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ELEMENTS FOR AN EU STRATEGY ON AFGHANISTAN

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Purpose

Since 2001, the European Union (EU) and its Member States have partnered with Afghanistan and the wider international community in pursuit of a common strategic interest in combating extremism and terrorism while simultaneously working towards peace and development in the country.

However, in recent years Afghanistan has been confronted with a deteriorating security situation and increasing insurgent and terrorist pressure. Despite some improvements, democratic institutions and the legal framework for elections are still weak. Human rights are precarious, in particular in relation to women and children. Afghanistan has made progress in its economic and social development but a fragile economic framework, lack of infrastructure and high numbers of Afghans returning from neighbouring countries, put this progress into danger. Furthermore, rising insecurity coupled with a lack of economic perspective has led many Afghans to leave the country, triggering an increased irregular migration flow, notably towards Europe.

In response to the current challenges that Afghanistan faces, and in line with the Foreign Affairs Council conclusions of 18 July 2016¹, the EU and its Member States will need to have a truly comprehensive strategy to support the country's development to a self-reliable and sustainable state.

This focus of the new strategy is on shaping the necessary conditions for a political process that can pave the way for a political solution to the conflict, while further developing the country's institutions and economy to improve resilience and move it out of fragility, while also addressing migration-related issues.

1. Political context

Afghanistan has made progress in terms of economic and social development, with significant results in access to basic healthcare, basic education, and women's empowerment and

¹ Foreign Affairs Council of 18 July 2016: Council Conclusions on Afghanistan, doc. 11245/16

representation over the last one and a half decades. GDP per capita has increased five-fold, and life expectancy has increased by almost 15 years.

However, the risk of this progress eroding is apparent. Afghanistan's triple transition in 2015² – political/security/economic – put an additional pressure on the State, delaying the transition to peace and jeopardising development gains made so far. Afghanistan is facing an increasingly volatile security situation³ while struggling with a fragile economy and weak governance. In this context regional dynamics play an important role in particular in relation to security but also in economic terms.

At the same time Afghanistan is confronted with an unprecedented increase in returns of documented and undocumented Afghan nationals, mainly from Pakistan and Iran, which put major pressure on society. Furthermore, the worsening security situation, political instability and an economic crisis have led to increased migration to Europe.

To address those challenges in 2016 the international community reaffirmed its continued support to Afghanistan. The July 2016 NATO summit in Warsaw confirmed international support to peace and stability with financial commitments for the security sector up until 2020. At the October 2016 Brussels Conference on Afghanistan, the international community ensured continued political support and pledged EUR 13.6 billion in financial support, for Afghanistan's development agenda within the same time frame. The combined pledge of the EU that was confirmed at the Brussels Conference is EUR 5 billion, making the EU as a whole the largest development cooperation partner of Afghanistan. Regional stakeholders and the international community reaffirmed their commitment to a political process towards reconciliation and lasting peace.

Furthermore, the EU-Afghanistan Cooperation Agreement on Partnership and Development signed on 18 February 2017 confirmed the EU's commitment to Afghanistan's development

² Afghanistan assuming responsibility for the provision of security; lower financial resources due to cuts in international spending related to the international troop reduction, coupled with knock-on effects of the global economic crisis; and a change in leadership following the 2014 presidential elections.

³ In 2016, UNAMA documented 11418 civilian casualties (3498 deaths and 7920 injured); +2% in civilian deaths and +6% in civilians injured. + 3% increase in total civilian casualties compared to 2015. Since 2009, the conflict killed 24841 and injured 45347.

during its ‘Decade of Transformation’ (2015-2024)⁴ . The Agreement provides a framework for the EU’s support and enables the establishment of official dialogues in a number of areas.⁵

The 2030 Agenda for sustainable development (the ‘2030 Agenda’) with its 17 sustainable development goals provides a new reference framework of shared goals between developing and developed countries, with repercussions for both Afghanistan’s development path and European support to it. Also the new European Consensus on Development builds on the priorities of the 2030 Agenda and provides the EU and its Member States with a new common vision for development policy which is relevant for Afghanistan.

The EU will continue to support Afghanistan politically, financially and in security terms. Peace, security and development remain the primary and interconnected challenges and will be the basis of the new strategy.

2. Objectives

Given the challenges described above and taking into account achievements to date including the previous EU strategy, the EU should focus on mutually reinforcing objectives in areas where it can add most value, namely:

1. Promoting peace, stability and regional security;
2. Strengthening democracy, the rule of law and human rights and promoting good governance and women empowerment;
3. Supporting economic and human development; and
4. Addressing challenges related to migration.

