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29 January 2004

## **REPORT**

on Afghanistan: challenges and prospects for the future  
(2003/2121(INI))

Committee on Foreign Affairs, Human Rights, Common Security and Defence  
Policy

Rapporteur: André Brie



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## PROCEDURAL PAGE

At the sitting of 4 September 2003 the President of Parliament announced that the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy had been authorised to draw up an own-initiative report under Rule 163 on Afghanistan: challenges and prospects for the future and the Committee on Women's Rights and Equal Opportunities had been asked for its opinion.

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy had appointed André Brie rapporteur at its meeting of 25 March 2003.

The committee considered the draft report at its meetings of 26 November 2003 and 21-22 January 2004.

At the last meeting it adopted the motion for a resolution unanimously with 1 abstention.

The following were present for the vote: Elmar Brok, chairman, Baroness Nicholson of Winterbourne, Geoffrey Van Orden and Christos Zacharakis, vice-chairmen, André Brie (rapporteur), Ole Andreasen, Per-Arne Arvidsson, Alexandros Baltas, John Walls Cushnahan, Gianfranco Dell'Alba (for Emma Bonino pursuant to Rule 153(2)), Glyn Ford, Pernille Frahm (for Efstratios Korakas), Jas Gawronski, Vasco Graça Moura (for José Pacheco Pereira), Catherine Guy-Quint (for Catherine Lalumière pursuant to Rule 153(2)), Ulpu Iivari (for Véronique De Keyser), Joost Lagendijk, Armin Laschet, Edward H.C. McMillan-Scott (for Charles Tannock), Philippe Morillon, Jean-Thomas Nordmann, Arie M. Oostlander, Hans-Gert Poettering (for Michael Gahler), Jacques F. Poos, José Ignacio Salafranca Sánchez-Neyra, Jacques Santer, Jürgen Schröder, Ioannis Souladakis, Ursula Stenzel, Maj Britt Theorin (for Rosa M. Díez González), Joan Vallvé, Bob van den Bos, Karl von Wogau, Jan Marinus Wiersma and Matti Wuori.

The opinion of the Committee on Women's Rights and Equal Opportunities is attached.

The report was tabled on 29 January 2004.

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on Afghanistan: challenges and prospects for the future (2003/2121(INI))

*The European Parliament,*

- having regard to its numerous previous resolutions on Afghanistan and, most recently, to its resolutions of 13 December 2001<sup>1</sup>, 5 September 2002<sup>2</sup> and 15 January 2003<sup>3</sup>,
- having regard to the Bonn Conference of 4-5 December 2001 which established a timetable and roadmap for the restoration of peace and security and the reconstruction of Afghanistan,
- having regard to the requirement, stipulated in the Bonn Agreement of December 2001, that national elections be held no later than two years from the date of the convening of the Emergency Loya Jirga, which was held in June 2002,
- having regard to the recently concluded Constitutional Loya Jirga (Grand Tribal Council), held in Kabul in December 2003/January 2004, to review and approve the draft constitution, with a view to the holding of presidential elections in 2004, and having regard to the constitution for Afghanistan approved by the Constitutional Loya Jirga on 4 January 2004,
- having regard to the declaration by the Presidency on behalf of the European Union on the approval of a constitution for Afghanistan<sup>4</sup>,
- having regard to the numerous UN Security Council resolutions on the situation in Afghanistan adopted since 2001,
- having regard to the Brussels Proclamation adopted on 5 December 2001 following the Afghan Women's Summit and the Declaration of Solidarity with Afghan Women,
- having regard to the report by the Secretary General of the UN, submitted on 23 July 2003, on 'The situation in Afghanistan and its implications for international peace and security'<sup>5</sup>,
- having regard to the Declaration on Good Neighbourly Relations signed by the Afghan Transitional Authority (ATA) and the governments of China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan in Kabul on 22 December 2002, and to the undertaking given on that occasion by all Afghanistan's neighbouring countries not to intervene in its internal affairs,
- having regard to the presidential decree of December 2002 laying the foundation for the

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<sup>1</sup> OJ C 177, 25.7.2002, p. 310.

<sup>2</sup> OJ C 272 E, 13.11.2003, p. 410.

<sup>3</sup> P5\_TA(2003)0016.

<sup>4</sup> 5072/04

<sup>5</sup> A/57/850-S/2003/754.

creation of an Afghan National Army,

- having regard to Council Regulation (EC) No 881/2002 of 27 May 2002<sup>1</sup> imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan and having regard to Council Regulation (EC) No 561/2003 of 27 March 2003<sup>2</sup> amending, as regards exceptions to the freezing of funds and economic resources, Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban,
  - having regard to the adoption of the European Union budget for 2004,
  - having regard to the European Commission's proposal, as part of its EUR 400 million package for Afghanistan for 2003-2004, to finance a Fourth Reconstruction Programme, with a budget of EUR 79.5 million, aimed at enhancing the living conditions of the Afghan population, including returnees, by providing a more secure environment and help towards economic recovery, and to the aid package, to be channelled through ECHO, of EUR 11.53 million approved by the Commission in October 2003 and intended to help victims of the continuing humanitarian crisis in Afghanistan,
  - having regard to the visit of an EP ad hoc delegation to Kabul, Bagram, Kandahar and Mazar-I-Sharif in June 2003, and to a follow-up visit by the rapporteur in October/November 2003,
  - having regard to Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the opinion of the Committee on Women's Rights and Equal Opportunities (A5-0035/2004),
- A. whereas the December 2001 Bonn Agreement set the milestones on the road towards a stable and democratically elected Afghan government by 2004 and gave the responsibility for creating a new, law-abiding state to the Interim Administration and its successor, the Transitional Islamic State of Afghanistan; whereas the Agreement underlines the importance of respecting human rights, including the rights of women, treating all minorities fairly, tackling drug production and trafficking and creating an environment where the standards of freedom and fairness prevail,
- B. whereas the World Bank, the Asian Development Bank and the UNDP in 2002 jointly estimated the reconstruction needs for Afghanistan at between \$13 and \$19 billion; whereas the international community, during the High-Level Strategic Forum in Brussels (March 17, 2003), pledged \$2 billion for the reconstruction of Afghanistan; whereas the European Union pledged EUR 1 billion over a period of five years (about

