

Draft  
Action plan  
for  
**AFGHANISTAN**

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**SEMDOC**

Statewatch European Documentation &  
Monitoring Centre on justice and home  
affairs in the European Union

PO Box 1516, London N16 0EW, UK  
tel: 0181 802 1882 (00 44 181 802 1882)  
fax: 0181 880 1727 (00 44 181 880 1727)



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## A. GENERAL INTRODUCTION

The situation relating to asylum and migration questions in Afghanistan needs to be considered in the context of the neighbouring region which covers, in particular, Iran and Pakistan. Account also needs to be taken of the fact that there is no central government and that 90% of the country is under Taliban control.

### Political situation

#### a. The military situation

1. The Taliban movement was formed in 1994 by a group of Afghan graduates of Islamic colleges (*Madrassas*) in Quetta, Pakistan. Initially, the group consisted of Pashtuns from Kandahar Province in southern Afghanistan; they are led by a *mullah* (a village-level religious leader), whose name is Mohammad Omar. The Taliban advocate an Islamic Revolution in Afghanistan, proclaiming that the unity of Afghanistan should be re-established in the framework of the *Sharia* (Islamic law).

2. When the Taliban first appeared on the scene in 1994, they persuaded many *Mujahedin* fighters to desert their leaders and join the Taliban. Despite their relatively limited military force, the Taliban were thus able to progressively conquer large areas of Afghanistan in a short period of time. Their early conquests included the key cities of Kandahar (late 1994), Herat (September 1995) and Jalalabad (September 1996). The capital, Kabul, fell on 27 September 1996. The Taliban also briefly took the city of Mazar-i-Sharif with the help of General Abdul Malik Pahlavan in May 1997. However, Malik's troops turned against their new allies after just three days, killing thousands of Taliban.

3. At first, the opposition against the Taliban was divided. The first alliance was formed in October 1996. In early June 1997, the anti-Taliban coalition was expanded and strengthened. Now known as the United Islamic Front for the Salvation of Afghanistan (UIFSA) (or United Front or Northern Alliance), the opposition appointed a new government based at Mazar-i-Sharif with Rabbani as President.

4. In 1998, the Taliban overran the provinces of Badghis, Fariyab, Jozjan, Takhar, Baghlan, Kunduz, Samangan and Balkh. The military campaigns to capture the towns of Mazar-i-Sharif and Bamiyan resulted in gross violations of human rights. The Taliban now claim to impose their authority on almost ninety percent of the country, including the principal points of entry into Afghanistan. In the act, they more or less defeated two of the three principal military groups which make up UIFSA (*i.e.* Khalili's Hizb-i Wahdat and Dostam's Junbish-i Milli-yi Islami). At present, the territorial base of UIFSA is largely limited to the north-eastern provinces of Afghanistan which are predominantly inhabited by ethnic Tajiks. The only remaining source of serious resistance to UIFSA is the Jamiat-i Islami, whose military wing, the Shura-e-Nazar, is commanded by Ahmed Shah Massoud. Commander Massoud's forces still remain within rocket range of Kabul.

#### b. International repercussions

5. Pakistan, Saudi Arabia and the United Arab Emirates recognise the Taliban as the legitimate government of Afghanistan. These countries did so after the first brief conquest of Mazar-i-Sharif by the Taliban in May 1997. With the exception of the embassies in Pakistan, Saudi Arabia and the United Arab Emirates, Afghan diplomats in other capitals therefore represent the government of President Rabbani; only occasionally do diplomats at these embassies denounce their loyalty to UIFSA and defect to the Taliban. The Rabbani regime also occupies Afghanistan's seat at the United Nations (UN). Afghanistan's seat at the Organisation of the Islamic Conference (OIC) is vacant since 1996. The Taliban decided to name Afghanistan the Islamic Emirate of Afghanistan.

6. Relations between the Taliban Government and the UN deteriorated in June 1998, following the former's decision to close more than 100 private schools and numerous small, home-based vocational courses in Kabul, many of which were educating girls. In the next month, the Taliban obliged NGOs operating in Kabul to leave their accommodations in the city and occupy the war-battered Polytechnic on the outskirts. All EC-financed activities in Kabul were suspended on 18 July 1998.

7. Tensions between the Taliban and Iran reached a climax after the killing of ten Iranian diplomats and one Iranian journalist in the Consulate-General of Iran in Mazar-i-Sharif in August 1998. The Taliban acknowledged that their troops, acting independently, had killed them during the seizure of the city. Both Iran and Afghanistan massed troops on the border; by mid-September an estimated 500 000 Iranian troops had reportedly been placed on full military alert.

8. On 20 August 1998, the USA launched missile attacks against camps in Khost province, Afghanistan, allegedly used by Saudi Arabian dissident Osama bin Laden, whom the US government held responsible for masterminding the bombing of two US embassies in East Africa. After the attack, demonstrations were held in many places. On 21 August 1998, in Kabul, an Italian military observer serving with the UN Special Mission to Afghanistan (UNSMA) was killed by Taliban militiamen and a Frenchman seriously injured.

9. As a result of these incidents and the general security situation, the remaining international NGOs and UN staff were evacuated. Local UN staff continued implementing UN programmes as best they could. The International Committee of the Red Cross (ICRC) was the only international organisation which remained in Afghanistan with a limited international staff. By November 1998, a limited number of international NGO staff members had returned to the towns of Kandahar, Jalalabad and Herat.

10. On 23 October 1998, the Taliban and the UN concluded an agreement in Islamabad on the safety and room for manoeuvre of UN organisations in Afghanistan. This agreement was a first step towards a return of the UN to Afghanistan.

11. In late February 1999, the United States (US) officially informed the UN Secretary General that, if necessary, they would act against Osama bin Laden and the Taliban. UN personnel working in Afghanistan would in that case not be warned beforehand. The US therefore urged the UN not to send their personnel back to Afghanistan. The same message was given to American citizens working for NGOs in Afghanistan. The United Kingdom also strongly advises its nationals against travel to Afghanistan. Osama bin Laden is generally believed to be still in Afghanistan.

c. International peace initiatives

12. In Afghanistan, the UN is striving to achieve lasting peace. The UN stresses the need for the genuine establishment of a broad-based, multi-ethnic, representative government and for the creation of conditions under which all ethnic and religious groups could live in harmony. UN Special Envoy Lakhdar Brahimi and UNSMA play a central role in the UN peace initiatives. The EU explicitly and wholeheartedly supported the UN peace efforts in the EU Common Position, adopted by the Council on 25 January 1999.

13. During 1998, Lakhdar Brahimi held a total of seven meetings of the six plus two informal group, which comprises Afghanistan's six immediate neighbours - China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan - plus Russia and the US. Other Member States of the UN, which are not members of the six plus two group, have co-ordinated their activities with the six plus two group. One such group is formed by France, Germany, Japan and the United Kingdom.



14. In September-October 1998, Lakhdar Brahimi visited various countries in the region. During this mission, Brahimi spoke for the first time to Taliban leader *mullah* Omar. The Taliban agreed that there should be an international investigation into the events in Mazar-i-Sharif during its capture by the Taliban and an inquiry into the deaths of the Italian UNSMA representative in Kabul and two local UN employees on condition that the mass murders of Taliban fighters in May 1997 were also investigated. During these talks *mullah* Omar agreed to the release of all Iranian prisoners in Afghanistan, who were subsequently evacuated to Tehran.

15. Since October 1998, the Uzbek authorities are in consultation with other countries which are members of the six plus two group in order to prepare a high-level meeting of this group in Tashkent with the participation of representatives of the various Afghan forces. Until now, the meeting has constantly been postponed.

16. In mid-March 1999, high representatives of the Taliban and UIFSA concluded a peace agreement in Ashkabad, Turkmenistan, under the auspices of the UN. The agreement calls for a shared executive, legislature and judiciary in Afghanistan, as well as for an exchange of prisoners between the rival factions. However, key details remain to be worked out and the parties did not agree upon a ceasefire. The international community and NGOs therefore remained sceptical.

17. In the aftermath of the Ashkabad peace agreement, it has become increasingly clear that for the near future the chances of further talks, which were originally scheduled to take place in April, are extremely slim. On the contrary, as soon as the weather permits, the Taliban and/or UIFSA are expected to start military offensives. Indeed, in some parts of Afghanistan fighting already began in March. It is generally believed that new offensives will not end the present military stalemate.

18. On 12 March 1999, the UN announced that it had decided to initiate the gradual return of UN international personnel to Afghanistan. The continuation of the conflict after the Ashkabad peace agreement requires the UN to closely monitor the ongoing return of its personnel.

### Economic situation

#### a. General

19. The current population of Afghanistan is estimated to be nearly 21 million; 300 000 of them are internally displaced persons. Furthermore, at least 3 million Afghans are living outside Afghanistan. The economy of Afghanistan, one of the world's poorest and least developed countries, has never been well documented. Figures relating to the economy of Afghanistan are at best reliable estimates.

20. Afghanistan is traditionally a subsistence agricultural economy. However, much of the arable land fell into disuse with the onset of war, as millions of people were uprooted from the countryside, crowding into towns and cities or fleeing to neighbouring Pakistan and Iran. In addition, the Soviet army adopted a scorched-earth policy to undermine the *Mujahedin*, who retaliated by sabotaging economic installations and infrastructure.

21. Inevitably, the damage caused to the agricultural sector had a knock-on effect on industry. There was some manufacturing activity in the major cities, particularly Kabul, but much of this ground to a halt as a result of the destructive civil war. On the other hand, the communist collapse led to something of a revival of the rural economy as large numbers of refugees returned from abroad.

22. In a 1993 rehabilitation action plan, the UN Development Program (UNDP) estimated GDP in 1991/92 at approximately Euro 1,67bn compared with Euro 1,55bn in 1978/79, the year of the Soviet invasion. Agriculture accounted for about 45% of output, down from about 53% in the late 1970s. Mining, trade, construction, and transport and communications had shares of about 14%, 8%, 5% and 3% respectively. Services were estimated to account for about 17% of GDP.

23. In 1992, the banking system collapsed. By mid-1993, officials at the now defunct Bank of Afghanistan (the central bank) estimated the annual inflation rate at more than 150%. Although there have been no exhaustive independent measurements since then, information from international organisations present in Afghanistan suggests that it has accelerated dramatically, fuelled, among other things, by massive injections of unsupported currency and widespread shortages of basic foodstuffs. There are also rival currencies. Moneychangers have been the only providers of financial services.

24. Nearly two decades of war have devastated Afghanistan's healthcare system. Afghanistan has some of the world's worst health indicators: the highest maternal, infant and child mortality rates, as well as the highest proportion of widows and orphans. The average life expectancy is less than 45 years.

25. Years of war have virtually destroyed the country's education infrastructure. Not surprisingly, therefore, Afghanistan has the world's highest rate of illiteracy; no fewer than three-quarters of the population are believed to be unable to read or write.

#### b. Agriculture

26. According to UNDP figures, per capita food production for the population in the period 1980-1991 dropped by 30%. Many agricultural areas have been laid waste or rendered inaccessible by landmines. About 30% of agrarian infrastructure has been destroyed. Small industries have been wiped out.

27. Up to 85% of Afghans traditionally derive their living from agriculture. However, after more than 15 years of war the agricultural system has been largely destroyed and the land is littered with landmines. Many farmers have left their holdings, making Afghanistan now partly dependent on grain imports from Pakistan. According to FAO, however, in some areas in southern Afghanistan where the security situation has improved progress has been made towards self-sufficiency in food production. The cereal harvest of 1998 was expected to be the largest in twenty years, although transport of surpluses to other parts of the country is difficult.

28. A contributing factor to the economy has been the steady increase, throughout the war, of the area cultivating poppy. According to UNDP this had jumped from 6 000 ha in the late 1970s to 57 000 ha by the early 1990s, generating 3 200 tonnes of opium. This production makes Afghanistan the world's largest producer of the raw material for heroin. Deteriorating economic circumstances and the absence of official sanctions have encouraged farmers to grow poppy as a cash crop. The Taliban effectively endorse its cultivation. About 95% of the poppy fields in the country are situated in areas controlled by the Taliban.

29. Lack of resources and the war have impeded the reconstruction of the irrigation systems, the repair of market roads, and the replanting of orchards in some areas. The presence of an estimated 5 to 7 million landmines has restricted areas for cultivation and slowed the return of refugees who are needed to rebuild the economy. The laying of new mine fields by all sides has exacerbated an already difficult situation. Trade was mainly in fruits, minerals, and gems, as well as goods smuggled to Pakistan.

c. Other sectors

30. Almost all manufacturing enterprises have ceased to operate or are producing well below capacity because of war damage and shortages of raw materials and spare parts. Before its collapse industry was predominantly concerned with processing local agricultural raw materials.

31. Gas reserves in Afghanistan are large. Oil and coal resources are believed to be sizeable. The country's mineral resources have been incompletely surveyed, but there are major deposits of iron, chromic copper, coal and salt, as well as quantities of many other non-energy minerals. These reserves remain largely untapped.

32. In the decade before the Soviet invasion a major proportion of foreign aid, much of it from the US and the Soviet Union, was spent on road construction and rehabilitation. Over 2 000 km of asphalt and concrete roads were built, giving the country a modern network, which linked all the major urban centres. However, the war has taken a heavy toll. According to the 1993 UNDP assessment about 60% of the 2 500 km of highways required "significant pavement reconstruction" and regional roads were in "generally poor condition". Since then, the condition of all roads has deteriorated considerably. Hundreds of bridges have also been destroyed.

33. The rehabilitation of the network is crucial to the recovery of other sectors and to the restoration of normal economic activity. Given the lack of foreign funding and the absence of a functioning central government, UNDP considered that road repair would be best carried out by contractors based in the local community or associated with NGOs.

34. Aviation and the telecommunications infrastructure are in a deplorable state.

35. Power-generation capacity in Afghanistan needs to be increased. War damage, looting and lack of maintenance and spare parts mean that actual electricity generating capacity is far below the theoretical level of some 400 mw, which in turn is substantially below the country's needs.

36. Many towns in Afghanistan have suffered badly during the conflict. Especially Kabul has been ravaged by the war. On the other hand, a town such as Jalalabad (where about 120 000 refugees from Kabul are living) has emerged relatively unscathed from the fighting. However, there too, there is a lack of many basic facilities.

37. War is not the only cause of destruction. On 4 February and 30 May 1998, severe earthquakes, both centred in the north-east (particularly the province of Takhar), caused extensive damage and loss of life. The earthquakes claimed thousands of victims and made about 50 000 people homeless. Since then, the north-eastern region has continued to experience sporadic seismic activity.

38. In 1998, formal economic activity remained minimal and was inhibited by recurrent fighting. However, in the region under Taliban occupation, armed conflict has ceased and commercial traffic has resumed after the opening up of the roads, giving a boost to the economies of towns such as Jalalabad, Kandahar and Herat. Reconstruction is continuing in Herat, Kandahar, and Ghazni. Trade is showing signs of recovery and importing and exporting are taking place.

## Human rights situation

39. Afghanistan is a party to the major international human rights instruments. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Prevention and Punishment of the Crime of Genocide. It has also signed the Convention on the Elimination of All Forms of Discrimination against Women. All parties in Afghanistan continue to pursue policies which are in conflict with these international human rights standards.

40. The overall human rights situation in Afghanistan remains extremely poor. During 1998, serious human rights violations continued to occur. There were credible reports of large-scale massacres carried out by the Taliban as they captured Mazar-i-Sharif in August. These attacks were reportedly in retaliation for the thousands of Taliban soldiers massacred by anti-Taliban forces when the anti-Taliban forces retook the city after a brief Taliban occupation in May 1997. Both Taliban and UIFSA forces were responsible for the indiscriminate bombarding of civilian areas. Massoud's forces have continued rocket attacks against Kabul.

41. Summary justice is common, extra-judicial killings occur frequently and the death penalty is applied throughout Afghanistan. In Taliban areas, strict and oppressive order is imposed and stiff punishments for crimes prevail. The Taliban's Islamic courts and religious police, the Ministry for the Promotion of Virtues and Suppression of Vices (PVSV), have enforced their extreme interpretation of Islamic punishments, such as public executions for adultery or murder and amputations of one hand and one foot for theft. Prison conditions are poor.

42. The human rights situation for women in 1998 continued to be extremely poor. Violence against women remained a problem throughout the country. Rape, kidnapping and forced marriage are common in areas that are not firmly under the control of the authorities or in areas where fighting takes place. There is widespread discrimination against women and girls, especially in areas under Taliban occupation. Women are denied equal access to education, employment and health care. The Taliban imposed strict dress codes and prohibited women from working outside the home except in limited circumstances in the health care field. Girls generally were prohibited from attending school, particularly in Kabul and other urban areas. The Taliban allowed only a few girls' schools to operate in rural areas and small towns, as well as in camps for internally displaced persons at Kandahar and Herat.

43. Nevertheless, according to international organisations, in comparison with the situation under the Mujahedin the imposition of Taliban control improved the security situation of women, mainly in rural areas, who are prepared to follow traditional social mores. The imposition of Taliban control has substantially reduced the incidents of rape of women since it is a crime under the Sharia law. During a visit to Kabul in March 1999, the UN Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan, Mr. Kamal Hossain, observed some relaxation of the restrictions imposed on the rights of women.

44. Civil war conditions and the unfettered actions of competing factions have effectively limited the freedoms of speech, press, assembly, association, religion, and movement. Citizens are precluded from changing their government or choosing their leaders democratically. Worker rights are not defined. Child labour persists.

45. Although in general the state of human rights in Afghanistan is poor, on the whole personal security has increased since the advent of the Taliban. The Taliban have curbed the power of most of the warlords in the region under their occupation, effectively promoting personal security, freedom of movement and respect for property.

46. The Taliban imposed codes of conduct that derive from the Sharia and the traditions of the Pashtun tribes. In fact, the Taliban reinvigorated established modes of behaviour; they introduced "village" values and attitudes in the cities. This implies that many Afghans, in particular Pashtuns living in rural areas, already abided by comparable codes of conduct before the advent of the Taliban. Thus, while for many Afghans (especially the rural Pashtuns) it is possible to settle again in the part of Afghanistan ruled by the Taliban, for others, especially the urban, well-educated middle and upper classes and the non-Pashtun groups, it is difficult if not impossible to comply with the way of life ordered by the Taliban.

47. On 26 June 1997, The Taliban declared a general amnesty, in which *"All returnees, irrespective of their political affiliations, are exempted from prosecution for all criminal offences committed for whatever reason prior to, or in, exile except for those criminal offences committed against other persons. This exemption includes inter alia having left Afghanistan and having found refuge in Pakistan, Iran or any other country, joining different commanders, draft evasion and desertion as well as the act of performing military service in internationally non-recognised armed forces."* Subsequently, UIFSA drew up a similar amnesty declaration. The UNHCR monitoring reports indicate that the amnesty is largely respected by both groups.

## **B. STATISTICAL BASES AND INITIAL SITUATION**

Detailed statistical tables are to be found in Annex I.

### **Nationals of Afghanistan in EU Member States**

48. Since the second half of the 1980s an increasing number of Afghan nationals have migrated to Western Europe. Nearly all of them lived for a substantial period of time in one of the neighbouring countries. There is also a large group which lived in one of the former USSR Republics, notably Russia, the Ukraine, and Tajikistan.

49. At the beginning of the nineties, Afghan asylum-seekers showed a very strong preference for Germany which received the majority of all Afghan asylum applications submitted in the EU during 1990-1997. During the eight years under consideration, Afghan asylum applications in Germany have remained quite stable, between 5 500 and 7 700 per annum. More recently, however, the Netherlands has become the major destination of Afghan asylum-seekers. Whereas the country received less than 600 Afghan asylum-seekers during 1990-1992, annual arrivals reached 6 000 and more during 1997 and 1998. If one considers only the number of "first" applications submitted in Germany, the number of Afghan asylum-seekers in the Netherlands was 25% higher than in Germany in 1997 and even 88% higher in 1998.

50. Consequently, Germany's share in receiving Afghan asylum-seekers in the Member States fell from more than 80% during 1990-1992 to less than 40% in 1997. Together, Germany and the Netherlands received 84% or more of all Afghan asylum applications submitted in the Member States during 1990-1997. Afghan asylum applications in Austria increased from less than 100 (or 1% of the EU total) in 1990-1992 to more than 700 in 1996/7 (some 5% of the EU total).

51. Afghan asylum seekers usually travel by way of Central Asian countries where there are few restrictions on the arrival and departure of travellers; Russia and the Ukraine are also popular transit countries. They often use so-called travel agents to arrange their journey to Western Europe. These travel agents charge up to the equivalent of Euro 11 650 per person. Usually, therefore, Afghans travelling to Western Europe have to work many years in Pakistan before they can afford to leave. Relatives who have already arrived in Western Europe may also occasionally provide financial support. In view of the poor living standard in Afghanistan and the common availability of a large network of relatives in Pakistan, direct departure from Afghanistan to Western Europe is less probable.

52. In Pakistan, there is a lucrative market for all types of stolen blank passports or visas. Forgery is also frequent. Forged documents are invariably of high quality. Many of the stolen or forged visas in Pakistani passports were carried by asylum seekers who arrived in the EU from Islamabad.

### **Nationals of Afghanistan in other parts of the world**

53. The political and military turmoil which has existed in Afghanistan over the past decades has caused a constant stream of Afghan citizens to leave their country. The big majority of them settled down in the neighbouring countries (Pakistan, Iran, former USSR republics).

#### **a. Afghans in Pakistan**

54. At present, about 1,2 million Afghan nationals live as refugees in Pakistan (the total number is, however, estimated at 2 million). In comparison with 1989, when the number of Afghan refugees exceeded 3 million, this is a strong decrease. Especially since 1992, after the fall of the Najibullah regime, the repatriation of Afghan nationals gained momentum. During the last few years, the number of Afghans returning to their country has however decreased. Nevertheless, in 1998 UNHCR repatriated 93,200 Afghan nationals from Pakistan. As always with UNHCR, these people returned voluntarily.

55. About 75% of the Afghan refugees in Pakistan originate from the Afghan Pashtun areas. The remaining 25% are mainly from Kabul, Mazar-i-Sharif and Hazarajat.

56. Pakistan is not a party to the Geneva Convention on Refugees, but there is *de facto* compliance with the Convention; reference is also made to the Convention in Pakistani secondary legislation. The criteria for the acceptance of someone as a refugee in Pakistan are laid down in the *Handbook on Management of Afghan Refugees in Pakistan* (1981, revised 1984). According to the Handbook, every Afghan staying in Pakistan, regardless of his motives, is considered to be a *prima facie* refugee. In July 1997, the Ministry of Interior reconfirmed the refugee status of Afghans in Pakistan and legitimised their freedom of movement outside the refugee villages (which were originally designed as their places of settlement). Every Afghan entering the country has the freedom of movement and the freedom to work; consequently, Afghans in Pakistan freely come and go and have access to the labour market.

57. Formally, Afghans must present a valid passport with a visa when entering Pakistan. In reality, Afghans can easily travel between Afghanistan and Pakistan without official travel documents. In fact, many Afghans who live in Pakistan regularly return to Afghanistan to inspect their belongings or attend to their business.

58. Many Afghans live in refugee villages around Peshawar in the same manner as the rural Pakistani population. Others live in towns such as Peshawar, Rawalpindi, Quetta and Karachi, which host large Afghan communities. In the refugee camps, a well-functioning education system has been set up supported by UNHCR.

59. The economic activities of Afghans in Pakistan are extensive, in particular in the North West Frontier Province. In this province, Afghans dominate road transport and haulage and play a vital role in the construction industry and even in agriculture.

60. Most Afghan refugees seem to be integrated into the Pakistani economy and society, although the sympathy of the local population vis-à-vis the Afghan refugees has considerably eroded in the past few years, fuelled by unemployment, the general economic context, increasing criminality and sectarian violence. Some Afghans (such as those with high political profile) may need to avoid cities such as Peshawar and Quetta for fear of being killed by political adversaries. UNHCR, in close collaboration with Norwegian Church Aid, has the means to offer these Afghans an alternative settlement possibility within Pakistan (Lahore, Rawalpindi, etc). In fewer than one hundred cases per year, UNHCR concludes that settlement outside Pakistan would be the best solution. The majority of the Afghans who feel insecure in Pakistan are targeted as a result of cross-border clan and family feuds instead of for their political convictions.

61. Afghan refugees are not systematically registered by the Pakistani authorities or by UNHCR. On request, the Pakistani authorities issue ID cards, the so-called Shanakhti passes, to Afghan refugees. Since this pass is not necessary to be able to work and reside in Pakistan, only a limited number of Afghan refugees apply for such a pass. UNHCR in Pakistan is unable to register or assess the particular status of refugees.