⁴ Council Decision (EU) 2017/434 of 13 February 2017 on the signing, on behalf of the Union, and provisional application of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part (OJ L 67, 14.3.2017, p. 1) and text of the Agreement (p. 3). Pending its entry into force, the Agreement will be applied provisionally in accordance with Article 3 of the Decision.

⁵ Human rights, gender equality, good governance, migration, and economic and social development, including aspects of trade and investment and regional cooperation.

2.1. Promoting peace, stability and regional security

Advocating for an inclusive political process leading to a negotiated peace settlement; fighting threats from the narcotics industry, illegal mining and other illicit economies; supporting the fight against corruption; cultivating a regional environment which is conducive to an Afghan-led and Afghan-owned peace process by encouraging consensus between the key regional state actors and by assisting the government and civil society.

Peace in Afghanistan remains elusive. Afghanistan has been facing a severe conflict for decades. The involvement of outside forces coupled with internal conflicts has led to a complex conflict situation and the only way to resolve that is by political means. Peace is the precondition for economic growth: without peace, there is no sustainable development.

To this end a number of regional and international peace initiatives have taken place over the past years. This includes the "Kabul Process on Peace and Security Cooperation" launched by the Afghan Government in June 2017. This process brings together a number of regional and international stakeholders and can give new impetus to efforts leading to a peaceful settlement.

In order to be successful, any peace process has to be inclusive, Afghan-led and Afghan-owned. It should represent all citizens and their legitimate interests that preserve the country's unity, sovereignty, territorial integrity and the equal rights of all under the Constitution. Such a process must lead to the renunciation of violence and breaking of all ties to international terrorism and respect for the Constitution, including its human rights provisions, notably the rights of women and children.

Corruption and the illicit economy, primarily narcotics and illegal mining, also remain major critical challenges to the long-term stability and sustainability of the state, while providing significant funds to anti-government forces and criminal networks.

The EU and its Member States are ready to strongly support peace in Afghanistan.⁶ To this end, they will pursue a continued close partnership with relevant international stakeholders, notably the UN and NATO.

⁶ The Global Strategy for the European Union's Foreign and Security Policy of June 2016 has similarly set out the EU's approach to contemporary security and political challenges, with the comprehensive approach as its guiding operational principle. In the context of Afghanistan, this means an integrated approach towards conflict,

Therefore, EU initiatives in this area should include:

- Supporting an Afghan-led and Afghan-owned peace and reconciliation process that leads to a political settlement that avoids violence, rejects any link with terrorism, and respects human rights, in particular the rights of the victims of the conflict, notably women and children.
- Promoting an international and regional consensus over such an Afghan-led and Afghan-owned peace process.
- Ensuring EU high level engagement in Afghan related regional/international peace initiatives, including in the Kabul Process on Peace and Security Cooperation.
- Building the capacity of the Afghan government to reach out to all those involved in sincere negotiations on peace and reconciliation, including support to the Higher Peace Council and the implementation of the peace agreement between the Afghan government and Hezb-e-Islami.
- Enhancing regional (economic) cooperation between Afghanistan and its neighbours.
- Strengthening Afghan and regional efforts to reduce organised crime and supporting the implementation of the Afghan national drug action plan.
- Strengthening Afghanistan's efforts in fighting against money laundering and countering terrorist financing, in accordance with international standards, notably the Financial Action Task Force (FATF) on money laundering.
- Supporting efforts to substantially reduce illegal mining activities.
- Supporting civilian aspects of security sector reform in line with the government's Roadmap, including the professionalisation of the police and strengthened anti-corruption efforts, including the fight against corruption in this area.

acting primarily in the areas of security and development, good governance and human rights with a view to strengthening state and societal resilience.

2.2. Strengthening democracy, the rule of law and human rights and promoting good governance and women empowerment

Strengthen democratic oversight at national, provincial and district levels; support the conduct of credible, inclusive and transparent elections; improve capacity building in key institutions and systems of governance; strengthen the rule of law and the justice sector; and the protection and promotion of human rights, in particular the rights of women and children, including in the context of the peace process.

Despite a number of positive steps and a commitment by the authorities to advance in promoting human rights, the human rights situation remains precarious, in particular for women and children and for people who defend human rights. Furthermore, democratic principles and democratic oversight remain a challenge. Democratic institutions are often weak and confronted with corruption and opaque decision making.

Ensuring the implementation of democratic principles, strengthening the rule of law and advancing human rights protection are key elements to address such deficits.