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<sup>1</sup> OJ L 139, 29.5.2002, p. 9.

<sup>2</sup> OJ L 82, 29.3.2003, p. 1.

EUR 200 m each year) at the Tokyo Donors' Conference in January 2002, but whereby the total amount allocated by the Commission in its 2004 Preliminary Draft Budget is lower than for 2003, but does not include the additional EUR 50 mn package for humanitarian support;

- C. whereas the deteriorating security situation is the main threat to the population of Afghanistan and to the efforts of Afghan and international NGOs supporting reconstruction, rehabilitation and development initiatives and to the peace process in general, and whereas without security these efforts will be at risk,
- D. whereas reconstruction efforts have recently been hampered by an increase in attacks on aid agencies; whereas Mr Brahimi points out in his address to the UN Security Council (15 January 2004) that more and more parts of the country are increasingly difficult to access; and whereas the resurgence in parts of Afghanistan of non-democratic groups such as the Taliban and other anti-government forces which find fertile ground in areas where substantial reconstruction has not materialised, is a serious cause for alarm because these developments could lead to the revival of a fundamentalist regime in Afghanistan,
- E. whereas the domination of Afghanistan's political landscape by armed parties cum militias and individual commanders without any clear desire for national reconciliation and solidarity is a major obstacle to the implementation of the Bonn Agreement; whereas without a comprehensive process of disarmament, demobilisation and reintegration (DDR) of former combatants into society and the establishment of a non-factional national army, national police and intelligence service, neither of the key elements of this political process can be meaningfully implemented,
- F. whereas a survey by the United Nations Office on Drugs and Crime shows that in 2003 Afghanistan produced three-quarters of the world's illicit opium, and that the income of Afghan opium farmers and traffickers was about \$2.3 billion, a sum equivalent to half the legitimate GDP of the country; whereas the major share of this sum is believed to be going to military commanders and provincial administrators; whereas political stability and security are possible only if opium production declines and economic alternatives are developed for farmers to take the place of opium cultivation, whereas, while on the one hand the international community is working to prevent drug abuse, on the other hand Afghanistan's illegal opium production is discouraging some governments from contributing to the country's reconstruction,
- G. whereas in the coming months Afghanistan will enter a critical phase on its path towards national reconciliation and political normalisation, and this major challenge will have to be met before the next step in the Bonn process, notably the elections of 2004, can be taken,
- H. whereas UN Security Council Resolution 1510, adopted unanimously on 12 October 2003, has authorised ISAF's expansion beyond Kabul; whereas the transfer of the ISAF command to NATO constitutes a strengthening of the force's multilateral framework; whereas this expansion of the international peacekeeping force constitutes an essential element of support for the Afghan authorities by the international community,

- I. whereas Afghanistan's first post-Taliban constitution has been approved by the Constitutional Loya Jirga and provides for a Presidential system; whereas this text gives rise to concerns mainly about the pre-eminent role of Islamic law, limitations on human rights and individual freedoms, the restriction of women's rights, the absence of proper checks and balances, the lack of either a Judicial or a Public Service Commission or of an explicit reference to civilian control over the military and security agencies,
- J. whereas it was planned to start the electoral registration process on 1 December in the urban centres, and in late February 2004 outside the cities, and whereas this process will inevitably be hampered by a lack of funds; whereas the number of registration teams has decreased from 200 to between 70 and 100 teams; whereas it seems unlikely that the registration process will be completed in time for elections to be held in June 2004 and whereas a delay of a few months therefore appears unavoidable, whereas outgoing UN Special Representative to Afghanistan Lakhdar Brahimi and UN Secretary General Kofi Annan have both warned that registering electors for national polls cannot be accomplished when many areas are unsafe for UN teams, pointing out the importance of the elections being held as soon as possible,
- K. whereas two years after the ending of the anti-democratic, Islamist Taliban regime the situation of women and girls has improved slightly but still remains unsatisfactory in many ways; whereas many women and girls, especially in rural areas, are still being denied their basic rights; whereas grave concern remains over continuing violence against women and girls, both in society as a whole and in the family, which is causing untold suffering and denying women their fundamental human rights; whereas this problem will be central to the nature of Afghanistan's future government and society,
- L. drawing attention to the progress made on the situation of women, only two years after the fall of the Taliban regime, and pointing out that this development will take further time, given the psychological trauma caused by the Taliban's barbarity,
- M. whereas the Taliban regime, during its period in power, committed the most deliberate violations of women's rights to have occurred in modern times, introducing a gender apartheid which completely denied women's identity; whereas the Taliban regime is now out of power, but this attitude to women remains largely the same; whereas the Afghan authorities, the international community and the EU should do everything in their power to ensure that this attitude is changed; whereas, in order to ensure that Afghan society develops in a healthy way, it is necessary for everyone to be encouraged to take part in the democratic process; whereas it is particularly important that women, who have been subject to systematic and structural violations of their rights, should be able to take part in the debate on the form which future Afghan society should take; whereas it is necessary that women's rights should be established and strengthened,
- N. whereas the integration of women into Afghan society and recognition of their fundamental rights are essential preconditions for maintaining peace in Afghanistan and carrying out the process of reconstruction and development in the country,



