of the Afghan state jurisdiction and the domain of illegality.

A fundamental paradox thus emerges in the UNHCR's work. In order to resolve the 'problem of Afghan displacement', which derived from the national order, the organisation's response was to make that order more operative. In other words, the order that produced these 'dis-placed' people as surplus was also the order into which the UNHCR sought to absorb them. While international refugee law and the UNHCR were created precisely in order to circumvent the restrictions that states could impose on non-nationals, the solutions brought in fact increased states' capacity to impose those restrictions. As surplus people, refugees threaten the national order: they show that it is not a viable order for the global population. Identifying this population and making it manageable, consecrating the unique relationship that binds it to a specific portion of the planet and re-placing it in the 'country of origin' thus becomes a 'repair' operation that restores rather than challenging the order that has

produced it. In this way, the danger represented by refugees is neutralised, and the national order gains greater legitimacy and thus becomes more effective. But this comes at the cost of restricting the movement of populations for whom migration is an essential survival and subsistence strategy, and relegating them to a subaltern, excluded position.

The Nonstate Sphere as Refuge

In order to grasp the concrete restrictive effects of the UNHCR's activity, its intervention needs to be situated in the broader context of 'overlapping sovereignties' particular to this region of the world. The UNHCR's nation-building work in the Afghanistan-Pakistan region is part of a vast political and social engineering project. The operation and political legitimacy of states in modes other than the national order, and the coexistence of several political systems, remain powerful realities, the product of particular historical processes. We need only to imagine what achieving a situation of total state control of the Afghanistan-Pakistan border would mean, particularly to the many political interests and relations that are at play – between Pashtuns and the state, between the Afghan and Pakistani states, but also the interests of smuggling and drug networks, etc., over which the UNHCR has no direct control. This is why the organisation was unable, alone and within a few years, to fully impose its model of political organisation, and its projects were therefore destined to remain partially incomplete.

People's strategies develop in this more complex sociopolitical field, and generally involve engaging various different orders and playing on the diverse statuses they have within each in order to maximise resources and minimise risk (Monsutti 2012b). They may thus invoke nationality in situations where it entitles them to assistance, but at the same time draw on other systems that govern 'means of movement', such as Pashtun ethnic or tribal belonging (Centlivres 1988; Edwards 1986), the transnational trust networks established by the Hazaras (Monsutti 2005, 2009), smugglers and clandestine channels (Bathaïe 2008; Monsutti 2005, 2009). It is precisely because the state field is not the only operative one that the effects of state and international policies are mitigated, and some at least find the space of manoeuvre necessary to circumvent the constraints exerted by states and international bodies.

In his study of the spread of the state in South-East Asia, Scott (2009) shows that for many people, the spaces to which the state had not extended its control (often regions that were difficult to access, particularly mountainous areas) formed zones of refuge that enabled them to escape state violence and demands (taxation, conscription, etc.). If we apply this idea to a world where there is no longer any physical space not under state jurisdiction, orders that

coexist with the state order could be seen as dimensions that offer a form of externality, or refuge – albeit no longer a physical space – where people can escape the exercise of state power (in this case emplacement in Afghanistan).

There were at least two ways in which Afghans articulated their migration strategies with the policies of the Pakistani state and the UNHCR in order to reduce their dependence on these institutions and circumvent the constraints they imposed. The first was strategies of invisibility: migrants sought to remain illegible and hence uncontrollable. Either they avoided all contact with surveillance mechanisms or, if that was not possible, they muddied the waters, confusing state and international bureaucracies by altering their administrative identity. Migrants might give false names, or a different name each time, or create several administrative identities, sabotaging bureaucratic administrative surveillance systems. The second strategy was to engage with institutions to benefit from the resources and opportunities they might offer while avoiding or minimising control and dependence. The widespread use of false documents in the region formed part of this strategy (Monsutti 2005).

