

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

COMMON POSITION

of 25 January 1999

defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Afghanistan

(1999/73/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article J.2 thereof,

Whereas the conflict in Afghanistan has caused untold suffering for the Afghan people, and threatens the stability of the region and its economic development;

Whereas the war's exports of terrorism and illegal drugs cause serious damage to Member States of the Union, and more widely;

Whereas the Union continues to receive considerable numbers of refugees from war-battered Afghanistan;

Whereas 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;

Whereas 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;

Whereas 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, and denounces the continued gender discrimination in Afghanistan;

Whereas the Union is deeply concerned by reports of massacres of innocent civilians and mass execution of prisoners of war as well as ethnic-based persecutions;

Whereas this Common Position is intended to replace Common Position 98/108/CFSP of 26 January 1998 on

Afghanistan⁽¹⁾; whereas the latter should therefore be repealed,

HAS DEFINED THIS COMMON POSITION:

Article 1

The objectives of the Union in Afghanistan are:

- to bring about a sustainable peace in Afghanistan, put an end to foreign intervention, and encourage intra-Afghan dialogue through support for the central role of the United Nations,
- to promote the stability and development of the whole region through peace in Afghanistan,
- to promote respect for international humanitarian law and human rights, including the rights of women and children,
- to provide effective humanitarian aid and ensure that the international coordination of aid allows for its provision in accordance with international humanitarian principles and an impartial needs assessment,
- to reinforce the fight against illegal drugs and terrorism,
- 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;

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:

- support the work of the UN Secretary-General's Special Envoy for Afghanistan,

⁽¹⁾ OJ L 32, 6. 2. 1998, p. 14.

- support and strengthen the work of the UN Special Mission to Afghanistan (UNSMIA), including the civil affairs unit, in line with the UN Secretary-General's report of 23 November 1998,
- ask other countries with influence on the parties to exercise it in support of and in close coordination with UN peace efforts,
- demand from the Taliban their commitment to the implementation of the Agreements signed with the UN on the safety and security of UN personnel, and the conclusion of a thorough investigation of the murders of the UN Staff Members in order to bring those responsible to justice,
- take into consideration the report of the UN Credentials Committee on the representation of Afghanistan at the United Nations,
- maintain its embargo on the export of arms, munitions and military equipment to Afghanistan provided for in its Common Position 96/746/CFSP of 17 December 1996 ⁽¹⁾, and urge other countries to adopt a similar policy of restraint,
- urge countries concerned to stop the involvement of their military, paramilitary and secret service personnel in Afghanistan.

The Union shall also:

- continue 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 urge an immediate cease-fire and the negotiation of a political settlement under UN auspices, including the establishment of a fully representative, broad-based government,
- follow closely and encourage efforts by influential Afghan individuals and organisations, such as the so-called Frankfurt Process, to contribute to an intra-Afghan dialogue,
- 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 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,
- 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 point to the negative implications of discriminatory policies for the effective supply of aid,
- support the UN Secretary General's proposals to dispatch a mission to Afghanistan to investigate reports of serious and widespread human rights violations by the warring factions, and to deploy civilian UNSMA monitors in Afghanistan,
- attach special importance to human rights aspects in the international coordination of humanitarian assistance to Afghanistan,
- 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,
- urge all factions to respect and protect the cultural heritage of Afghanistan.

Article 4

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

- continue to provide humanitarian aid to Afghanistan, conditions permitting,
- 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,
- continue to support national and international efforts in mine action as an important precondition for sustainable development,
- urge the warring factions not to lay any more land-mines, while at the same time emphasising its standing policy not to fund demining in regions where mine-laying is continued,

⁽¹⁾ OJ L 342, 31. 12. 1996, p. 1.

- improve the effectiveness of aid by closer international donor coordination, in particular by working through the Afghanistan Support Group and the Afghanistan Programming Body,
- 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,
- ensure that its aid is provided in accordance with the common Strategic Framework adopted by the donor community and UN organisations and, thereby, to encourage the implementation of a more effective Common Programming in Afghanistan.

Article 5

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

- use contacts with the factions and those countries with influence on them to underline the Union's concern at the increasing 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,
- 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,
- 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,
- support all consistent efforts, including those of the United Nations Drugs Control Programme (UNDCP), aimed at reducing substantially the production, traf-

ficking 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

In order to advance the fight against terrorism, the Union, which condemns terrorism in all its forms and manifestations, shall continue to:

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

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 98/108/CFSP of 26 January 1998 on Afghanistan 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, 25 January 1999.

For the Council

The President

J. FISCHER