Draft action plan for
ALBANIA and neighbouring region

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A. GENERAL INTRODUCTION

1. Political situation

Albania is a country in transition, beset by serious social, political and economic difficulties.

The events of September 1998 - leading to the resignation of Prime Minister Nano - confirmed again the volatility and confrontational character of political life in Albania. Although the government is constitutionally accountable to the unicameral parliament, in practice, the role of the Albanian parliament has always been limited. Though the government has been in place since July 1997, its action has been limited by a boycott (renewed since early July 1998) by the main opposition party. The ongoing monitoring of Parliament by OSCE has recorded only minor irregularities and shortcomings with regard to legislative procedures.

Political and parliamentary life in Albania remains dominated by extreme bipolarization and confrontation between the political parties. This reflects above all to the issues of corruption, public order, and the attitude towards the Kosovo crisis, which have introduced elements of vulnerability in the political, social, economic and institutional area.

According to the major constitutional provisions and several laws adopted in cooperation with the Council of Europe, there is a legal separation of powers. However, given the traditionally weak role of Parliament, the poor state of the judiciary and a largely inefficient administration, these principles are only partially applied in practice.

Partial local elections held in June 1998 in order to fill the institutional vacuum resulting from the 1997 crisis in some areas, were marked by an unusually low turnout (less than 50%). This reflects a decreasing interest of the Albanian population in politics. The elections were considered by the OSCE as globally free and fair.

Recent developments

Following the resignation on 28 September 1998 of Mr. Fatos Nano, the former Prime Minister, a new Government took over on 2 October 1998. It is led by Pandeli Majko, the young Secretary of the Socialist Party, and includes the Socialist Party, the Social-Democrat Party, the Human Rights Party, the Democratic Alliance, the National Union and the Agrarian Party. The Fatos Nano government was supported by the same majority, and resigned following a crisis triggered by disorders following the assassination on 12 September 1998 of Hazen Hajdari, a member of Parliament representing the Democratic Party.

In the programme presented to Parliament, Majko said the priorities of the new Government were to develop democracy (dialogue with the opposition, approve the new Constitution and speed up reform of the public administration) while stepping up public order and the fight against corruption.

Following the elections on 29 June and 6 July 1997, the parties represented in the majority coalition hold 116 of 150 seats in Parliament. The elections resulted in a clear majority for the Socialist Party,
which obtained 52% of votes overall, compared with 25.7% for the Democrat Party of former President Berisha.

On 22 November 1998, the new Constitution was approved by popular referendum, checked by international monitors.

The internal situation of the country is still difficult. The most obvious dysfunctional aspects concern public safety, law and order and corruption (on 24 January 1999 the Albanian authorities decided to accede to the Council of Europe Convention on corruption), in addition to a high level of unemployment.

2. Economic situation

An extremely poor country by European standards, Albania is making the difficult transition to a more open-market economy. The economy rebounded in 1993-95 after a severe depression accompanying the collapse of the previous centrally planned system in 1990 and 1991. However, a weakening of government resolve to maintain stabilization policies in the election year of 1996 contributed to the renewal of inflationary pressures, spurred by the budget deficit which exceeded 12%. The collapse of financial pyramid schemes in early 1997—which had attracted deposits from a substantial portion of Albania's adult population—triggered severe social unrest which led to more than 1,500 deaths, the widespread destruction of property, and an 8% drop in GDP. The new government installed in July 1997 has taken strong measures to restore public order and to revive economic activity and trade. The economy continues to be bolstered by remittances of some 20% of the labor force which works abroad, mostly in Greece and Italy. These remittances and development aid—supplement GDP and help offset the large foreign trade deficit. Most agricultural land was privatized in 1992, substantially improving peasant incomes.

Recent developments

Unemployment is high, with large numbers of young people out of work and constituting a large, frustrated and volatile migration potential.

Despite many difficulties, Albania continued to implement stabilization policies agreed upon with IFI. In May 1998, the authorities agreed a three year Enhanced Structural Adjustment Facility (ESAF) arrangement with the IMF in support of the medium-term economic programme.

Annual inflation was 16.9% in July 1998, down from 42% in January. This has allowed some easing of monetary policy. The implementation of the budget is broadly on track with the objective of a domestically financed deficit equivalent to 6.5% of GDP for 1998. (1997: 11%). Fiscal revenues collected by customs (VAT, duties and excises) in the first seven months of 1998 were almost twice the amount collected in the same period in 1996, before the crisis.

GDP growth for 1998 is expected to have reached 8%, which should be sufficient to raise output to its pre-crisis level. However growth is highly vulnerable to continuing political instability and civil strife, which discourage domestic and foreign investors.
Albania is a member of the Council of Europe since 1994. Freedom of expression, including the printed media, is generally respected. Regarding the electronic media, national TV and radio seem to have established a more balanced coverage of events.

The right of assembly and demonstration is generally respected. Opposition rallies, in particular those organized regularly by the Democratic Party (DP) in Tirana's main square, normally take place without major incident, with the notable exception of the events of 14 September 1998 (following the killing of Mr. Haji-Dari) which led to temporary occupation of government buildings and TV. There has been increased police presence after this event, but normally with almost no enforcement of demonstration bans issued on several occasions by the Ministry of Interior for public order reasons.

The right of association is generally assured. Political parties must apply to the Minister of Justice for official certification. Several officials of opposition parties continue to claim, however, that there are attempts at intimidation by the police.

Albania remains marked by a lack of public order in large parts of the country and widespread crime and arms trafficking. The judiciary and police operate generally under poor conditions. Against this background a right for seeking redress, a fair trial or protection against arbitrary arrest or detention, which legally exists, cannot apply in practice. It should also be noted that Albania's prisons remain in a very poor state, even if two were rehabilitated after the 1997 crisis. Since late 1997, all courts have reopened (40% had been completely destroyed during the 1997 crisis) but given the continuous lack of investigation by local prosecutors' offices and the police, their functioning remains limited.

The rights of minorities in Albania (besides small communities of Vlachs, Montenegrins and Serbs, the main minority are ethnic Greeks) are guaranteed in the basic constitutional provisions. The Greek minority is well organized and politically represented by the Human Rights Party which has access to the media like other parties or associations. Almost all Greek schools affected by the 1997 crisis have been rehabilitated. There is a legal right to use minority languages in court proceedings.

Violence against women and spousal abuse still occur in this traditional male-dominated society, but the breakdown in police controls, coupled with the low level of concern that police showed in such cases in the past, means that most abuse goes unreported. No government-sponsored program protects the rights of women.

Women and girls are often lured into prostitution rings, especially in Greece and Italy. According to an IOM report on available statistical data on Albanian victims of trafficking, the number of cases has risen during 1991 and 1996 up to 3,566 crimes and 4,387 persons accused in year. The IOM report estimates that there were 3,600 cases of trafficking in Albanian women in Italy in 1996, as compared with 300 cases on average in other countries.

With the adoption of the new Constitution on 28 November 1998, Albania made a big step forward especially with regard to respecting human rights and more particularly in respecting its obligation to the right of asylum stemming from the 1951 Convention. Thus the Constitution contains an article on the right to asylum (Article 40). It also provides that international instruments to which Albania has
acceded supersede the national law (Article 5), the right of non refoulement (Article 39(3)) and freedom of movement (Article 38).

B. STATISTICAL BASES AND INITIAL SITUATION

B.1 Nationals of Albania and the neighbouring countries in the EU member States
B.II. **Analysis of the causes of migration and flight**

Albania is a country of both origin and transit for migration flows directed to European countries.

Since 1990 Albania has experienced massive migration. According to the Albanian Emigration Department, over 500,000 Albania (out of a population estimated at 3.3 millions) emigrated during the period 1990-1997. It is commonly acknowledged that one person per each Albanian family is living abroad and contributes to the family maintenance. Albanian economy currently relies heavily on emigratory remittances.

**Historical view**

Until 1989 - i.e. until the fall of the communist regime - migration was virtually non-existent, except as a clandestine operation, fraught with risks. The enthusiasm over the new possibilities brought with the freedom of movement, being able to freely leave a country that had been cut off for years from the outside world, swept over Albania like a wave, as the newly visible manifestation of newly-won democratic freedoms.

- The first political and economic opening of the country (late 1991/early 92) was therefore marked by major unrest and massive migration: around 50,000 people to Italy (half of them were forced to return temporarily) : around 30,000 to Greece ;

- 1992-late 1996 (process of economic and political reforms providing for relative stabilisation in Albania with the notable exception of the financial sector) was marked by regular "controlled" influx: migration to Italy amounting up to 200.000 ; to Greece reached 300.000. Official figures (June 1996) only indicate 150.000 immigrants.

- 12/96-4/97 (crisis linked to the collapse of " pyramid schemes "): Abrupt renewed influx, namely to Italy (up to 30.000) and to Greece (up to 40.000), partial return and noticeable reduction of influx following the deployment of a Multinational Protection Force led by Italy (April-August 1997).

- Since late 1997 : apparently continuous migration of Albanians to the EU (in particular to Italy, Greece, Switzerland and Germany via Italy), but also to other countries, particularly other developed countries like the USA, Canada and Australia) of around 5.000 per month.

- Since mid 1998, at least 30.000 Kosovo refugees arrived in Albania, of which around 25.000 (source : UNHCR) are still in the country but not only in the North (around 40% of Kosovars remained in the area close to the border, the rest have spread over the country, in particular Tirana and Durres, also with a view to getting a chance to leave the country).
The causes of migration

Apart from the specific period of political uncertainty and threat of famine during the first transition crisis (late 1991/early 1992), since 1992 Albanians have left the country mainly for economic reasons. The country remains indeed the poorest country of Europe (the GDP per capita averages around 800 US$). Emigration is perceived by large part of the Albanian population as the only immediate response to the country's economic needs and social instability.