62. A declaration is appended to the EC-Pakistan Co-operation Agreement in which Pakistan declares its willingness to conclude readmission agreements with the Member States which so request. The agreement is due to be signed in [...] 1999. Since the declaration refers only to the readmission of "nationals" (viz. Pakistani), the declaration does not explicitly include the readmission of Afghans who have arrived in the EU via Pakistan. At present, Pakistan does not appear to be officially prepared to readmit Afghans who have been resident for a long period in an EU Member State. According to the Pakistani authorities, the Afghan refugee problem has simply internationalised with tens of thousands seeking asylum in Western Europe while Pakistan still harbors a multiple of that number. The fact that a number of Afghans hold Pakistani travel documents makes little difference, as the great majority of such documents are thought to have been obtained illegally, according to the Pakistani authorities.

63. Pakistan seems to be prepared to consider a transit arrangement for rejected Afghan asylum seekers from Western Europe en route to Afghanistan. Conditions have still to be verified.

b. Afghans in Iran

64. In Iran there are an estimated 1.4 million Afghans. For a long time, the Iranian borders were open to refugees from Afghanistan. Today, they are all but closed. The Iranian authorities in Tehran had hoped that following the repatriation agreement concluded with UNHCR in 1992 most Afghans would return. In reality, this is not the case. UNHCR repatriated 14 161 Afghan nationals from Iran between 1 January 1998 and 31 December 1998; the cumulative total since 1 December 1992 is 582 240 individuals.

65. Only approximately 2% of the Afghan refugees in Iran live in camps (of which there are seven). The great majority of them live spread throughout the country. Many Afghans live in Teheran, Isfahan, Mashad and Kerman in particular. Only the poorest groups remain in the provinces of Khorassan and Zahedan.

66. Iran is a party to the Geneva Convention on Refugees and its protocol.

67. Of the Afghan refugees, only those who had arrived prior to 1992 were considered *prima facie* refugees and were issued refugee documents and residence permits by the Iranian authorities (about 850 000 persons). However, the large variety of documents that have been issued over the years has led to confusion as to the legal status of the holders. Afghan refugees who arrived later than 1992 mostly settled without the necessary documents and residence permit. The Iranian authorities refer to them as "undocumented" or "illegal" immigrants. This group numbers over half a million Afghans.

68. The difficult economic conditions in Iran have had a negative impact on the situation of refugees. High unemployment has led to a strict application of the labour laws which has resulted in many refugees losing their jobs or being unable to obtain a work permit. Forced returns of Afghan nationals to Afghanistan occur. The Iranian authorities state that they are unable to continue their generous policy towards refugees. The killings of Iranian consular staff in Mazar-i-Sharif in August 1998 have increased the negative sentiments against Afghans among the local population.

69. These developments have led to significant deportations of undocumented Afghan nationals as well as spontaneous returns to Afghanistan. The deportees comprise Afghans who committed criminal activities in Iran as well as Afghans without documents who were detected by the Disciplinary Forces. During the last months of 1998 and the beginning of 1999 alone, the number of refugees involved in these forced repatriations may possibly amount to more than 50 000. Those who returned spontaneously were mainly Afghans who went back to their families in Afghanistan following completion of temporary/seasonal work in Iran. The majority of Afghans returning outside UNHCR assisted repatriation programmes (deportees or spontaneous returnees) consisted of single males of all ethnic groups.

70. At present (July 1999) UNHCR is in the process of signing an Aide Memoire with the Iranian government with a view to fostering voluntary repatriation in accordance with established principles and procedures. The Aide Memoire envisages the build-up of a logistical apparatus that will enable UNHCR to repatriate a target number of 120 000 persons per year. Afghan nationals are granted a transitional period of six months, in which they may decide to return voluntarily. During this period, UNHCR will assist all undocumented Afghans who wish to repatriate to do so. At the same time UNHCR intends to start a screening procedure aimed at identifying Afghan nationals who have reason to fear persecution upon return to Afghanistan.

71. If a functioning eligibility process is established it will greatly enhance protection of Afghans. UNHCR will not co-operate with the Iranian government's wish to concentrate Afghan nationals in refugee camps. This is undesirable because of the social-economic consequences for the Afghan nationals and the overall costs. Full implementation of the Aide Memoire depends on financial support of the international community. UNHCR expects the program to have a regional (*i.e.* Pakistan) and even supraregional (*i.e.* the EU) impact. In order to be able to monitor the situation of repatriated Afghans, UNHCR's presence in Afghanistan is imperative.

c. Afghans in Central-Asian Republics and elsewhere

72. Four of the five Central-Asian Republics have signed the Geneva Convention. There is a tendency towards increased compliance with international treaties. UNHCR is not opposed to the readmission of Afghan nationals to the Central-Asian Republics, provided that it is in accordance with established principles, procedures and safeguards.

73. At the beginning of 1998, the largest Afghan refugee populations outside Pakistan and Iran were concentrated in India (17 500) and in countries of the Commonwealth of Independent States (CIS), including Kazakhstan (1 650), Turkmenistan (5 500), Ukraine (3 000) and Uzbekistan (3 200).



74. In Central Asia, the number of Afghans is roughly estimated to 40 000. These refugees are generally tolerated and treated humanly. They are basically Hazaras, Uzbeks, Tajiks and Turkmen and most of them have been associated with the communist regime of Najibullah.

75. In India, the 16 960 Afghan refugees recognised under UNHCR mandate are either able to remain on temporary residence permits or are tolerated by the Government of India. Most of them, too, have been associated with the communist regime of Najibullah.

### **Analysis of the causes of migration and flight**

76. Many Afghans seeking asylum in Western Europe are relatively well-educated and have been living for quite some time in one of the countries of first stay, in particular in Pakistan. After the rise to power of the Taliban, they lost the prospect of a quick return to Afghanistan. Even if until recently some of them may have hoped to repatriate, the present economic situation in combination with the limited access to health care and the failing educational system in Afghanistan discourage them to go back. Since the economic prospects in the countries of first stay are increasingly bleak too, they decide to move on, in particular to the EU. Their escape from economic hardship causes a brain-drain, which will have an adverse effect on the future reconstruction and rebuilding of Afghanistan.

77. The general situation in Afghanistan and treatment by the Taliban in general, as well as the "methods of government" established by the Taliban (including the application of the *Sharia*) are often given as reasons for leaving Afghanistan. Many applicants refer to the application by the Taliban of strict living rules (e.g. use of alcohol or drugs, dress or hair code, playing music, videos) as the main reason for leaving the country. These claims are sometimes based on a general dislike of the situation without the applicant having suffered any individual persecution. In other cases the applicants claim to have opposed Taliban living rules and claim to have experienced treatment which amounts to persecution. There are claims of Afghan asylum seekers stating they opposed the Taliban instructions on the education of girls.

78. Membership of a political party or affiliation with a political party are also often cited as reasons. In a large category of cases applicants are ex-communists. They either held government or military positions or were PDPA/Watan party members. In some Member States there are relatively many applicants who held positions in the former communist security service as well. The second category of applicants who claim to fear persecution because of political activities/affiliation, are those active for a *Mujahedin* party. Most of them claim to have left the country before the Taliban took power in the area of the country where they lived, or claim to have encountered difficulties/human rights violations on the part of the Taliban. There is also a substantial category of asylum seekers who claim to have been active for small parties, many of which are leftist/Marxist.

79. Another category of asylum seekers base their claim mainly on political activities, such as distributing pamphlets, attending public meetings, speaking out against the Taliban rule or the rule of the *Mujahedin* party dominating the local area where they resided.

80. A fourth category are those who fear reprisals/harsh treatment because of their religious or ethnic background. The ethnic background of Afghan asylum seekers in Western Europe is very diverse. There are Tajiks, Pashtun, Hazaras, Uzbeks and those belonging to other smaller ethnic groups among them. The same is the case for religious groups. The Shia Muslims often claim to be discriminated against or being persecuted on the basis of their religion. There are also asylum seekers belonging to Muslim sects such as the Ismailis, Baha'is and Zaydites. In a number of Member States there are also asylum seekers who claim to belong to the small Sikh and Hindu communities in Afghanistan.

81. A fifth category are those claimants who fear inhuman treatment as a result of having committed acts which are considered common law crimes under the Taliban (adultery, homosexual behaviour).

82. The alternation of different regimes/rules in Afghanistan has caused the group of Afghan nationals who reside in EU countries at present (and those individuals who have acquired EU citizenship) to be very heterogeneous; the group comprises both Afghans who claim to have been persecuted by the communists, communists who claim to have been persecuted by either the *Mujahedin* or the Taliban, and *Mujahedin* who claim to have been persecuted by the Taliban. The composition of the group of Afghan asylum seekers differs from one Member State to another. This seems to be the case for ethnic groups as well as political affiliation. A reason for this phenomenon may be the strong tribal and community links among Afghans.

83. In some Member States asylum applications have been lodged by Afghans who may have committed war crimes.

## C. EXISTING MEASURES AND ACTIONS

### I Rundown of existing Member State measures and actions

#### Politics

84. France is the only Member State which has a diplomatic representation in Afghanistan in the form of a travelling *Chargé d'Affaires*, who visits the country every two months for two weeks. Currently, no other Member State has a representation in Afghanistan. Most of them are represented in Pakistan, Iran and China. A small number has representations in the Central Asian Republics neighbouring Afghanistan.

85. No Member State recognises the Taliban. The EU Common Position urges Member States to maintain contact with all Afghan factions. The United Kingdom maintains regular contact with the Taliban.

#### Economics

86. One Member State has contributed Euro 1,4 million to the Pilot Program (Kandahar and Nangarhar Provinces) which seeks to encourage farmers to turn away from poppy cultivation.

#### Development co-operation (Table in Annex II)

87. Development aid is normally provided by subsidising NGOs working in Afghanistan. The subsidies are mainly granted to programmes in the fields of health care and education. It is often difficult to draw a straight line between, on the one hand, development aid and, on the other, humanitarian aid. This must be kept in mind while reading Table 1.

88. Many Member States participate in the Afghanistan Support Group (ASG), which consists of the main donor countries that provide humanitarian aid to Afghanistan (*viz.* several European countries, the United States, Canada, Russia and Japan). The ASG is a platform for co-ordinating donor aid programmes with a view to formulating a common strategy for the provision of humanitarian aid to the Afghan people. Steps towards realising the objective of a common strategy have been taken through the formulation of a Strategic Framework and Principled Common Programming-structure by the UN. The EU aims to improve the effectiveness of aid by closer international donor co-ordination, in particular by working through the ASG and the Afghanistan Programming Body (EU Common Position, 25 January 1999, Article 4).

89. As a rule, EU Member States channel humanitarian aid through UN organisations and NGOs and are crucial donors for organisations such as UNHCR, UNOCHA (UN Office for the Co-ordination of Humanitarian Assistance to Afghanistan), ICRC, WFP, FAO and many (other) NGOs working in Afghanistan. The programmes cover a broad spectrum of humanitarian aid, including health care, de-mining, repatriation, seed improvement, education, water, sanitation, emergency aid for victims of earthquakes, food support, refugee care and protection, etc.

90. The UN High Commissioner for Human Rights (UNHCHR) proposed to investigate the massacres in Mazar-i-Sharif in 1997 and 1998. Several EU Member States have pledged to co-finance the investigation, which has not yet started.

#### Justice and Home Affairs measures

91. Some Member States have stationed an immigration officer at their embassy in Islamabad, Pakistan. The immigration officers' task is to build up and tap an extensive network of people and organisations specialised in Afghanistan. The network enables the immigration officers to provide detailed information on both the situation in Afghanistan and on Afghan organisations active in Pakistan. The information is used to verify asylum claims of Afghan nationals seeking asylum.

92. One Member State has agreed a protocol on readmission with Pakistan (not yet in force). Another Member State recently submitted a draft readmission agreement to Pakistan and an agreement for the transfer of prisoners. The Pakistan authorities have not yet replied. A third Member State is negotiating readmission agreements with India and Pakistan.

## II. Rundown of existing Community/Union measures and actions

(see also Annex III)

### Politics

93. The EU's policy in Afghanistan is embodied in the revised EU Common Position adopted by the Council on 25 January 1999. The main objectives of the EU in Afghanistan are:

1. to bring about a sustainable peace in Afghanistan, put an end to foreign intervention, and encourage intra-Afghan dialogue, in particular through support for the central role of the United Nations;
2. to promote the stability and development of the whole region through peace in Afghanistan;
3. to promote respect for international humanitarian law and human rights, including the rights of women and children;
4. to provide effective humanitarian aid and ensure that the international co-ordination of aid allows for its provision in accordance with international humanitarian principles and an impartial needs assessment;

5. to reinforce the fight against illegal drugs and terrorism;
6. to assist in peace building activities and, once a durable peace settlement is in place, the reconstruction of the country after years of civil war;
7. the endorsement of the arms embargo.

94. There are Commission Delegations in neighbouring Pakistan, China and Kazakhstan.

#### Economics

95. At present there is no formal agreement between the EC and Afghanistan. Possibilities for agreements will depend on the negotiation of a sustainable peace in Afghanistan.

#### Development co-operation/humanitarian aid

96. The Community is the largest single donor to Afghanistan. On average, Euro 40 million have been committed per annum since 1989. In 1996, the total amount of Community aid commitments reached Euro 78,7 million, due to an exceptional one-year program of Euro 32,5 million launched by ECHO in December 1996. The total amount of commitments in 1997 was Euro 43,16 million.

97. During the period 1995-1997, a substantial part of the budget for aid to uprooted people in Asia was spent on Afghan refugees, internally displaced persons (IDP's) and returnees (Euro 63,9 million). This substantial attribution can be explained by the fact that Afghans remain the largest single refugee caseload in the world for the 18th year in succession. Assistance had been provided to local communities and Afghan refugees in Pakistan and Iran were supported financially. Resettlement in Afghanistan has been assisted by supporting de-mining activities, the rehabilitation of small infrastructures, particularly agriculture, as well as the provision of basic health care, water and sanitation, basic education and vocational training. These activities were confined initially to the Eastern part of Afghanistan which offered conditions of relative security in the years from 1994 to 1998, but have gradually been extended to most of the southern half of Afghanistan and other areas. In addition, a small number of NGOs receive co-financing for micro-action and support for activities to reduce drug demand. In 1998 the Community attributed a total amount of almost Euro 18 million for the assistance of uprooted Afghans. Euro 2,7 million was allocated to UNHCR for the assistance of Afghan refugees in Iran and Pakistan.

98. The Community provided Food Aid for emergency feeding of vulnerable populations, for small-scale "Food for Work" projects throughout Afghanistan, and for longer term food security projects. Emergency food aid has been largely administered by ICRC and the World Food Program, which operates subsidised bakeries. "Food for Work" activities, largely carried out by WFP, have been severely curtailed in the last year, however, by the restrictive policies of the Taliban and by fighting in Northern Afghanistan. Food security activities have been carried out by FAO and some European NGOs.

99. Since 1994 ECHO has provided substantial emergency humanitarian aid, medical and health programmes, sanitation and water supply, de-mining, shelter and winter relief interventions primarily focused on Kabul, and has also developed innovative actions to underpin the fast disappearing economy of Kabul. ECHO assistance has been mainly provided through European NGOs, but significant aid has also been provided to UN agencies. ECHO also responded rapidly to the humanitarian emergency caused by earthquakes. In February 1997, ECHO established a Correspondents office in Kabul, which was moved to Islamabad in September 1998.

100. More detailed information on the assistance provided to Afghanistan by the European Community can be found in Annex III.

#### Justice and Home Affairs measures

101. Afghanistan is a country selected on the list of third countries whose nationals must be in possession of a visa when crossing the external borders of the EU Member States (Council Regulation 574/1999).

### III. Measures and actions by UNHCR, IOM, ICRC and other inter-governmental and non-governmental organisations

(see also Annex IV)

#### Politics/Economics

102. UN peace initiatives are described in section A.1.c.

103. UNDP developed an economic plan for Afghanistan aiming at reviving growth in output and stabilising prices, while maintaining a viable balance-of-payments position. The UNDP plan also argued that the top priority for the agriculture sector should be the restoration of self-sufficiency, focusing on community-based smallholder production schemes, and the reconstruction of ruined irrigation systems. However, since the implementation of the plan was made conditional on the restoration of peace, it never got beyond the drawing-board.

104. The United Nations Drug Control Programme (UNDCP) started a pilot programme for Afghanistan, which developed slowly but steadily during 1998. The programme is based upon a UNDCP commitment to fund development activities in specific poppy-growing areas in exchange for the Taliban's agreement: (a) not to permit the cultivation of opium poppy in new areas; (b) to allow UNDCP to survey the opium poppy crop; and (c) to take action against the trafficking of illicit drugs and for the destruction of illicit laboratories. During 1998, activities for the reduction of the poppy crop continued within existing constraints.

#### Development co-operation/Humanitarian aid

105. UN organisations and the donor community adopted a common Strategic Framework to encourage the implementation of a more effective Common Programming in Afghanistan.

106. From the end of 1997 until May 1998, the Taliban refused to allow food convoys access to Hazarajat. Since the lifting of the blockade of the area and the partial victory by the Taliban, it is once again possible for the local population to trade with the surrounding areas. Authorisation for a UN road mission was finally granted in early November 1998. The food is supplied by the WFP.

107. The UN has, as part of the reconstruction effort after the earthquakes in February and May 1998, given support for the rebuilding of some 15 000 homes, 10 000 of which were due to be completed by the end of November 1998. By then, the NGOs involved in this programme were planning for the winterization of incomplete homes and the identification of potentially vulnerable families. Among other activities, WFP was distributing 250 kilograms of wheat to families who have rebuilt their homes.

108. Despite the withdrawal of international staff, UNOCHA's Mine Action Programme for Afghanistan has continued its operations throughout most of the country during 1998. Several independently-financed NGOs continue to face funding shortfalls owing to revised policies by some donors. In October 1998, the Taliban authorities announced a ban on the production, transfer and sale of landmines. Several confirmed or reliable reports have been received indicating that UIFSA has continued to lay mines periodically. According to the US Department of State, the Taliban, too, have continued to lay mines.

109. As of 13 November 1998, some Euro 49,5m had been contributed or pledged for projects in the 1998 UN consolidated appeal for assistance to Afghanistan, representing one third of the appeal requirements of Euro 152m.

110. The UN continued collaborative efforts within the assistance community to implement principled common programming of aid activities in Afghanistan. On 10 November 1998, the first meeting of the Afghanistan Programming Body was held at Islamabad, comprising representatives from the UN, NGOs, ICRC, the International Federation of Red Cross and Red Crescent Societies and major donor countries, providing guidance on the preparation of the 1999 consolidated appeal.

111. While ongoing UN programmes were continuing under the management of national staff, it has not been possible to embark on new assistance activities since September 1998.

112. UNHCR's main objective in Afghanistan is to achieve a durable solution to Afghan refugees by facilitating their voluntary repatriation to safe areas of origin in Afghanistan. The means to achieve this objective include: 1) establishing and managing encashment centres in Jalalabad, Khost, Kandahar and Lashkargah where returnees from Pakistan receive a cash grant and a supplementary WFP food package; 2) providing transportation assistance in Afghanistan to returnees from Iran to their places of origin; 3) systematically monitoring the situation of returnees inside Afghanistan to enable interventions, both with regard to the protection and human rights of returnees as well as to assistance measures to address their basic needs; 4) providing, in cooperation with other UN agencies and NGOs, initial reintegration assistance in an integrated manner with UNHCR assistance mainly focusing on shelter and safe drinking water. Other durable solutions, such as local integration or resettlement, could be considered in cases where voluntary return is unrealistic. Such solutions might be needed, e.g. for persons belonging to the well-educated, urban middle and upper classes or to ethnic minorities.

#### Human rights

113. In December 1997, following the announcement of the discovery of mass graves in northern Afghanistan in November 1997, the then Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik, visited a number of sites where persons had been buried in that part of the country. He was accompanied during the visit by a forensic expert. In his report to the Commission on Human Rights, the Special Rapporteur recommended that an investigation of the killings take place.

114. In May 1998, UNHCR sent an exploratory mission to Afghanistan to determine the feasibility of an investigation into allegations of serious violations of human rights in Afghanistan in the course of 1997 and the establishment of an international humanitarian law committee. In the light of the mission's report, and in view of the extremely serious violations of human rights and international humanitarian law reported to have taken place in 1998, the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs and UNHCHR jointly decided to proceed with preparations for an investigation of those reports, which will be carried out under the auspices of UNHCHR. In addition, it is the intention of a number of thematic special rapporteurs of the Commission on Human Rights to undertake visits to Afghanistan within the purview of their respective mandates.

115. On 23 November 1998, the UN Secretary General proposed in a letter to the Security Council to establish within UNSMA, without prejudice to its mandate and taking into account security conditions, a civil affairs unit (CAU) with the primary objective of monitoring the situation, promoting respect for minimum humanitarian standards and deterring massive and systematic violations of human rights and humanitarian law in the future. In resolution 1214, the Security Council supported the Secretary General's initiative.

#### UNHCR's repatriation programme

116. Afghans remain the largest single refugee caseload in the world for the 18th year in succession. After the large increase in repatriation from Pakistan and Iran in 1992, the year in which the communist regime of Najibullah was overthrown, the number of people who were assisted by UNHCR in returning to Afghanistan gradually decreased to 107 361 in 1998, 93 200 of whom came from Pakistan and 14 161 from Iran. Despite the decrease, this was still the largest repatriation anywhere in the world during 1998; the total number of Afghans who have returned since 1992 is 4,1 million. UNHCR strictly lends assistance to repatriations on a voluntary basis only.

117. The return of refugees to Afghanistan was seriously hindered by the events of 1998. Firstly, the Taliban's conquest of large parts of northern Afghanistan and Hazarajat created a new flow of refugees, mostly to Pakistan. Secondly, the UN was forced to withdraw its international staff after the security situation in Afghanistan worsened considerably. Yet throughout 1998 refugees continued to return. Most of the refugees returning from Pakistan were Pashtuns with rural backgrounds, who went back to the rural areas in southern and eastern Afghanistan whence they originated.

118. In September 1997, UNHCR initiated a group repatriation programme for Afghan refugees in Pakistan. In the course of 1998, this programme gained real momentum, accounting for 18 000 returnees. The objective of the group repatriation program is to identify larger groups of Afghan refugees in Pakistan who are willing to repatriate and to undertake better targeted assistance projects inside Afghanistan which will ensure their reintegration and a sustained return. A main component of this approach is to maintain the link between those who repatriated and the rest of the community still residing in Pakistan. In this way, refugees who have stayed behind may also be convinced to repatriate.

119. Because of lack of funding, UNHCR suspended the group repatriation programme at the end of 1998.

120. The villages to which the refugees return are situated in peaceful and stable rural areas in southern and eastern Afghanistan. In these villages, persecution by the Taliban hardly occurs; indeed, persecution predominantly focuses on the cities and is particularly aimed at modern Afghans. Nearly all refugees on the repatriation programme reported feeling safe in the villages to which they returned.

#### **D. ASSESSMENT OF THE STATE OF PLAY**

121. Although in many parts of Afghanistan the situation has stabilised, armed conflict still occurs in some parts of the country. The Taliban regime now claims to impose its authority on about ninety per cent of the territory. Only in the north-eastern part of the country, UIFSA still remains the dominating force. Fighting resumed in March 1999 in northern Afghanistan. It is unlikely that in the near future the Taliban will be able to gain control over the entire country.

122. So far, the Taliban regime has been recognised only by Pakistan, Saudi Arabia and the United Arab Emirates.

123. During 1998, the EU continued to support the UN peace efforts. In March 1999, UN-sponsored peace talks in Ashkabad, Turkmenistan, led to an initial agreement between the Taliban regime and representatives of UIFSA. After the initial enthusiasm of the international community, the prospect of continuing peace talks leading to a definite end to the hostilities and the implementation of a shared executive, legislature and judiciary has grown bleak: in April 1999, the Taliban withdrew from further talks on implementation of the agreement.

124. In March 1999, the UN announced that it would initiate the gradual return of international UN staff to Afghanistan. This decision was taken anticipating a peace agreement in Ashkabad and following evidence of progress in the investigations of the murders of three UN workers last year and of concerted efforts by the Taliban to comply with a security agreement signed with the UN in October 1998. Despite the breakdown of the peace talks and the reports of resumed fighting in Afghanistan, the UN has not reversed its decision to return.

125. While the overall security situation in most areas controlled by the Taliban has improved, human rights issues continue to be a major concern all over Afghanistan. The Taliban continue to interpret the *Sharia* in a very strict manner. The implementation of the *Sharia* and punishment for non-compliance varies considerably. While in urban areas punishment is often harsh in order to set an example and ensure compliance out of fear, the rules are less severely implemented in rural areas, partly because of the high degree of conformity of the local traditions with the rules established by the Taliban.