1. Stresses the obligation on the international community to promote national solidarity, stability, peace and democratic and economic development as well as the liberation of women in Afghanistan; is convinced that this support must continue to be given priority on the international stage in the future;
2. Expresses its concern about the vicious circle created by the lack of security and the pace of reconstruction; recognises the need for provincial strategies, in particular for the south of the country; welcomes the respective efforts currently being undertaken by UNAMA (United Nations Assistance Mission in Afghanistan) in this field;
3. Points out that support for economic and social reconstruction must be directed towards the following priorities:
  - high-quality education for boys and girls,
  - health care, particularly for women and children,
  - improvement of the infrastructure (roads, electricity, running water),
  - creation of irrigation systems in agricultural areas, to make it possible to grow crops other than opium;
4. Calls for the expansion of an open, high-quality education system – based on the state, with support from the international community – offering a broad range of subjects and thus creating an alternative to the madrassas (Koran schools) that function as bastions of Muslim fundamentalism and are where Taliban militants are recruited;
5. Welcomes the expansion of ISAF (International Security Assistance Force), under NATO command, beyond Kabul and stresses the importance of moving quickly from planning to implementation; supports the idea that the forthcoming provincial reconstruction teams (PRTs) shortly to be deployed outside Kabul should be responsible, in addition to their task of safeguarding security, for helping with the country's reconstruction; considers that one of the main priorities of the ISAF must be to devote attention to the training of professional Afghan police and military forces and to the process of disarmament, demobilisation and reintegration (DDR) into civilian life of former combatants;
6. Notes that the only additional operation so far is the German deployment around Kunduz; shares the concern of outgoing UN Special Envoy Lakhdar Brahimi that UN personnel may be forced to stop their work unless the security situation improves; calls on the Member States to increase efforts to strengthen ISAF;
7. Welcomes the adoption of a constitution by the Loya Jirga as an important step towards strengthening a transitional government for Afghanistan under President Karzai, and as a fundamental precondition for democratic elections in June 2004; recognises that this constitution takes account of all ethnic groups in the country and will thus contribute to the stabilisation of state structures, provided that it is translated into political reality; realises the need for an effective central authority; is pleased to note the specific reference to the equal treatment of men and women; remains concerned, however, about the following points: limitations on the right of freedom of religion and expression, the fact that the Afghan Independent Human Rights Commission (AIHCR) does not have *locus standi* in the courts and the right to bring human rights violations to court, the

political neutrality of the armed forces, the police and the intelligence services and their subordination to civilian control should be guaranteed, as should the independence of the judiciary and the civil service; hopes these obstacles can be removed at the time of the future application of the Constitution;

8. Welcomes the ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the Afghan Transitional Authority (ATA) on 5 March 2003; calls on the ATA to regularly, publicly and unequivocally condemn violence against women and girls, including that occurring in the family; stresses the key need for measures aimed to protect the rights of women to be built into legal and political reform and notably remedies to enable women to leave situations of abuse and forced marriage; urges to this end the ATA to initiate a process of public consultation leading up to a comprehensive strategy that addresses violence against women and girls as a priority for the nation, and calls on the Council and the Commission to lend active support to such an initiative; urges the Commission to earmark funds to initiate and implement measures which will help build the country's capacity to protect the rights of women and girls;
9. Considers political reconstruction to be a key part of the overall reconstruction effort and that this should include the strengthening of democratic institutions and forces; stresses that political parties which stand for democracy and human rights should form the basis for the political process; is concerned about the continuing delays in the registration of political parties; encourages President Karzai to pursue his initiative to build a "moderate camp for a reform agenda" to support the peace process;
10. Expresses its concern about grave flaws in the constitution, such as:
  - the absence of separation of powers, reflected in the fact that almost all power is vested in the president, the legislature being too weak;
  - the role of Islam, in particular the fact that religious authorities will have the right to control education and direct educational resources (Articles 17, 45, 54), and the fact that Islam can be invoked as a limit to speech and political organisation (Articles 3, 34);
  - the rights of women and minority groups, reflected in the fact that there are no affirmative obligations on the state to avoid discrimination;
11. Draws attention to the fact that ethnic identification is central to contemporary Afghan politics, and is therefore concerned that ethnic representation and meaningful power-sharing are currently insufficiently reflected in political institutions and security bodies; is convinced that Afghanistan needs a parliamentary system which can ensure that the country's regional, ethnic, and religious pluralism is reflected in power structures;
12. Draws attention to the fact that the constitution fails to address the future relationship between the central government and the provinces; is convinced that any attempt to impose central rule over a multi-ethnic, multi-regional, and multi-religious population would only exacerbate internal divisions, and calls therefore for representative provincial governments to be included in the constitution, and whereby their accountability to the central government should be clearly defined;