Afghanistan needs to strengthen its democratic institutions and democratic oversight and improve the quality of its public services. Government institutions should be complemented and held accountable by a diverse and independent media and a pluralistic and active civil society. Greater participation and representation of women in all types of public office is crucial. Work should continue on the respect for the rule of law, including a well-functioning formal judicial system, less corruption and greater accountability. Credible, inclusive, transparent elections with outcomes broadly accepted by all Afghans are needed to strengthen democratic practices and values. Electoral reform including enforced fraud mitigation mechanisms will rebuild trust in broader democratic processes.

Maintaining the right to freedom of assembly, strengthening freedom of expression and supporting the freedom of the media are other areas that merit support. In addition, an end to the culture of impunity for serious war crimes and human rights abuses is essential in the context of the peace processes. Such steps will help to ensure that Afghanistan's democratic institutions are strengthened, and the delivery of services to its people is widened and improved.

The EU's actions in Afghanistan put a particular emphasis on developing the rule of law, human rights, strengthening democracy and promoting good governance. The EU closely

follows relevant developments in these areas and provides support and assistance. Comprehensive discussions in these areas are taking place in the yearly local human rights dialogues, which will be developed further to a structured dialogue under the Cooperation Agreement on Partnership and Development (CAPD). These priority areas are incorporated in EU development assistance.

EU initiatives in this area should include:

- Supporting the implementation of the national action plan for UNSC resolution 1325 on women, peace and security, the Women's Economic Empowerment Programme and the Citizens' Charter throughout the country.
- Supporting the incorporation of the law on the Elimination of violence against women in the penal legislation and the establishment of special court division on violence against women and the promulgation of measures that aim to combat sexual harassment.
- Supporting improved child protection, including by drafting and adopting a comprehensive child act and a national action plan on child protection.
- Supporting the fight against corruption in general and the national anti-corruption strategy.
- Strengthening the cooperation in fighting fraud affecting EU funds disbursed to Afghanistan.
- Developing public awareness on the importance of elections and other civic education election related initiatives.
- Increasing voter participation, especially for female voters and vulnerable groups.
- Supporting the main electoral bodies (Independent Elections Commission, Electoral Complaints Commission) and the drafting of electoral legislation and regulations; ensuring fraud mitigation and strengthening the integrity of the electoral process, independent oversight of elections by domestic and international observers; strengthening the electoral dispute resolution system.
- Providing continued support to an effective justice and law and order system. This includes supporting judicial system sector reforms based on the rule of law, the

development of a nationally-owned transitional justice process that includes addressing impunity, with a particular focus on the rights of victims.

- Providing continued support to a more effective, responsive and transparent civilian police force, including by supporting institutional reforms and capacity building, drawing on the experience from the EUPOL mission which ended in 2016.
- Developing the EU-Afghanistan local human rights dialogue further to a structured dialogue under the Cooperation Agreement on Partnership and Development.
- Supporting the Afghanistan Independent Human Rights Commission.
- Assisting with the drafting of relevant human rights legislation.
- Increasing the awareness of Afghan institutions on the importance of freedom of assembly and freedom of expression.
- Continuing to advocate for a moratorium on the death penalty and for the ratification of relevant international conventions.
- Continuing to support the fight against torture and ill-treatment and strong advocacy for the ratification of the Optional Protocol to the Convention Against Torture.
- Improving the dialogue and cooperation with the International Criminal Court and promoting its effective functioning, in line with the EU-Afghanistan joint commitment expressed in the Cooperation Agreement on Partnership and Development (Article 8).
- Continuing to support capacity building for Afghan civil society.
- Strengthening the fight against corruption and fraud, including supporting anti-corruption and anti-fraud institutions.

2.3. Supporting economic and human development

Including the establishment of a transparent economic framework to encourage investment, raise revenue and allocate finances, strengthen resilience and improve access to health, education and affordable, sustainable energy services, including for the most vulnerable segments of the population, improve regional connectivity.

Afghanistan continues to have some of the lowest human development indicators in the world: 36 % of Afghans live in poverty. Almost two thirds of Afghans are illiterate and an estimated 40 % of Afghans are unemployed. This is despite recent progress on economic reforms which has led to increased government revenues, and a better economic framework with Afghanistan joining the World Trade Organization in 2016. Poverty risks were increased by the high number of returnees from neighbouring countries, conflict-induced displacement and climate change impacts and natural disasters.