126. Apparently, Afghanistan still offers hospitality to people whom the EU believes are involved in terrorism. In order to advance the fight against terrorism, the EU will continue to demand that all Afghan parties refrain from supporting terrorist activities and will continue to urge Taliban militia to close down training camps for foreign terrorists inside Afghanistan and to take the necessary steps to ensure that those responsible for terrorist acts are brought to justice. If the Afghan parties met these demands, the security situation in Afghanistan would undoubtedly improve.

127. As a result of the long-lasting civil war, Afghanistan's economy is in a poor state. The infrastructure in many parts of the country has been ruined. Last year's earthquakes have worsened the situation in the north-eastern part of the country. Poppy cultivation remains a major source of income. Limited access or exclusion to health care and education further deteriorate the situation.

128. The difficult co-operation climate which prevails between the international aid community and the Taliban and which led to the evacuation from the Taliban held area of all international staff during the summer of 1998 led to a decrease of support activities in Afghanistan.

129. In recent years the European Community has provided substantial assistance in various areas to Afghanistan making it the largest single donor to this country. Humanitarian assistance, including food aid, medical and health programmes, sanitation and water supply, de-mining and shelter have been provided. Special attention is given to the Afghan refugees in Pakistan and Iran and repatriation has been supported. The volatile security situation has led to reduced activities. The future aid strategy of the Community for Afghanistan is heavily dependent on political and security conditions in the country. Conditions allowing, the Community is ready to increase the assistance. In the meanwhile emergency humanitarian and limited rehabilitation aid will be maintained in the areas of Afghanistan that are stable and which continue to attract refugee return. Targeted aid will be provided in areas where this can be done in a non-discriminatory way and with partners committed to the respect of basic humanitarian principles.

130. In the years following the Soviet invasion of Afghanistan, more than 6 million Afghans took refuge in Pakistan and Iran. Since 1992, more than 4 million have returned home. In 1998, about 107,000 Afghans repatriated to Afghanistan from Pakistan and Iran.



131. Although Pakistan still officially hosts 1.2 million Afghan refugees, the total number of Afghan nationals in Pakistan is estimated at 2 million. Afghan nationals are free to cross the border in both directions. Many of them have lived for years in Pakistan. Most of the refugees are integrated in the local economy. As a result of the deteriorating economic situation in Pakistan, frictions have arisen between the refugees and the local population.

132. Iran has an estimated 1.4 million Afghan refugees within its borders. Tensions rose between Iran and the Taliban regime after the killings of ten Iranian diplomats and a journalist in Mazar-i-Sharif in August 1998. As a result of these developments, Iranian troops were placed on full military alert. Tensions diminished after the Taliban released Iranian prisoners from Kandahar jails in October 1998. As a result of the poor economic conditions in Iran and the frictions between both countries, Iran has all but closed its border with Afghanistan and has begun to (forcibly) return thousands of Afghan nationals.

133. According to UNHCR, lack of funding and the absence of international staff resulted in a reduction of humanitarian activities in Afghanistan during the second half of 1998. At present, UNHCR is unable to initiate reintegration programmes in Afghanistan or hand them over to development agencies. In addition, UNHCR points out that there is a serious lack of funding for refugee programmes in Pakistan and Iran. Because of the economic crises in Pakistan and Iran, Afghan refugees are increasingly under pressure to leave these countries. For many of them, returning to Afghanistan is not an option because of the poor socio-economic situation.

134. In the EU as a whole, the total number of Afghan nationals who have applied for asylum remains high, reaching a total of 17,300 (5% of the total influx). Two Member States have received three-quarters of the total number of applicants. Many asylum seekers arrive in the EU via Pakistan, where they usually have lived for a number of years. In order to reach the EU, they usually make use of illegal trafficking networks, to whom they pay enormous sums of money (up to the equivalent of Euro 11 650 per person). Different travel routes are used. One route leads via Russia, Poland or Hungary or the Czech Republic; another via the Middle East (either by air through Dubai airport or over land via Turkey).

135. No EU Member State returns rejected asylum seekers to Afghanistan; in specific, exceptional cases, one Member State returns Afghan nationals to Pakistan. However, on the whole, Pakistan does not co-operate with the readmission of Afghan nationals who lived there several years before leaving for the EU.

## **E. ACTION REQUIRED BY THE COMMUNITY/UNION**

### **136. Foreign Policy**

a) The EU supports the UN peace efforts and the work of the UN Secretary General's Special Envoy for Afghanistan, Mr. Lakhdar Brahimi. The EU will continue to assist to find a political solution to the conflict. The EU continues to engage in contacts with the Afghan parties and prominent Afghan individuals to point to the futility and grave and unacceptable humanitarian consequences of the continued fighting, and urges an immediate ceasefire and the negotiation of a political settlement under UN auspices, including the establishment of a fully representative, broad-based government. The EU maintains an embargo on the export of arms, munitions and military equipment and urges other countries to adopt a similar policy of restraint.

Target date: ongoing

Responsible: Council

Financial implications: no

b) The EU supports the call of the UN Special Rapporteur for Afghanistan, Mr. Kamal Hossain, for an overall strategy to uphold and implement human rights in Afghanistan. In this context the EU will support the deployment of a UN special civil affairs unit whose primary objective will be to monitor the human rights situation in Afghanistan.

Target date: ongoing

Responsible: Council/Commission

Financial implications: no

c) The EU will start a constructive dialogue with the Iranian government to discuss the issue of the Afghan refugee population on its territory. Acknowledging the hospitality of Iran in hosting large numbers of Afghan nationals, the EU will look into appropriate ways to support the Iranian government in achieving a durable solution for this issue. The EU will address the issue of alleged reports of forced repatriation of Afghan nationals to Afghanistan.

Target date: mid 2000

Responsible: Council/Commission

Financial implications: yes

Possible Community budget line: Aid to up-rooted people in Asian countries (B7-3 0 2)

Member States:

Experts Member States needed: yes

d) The EU stresses the importance of compliance with the human rights treaties to which Afghanistan is a signatory member.

Target date: ongoing

Responsible: Council

Financial implications: no

e) The EU urges the parties in Afghanistan to strictly observe their amnesty declarations and supports UNHCR in its efforts to make the application of the amnesties more general.

Target date: ongoing

Responsible: Council/Commission

Financial implications: no

f) Continue to support the efforts for a lasting peace settlement in Afghanistan under the aegis of the UN.

Target date: ongoing

Responsible: Council

Financial implications: no

g) Intensify the dialogue with Pakistan and Iran in dealing with refugees and migrants from Afghanistan taking into account the efforts of UNHCR.

Target date: mid 2000

Responsible: Council/Commission

Financial implications: no

### 137. Development and Economic Cooperation

a) Explore the potential for partnerships in development co-operation to strengthen peace-building measures, reduce conflict and provide security to all Afghans both within Afghanistan and in the surrounding region, especially the poorest. Improve effectiveness of EU aid by closer international donor co-ordination, in particular by actively supporting the Common Programming exercise, conducted by the UN, and through regular coordination via the Afghanistan Support Group and the Afghanistan Programming forum.

Target date: Ongoing

Responsible: Commission

Financial implications: no

b) The Commission will develop concrete suggestions for an intervention strategy based on its proposals set out in its paper "The EC and Afghanistan Cooperation Strategy 1999-2001". In co-operation programmes special attention will continue to be given to activities that aim to improve the basic living conditions in Afghanistan. In this respect, priority is given to the restoration of the health care and educational facilities as well as to de-mining programmes in the countryside. Assist in improving the economic situation and contribute to the reduction of poverty levels in Afghanistan. The EU will look for ways of strengthening the cooperation with international and local non-governmental development organisations in the region.

Target date: 1999 - 2001

Responsible: Commission

Financial implications: yes

Possible Community budget line: Aid to up-rooted people in Asian countries  
(B7-3 0 2)

c) Support programmes under the guidance of UNDCP aimed at combating the production and trafficking of drugs (poppy cultivation) in line with the EU Common Position on Afghanistan.

Target date: ongoing

Responsible: Member States

Financial implications: yes

Possible Community budget line: Cooperation with the New Independent State and Mongolia (TACIS-Inter State) (B7 – 5 200)

Member States:

Experts Member States needed: yes

d) Provide reconstruction assistance in case of a lasting peace settlement along the lines of the EU common position and the Cooperation Strategy of the European Community on Afghanistan, thereby promoting the development of a civil society which will enable Afghanistan to become a fully fledged member of the international community. Supporting the building of good governance and to strengthen management capacities at central and regional level.

Target date: Once the peace process is underway

Responsible: Commission/Member States

Financial implications: yes

Possible Community budget line: Aid to up-rooted people in Asian countries (B7-3 0 2)

Member States:

Experts Member States needed: yes

e) Depending on the establishment of a government entity with which donors can work, and on national and EC priorities for using development co-operation to eliminate poverty, use development assistance to help reduce conflict, build peace and provide security to all Afghans both within Afghanistan, and in the neighbouring region, especially the poorest.

Target date: Dependent on establishing a government recognised by all parties

Responsible: Commission

Financial implications: yes

Possible Community budget line: Aid to up-rooted people in Asian countries (B7-3 0 2)

Aid, including emergency food aid, to help the population of the developing countries and others hit by disasters or serious crisis (B 7- 2 1 0)

### 138. Migration

a) Identify possibilities to strengthen existing assistance to voluntary return programmes in the region set up by UNHCR and IOM, in consultation with the host countries. In this respect, the EU will consider the appeal for funding necessary to implement the Aide Memoire between UNHCR and the Iranian government.

Target date: 2000

Responsible: Commission/Member States

Financial implications: yes

Possible Community budget line: Aid to up-rooted people in Asian countries  
(B7-3 0 2)

Member States:

Experts Member States needed: yes

b) The EU stresses the urgency for the presence of UNHCR in Afghanistan, security conditions permitting notably in order to monitor the repatriation programmes and to facilitate the reintegration of returnees. Furthermore, UNHCR's presence is expected to contribute to a better observance of the amnesty declarations.

Target date: ongoing

Responsible: Council

Financial implications: no

c) Conclude readmission agreements with Pakistan based on the readmission clause contained in the EC-Pakistan Co-operation Agreement (not yet signed/entered into force), either by individual Member States or by the Community. Such agreements should not only cover own nationals but also stateless persons and third-country nationals, in particular Afghan nationals who have been living in Pakistan for a substantial period of time. Similar agreements should also be concluded with Iran and the Central-Asian Republics.

Target date: from 2000 onwards

Responsible: Council/Commission/Member States

Financial implications: no

.

d) Assist Pakistan in tackling the problem of forgery of official documents such as passports and visas.

Target date: mid 2000

Responsible: Council/Commission/Member States

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes

e) Increase the effectiveness of Airline Liaison Officers (ALO's) in Pakistan through enhanced EU co-operation. Investigate the possibilities of extending the number of ALO's.

Target date: mid 2000

Responsible: Council/Member States

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes

f) Encourage Member States to deploy Immigration Officers in the neighbouring region, and to share information on a regular basis with Immigration Officers of other EU Member States.

Target date: early 2000

Responsible: Council/Member States

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes

g) Organisation of an information campaign, in particular for Afghan refugees in Pakistan and in Iran, to advise on migration options and to warn against the consequences of illegally entering Member States, of unlawful employment and of using facilitators to gain entry to the EU.

Target date: mid 2000

Responsible: Council/Commission/Member States

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes

h) Develop a common strategy for the treatment of those Afghan asylum seekers where there are serious reasons for considering the application of the exclusion clauses in Article 1F of the 1951 Geneva Convention.

Target date: mid 2000  
Responsible: Council/Commission  
Financial implications: no

i) Strengthen co-operation between the EU, UNHCR and the authorities of the receiving states with respect to the reception in the region of Afghan nationals.

Target date: ongoing  
Responsible: Council/Commission  
Financial implications: yes  
Possible Community budget line: Aid to up-rooted people in Asian countries  
(B7-3 0 2)  
Member States:

j) Initiate an information exchange with the Central Asian Republics on the transit, travel routes and travel documents of Afghan nationals.

Target date: early 2000  
Responsible: Council/Commission/Member States and EUROPOL  
Financial implications: yes  
Possible Community budget line: no  
Member States:  
Experts Member States needed: yes

k) Assist the integration into society of Afghan nationals legally residing in the Member States.

Target date: ongoing  
Responsible: Council/Commission/Member States  
Financial implications: yes  
Possible Community budget line: no  
Member States:

l) Contribute to a lasting peace settlement in combination with the socio-economic reconstruction of Afghanistan thus counteracting migration pressures

Target date: ongoing

Responsible: Council/Commission/Member States

Financial implications: yes

Possible Community budget line: Aid to up-rooted people in Asian countries  
(B7-3 0 2)

Member States:

m) Intensify programmes aimed at the return of Afghan nationals to their country, conditions permitting, with a view to the reconstruction of Afghan society as well as to the alleviation of the refugee burden of the neighbouring region.

Target date: dependent on the achievement of a lasting peace settlement

Responsible: Council/Commission/Member States

Financial implications: yes

Possible Community budget line: no

Member States:

n) The EU recognises the necessity of providing protection by UNHCR to certain groups in Iran and Pakistan who cannot safely return to Afghanistan. Ensure the necessary means for continuing protection are made available.

Target date: 2000

Responsible: Commission/Member States

Financial implications: yes

Possible Community budget line: Aid to up-rooted people in Asian countries  
(B7-3 0 2)

Member States:

o) Continue Community assistance to refugees and IDPs by funding actions and programmes.

Target date: ongoing

Responsible: Commission

Financial implications: yes

Possible Community budget line: Aid to up-rooted people in Asian countries  
(B7-3 0 2)



# AFGHANISTAN<sup>(1)</sup>

(Islamic State of Afghanistan)

**Capital:** Kabul

**Location:** Southern Asia, north and west of Pakistan, east of Iran

**Border countries:** Iran, Turkmenistan, Uzbekistan, Tajikistan, China, Pakistan

**Area:** 647 500 km<sup>2</sup>

## KEY FIGURES ON POPULATION<sup>(2)</sup>

**Population:** 24 792 400

**Age structure:** 0-14 years 43%, 15-64 years 54%, 65 years and over 3%

**Density:** 38.3 hab./km<sup>2</sup>

**Urban population:** 21% (est. 1991-1997-World Bank)

**Total population increase:** 42.1 per 1000 population

*note:* this rate reflects the continued return of refugees

**Net migration rate:** 17.1 per 1000 population

**Infant mortality rate:** 143.6 infant deaths per 1000 live births

**Life expectancy at birth:** 46.8 years

**Total fertility rate:** 6.0 children per woman

**Ethnic groups:** Pashtun 38%, Tajik 25%, Uzbek 6%, Hazara 19%, minor ethnic groups (Aimaks, Turkmen, Baloch, and others)

**Religions:** Sunni Muslim 84%, Shi'a Muslim 15%, other 1%

**Languages:** Pashtu 35%, Afghan Persian (Dari) 50%, Turkic languages (primarily Uzbek and Turkmen) 11%, 30 minor languages (primarily Balochi and Pashai) 4%, much bilingualism

**Literacy:** 31.5% of population aged 15 years and over

## OTHER KEY FIGURES<sup>(2)</sup>

**GDP:** purchasing power parity- \$19.3 billion (1997 est.)

**GDP—real growth rate:** NA

**GDP—per capita:** purchasing power parity-\$70 (1996 United Nations)

**GDP—composition by sector:** agriculture 53%, industry 28.5%, services 18.5% (1990)

**Inflation rate—consumer price index:** 56.6% (1997 Eurostat)

**Labour force:** 7.1 million-agriculture and animal husbandry 67.8%, industry 10.2% construction 6.3%, commerce 5.0%, services and other 10.7% (1980 est.)

**Unemployment rate:** 8% (1995 est.)

(1) The sources of data for this national portrait are mentioned at the bottom of each table/figure

(2) Data within this current summary (above) are mainly from the United Nations, the U.S. Bureau of the Census, World Bank and Eurostat. When not indicated data/estimates refer to 1998. Figures on population are mainly from the U.S. Bureau of the Census, International Data Base: further information is provided in Table 1 and Figure 4

## Trade between Afghanistan and the EU

**Table A – Imports from Afghanistan into the EU: Principal goods ('000 EURO)<sup>(1)</sup>**



	1995	1996	1997	1998
TOTAL	29 265	29 462	34 423	28 614
Of which:				
RAW FURSKINS, ETC	4 421	2 229	7 341	10 257
FINE OR COARSE ANIMAL HAIR	14 332	12 727	14 928	10 021
CARPETS OF TEXTILE MATERIALS	5 686	7 190	6 163	4 853
GRAPES, FRESH OR DRIED	1 594	1 131	1 566	1 135
CARPETS AND OTHER TEXTILE FLOOR COVERINGS	785	873	574	710
PLANTS AND PARTS OF PLANTS	160	183	439	485
SEEDS, FRUITS AND SPORES	30	87	124	192
JERSEYS, PULLOVERS	:	:	:	126
DRIED LEGUMINOUS VEGETABLES	:	27	140	97
TANNED OR DRESSED FURSKINS	:	:	:	71
Other	2 258	5 016	3 149	668

(1) Goods listed in descending order of 1998 value in euro  
Source: EUROSTAT (Comext2)

**Table B – Exports to Afghanistan from the EU: Principal goods ('000 EURO)<sup>(1)</sup>**

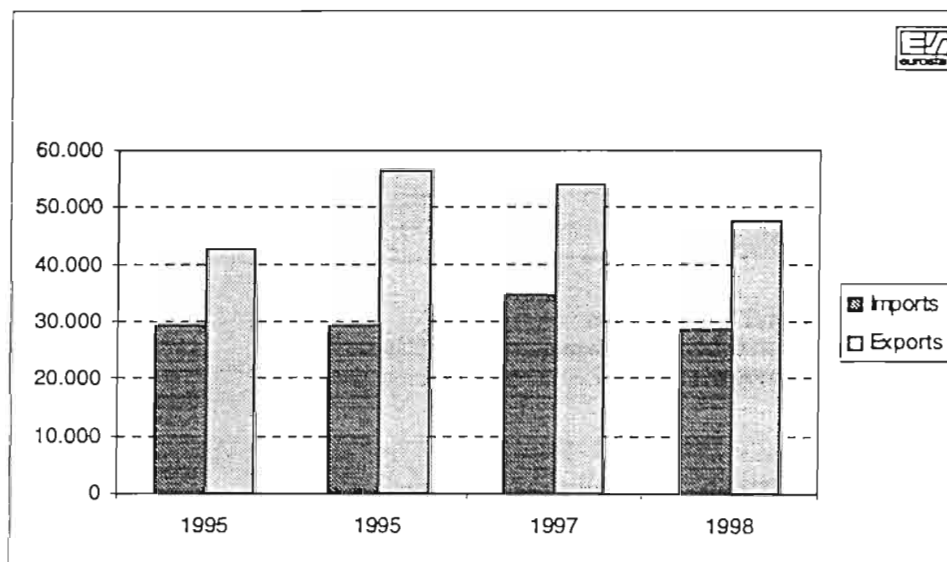


	1995	1996	1997	1998
TOTAL	42 733	56 640	53 946	47 735
Of which:				
GLASSWARE	5 443	10 908	10 513	9 663
CIGARS, CHEROOTS ETC	3 474	1 371	489	7 460
PETROLEUM OILS ETC.	1 361	1 814	2 518	3 215
LAMPS AND LIGHTING FITTINGS	19	430	1 389	2 817
ELECTRICAL TELEGRAPHY APPARATUS	56	1 401	2 929	2 763
BEAUTY OR MAKE-UP PRODUCTS	2 865	4 194	3 264	1 576
WHEAT AND MESLIN	5 224	8 530	3 530	1 510
TRACTOR PARTS	1 941	1 951	1 233	1 293
ORAL OR DENTAL HYGIENE PREPARATIONS	957	1 549	2 230	1 142
MEDICAMENTS	870	693	1 814	1 060
Other	20 523	22 798	24 036	15 235

(1) Goods listed in descending order of 1998 value in euro  
Source: EUROSTAT (Comext2)

Figure A: Trade between Afghanistan and the EU

('000 Euro)



Source: EUROSTAT (Comext2)

Table 1 – Main demographic indicators for Afghanistan



	Mid-year population	Live births	Deaths	Natural increase	Net migration	Total increase	Total fertility rate <sup>(1)</sup>	Life expect. at birth	Infant mortality rate <sup>(2)</sup>	Age depend. ratio <sup>(3)</sup>
	(1 000)	(per 1 000 population)								(%)
1960	9 829.5	:	:	:	:	:	:	:	:	:
1970	12 430.6	:	:	:	:	:	:	:	:	:
1980	14 985.2	47.7	22.7	25.0	-86.3	-61.3	7.03	40.8	182.9	88.4
1990	14 767.0	44.7	20.4	24.2	-31.7	-7.5	6.53	43.0	167.9	84.5
1995	21 571.4	43.3	18.5	24.8	26.3	51.1	6.21	45.4	152.8	84.5
1996	22 664.1	43.0	18.2	24.9	22.9	47.8	6.14	45.9	149.8	84.3
1997	23 738.1	42.7	17.8	24.9	19.9	44.8	6.07	46.3	146.7	84.2
1998	24 792.4	42.4	17.4	25.0	17.1	42.1	6.01	46.8	143.6	84.0

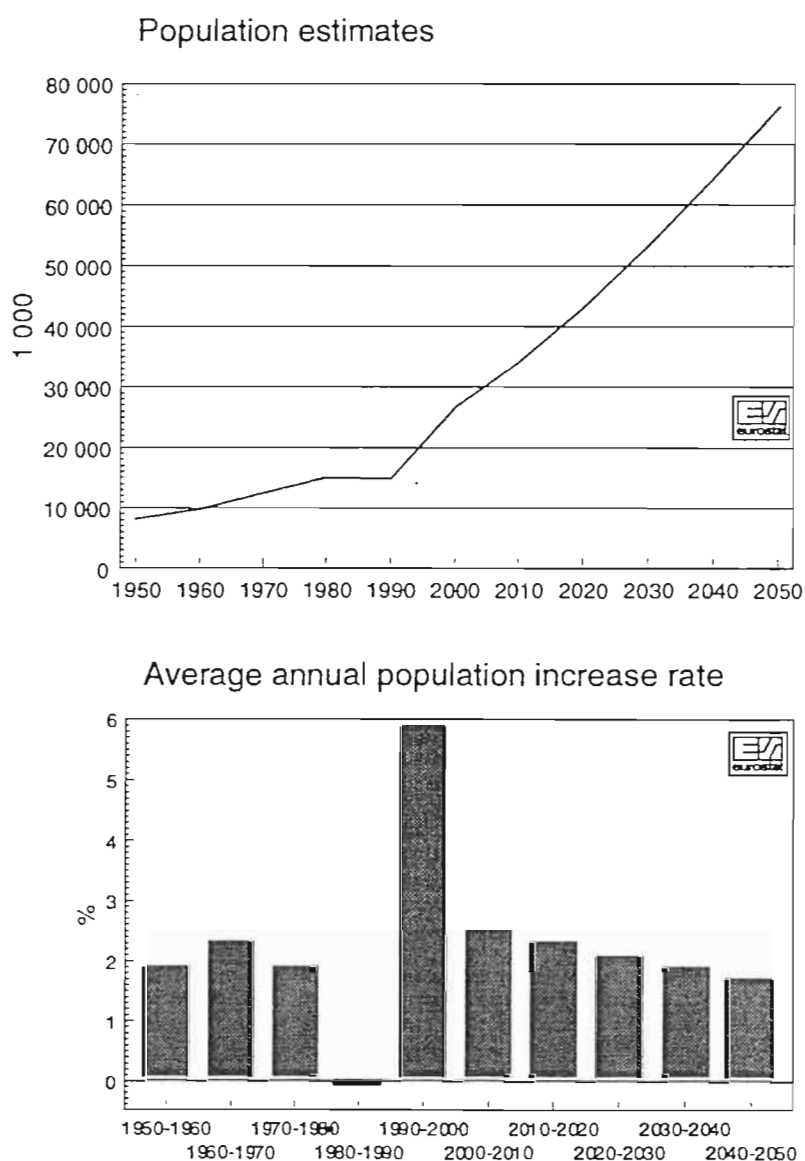
(1) Children per woman

(2) Infant deaths (under one year of age) per 1 000 live births

(3) Proportion of population aged 0-14 and 65 and over on the population aged 15-64

Source: U.S. Bureau of the Census, International Data Base

Figure 1 – Evolution of the population of Afghanistan



Source: U.S. Bureau of the Census, International Data Base

**Table 2a - Resident population of Afghan citizens in EU Member States**  
(population on 1st January of each year)<sup>(1)</sup>