13. Is concerned about the continuous threat to the country's reconstruction and reform posed by local commanders/warlords;
14. Considers that, in order for Afghanistan to be able to develop into a properly functioning democracy, it is essential for as many people as possible to participate in the political process; in view of the traditional attitude to women's role in Afghan society, priority should be given to guaranteeing, supporting and reinforcing their participation in this process; calls, therefore, on all political groups in Afghanistan to recognise the role of women, particularly by introducing specific programmes which will encourage women to take part in political life, both as voters and as candidates at all levels;
15. Calls for the new constitution to guarantee women their full rights; urges that the provisional Afghan authority should adopt measures as soon as possible which will permit women to move freely, push back the structures and symbols of their oppression, to become educated, to care for their health, and to work, and should adopt laws which recognise equality between men and women in all spheres;
16. Insists that anyone who has committed crimes against humanity in Afghanistan, particularly against women, should be brought to justice;
17. Calls on the Council and Commission to assist as a matter of urgency the ATA in the creation of a country-wide system of safe shelters and support services, as well as legal aid to enable traumatised women and girls to escape further violence and repression;
18. Welcomes the signature of the Political Parties' Law by President Karzai on 12 October; welcomes, too, the provision whereby a party may not have an armed wing; believes that it is important that the provision whereby political parties will not be able to receive foreign funding should not prevent the international community in general and the EU in particular from supporting the development of a pluralistic party system; notes that, while the UN will doubtless play a major role in the logistical preparations for the elections, EU support for civil society could be a potential vehicle for promoting civic education, taking into account the special situation/needs of women; recalls and endorses the Commission's proposal for an EU Observation Mission to the Afghan elections;
19. Is concerned about the prospect of presidential elections being held ahead of those for the parliament, as proposed in the draft constitution, because of the risk that parliamentary elections could be postponed indefinitely; is particularly concerned that if voter registration is not completed in time, a presidential election could be perceived as lacking in legitimacy and consequently reduce the elected president's authority; believes instead that, in order for both elections to be held at the same time, and to thereby also avoid enormous additional costs, it would be acceptable to postpone both elections by a few months, but to no later than mid-October 2004,
20. Pays tribute to the work of the Commission delegation in Kabul and encourages it to continue its work, particularly on assistance with the electoral census with a view to organisation of the forthcoming elections;
21. Stresses the urgent need to move forward in the process of demilitarising Kabul in

accordance with the provisions of the Bonn Agreement; is, furthermore, convinced that this should be gradually extended to all the other provinces; welcomes in this respect the current efforts being undertaken by ISAF and the international community to remove heavy weapons from Kabul;

22. Considers the Afghanistan New Beginnings Program (ANBP) Aghaz Nau, initiated by the United Nations and only recently started up in Kunduz and Gardez, to be a first step in the process of DDR which should definitely be accelerated and move rapidly beyond purely symbolic gestures; calls on the Commission and Council, through the EU Special Representative in Afghanistan, Francesc Vendrell, to identify and support the creation of jobs for demobilised combatants as part of long-term regional development strategies; calls on the UN to make sure the programme is not co-opted by any factional Afghan force;
23. Draws attention to the fact that the amount pledged by the international donor community for reconstruction aid over the next four years is much less than what is needed and, in some cases, that international donors have disbursed less than pledged; believes that the lower amount foreseen in the EU's 2004 budget for Afghanistan (compared to 2003) sends the wrong signal to the Afghan government and people; calls on the Council, Commission and the Member States to allocate more funds to the recurrent budget of the Afghan Transitional Authority (ATA) because it is crucial for the establishment of the authority of the ATA as a national governing body;
24. Calls on the Commission to take into account the urgent need to effectively and unbureaucratically implement financial support for the civil and economic rehabilitation of Afghanistan, and believes that the experience gained through the use of the rapid reaction mechanism should be further developed; stresses the importance of transparency in the disbursement of funds and of improving the visibility of EU aid within the country; with this in mind, asks the Commission to consider setting up a European Agency for Reconstruction in Afghanistan, on the lines of the agency working in Kosovo;
25. Encourages the Afghan Transitional Authority to take strong and effective measures against corruption and embezzlement in order to prevent the potential misuse of international funds, and by doing so to counter a loss of confidence amongst the population vis-à-vis the peace and reconstruction process;
26. Considers it imperative to increase financial support for the electoral registration and education processes if the elections are not to be even further delayed; stresses how important it is for the EU to contribute financially to the preparatory work which is now finally underway, and calls on the Commission to place further emphasis on and to support programmes in the following areas:  
Media
  - improving access to information for minorities, including internally displaced people,
  - developing pluralism in the media,
  - training of radio and print media journalists,
  - supporting political parties' advertising campaigns

Public information campaigns

Citizen participation

- training of trainers in active democracy, the rule of law and advocacy
- political party and NGO debates;

27. Considers that greater efforts have to be made to deal with local disputes over land and water as well as with ethnic and family-based disputes, because these add to a climate of insecurity, taking place as they do in the absence of a functioning judicial system and a professionally trained police force; believes that community-based reconciliation will have to be part of any strategy towards a more peaceful future; urges, therefore, the Council and Commission to:

- make more funds available for specific reconciliation-oriented programmes and broader programmes of social development work with communities;
- further support NGO training of peace educators and development of education material;
- support NGO initiatives aimed at making traditional systems more inclusive and democratic;
- support NGO initiatives aimed at developing and supporting local capabilities (for instance by training and employing local personnel, and acquiring medicines and vehicles locally);
- support the development of an effective and realistic national education strategy for boys and girls;
- support the restoration and retrieval of artifacts for the National Museum of Afghanistan in Kabul as a symbol of unifying pride to the Afghan people;

28. Stresses its concern at the huge recent increase in illicit opium production in Afghanistan which fuels the power and role of warlords in the provinces concerned and risks placing the country at a crossroads whereby it could turn into an opium economy unless energetic measures are taken by the Afghan government, affected countries and the international community; welcomes the conclusions of the Ministerial Conference on the Drug Routes from Central Asia to Europe held in Paris in May 2003, whereby countries affected by drugs originating in Afghanistan were encouraged to adopt national strategies for supply and demand reduction and to set up a single lead agency to coordinate national policies; but again insists on the priority of restoring the irrigation channels, the only way of enabling agricultural crops to thrive as an alternative to poppy-growing; consideration should be given to the entire opium crop being purchased and destroyed using international donor funds and funds saved as a result of this action from international drug law enforcement agencies;

29. Calls on the Commission to present a qualitative and quantitative assessment of the results of Community programmes and financial aid already being implemented in Afghanistan, especially as regards improvement of the lives and situation of Afghan women;

30. Stresses that the safe and voluntary return of Afghan refugees and displaced persons to their homes should be a high priority for Afghanistan and its neighbouring countries and

calls for appropriate resources and a sustained commitment from the international community in general and the EU in particular; is convinced that a phased and coordinated effort is needed which matches the capacity of recipient/destination communities to absorb them; is disturbed, however, to learn that the office of the United Nations High Commissioner for Refugees (UNHCR) has temporarily closed its voluntary repatriation centres for Afghans in Pakistan as a direct result of the deteriorating security situation;

31. Calls on the United Nations, the International Committee of the Red Cross and the Afghan Transitional Authority to examine the case of the mass murder of prisoners in the region of Sheberghan in November 2001, and to provide potential witnesses with the necessary protection;
32. Calls on the United Nations, the International Committee of the Red Cross and the Afghan Transitional Authority to investigate all other examples of war crimes, crimes against humanity or genocide perpetrated in recent years;
33. Calls for clarity on the future of Afghanistan in regional energy policy, and in particular concerning the laying of oil and gas pipelines from Central Asia through Afghanistan;
34. Calls on the EU to broach with the United States the question of granting all prisoners, especially those being held in Guantanamo and Bagram, the rights of the Geneva Convention; also calls on the United Nations and the Afghan Transitional Authority to grant all prisoners who have been captured during fighting against the Taliban these rights and to place the prisoners in Afghanistan under the control of the Afghan Transitional Authority;
35. Takes the view that stability and far-reaching democratisation of the whole region are conditions for achieving political normalisation in Afghanistan, and in this connection voices its concern at the role of neighbouring Pakistan and the inadequate efforts of the Pakistani Government to make a constructive contribution to peace and reconstruction in Afghanistan;
36. Considers it imperative that neighbouring states, especially Pakistan and Iran, respect Afghanistan's territorial sovereignty, refrain from interfering in Afghanistan's internal affairs, and end all support, tacit or otherwise, for any political or armed Afghan faction; in particular, urges Pakistan to take immediate and effective steps to prevent anti-government Afghan formations and leaders, political or military, from using its territory as a sanctuary and as a base for operations against the Afghan Government and Coalition forces and against international and local development aid workers;
37. Welcomes deliberations on continuing the Petersberg Process beyond the elections and the international community's related plans to hold a further Afghanistan conference during the next year; is convinced that the processes of peacekeeping and economic reconstruction, which have so far run in parallel, must be more closely coordinated; calls accordingly for the conclusion of a multiannual framework programme to safeguard the international community's commitment to security, democratisation and reconstruction in Afghanistan; here considers it essential to draw up a practical

programme and timetable for effective and comprehensive disarmament, and endow it with the financial resources required;

38. Expresses its deep concern about the worsening security situation in the south and south-east of the country, in particular Gardez, Paktia and Paktika, which is threatening not only the lives of local civilians but also rehabilitation and humanitarian efforts; is concerned that this situation is likely to deteriorate and threaten the success of the constitutional and electoral processes now under way; stresses the need for international troops and the new Afghan National Army to ensure security in these areas;
39. Concludes that Afghanistan must not be forgotten by the rest of the world once again, both from the humanitarian point of view and recalling its geo-strategic importance and what the lessons of history have taught us;
40. Instructs its President to forward this resolution to the Council and Commission.

## EXPLANATORY STATEMENT

### 1. Introduction

The basis for the report before you was drawn up towards the end of 2003, after a visit to Afghanistan in June 2003 by an ad hoc delegation from the European Parliament, of which the rapporteur was a member, and after a second visit made by the rapporteur in a private capacity in November 2003.