The scale of Albania's domestic real economy (besides the commercial sector) remains low. Pyramid schemes, which developed during the nineties on the basis of remittances from abroad, created "artificial wealth" until their collapse by late 1996, but only worsened the economic and social situation.

Albanians are often bound to leave their homes due to unbearable security conditions and violations of human rights. As a result of the state crisis of 1997, there is a continuous lack of public order and security in the country and a general increase of fraud, corruption and organised crime (already important prior to this crisis). Many areas are controlled by armed gangs, as the Government is not able to assure protection and the rule of law. Organised crime has further developed in particular relating to smuggling of cigarettes and arms, kidnapping of women and girls (for prostitution), transit of refugees (mostly from Kurdistan) and drugs trafficking which thus contribute to insecurity and directly generate migration flows.

Antagonism between supporters of the socialist and democratic parties, and unwillingness to do military service are also reported as causes for migration.

A number of pull factors are also in action: the presence of Albanian communities in some countries of destination (such as Italy and Greece), media programmes broadcasts and knowledge of language influence the decision to emigrate and the choice of the country of destination.

The policy of "containment" by the international community, namely the Multinational Protection Force led by Italy deployed during 1997 and immediate wide ranging humanitarian and other assistance (customs administration, prisons rehabilitation), resulted in a noticeable reduction of the influx since mid 1997. Elections in 1997, establishment of a new government and a comprehensive assistance package (See also C.II) has reduced Albanian emigration to the levels registered in 1992-1996.

Migration movements out of Albania include well-trained professionals and skilled manpower next to unskilled and semi-skilled labour. This constitutes a serious drain on the professional skill and manpower essential to assist and sustain the social and economic recovery on the country, adding further strains to the difficult situation facing Albania and its people.

Given the persisting social and economic scenario in Albania, and the continuation - at least in the near future - of current push and pull factors, immigration flows from and through Albania are likely to continue.
Albania as a country of transit

In recent years large flows of immigrants of Kurd, Indian, Pakistani, Philippino and Chinese nationality reached Italy through Albania. The great majority of these immigrants have their travel organized clandestinely by rings of traffickers, transiting through the region of Vlore, which is considered the center for the illegal smuggling of those immigrants. The weakness of the Albanian Government, and its inability to assure acceptable security conditions, facilitate the flows.

Traffic of migrants

Among the enabling factors for the arrival in Albania of many clandestine immigrants of different nationalities and ethnic groups is the consolidation of the criminal organisations engaged in promoting clandestine immigration on a permanent footing.

The people involved in the traffic are certainly not the poorest, but are those who can obtain access to the necessary information to attempt the journey, and who have the necessary financial resources to pay their passage to the countries of final destination.

It has been reported by OSCE that at least 25 criminal groups organize and manage the traffic of immigrants from Vlore. They have links with local authorities, and strong connections with Italian, Greek and Turkish rings. They use rubber boats with a capacity of 20-30 passengers, equipped with powerful engines. Sometimes illegal immigrants are embarked at sea, from a cargo ship outside the port of Vlore.

Often rings trafficking illegal migrants are also involved in drugs and weapons traffic.

Flight of asylum-seekers from Kosovo

The aggravation of the Kosovo crisis marked by military operations in 1998 resulted in a massive influx of Kosovars to Albania. The refugee crisis in Albania began in the North of the country in June 1998 when ethnic Albanians fled fighting in Kosovo between forces of the FRY and the Kosovo Liberation Army. By October 1998, it is estimated that a total of some 23,500 refugees from Kosovo had entered the country. The refugee influx, as of mid-October, decreased somewhat, although an average of thirty people per day were still making at that time the difficult mountain crossing.

An additional difficulty is that the average Albanian, particularly in the North, is poorer than Kosovar Albanians. Kosovars generally do not like to stay in Albania for economic and cultural reasons with the exception of those having relatives in Northern Albania (but these generally have economic difficulties in ensuring continued hospitality).

It is to be expected that until the situation in Kosovo is stabilised, the influx of Kosovars into Albania and via Albania to other countries will continue, although it is worth recalling that the FRY army has been quite effective in the past few months in sealing off the border with Albania. This has prevented an increased influx of refugees.
C. Country-by-country measures and actions

Rundown of existing bilateral measures and actions

Politics

For diplomatic consultations with Albania various frameworks exist:

a) bilateral political dialogue EU/Albania (normally once a year at ministerial level (GAC, Troikas) and several times at senior official level).

b) Since April 1997 OSCE mission to Albania (Head of presence: Ambassador Everts / NL) involved in political mediation and specific OSCE activities in the field of democratisation, media and judiciary. OSCE mission conceived as "overall co-ordinating framework" for Albania.

c) "International Conferences" on Albania with involvement of all relevant states, organisations and institutions (all EU countries, Commission, US, Russia, Turkey, OSCE, Council of Europe, WEU, IMF, WB, LBIRD) for discussion and concertation on the stabilisation process in Albania. These conferences were hosted by Italy in May, July and October 1997 and by Albania in October 1998.

d) "Friends of Albania Group" established in September 1998 in order to provide political coherence for assistance to the country, co-chaired by OSCE and EU Presidencies including a local formation, headed by Amb. Everts (OSCE).

e) European Community Monitoring Mission (ECMM): around 10 observers in Albania (Input into the CORSFU reporting system)

Italy

Italy has played and is still playing a leading role in helping Albania to overcome its current political, economic and financial difficulties. Italy’s objective, in the short term, was to help Albania to cope with the crisis it was facing and, in the longer term, to assist the country in rebuilding its political, economic and institutional infrastructure.

A particularly significant moment in bilateral relations with Tirana was the signing of a friendship and cooperation treaty in Rome on 13 October 1995 (ratified by Italy on 25 February 1998).

On 28 August 1997, an intergovernmental cooperation protocol on defence was signed (in accordance with the 1995 framework Agreement), which provides for a small group of Italian trainers and advisers to be stationed permanently in Albania.

France

Présence diplomatique de la France: réactivation de la représentation diplomatique à Tirana en 1945 (avant la guerre une légation). La France est le seul État occidental à avoir toujours entretenu une ambassade à Tirana, même au plus fort de l’isolement albanais.

Dialogue politique et action de la France en faveur de la promotion du respect des droits de l’homme et de l’État de droit: il s’exerce soit dans le cadre des entretiens bilatéraux (nombreux depuis 1997), soit
par le biais des institutions internationales: dialogue politique de l'Union européenne, Groupe des Amis de l'Albanie sous co-présidence UE et OCSE (côté en septembre 1998, réuni pour la seconde fois à Vienne le 24 février, ouvert à 27 pays et 10 organisations internationales, forum de consultations s'efforçant de donner une cohérence politique au dispositif d'assistance internationale), OCSE, Conseil de l'Europe, ECMM (European Community monitoring mission - ECMM).

**Germany**

Bilateral relations with Albania are marked by Germany's interest in democratic development, political stability and market-oriented economic reform. This is reflected in intensive, ongoing support and greater political influence both via the OSCE, the Council of Europe, the EU and the WEU and also bilaterally. There is in addition a regional and security interest in keeping Tirana to a course of moderation on the Kosovo issue. Germany is a founding member of the Friends of Albania Group, established in 1998, which it is also currently co-chairing.

The most important measure at present to remove asylum-seeking and migration pressures is a successful settlement of the Kosovo conflict. This means an international presence in Kosovo to monitor implementation of the security and civilian aspects of a future status arrangement and thus ensure the necessary foundations for peace and stability in Kosovo. Germany is participating in this within both the European Union and NATO.

**Economics**

On 17 October 1997, a Ministerial Conference on Albania was held in Rome, attended by 50 countries and international organisations, which defined the broad outline of international action on Albania.

The Donors' Conference held in Brussels by the European Commission and the World Bank on 22 October 1997 allocated 600 MEUR for the reconstruction of Albania, on the condition that democracy be restored and that economic reforms be adopted.

Following the measures adopted by the Albanian authorities in consultation with the International Financial Institutions, which culminated in a law on the distribution of funds from the sale of assets from the pyramid schemes and the arrest of the chairman of Vefa, the IMF approved the three-year ESAF programme for Albania, worth 47 MEUR, on 13 May 1998. At the same time, the World Bank announced its decision to carry out projects worth 44 MEUR in Albania (port of Durazzo, urban infrastructure and support for health care).

On 30 October 1998, a new International Conference on Albania was held in Tirana, to assess the progress made and to decide on future international assistance in the priority sectors (democratisation and institutional development, the constitutional process, public order, the fight against corruption, economic stability and development, social matters).

On 30 September 1998, the first meeting of the "Friends of Albania" group was held in Brussels. The objectives of this group are to monitor the situation in the country on an ongoing basis, to serve as a
single point of reference for the Albanian authorities, to harmonise the positions of the various international players and to ensure that international recommendations are actually carried out.

**Italy**

On 12 January 1998 an Exchange of Letters was signed on increased cooperation between Italy and Albania in the field of work, employment and training policies.

On 12 March 1998, the following instruments were signed: a Memorandum of Understanding on consultation and assistance in reorganising the Albanian fiscal authorities, which was accompanied by a joint declaration by Italy, Albania and the EU Commission in the framework of a Memorandum of Understanding on the EU customs assistance programme "Cam-Albania", signed on 10 November 1997; a mutual administrative assistance agreement on the prevention, identification and eradication of customs infringements and an agreement on employment and naval assistance in the customs sector.