	1990 <sup>(2)</sup>	1994	1995	1996	1997	1998	1999	1997 as % of	
								non-EU pop.	all non-nat. pop.
B	42	:	:	159	165	174	:	0.05	0.02
DK	276	835	1 038	1 296	1 637	1 982	:	0.87	0.69
D	:	46 464	51 370	58 505	63 075	66 385	68 267	1.15	0.86
EL	:	13	15	23	30	:	:	0.03	0.02
E	:	6	4	8	6	9	:	0.00	0.00
F	:	:	:	:	:	:	:	:	:
IRL <sup>(3)</sup>	1	2	5	17	17	21	:	0.05	0.01
I	:	113	130	153	154	:	:	0.02	0.02
L	:	:	:	:	:	:	:	:	:
NL	508	1 866	2 983	3 913	4 579	5 275	:	0.93	0.67
A	:	:	:	:	:	:	:	:	:
P	:	:	:	1	1	1	:	0.00	0.00
FIN	:	9	27	40	55	67	:	0.09	0.08
S	318	891	1 112	1 329	1 894	2 484	:	0.54	0.36
UK	:	:	:	:	:	:	:	:	:

(1) The population is that on 1<sup>st</sup> January of each reference year. For some Member States, 31<sup>st</sup> December of the previous year is taken as the equivalent

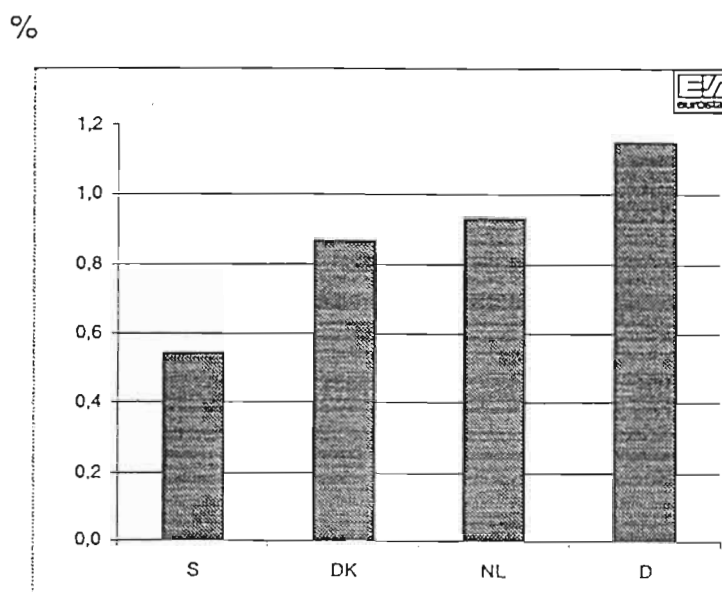
(2) 1990/91 Census round results for Belgium

(3) Number of legal residents over age 16 plus number of asylum applicants

Data in italics are estimated

Source: EUROSTAT

**Figure 2 - Resident population of Afghan citizens in EU Member States as a percentage of the total non-EU population in 1997**  
(main countries of residence of those Member States for which data are available)



Source:EUROSTAT

**Table 2b – Valid residence permits held by Afghan citizens in EU Member States by type of permit**



	1996			1997			1998		
	Total	Long	Short	Total	Long	Short	Total	Long	Short
B	:	:	2	:	:	0	:	:	1
DK	:	:	:	:	:	:	:	:	:
D	55 824	11 519	44 305	60 491	11 850	48 641	55 843	12 934	42 909
EL	3	:	:	4	:	:	2	:	:
E	:	:	:	:	:	:	:	:	:
F <sup>(1)</sup>	1 517	1 368	149	1 508	1 317	191	:	:	:
IRL <sup>(2)</sup>	6	:	:	11	:	:	13	:	:
I	72	:	:	73	:	:	88	:	:
L	:	:	:	:	:	:	:	:	:
NL	3 913	:	:	4 579	:	:	5 275	:	:
A	:	:	:	:	:	:	:	:	:
P	:	:	:	:	:	:	:	:	:
FIN	:	:	:	:	:	:	70	:	:
S	:	:	:	:	:	:	:	:	:
UK	:	:	:	:	:	:	:	:	:

(1) Long term residence permits are for a duration of more than 1 year; short term and provisional permits are for a maximum of 1 year. Figures refer to the valid residence permits held at the end of the year

(2) Number of Afghan citizens over the age of 16 registered with the police and with permission to remain, excluding asylum seekers

Source: EUROSTAT, Ministries of the Member States

**Table 2c - Residence permits issued to Afghan citizens in EU Member States by type of permit<sup>(1)</sup>**



	1996			1997			1998		
	Total	Long	Short	Total	Long	Short	Total	Long	Short
B	1	0	1	2	2	0	11	7	4
DK <sup>(2)</sup>	433	:	:	389	:	:	554 <sup>P</sup>	:	:
D	:	:	:	:	:	:	:	:	:
EL	1	0	1	2	2	0	11	7	4
E	:	:	:	:	:	:	:	:	:
F <sup>(3)</sup>	90	:	:	73	:	:	:	:	:
IRL <sup>(4)</sup>	6	:	:	11	:	:	13	:	:
I	:	:	:	:	:	:	:	:	:
L	:	:	:	:	:	:	:	:	:
NL <sup>(5)</sup>	4 220	311	3 909	4 240	207	4 033	3 987	163	3 824
A	:	:	:	:	:	:	:	:	:
P	:	:	:	:	:	:	:	:	:
FIN <sup>(6)</sup>	18	14	4	5	5	0	8	7	1
S	782	:	:	561	:	:	549	:	:
UK	150	:	:	170	:	:	190	:	:

(1) This table shows how many permits have been issued during each year

(2) Number of residence permits issued to first time applicants. Includes asylum or other status in an asylum case, family reunification and other immigration residence permits including E.C. residence certificates

(3) Number of first permits issued to Afghans born outside France

(4) Number of Afghan citizens over the age of 16, registered with the police and with permission to remain, excluding asylum seekers

(5) Permanent residence permits for Long, temporary residence (including refugee status) permits for Short

(6) First issue residence permits. 5 first permits were also issued from Finnish missions in the period 1996-1998

Source: EUROSTAT, Ministries of the Member States

Table 3a – Legal immigrants of Afghan citizenship in EU Member States<sup>(1)</sup>

	1990	1994	1995	1996	1997	1998	1997 <sup>(2)</sup> as % of	
							Non-EU imm.	all imm.
B	:	:	:	:	:	:	:	:
DK	83	190	255	336	325	443	1.64	0.65
D	8 192	6 277	8 679	7 019	5 526	:	1.20	0.66
EL	1	3	10	8	3	:	0.02	:
E	:	6	:	:	2	:	0.01	0.00
F	:	118	17	7	13	:	0.02	:
IRL <sup>(3)</sup>	:	0	4	11	6	8	0.09	0.01
I	:	:	:	12	:	:	0.01	0.01
L	:	:	:	1	1	:	0.09	0.02
NL	312	1 164	1 078	1 035	830	:	1.94	0.76
A	:	:	:	385	244	:	0.76	0.35
P	:	:	:	:	0	:	0.00	:
FIN	:	17	13	17	8	:	0.12	0.06
S	146	305	235	570	612	:	2.34	1.37
UK	:	:	+	+	+	:	:	:

(1) Asylum seekers are included in the figures for Portugal and partially included in the figures for all other Member States, according to national asylum procedures and recording systems

(2) 1996 for Italy

(3) Statistics on legal migration are not available. These figures are for asylum seekers only

Source: EUROSTAT

Table 3b – Afghan citizens granted permission to stay in EU Member States for reasons of family reunion



	1996	1997	1998
B	7	19	3
DK <sup>(1)</sup>	94	127	218 <sup>P</sup>
D	:	:	:
EL	:	:	:
E	0	0	0 <sup>(2)</sup>
F	0	1	:
IRL <sup>(3)</sup>	0	0	0
I	:	:	:
L	:	:	:
NL	174	315	167
A	455	461	206
P	:	:	:
FIN	2	3	0
S	329	459	376
UK <sup>(4)</sup>	10	10	30

(1) Number of residence permits issued to first time applicants

(2) First semester

(3) Figures are for family reunion with Convention refugees only. Statistics for other family reunions are not available.

(4) Persons admitted as fiancé(e)s or spouses or dependants of work permit holders

Source: EUROSTAT, Ministries of the Member States

**Table 4 – Afghan citizens repatriated from EU Member States**


	1996			1997			1998		
	Repatriations <sup>(1)</sup>		Expulsions	Repatriations <sup>(1)</sup>		Expulsions	Repatriations <sup>(1)</sup>		Expulsions
	Vol.	Invol.		Vol.	Invol.		Vol.	Invol.	
B	:	1	:	:	0	:	:	0	:
DK <sup>(2)</sup>	0	0	:	0	1	:	0	2	:
D	:	:	:	:	:	:	:	:	2 544
EL	:	27	:	:	46	:	:	45	:
E	:	3	:	:	0	:	:	0	:
F	:	:	:	:	:	:	:	:	:
IRL	0	0	0	0	0	0	:	0	1
I <sup>(3)</sup>	:	:	5/0	:	:	21/0	:	:	80/0
L	:	:	:	:	:	:	:	:	:
NL <sup>(4)</sup>	:	:	74	:	:	51	:	:	106
A <sup>(5)</sup>	8			0			68		
P	:	:	:	:	:	:	:	:	:
FIN	:	:	:	:	:	:	:	:	:
S	:	:	5	:	2	5	:	:	35
UK <sup>(6)</sup>	:	:	+	:	:	10	:	:	+

(1) Voluntary / Involuntary. Repatriations are back to the country of citizenship. Expulsions are forced removals to other countries

(2) Including monitored departures and removals of asylum seekers and refugees

(3) Notified / recorded (established, since 27.03.1998) expulsions

(4) Expulsions of asylum seekers

(5) Repatriations and expulsions

(6) UK Immigration enforcement removals. Includes voluntary departures following enforcement action. Removals may relate to action initiated in earlier years

Sources: EUROSTAT, CIREFI, Ministries of the Member States

**Table 5 – Applications for short and long stay visas from Afghan citizens and numbers issued by EU Member States**


	1996		1997		1998	
	Applications (S/L)	Visas issued (S/L)	Applications (S/L)	Visas issued (S/L)	Applications (S/L)	Visas issued (S/L)
B	50/0	6/0	47/:	17/:	74/:	37/:
DK	:	:	:	:	:	:
D	:	:	:	:	:	:
EL	4	4	2	2	20	17
E <sup>(1)</sup>	961/561	670/474	1 132/786	742/357	860/1 699	496/932
F	:	:	:	:	:	:
IRL	:	:	:	:	:	:
I	:	:	:	:	:	:
L	:	:	:	:	:	:
NL	:/387	:/253	:/724	:/461	:/614	:/291 <sup>(2)</sup>
A	:	:	:	:	:	:
P	:	:	:	:	:	:
FIN <sup>(3)</sup>	:	:	:	:	:	:
S	92	96	70	72	98	99
UK	:	:	:	:	:	:

(1) Figures are for citizens of Pakistan and Afghanistan combined

(2) Long-term visas issued in 1998 until 26.11.98

(3) Finland received 38 visa applications during the period 1996-1998

Sources: EUROSTAT, CIREFI, Ministries of the Member States



**Table 6 – Afghan citizens refused entry at the borders of EU Member States**



	1996	1997	1998
B	2	7	7
DK <sup>(1)</sup>	11	18	:
D <sup>(2)</sup>	:	:	96
EL	11	0	7
E	0	8	47
F	83	72	204
IRL	0	0	0
I	:	:	26
L	:	:	:
NL <sup>(3)</sup>	1 103	1 068	1 169
A	62	31	10
P	:	:	:
FIN	:	6	7
S	15	19	53
UK	:	:	:

(1) Covers refusals of entry into Denmark by an administrative decision.

Source: National Commissioner of the Danish Police

(2) Total number of refusals of entry

(3) Refused entry at Schipol airport

Sources: EUROSTAT, CIREFI, Ministries of the Member States

# Table 7 – Asylum seekers and refugees from Afghanistan



## Table 7a – Asylum applications

	1990	1991	1992	1993	1994	1995	1996	1997	1998	
B	24	37	21	75	63	81	101	112	200	
DK	52	75	125	173	180	268	239	262	332 <sup>P</sup>	
D	7 348	7 337	6 351	5 506	5 642	7 515	5 663	4 735	3 768	
EL	8	9	0	6	11	6	17	34	202	
E	:	:	32	32	9	:	29	35	27	
F	:	104	109	84	122	106	89	120	149	
IRL	:	1	:	0	0	4	11	6	8	
I	9	1	11	0	7	24	19	:	6	
L	0	:	0	3	:	:	0	0	1	
NL	568	297	352	1 503	2 527	1 912	3 019	5 920	7 118	
A	91	79	80	143	181	141	766	723	467	
P	0	0	0	0	2	:	1	:	2	(up to Sept.)
FIN	1	0	10	1	9	3	11	7	55	
S	166	73	106	60	304	324	148	176	330	
UK	175	210	270	315	325	580	675	1 085	2 395	
EU-15	:	:	:	7 901	9 382	10 964	10 788	13 215	15 060 <sup>P</sup>	

Table 7b – Total numbers granted Geneva Convention refugee status



	1990	1991	1992	1993	1994	1995	1996	1997	1998	
B	8	16	7	29	:	:	27	12	6	
DK <sup>(1)</sup>	0	1	1	15	31	48	70	59	103 <sup>P</sup>	
D	222	1 533	:	1 162	:	:	13	431	49	
EL	0	0	1	0	0	0	0	4	2	
E	:	:	:	:	:	:	0	1	6	(up to Sept.)
F	:	:	:	:	:	:	91	71	64	
IRL	:	0	:	:	:	4	2	1	0	
I	:	:	:	0	7	:	:	:	:	
L	:	:	0	0	:	:	1	:	:	
NL	25	22	115	317	479	902	1 911	1 905	865	
A	17	62	42	14	15	14	14	64	51	
P	0	0	:	:	:	:	:	:	:	
FIN	:	0	4	0	:	0	5	0	5	
S	51	40	2	38	37	13	85	28	18	
UK	10	5	10	+	5	15	25	20	35	
EU-15	:	:	:	:	:	:	3 244	2 596	1 204 <sup>P</sup>	

Table 7c – Total numbers granted humanitarian/de facto refugee status



	1990	1991	1992	1993	1994	1995	1996	1997	1998	
B	:	:	:	:	:	:	:	:	:	
DK <sup>(1)</sup>	25	33	33	34	48	50	99	97	116 <sup>P</sup>	
D <sup>(2)</sup>	:	:	:	:	:	:	1 104	1 632	1 730	
EL	:	:	:	:	:	:	:	3	0	
E	:	:	:	:	:	:	:	:	:	
F	:	:	:	:	:	:	:	:	:	
IRL	:	:	:	:	:	0	0	0	0	
I	:	:	:	:	:	:	:	:	:	
L	:	:	:	:	:	:	:	:	:	
NL	10	14	196	70	601	364	311	207	163	
A	:	:	:	:	:	:	:	:	:	
P	:	:	:	:	:	:	:	:	:	
FIN	:	:	:	:	:	:	3	0	5	
S	50	102	48	82	129	10	367	91	154	
UK	45	60	205	85	+	695	415	635	1 500 <sup>P</sup>	

(1) First instance decisions only

(2) Recognition under Article 53 of the 1996 Constitution

Sources: EUROSTAT, CIREA, Ministries of the Member States, IGC

**Table 7d – Number of grants of refugee status as a percentage of the total number of asylum applications from Afghan citizens**



	1996		1997		1998	
	Granted refugee status a/b	% <sup>(1)</sup>	Granted refugee status a/b	% <sup>(1)</sup>	Granted refugee status a/b	% <sup>(1)</sup>
B	:	:	:	:	:	:
DK <sup>(2)</sup>	169	49.0	156	62.0	219 <sup>P</sup>	61.0 <sup>P</sup>
D <sup>(3)</sup>	356	4.3	588	9.6	169	3.0
EL	:	:	4	11.8	2	0.9
E	:	:	:	:	:	:
F	91	77.1	71	72.4	64	69.9
IRL	2	18.0	1	17.0	0	0.0
I	0	:	0	:	0	:
L	:	:	:	:	:	:
NL	1 911	63.0	1 905	32.0	856	12.0
A	:	2.0	:	9.0	:	11.0
P	:	:	:	:	:	:
FIN	8	:	0	0.0	10	:
S	17	57.0	17	16.0	17	5.4
UK	25 (+415 ELR)	:	20 (+635 ELR)	:	35 (+415 ELR)	:

(1) The percentages shown in this table are indicators only. Note that grants of Geneva Convention Status for each year often do not relate to applications made within that year. Also figures on applications usually include family members, whereas grants of Geneva Convention status may include only adult applicants

(2) Recognition rate includes Geneva Convention and de facto status refugees. First instance decisions only

(3) Recognition under Article 53 of the 1996 Constitution

ELR: Exceptional leave to remain

Sources: EUROSTAT, CIREA, Ministries of the Member States

**Table 7e – Rejected asylum applications**



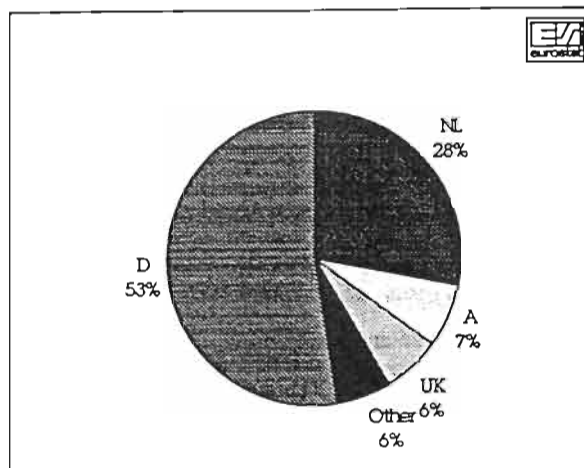
	1990	1991	1992	1993	1994	1995	1996	1997	1998
B	:	:	:	:	:	:	:	:	:
DK <sup>(1)</sup>	:	:	:	:	:	:	176	94	141 <sup>P</sup>
D	:	:	:	:	:	:	6 585	4 266	4 637
EL	2	14	0	5	0	3	11	11	124
E	:	:	:	:	:	:	:	:	:
F	:	:	:	:	:	:	27	27	28
IRL	:	:	:	:	:	:	4	1	:
I	:	:	:	:	:	:	:	:	:
L	:	:	:	:	:	:	:	:	:
NL	343	241	256	347	1 048	1 199	1 944	1 760	:
A	43	63	48	110	187	203	532	788	62
P	:	:	:	:	:	:	:	:	:
FIN	:	:	:	:	:	:	0	0	1
S	:	10	11	3	17	17	26	30	72
UK	5	5	10	25	10	40	50	75	65

(1) First instance decisions only

Sources: CIREA, Ministries of the Member States

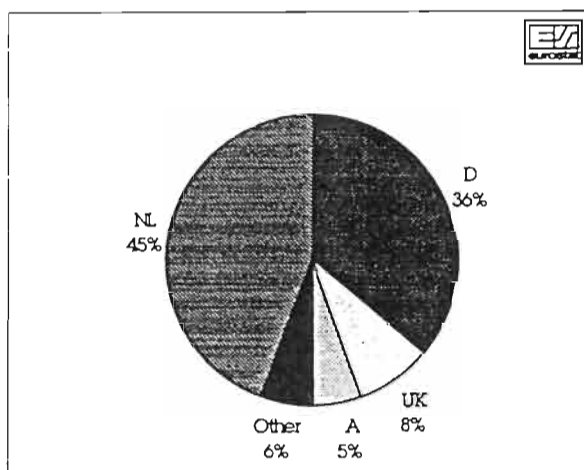
Figure 3 - Asylum applications from Afghan citizens in EU Member States

1996



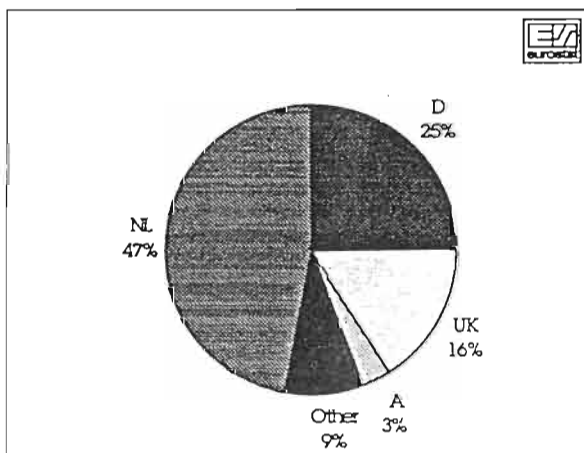
100% = 10 788

1997



100% = 13 215

1998



100% = 15 060<sup>P</sup>

Source: Eurostat

**Table 8 – Number of Afghan tertiary<sup>(1)</sup> education students in the EU Member States**



	B	DK	D	EL <sup>(2)</sup>	E	F	IRL	I	L	NL <sup>(3)</sup>	A	P	FIN	S	UK
School-year															
1995/96	:	13	592	1	11	124	0	0	:	0	11	:	0	4	19
1996/97	:	9	620	1	:	94	0	0	:	0	12	:	0	8	13

(1) Tertiary education includes: higher education non-university (ISCED 5); university second stage (ISCED 7); university first stage (ISCED 6)

In Ireland and the UK, students are considered to be non-nationals if they have permanent residence in another country, while for the other Member States non-national students are those holding passports from another country

The data presented do not provide a precise measure of student mobility. On the one hand, the number of students enrolled in an EU Member State other than their own, is underestimated, partly because, in some countries, it is not possible to identify the citizenship of students in certain types of higher education, e.g., ISCED 5 in France. On the other hand, the data may overstate the degree of student mobility, as children of migrants are included

(2) Number of residence permits issued to students in 1996 and 1997

(3) Long-term visas ("MVV") issued for study in 1996 and 1997

Source: Eurostat

#### Conventional Signs:

- P Provisional
- :
- No data available
- +
- Indicates «below lowest level of recording»

## **RUNDOWN OF EXISTING MEMBER STATE MEASURES AND ACTIONS FOR AFGHANISTAN AND THE NEIGHBOURING REGION**

### 1. Politics

#### *Belgium*

##### - Afghanistan

Belgium has not had diplomatic relations with Afghanistan for several years. The Embassy in Islamabad covers Afghanistan but there has been no exchange of credentials between Belgian and Afghan diplomatic circles since the early 1980s.

Informal contacts take place, however, through the Afghan embassy in Islamabad which is in the hands of the Taliban. The only official contacts with Afghanistan take place with Afghanistans representation to the United Nations in New York, which is still in the hands of the former Government.

There is no bilateral aid. Belgium does, however, support the UN Mediator, i.e. UNSMA, in the framework of multinational cooperation. The Foreign Ministry follows closely the implementation of the Ashkabad agreement between the Taliban and the opposition alliance.

##### - Pakistan

Bilateral relations are good.

Economic Cooperation Agreement signed in 1998.

Bilateral investment protection agreement signed in 1998.

#### *Denmark*

##### - Afghanistan

In line with the position of EU partners on this matter, Denmark has not taken any decision on the issue of possible recognition of the Taliban government of the Islamic Emirate of Afghanistan as Denmark only recognises states, not governments. Denmark has not concluded any agreements with the Taliban regime or other entities in Afghanistan.

#### *Finland*

##### - Afghanistan

1928, 17.7.	Agreement on Friendship between the Government of Finland and the Government of Afghanistan	29/1930
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ANNEX II

DG H I

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## *France*

### - Afghanistan

France is the only European country which has a diplomatic representation in Afghanistan in the form of a travelling *Chargé d'Affaires* who visits the country every two months for two weeks. He holds meetings with representatives of all factions. Those representatives also regularly visit Paris. A frank and open dialogue is held on the questions of human rights and the rule of law. France participates actively within multilateral fora in efforts to find a solution to the Afghan conflict : in the UN, France's position is reflected in the resolutions of the Security Council or the General Assembly ; close consultations take place within the EU and have led to the adoption of several Presidency statements and common positions and to steps being taken with the States concerned.

### - Pakistan

Franco-Pakistani relations took off in the era of General De Gaulle following the independence of Algeria. The visit to Pakistan in 1965 of the then Prime Minister Georges Pompidou and the visit to France in 1967 of Marshall Ayub Khan cemented the closeness of these ties which were built on interest for preserving security in the region. Bilateral relations were further marked by the visit of President Mitterrand to Pakistan in 1990. Prime Minister Mme Bhutto made an official visit to France in 1994 and a private visit in 1995. Over the last few years political dialogue has been pursued at regular intervals through consultations at the level of the Secretary Generals of the Ministries for Foreign Affairs. Following consultations in Islamabad in May 1998, further ones were scheduled for the spring of 1999. There are frequent parliamentary contacts. The nuclear testing crisis in the Subcontinent has given rise to in-depth discussions with Pakistan on the questions of non-proliferation and regional security.