While, since 2001 and the fall of the Taliban, a number of changes have taken place in Afghanistan, other significant events have occurred since the above-mentioned visits, including a further deterioration in the security situation and, on a brighter note, the convening of the constitutional loya jirga in December 2003 and the subsequent adoption of a new constitution for Afghanistan in January 2004.

The motion for resolution was therefore subject to some modifications at the end of January 2004 and this Explanatory Statement reflects the changes accordingly.

### 2. Key Issues

While many issues continue to thwart Afghanistan's road towards reconstruction and progress, the comments below draw attention to certain key points but focus on what the rapporteur judges to be the priorities to be addressed in the immediate post-constitutional loya jirga era.

3. Reconstruction efforts have been hampered by a vicious circle, the deteriorating security situation (warlords still in control of certain regions, resurgent Taliban, general lawlessness outside Kabul, and increasing attacks against ISAF, coalition troops, NGOs and civilians in Kabul itself) means that aid agencies are reluctant to keep aid workers in Afghanistan; as a result, despite the assurances of international aid, little progress is seen by the people of Afghanistan; Taliban resurgents and others foment the discontent and gain ground, leading the situation to deteriorate still further. The security in the South, East and Southeast of the country is of particular concern. Factional forces pose an increasing threat to the peace process and the tactics of the terrorists have changed in so far as they are now aimed at causing the peace process to fail altogether.

In this respect it is also imperative that neighbouring states, especially Pakistan, respect Afghanistan's territorial sovereignty and refrain from interfering in Afghanistan's internal affairs (directly or indirectly).

4. Political reconstruction is just as important for Afghanistan as is actual reconstruction. The new Constitution could go a considerable way to leading the country in the direction of democracy but much work will need to be done - in implementation, based on a successful reform of the judiciary and the civil service, and in ensuring the political neutrality of the armed forces, police and intelligence services. In preparation for the expected national elections, due (but not yet confirmed) in June this year, much remains to be done on electoral registration and education.



5. The appalling and systematic abuse of women - both physical and psychological -under the Taliban (violence, total neglect of fundamental human rights, including the right to education, health care, free speech) is only too well documented. However, over 2 years later, the situation of Afghanistan's women continues to raise grave concerns, especially outside Kabul.
6. Opium production has seen a huge increase (in 2003 Afghanistan produced three quarters of the world's illicit opium; the income of Afghan opium farmers and traffickers has been calculated to be around \$2.3 bn, equivalent to about half the country's legitimate GDP). Afghanistan risks - once again - being seen as an opium economy unless vigorous action is taken by the Afghanistan government, with help from affected countries and the international community in general.
7. It appears that the monies pledged by the international community for the reconstruction of Afghanistan are proving inadequate. International donors pledged \$2bn at the Tokyo Donors' Conference in 2002, the EU alone pledging \$1 bn over the 5-year period from 2002-2007. Considerable additional funding is needed now and will be needed in the coming years, not only for reconstruction and continuing humanitarian needs but also to enable Afghanistan to establish a democratic system.
8. Post Loya Jirga Challenges

In order for reconstruction to effectively take place and for the political process to succeed, a secure environment is needed so that government agencies, international assistance actors and civil society can join hands and rebuild the country's infrastructures and civil institutions.

At the national level, the government is unable to extend its control and legitimacy in the absence of professional and effective security and law enforcement institutions. Therefore, this leaves room for the security threat to disrupt the reconstruction process. The ultimate answer to Afghanistan's security needs is an Afghan security force capable of safeguarding the country against security threats and insurgent activity as well as guarding its porous borders.

9. The situation of Afghanistan's women

While education for girls had only ever been a priority for the westernised elite of the bigger cities, under the Taliban it reached the stage where only 15% of women in the country could read or write. With the fall of the Taliban, there was reason to hope that things would improve.

However, over 2 years later, the situation of Afghanistan's women continues to be serious. It is not just a question of the ubiquitous burkha, unappealing as its wearing and symbolism is. Many Afghan women have said that far from feeling free to discard the burkha now that the Taliban are no longer in power, they are obliged to wear them by their husbands. Not to do so, they say, would bring shame on the family, and insults on the streets.

There are also reports of continuing violence against women and girls, both in society as a

whole and in the family, of forced marriages, and, now that some form of organised education for girls is beginning to trickle back to life (official Afghan literature documents that last year more than 2 million girls enrolled in schools), reports of girls' schools being burned down. Female candidates to the constitutional loya jirga received threats.

In the longer-term, it is high-quality education for both boys and girls which will help break down those prejudices which hamper any fundamental improvement to women's rights. In the medium-term, any improvements thereto will depend on how successful implementation of the equal treatment provisions will be. As implementation will depend on many inter-connected processes such as reforms to the civil service and the judicial system, this will be slow and patchy.

#### 10. Political "reconstruction"

Afghanistan's new constitution offers hope that a long-suffering nation can finally evolve into a modern, democratic state. However, the most difficult part still lies ahead of the Afghan people - turning this constitution into a working democracy. The most crucial point in this respect is the continued support and assistance from the international community.

The major challenges in implementing the constitution remain the challenges of the peace process. In this respect some important requirements still remain unmet: the disarmament of factional forces, the protection of the basic rights of every Afghan citizen, the demand for increased reconstruction, the reform of national institutions so that they are more professional and more representative, and reform, also, across the government to ensure all Afghans feel that it better represents them.

