(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION
of 22 January 2001
on Afghanistan

(2001/56/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 15 thereof,

Whereas:

(1) The conflict in Afghanistan has caused untold suffering for the Afghan people, and threatens the stability of the region and its economic development.

(2) The war's exports of terrorism and illegal drugs cause serious damage to Member States of the Union, and more widely.

(3) The Union continues to receive considerable and increasing numbers of refugees from war-battered Afghanistan and has adopted an Action Plan addressing the question of flows of illegal migrants and asylum seekers from Afghanistan.

(4) The Union is determined to play an effective role in efforts to stop the fighting, and to restore peace, stability and respect for international law, including human rights, in Afghanistan.

(5) The Union reminds the warring parties that they bear the ultimate responsibility for finding a political solution to the conflict which can bring about a lasting peace in Afghanistan and enable the establishment of a broad-based and representative government.

(6) The Union considers it imperative that all countries with an influence on the parties should exercise it in support of and in close coordination with the United Nations' peace efforts, and that the supply of weapons, munitions and other material for military use to the warring factions from outside Afghanistan, as well as the involvement of foreign military, paramilitary and secret service personnel, should cease.

(7) The Union attaches the highest importance to respect for international law and human rights, including the Convention on the elimination of all forms of discrimination against women, denounces continuing discrimination against women in Afghanistan and is particularly concerned that this discrimination is hampering the humanitarian efforts of international organisations and non-governmental organisations (NGOs).

(8) The Union is deeply concerned by reports of massacres and expulsions of innocent civilians, the execution of prisoners of war, ethnic-based persecutions and executions, and the intimidation and assassination of Afghan emigrés.

(9) The Union is also concerned by the continued fighting, in particular in certain provinces such as Takhar and Baghlan, which has been accompanied by further destruction of homes, crops and agricultural infrastructure, and by fresh population movements.

(10) The further deterioration of the humanitarian situation in Afghanistan as a result of the worst drought in thirty years, coupled with the continued conflict, is an additional cause for concern.

(11) The Council adopted, on 15 November 1999, Common Position 1999/727/CFSP concerning restrictive measures against the Taliban [1] in order to implement UN Security Council Resolution 1267/99 of 15 October 1999.

(12) The Union will take measures to implement UN Security Council Resolution 1333/2000 of 19 December 2000.

(13) The present Common Position is intended to replace Council Common Position 2000/55/CFSP of 24 January 2000 on Afghanistan [2]; the latter should therefore be repealed,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objectives of the Union in Afghanistan are:

(a) to bring about a lasting peace, put an end to foreign intervention, and encourage intra-Afghan dialogue through support for the central role of the United Nations;

(b) to promote the stability and development of the whole region through peace;

[1] OJ L 294, 16.11.1999, p. 1.
[2] OJ L 21, 26.1.2000, p. 1.

(c) to promote respect for international humanitarian law and human rights, including the rights of women and children;

(d) to provide effective humanitarian aid including the creation of an environment free of discrimination, in which international organisations and NGOs can operate effectively and to ensure that the international coordination of aid allows for its provision in accordance with international humanitarian principles and an impartial needs assessment, taking into account the community based approach;

(e) to reinforce the fight against illegal drugs and terrorism;

(f) 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;

(g) to support the programmes of international organisations and NGOs for Afghan refugee populations in neighbouring countries.

Article 2

In order to support the United Nations peace efforts, reaffirmed by UN General Assembly Resolution 203 A and B of 18 December 1998, the Union shall continue to:

(a) support and strengthen the work of the UN Special Mission to Afghanistan (UNSMA), including its civil affairs unit;

(b) support the comprehensive efforts of the UN Secretary-General and his Special Envoy for Afghanistan, and in particular the implementation of the agreement subscribed to on 2 November 2000 by the Taliban and the Northern Alliance on undertaking a process of dialogue with the objective of bringing an end to the armed conflict as soon as possible by political means, and call on the parties concerned to honour their commitments;

(c) urge other countries with influence on the parties to exercise it constructively in support of and in close coordination with UN peace efforts, and in particular urge Pakistan to use its considerable and unique influence on the Taliban to persuade them to participate seriously in peace talks under UN auspices;

(d) call upon the warring parties to honour their obligations as stated in the Tashkent Declaration on the fundamental principles for a peaceful settlement of the conflict in Afghanistan which was signed by both parties on 20 July 1999;

(e) demand from the Taliban their commitment to the implementation of the Agreements signed with the UN on the safety and security of UN personnel;

(f) take into consideration the report of the UN Credentials Committee on the representation of Afghanistan at the United Nations;

(g) maintain the embargo on the export of arms, munitions and military equipment to Afghanistan provided for in Council Common Position 96/746/CFSP [1], and urge other countries to adopt a similar policy of restraint;

(h) urge countries concerned to stop any further involvement of their military, paramilitary and secret service personnel in Afghanistan and cease all other military support provided to parties in the Afghan conflict, including the use of their own territories for such purposes.