On the economic front, a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital was signed on 12 December 1994 (ratified by Italy on 13 May 1998).

**France**


Mesures visant à développer les relations commerciales: pas de garanties coface, pas de protocoles financiers.

Compte tenu de l'importance des besoins et des risques de dilapidation de l'aide, l'assistance française transite via l'Union européenne. L'Albanie est le pays qui reçoit par tête d'habitants la plus importante aide de l'Union (700 millions d'Euros de 1991 à 1997).


**Sweden**

Sweden has signed four bilateral agreements with Albania:

1984 Trade agreement
1995 Agreement on protection of investments
1995 Transport agreement
1998 Agreement on double taxation

**Finland**

Bilateral agreements:


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Germany

Germany is Albania's third largest supplier and customer alike, after Italy and Greece. While trade in goods declined by 14.7% to DEM 112 million in 1997, an increase of 32.7% is reported for 1998 with a volume of business of DEM 150 million (DEM 40.8 million worth of imports from Albania and DEM 108.8 million worth of exports to Albania). German exports were dominated by vehicles and machinery, electrical goods, textiles and clothing, and tobacco products. Albania's exports to Germany consisted mainly of processed textile products, agricultural products and chromium ore. At the end of 1997, German direct investment comprised 11 projects (mostly in the textile trade) with a total value of DEM 14 million. There is no double taxation agreement. An investment promotion agreement has been in force since 18 August 1995.

Denmark

Trade between Albania and Denmark is limited with export figures of 2.96 million EURO and 4.58 million EURO for 1997 and 1998 respectively and import figures of 2.15 million EURO and 2.83 million EURO for 1997 and 1998.

Austria

Austrian exports 1998: EURO 7.6 million.

Development cooperation and humanitarian aid

Italy

Italian cooperation in the Balkans is aimed essentially at contributing to peace-keeping and economic and social stability in the region.
In addition to the two primary objectives, measures to strengthen capacity-building and institution-building for the development of administrative and management structures as well as small businesses are being taken.

Italy has been active in Albania since 1991, first with extraordinary and emergency action, then in the form of ordinary cooperation from November 1991. Total commitments for cooperation activities in the period 1991-2000 amount to 674 MEuro, including grants, aid credits and emergency aid.
In 1998 a new Cooperation Programme for 1998-2000 was agreed, with an overall budget of 210 MEURO. The objectives and priority sectors of the Programme, which were agreed with Albanian authorities, concern the reconstruction of basic infrastructures, especially water supplies, roads and electricity, urban regeneration, promotion of private-sector economic activities, including the production of goods and services, social measures, health, vocational training, education, and the safeguarding of environmental assets.

Italy is the largest bilateral donor to Albania.

Italian cooperation in Albania, which slackened considerably following the events of 1997, is currently in full expansion, according two directions: (i) quick-impact measures (e.g. equipment and transformers to reduce electricity blackouts in Tirana; (ii) impetus given to the "Task Force Albania" in order to remove obstacles to the rapid completion of work to restore basic services (water, sewerage, electricity, roads, basic health care).

France
- Accords de partenariat et de coopération existants: un traité d'amitié, d'amitié et de coopération, signé en 1994 (procédures de ratification achevées côté français en 1998).

Aide humanitaire
- Actions en faveur des réfugiés et des personnes déplacées: une aide humanitaire bilatérale de 22 tonnes de matériels et médicaments pour les populations réfugiées au nord de l'Albanie (juillet 1998).

Netherlands
Several projects in the field of democratization, such as a project for civic voters registration (600,000 EUROS), support for the Albanian Helsinki committee, in a project for implementation of the new detention law (600,000 EUROS), a workshop aimed at increasing the spirit of co-operation between Albanian Parliamentarians from all political parties and project in the field of strengthening local government institutions (part of a large-scale agricultural programme, which will be phased out). Also a large scale participation in election monitoring in co-operation with ODIHR. Support for independent media through Press Now, for a total amount of 1 MEURO on a yearly basis.

Humanitarian Aid
MSF Netherlands, water and sanitation in Tropoje (400,000 EUROS)
Netherlands Red Cross Society, non-food items (100,000 EUROS)
Dorcas, transport of clothing (100,000 EUROS)

United Kingdom

UK's Assistance to Albania has focused on four sectors: rural development programme (assistance for the establishment of farmer's associations and rural communes, including work to...
encourage income generation); financial sector work (strengthening the regulatory and legislative frameworks associated with the stock exchange and securities commission, macroeconomic advice and insurance supervision); development of the public administration (providing assistance on legal regulation, particularly in the area of human rights, with the establishment of citizens advice bureaux and to undertake more work in the area of local administration reform); health sector (assistance with the World Bank to develop a system of regional health authorities). External to these sectors the UK is assisting with the integration into mainstream education of children with learning disabilities. UK is also assisting with a UNDP pilot programme for civilian disarmament in return for developmental aid.

Finland
Humanitarian Aid: 3 MEURO for a training center through NGOs; Fact finding on social development 6 MEURO.

Sweden

Swedish assistance to Albania has focused on technical development co-operation. Sweden finances two projects in the field of environment and development of infrastructure. For 1998, 10 million SEK was allocated for projects in Albania of which a smaller part was used. For 1999, 4 million SEK have been allocated.

It is important that development co-operation and reforms are targeted so that there is a real improvement for the Albanian people. Priorities for development co-operation are improvements of:
- the security situation,
- the corruption,
- the judicial system.

Spain

En Albanie, la Coopération espagnole encourage et soutient les efforts de reconstruction du Pays de façon prioritaire par le biais des ONG. Dans le but de contribuer aux efforts pour réduire les tensions qui se produisent souvent dans ce Pays, la Coopération espagnole va bientôt mettre sur pied un séminaire organisé par la CERI à Tirana, avec la participation de certains protagonistes de cette période et des leaders des forces politiques les plus importantes.
A l'adjudication des subventions aux ONG pour 1998, le financement de plusieurs projets a été approuvé par le biais de la Croix Rouge espagnole, le CESAL et les Médecins du Monde, pour un montant de 83.629.404 pesetas.

Germany

Albania has received financial assistance totalling over DEM 1 billion by way of development cooperation since 1987. Particular mention should be made of technical cooperation projects for infrastructure (water supplies), job training and business creation (e.g. the FAFED credit scheme). An agreement on migrant workers, concluded between Germany and Albania in 1991, allowed Albanian nationals medium-length stays in Germany for work purposes. The agreement was implemented in
cooperation with the IOM. Since 1997, however, the agreement has ceased to be applied in practice owing to difficulties over selection of personnel.

Denmark

Danish transitional assistance for Albania totalled 6.06 million EURO in the period 1994-1998. The assistance was aimed at consolidating the democratisation process, promoting the rule of law and economic development in general.

For the period 1999-2001, the Government of Denmark has granted 13.46 million EURO. The programme period might be expanded for an additional year and an additional 5.4-6.7 million EURO. The assistance is aimed at supporting the reform of the justice system, the police and the promotion of the free press. In addition, the Government of Denmark has granted 0.15 million EURO in support of the OSCE mission in Albania in 1998-1999 (secondment of monitors for the Albanian/FRY border), 0.27 million EURO in support of the WLU MAPE mission (deployment of senior Danish police personnel) in 1998-1999 and 0.016 million EURO in support of the Referendum on the Constitution in 1998.

Austria

Development cooperation: Albania is a major target country of Austrian development cooperation efforts. Major projects are the rehabilitation of the Drin power stations and of the water supply system for Shkodra, the rehabilitation of the hospital in Burrel. There is a host of other projects, including many in the educational and health sectors.

Justice and Home Affairs measures

Albania remains marked by a lack of public order and security in large parts of the country and widespread crime, arms trafficking, fraud and corruption while the judiciary and police operate under poor conditions. Against this background the right to seek redress, a fair trial or protection against arbitrary arrest or detention, which legally exist, cannot apply in practice. It should also be noted that Albania’s prisons remain in a very poor state. Since 1997 all courts have reopened. (40% had been completely destroyed during the 1997 crisis) but given the continuous lack of investigation by local prosecutors’ offices and the police, their functioning remains limited.

Following the adoption of the Constitution and of a framework law of the organization of the judiciary, the Government envisages to undertake a number of measures and actions in accordance with a comprehensive action plan for the reform of the judiciary, signed on 12 January 1999 between Albania, the Council of Europe and the European Commission aiming at further strengthening of the judiciary. This action plan, which is underpinned by assistance provided under the third joint programme EC/Council of Europe, foresees inter alia a package of legislation on administrative matters, laws on the functioning of different judicial institutions and bodies such as the office of the public prosecutor and the Constitutional Court, training for judges, setting up of a State publication center, etc. With regard to the reform of the executive branch and public administration, substantial progress is still required such as the adoption of different framework laws on the functioning of ministries and services (including the ministry of justice and public order, and police forces, the setting up of a Civil Service Commission and
more generally the approval of an updated strategy for the reform of public administration and state institutions).

Italy

For some time now, migration, especially cooperation in the fight against illegal immigration, has been a key issue in Italo-Albanian relations. No opportunity has been neglected on the Italian side to ask the government in Tirana to make every effort to prevent and combat the flow of illegal immigrants, chiefly coming from the Valona area, which has become the main collection and transit point for illegal migrants, including those from other countries, heading for the Italian coast.