## *Germany*

### - Afghanistan

Germany maintains diplomatic relations with Afghanistan. The German government has not recognised the acting Taliban government in place in Kabul since 1996. The staff of the Afghan embassy in Bonn led by a *Chargé d'Affaires* is true to the northern alliance government of Prof. Rabbani. A purely working relationship is maintained. The German embassy in Kabul was closed in 1989 for security reasons. The embassy in Islamabad is charged with observing developments in Afghanistan. It maintains working contacts with Taliban government departments. There is a Taliban contact office in Frankfurt am Main which has no official status but which does occasionally take contact with the Ministry for Foreign Affairs in Bonn.



## *Netherlands*

### *- Afghanistan*

The Government of the Netherlands does not maintain diplomatic relations with either the Taliban Government headed by Mullah Omar or the Government of the Northern Alliance headed by Burhannudin Rabbani. However, the Dutch Government finances a considerable number of multilateral projects in Afghanistan; these projects are initiated and supervised by UN organisations and NGOs. After the killings of several UN employees in 1998 and the deterioration of the security situation, the UN left Afghanistan; in their wake, many foreign NGOs equally left. This situation seriously hampers the chances of successfully executing projects in Afghanistan.

The Dutch government strongly supports the efforts of UN Special Envoy Lakhdar Brahimi to arrange a peaceful settlement of the conflict in Afghanistan and welcomes the work of the 6+2 group (the six countries bordering on Afghanistan plus Russia and the United States) to facilitate the peace process.

The Dutch government endorses the proposal of the UN Secretary General to establish a Civil Affairs Unit (CAU) within the UNSMA. If the Afghan parties agree, the CAU will, by way of initially deploying twelve civilian monitors in various parts of the country, seek to promote respect for minimum humanitarian standards and deter massive and systematic violations of human rights and humanitarian law in the future. In principle, the Dutch government considers to contribute one or two monitors to the CAU.

Since the end of 1998, the Netherlands hold a (temporary) seat in the Security Council of the UN, enabling the Netherlands to be directly involved in advancing the peace process in Afghanistan under the auspices of the UN.

## *Sweden*

### *- Afghanistan*

Sweden has no diplomatic relations with any Afghan government, but accepts that the Afghanistan seat at the United Nations continues to be occupied by Professor Rabanni's representative. Sweden has not cut off the diplomatic relations with Afghanistan, but has no diplomatic relations in the form of exchange of ambassadors.

### *- Pakistan*

Sweden has good relations with Pakistan, but the internal political development of Pakistan and social phenomenon such as child labour has had a negative impact on the political relation. The exchange on ministerial level between Sweden and Pakistan has been modest in recent years. The then Prime Minister, Benazir Bhutto, made an official visit to Sweden in 1996.

## *United Kingdom*

### - Afghanistan

The United Kingdom's policy of Afghanistan is embodied in the EU Common Position, a United Kingdom initiative during our Presidency in 1998. The British Government fully shares the aims of the revised Common Position adopted on 25 January 1999, principally: a cessation of the conflict; support for the UN's efforts to broker a lasting peace settlement; support for a broad-based Government; observance of human rights, particularly those of women and children; investigations into reports of atrocities and support for the UN's efforts to deter further abuses; provision of humanitarian aid; support for aid programmes which promote equitable participation of men and women and which promote respect for peace and human rights; the fight against drugs and terrorism.

The United Kingdom maintains contacts with all Afghan factions. On 8 February 1999, Minister of State, Derek Fatchett, met with representatives of the Taliban in Islamabad and urged them to support UN peace efforts and delivered strong messages on terrorism, drugs and human rights.

### - Pakistan

Following Pakistan's nuclear tests in June 1998, the United Kingdom implemented a number of multilateral and bilateral measures including postponing consideration of new loans by International Financial Institutions (except those meeting Basic Human Needs). Despite this, UK/Pakistan relations are in good repair. Minister of State, Derek Fatchett, visited Pakistan on 8-10 February 1999 and discussed nuclear non-proliferation, human rights (including the persecution of religious minorities), press freedom, the Pakistan economy and Afghanistan. A further programme of inward and outward visits is planned for the remainder of 1999.

## 2. Economics

### *Belgium*

### - Afghanistan

	1996	1997	1998
BLEU exports	2,4	1,8	1,3
BLEU imports (mainly textiles)	12,2	12,5	7,6
Balance	- 9,8	- 10,7	- 6,3

(in Euro million)

- Pakistan

	1996	1997	1998
BLEU exports	0,09	0,10	0,09
BLEU imports (mainly textiles)	0,17	0,17	0,19
Balance	- 0,08	- 0,07	- 0,10
(in Euro million)			

Belgian investments in the field of agriculture and textiles.

Pakistan defaulted on several loans.

New investment projects are stalled by lack of financing.

### *Denmark*

- Afghanistan

Denmark has not adopted any bilateral economic measures or actions vis-à-vis Afghanistan. The scope of bilateral trade with Afghanistan is very limited.

### *France*

- Afghanistan

The continuing conflict impedes any resumption of cooperation.

- Pakistan

Despite the recent establishment in Pakistan of major French companies in the energy and telecommunications sectors, Pakistan remains a relatively minor trading partner. In 1997 it was France's 65<sup>th</sup> customer and its 59<sup>th</sup> supplier. On the other hand France is Pakistan's 7<sup>th</sup> customer (2,8% of Pakistan's exports) and its 13<sup>th</sup> supplier with a market share of 1,9% which places France fourth of the EU Member States behind Germany, the United Kingdom and Italy. France's trade balance with Pakistan shows a surplus (Euro 244 million in 1996).

An agreement to encourage and mutually protect investments entered into force in 1985. Since 1990 direct French investments have reached Euro 35,5 million with Euro 8,4 million for the year 1997. France's current share in investment is 2,8%.

### *Ireland*

- Pakistan

Ireland has a Double Taxation Agreement with Pakistan dating from 1974.

## *Sweden*

- Afghanistan

Sweden has no economic/commercial ties with Afghanistan.

- Pakistan

Bilateral trade is fairly limited although large Swedish corporations such as Ericsson, Volvo, Tetra Pak, ABB, Skanska and SFK are represented in Pakistan. The current unstable political situation in Pakistan has further discouraged companies to invest in Pakistan.

## *United Kingdom*

- Afghanistan

About 90% of the heroin reaching the United Kingdom originates in Afghanistan. The United Kingdom (FCO) has contributed Euro 1,4 million to the Pilot Programme (Kandahar and Nangarhar Provinces) which seeks to encourage farmers to turn away from poppy cultivation.

### **3. Development cooperation**

#### *Belgium*

- Afghanistan and Pakistan

No bilateral cooperation agreement or programme.

#### *Denmark*

- Afghanistan

Since 1989, Denmark has supported a number of relatively large development projects within the sectors health, water and sanitation, and agriculture. The target groups for the projects is the poor rural population. The programmes are being implemented by Danish NGOs.

The Danish Committee for Aid to Afghan Refugees (DACAAR) is implementing a programme in Eastern and Western Afghanistan. The activities include installation of wells and other water supply systems, primary health education, rehabilitation of schools and other public buildings and irrigation systems. On top of this, the programme supplies counselling within the agricultural sector, contributes to the distribution of seed grain and supports a number of small-scale agricultural development activities. The total grant for the period 1989 to 1998 was Euro 23,4 million and the grant for 1999 is Euro 2 million.

The Danish Afghanistan Committee has, since 1997, been implementing a primary health care programme in Gozahra. The purpose of the programme is to enlarge and rehabilitate health centres, clinics and hospitals in Gozahra and educate health personnel. The total grant for the period 1997 to 2000 is Euro 2,15 million, with an expected disbursement of Euro 0,89 million in 1999.

### *Finland*

- Pakistan

NGO Assistance through the Finnish Evangelic Lutheran Church and the Finnish Red Cross. Euro 680 000, mainly to projects in the fields of education, health care and family planning. Euro 34 983 for Pakistani population programme. Participation in the UNMOGIP-operation (four Finnish military observers in the Pakistan side, one in India).

Bilateral agreements:

1962,12.10.	Trade Agreement between the Government of the Republic of Finland and the Government of Pakistan	38/1963
1967,11.12.	Agreement between Pakistan and Finland on Recognition of Tonnage Certificates of Merchant Ships	67/1967
1968,26.6.	Agreement between Finland and Pakistan on reciprocal waiver of the visa Requirement	46/1968
1994,30.12.	Agreement between the Republic of Finland and the Islamic Republic of Pakistan for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.	14-15/1996

### *France*

- Afghanistan

For 1996 six NGOs were subsidised to the tune of almost Euro 400 000. In 1997, four grants were made totalling almost Euro 200 000. No grants were made in 1998.

For 1999 some Euro 335 000 were made available for cultural, scientific and technical cooperation, including support for the franco-afghan school in Peshawar and the providing of grants for studies in law, physics, engineering and health.

- Pakistan

Credit insurance policy is closed to the medium term. Pakistan is the top COFACE [Compagnie française d'assurance pour le commerce extérieur] risk in South Asia. Between 1990 and 1996, France granted a substantial amount of aid to Pakistan: financial protocols totalling Euro 513,33 million were signed with the country. No protocol was signed in 1997, pending settlement of a bilateral dispute ("Karachi airport") involving Euro 61,21 million. A settlement is now provided for in the bilateral agreement on the handling of Pakistan's debt in the Paris Club (debt relief of Euro 430,98 million accorded by France, with total relief of Euro 3 160,22 million).

There is major bilateral cooperation on security. A SCTIP [Technical International Police Cooperation Department] delegation was opened in 1991 (two officers in Islamabad and one in Karachi); it helps combat illegal immigration networks, in particular as regards training Union consular services and Air France personnel. It is also active in the campaign against proselytism and Islamic terrorism. The Central Directorate of the Border Police (DCPAF) does not maintain any cooperation relations with Pakistan. Nevertheless, a commitment to undertake negotiations was initialled on 22 April 1998 by Pakistan and the EU, and this should result in conclusion of a re-admission agreement.

Pakistan has been a member of the ICPO-Interpol since 1952. Our operational relations are limited in volume. For the most part, cooperation centres on the exchange of narcotics information. In 1988 France's Central Unit for Combating Illegal Drugs Trafficking set up two local offices in Islamabad and Karachi, although the former is to close soon as part of a rationalisation exercise.

In the early nineties Pakistan was identified as one of the Asian countries with which cultural, scientific and technical cooperation should be increased as a matter of priority. There was accordingly a steep rise in the budget for these types of cooperation in 1993 and 1994 (+ Euro 0,38 million), which has since stabilised. The budget for 1999 stands at Euro 0,84 million.

### *Ireland*

- Pakistan

1996	2 projects	Euro 20 315
1997	1 project	Euro 20 315

Funds provided by Ireland in respect of Non-Government Co-Financing projects.

## *Netherlands*

### - Afghanistan

The Dutch government participates in the Afghanistan Support Group (ASG). The fourth meeting of the ASG took place in Tokyo in December 1998. The former Dutch Minister of Development Aid, Mr Pronk, took the initiative for the foundation of the ASG. The ASG is a platform for coordinating donor aid programmes with a view to formulating a common strategy for the provision of humanitarian aid to the Afghan people. In formulating this strategy, members give special attention to the specific political, social and cultural context of humanitarian aid in war-stricken Afghanistan. By providing humanitarian aid in a coherent, integrated manner, aid programmes are meant to contribute towards improving the human rights situation and stimulating the peace process. Steps towards realising the objective of a common strategy have been taken through the formulation of a 'Strategic Framework' and 'Principled Common Programming' structure by the UN. The ASG consists of the main donor countries that provide humanitarian aid to Afghanistan (viz. Several European countries, the United States, Canada, Russia and Japan), the UN organisations working in Afghanistan, and representatives of NGOs.

In May 1997, Taliban forces briefly conquered Mazar-i -Sharif, at that time the stronghold of the Northern Alliance. In the aftermath of the recapture of the city by forces of the Northern Alliance, thousands of Taliban prisoners of war were reportedly killed. In August 1998, the Taliban again conquered Mazar-i-Sharif. This time they were able to consolidate their gain. In revenge of the treatment their soldiers received a year earlier, the Taliban reportedly killed many Hazaras, whom they claimed were responsible for the killings of the previous year.

Already after the first massacre in 1997, the UNHCR proposed to investigate the matter. The Dutch government pledged Euro 95 167 to co-finance the investigation. Because of the precarious safety situation in Afghanistan, the investigation has not yet started. The upcoming investigation will now also include the second massacre.

With a total Euro 9 to 11,3 million per year, the Netherlands are one of the main humanitarian donors in Afghanistan. At present, the Dutch government finances or co-finances 45 projects that are in their execution phase. These projects are initiated and supervised by both UN organisations and NGOs. Priorities are the reconstruction of the social and agricultural infrastructure, the fight against the production and traffic of drugs, health care, and the provision of shelter to displaced persons. Detailed information on the contents of the projects is available at the Ministry. For the purpose of this overview, the names of the organisations that receive financial support have been listed together with some of the projects for which they are responsible.

UN organisations: WFP; UNICEF; UNCHS (Drinking water and sanitation projects); UNOCHA (victims earthquake Takhar; Mine Action Programme for Afghanistan); UNOPS (repair drainage system in Dand District); UNDCP; UNHCR (Repatriation Programme of Afghan refugees).

NGOs: ACBAR; ACTED; Stichting Vluchteling (Rehabilitation Programme ICR; IRC Programme on education of Afghan women in Pakistani refugee camps); ICRC; Save the Children US (Education for Afghans); NOVIB (Technical Training Programme in Herat; Emergency assistance to earthquake victims in Afghanistan); SOH (Safe Drinking Water in Deb Sabz District; Integrated project for safe drinking water); NRK (victims earthquake Takhar); Afghanaid (Community Development Project in Argu District, Badakshan); AZG (Basic Healthcare Programme); Health Net International (medical equipment).

### *Spain*

- Pakistan

Spanish cooperation in Pakistan concerns the follows areas: cultural and educational projects; study grant and teaching programmes in order to enhance training and further mutual knowledge and understanding between Spain and Pakistan, supply of teaching materials to institutes and universities where Spanish is taught.

### *Sweden*

- Pakistan

The development cooperation between Sweden and Pakistan began already in the 1950s. However, the cooperation declined markedly after the 1971 succession of Pakistan. Today there is a limited development cooperation between Sweden and Pakistan. During 1997 only Euro 0,93 million was disbursed, After Pakistan's nuclear tests in 1998 a temporary moratorium on aid to Pakistan (except for projects through NGOs) was introduced by the Swedish Government, which has now been lifted (some minor contributions are now possible).

### *United Kingdom*

- Afghanistan

United Kingdom development assistance is focused on the reduction of poverty and is provided by the Department for International Development. Our overall development strategy is set out in the United Kingdom Government's White Paper on international development. It makes clear that poverty elimination is the goal of United Kingdom development assistance; such assistance cannot be used for any other primary objective. The White Paper also stresses that we are willing to provide government-to-government development assistance only in the context of a partnership with governments who have themselves an effective commitment to poverty elimination.



- Pakistan

One focus of the United Kingdom's current assistance programme to Pakistan is good government and the promotion of human rights, including police training, protection of the rights and livelihoods of working children, provincial government institutional strengthening, and promoting the status of women through governmental and community level institutional capacity building.

DFID's future strategy for Pakistan targets the elimination of poverty, in line with DFID's White Paper. The strategy draws on analysis of the key issues underlying Pakistan's poor performance, lessons learned from DFID and other donors' past efforts and the political, social and economic context in which we will be operating. The risks are high: how much we achieve – and the size of DFID's future programme – will depend on the willingness of key players within Pakistan and the donor community to work to address the issues. DFID is well-placed to influence this policy dialogue, and to undertake strategic initiatives as appropriate.

#### 4. Humanitarian Aid

##### *Belgium*

- Afghanistan and Pakistan

No bilateral cooperation agreement or programme.

##### *Denmark*

- Afghanistan

Denmark has provided humanitarian assistance to Afghanistan through NGOs as well as various UN organisations in 1998 amounting to Euro 3,9 million.

##### *France*

- Afghanistan

Emergency aid is provided essentially through NGOs (1996 app. Euro 250 000; 1997 app. Euro 120 000 + 150 000 for demining; 1998 Euro 290 000 following the earthquake which hit the north of the country; 1999 Euro 12 000 up to March). Non-discrimination towards women is a deciding factor in the attribution of funds to NGO programmes as is the guarantee of the safety of NGO staff.

France supplied 8 000 of wheat in 1998.

- Pakistan

For 1999 food aid in the form of 7 000 tons of wheat has been programmed.

## *Sweden*

### - Afghanistan

The Swedish humanitarian assistance to Afghanistan amounted to Euro 116 million for the period 1982-1998. Sweden was the fifth largest donor to Afghanistan during the period 1995-1998. The main objective with our support to Afghanistan has been to meet humanitarian needs through trying to mitigate the consequences of the conflict. At the same time, some parts of the support have been directed towards early rehabilitation. The Swedish humanitarian assistance for 1998 amounted to Euro 11 722.

Sweden is presently chairing the Afghanistan Support Group. The next meeting with the group is scheduled to take place in Stockholm 21-22 June.

Sweden attaches great importance to the fact that Afghanistan is a pilot project for the so-called Strategic Framework, a consolidated comprehensive approach for overall political and human rights and the assistance elements of the UN response to countries in crises.

The most urgent need of the internally displaced in Afghanistan for the time being is protection. It is therefore of utmost importance that the UN staff can return to the ground. This requires security assurances from the Afghan authorities. We hope for a prompt and successful finalisation of the UN negotiations on staff security so that the UN will be able to return and address the most pressing needs facing the Afghan population.

### - Pakistan

In 1998 Sweden gave Euro 29 006 to Pakistan through the Swedish Red Cross in response to flooding emergencies.

## *United Kingdom*

### - Afghanistan

The United Kingdom's humanitarian assistance to Afghanistan has totalled some Euro 194,2 million since 1980 (excluding the United Kingdom's share of EC aid and contributions to UN core funding). In 1998, United Kingdom commitments totalled Euro 13,2 million. Our assistance is provided mainly via the UN, ICRC and NGOs.

The humanitarian situation inside Afghanistan – in terms of basic physical needs – is under reasonable control at the present time. People are coping partly due to increased food production in areas that have seen little active fighting this year. However, health services, rudimentary to start with, are further stretched or broken down.. We are also informed that the situation in the Central Barniyan region is precarious.

We have no government-to-government programme for Afghanistan because of the current state of governance in that country.

Our effort to help create a system-wide approach to Afghanistan, and increase synergy between peace-making and humanitarian assistance, has been underpinned by the provision of Euro 13,2 million in 1998; this includes support for:

ICRC's protection, humanitarian law and medical relief work;

de-mining through the UN and Halo Trust;

United Nations Office For the Coordination of Humanitarian Assistance for Afghanistan (UNOCHA) for coordination and common services to benefit the whole system (e.g. communications, logistics, aircraft);

NGOs (Afghanaid, Christian Aid, CARE, TEAR Fund, Support for Afghan Further Education (SAFE), BBC, Children in Crisis, the Agency Coordinating Body for Afghan Relief (ACBAR), British Agencies Afghan Group for education, health, water, sanitation and coordination activities;

UNHCR for refugee care and protection programmes;

and FAO for livestock and food security.

Useful impact has been achieved in terms of encouraging an effective principled common approach to programming, promoting protection, building livelihood security and making use of the available modest opportunities for education for girls and boys. We also provide disaster relief when two major earthquakes struck Northern Afghanistan earlier this year.

Forward Strategy: We will remain engaged in Afghanistan. In doing so, we will be informed by the principled common programming approach under the United Nations led Strategic Framework for Afghanistan that we have been instrumental in developing and promoting. The purpose of the Strategic Framework is to enhance reinforcement between the United Nations political strategy in Afghanistan and international assistance activities, and to promote greater effectiveness and coherence in the international assistance programme. We shall conduct another review of Afghanistan policy in mid-1999 unless there is significant earlier change in circumstances.

### **3. Justice and home affairs measures**

#### ***Belgium***

- Pakistan

Belgo-Pakistani arrangement on the mutual extradition of fugitive criminals, concluded by exchange of notes, dated Brussels 23 January and 20 and 26 February 1952.

Agreement between Belgium and the Government of Pakistan, concluded by exchange of notes dated Islamabad 4 December 1975 and 13 May 1976, and complementing the 1952 extradition arrangement.

## *Denmark*

- Afghanistan

Afghans must have visa in order to enter Denmark. Transit visa/airport transit is also required.

A Danish immigration attaché is posted in Pakistan. The attaché also deals with tasks related to Afghanistan. Among the tasks are airport control and support to Pakistani authorities with, for example, document control.

Denmark does not have a re-admission agreement with Afghanistan.

Danish legislation permits DNA-tests and medical determination of age in connection with family reunion cases.

## *France*

- Pakistan

France has drawn up a draft re-admission agreement to be submitted to the Pakistani authorities.

## *Italy*

- Pakistan

In view of the large Pakistani community in Italy (about 12 724) and the frequent identification of Pakistani nations among the illegal immigrants arriving in Italy, bilateral cooperation on social and migration issues is a particularly important aspect of bilateral relations between our countries.

Italy recently submitted a draft re-admission agreement to Pakistan and an agreement for the transfer of prisoners. The Pakistani authorities have not yet replied.

## Visa Régime

Pakistani nationals wishing to visit Italy are required, together with a licence to work from the Investment Promotion Bureau at the Ministry of Industry, and an application must be submitted to the local Ministry for Home Affairs for the issue of a resident's permit. Self-employment is prohibited.

## *Netherlands*

### - Pakistan

In the autumn of 1998, the Ministry of Foreign Affairs, in close cooperation with the Ministry of Justice, stationed an immigration officer at the Dutch Embassy in Islamabad, Pakistan. The immigration officer's main task is to build up and tap an extensive network of people and organisations specialised in Afghanistan. The network enables the immigration officer to provide detailed information on both the situation in Afghanistan and on Afghan organisations active in Pakistan. The information is used to verify asylum claims of Afghan nationals seeking asylum in the Netherlands. Because of the intensive use that is made of the immigration officer, there are plans to employ an extra immigration officer in the near future.

## *Sweden*

### - Afghanistan

The number of asylum applicants from Afghanistan has increased during the last year. Almost all of them have entered Sweden without the necessary documents required according to the Alien's Act. The ways of entering are not fully known. Due to the large increase of asylum applicants, the National Criminal Investigation Department will analyse and make a survey of the organised illegal immigration from Afghanistan.

The Swedish authorities do not expel anyone to Afghanistan. Expulsion orders enforceable to Pakistan as a safe first country of asylum have been issued in the case of Afghan nationals who have stayed there before entering Sweden.

The Swedish authorities have not entered into any return agreements with Afghanistan.

### - Pakistan

In some cases applicants have entered without permission often with falsified passports. More than 50% of the asylum applications are filed within the country and not at the border. Some people have come with visas for visits and business and after arrival they apply for asylum.

The general situation in Pakistan is not regarded as a ground for asylum, nor does it constitute a reason for granting residence permits on humanitarian grounds. The same applies to membership of an ethnic group. Cited conflicts between Shia and Sunni Muslims do not usually result in an applicant being granted permission to stay. Thus, people from Pakistan are only allowed to stay in Sweden in exceptional cases.

People who are denied asylum/residence permit and whose identity can be proved are sent back to Pakistan.

The Swedish authorities have not entered into any return agreements with Pakistan.

*development co-operation and humanitarian aid*

Development co-operation	1996	1997	1998	1999
Denmark	Euro 2,97m	Euro 2,5m	Euro 2,4m	Euro 1,01m (to 1.7.99)
Finland			Euro 0,39m	
France	Euro 398,65m	Euro 0,21m		Euro 0,33m
Ireland		Euro 0,12m		
Humanitarian aid	1996	1997	1998	1999
Denmark	Euro 4,4m	Euro 2,8m	Euro 3,9m	Euro 1,1m (to 1.7.99)
Finland			Euro 2,05m	
France	Euro 0,25m	Euro 0,27m	Euro 0,29m	➤ Euro 11 740
Ireland	Euro 0,20m	Euro 0,32m	Euro 0,26m	
Netherlands	Euro 9.21bn	Euro 10,89bn	Euro 7,89bn	
Sweden	Euro 11,35m	Euro 10,66m	Euro 11,61m	Euro 12,97m
United Kingdom			Euro 12,96m	

Table 1 Sums granted to development programmes and humanitarian aid.