The Union shall also:

(i) continue contacts with the Afghan parties and prominent Afghan individuals to point to the utility and grave and unacceptable humanitarian consequences of the continued fighting, and urge an immediate ceasefire and the negotiation of a political settlement under UN auspices, including the establishment of a fully representative, broad-based government;

(j) follow closely and support efforts by influential Afghan individuals and organisations, such as the 'Rome Process' launched by former King Zahir Shah which envisages the holding of a Loya Jirgah as a step in the process towards peace and a broad-based government;

(k) continue to impress upon all those countries with influence in Afghanistan the importance the Union attaches to the early settlement of the conflict under UN auspices, and urging them to lend the UN every support.

Article 3

In order to promote respect for all human rights, fundamental freedoms and international humanitarian law the Union:

(a) shall call on all parties to recognise, protect and promote all human rights and fundamental freedoms including the right to life, liberty and security of persons and also to respect the Universal Declaration of Human Rights to which Afghanistan has subscribed;

(b) shall urge Afghan factions to end discriminatory policies and recognise, protect and promote the equal rights and dignity of men and women, including access to education and health facilities, employment, personal security and freedom from intimidation and harassment, and will emphasise the negative implications of discriminatory policies for the effective supply of aid;

(c) welcomes the deployment of civilian human rights monitors in the Civil Affairs Unit of the UNSMA and shall support the UN Secretary-General's proposals relating to the operation of these observers;

(d) shall attach special importance to human rights aspects in the international coordination of humanitarian assistance to Afghanistan;

[1] OJ L 342, 31.12.1996, p. 1.

(e) shall support aid programmes in Afghanistan which integrate gender concerns and actively attempt to promote the equitable participation of both men and women, and which promote peace and human rights;

(f) shall urge all factions to respect and protect the cultural heritage of Afghanistan and shall encourage activities in the field by UNESCO and the Society for the Preservation of Afghanistan's Cultural Heritage (SPACH).

Article 4

In order to help the suffering civilian population of Afghanistan, the Union shall:

(a) continue to provide humanitarian aid to Afghanistan, conditions permitting;

(b) urge the warring factions to ensure freedom of movement as well as free and safe access of national and international humanitarian personnel to all those in need, without restrictions based on gender, race, religion or nationality, and to cooperate fully and sincerely with humanitarian organisations to respond to the humanitarian needs of the Afghan people;

(c) continue to support national and international efforts in mine clearance and drought alleviation measures as important preconditions for sustainable development;

(d) urge the warring factions not to lay any more landmines, while at the same time emphasising its standing policy not to fund mine clearance in regions where mine-laying is continued;

(e) improve the effectiveness of aid by closer international donor coordination, in particular by working through the Afghanistan Support Group and the Afghanistan Programming Body;

(f) ensure close coordination and complementarity between the UN peace efforts and the aid effort, as envisaged in the strategic framework common to the international donor community and UN organisations;

(g) ensure that its aid is provided in accordance with the common strategic framework adopted by the donor community and UN organisations and thereby encourage the implementation of a more effective common programming in Afghanistan;

(h) continue to support the efforts of the United Nations High Commissioner for Refugees (UNHCR) in Afghanistan and the neighbouring countries;

(i) support the UNHCR proposal for the establishment of a forum on asylum and migration on Afghanistan, comprised of donors, along with the first asylum countries, the UNHCR and other agencies.

Article 5

In order to promote the fight against drugs, the Union, shall:

(a) use contacts with the factions and those countries with influence on them to underline the Union's concern at the sharp rise in the illicit production and trafficking of drugs in Afghanistan which threatens regional stability and damages the health and well-being of the populations of Afghanistan, neighbouring States and elsewhere, and also to stress that the Union will take account of drugs control objectives when considering contributions to development aid to reconstruct Afghanistan once a durable peace settlement is in place. The Union shall in particular call on the Taliban to translate into action their undertakings regarding the production and trafficking of drugs, and shall pay the greatest attention to the implementation of the decree passed last July by the Mollah Omar on the total eradication of the opium poppy crop;

(b) urge aid agencies to take account of drug control objectives in the planning and implementation of projects by taking into consideration their impact on drug cultivation, production, trafficking and abuse;

(c) support sustainable alternative development as an important component of a balanced and comprehensive drug control strategy. Alternative development programmes should be adapted to the specific conditions in Afghanistan, should respect human rights and incorporate the gender dimension enabling women and men to participate equally in the development process. Law enforcement measures are a necessary complement to such programmes;

(d) support all consistent efforts, including those of the United Nations Drugs Control Programme (UNDCP), aimed at reducing substantially the production, trafficking and abuse of drugs in Afghanistan, and notes the importance of implementation of the Community's projects in support of the Union's Central Asia drugs initiative.

Article 6

The Union condemns terrorism in all its forms, whenever and wherever it occurs. To advance the fight against terrorism, the Union shall:

(a) demand that all Afghan parties refrain from financing, providing training or shelter for terrorist organisations or otherwise supporting terrorist activities;

(b) urge all Afghan authorities 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;

(c) urge the Taliban to comply fully and urgently with UN Security Council Resolutions 1267/99 of 15 October 1999 and 1333/2000 of 19 December 2000.

Article 7

The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this Common Position, where appropriate by pertinent Community measures.

Article 8

Common Position 2000/55/CFSP shall be repealed.

Article 9

This Common Position shall take effect on the date of its adoption.

It shall be reviewed at the latest twelve months after its adoption.

Article 10

This Common Position shall be published in the Official Journal.

Done at Brussels, 22 January 2001.

For the Council

The President

A. LINDH