Sea patrols, carried out by a contingent from the Italian Customs service which operates in a stretch of water facing the Bay of Valona, intercept and return the dinghies used for that purpose. However, because of the restrictions on such action due to the essential need to avoid risking the lives of those on board such vessels, it is clear that the preventive action should principally be carried out on Albanian territory, by action aimed at preventing the activities of the boat owners and at eliminating the criminal organisations responsible for illegal trafficking.

By implementing the measures for integrated action on land and sea provided for in the Protocol of Intent signed on 10 November 1998 by the Italian and Albanian Prime Ministers, Italy is endeavouring to make up for the lack of resources and structures which the Albanians constantly use to justify the inadequate results. In the last few weeks our joint mission has been allocated rehabilitated buildings in which an operations room will shortly be installed. This will help considerably to increase the monitoring of maritime traffic, especially of the dinghies.

The Protocol also provides for the adoption of the following measures:
- setting-up of a "sea-borders team" on the island of Sasco.
- extension to the provinces of Valona and Scutari of the territorial control devices already existing in other provinces through the Italian Interforces Mission, in agreement with the Albanian authorities.
- intensification of the work on reorganising and training the rapid intervention forces of the Albanian police.

A readmission agreement between Italy and Albania has been signed on 18 November 1997. Its implementation worked smoothly, thanks to the cooperation of the Albanian authorities. The readmission agreement include a clause which require the Albanian authorities to take back third-country citizens who have entered the Italian territory after transiting through Albania. The Albanian authorities seldom accept to readmit third-country nationals, quoting insufficient evidence of their passage through their territory.

France

- Actions ou programmes en faveur du renforcement de l'appareil d'État:
  - coopération administrative, judiciaire: dans le cadre du programme Phare.
  - coopération policière: dans le cadre de l'Elément de Conseil en matière de police, déployé en 1997 au lendemain de la Force Alba (LMCP, MAPE, en anglais), il regroupe 90 policiers issus
d'une vingtaine de pays dont 15 français. Ses effectifs seront prochainement augmentés de 35 personnels (dont 10 français) et ses tâches (conseil, formation, évaluation) étendues aux ministères, directions et districts de police à faible risque. Un lieutenant colonel français dirige l'EMCP depuis sa création.

Ouverture à Tirana d'une antenne du SCTIP (Service de coopération techniques internationale de police) en septembre 1998.

**Sweden**

Sweden is currently involved in the following support or aid activities in Albania and the neighbouring region:

- 1 police officer at the VEU headquarters in Brussels for planning of the police advisory mission to Albania;
- 4 police officers in Albania within the framework of OSSE/MAPE mission;
- 23 police officers in the OSSE verification mission to Kosovo;
- 50 police officers in UNIPITF to Bosnia-Ezeregovina and;
- 5 police officers in UNIPTF drug unit in Sarajevo.

**Germany**

There is no readmission agreement with Albania. As a rule there is no problem with repatriation of Albanian nationals. In obtaining travel documents for the return of Albanian nationals, however, all those to be repatriated have to appear at the embassy for a personal interview. Voluntary returnees to Albania receive financial reintegration aid, under the GARP programme, of DEM 350 per adult and DEM 175 per child, with a maximum of DEM 1 050 per family. Around 600 people have claimed such grants since 1994. Albania has been provided with both practical (trucks) and training facilities by way of police equipment and training assistance. Germany is also participating in the Multinational Advisory Police Element (MAPE) in Albania. There has in addition been a German document specialist working in Albania since 1998, advising airlines at Rinas airport and assisting the visa-issuing office at the German embassy.

**Denmark**

Albanians must have visa in order to enter Denmark. Denmark does not have a readmission agreement with Albania.

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II. **Rundown of existing Community measures and actions**

1. **Politics**


Member States Embassies in Tirana (Albania): FR; IT; GR; D: UK; A:
The EU discusses its position on Albania frequently. On 30 October 1998 a global position was prepared for the Tirana Conference setting out objectives for the Process of Stabilisation in Albania.

On 6 March 1999 the Council approved un projet d'action commune relative à la contribution de l'Union Européenne au rétablissement d'une force de police viable en Albanie, en invitant l'UEO à mettre en œuvre l'action commune.

2 + 3: *Economics and Development cooperation*

Albania

Agreement on Trade and Commercial and Economic Cooperation in force since December 1992. EC agreement (not mixed), only MFN treatment as regards trade, no preferential trade regime with the exception of the Generalized Scheme of Preferences (GSP), no financial protocol and separate declaration on political dialogue EU/Albania

Classical human rights suspension clause exists in the agreement.

4. *Humanitarian aid*

ECIIO: L'aide humanitaire octroyée en 1998 en faveur de l'Albanie s'est élevée à 11 MEUR. Outre l'assistance aux réfugiés du Kosovo (reception and protection facilities in the North and elsewhere: 1,5 MEUR), cette aide a permis à la Commission de poursuivre son soutien au système de santé, notamment par la réhabilitation des services les plus prioritaires dans les hôpitaux et les polycliniques, ainsi que l'assistance humanitaire à des institutions spécialisées ou à des groupes sociaux particulièrement vulnérables. Elle a enfin permis d'améliorer les réseaux de distribution d'eau potable dans des quartiers suburbains défavorisés de Tirana.

Other forms of assistance:

Comprehensive reform of the Albanian public administration including civil service reform, improvement of budget expenditure, organic budget law, Court of Auditors. Specific support to the Albanian police for equipment and training in cooperation with WEU (Multinational Advisory Mission to the Albanian police). Specific assistance to the customs administration including structural reform of these services in cooperation with Italy and Greece. Comprehensive action plan in favour of the Albanian judiciary (including implementation of the new constitution: legal reform and law enforcement: school of magistrates) in cooperation with the Council of Europe. Budgetary assistance for priority expenditures in key ministries, linked to conditionality under the medium-term economic programme/ESAI and sectoral conditions:

i) PHARE : 14,9 MEURO budgetary assistance linked to public administration reform in general

ii) food-aid facility : 10 MEURO provided by the Community as budgetary assistance in support of the ministry of agriculture and the agricultural sector in general.
Assistance was also given to:
- Statistical cooperation including preparation of future population census
- Support for the winding-up of the pyramid schemes (in cooperation with the WB)
- Macro-financial assistance (up to 20 MECU) envisaged in support of the ESAF provided by the IMF.
- Education and training
- Assistance provided by other organisations:

5. **Justice and Home Affairs measures**

The EC Agreement with Albania does not contain a re-admission clause and no joint declaration on re-admission.

Albania is mentioned on the list of countries whose nationals must be in possession of a visa when crossing the external border of the EU Member States (Council Regulation 2317/95)

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

UNHCR

In collaboration with the local authorities, other international agencies, local and international NGOs, UNHCR is implementing an emergency response programme providing assistance to newly arrived refugees, overcoming the logistical problems and security constraints, whilst at the same time, assisting those whose stay has become more prolonged.

*Institution/Capacity Building*

To fill the gap in the Albanian legislation regarding asylum, UNHCR offered the Albanian Government expertise and funds to create its own asylum/refugee legislation and an appropriate implementing structure. For that purpose, a working group was set up and successfully finalized the work. The draft law was approved by the Cabinet of Ministers on 18 September 1998 and by the Albanian Parliament on 14 December 1998. This coincided with the start of the influx of Kosovar refugees into Albanian territory in June 1998.

In view of the new situation and taking into account that there was no real government authority on asylum issues - although the Office for Refugees (OFR) had existed on paper since 8 June 1995 - UNHCR prepared a strategy to empower the OFR and enable it to respond to the new reality. The Albanian government agreed that a legal framework for the OFR be established, based on a decision of the Cabinet of Ministers taken on 5 June 1998. Thus confirming OFR’s leading role as UNHCR’s prime counterpart.

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1 The full text of the reports by IOM, UNHCR and other international organizations is annexed.

Version 2.1: 07/06/99
The OFR carried on the registration of refugees with UNHCR support, though with some shortcomings in providing refugees with ID cards. Freedom of movement of refugees was respected and no constraints were put on their location/accommodation.

Another aspect of UNHCR’s support towards completing the relevant legislation was the contribution given by UNHCR on the draft Law on Citizenship, recommendations which were fully endorsed by the Government.

This led to the adoption of the new Constitution on 28 November 1998: with that adoption Albania made a big step forward with regard to respecting its obligation to the right of asylum stemming from the 1951 Convention.

**Assistance of refugees/asylum seekers**

Given Albania’s economic conditions and the impact the refugee caseload has on the economy and social life of the country, UNHCR established a project targeting the refugee caseload presently in the country. The project was implemented by international and local NGOs as well as the Albanian government. It also had (and continues to have) a Care and Maintenance Project to provide assistance to a small caseload of refugees/asylum seekers, in the form of monthly cash grants for shelter, food and health care. The Project is implemented by the Albanian Red Cross. Refugees/asylum seekers benefiting from this project are non-Kosovars, i.e. Kurds from Iraq, Pakistanis, Iranians and Syrians. The implementation of this project is in its fourth year and is continuing during 1999.

In view of this situation, a multisectoral programme was established by UNHCR to support the refugee population through the Albanian government and some NGOs working in the country. Nine sub-agreements were signed under the multisectoral programme to cover the most basic sectors of assistance such as: food, transport, domestic needs, health, infrastructure, community services and education.

The distribution of humanitarian aid (food and non-food items) took place immediately after the arrival of thousands of refugees in the North of Albania, thanks to the goodwill of several national and international NGOs involved in this operation. However, due to the lack of security and the general conditions in the area, the movement of refugees to the central areas of Albania began very soon after their arrival in Albania, and many refugees left the Tropoje District looking for a better and safer place to live. UNHCR and NGOs alike, had enormous difficulties to assist them, since they were displaced in different sites in Central and Southern Albania.