## EXTRACTS FROM THE EC – AFGHANISTAN CO-OPERATION STRATEGY 1999 - 2000

## EC AID STRATEGY

In the current circumstances, future aid strategy for Afghanistan must take into account two probable scenarios, one of continued fighting and instability, and another where progress towards a peaceful resolution of the conflict advances. In both instances, the opportunities for the delivery of, and scope for, international assistance will depend on whether the level of conflict (military and/or political) remains manageable. The basic problems to be addressed are likely to vary in degree rather than in substance, either side of an eventual peace settlement. In a country where the very foundations for future structural stability first need to be built up from the ruins of twenty years of war, and where deeply conservative attitudes and tribal traditions are likely to persist, the capacity for absorbing rapid change and development will be limited. Assuming the security and political conditions remain acceptable, there are thus opportunities to design future EC interventions to take account of the probable continuation of the current set of challenges in Afghanistan.

It is evident that full-scale rehabilitation and development assistance is premature, ahead of a political settlement and the emergence of a government prepared to embrace Afghanistan's responsibilities as a member of the international community. Moreover, even when such conditions do exist, the operational environment will continue to present formidable challenges. There is justification for maintaining humanitarian and limited rehabilitation aid in the large areas of Afghanistan that are stable and which may continue to attract refugee return. If and when political and security conditions improve, the scope for its enlargement can be developed accordingly. Such assistance is justified not only in terms of humanitarian concerns, but also as a contribution to building social cohesion particularly in areas where relative stability exists. These interventions can strengthen community social and economic development, encourage refugee return, and reduce vulnerability to military conscription thereby contributing to structural stability, particularly at local level.

The consistent and generous support provided by EC assistance in Afghanistan, and for Afghans in exile in Pakistan and Iran is well known; the European symbol is intimately associated with many humanitarian activities deeply appreciated by the Afghan people. As some 2.6 million Afghan refugees remain in Pakistan and Iran (still the largest refugee caseload in the world) there are sound reasons for humanitarian assistance to be maintained in these countries as well.

## **First Scenario – No Political Solution**

This scenario essentially reflects a continuation of the present circumstances in Afghanistan. EC assistance will be consistent with the approach spelled out in the Strategic Framework for Afghanistan and address the five thematic areas highlighted in the Common Programming initiative namely the promotion of human rights, the alleviation of human suffering, the building of sustainable livelihoods, the provision of basic social services and the return and reintegration of refugees.

In this scenario, assistance to refugee populations in Pakistan and Iran should focus (as at present) on basic health, education and sanitation programmes, preferably undertaken by local NGOs and community based organisations. In Afghanistan, re-integration assistance by DGIB should be targeted at key resettlement zones (following the model of the existing EC-coordinated programme in the Eastern Region) and at priority sectors (mine clearance, agricultural rehabilitation, basic social support) of relevance to refugee return. Strict appraisal of project proposals should be maintained to monitor agency awareness of, and compliance with, EU positions on sensitive issues, (relations with the presumptive authorities, gender impact and access, poppy cultivation, etc.). Efforts should also continue to bring more Afghan NGOs up to the level of those already supported by the Commission.

DGVIII food aid should continue to support the emergency feeding operations of the ICRC and the World Food Programme and, where acceptable conditions for aid delivery can be obtained, 'Food for Work' operations of these two organisations. Longer term actions for food security should also be maintained. Such activities should be subjected to the same monitoring as those funded by DGIB. Under similar conditions, ECHO should continue to support acute emergency situations and vulnerable populations, to respond to the needs of rapid population displacement and to develop other activities within its mandate complementary to those of DGIB and DGVIII.

Assistance should be extended to other parts of Afghanistan as and when the political and security conditions permit programmes to be prepared and implemented in a professional and principled fashion. Such extension should endeavour to develop geographically and ethnically-balanced interventions. Where projects or programmes are unable to maintain their autonomy from the presumptive authorities because of their policies, pressure or interference, and where such interference impacts negatively on project outcomes, they should be suspended and/or stopped.

The overall objective should be to evolve an intervention strategy that would respond not only to short term requirements, but also to their more deep-rooted, structural causes. Efforts should be continued to improve co-ordination by the three Commission services. In co-ordination with other donors, UN agencies and NGOs, EC assistance will contribute actively to giving operational expression to the aspirations of Common Programming.



## **Second Scenario – Emergence of Peace**

As suggested above, it is unlikely that progress towards a peaceful resolution of the conflict will be smooth, linear, and untroubled. Indeed, even in the event of a durable peace settlement it may be many years before residual tensions and political differences are overcome and their resolution managed by peaceful means. Expectations of what can be achieved in Afghanistan, particularly in the short term, should be founded on a realistic appraisal of its inherent political instability, a structural flaw inscribed in the very nature of its ethnic and tribal composition. Any emergent peace settlement will therefore require well-crafted initiatives to support both the political and development process.

The overall political aim, and principal role of the international community (including the EC) during this phase, should be to engage the Afghan leaders in principled and constructive dialogue in a sustained effort to draw them into international relations and to embrace Afghanistan's formal responsibilities as a founding member of the United Nations and a signatory to many of its conventions.

In the aid sphere, the main strategic objective should be to effect a gradual transition from present humanitarian assistance interventions to more structured rehabilitation and development cooperation. In an initial phase, increased resources for an integrated programme supporting the repatriation and reintegration of Afghan refugees from Pakistan and Iran should be initiated. Basic humanitarian assistance should continue but with a more disciplined and planned approach leading to its eventual phasing out.

Early recognition must be given to the enormous challenge of the building of effective governance in Afghanistan. It is a country of great tribal and ethnic complexity whose national public administration has been dismantled by the civil war. Specific assistance will be required to define a workable model and structure of government and to strengthen management capacities at central and regional level. The continuance and expansion of the involvement of local communities in project design, management and implementation, in collaboration with traditional modes of authority, can provide a basis for decentralised and regional capacity building.

The nurturing of a functioning civil society in Afghanistan, with full respect for international standards of human rights, will require both support and patience from the international community. It may be expected that the return of Afghan refugees with experience of comparatively more liberal countries will contribute to the demand for a more just and equitable society. However, progress will ultimately be made at the pace and in the manner decided by the Afghan people and their leaders. This process can be supported by a cautious approach to identifying appropriate and modest assistance to Afghan NGOs which are active, or potentially active, in human rights related fields. Such aid should be directed towards supporting the development of institutional capacity through support for clearly defined activities. Human rights assistance should take into account the risky conditions for itself and for indigenous organisations in an adverse policy climate.

The prospects for an early development of EC bilateral cooperation with Afghanistan are distant and are likely to remain so for the duration envisaged by this paper. However, on the eventual return of the International Financial Institutions to the country, and in cooperation with other donors, the Commission can explore the possibilities for the engagement of the full range of its technical cooperation instruments. There are obvious immediate candidates for sectoral support (agriculture, primary education, health care, environment) and actions aimed at developing specific public sector capacities (in trade, commerce, customs, justice, narcotics control, banking, and financial services). A particularly strong case can be made for the strengthening of human resources, for actions aimed at engaging the considerable skills of the Afghan diaspora, and further developing the entrepreneurial flair of the Afghan private sector.

CONTRIBUTIONS  
FROM  
UNHCR AND ICRC



**NATIONS UNIES  
HAUT COMMISSARIAT  
POUR LES REFUGIES**



**UNITED NATIONS  
HIGH COMMISSIONER FOR  
REFUGEES**

# **MEASURES TO ADDRESS THE PROBLEM OF AFGHAN REFUGEES**

**A PAPER FOR THE  
EUROPEAN UNION HIGH LEVEL WORKING GROUP  
ON ASYLUM AND MIGRATION**

**28 APRIL 1999**

THIS PAPER IS PREPARED BY THE BUREAU FOR CASWANAME, UNHCR



## I. OVERVIEW

1. In the years following the Soviet invasion of Afghanistan, more than 6 million Afghans took refuge in Pakistan and Iran. Since 1992, more than 4 million have returned home. In 1998, about 107,000 Afghans repatriated to Afghanistan from Pakistan and Iran. However, some 1.2 million Afghan refugees remain in Pakistan and another 1.4 million in Iran. The impatience of these two host countries is increasing as they do realise the difficulties in achieving solutions and the diminishing financial assistance from the international community. Some deportations are taking place from Iran and the situation in Pakistan is perceived as increasingly turning unfriendly for Afghan refugees.

2. It would seem that the international community has somehow lost interest in the needs of Afghanistan, its population and the refugees still in exile. Few governments are willing to fund humanitarian programmes in Afghanistan or to negotiate with Taliban for improved human rights. The lack of funding has resulted in a serious reduction of humanitarian activities in Afghanistan and UNHCR cannot provide reintegration assistance in the country or hand rehabilitation programmes over to development agencies. There is also a serious lack of funding for refugee programmes in Pakistan and Iran. At risk are programmes for education, health and social services, as well as voluntary repatriation activities.

## II. UNHCR'S ACTION

### In Afghanistan

3. UNHCR's main objectives in Afghanistan are to achieve a durable solution to Afghan refugees by facilitating their voluntary repatriation to safe areas of origin in Afghanistan. The means to achieve this objective include: establishing and managing encashment centres in Jalalabad, Khost, Kandahar and Lashkargah where returnees from Pakistan receive cash grant and supplementary WFP food package; providing transportation assistance in Afghanistan to returnees from Iran to their places of origin; monitoring the situation of returnees inside Afghanistan to enable necessary interventions both with regard to the protection and human rights of returnees as well as to assistance measures to address their basic needs; providing, in co-operation with other UN agencies and NGOs, initial reintegration assistance in an integrated manner with UNHCR assistance mainly focusing on shelter and safe drinking water.

### In Iran

4. The bulk of UNHCR activities in Iran have for many years been focused mainly on providing infrastructure to camps, medical referral of non-refugees, repatriation activities and assistance to refugees. The level of assistance provided by UNHCR has remained relatively limited considering the large number of refugees in Iran. UNHCR's protection activities have been relatively marginal due to in-country limitations and staffing constraints. Repatriation has substantially decreased in the past few years when compared to the 1992 level. In 1996, UNHCR was able to assist 8,367 Afghan refugees to return to Afghanistan and only 2,233 in 1997; it increased again in 1998 to a total of 14,061. UNHCR is in the process of signing a memorandum of understanding with the Iranian Government with a view to fostering voluntary repatriation in accordance with established principles and procedures.

### *In Pakistan*

5. With some 1.2 million refugees still living in refugee villages in Pakistan, UNHCR's Pakistan Programme has to maintain a minimum of essential services on a budget of US\$ 7.8 million for 1999, i.e., US\$ 7.3 per person per year. Except for new arrivals who receive individual assistance (food, shelter), the programme is community-based and includes mainly education, health care and community services (vocational training for the vulnerable, non-formal education for women, child activities, etc). The programme prepares also the refugees for a longer term solution, be it repatriation or local settlement. In the last three years, nearly 300,000 Afghans have repatriated from Pakistan; this is a considerable movement in absolute terms but is largely offset by the number of new arrivals and the natural growth in the refugee population.

### **III. PROPOSALS FOR A COMPREHENSIVE RESPONSE**

#### *Measures to improve the socio-economic conditions in Afghanistan*

6. Many Afghans who are willing to repatriate nonetheless remain in exile for lack of prospects of a self-sustained livelihood in Afghanistan. Thus, the potential of return does exist, but it remains conditioned by a tangible improvement of the socio-economic conditions in Afghanistan. Therefore there is a strong need to provide reintegration and rehabilitation assistance in Afghanistan to facilitate repatriation.

#### *Measures for adequate financial support to repatriation programmes*

7. The implementation of the MOU to be signed soon between UNHCR and the Iranian Government and which will enable UNHCR to repatriate about 120,000 Afghan refugees from Iran in 1999 will depend on a strong financial support from the international community. Financial assistance is likewise required for repatriation from Pakistan. If the general political situation in Afghanistan remains unchanged, expectations are that some 100,000 Afghan refugees in Pakistan will repatriate in the course of 1999.

#### *Measures for adequate assistance to Afghan refugees in Iran and Pakistan*

8. There are certain categories of Afghan refugees in Iran and Pakistan who cannot safely return to their country due to evident protection reasons. These groups include educated women, intellectuals, artists, influential people belonging to minorities, former USRR students, communists, etc. To ensure the continuing protection of these refugees in Iran and Pakistan adequate financial support from the international community is essential.



## Draft action plan for Afghanistan and the neighbouring region

### A. General Introduction

#### 1. political situation

##### *a. the military situation*

1. The Taliban movement was formed in 1994 by a group of Afghan graduates of Islamic colleges (*Madrassas*) in Quetta, Pakistan. The Taliban are mostly Pashtuns from Kandahar Province in southern Afghanistan; they are led by a *mullah* (a village-level religious leader), whose name is Mohammad Omar. The Taliban advocate an Islamic Revolution in Afghanistan, proclaiming that the unity of Afghanistan should be re-established in the framework of the *Sharia* (Islamic law).

2. When the Taliban first appeared on the scene in 1994, they persuaded many *Mujahedin* fighters to desert their leaders and join the Taliban. Despite their relatively limited military force, the Taliban were thus able to conquer large areas of Afghanistan in a short period of time. Their early conquests included the key cities of Kandahar, Herat and Jalalabad. The capital, Kabul, fell on 27 September 1996. The Taliban also briefly took the city of Mazar-i-Sharif with the help of General Abdul Malik Pahlavan in May 1997. However, Malik's troops turned against their new allies after just three days, killing thousands of Taliban.

3. At first, the opposition against the Taliban was divided. The first alliance was formed in October 1996. In early June 1997, the anti-Taliban coalition was expanded and strengthened. Now known as the United Islamic Front for the Salvation of Afghanistan (UIFSA) (or United Front or Northern Alliance), the opposition appointed a new government based at Mazar-i-Sharif with Rabbani as President.

4. In 1998, the Taliban overran the provinces of Badghis, Fariyab, Jozjan, Takhar, Baghlan, Kunduz, Samangan and Balkh. Their conquests included the towns of Maimana (21 July), the provincial capital of Faryab, Shiberghan (2 August), the provincial capital of Jozjan and stronghold of General Dostam, Mazar-i-Sharif (8 August), the provincial capital of Balkh and headquarters of the UIFSA, Taloqan (11 August), headquarters of Commander Massoud, and Bamiyan (13 September), bastion of the Shiite Hizb-i Wahdat faction. On 17 October, the Jamiat-i Islami forces recaptured Taloqan, the capital of Takhar Province. The military campaigns launched by the Taliban to finally capture the towns of Mazar-i-Sharif and Bamiyan resulted in gross violations of human rights.

5. After their advance during the summer of 1998, the Taliban now claim to impose their authority on almost ninety percent of the country, including the principal points of entry into Afghanistan. In the act, they more or less defeated two of the three principal military groups of which the UIFSA consists (*i.e.* Khalili's Hizb-i Wahdat and Dostam's Junbish-i Milli-yi Islami). At present, the territorial base of the UIFSA is largely limited to only three out of thirty provinces (*viz.* Parwan, Kapisa and Badakhshan); all three are located in the northeastern part of Afghanistan and are predominantly inhabited by ethnic Tajiks. The only remaining source of serious resistance of the UIFSA is the Jamiat-i Islami, whose military wing, the Shura-e-Nazar, is commanded by Ahmed Shah Massoud. Commander Massoud's forces still remain within rocket range of Kabul.

*b. international repercussions*

6. Pakistan, Saudi Arabia and the United Arab Emirates recognize the Taliban as the legitimate government of Afghanistan; these countries did so after the first brief conquest of Mazar-i-Sharif by the Taliban in May 1997. With the exception of the embassies in Pakistan, Saudi Arabia and the United Arab Emirates, Afghan diplomats in other capitals therefore represent the UIFSA of President Rabbani; only occasionally do diplomats at these embassies denounce their loyalty to the UIFSA and defect to the Taliban. The Rabbani regime also occupies Afghanistan's seat at the United Nations (UN). Afghanistan's seat at the Organization of the Islamic Conference (OIC) is vacant since 1996.

7. Relations between the Taliban Government and the UN deteriorated in June 1998, following the former's decision to close more than 100 private schools and numerous small, home-based vocational courses in Kabul, many of which were educating girls. In the next month, the Taliban obliged NGOs operating in Kabul to leave their accommodations in the city and occupy the war-battered Polytechnic on the edge of the city.

8. Tensions between the Taliban and Iran reached a climax after the killings of ten Iranian diplomats and one Iranian journalist in the Consulate-General of Iran in Mazar-i-Sharif. The Taliban acknowledged that their troops, acting independently, had killed them during the seizure of the city. Both Iran and Afghanistan massed troops on the border; by mid-September an estimated 500,000 Iranian troops had reportedly been placed on full military alert.

9. On 20 August 1998, the USA launched missile attacks against camps in Khost province, Afghanistan, allegedly used by Saudi Arabian dissident Osama bin Laden, whom the US government held responsible for masterminding the bombing of two US embassies in East Africa. After the attack, demonstrations were held in many places. On 21 August 1998, in Kabul, an Italian official serving with the UN Special Mission to Afghanistan (UN SMA) was killed by Taliban militiamen and a Frenchman seriously injured.

10. As a result of these incidents and the general security situation, the remaining international NGOs and UN staff were evacuated. Local UN staff continued implementing UN programs as best they could. The International Committee of the Red Cross (ICRC) was the only international organization which remained in Afghanistan with a limited international staff. By November 1998, a limited number of international NGO staff members had returned to the towns of Kandahar, Jalalabad and Herat.

11. On 23 October 1998, the Taliban and the UN concluded an agreement in Islamabad on the safety and room for manoeuvre of UN organizations in Afghanistan. The agreement was a supplementary protocol to the memorandum of understanding that was signed by both parties on 13 May 1998. This agreement was a first step towards a return of the UN to Afghanistan.

12. In late February 1999, the US officially informed the UN Secretary General that, if necessary, they will act against Osama bin Laden and the Taliban. UN personnel working in Afghanistan will in that case not be warned beforehand. The US therefore urged the UN not to send their personnel back to Afghanistan. The same message was given to American citizens working for NGOs in Afghanistan. **The UK also strongly advises its nationals against travel to Afghanistan.**

13. In February 1998, Osama bin Laden, who is being held responsible for the bombing of two US embassies in Africa in 1998, has left his residence in Kandahar. Although his present whereabouts are unknown, he is generally believed to be still in Afghanistan.

### *c. international peace initiatives*

14. In Afghanistan, the UN is striving to achieve lasting peace. The UN stresses the need for the genuine establishment of a broad-based, multi-ethnic, representative government and for the creation of conditions under which all ethnic and religious groups could live in harmony. UN Special Envoy Lakhdar Brahimi and UNSMA play a central role in the UN peace initiatives. The EU explicitly and wholeheartedly supports the UN peace efforts in the EU Common Position, which the Council adopted on 25 January 1999.

15. During 1998, the UN Special Envoy, Lakhdar Brahimi, held a total of seven meetings of the six plus two informal group, which comprises Afghanistan's six immediate neighbours - China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan - plus Russia and the US. Other Member States of the UN, which are not members of the six plus two group, have co-ordinated their activities with the six plus two group. One such group is formed by France, Germany, Japan and the UK.

16. In September-October 1998, UN Special Envoy Lakhdar Brahimi visited various countries in the region. During this mission, Brahimi spoke for the first time to Taliban leader *mullah* Omar. The Taliban agreed that there should be an international investigation into the events in Mazar-i-Sharif during its capture by the Taliban and an inquiry into the deaths of the Italian UNSMA representative in Kabul and two local UN employees on condition that the mass murders of Taliban fighters in May 1997 were also investigated. During these talks *mullah* Omar agreed to the release of all Iranian prisoners in Afghanistan, who were subsequently evacuated to Tehran.

17. Since October 1998, the Uzbek authorities are in consultation with other countries which are members of the six plus two group in order to prepare a high-level meeting of this group in Tashkent with the participation of representatives of the various Afghan forces. Until now, the meeting has constantly been postponed.

18. In mid-March 1999, high representatives of the Taliban and the UIFSA concluded a peace agreement in Ashkabad, Turkmenistan, under the auspices of the UN. The agreement calls for a shared executive, legislature and judiciary in Afghanistan, as well as for an exchange of prisoners between the rival factions. However, key details remain to be worked out and the parties did not agree upon a ceasefire. The international community and NGOs therefore remained skeptical.

19. In the aftermath of the peace agreement of Ashkabad, it has become increasingly clear that for the near future the chances of further talks, which were originally scheduled to take place in April, are extremely slim. On the contrary, as soon as the weather allows it, the Taliban and/or the UIFSA are expected to start military offensives. Indeed, in some parts of Afghanistan fighting already begun in March. It is generally believed that new offensives will not end the present military stalemate.

20. On 12 March 1999, the UN announced that it had decided to initiate the gradual return of UN international personnel to Afghanistan. The continuation of the conflict after the Ashkabad peace agreement requires the UN to closely monitor the ongoing return of its personnel.

## 2. economic situation

### *a. general*

21. The economy of Afghanistan, one of the world's poorest and least developed countries, has never been well documented. Since the fall of the communist government in 1992, official statistics all but dried up. Figures relating to the economy of Afghanistan are therefore at best reliable estimates.

22. Afghanistan is traditionally a subsistence agricultural economy. However, much of the arable land fell into disuse with the onset of war, as millions of people were uprooted from the countryside, crowding into towns and cities or fleeing to neighboring Pakistan and Iran. In addition, the Soviet army adopted a scorched-earth policy to undermine the *Mujahedin*, who retaliated by sabotaging economic installations and infrastructure.

23. Inevitably, the damage caused to the agricultural sector had a knock-on effect on industry. There was some manufacturing activity in the major cities, particularly Kabul, but much of this ground to a halt as a result of the destructive civil war. On the other hand, the communist collapse led to something of a revival of the rural economy as large numbers of refugees returned from abroad.

24. In a 1993 rehabilitation action plan, the UN Development Program (UNDP) estimated GDP in 1991/92 at approximately Af125bn (ca. \$1.72bn), compared with Af117bn in 1978/79, the year of the Soviet invasion. Agriculture accounted for about 45% of output, down from about 53% in the late 1970s. Mining, trade, construction, and transport and communications had shares of about 14%, 8%, 5% and 3% respectively. Services were estimated to account for about 17% of GDP.

25. By mid-1993, officials at the by now defunct Bank of Afghanistan (the central bank) estimated the annual inflation rate at more than 150%. Although there have been no exhaustive independent measurements since then, anecdotal evidence suggests that it has accelerated dramatically, fuelled, among other things, by the massive injections of unsupported currency and widespread shortages of basic foodstuffs.

26. Afghanistan has some of the world's worst health indicators: the highest maternal, infant and child mortality rates, as well as the highest proportion of widows and orphans. The average life expectancy is less than 45 years.

27. Nearly two decades of war have both left Afghanistan in huge need of healthcare and at the same time devastated the healthcare system. Most medical professionals have left the country and training programs are non-existent. Most hospitals and clinics have been destroyed or are otherwise out of commission, while in the absence of a central government supplies of equipment and essential drugs are sporadic if they materialize at all.

28. Years of war have virtually destroyed the country's education infrastructure. Not surprisingly, therefore, Afghanistan has the world's highest rate of illiteracy; no fewer than three-quarters of the population are believed to be unable to read or write.

#### *b. agriculture*

29. According to UNDP figures, per capita food production for the population in the period 1980-1991 dropped by 30%. Many agricultural areas have been laid waste or rendered inaccessible by landmines. About 30% of agrarian infrastructure has been destroyed. Small industries have been wiped out.

30. Up to 85% of Afghans traditionally derive their living from agriculture. However, after more than 15 years of war the agricultural system has been largely destroyed and literally undermined. Many farmers have left their holdings, making Afghanistan now partly dependent on grain imports from Pakistan. The problems in food production are further aggravated by a shortage of wheat in neighboring Pakistan.

31. Despite the diminished population, there is evidence of persistent food shortages. In 1991/92, the UNDP estimated farm output to be about half its pre-war level and some crop yields as much as 70% lower than before the war. The situation has worsened since. Independent experts put the wheat deficit for 1993 at 600.000 tonnes, exclusive of what was needed to feed returning refugees.

32. A contributing factor was the steady increase, throughout the war, in the area under poppy. According to the UNDP this had jumped from 6,000 ha in the late 1970s to 57,000-ha by the early 1990s, generating 3,200 tonnes of opium. This production makes Afghanistan the world's largest producer of the raw material for heroin. Deteriorating economic circumstances and the absence of official sanction encouraged farmers (..) to grow poppy as a cash crop. The Taliban effectively endorse its cultivation. The Taliban control about 95% of the poppy fields in the country.