To address those issues the Afghan government has committed to a comprehensive reform programme at the Brussels Conference on Afghanistan. At the core of the partnership is the Afghanistan National Peace and Development Framework (ANPDF), which complements the Self-Reliance through Mutual Accountability Framework (SMAF). Newly designed national priority programmes (NPPs)⁷ translate this framework into sectorial goals and policies focusing on critical issues such as service delivery through the Citizens Charter, women's economic empowerment, agriculture, urban development and national infrastructure.⁸

Strengthening the private sector is key to developing Afghanistan's economy. It is important to ensure an enabling regulatory framework to promote stronger private sector growth and improve investor confidence. The agriculture sector plays a central role in economic development. Enhancing resilience, including to climate change impacts on the rural economy, will be critical for achieving the levels of growth needed to create sufficient jobs and increase domestic revenue. Progress in these areas would reduce poverty, improve livelihoods, strengthen the delivery of basic services, especially health and education, and accelerate social and human development — which remain well below regional levels. Addressing gender inequalities and strengthening women's rights needs to remain central to all efforts to stimulate sustainable development.

Beyond the rural economy, Afghanistan has considerable potential for developing extractive industries. These natural resources should also contribute to building an inclusive economy and should benefit national development in a fair way. Improving mining governance and

⁷ (1) Private Sector Development, (2) National Infrastructure and Connectivity, (3) Effective Governance, (4) Justice and Legal Sector Reform, (5) Citizens' Charter, (6) Comprehensive Agricultural Development, (7) Urban Development, (8) National Mineral and Resource Development, (9) Human Capital Development, (10) Women's Economic Empowerment.

⁸ For deliverables of the Brussels Conference on Afghanistan in general and the five National Priority Plans in particular: <http://policymof.gov.af/bca/npps>

ensuring full transparency in the management of the extractive industries are therefore important to ensure that the population benefits in full from these resources.

Enhanced regional and international economic and trade cooperation could also play an important role in stimulating the Afghan economy and in promoting stability. Initiatives that improve regional connectivity and enable increased trade throughout the region, by promoting transit, transport and energy corridors are therefore vital.

The EU should support:

- Implementing the Afghanistan National Peace and Development Framework which sets out the government's strategic policy priorities and other related results of the Brussels Conference on Afghanistan deliverables, including peacebuilding.
- Strengthening basic social services, including for the most vulnerable segments of the population, in particular in education and health.
- Reinforcing the role of rural economies and agriculture as the current main source of employment generation, including value chains.
- Implementing food and nutrition security policies with the aim of strengthening rural community resilience and the prevention of food crises.
- Strengthening the links between humanitarian and developmental efforts.
- Stimulating sustainable and climate-resilient practices and the promotion of sustainable land-use and water management.
- Supporting Afghan efforts to exploit the potential of sustainable management of natural resources.
- Increasing regional connectivity, notably in the frameworks of the Regional economic cooperation conference on Afghanistan and the Heart of Asia confidence building measures to further improve transit, transport and energy corridors and enable increased trade throughout the region.
- Increasing aid effectiveness and restoring fiscal sustainability through progress in public financial management and greater domestic revenue mobilisation, in line with government policies. At the same time continuing to explore possibilities for

providing on-budget assistance aligned to outcome-focused national priority programmes. Ensuring mutual accountability including through monitoring the implementation of the self-reliance through mutual accountability framework and its indicators.

- Strengthening the presence and engagement of international financial institutions such as the World Bank, the Asian Development Bank, as well as the European Investment Bank and the development finance institutions of the Member States, to promote infrastructure development, SMEs and, notably, reform of the mining industry, including by attracting foreign investment.

2.4 Addressing challenges related to migration

Shaping a global response based on solidarity and shared responsibilities by continuing and reinforcing cooperation within relevant international frameworks and regional structures; Implementing the EU-Afghanistan Joint Way Forward on migration issues; Supporting a viable solution to the regional dimension of the forcefully displaced Afghan nationals by ensuring a gradual, orderly, safe and dignified return and sustainable reintegration process from neighbouring countries to Afghanistan.

The worsening security situation, political instability and an economic crisis have eroded public trust in Afghanistan. It led to more people leaving the country and, enabled by the increased activity of smuggling networks, it had immediate effects on Europe. In 2015 and 2016 Afghans were the second largest group of irregular migrants into the EU. In parallel, at regional level, the situation of the displaced Afghan nationals in the neighbouring countries came to the forefront in 2016, a year that marked an unprecedented increase in returns of Afghans to Afghanistan, mainly from Pakistan and Iran. This put a significant pressure on Afghanistan to absorb the returnees and provide for their and provide for their sustainable reintegration. It has also revived the discussion on the need to find the best approach to address this long- standing issue at international level. Furthermore, large numbers of Afghan nationals are internally displaced, largely due to the conflict situation, but also in relation to natural disasters and climate change.