Due to the excellent co-operation of NGOs, other UN agencies and the Albanian government, it was possible to increase the number of places available to shelter refugees. to carry out the distribution of food and hygienic parcels on a monthly basis and to ensure regular health support for those refugees in need.

**Mass Information programme**

In an effort to dispel illusions on emigration and to allow Albanians to reach informed decision on their future, a mass information programme was launched during 1997 and continued in 1998 by UNHCR. TV documentaries, Radio and TV question-and-answer programmes were produced and broadcast covering a wide range of subjects, ranging from questions of emigration and asylum issues to an
understanding of the new domestic political environment and the need for reconciliation of the various political actors in their own country. It addressed in a comprehensive way the issue of illegal departure, asylum, refugee status, as well as related push factors, such as specific health and economic issues.

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The beginning of 1999 marks the start of a new strategy for UNHCR in the implementation of its programmes in support of refugees in general, and in particular Kosovar refugees.

With the situation becoming somewhat more stabilized in terms of refugee influx, the Office focused its attention in adjusting policies to needs in an efficient, people-oriented manner. Hence, from emergency response activities, the Office focused on a tailor-made strategy, finding effective approaches based on the assessment of refugee needs and refugee profile.

Taking stock of last year's experience and on the abovementioned factors, UNHCR is concentrating its efforts in four main areas, namely:

- re-deployment of refugees from the insecure border areas to other more friendly environments in the country, namely the Western coast area;
- addressing the accommodation issue, which inevitably requires increased attention by UNHCR and all other agencies operating in the programme;
- re-registration of the refugee population, as an important exercise which will yield not only accurate figures on the refugee population/movement but also other necessary data, such as age/sex, vulnerability and other relevant aspects;
- better coordination of the assistance, matched with an information campaign aimed at helping refugees to take advantage of existing services and other assistance provided.

OIM

A number of programmes are carried out by OIM in Albania.

- IOM since years has been running an information campaign in Albania by means of radio and TV broadcasts. The target population of the IOM information programme are ethnic Albanians who wish illegally enter to EU Member States. The Radio and Television programme reaches weekly 2.5 million persons in Albania, Kosovo, Macedonia, Montenegro, Italy, Belgium, Germany, Switzerland, Austria etc. The main purpose of the IOM's Information Programme for Albania is to provide reliable information on regular migration procedures for entering a number of destination countries (in particular Italy and Greece) and resettling there, on migration realities in order to prevent irregular flows. Programme activities - carried out in co-operation with the Albanian Television and Radio - consists of producing a TV documentary portraying life of Albanian immigrants in selected countries as well as to provide information on and strengthen the work of international organisations, and also a demographic survey. IOM Radio Program is also extended to Macedonia, Montenegro and Kosovo in order to face the challenges of the new situation occurring as a consequence of the events in Kosovo as well as for prevention of illegal migration and trafficking in human beings, in particular women.
- Measures to Prevent and Combat Trafficking in Women and Children for Sexual Exploitation in Italy/Albania/Kosovo. IOM is working since years on introducing rapid information exchange systems and networks in order to prevent trafficking and protect its victims. A special programme financed by the EU, EU Member States, in particular by Italy, Belgium, Germany, Finland and Switzerland is being implemented by IOM under the European Commission STOP Programme: "Rapid Information Transfer Aiming at Preventing and Combating Trafficking in Human Beings, in Particular Women and Children, for Sexual Exploitation in the European Union". This programme has defined Albania as one of the target countries describing and reporting on the forms of illegal migration, sexual exploitation of women and criminal organisations active in Albania and the EU Member States. Reporting and regular meetings are taking place to the EU and between EU Member States. A new programme for protection of victims and witnesses and a public information campaign against trafficking is beginning with the Italian Government. This programme will also focus on stabilising self-help groups in Albania and cooperating with police, NGOs and victims.

- Medical Aid and Health Sector. IOM assists in strengthening the capacity of selected hospitals and health centres taking care of displaced persons through temporary assignment of medical teams and the provision of emergency transportation. The strengthened medical treatment capacities on local and regional level will enable the appropriate treatment of Kosovars and Albanian local population.

- IOM Technical co-operation in Albania and Kosovo. The IOM Technical co-operation in Albania aims at improving local structures to prevent illegal migration from Albania to EU Member States. IOM advises the Albanian Ministry of Labour and other entities on questions on employment, employment generation activities, exchange programmes for professionals, legal matters and short-term migration programmes between Albania and EU Member States.

- Return, Economic Reinsertion and Local Capacity Building. IOM Rome/Tirana implements since years a number of projects dealing with the return, economic reinsertion and local capacity building. In the last 5 years, IOM has returned more than 3000 persons from Italy. One of the newest pilot undertakings especially targeted for ethnic Albanians DP’s and Kosovar refugees, is a joint integrated programme named "Assistance to the Voluntary Return and Reintegration of DP’s from the Balkan Region who have found temporary protection in Italy". The programme, funded by the European Commission, Italian Government and IOM focuses on the following:

International Committee of the Red Cross

In 1998 the ICRC:
- assessed conditions in 12 Albanian prisons and police stations and provided small scale material assistance to inmates
- gave 22 presentations on humanitarian principles, the Red Cross and mine awareness for members of the armed and police forces
- assisted the main hospitals of Northern Albania and the Central Military Hospital in Tirana with surgical supplies
- the names of 3276 refugees from Kosovo were broadcast on the radio to enable relatives who had stayed behind to receive news regarding their whereabouts and well-being.
Assessment of the state of play

E. Action required by the Community/Union

A. NEW INITIATIVES TO BE TAKEN

PREVENTIVE MEASURES

1. Since poverty is the main cause for migration flows from Albania, improving the economic situation of that country and alleviating its state of poverty should continue to be the main focus of the European action in the region.

   International development cooperation, stronger intervention in sectors such as health, education, energy, environment, research and technological development, job generation, economic activities, employment and local initiatives are indeed widely believed to be the most effective measures to prevent legal and illegal migration in Albania and elsewhere.

   Since insecurity and prospects for future crises are also an important co-cause for migration, the Albanian government should be supported in the restoration of security conditions and of the rule of law in the country, including the fight against the proliferation of small arms.

   Assistance and cooperation to Albania in justice and internal affairs matters are therefore crucial to this effect.

2. An European Fund for asylum and immigration could be set up to finance or co-finance initiatives and programs in the area of preventing immigration flows. Complementing and integrating initiatives already in place at EU level, the Fund could be used to:

   a) strengthen local administration and infrastructures;
   b) training and institutional capacity building;
   c) support local labour migration policies;
   d) training and exchange of officials between Albania and EU member States in matters relating to migration;
   e) assist border authorities, including in the area of false documents.

   Through co-financing, the establishment of such a Fund could facilitate also the adoption of national programs. The extension of PHARE multi-beneficiary programs to Albania could be considered in this area.

3. Illegal trafficking of migrants from Albania and related crimes, are major concerns for the international community.
a) The European Union and its Member States must therefore continue to put pressure on the Albanian authorities to make every effort to prevent and combat the traffic in illegal immigration, especially in the area of Valona, which has become the hub for the collection and transit of illegal immigrants. Although the Albanian authorities did not deny their willingness in principle, the results on the ground are totally inadequate. Cooperation of EU countries in patrolling Albanian coasts has succeeded in preventing the departure of many motorboats, but it is primarily up to the Albanian authorities to adopt preventive measures aimed at putting a stop to the activities of the boatmen and to pursue the criminal organisations engaged in trafficking in illegal immigrants, arms and drugs. The Tirana authorities should make every effort to play their part by tackling local conditions, and even political collusion with local criminals which grew up as a result of the substantial profits derived from illegal trafficking.

b) The European Union and its Member States should step up Europol’s operational capacity to combat illegal trafficking in immigrants. Enhanced police cooperation for an exchange of information aimed at fighting criminal organizations involved in illegal immigration, drugs and prostitution should also be considered.

c) Since the smuggling of illegal immigrants is often linked to traffic in arms and drugs, enhancing the fight against drug and arms trafficking could also be useful to curb immigration rings. The EU and members States could therefore support the inclusion of Albania in the existing joint EC/UNDCP programmes on drugs.

d) An international legal basis for the fight against trafficking of migrants could be useful. Based on a joint initiative by the Governments of Austria and Italy, a “Draft Protocol against the trafficking/smuggling and illegal transport of migrants by land, air and sea” is being drawn up by an ad hoc committee in Vienna in the wider context of a United Nations Convention on transnational organised crime. The EU and its member States should fully support a quick finalisation of this proposal, with a view to its early implementation. It should be noted that a specific document (Circular 896) has been adopted by I.M.O. last .... It envisages “Interim Measures for Combating Unsafe Practices Associated with the Trafficking or Transport of Migrants by Sea”, that States can already comply with on a voluntary basis. An early implementation of this recommendation could help in curbing the traffic of migrants.