33. Lack of resources and the war have impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards in some areas. The presence of an estimated 5 to 7 million land mines has restricted areas for cultivation and slowed the return of refugees who are needed to rebuild the economy. The laying of new mine fields by all sides exacerbated an already difficult situation. Trade was mainly in fruits, minerals, and gems, as well as goods smuggled to Pakistan. There are also rival currencies, both very inflated.

#### *c. industry*

34. Almost all manufacturing enterprises have ceased to operate or are producing well below capacity because of war damage and shortages of raw materials and spare parts. Before its collapse the sector was predominantly concerned with processing local agricultural raw materials.

#### *d. mining*

35. Gas reserves in Afghanistan are large. An international consortium led by Unocal of the US attempted to negotiate with the Taliban and its rivals the construction of a pipeline to carry gas from Turkmenistan to Pakistan via Afghanistan, but has now shelved the project.

36. Oil and coal resources in Afghanistan are believed to be sizable.

37. The country's mineral resources have been incompletely surveyed, but there are major deposits of iron, chromic copper coal and salt, as well as quantities of many other non-energy minerals. These reserves remain largely untapped.

#### *e. financial services*

38. In 1992, the banking system collapsed. Since then, moneychangers have been the only providers of financial services.

#### *f. infrastructure (transport, communications, energy provision, housing)*

39. In the decade before the Soviet invasion a major proportion of foreign aid, much of it from the US and the Soviet Union, was spent on road construction and rehabilitation. Over 2,000 km of asphalt and concrete roads were built, giving the country a modern network, which linked all the major urban centers. However, the war has taken a heavy toll. The 1993 UNDP assessment said that about 60% of the 2,500 km of highways required "significant pavement reconstruction" and that regional roads were in "generally poor condition". Since then, the condition of all roads has deteriorated considerably. Hundreds of bridges have also been destroyed.

40. Rehabilitation of the network is crucial to the recovery of other sectors and to the restoration of normal economic activity. Given the lack of foreign funding and the absence of a functioning central government, the UNDP said road repair would best be carried out by contractors based in the local community or associated with NGOs.

41. Aviation and the telecommunications infrastructure are in a deplorable state.

42. Power-generation capacity in Afghanistan needs to be increased. War damage, looting and lack of maintenance and spare parts mean that actual electricity generating capacity is far below the theoretical level of some 400 mw, which in turn is substantially below the country's needs.

43. Many towns in Afghanistan have suffered badly during the conflict. Especially Kabul is ravaged by the war. On the other hand, a town such as Jalalabad (where about 120,000 refugees from Kabul are living) has emerged relatively unscratched from the fighting. However, there too is a lack of many basic facilities.

44. War is not the only cause of destruction. On 4 February and 30 May 1998, severe earthquakes, both centered in the northeast (particularly the province of Takhar), caused extensive damage and loss of life. The earthquakes claimed thousands of victims and made about 50,000 people homeless. Since then, the northeastern region has continued to experience sporadic seismic activity.

45. Positive developments are also to be observed. In 1998, formal economic activity remained minimal and was inhibited by recurrent fighting and roads blocked by local commanders. However, in the region under Taliban occupation, armed conflict has ceased. Road blockages were removed. In territory taken by the Taliban, commercial traffic has resumed after the opening up of the roads, giving a boost to the economies of towns such as Jalalabad, Kandahar and Herat. Reconstruction was continuing in Herat, Kandahar, and Ghazni, areas that are under firm Taliban control. Trade is showing signs of recovery and importing and exporting are taking place (*e.g.* horticultural produce from eastern Afghanistan is being exported to Pakistan).

### 3. human rights situation

46. Afghanistan is bound as a party to the major international human rights instruments. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Prevention and Punishment of the Crime of Genocide. It has also signed the Convention on the Elimination of All Forms of Discrimination against Women. Parties in Afghanistan continue to pursue policies which are in conflict with these international human rights standards.

47. The overall human rights situation in Afghanistan remains extremely poor. During 1998, serious human rights violations continued to occur and citizens were precluded from changing their government or choosing their leaders democratically. There were credible reports of large-scale massacres carried out by the Taliban as they captured Mazar-i-Sharif in August. These attacks were reportedly in retaliation for the thousands of Taliban soldiers massacred by anti-Taliban forces when the anti-Taliban forces retook the city after a brief Taliban occupation in May 1997. Both Taliban and UIFSA forces were responsible for the indiscriminate bombardment of civilian areas. Massoud's forces have continued rocket attacks against Kabul.

48. Summary justice is common, extra-judicial killings occur frequently and the death penalty is applied throughout Afghanistan. In Taliban areas, strict and oppressive order is imposed and stiff punishments for crimes prevail. The Taliban's Islamic courts and religious police, the Ministry for the Promotion of Virtues and Suppression of Vices (PVSV), enforced their extreme interpretation of Islamic punishments, such as public executions for adultery or murder and amputations of one hand and one foot for theft. Prison conditions are poor.

49. The human rights situation for women in 1998 continued to be extremely poor. Violence against women remained a problem throughout the country, and women were subjected to rape, kidnapping and forced marriage. There is widespread discrimination against women and girls, especially in areas under Taliban occupation. Women are denied equal access to education, employment and health care. The Taliban imposed strict dress codes and prohibited women from working outside the home except in limited circumstances in the health care field. Girls generally were prohibited from attending school, particularly in Kabul and other urban areas. The Taliban allowed only a few girls' schools to operate in rural areas and small towns, as well as in camps for internally displaced persons at Kandahar and Herat. Nevertheless, according to international organizations, in comparison with the situation under the Mudjahedin the imposition of Taliban control improved the security situation of women mainly in rural areas who are prepared to follow traditional social mores. The imposition of Taliban control has reduced very substantially the incidents of rape of women since it is a crime under the Sharia law. However, violence against women increased in terms of domestic violence, forced marriage and kidnapping of women belonging to different ethnic groups. During a visit to Kabul in March 1999, the newly appointed UN Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan, Mr. Kamal Hossain, observed some relaxation of the restrictions imposed on the rights of women.

50. Civil war conditions and the unfettered actions of competing factions effectively limited the freedoms of speech, press, assembly, association, religion, and movement. Worker rights are not defined. Child labor persists.

51. Although in general the state of human rights in Afghanistan is poor, on the whole personal security has increased since the advent of the Taliban. The Taliban have curbed the power of most of the warlords in the region under their occupation, effectively promoting personal security, freedom of movement and respect for property.

52. The Taliban imposed codes of conduct that derive from the Sharia and the traditions of the Pashtun tribes. In fact, the Taliban reinvigorated established modes of behavior; they introduced "village" values and attitudes in the cities. This implies that many Afghans, in particular Pashtuns living in rural areas, already abided by comparable codes of conduct before the advent of the Taliban. Thus, while for many Afghans (especially the rural Pashtuns) it is possible to settle again in the part of Afghanistan ruled by the Taliban, for others, especially the urban, well-educated middle and upper classes, it is difficult if not impossible to comply with the way of life ordered by the Taliban.

53. On 26 June 1997, The Taliban declared a general amnesty, in which *"All returnees, irrespective of their political affiliations, are exempted from prosecution for all criminal offenses committed for whatever reason prior to, or in, exile except for those criminal offenses committed against other persons. This exemption includes inter alia having left Afghanistan and having found refuge in Pakistan, Iran or any other country, joining different commanders, draft evasion and desertion as well as the act of performing military service in internationally non-recognized armed forces."* Later on, the UIFSA drew up a similar amnesty declaration. The UNHCR monitoring reports indicate that the amnesty is largely respected by both groups.



## B. Statistical bases and initial situation

### 1. Nationals of Afghanistan in the EU Member States

54. In the beginning of the nineties, Afghan asylum-seekers have shown a very strong preference for Germany: the country received the majority of all Afghan asylum applications submitted in the EU during 1990-1997. During the eight years under consideration, Afghan asylum applications in Germany have remained quite stable, between 5,500 and 7,700 per annum. More recently, however, the Netherlands has become the major destination of Afghan asylum-seekers. Whereas the country received less than 600 Afghan asylum-seekers during 1990-1992, annual arrivals reached 6,000 and more during 1997 and 1998. If one considers only the number of "first" applications submitted in Germany, the number of Afghan asylum-seekers in the Netherlands was 25% higher than in Germany in 1997 and even 88% higher in 1998.

55. Consequently, Germany's share in receiving Afghan asylum-seekers in Europe fell from more than 80% during 1990-1992 to less than 40% in 1997. Together, Germany and the Netherlands received 84% or more of all Afghan asylum applications submitted in Europe during 1990-1997.

56. Afghan asylum applications in Austria increased from less than 100 (or 1% of the European total) in 1990-1992 to more than 700 in 1996/7 (some 5% of the European total).

### 2. Analysis of the causes of migration and flight

#### *a. summary of the chief causes of flight*

57. Many Afghans seeking asylum in Western Europe are relatively well-educated Afghans who have been living for quite some time in one of the countries of first stay, in particular in Pakistan. After the rise to power of the Taliban, they have lost the prospect of a quick return to Afghanistan. Even if until recently some of them may have hoped to repatriate, the present economic situation in combination with the limited access to health care and the failing educational system in Afghanistan discourage them to go back. Since the economic prospects in the countries of first stay are increasingly bleak too, they decide to move on, in particular to the EU. Their escape from economic hardship causes a braindrain, which will have an adverse effect on the future reconstruction and rebuilding of Afghanistan.

58. The general situation in Afghanistan and the treatment by the Taliban in general, as well as the "methods of government" established by the Taliban (including the application of the *Sharia*) are often given as reasons for leaving Afghanistan. Many applicants refer to the (..) application by the Taliban of strict living rules as the main reason for leaving the country (e.g. use of alcohol or drugs, dress or hair code, playing music, videos). These claims are sometimes based on a general dislike of the situation without the applicant having suffered any individual persecution. In other cases the applicants claim to have opposed the Taliban living rules and claim to have experienced treatment which amounts to persecution. There are claims of Afghan asylum seekers stating they opposed the Taliban instructions on the education of girls.

59. Membership of a political party or affiliation with a political party are often cited as reasons as well. In a large category of cases applicants are ex-communists. They either held government or military positions under the Taliban, or were PDPA/Watan party members. In some member states there are relatively many applicants who held positions in the former communist security service as well. The second category of applicants who claim to fear persecution because of political activities/affiliation, are those active for a *Mujahedin* party. Most of them claim to have left the country before the Taliban took power in the area of the country where they lived, or claim to have encountered difficulties/human rights violations on the part of the Taliban. There is also a substantial category of asylum seekers who claim to have been active for small parties, many of which are leftist/Marxist.

60. Another category of asylum seekers base their claim mainly on political activities, such as spreading pamphlets, attending public meetings, speaking out against the Taliban rule or the rule of the *Mujahedin* party dominating the local area where they resided.

61. A fourth category are those who fear reprisals/harsh treatment because of their religious or ethnic background. The ethnic background of the Afghan asylum seekers in Western Europe is very diverse. There are Tajiks, Pashtun, Hazaras, Uzbeks and those belonging to other smaller ethnic groups among them. The same is the case for religious groups. The Shia muslims often claim to be discriminated against or being persecuted on the basis of their religion. There are also asylum seekers belonging to muslim sects such as the Ismailis, Baha'is and Zaydites. In a number of EU countries there are also asylum seekers who claim to belong to the small Sikh and Hindu communities from Afghanistan.

62. The composition of the group of Afghan asylum seekers differs from one EU member state to the other. This seems the case for ethnic groups as well as political affiliation. A reason for this phenomenon may be the strong tribal and community links among the Afghans.

63. A fifth category are those claimants who fear inhuman treatment as a result of having committed acts which are considered common law crimes under the Taliban (adultery, homosexual behavior).

64. In some EU member states asylum applications have been lodged by Afghans who have committed war crimes. Their return may conflict with article 3 of the European Convention on Human Rights.

#### *b. Afghans in Pakistan*

65. At present, about 1,2 million Afghan nationals live as refugees in Pakistan (the total number is, however, estimated at 2 million). In comparison with 1989, when the number of Afghan refugees exceeded 3 million, this is a strong decrease. Especially since 1992, after the fall of the Najibullah regime, the repatriation of Afghan nationals gained momentum. During the last few years, the number of Afghans who return to their country has decreased. Nevertheless, in 1998 UNHCR repatriated 93,200 Afghan nationals from Pakistan. As always with the UNHCR, these people returned voluntarily.

66. About 75% of the Afghan refugees in Pakistan originate in the Afghan Pashtun areas. The remaining 25% are mainly from Kabul and Mazar-i-Sharif.

67. Pakistan is not a party to the Geneva Convention on Refugees, but there is *de facto* compliance with the Convention; reference is also made to the Convention in Pakistani secondary legislation. The criteria for the acceptance of someone as a refugee in Pakistan are laid down in the *Handbook on Management of Afghan Refugees in Pakistan* (1981, revised 1984). According to the Handbook, every Afghan staying in Pakistan, regardless of his motives, is considered to be a *prima facie* refugee. In July 1997, the Ministry of Interior reconfirmed the refugee status of Afghans in Pakistan and legitimated their freedom of movement outside the refugee villages (which were originally designed as their places of settlement). Every Afghan entering the country has the freedom of movement and the freedom of work; consequently, Afghans in Pakistan freely come and go and have access to the labor market.

68. Formally, Afghans must present a valid passport with visum when entering Pakistan. In reality, Afghans can easily travel between Afghanistan and Pakistan without official travel documents. In fact, many Afghans who live in Pakistan regularly return to Afghanistan to inspect their belongings or attend to their business.

69. Many Afghans live in refugee villages around Peshawar in the same manner as the rural Pakistani population. Others live in towns such as Peshawar, Rawalpindi and Karachi, which host large Afghan communities. In the refugee camps, a well-functioning education system has been set up supported by UNHCR.

70. The economic activities of Afghans in Pakistan are extensive, in particular in the North West Frontier Province. In this province, Afghans dominate road transport and haulage and play a vital role in the construction industry and even in agriculture.

71. Most Afghan refugees seem to be integrated into the Pakistani economy and society, although the sympathy of the local population vis-à-vis the Afghan refugees has considerably eroded in the past few years, fuelled by unemployment, the general economic context, increasing criminality and sectarian violence. Some Afghans (such as those with high political profile) may need to avoid cities such as Peshawar and Quetta for fear of being killed by political adversaries. The UNHCR, in close collaboration with Norwegian Church Aid, has the means to offer these Afghans an alternative settlement possibility within Pakistan (Lahore, Rawalpindi, etc). In fewer than one hundred cases per year, UNHCR concludes that settlement outside Pakistan would be the best solution. The majority of the Afghans who feel insecure in Pakistan are targeted as a result of cross-bordering clan and family feuds instead of for their political convictions.

72. Afghan refugees are not systematically registered by the Pakistani authorities or by the UNHCR. On request, the Pakistani authorities issue ID cards, the so-called Shanakhti passes, to Afghan refugees. Since this pass is not necessary to be able to work and reside in Pakistan, only a limited number of Afghan refugees apply for such a pass. The UNHCR in Pakistan is unable to register nor assess the particular status of refugees.

73. A declaration is appended to the EC-Pakistan Co-operation Agreement in which Pakistan declares to conclude readmission agreements with the EU member states which so request. The agreement is due to be signed in May 1999. Since the declaration only refers to the readmission of "nationals" (*viz.* Pakistani), the declaration does not explicitly include the readmission of Afghans who have arrived in the EU via Pakistan. At present, Pakistan does not appear to be officially prepared to readmit Afghans who have been resident for a long period in an EU Member State. According to the Pakistani authorities, the Afghan refugee problem has simply internationalized with tens of thousands seeking asylum in Western Europe while Pakistan still harbors a multiple of that number. The fact that a number of Afghans hold Pakistani travel documents makes little difference, as the great majority of such documents are thought to have been obtained illegally, according to the Pakistani authorities.

74. Pakistan seems to be prepared to consider a transit arrangement for rejected Afghan asylum seekers from Western Europe en route to Afghanistan. Conditions have still to be verified.

*c. Afghans in Iran*

75. In Iran there are an estimated 1.4 million Afghans. For a long time, the Iranian borders have been open for refugees from Afghanistan. Today, they are all but closed. The Iranian authorities in Tehran had hoped that following the repatriation agreement concluded with UNHCR in 1992 most Afghans would return. In reality, this is not the case. UNHCR repatriated 14,161 Afghan nationals from Iran between 1 January 1998 and 31 December 1998; the cumulative total since 1 December 1992 is 582,240 individuals.

76. Only approximately 2% of the Afghan refugees in Iran live in camps (of which there are seven). The great majority of them live spread throughout the country. Many Afghans live in Teheran, Isfahan and Kerman in particular. Only the poorest groups remain in the provinces of Khorassan and Zahedan.

77. Iran is a party to the Geneva Convention on Refugees and its protocol.

78. Of the Afghan refugees, only those who had arrived prior to 1992 were considered *prima facie* refugees and were issued refugee documents and residence permits by the Iranian authorities. However, the large variety of documents that have been issued over the years has led to confusion as to the legal status of the holders. Afghan refugees who arrived later than 1992 mostly settled without the necessary documents and residence permit. The Iranian authorities refer to them as "undocumented" or "illegal" immigrants. This group numbers over half a million Afghans.

79. The difficult economic conditions in Iran have had a negative impact on the situation of refugees. High unemployment has led to a strict application of the Labor laws which has resulted in many refugees losing their jobs or being unable to obtain a work permit. Forced returns of Afghan nationals to Afghanistan occur. The Iranian authorities state that they are unable to continue their generous policy towards refugees. The killings of Iranian consular staff in Mazar-i-Sharif in August 1998 have increased the negative sentiments against Afghans among the local population.

80. These developments have led to significant deportations of undocumented Afghan nationals as well as spontaneous returns to Afghanistan. The deportees comprise Afghans who committed criminal activities in Iran as well as Afghans without documents who were detected by the Disciplinary Forces. During the last months of 1998 and the beginning of 1999 alone, the number of refugees involved in these forced repatriations may possibly amount to more than 50,000. Afghans who returned on their own were mainly Afghans who went back to their families in Afghanistan following completion of temporary/seasonal work in Iran. The majority of Afghans returning outside of UNHCR assisted repatriation program (deportees or spontaneous returnees) consisted of single males of all ethnic groups.

81. At present (late-April 1999) UNHCR is in the process of signing an Aide Memoire with the Iranian government with a view to fostering voluntary repatriation in accordance with established principles and procedures. The Aide Memoire envisages the build-up of a logistical apparatus that will enable UNHCR to repatriate a target number of 120,000 persons per year. Afghan nationals are granted a transitional period of six months, in which they may decide to return voluntarily. After the transition period, UNHCR will start a screening procedure which aims at identifying Afghan nationals who are at present undocumented and thus have no legal status in Iran will be granted a transitional period of six months in which they may decide to return voluntarily. During this period, UNHCR will assist all undocumented Afghans who wish to repatriate to do so. At the same time UNHCR intends to start a screening procedure aimed at identifying Afghan nationals who have reason to fear persecution upon return to Afghanistan. If a functioning eligibility process is established it will greatly enhance protection of Afghans. UNHCR will not co-operate with the Iranian government's wish to concentrate Afghan nationals in refugee camps. This is undesirable because of the social-economic consequences for the Afghan nationals and the overall costs. Full implementation of the Aide Memoire depends on financial support of the international community. UNHCR expects the program to have a regional (*i.e.* Pakistan) and even supraregional (*i.e.* the EU) impact. In order to be able to monitor the situation of repatriated Afghans, UNHCR's presence in Afghanistan is imperative.

*d. Afghans in Central-Asian Republics and elsewhere*

82. Four out of five Central-Asian Republics have signed the Geneva Convention. There is a tendency towards an increased compliance with international treaties. UNHCR is not opposed to the readmission of Afghan nationals to Central-Asian Republics, provided that it is in accordance with established principles, procedures and safeguards.

83. At the beginning of 1998, the largest Afghan refugee populations outside the countries discussed above were concentrated in India (17,500) and in countries of the Commonwealth of Independent States (CIS), including Kazakhstan (1,650), Turkmenistan (5,500), Ukraine (3,000) and Uzbekistan (3,200).

84. In Central Asia, the number of Afghans is roughly estimated to 40,000. These refugees are generally tolerated and treated humanly. They are basically Hazaras, Uzbeks, Tajiks and Turkmen and most of them have been associated with the communist regime of Najibullah.

85. In India, the 16,960 Afghan refugees recognized under UNHCR mandate are either able to remain on temporary residence permits or are tolerated by the Government of India. Most of them, too, have been associated with the communist regime of Najibullah.

*e. asylum applications of Afghan nationals in the EU*

86. The political and military turmoil which existed in Afghanistan over the past decades has caused a constant stream of Afghan citizens to leave their country. The big majority of them settled down in the neighboring countries (Pakistan, Iran, former USSR republics). Since the second half of the 1980s an increasing number of Afghan nationals have migrated to Western Europe. Nearly all of them lived for a substantial period of time in one of the neighboring countries. There is also a large group which lived in one of the former USSR Republics, notably Russia, the Ukraine, and Tajikistan. The alternation of different regimes/rules in Afghanistan has caused the group of Afghan nationals who reside in EU countries at present (and those individuals who have required a EU citizenship) to be very heterogeneous; the group comprises both Afghans who claim to have been persecuted by the communists, communists who claim to have been persecuted by either the *Mujahedin* or the Taliban, and *Mujahedin* who claim to have been persecuted by the Taliban.

87. In 1998, the number of internally displaced Afghans remained an estimated 300,000.

88. Afghan asylum seekers usually travel by way of Central Asiatic countries where there are few restrictions on the arrival and departure of travellers; Russia and the Ukraine are also popular transit countries. They often use so-called travel agents to arrange their journey to Western Europe. These travel agents charge up to \$12,000 per person. Usually, therefore, Afghans travelling to Western Europe have to work many years in Pakistan before they can afford to leave. Relatives who have already arrived in Western Europe may also occasionally provide financial support. In view of the poor living standard in Afghanistan and the common availability of a large network of relatives in Pakistan, direct departure from Afghanistan to Western Europe is less probable.

89. In Pakistan, there is a lucrative market for all types of stolen blank passports or visas. Forgery is also frequent. Forged documents are invariably of high quality. Many of the stolen or forged visas in Pakistani passports were carried by asylum seekers who arrived in the EU from Islamabad.

*f. UNHCR's repatriation program*

90. After the large increase of repatriates from Pakistan and Iran in 1992, the year in which the communist regime of Najibullah was overthrown, the number of people who were assisted by the UNHCR in returning to Afghanistan gradually decreased to 107,361 in 1998, 93,200 of whom came from Pakistan and 14,161 from Iran. Despite the decrease, this is still the largest repatriation anywhere in the world this year; the total number of Afghans who have meanwhile returned is 4.1 million. UNHCR strictly lends assistance to repatriations on a voluntary basis only.

91. The return of refugees to Afghanistan was seriously hindered by the events of 1998. Firstly, the Taliban's conquest of large parts of northern Afghanistan and Hazarajat created a new flow of refugees, mostly to Pakistan. Secondly, the UN was forced to withdraw its international staff after the security situation in Afghanistan had worsened considerably. Yet throughout 1998 refugees continued to return. Most of the refugees returning from Pakistan were Pashtuns with rural backgrounds, who went back to the rural areas in southern and eastern Afghanistan where they originated.

92. In September 1997, UNHCR initiated a group repatriation program for Afghan refugees in Pakistan. In the course of 1998, this program really gained momentum, accounting for 18,000 returnees. The objective of the group repatriation program is to identify larger groups of Afghan refugees in Pakistan who are willing to repatriate and to undertake better targeted assistance projects inside Afghanistan which will ensure their reintegration and a sustained return. A main component of this approach is to maintain the link between those who repatriated and the rest of the community still residing in Pakistan. In this way, refugees who have stayed behind may also be convinced to repatriate.

93. Because of lack of funding, UNHCR has suspended the group repatriation program at the end of 1998.

94. The villages to which the refugees return are situated in peaceful and stable, rural areas in southern and eastern Afghanistan. In these villages, persecution by the Taliban hardly occurs; indeed, persecution predominantly focuses on the cities and is particularly aimed at modern Afghans. Nearly all refugees on the repatriation program reported to feel safe in the villages to which they returned.

## C. Country-by-country measures and actions

### 1. Rundown of existing bilateral measures and actions

#### *a. politics*

95. EU member states adopted a revised EU Common Position adopted on 25 January 1999.

96. France is the only EU member state which has a diplomatic representation in Afghanistan in the form of a travelling *Chargé d'Affaires*, who visits the country every two months for two weeks. Currently, no other EU member state has a representation in Afghanistan. Most of them are represented in Pakistan, Iran and China. A small number has representations in Central Asian Republics neighboring Afghanistan.