#### 11. The Constitution

Is this constitution perfect? Most probably not.

The biggest issue that divided the Constitutional Loya Jirga was the system of government. The draft presented by the government proposed a purely presidential system, while the opposition largely favoured a parliamentary system. The compromise was to accept the presidential system but to add additional parliamentary checks on the president's power.

Despite the intention of some groups to make the Supreme Court's interpretation of Islam pre-eminent over most of the provisions of the constitution, an agreement has been reached according to which no law can contradict the "beliefs and provisions" of Islam, rather than just Islam, but, on the other hand, Islam is defined as the religion of "the state" of Afghanistan, not just of Afghanistan and protection for non-Muslims is strengthened.

Women are explicitly guaranteed legal equality and even promised two parliamentary seats in each province. That is clear progress but, as can be seen above, everything will depend on how well the provisions are implemented.

The proclaimed goal of an Islamic state is balanced by the promise to abide by the United Nations Charter and the Universal Declaration of Human Rights.

A nation of many ethnic groups, most represented at the loya jirga, now has a constitution that grants some respect for languages other than the dominant Pashto or Dari. Uzbeks and Turkmenis demanded recognition of the Turki language as the third official language. Finally the government agreed that these, as well as Nuristani, Pashai, Pamiri (alsana) and Baluch, would be local, official languages in areas where a majority of people spoke them.

The constitution foresees a purely presidential system, through direct elections, which are envisaged happening simultaneously with elections to the parliament. The President would be the head of the executive branch, while the parliament would be the legislative body. The judiciary would be appointed by the President, but subject to the approval of Parliament. Compared to the current situation where there is no parliament, the mechanisms under the constitution allow for more veto power by the legislative branch over the key functions of the president, i.e. appointment of cabinet ministers etc.

The principle of centralisation dictates 'centre-periphery' relations. The Constitution allows the President to appoint officials to administer the provinces, i.e. governors. Therefore, a significant amount of power is vested in the central government and the president.

## 12. Bonn II

The idea of and concrete efforts to initiate and hold a new (second) international conference devoted to Afghanistan as proposed by United Nations Secretary General Kofi Annan and only recently supported by the External Relations Council of the European Union should be welcomed and supported. Regarding the latter the next mission of the ministerial Troika to Kabul in mid-February should help to examine the situation on site.

## 13. The Challenges ahead

The key challenges that must quickly be addressed remain the need to broaden the popular base of the Government and to strengthen a governance system based on the rule of law, to improve security and to increase the pace of reconstruction and service delivery. With regard to the reestablishment of security throughout the country, the process of demobilisation, disarmament and reintegration (DDR) of former fighters is of vital importance. On the reconstruction front, assistance in the South, the East and Southeast is slowing due to insecurity.

There are many indications that in the above three areas, not enough progress is being made and some of the gaps may even have widened over the past year. In the economic field more generally, Minister of Finance Ghani has noted that the hurried estimates done for the 2002 Tokyo conference at the height of the crisis need to be revisited, and he is conducting a re-costing exercise to determine actual investment needs in order to reach basic financial sustainability and avert the domination of the national economy by the narcotics industry.

While there are grounds for cautious optimism, there are still too few discernible improvements for a people tired of war and violence and of not having control over their own destiny. This is where the international community can - and must - do more !

In conclusion, the international community must keep Afghanistan high on the political agenda. Many in Afghanistan feared that the war in Iraq would mean that their country would fall off the international community's 'radar' and be allowed to become, once again, a forgotten state, neglected by the West and open season for those with certain geo-strategic ambitions. Hopefully, we have learnt something from past experience.

1 December 2003

## **OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES**

for the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

on Afghanistan: challenges and prospects for the future  
(2003/2121(INI))

Draftswoman: Sabine Zissener

### **PROCEDURE**

The Committee on Women's Rights and Equal Opportunities appointed Sabine Zissener draftswoman at its meeting of 14 October 2003.

It considered the draft opinion at its meetings of 4 November 2003 and 26 November 2003.

At the latter meeting it adopted the following suggestions unanimously.

The following were present for the vote: Anna Karamanou (chairwoman), Marianne Eriksson (vice-chairwoman), Olga Zrihen Zaari (vice-chairwoman), Sabine Zissener (draftswoman), Regina Bastos, Armonia Bordes, Ilda Figueiredo (for Felekna Uca), Marialiese Flemming (for Maria Martens), Geneviève Fraisse, Fiorella Ghilardotti, Koldo Gorostiaga Atxalandabaso, Lissy Gröner, Catherine Guy-Quint (for Marie-Hélène Gillig pursuant to Rule 153(2)), Mary Honeyball, Rodi Kratsa-Tsagaropoulou, Thomas Mann, Miet Smet, Patsy Sørensen, Joke Swiebel, Helena Torres Marques, Elena Valenciano Martínez-Orozco and Anne E.M. Van Lancker (for Christa Prets).