4. It should also be acknowledged that prospects of better economic opportunities in Europe are often due to lack of first-hand, realistic information. The EU and its member States should therefore continue to finance information campaigns in Albania by means of radio and TV broadcasts, aimed at Albanians who wish illegally to enter EU member States. The purpose of such information programs should be to provide reliable information on regular migration procedures for entering destination countries and resettling there, and on migration realities in order to prevent irregular flows. OIM’s expertise in this area could be usefully utilized. This applies to all groups of potential migrants, but mostly to women. Female migrants from Albania are often unaware, firstly, of the link between illegal migration and exploitation of women as well as coercive prostitution and, secondly, of the danger that their own relatives might compel them to prostitution.
CONTAINMENT MEASURES

5. The EU and its Member States should exercise pressure on the Albanian authorities to enforce the clauses, included in several readmission agreements already signed, which require the Albanian authorities to take back third-country citizens who have entered the other party’s territory after transiting through Albania. Such an option for example exists in the readmission agreement between Italy and Albania but the Albanian authorities seldom accept to readmit third-country nationals, quoting insufficient evidence of their passage through their territory.

6. Since some Member States are not bound by readmission agreements with Albania, the European Union and its Member States should negotiate a general readmission agreement. The agreement negotiated with Poland constitutes a good example to that effect.

7. To ease the difficulties which the Albanian authorities may be confronted to while caring for and supervising the journey home of third-country returnees, the EU could finance “transit camps” on the Albanian territory where these people could be given temporary accommodation. The setting-up of such camps, which would obviously remain under the absolute control of the Albanian authorities, would indeed help in maintaining law and order in Albania itself and would act as a deterrent for illegal immigrants seeking to cross into Europe. Cooperation with UNHCR is essential in this area.

8. An European Fund for asylum and immigration could be set up to finance initiatives and programs in the areas of return and reintegration. The Fund could be used to strengthen local authorities' capacities in reception and reintegration of returnees, including victims of sexual exploitation; The extension of PIHARE multi-beneficiary programs to Albania could be considered in this area.

9. The EU and its Member States should support programs to encourage voluntary return and for sustainable reintegration schemes. Voluntary return proved more successful if associated with a realistic hope for better conditions. If conditions are to be improved at an economic level, individual migrants returned to their countries of origin could be trained and subsequently supported with a view to new job opportunities. The EU and its member States could, in cooperation with international organizations:
   • identify possible reintegration assistance/capacity-building opportunities for potential returnees on the communal level, in cooperation with local and European NGOs, governmental agencies, international organizations based in the Balkans;
   • contacts with the private entrepreneurial sectors for the development of the micro-entrepreneurial component (micro/small scale enterprises);
   • set up a local employment observatory;
   • organize return travel.

10. Many initiatives by the EU, its Member States and various European international organizations (OSCE, UFI, Council of Europe) are currently going on in Albania in the area of justice, migration and internal affairs. There is a need for a greater degree of coordination of such initiatives, in order to avoid overlapping and duplications. Monitoring activities are also required.
A. General introduction

Political situation

1. Somalia has been without a central government since President Mohammed Siad Barre fled the country in 1991. The widespread chaos and insecurity that followed resulted in the international intervention of UNITAF. That operation was followed by the United Nations Operations in Somalia, UNOSOM, which ended in March 1995. Following the departure of the UNOSOM II instances of inter-clan conflict, violence and banditry continued to occur regularly in some areas of the country.

Different conditions prevail in different parts of Somalia, which is divided into four major zones: the North-West, or "Somaliland", which is conducting an experiment in democracy combined with centuries old cultural traditions; The North East, or "Puntland" which has lived in a "peaceful" situation since 1991 which marked the end of hostilities against former President Siyad Barre. The Central region, from Galkayo to Belet Weyn, populated by the Marehan clan and numerous Hawiye sub-clans, has its own share of problems, and serves as a passageway, especially on the commercial level, between the stable northeast and the war-torn South. The situation in the Central region is relatively calm. It is in the South, from the area around Mogadishu to the border with Kenya, that sporadic civil conflict has been waged for the past six years. None of these zones are internationally recognised as independent states.

The central and southern parts of Somalia are less homogenous in terms of clans compared with the Northern parts of Somalia. The heterogeneity is reflected in the large number of clan-based militia. Reportedly, in the Central and Southern regions, an individual person is safest in areas controlled by their own clan. However, Somalia being a clan based society it is the general practice for individuals to live in areas where their clan is based.

North-western Somalia (Somaliland)
The Isaaq-dominated SNM declared the independence of the northwest as the "Republic of Somaliland" in 1991. A new constitution for "Somaliland" became effective in February 1997 and shortly after Egal was re-elected President for a 5-year term. Clan tensions within North-West, "Somaliland" have diminished and a tenuous peace has been secured, enabling the Administration to gradually expand its presence in portions of Togdher, Sanaag and Sool. Meanwhile, capacities of local administrative structures throughout the Northwest are deepening.

North-eastern Somalia ("Puntland")
Northeastern Somalia has been the most stable part of the country since the collapse of the central government in 1991. Apart from a conflict with Islamic fundamentalists in 1992 and isolated clashes in 1993 there has been no fighting in the northeast. The autonomous "Puntland State of Somalia" was proclaimed on 23 July 1998. A "Puntland" charter released in September 1998 advocates Puntland remaining part of a federal Somali State.

Central and southern Somalia
Central and southern Somalia, including Mogadishu, witnessed the heaviest factional fighting in the aftermath of Siad Barre's overthrow in 1991. The political situation in many areas remains unresolved although the level of fighting has declined. Large parts of central and southern Somalia are much less homogeneous in clan terms than the north-east and north-west, which is reflected in the large number of clan-based militia, some of which control only a small area. The administration for the Benadir region (Mogadishu) established in 1998 is still challenged by some factions, which do not recognise its authority. While there can be long periods of relative stability in Mogadishu, the political landscape of the city is complicated and can be fluid at times, with sudden changes. Security conditions vary widely in different areas of the city. While most areas are firmly under the control of one particular faction or another, there are also violent armed bandits who operate independently of the political clan factions. Economic conditions are difficult and the main air and seaports are closed because of disputes between militia and factions over control. The Gedo region bordering Kenya and Ethiopia is mainly controlled by the Marehan-based administration and militia. Compared with many other cities in Southern Somalia the clan elders in the Gedo region enjoy a higher degree of respect and authority. This has resulted in a local administration, which is functioning relatively well.

Peace process
Since 1996 several peace initiatives have been initiated at national level, which have tried to break the political deadlock and re-open the dialogue and negotiations between the different faction leaders. Meetings were convened in Mogadishu, Nairobi, Kenya and Sana'a in Yemen. In the second half of October 1996, Ethiopia, which has a mandate from both the OAU and IGAD to assist in the search for peace in

1 Organisation of African Unity.
2 Intergovernmental Authority on Development.
Somalia, organised a conference in Sodere, Ethiopia, which brought together 26 different political factions and resulted in the establishment of the National Salvation Council. The Government of Egypt took the initiative to arrange a conference in Cairo in November 1997, which included most of the main Somali leaders and resulted in the Cairo Agreement. The agreement builds upon the agreements of Nairobi, Sodere and Sana’a. The expectations resulting from these agreements have however not yet been met. The planned, all-inclusive, National Reconciliation Conference, has yet to materialise. In order to co-ordinate the different initiatives a Standing Committee was established in the autumn of 1998, which includes representatives of the IGAD Countries and Secretariat, the members of the IPF liaison Group, the OAU, the League of the Arab States and Yemen.

Economic situation
The events of 1991 and the ensuing armed conflict had disastrous consequences for the entire country’s economy, such as widespread destruction of physical infrastructure, lack of investment and rampant unemployment. Somalia’s economy is pastoral and agricultural, with livestock- principally camels, cattle, sheep, and goats - representing the main form of wealth. At the present remittances from migrants represent the second source of income for the NorthWest “Somaliland”. Saudi Arabia is Somalia’s main commercial partner. However the trade between the two countries ceased in February 1998 when Saudi Arabia imposed a ban on the import of livestock from Somalia following the outbreak of Rift Valley fever. The ban which was recently lifted has caused a serious economic crisis in Somalia. A small fishing industry has begun in the north. Minerals, including petroleum, natural gas, and uranium, are found throughout the country, but none have so far been exploited commercially. Several oil companies are exploring for petroleum. Small industries such as textiles, handicrafts, meat processing and printing have been established.

While it is difficult to commit a figure to represent even an estimate of the value of the internal economy of present-day Somalia, it is reasonable to assume that it is not below one billion USD per year. To give an idea, in 1998 the aggregate domestic production was estimated to be around 75% of the 1991 GDP: approximately 750 million USD. Private investment for both urban and rural areas stood at an estimated 35 million USD. Exports and imports of goods and non-factor services are estimated at 220 and 400 million USD respectively. The livestock trade remains the main source of income countrywide, and usually accounts for approximately 25-50 million USD. This sector has been badly affected by the ban on livestock imports from Somalia imposed by the main importer, Saudi Arabia. In parts of the country where political conflicts remain unsolved security remains the

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2 Intergovernmental Authority on Development, established 1986. Members are Ethiopia, Eritrea, Djibouti, Somalia, Sudan, Kenya and Uganda.
greatest impediment to economic growth in general terms, however private business seems unaffected and markets continue to provide for almost the totality of the needs of the population in the areas.

There is little information available on the volume and value of what is called the informal sector. However, extensive trade has taken place between Somalia and land-locked Ethiopia since the outbreak of conflict between Ethiopia and Eritrea. Due to the congestion of the Djibouti port, commercial goods at an estimated value of no less than 100 million USD have crossed through the sea port of Berbera and by land into Ethiopia. Somalia however only obtained an extremely meagre portion of this value in the form of customs and duties at the port, as well as in transportation. Smuggling of charcoal is another important trade from Somalia to the Gulf States, and estimations of value indicate a fluctuating figure between 100-200 million USD per year. In the south security remains the greatest impediment to economic growth in general terms, but existing private business seems unaffected and markets continue to provide for almost the totality of needs of the population inhabiting the south.