For Afghans in Pakistan, the census was a highly unpredictable project that involved rendering themselves legible to the Pakistani and Afghan states and to the UNHCR, with no guarantee that this would bring more benefits than restrictions. Would registering entitle them to aid, or would it simply make them visible to the state and therefore more exposed to pressure to return? Strategies were employed to mitigate this uncertainty. The Social Development Policy Institute noted that a substantial number of people chose invisibility; they did not register for fear of being exposed to the Pakistani authorities (SDPI 2006). Many families adopted a strategy of family differentiation in order to spread the risk: some members registered, while others did not. Several individuals came purposely from Afghanistan to register so that they could enjoy the potential benefits associated with the status of Pakistani resident. Others chose to register for the census, but not to present themselves for it the following year. Hundreds of thousands of people participated in the census, but then did not register to obtain the residence permit or apply to the repatriation programme. This population, which the UNHCR and Pakistani state thought they had rendered legible, ultimately disappeared from the radar, briefly surfacing before being 'reabsorbed' into a world that remained impenetrable to the UNHCR.

Under the repatriation programme, in 2002 many people made several return journeys in order to receive UNHCR aid more than once. The needed only to give a different name and present themselves at an Encashment Centre. And as the amount of the payment depended on the number of family members, names were often added to the repatriation card, particularly children. Entire families could be found 'for hire' at border crossings, for the purpose of increasing the aid payment. It was these practices that led the UNHCR to

introduce the iris scan, including for children over the age of five. Another strategy used from 2006 onwards consisted of returning to Afghanistan outside of the repatriation programme in order to keep the PoR card, thus retaining the possibility of returning to Pakistan if the situation in Afghanistan deteriorated.

The contrast between the return of the majority of residents of Kacha Gari and Jalozai (see Chapter 8) and that of a group of Kuchi Pashtuns who also went back to Afghanistan during the summer of 2007 shows that only those with substantial alternative resources were able to circumvent the constraints imposed by the emplacement process. Key resources that make it possible to reduce dependence on state and international bodies include the possibility of operating in alternative orders that can provide the means of subsistence and 'means of circulation' for members of the group, and an understanding of the reasoning behind state and international initiatives that allows for more strategic engagement with them. The Kuchi group was a close-knit and very well-organised tribe whose chief was a well-known wealthy warlord. Their return was based on a rational decision to settle and take over a vast area that the group claimed as its ancestral pasture lands – a claim that had been recognised by the Afghan state. Return was deliberately organised outside of the repatriation programme in order to retain the PoR cards and the possibility of moving between the two countries. Thus, by choosing to return after the PoR cards had been issued and making selective use of the services offered (yes to the census, no to repatriation), this group succeeded in engaging strategically with state and UNHCR policies, turning them to its advantage. It was able to secure legal rights in both countries (land ownership in Afghanistan and right of residence in Pakistan), even though the emplacement mechanism introduced by the Afghan and Pakistani states and the UNHCR worked towards sedentarisation in one country.

The UNHCR's nation- and state-centred position, and the need to make its recipients legible, often leads the organisation's officers to view any behaviour that does not comply with its programmes with distrust if not outright hostility. Such behaviour upsets the order essential to the organisation and demonstrates that statistics (the product of labour and money, and a source of authority for the UNHCR) do not in fact reflect reality as accurately as the organisation claims; they offer only an illusion of legibility and control of migrants. UNHCR staff tend to make a moral judgement, criticising those who receive aid without entitlement as 'cheats' who abuse aid, or as ungrateful (Bakewell 2000b: 104; Harrell-Bond 2002: 58; Malkki 1996: 383). The pejorative terms 'recyclers' (used to describe people who resorted to the repatriation programme several times over) or, in Europe, 'bogus asylum seekers' (for those who make an application for asylum when they are 'manifestly ineligible') offers further evidence of this.

Similarly, political authorities and projects other than those of the state – categorised indiscriminately as 'nonstate actors' – are seen only as potential vectors of persecution rather than orders or actors that could provide a form of protection (UNHR 2007c: 7). For example, Afghans' ethnicity is a factor that the UNHCR associates primarily with the risk of persecution arising from interethnic conflict and the existence of minorities. Clandestine migration channels are seen purely as potential sources of vulnerability or even persecution, and migration that does not conform with state laws as a phenomenon to be reduced and discouraged (UNHCR 2005d, 2006c).