The EU reacted to these developments by promoting a comprehensive approach on migration focusing both on short-term needs and on the long-term perspective. The EU is committed to

continue providing support to Afghanistan to achieve well-managed migration policies, including by addressing the root causes of irregular migration and forced displacement through enhanced support for economic development and by ensuring the sustainable reintegration of returning Afghan nationals. This includes the protection and sustainable reintegration of Afghan nationals internally displaced in their region, as well as of Afghan nationals returning from Europe and the neighbouring countries, mainly Pakistan and Iran.

In order to step up political cooperation on a number of issues of mutual concern, in October 2016 the EU and Afghanistan agreed on a ‘Joint Way Forward on migration issues’⁹. The Joint Way Forward covers the return, readmission and reintegration of irregular migrants, information and awareness-raising, as well as fighting against migrant smuggling and trafficking in human beings. This is complemented by bilateral memoranda of understanding concluded in parallel by several EU Member States. An EU-Afghanistan Joint Working Group on the implementation of the Joint Way Forward now monitors its implementation.

In December 2016, Afghanistan adopted a Policy Framework for Returnees and Internally Displaced Persons (IDPs), identifying the main steps to be taken for the sustainable integration of returnees and IDPs.

Building on the existing actions and measures, the EU initiatives on migration should include:

At bilateral level:

- Full implementation of the EU-Afghanistan Joint Way Forward on migration issues and of the bilateral memoranda of understanding concluded between EU Member States and Afghanistan.
- Based on the outcome of the implementation of the Joint Way Forward and in line with the Cooperation Agreement on Partnership and Development provisions the EU and Afghanistan will explore the possibility of negotiating a readmission agreement.
- Support in addressing the root causes of irregular migration and forced displacement, to create an environment offering Afghan people an alternative to irregular migration.
- Support and enabling the sustainable reintegration of returnees from the EU and non-EU countries (e.g. Pakistan and Iran) through a community-based approach, looking at

⁹ Joint Way Forward on migration issues between Afghanistan and the EU signed 4 October 2016 https://eeas.europa.eu/sites/eeas/files/eu_afghanistan_joint_way_forward_on_migration_issues.pdf

social cohesion and potential frictions in host communities, providing vocational training and measures for job creation and market access, including in agriculture and crafts and handicraft production, and supporting business start-ups and the use of skills and qualifications acquired abroad to integrate returning Afghan nationals into a vulnerable economy with high unemployment.

- Support to the fight against trafficking in human beings and smuggling of migrants, including strengthened border controls.

At regional level:

- Continued political dialogue both at bilateral and regional level as part of a comprehensive approach based on dialogue, respect of humanitarian law and aiming at an orderly, safe and dignified return and sustainable reintegration process.
- Support to a gradual, dignified and manageable return process of migrants from neighbouring countries to Afghanistan. In cooperation with relevant interested parties, including local authorities and international organisations such as the United Nations High Commissioner for Refugees and the International Organisation for Migration, implementation of a regional framework for displaced Afghans in order to enable the sustainable reintegration of returnees.

At multilateral level:

- Coordinating in view of the forthcoming Global compacts on migration and refugees and their implementation; promoting increased/targeted dialogue under the Budapest process and its Silk Route Partnership for Migration, as well as within the Heart of Asia framework and the South Asian Association for Regional Cooperation (SAARC).

3. Conclusion

Despite substantial international efforts over a long period of time, Afghanistan is still facing a serious conflict situation which substantially hampers its economic and social development.

Therefore, at the Brussels Conference on Afghanistan, both the EU and the international community underlined their collective commitment to deepen and strengthen their cooperation, helping Afghanistan to create a political, social and economic environment that

will allow the country to consolidate peace, security, sustainable development and prosperity. The aim is to achieve Afghanistan's self-reliance in the transformation decade (2015-2024).

The new EU strategy will help to achieve this by focussing on the following objectives:

- Promoting peace, stability and regional security;
- Strengthening democracy, the rule of law and human rights and promoting good governance and women empowerment;
- Supporting economic and human development and
- Addressing challenges related to migration.

Furthermore, the new strategy will enable the EU and its Member States to better align their actions. In this context, the Foreign Affairs Council conclusions of 12 May 2016 confirmed the value of joint programming for increased strategic analysis, coordination on the resources pledged at the Brussels Conference and potential for joint implementation. At the same time the new strategy is sufficiently flexible to both influence and respond appropriately to the range of potential scenarios in Afghanistan.

In 2016, the Afghan government has made strong commitments towards self-reliance, responsibility and ownership of its political course and development policy. The EU, as part of the wider international community, remains firmly committed to supporting the government and the people of Afghanistan in this endeavour. Afghanistan's continued engagement and appropriation are essential for this to be successful.