North-western Somalia
The economy has demonstrated surprising resilience, with expanding inter-regional and export-oriented trade. Berbera has become the most active Somali seaport and the second most important seaport for Ethiopia, after Djibouti.

North-eastern Somalia
Like in the Northwest the economy is gradually increasing and the economic activity in 1998 for both the northwestern and northeastern areas is believed to have equalled or even surpassed pre-war levels. The air and seaports of the main town Bossaso are fully functioning, which provide an important source of revenue for local authorities and also encourage economic development.

Central and southern Somalia
Economic activity has increased in central and southern Somalia, in spite of the unresolved and fluid political situation. Goods are increasingly traded across clan and regional boundaries, although banditry remains a problem. Mogadishu and Kismayu ports remain closed. The main town in the Hiran region, Belet Weyne, is an important trading post, both within Somalia and with neighbouring Ethiopia. The ongoing conference in Belet Weyne is aiming for the creation of a Hawiye region with a certain degree of autonomy.

Human rights situation
There is no central legal system in Somalia to ensure the respect for human rights and international humanitarian law. However, perpetrators of serious violations of international humanitarian law and of crimes against humanity are individually responsible under contemporary international law. These crimes are under universal
jurisdiction and any state may try persons alleged to have committed such crimes, wherever they have occurred, committed by whomever.

The lack of respect for above-mentioned principles has led to violations of the right to life in particular arbitrary and summary executions, mutilation and other cruel and inhuman or degrading treatment or punishment and violence in particular against women and children. There have been reports of hostage taking of Somalis and international humanitarian relief workers and abductions and the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards. In this regard it is worth noting that Somalia has ratified the two covenants on civil and political rights and economic, social and cultural rights as well as the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and other Cruel, Inhuman and Degrading Treatment.

In the Commission on Human Rights (CHR) which was held in Geneva on 22 March - 20 April this year, a resolution on technical assistance to Somalia was adopted by consensus. The CHR condemns widespread abuses of human rights and humanitarian law, urges all parties in Somalia to respect these rights and calls upon all parties to the conflict to work towards a peaceful solution to the crisis. The CHR also calls upon sub-regional, regional and international organisations and concerned countries to continue and intensify the co-ordinated efforts aimed at facilitating the national reconciliation process. The CHR also welcomes the decision of the High Commissioner for Human Rights to appoint a human rights officer in the framework of the office of the United Nations Resident Humanitarian Co-ordinator for Somalia.

Gender discrimination is deeply rooted in certain traditional socio-cultural structures and remains a formidable barrier to women's participation in decision-making processes or access to and control of resources. Female Genital mutilation (FGM) is common in Somalia. Domestic violence, rape and other sexual violence occur mainly in the areas of conflict.

Somalia remains one of the two countries in the world that has not ratified the Convention on the Rights of the Child. There are certain vulnerable groups of children. These include the displaced children, youth living in camps in extreme poverty and unknown numbers of children attached to militia groups.

Since the collapse of central government, certain minority groups, most notably the Bantu, Bravanese and Benadir people of non-Somali ethnic origin, are disadvantaged and targeted by clan militia.

The major factions in Mogadishu and the authorities in Somaliland operate small radio stations. The Somali Independent Journalists Union (SIJU) has over 200 members across Somalia. There are about 20 newspapers published in Mogadishu, mostly privately owned. Journalists have experienced harassment, including detention, from various factions.
Most Somalis are Muslims and Islam has been made the “official” religion by some local administrations. The tiny Christian population maintains a low profile.

The freedom to travel is restricted in some areas, particularly those in which the political situation remains unresolved. There is however, relatively free movement between the northeastern and northwestern regions, and even between the Northeast and the neighbouring areas in the south.

In 1998, the total recognition rate for Somali asylum seekers reached 44.5 per cent, the lowest rate since 1990. During 1990-1998, Somalis constituted nine per cent of all asylum seekers granted refuge or humanitarian status in Europe. Whereas in Finland, Norway and the United Kingdom, Somalis constituted more than 20 per cent of the total number of recognised asylum seekers, in Austria, Belgium, France and Germany, their share was less than two per cent. During 1990-1998, the United Kingdom granted refugee or humanitarian status to more than 18,000 Somali asylum seekers, 30 per cent of all Somalis granted refugee, humanitarian status or temporary protection in Europe. The Netherlands accounted for 29 per cent of all Somalis granted refugee or humanitarian status, followed by Denmark, 14 per cent, and Sweden 13 per cent.

The total recognition rate (refugee or humanitarian status) for Somali asylum seekers was some 80 per cent or higher in Denmark, the United Kingdom and Finland, but less than 10 per cent in Germany and Austria.

Due to the fact that some countries grant residence permits to asylum seekers who have not been granted refugee or humanitarian status, because of the lack of return possibilities, the statistics do not provide a precise indication of the total immigration effect of Somali refugees in Europe.

Most Somalis will generally be able to receive the protection of their own clan in areas controlled by their clan. The Majerteen-led SSDF administration in north-east Somalia (Puntland) has permitted Somalis from all clans and non-Somali minority groups, even former supporters to Siad Barre, to move freely through and settle in the area under its control. The administration in North West Somalia “Somaliland” has allowed Somalis who originate from the northwest to settle in its territory.

B. Statistical bases and initial situation

I Statistical information

Somalia is situated in eastern Africa, east of Ethiopia, bordering the Gulf of Aden and the Indian Ocean. Population statistics for Somalia are relatively unreliable because

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2 This section is based on the material presented by Eurostat. The entire contribution from Eurostat is found at ANNEX I.
of the large number of nomads, the famine and especially the clan warfare of recent years. Only about 7 million people are estimated to live in a relatively wide territory (just under double the size of Italy). It has a rather extreme demographic pattern, where the highest natality far exceeds the (also high) mortality. This would ensure, in the absence of conflicts or other ‘disturbing’ causes, a very rapid rate of population increase. As a consequence, Somalia’s population could double and become still younger by the next 20 years.

Around 120,000 Somali citizens are estimated to live within the EU. Between 30 and 40% of them live in the Netherlands, Sweden and Italy. They represent a higher share of non-EU foreigners in Finland (8%) and Denmark (5%). Few tertiary education students from Somalia are recorded in the EU member states, for example 151 in Italy and just under 100 in Finland and the UK for the school year 1996/97.

II. Analysis of the causes of migration and flight

Somalia is a country of origin. Somalis are among the most widely dispersed refugee populations in the world: during 1997 Somali asylum applications were recorded in 61 countries worldwide. Large Somali communities are present in Western Europe (especially Italy, Germany, the Netherlands, UK and the Scandinavian countries), according to some estimates more than 100,000 Somalis live in the EU States. The United States of America received some 8000 Somali asylum applicants during 1990-1998. In Canada, some 19,000 Somali nationals applied for asylum during the same period. At the end of 1998, Ethiopia hosted the largest Somali refugee population (195,000) in the region, followed by Kenya (130,000), Yemen (57,000) and Djibouti (22,000) and Egypt (3500) and the United Republic of Tanzania (3000). As regards durable solutions, the total number of Somali refugee population in Kenya, Ethiopia, Yemen and Djibouti has fallen since 1995, mostly as a result of spontaneous returns, but also due to UNHCR’s organised repatriation. During 1997-98 more than 90,000 Somali refugees returned from Ethiopia and Kenya.

Somalia is the country of origin of a considerable portion of asylum cases in Europe. Almost all asylum seekers claim that they come directly from Somalia and since 1993, they have claimed to come from the southern part of Somalia including the capital, Mogadishu. Applicants may in reality have made shorter or longer stays in various countries, mainly in Central Europe, but also in Eastern Europe and in some African countries, such as Kenya, Tanzania, Ethiopia, Yemen or Djibouti. To some extent they may even have other citizenships other than that of Somalia. Owing to the difficulty in establishing the exact country of origin of these cases, language analysis has been used in some member States to determine country of origin.

The first large group of Somali asylum seekers arrived in Europe in 1988-89 as a result of the armed conflict/civil war in northwestern Somalia and Siad Barre’s repression of the Issaq clan mainly. The second exodus of Somali refugees occurred
during the Somali civil war (1989-1991) caused by the conflict in the southern parts of the country. Somalis were in 1992 the third largest group of asylum seekers in some member States.

Since 1993, the most frequently cited cause for flight are by asylum seekers claiming to belong to the Darood Marehan clan and fleeing factional fighting in and around Mogadishu. In that group many claim persecution on the ground that they have been in the service of the former government of Siad Barre. There is also a large group of asylum seekers who claim they are from the Hawiye clan and that they are fleeing factional fighting. After 1995 a frequently cited cause of flight has been the general situation of hardship inside Somalia as well as with clan affiliation. In one Member State 90% of all Somali asylum seekers claim to be from the Bajun clan. It has been found that almost all of these applicants are most likely of Kenyan origin. The difficulty in obtaining appropriate medical care has also been referred to as a cause of flight.

With regard to applications for residence permits made from abroad, the applicants often refer to economic difficulties. Many of the applicants have been elderly people who have had problems surviving on their own and who, as a consequence, would like to be reunited with their grown-up children in a member state. In such cases the family division as a result of the war and the general situation in the country are often cited as causes. Some member states use DNA tests to prevent fraud in cases of application for family reunion.

The situation of unaccompanied minors and abandoned children seeking asylum differs in member States. In some member states more than 50% of all unaccompanied minors are of Somali origin. The existence of trafficking with children has been known to take place. It is assumed that some asylum seekers claim to have children that they in reality do not have. They might then apply for reunification with these children. The children are then sent further to another Member State to apply for asylum. In one member state there has been at least 65 cases where the alleged parents of these Somali children have failed to report that the children were missing.