97. No EU member state recognizes the Taliban. The EU Common Position obliges member states to maintain contact with all Afghan factions. The UK maintains regular contact with the Taliban. **As part of this process, the UK's Minister of State, the late Mr Derek Fatchett, met with Taliban "Deputy Foreign Minister" Zahid in Islamabad on 8 february 1999.**

#### *b. economics*

98. One EU member state has contributed **1,4 million EURO** to the Pilot Program (Kandahar and Nangarhar Provinces) which seeks to encourage farmers to turn away from poppy cultivation.

#### *c. development co-operation (Table )*

99. Development aid is normally provided by subsidizing NGOs working in Afghanistan. The subsidies are mainly granted to programs in the fields of health care and education. It is often difficult to draw a straight line between, on the one hand, development aid and, on the other, humanitarian aid. This must be kept in mind while reading Table 1.

#### *d. humanitarian aid (Table )*

100. Many EU member states participate in the Afghanistan Support Group (ASG), which consists of the main donor countries that provide humanitarian aid to Afghanistan (*viz.* several European countries, the United States, Canada, Russia and Japan). The ASG is a platform for co-ordinating donor aid programs with a view to formulating a common strategy for the provision of humanitarian aid to the Afghan people. Steps towards realizing the objective of a common strategy have been taken through the formulation of a Strategic Framework and Principled Common Programming-structure by the UN. The EU aims to improve the effectiveness of aid by closer international donor co-ordination, in particular by working through the ASG and the Afghanistan Programming Body (EU Common Position, 25 January 1999, Article 4).

101. As a rule, the EU member states channel humanitarian aid through UN organizations and NGOs. The EU member states are crucial donors for organizations such as UNHCR, UNOCHA, ICRC, WFP, FAO and many (other) NGOs working in Afghanistan. The programs cover a broad spectrum of humanitarian aid, including health care, demining, repatriation, seed improvement, education, water, sanitation, emergency aid for victims of earthquakes, food support, refugee care and protection, etc.

102. UNHCHR has proposed to investigate the massacres in Mazar-i-Sharif in 1997 and 1998. Several EU member states have pledged to co-finance the investigation, which has not yet started.



*e. Justice and Home Affairs measures*

103. At least one EU member state has stationed an immigration officer at its embassy in Islamabad, Pakistan. The immigration officer's main task is to build up and tap an extensive network of people and organizations specialized in Afghanistan. The network enables the immigration officer to provide detailed information on both the situation in Afghanistan and on Afghan organizations active in Pakistan. The information is used to verify asylum claims of Afghan nationals seeking asylum.

104. At least one EU member state agreed a protocol on readmission with Pakistan (not yet in force). Another EU member state is negotiating readmission agreements with India and Pakistan.

2. Rundown of existing Community/Union measures and actions

*a. politics*

105. The EU's policy in Afghanistan is embodied in the EU Common Position, which the Council adopted on 25 January 1999. The main objectives of the EU in Afghanistan are:

1. to bring about a sustainable peace in Afghanistan, put an end to foreign intervention, and encourage intra-Afghan dialogue, in particular through support for the central role of the United Nations;
2. to promote the stability and development of the whole region through peace in Afghanistan;
3. to promote respect for international humanitarian law and human rights, including the rights of women and children;
4. to provide effective humanitarian aid and ensure that the international co-ordination of aid allows for its provision in accordance with international humanitarian principles and an impartial needs assessment;
5. to reinforce the fight against illegal drugs and terrorism;
6. to assist in peace building activities and, once a durable peace settlement is in place, the reconstruction of the country after years of civil war;
- [7. the endorsement of the arms embargo].

106. There are Community Delegations in neighboring Pakistan, China and Kazakhstan.

107. The EU will take up the issue of forced repatriations of Afghan nationals with the Iranian government.

*b. economics*

108. At present there is no formal agreement between EC and Afghanistan. Possibilities for new agreements will depend on the negotiation of a sustainable peace in Afghanistan.

*c./d. development co-operation/humanitarian aid*

109. The European Commission is the largest single donor to Afghanistan. On average, 40 million EURO have been committed for annum since 1989. In 1996, the total amount of Community aid commitments reached 78,7 million EURO, due to an exceptional one-year program of 32.5 million EURO launched by ECHO in December 1996. The total amount of commitments in 1997 was 43.16 Mecu.

110. During the period 1995-1997, a substantial part of the budget for aid to uprooted people in Asia was spent on Afghan refugees, internally displaced persons (IDP's) and returnees (63.9 MEURO). This substantial attribution can be explained by the fact that Afghans remain the largest single refugees caseload in the world for the 18th year in succession. Assistance had been provided to local communities and Afghan refugees in Pakistan and Iran were supported financially. Resettlement in Afghanistan has been assisted by supporting de-mining activities, the rehabilitation of small infrastructures, particularly agriculture, as well as the provision of basic health care, water and sanitation, basic education and vocational training. These activities have been confined initially to the Eastern part of Afghanistan which offered conditions of relative security in the years from 1994 and 1998, but have been gradually extended to most of the southern half of Afghanistan and other areas. In addition, a small number of NGO's receive co-financing for micro-action and support for activities to reduce drug demand. In 1998 the Community attributed a total amount of almost 18 MEURO for the assistance of uprooted Afghans. 2.7 MEURO was allocated to UNHCR for the assistance of Afghan refugees in Iran and Pakistan.

111. The Community provided Food Aid for emergency feeding of vulnerable populations, for small-scale <Food for Work> projects throughout Afghanistan, and for longer term food security projects. Emergency food aid has been largely administered by ICRC and the World Food Program, which operates subsidized bakeries. <Food for Work> activities, largely carried out by WFP, have been severely curtailed in the last year, however, by the restrictive policies of the Taliban and by fighting in Northern Afghanistan. Food security activities have been carried out by FAO and some European NGO's.

112. Since 1994, the European Humanitarian Office (ECHO) had provided substantial emergency humanitarian aid -medical and health programs, sanitation and water supply, de-mining, shelter and winter relief interventions -primarily focused on Kabul, and has also developed innovative actions to underpin the fast disappearing economy of Kabul. ECHO assistance has been mainly provided through European NGO's, but significant aid has also been provided for UN agencies. ECHO also responded rapidly to the humanitarian emergency caused by the two earthquakes in the early part of 1988. In February 1997, ECHO established a Correspondents office in Kabul.

113. More detailed information on the assistance provided to Afghanistan by the European Community can be found in Annex .....

*e. Justice and Home Affairs measures*

114. Afghanistan is a country selected on the list of third countries whose nationals must be in possession of a visa when crossing the external borders of the EU member states (Council Regulation 2317/95).

3. Measures and actions by UNHCR, IOM, ICRC and other inter-governmental and non-governmental organisations

*a. political situation*

115. UN peace initiatives are described in section A.1.c.

*b. economic situation*

116. The UNDP developed an economic plan for Afghanistan aiming at reviving growth in output and stabilising prices, while maintaining a viable balance-of-payments position. The UNDP plan also argued that the top priority for the agriculture sector should be the restoration of self-sufficiency, focusing on community-based smallholder production schemes, and the reconstruction of ruined irrigation systems. However, since the implementation of the plan was made conditional on the restoration of peace, it never got beyond the drawing-board.

117. The United Nations Drug Control Programme (UNDCP) has started a pilot programme for Afghanistan, which has developed steadily but slowly during 1998. The programme is based upon a UNDCP commitment to fund development activities in specific poppy-growing areas in exchange for the Taliban's agreement: (a) not to permit cultivation of opium poppy into new areas; (b) to allow UNDCP to survey the opium poppy crop; and (c) to take action against trafficking of illicit drugs and for the destruction of illicit laboratories. During 1998, activities for the reduction of the poppy crop continued within existing constraints, focusing on rehabilitation of small irrigation systems, canal desilting and the maintenance of canal structures, restoration of a power station, development of community service infrastructures such as health centres and the introduction of new improved seeds to farmers as substitutes for the opium poppy. The Programme's monitoring and evaluation module, which is central to development of a knowledge base on narcotics in Afghanistan, became more or less operational in 1998.

*c./d. development co-operation/humanitarian aid*

118. UN organisations and the donor community adopted a common Strategic Framework to encourage the implementation of a more effective Common Programming in Afghanistan.

119. From the end of 1997 until May 1998, the Taliban refused to allow food convoys access to Hazarajat. Since the lifting of the blockade of the area and the partial victory by the Taliban, it is once again possible for the local population to trade with the surrounding areas. Authorization for a UN road mission was finally granted in early November 1998. The food is supplied by the World Food Programme (WFP).

120. The UN has, as part of the reconstruction effort after the earthquakes in February and May 1998, given support for the rebuilding of some 15,000 homes, 10,000 of which should be completed by the end of November 1998. By November, NGOs involved in this programme were planning for the winterization of incomplete homes and the identification of potentially vulnerable families. Among other activities, WFP is distributing 250 kilograms of wheat to families who have rebuilt their homes.

121. Despite the withdrawal of international staff, the Office of the UN for the Co-ordination of Humanitarian Assistance to Afghanistan (UNOCHA) Mine Action Programme for Afghanistan has continued its operations throughout most of the country during 1998. Several independently-financed NGOs continue to face funding shortfalls owing to revised policies by some donors. In October 1998, the Taliban authorities formally announced a ban on the production, transfer and sale of landmines. Several confirmed or reliable reports have been received indicating that the UIFSA has continued to lay mines periodically. According to the US Department of State, the Taliban, too, have continued to lay mines.

122. As of 13 November 1998, some \$51m had been contributed or pledged for projects in the 1998 UN consolidated appeal for assistance to Afghanistan, representing one third of the appeal requirements of \$157m.

123. The UN continued collaborative efforts within the assistance community to implement principled common programming of aid activities in Afghanistan. On 10 November 1998, the first meeting of the Afghanistan Programming Body was held at Islamabad, comprising representatives from the UN, NGOs, ICRC, the International Federation of Red Cross and Red Crescent Societies and major donor countries, providing guidance on the preparation of the 1999 consolidated appeal.

124. UNHCR's main objective in Afghanistan is to [achieve a durable solution to Afghan refugees by facilitating their voluntary repatriation to safe areas of origin in Afghanistan]. The means to achieve this objective include: 1) establishing and managing encashment centers in Jalalabad, Khost, Kandahar and Lashkargah where returnees from Pakistan receive a cash grant and a supplementary WFP food package; 2) providing transportation assistance in Afghanistan to returnees from Iran to their places of origin; 3) systematically monitoring the situation of returnees inside Afghanistan to enable interventions, both with regard to the protection and human rights of returnees as well as to assistance measures to address their basic needs; 4) providing, in cooperation with other UN agencies and NGOs, initial reintegration assistance in an integrated manner with UNHCR assistance mainly focusing on shelter and safe drinking water.

*e. human rights*

125. In December 1997, following the announcement of the discovery of mass graves in northern Afghanistan in November 1997, the then Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik, visited a number of sites where persons had been buried in that part of the country. He was accompanied during the visit by a forensic expert. In his report to the Commission on Human Rights, the Special Rapporteur recommended that an investigation of the killings take place (*cf.* Report of human rights in Afghanistan: Report of the Secretary General, E/CN.4/1998/71, 12 March 1998).

126. In May 1998, the Office of the UN High Commissioner for Human Rights (UNHCHR) sent an exploratory mission to Afghanistan to determine the feasibility of an investigation into allegations of serious violations of human rights and international humanitarian law committed in Afghanistan in the course of 1997. In the light of the mission's report, and in view of the extremely serious violations of human rights and international humanitarian law reported to have taken place in 1998, the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs and UNHCHR jointly decided to proceed with preparations for an investigation of those reports, which will be carried out under the auspices of UNHCHR. In addition, it is the intention of a number of thematic special rapporteurs of the Commission on Human Rights to undertake visits to Afghanistan within the purview of their respective mandates.

127. While ongoing UN programmes were continuing under the management of national staff, it has not been possible to embark on new assistance activities since September 1998.

128. On 23 November 1998, the UN Secretary General proposed in a letter to the Security Council (S/1998/1139) to establish within UNSMA, without prejudice to its mandate and taking into account security conditions, a civil affairs unit (CAU) with the primary objective of monitoring the situation, promoting respect for minimum humanitarian standards and deterring massive and systematic violations of human rights and humanitarian law in the future. In resolution 1214, the Security Council supported the Secretary General's initiative.

#### D. Assessment of the state of play

129. Although in many parts of Afghanistan the situation has stabilised, armed conflict still occurs in some parts of the country. The Taliban regime now claims to impose its authority on about ninety per cent of the territory. Only in the northeastern part of the country, the UIFSA remains the dominating force. Fighting resumed in March 1999 in northern Afghanistan. It is unlikely that in the near future the Taliban will be able to gain control over the entire country.

130. So far, the Taliban regime has been recognised only by Pakistan, Saudi Arabia and the United Arab Emirates.

131. During 1998, the EU continued to support the UN peace efforts. In March 1999, UN-sponsored peace talks in Ashkabad, Turmenistan, led to an initial agreement between the Taliban regime and representatives of the UIFSA. After the initial enthusiasm of the international community, the prospect of continuing peace talks leading to a definite end to the hostilities and the implementation of a shared executive, legislature and judiciary has grown bleak: in April 1999, the Taliban withdrew from further talks on implementation of the agreement.

132. In March 1999, the UN has announced to initiate the gradual return of international UN staff to Afghanistan. This decision was taken anticipating a peace agreement in Ashkabad and following evidence of progress in the investigations of the murders of three UN workers last year and of concerted efforts by the Taliban to comply with a security agreement signed with the UN in October 1998. Despite the breakdown of the peace talks and the reports of resumed fighting in Afghanistan, the UN has not reversed its decision to return.

133. Human rights issues continue to be a major concern all over Afghanistan. While the overall security situation in most areas controlled by the Taliban has improved, the Taliban continue to interpret the *Sharia* in a very strict manner. The implementation of the *Sharia* and punishment for non-compliance varies considerably. While in urban areas punishment is often harsh in order to set an example and ensure compliance out of fear, the rules are less severely implemented in rural areas, partly because of the high degree of conformity between the local traditions with the rules established by the Taliban.

134. Apparently, Afghanistan still offers hospitality to people whom the EU believes are involved in terrorism. In order to advance the fight against terrorism, the EU will continue to demand all Afghan parties to refrain from supporting terrorist activities and will continue to urge Taliban militia to close down training camps for foreign terrorists inside Afghanistan and to take necessary steps to ensure that those responsible for terrorist acts are brought to justice. If the Afghan parties meet these demands, the security situation in Afghanistan would undoubtedly improve.

135. As a result of the long-lasting civil war, Afghanistan's economy is in a poor state. The infrastructure in many parts of the country has been ruined. Last year's earthquakes have worsened the situation in the northeastern part of the country. Poppy cultivation remains a major source of income. Limited access or exclusion to health care and education further deteriorate the situation.

136. The difficult co-operation climate which prevails between the international aid community and the Taliban and which led to the evacuation from the Taliban held area of all international staff during the summer of 1998 led to a decrease of support activities in Afghanistan.

137. In recent years the European Community provided substantial assistance in various areas to Afghanistan making it the largest single donor to this country. Humanitarian assistance, including food aid, medical and health programmes, sanitation and water supply, de-mining and shelter was provided. Special attention is given to the Afghan refugees in Pakistan and Iran and repatriation has been supported. The volatile security situation has led to reduced activities. The future aid strategy of the Community for Afghanistan is heavily depended on political and security conditions in the country. Conditions allowing, the Community is ready to increase the assistance. In the meanwhile emergency humanitarian and limited rehabilitation aid will be maintained in the areas of Afghanistan that are stable and which continue to attract refugee return. Targeted aid will be provided in areas where this can be done in a non-discriminatory way and with partners committed to the respect of basic humanitarian principles.

138. In the years following the Soviet invasion of Afghanistan, more than 6 million Afghans took refuge in Pakistan and Iran. Since 1992, more than 4 million have returned home. In 1998, about 107,000 Afghans repatriated to Afghanistan from Pakistan and Iran. However, some 1.2 million Afghan refugees remain in Pakistan, while some 1.4 million Afghan refugees still reside in Iran.

139. Pakistan now officially hosts 1.2 million Afghan refugees. However, the total number of Afghan nationals in Pakistan is estimated at 2 million. Afghan nationals are free to cross the border in both directions. Many of them have lived for years in Pakistan. The refugees are integrated in the local economy. As a result of the deteriorating economic situation in Pakistan, frictions have arisen between the refugees and the local population.

140. Iran has an estimated 1.4 million Afghan refugees within its borders. Tensions arose between Iran and the Taliban regime after the killings of ten Iranian diplomats and a journalist in Mazar-i-Sharif in August 1998. As a result of these developments, Iranian troops were placed on full military alert. Tensions diminished after the Taliban released Iranian prisoners from Kandahar jails in October 1998. As a result of the poor economic conditions in Iran and the frictions between both countries, Iran has all but closed its border with Afghanistan and has begun to (forcibly) return thousands of Afghan nationals.

141. According to UNHCR, lack of funding and the absence of international staff has resulted in a reduction of humanitarian activities in Afghanistan. At present, UNHCR is unable to initiate reintegration programmes in Afghanistan or hand them over to development agencies. In addition, UNHCR points out that there is a serious lack of funding for refugee programmes in Pakistan and Iran. Because of the economic crises in Pakistan and Iran, Afghan refugees are increasingly under pressure to leave these countries. For many of them, returning to Afghanistan is not an option because of the poor socio-economic situation.

142. In the EU as a whole, the total number of Afghan nationals who have applied for asylum remains high, reaching a total of 17,300 (5% of the total influx). Two member states received three-quarters of the total number of applicants. Many asylum seekers arrive in the EU via Pakistan, where they usually have lived for a number of years. In order to reach the EU, they usually make use of "travel agents", to whom they pay enormous sums of money (up to \$12,000 per person).

143. Different travel routes are used. One route leads via Russia, Poland or Hungary or the Czech Republic; another via the Middle East (either by air through Dubai airport or over land via Turkey).

144. No EU member state returns rejected asylum seekers to Afghanistan; in specific, exceptional cases, one EU member state returns Afghan nationals to Pakistan. However, on the whole, Pakistan does not co-operate with the readmission of Afghan nationals who lived there several years before leaving for the EU.

## E. Action required by the Community/Union

Building on the EU Common Position of 25 January 1999, the EU suggests the following short-, medium- and long-term measures in the fields of foreign policy, development and migration.

### *a. short-term measures*

#### Foreign Policy

- a) The EU supports the UN peace efforts and the work of the UN Secretary General's Special Envoy for Afghanistan, Mr. Lakhdar Brahimi. The EU continues to engage in contacts with the Afghan parties and prominent Afghan individuals to point to the futility and grave and unacceptable humanitarian consequences of the continued fighting, and urges an immediate ceasefire and the negotiation of a political settlement under UN auspices, including the establishment of a fully representative, broad-based government.
- b) The EU supports the call of the UN Special Rapporteur for Afghanistan, Mr. Kamal Hossain, for an overall strategy to uphold and implement human rights in Afghanistan. In this context the EU will support the deployment of a UN special civil affairs unit whose primary objective will be to monitor the human rights situation in Afghanistan.
- c) The EU will start a constructive dialogue with the Iranian government to discuss the issue of the Afghan refugee population on its territory. Acknowledging the hospitality of Iran in hosting large numbers of Afghan nationals, the EU will look into ways to support the Iranian government in achieving a durable solution for this issue. The EU will address the issue of alleged reports of forced repatriation of Afghan nationals to Afghanistan.
- d) The EU stresses the importance of the compliance to the human rights treaties to which Afghanistan is a signatory member.
- e) The EU urges the parties in Afghanistan to strictly observe their amnesty declarations and supports UNHCR in its efforts to make the application of the amnesties more general.

#### Development

- a) Explore the potential for partnerships in development co-operation to strengthen peace-building measures, reduce conflict and provide security to all Afghans both within Afghanistan and in the surrounding region, especially the poorest. The EU aims to improve the effectiveness of aid by closer international donor co-ordination, in particular by working through the ASG and the Afghanistan Programming Body.
- b) The Commission will develop concrete suggestions for a intervention strategy based on its proposals set out in its paper "The EC and Afghanistan Cooperation Strategy 1999-2000". The EU will look for ways of strengthening the cooperation with international governmental and non-governmental development organisations in the region.
- c) **In co-operation programmes special attention should be given to activities that aim to improve the basic living conditions in Afghanistan.** In this respect, priority should be given to the restoration of the health care system, the educational system as well as to de-mining programmes in the countryside.



- d) Assisting programmes under the guidance of UNDCP aimed at combatting the production and trafficking of drugs (poppy cultivation) in line with the EU Common Position on Afghanistan.

#### Migration

- a) Identify possibilities to strengthen existing assistance to voluntary return programmes in the region set up by UNHCR and IOM, in consultation with the host countries. In this respect, the EU will favourably consider the appeal for funding necessary to implement the Aide Memoire between UNHCR and the Iranian government.
- b) The EU stresses the urgency for the presence of UNHCR in Afghanistan, notably in order to monitor the repatriation programmes and to facilitate the reintegration of returnees. Furthermore, UNHCR's presence is expected to contribute to a better observance of the amnesty declarations.
- c) Concluding of readmission agreements with Pakistan based on the readmission clause contained in the EC-Pakistan Co-operation Agreement (not yet signed/entered into force), either by individual Member States or by the Community. Such agreements should not only cover own nationals but also stateless persons and third-country nationals, in particular Afghan nationals who have been living in Pakistan for a substantial period of time. Similar agreements should also be concluded with Iran and the Central-Asian Republics.
- d) Assist Pakistan in tackling the problem of forgery of official documents such as passports and visa.
- e) Increase the effectiveness of Airline Liaison Officers (ALO's) in Pakistan through enhanced EU co-operation. Investigate the possibilities of extending the number of ALO's.
- f) Encourage Member States to deploy Immigration Officers in the neighbouring region, whose information should be shared on a regular basis with Immigration Officers of other EU Member States.
- g) Approach IOM to develop a public information campaign **for Afghan refugees in Pakistan and in Iran** (...). The aim of such a campaign, which is to be set up in close consultation with the authorities, is to raise awareness amongst potential migrants of the risks and consequences of irregular migration towards Western Europe.
- h) Develop a common strategy to cope with Afghan asylum seekers under article 1F of the Geneva Convention. Within this framework information should be shared amongst EU member states.
- i) Strengthen the co-operation between the EU, UNHCR and authorities of the receiving states with respect to the reception in the region of Afghan nationals.
- j) Initiate information exchange with Central-Asian Republics on the transit, travel routes and travel documents of Afghan nationals.
- k) Undertake measures aiming at the integration of Afghan nationals, legally residing in the EU.

*b. Medium- and long-term measures*

Foreign Policy

- a) Continue to support the efforts for a lasting peace settlement in Afghanistan under the aegis of the UN.
- b) Intensify the dialogue with Pakistan and Iran in dealing with refugees and migrants from Afghanistan.

Development

- a) Provide reconstruction assistance in case of a lasting peace settlement along the lines of the EU common position and the Cooperation Strategy of the European Community on Afghanistan. Thereby promoting the development of (...) civil society which will enable Afghanistan to become a fully fledged member of the international community. Supporting the building of good governance and to strengthen management capacities at central and regional level.
- b) Depending on the establishment of a government entity with which donors can work, and on national and EC priorities for using development co-operation to eliminate poverty, use of development assistance to help reduce conflict, build peace and provide security to all Afghans both within Afghanistan, and in the neighbouring region, especially the poorest.

Migration

- a) Contribute to a lasting peace settlement in combination with a socio-economic reconstruction of Afghanistan thus counteracting migration pressures
- b) Intensify programmes aimed at the return of Afghan nationals to their country, conditions permitting, with a view to the reconstruction of the Afghan society as well as to the alleviation of the refugee burden of the neighbouring region.

Date revised: 10 June 1999

*c./d. development co-operation and humanitarian aid*

Development co-ordination	1996	1997	1998	1999
Finland			2,315,000 FIM	2.2 MF
France	2.615 MF	1.35 MF		
Ireland				
Humanitarian aid	1996	1997	1998	1999
Finland			12,200,000 FIM	
France	1.65 MF	1.78 MF	1.91 MF	> 77,000 FF
Ireland	£ 160.000	£ 252.858	£ 203.000	
Netherlands	20.3 MDfl.	24.0 MDfl.	17.4 MDfl.	
Sweden			101.05 MSEK	
UK			£ 8,500,000	

Table 1 Sums granted to development programmes and humanitarian aid. (To be converted in Euro)