This attitude reveals the UNHCR's incapacity either to value the strategies of its recipients or to recognise the constraints that may derive from its own activity. From this point of view, while it is true that the authors of the ACSU project saw mobility as a resource and sought to facilitate it, their approach remained strictly state- and nation-centred. The absence of state control was seen purely as a shortcoming. The presence of the state and controls became an end in itself, giving rise to paradoxical statements like the following, from a study commissioned by the UNHCR: 'The main obstacle at the border is currently the lack of a systematic implementation mechanism for counting and screening individuals crossing the border' (Altai Consulting 2009: 5).

Seeing protection as the exclusive domain of the state prevents the UNHCR from taking into account the nonstate actors and fields that structure migrants' strategies and the constraints states may impose on them. The result is ultimately a failure to reflect on the paradoxical effects of its activity: in order to resolve the 'refugee problem', the UNHCR strives to make operative the national order that is itself at the root of the 'problem'. This is a sedentary order that controls the relationship between individuals and territories according to the criterion of nationality. While this is the order on which the UNHCR's mission and existence rest, it also enables states to erect substantial obstacles to movement. The administrative surveillance mechanisms analysed here thus ultimately form part of a mechanism that operates to emplace Afghan migrants in Afghanistan (seen as their only legitimate place of existence in the world) and to illegalise their movement (the boundary between legality and illegality is introduced and rendered more effective in a situation where the possibilities of legal movement are minimal). Afghans are thus incorporated into the national order, but in a marginal position that heavily restricts migration strategies.

Notes

1. In this respect, Sadiq talks of 'documentary citizenship' (Sadiq 2009) and Bakewell of 'handheld nationality' (Bakewell 2007).
2. An unpublished 2005 study by the IOM cites more than 25,000 individuals passing through the Torkham crossing each day. The UNHCR, which recorded the number of crossings once a month in 2007, reported even higher numbers (UNHCR 2007p). Studies confirm the absence of checks, even at the main border crossings (Geda 2011: 25; Monsutti 2004: 197).
3. See, for example, the entry 'special needs', which included the categories 'woman at risk', 'child at risk', 'unaccompanied child', 'important medical condition' and 'special legal and physical protection' (SAFRON, NADRA and UNHCR 2007).
4. Indeed, if the number of those who had taken up the repatriation programme since March 2002 is added to those counted in the census, the figure is over five million – substantially more than the UNHCR's 2002 estimate suggested.
5. The situation thus came to resemble what I have already described in Iran: the Afghan population was now divided into a population that was correctly documented, visible to institutions, and enjoyed relatively preferential treatment, and a population in an irregular situation. This division was not based on assessment of 'protection needs'.
6. The discussion here concerns only Pakistan, but the repatriation programme from Iran was similar.
7. From 2007 onwards, the issue of the Voluntary Repatriation Form required the cancellation of the PoR card.
8. The aid provided included an amount to cover travel expenses and a sum to support resettlement.
9. See Article 1 of the 2005 Afghan census.
10. Kelly and Kaplan's work (2001) on the decolonisation of Fiji is a notable exception: they emphasise the role of the UN in promoting the nation-state as the model of modernity and highlight the logics of postcolonial domination at work.
11. A comparison with migration to Europe is illuminating. While within the Iran-Afghanistan-Pakistan region, border crossings were often made by van on secondary tracks, using Pashtun or Baloch smugglers and with few intermediaries (Geda 2011; Monsutti 2005), some Afghans then travelled to Europe hidden under lorries or in containers (Bathaïe 2008; Geda 2011). These journey conditions sometimes put migrants' life in danger, as indicated by the number of those who drowned at sea or suffocated in containers.
12. See also Dauvergne's work (2008) on the role of international law in the illegalisation of migrants.