## SUGGESTIONS

The Committee on Women's Rights and Equal Opportunities calls on the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- having regard to its previous resolutions on Afghanistan, particularly those concerning the situation of women in Afghanistan,
- having regard to the Brussels Proclamation adopted on 5 December 2001 following the Afghan Women's Summit and the Declaration of Solidarity with Afghan Women,
- A. whereas the integration of women into Afghan society and recognition of their fundamental rights are essential preconditions for maintaining peace in Afghanistan and carrying out the process of reconstruction and development in the country,
- B. whereas the recognition of women's rights and the creation of the right conditions to enable them to participate fully in the social, economic and political life of the country are an essential precondition for a lasting peace and the reconstruction of Afghanistan,
- C. whereas the fundamental rights of women were deliberately denied under the Taliban regime, and whereas the exclusion of women from public life, particularly education, training and employment, under that regime continues to this day to deprive them of the means necessary to their survival and autonomy,
- D. whereas the condition of women depends on that of the country as a whole; whereas there is an urgent need to restore security, stability and prosperity in the country and whereas improving their condition is entirely dependent on their access to education and the employment market,
- E. welcoming the ratification by Afghanistan in March 2003 of the Convention on the Elimination of All Forms of Discrimination against Women,
- F. bearing in mind the conclusion of the Laeken European Council in December 2001 that the inclusion of women in all sectors of humanitarian activity in Afghanistan should be one of the basic axes of EU policy in Afghanistan,
- G. noting that in 2001 the European Union decided to grant Afghanistan aid of EUR 500 million over five years, and that both the Bonn Agreement and the United Nations resolution of March 2002 introduced a conditionality clause based on respect for two criteria – security and respect for human rights – and in particular for the situation of women,
- H. noting that:
  - the neonatal mortality rate (165 deaths per 10 000 births) and infant mortality rate (25 % of children die before they are five) are amongst the highest in the world and access to the health system – particularly in the field of reproductive health – and primary health care is almost non-existent,

- it is estimated that 90 % of women are illiterate (50 % of men), and the return of girls to school is being held back by the persistence of conservative attitudes and the lack of security in the country, particularly outside Kabul,
  - the status of women under the Afghan social code is discriminatory,
  - almost three quarters of the population does not have access to drinking water, which leads to health problems,
  - irrigation canals were systematically destroyed after the Soviet invasion in 1979,
- I. whereas many young girls are still falling victim to racist attacks and terrorism by fundamentalists when they decide to attend school lessons,
- J. whereas, despite some perceptible improvements in Kabul, the situation of women remains very precarious in the country as a whole; whereas women are still subject to violence and ‘customary’ practices which violate their physical and moral integrity, such as premature marriage, forced marriage and crimes of honour,
1. Believes that the new constitution due to be adopted at the beginning of December 2003 must include an article on equality between men and women and a legal basis which makes it possible to introduce the necessary legislation in all fields relating to women’s rights and which recognises them as such; calls on the European Commission and the governments of the Member States to stress the importance of this question in their dialogue with the Afghan authorities; is nonetheless concerned about Article 16 in Chapter 7 of the draft constitution, which stipulates that in certain cases private affairs shall be subject to Sharia;
  2. Calls for the setting-up of a council of Afghan women comprising members of the government and of all organisations working on behalf of women, overseen by the Ministry of Women’s Rights;
  3. Stresses the need for:
    - better coordination and allocation of aid with a view to long-term reconstruction;
    - financing of specific projects targeted at women that are visible to the population, entailing positive discrimination;
  4. Calls on the Commission to earmark exclusively for measures specifically targeted at women 20% of the funding intended for support to and the reconstruction of Afghanistan;
  5. Calls on the Commission, the Member States, the international institutions and donors to:
    - create a European reconstruction agency and a European fund for Afghan women supported by additional contributions from the states which would fund projects in conjunction with local partners, particularly women, relating to education, health, training and employment, measures against violence, and promotion of women’s rights through the media and by means of education and information campaigns,
    - include among their priorities the creation of disease prevention and health centres for women, pregnant women and children, taking special account of reproductive health, and the training of medical staff,

- make a special effort on behalf of the education of children (girls as well as boys) and illiterate young adults by ensuring that girls and women have free access to the education system, by building schools and ensuring that teachers are trained, and by ensuring the safety of children, particularly girls, both at school and outside it,
  - develop specific projects for about 700 000 widows – for example cooperatives – orphans and former refugees abroad (over 2.2 million since March 2002);
6. Calls on the Commission to present a qualitative and quantitative assessment of the results of Community programmes and financial aid already being implemented in Afghanistan, especially as regards improvement of the lives and situation of Afghan women;
  7. Considers that it is essential that the Afghan authorities, particularly the national police, army and provincial reconstruction teams, ensure the safety of girls and women outside the home, to enable them to pursue an activity and to move freely, particularly in the provinces, outside the capital;
  8. Hopes that the courts will enforce legislation on the minimum age of marriage for girls, the eradication of forced marriages, child care and recognition of women's freedom of choice to leave the conjugal home; ensure the rule of law, including in prisons, and impose penalties for violence against women committed either in public or in private; working in concert with the Afghan Independent Human Rights Commission;
  9. Stresses the need to safeguard women's access to justice by making available to them services which provide information about their rights and mediation and protection services;
  10. Calls on the European, Afghan and international authorities to combat trafficking in human beings, especially women and minors;
  11. Stresses that it is important for women to be involved in public debates, to give them the means of expressing their needs and to inform them about procedures and issues in the 2004 elections in order to ensure that they participate in the elections, and calls for the launching of appropriate information campaigns geared to illiterate population groups, for example by means of the dissemination of information by independent radio stations.