With regard to reasons for leaving Somalia, it could in general terms be said that the push factors are the following:

- Insecurity, the ongoing civil strife in some areas of the south.
- Recurring difficulties in the food situation i.e. drought.
- Lack of facilities, especially education and health facilities.
- Lack of gainful employment.

In general terms the pull factors are the following:

- The possibility of sending remittances to sustain family members whom remained behind in Somalia. UNHCR estimates that 180-500 million USD made its way into
Somalia in 1998. Another recent study on the flow of remittances through Northwest Somalia showed that USD 300 million was sent into and via that region in 1998.

- Education, especially for children
- The lack of possibilities to return rejected asylum seekers.

C. Country-by-country measures and actions

I. Rundown on existing bilateral measures and actions

1. Politics

Diplomatic relations broken off with Somalia by member States when the central Government fell in 1991 have still not been re-established. In the absence of a central government in Somalia, presently some Member States have informal dealings with the Northwest “Somaliland” and some other regional administrations. “Somaliland” independence as a sovereign state has not been diplomatically recognised by any member state.

The majority of member states are members of the IGAD Partners Forum and its Committee on Somalia. Some member states contribute to the IGAD peace fund.

13 out of the 15 member states have embassies in Nairobi. Representatives of member states attend general meetings on Somalia, either organised by the Somalia Aid Coordination Body (SACB) or organised by the Commission.

Some Member States obtain information on “Somaliland” from their Addis Ababa missions, or - in the case of France - from Djibouti. This complicates the development of a co-ordinated approach in Nairobi, particularly since “Somaliland” is one of the safe regions of Somalia. In case a common EU approach on returning Somalis is to be developed, a co-ordinated approach among the missions of member states will be crucial.

At present there are no Member States missions in Somalia. Member States Missions exist in Ethiopia [I. IRL, NL, UK, A, D, FIN, S, B, E, GR], Kenya [I. NL, UK, A, D, FIN, P, F, S, B, E. UK. GR], Eritrea [DK, D, I] and Djibouti [F only].

2. Economics

Trade between Somalia and the EU member states remain very limited and consists mainly of fruit and a few other products (see Annex I Table A and B).

3. Development co-operation
The member states mostly provide development aid to Somalia through the UN organisations, UNDP, UNHCR, UNICEF, UNOPS, UNDOS.

According to UNDOS and SACB, the aid co-ordinating bodies for Somalia based in Nairobi, it is difficult to separate emergency and development aid for Somalia for two reasons. Many aid projects include portions of emergency and development aid. Many donor countries classify aid projects as humanitarian/emergency even though they are in practice development projects. UNDOS and SACB have made a general classification of different aid projects into five main categories:

<table>
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<th>Category</th>
<th>Classification</th>
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<tr>
<td>Emergency</td>
<td>100% Humanitarian</td>
</tr>
<tr>
<td>Food security</td>
<td>100% Humanitarian</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>50% Humanitarian 50% Development</td>
</tr>
<tr>
<td>Reintegration</td>
<td>100% Development</td>
</tr>
<tr>
<td>Governance</td>
<td>100% Development</td>
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</tbody>
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If this general classification is used to evaluate aid to Somalia SACB and UNDOS make an assessment that 40% of all aid projects are humanitarian and 60% of all projects are classified as development aid.

SACB has also noted that one of the reasons for the derailment of interventions in the recent past has been due to the non-checked infusion of external resources in a region with limited absorption capacity.

Further information on member states' support and development agreements is to be found in Annex II.

4. Humanitarian Aid

The member states mostly provide humanitarian aid to Somalia through the UN organisations.

A United Nations Consolidated Inter-Agency Appeal covering the period January through December 1999 was launched in late 1998. The Appeal requested for a total of US$ 65.7 million to cover life-saving and emergency needs for affected populations. Besides the humanitarian assistance needs for which support is requested in the Appeal, Agencies have identified activities up to an amount of US$ 29.3 million. These additional activities are complementary priorities with emphasis on rehabilitation and recovery essential to create a sustainable environment. UN agencies received only about 28.5 per cent of the US$ 79 million requested in the 1998 appeal,
hardly enough to pay for necessary interventions in providing food security, emergency assistance, rehabilitation and providing support for governance. Furthermore, the severe floods of late 1997, the poor harvests, a Saudi ban on livestock exports in 1998 and the ongoing fighting, mostly in the southern parts of Somalia will continue to have negative repercussions on Somalia in 1999. There is urgent need to improve health and nutrition, water supply and sanitation, and primary education. Priority will be given to about 300,000 people who are at extreme risk of death due to starvation or disease. Interventions for rehabilitation and recovery with a longer-term scope are targeted at four million people, and concentrated in areas of relative stability, mostly in the Northern parts of Somalia.

Mine clearance programs

UNMAS\(^4\) has carried out two evaluations of the mine situation in Somalia. Both of them focused on northwest Somalia (Somaliland) which is the most mine struck area. Information that UNMAS has received as indicated that Northeast Somalia is also badly struck. Yet, the assessment is that the mine situation is not the most serious humanitarian problem since larger movements of people do not occur and there is general awareness of where the mines have been placed. The number of victims are declining. Two years ago, a pilot project was initiated in the Buraq area of North West Somalia which at that time was mined and a real obstacle for return. The project was implemented by UNDP and supported by member states. Member states have supported other mine clearing initiative as well. In summary, the situation can to some extent be considered as a humanitarian problem because it does partially prevent people from returning to their homes.

Member States contributions in the field of humanitarian assistance are to be found in Annex II.

5. Justice and Home Affairs measures

Returns

Few Somalis have been returned from EU member states in recent years. Local communities (elders and local administrations) have, in contacts with representatives of member states, made clear that they lack the capacity to absorb large numbers of returnees unless they receive some sort of material assistance.

Four member states have started to devise or have implemented return arrangements for unsuccessful asylum seekers. In order to do so they have all accepted to embrace a regional approach. The arrangements have the following approaches:

\[^4\] UN Mine X X
- One form for such an arrangement has been agreed minutes on the obligation
to take back own nationals, the fact that returnees should be able to go back in safety
and dignity, in these programmes the returnee will get travel expenses covered and on
arrival a small allowance,
- Another for of arrangement is a package in which the returnee gets travel
expenses covered and a small allowance on departure and on arrival. This package
also include a larger sum for the local community,
- A third programme contains an offer to the returnee to receive vocational
training on arrival together with persons from the local community.

Several member states also run voluntary return programmes for persons with
residence permits in the member state concerned wishing to return to Somalia. These
programmes often contain travel expenses and a cash allowance for the returnee and
the family.

II. Rundown of existing Community measures and actions

1. Politics

At present the European Commission does not have a Delegation in Somalia.
However a Somalia Unit is based within the Delegation in Kenya. The Somalia Unit
is staffed with 3 EC officials and a number of technical assistants to monitor the
implementation of EC programmes and - in a number of cases - programmes co-
financed or parallel financed with Member States. The Commission has also
established 3 technical offices in Somalia.

Contacts between Commission officials and Member States' diplomats and local
leaders/authorities take place frequently, either to discuss the general situation in
Somalia or specific projects.
Given the fact that there is no central government in Somalia, Somalia has been
excluded from signing any international agreements in the last 8 years. The
Commission is still working on the basis of the Lomé III Agreement, which was the
last that has been signed. For each of the neighbouring countries, Djibouti, Ethiopia
and Kenya all have signed the last Lomé Agreement (Lomé IV bis).

As there is no national government, it is difficult to foresee an agreement with the
Somalis to help strengthen co-operation at a national level. At the regional level, there
is a problem, since some regions claim independent states’ status and any regular
agreement at EU level would create the impression of recognition of this status.
However, informal agreements on the delivery of development aid have been reached
by a number of Member States and the Commission through consultations mainly
with the local or regional authorities present.
2. Economics

Exports of Somali products to the Community which fell strongly in 1991 due to the civil war, continue to increase. Even if the imported quantities during the last few years remain low compared to the levels reached in the past, in 1996 total imports originating from Somalia amounted to almost 19 MECU, bananas accounting for 57% of this trade, followed by fish and shellfish with a share of about 32%.

Given the absence of a central government, Somalia has no customs authority, nor representative of all political and economic players recognised by the Community. The Community has, however, continued to apply the preferential trade arrangements of the Lomé Convention to imports originating from Somalia as an ACP country. Moreover, as one of the least developed developing countries included in the United Nations list, Somalia also benefits from the Community system of generalised preferences granted autonomously to this group of countries. For bananas, Somalia, as a traditional ACP banana supplier, had an import allocation of 60 000 tonnes duty free in the framework of the common Organisation of the banana market (Council Regulation 404/93). Under the new regulation, Somalia, as a traditional supplier to the EU market, will continue to have access to the quota set aside for all traditional ACP suppliers. Somalia is also included on the list of traditional ACP suppliers eligible for funding under the framework of technical and financial assistance.

In April 98, the Commission launched an initiative to enable Somalia to continue to export and enforce Community regulations by seeking the creation of independent and representative regional organisations accepted by the political and economic players. An information and explanation campaign had been launched within Somalia and informal consultations and negotiations are ongoing on the establishment of the regional Chambers of Commerce or similar structures responsible for issuing certificates of origin.

3. Development co-operation

At present the Community is the biggest donor in Somalia. The remaining funds of the 6th EDF and the previous EDF funds are being used. Furthermore funds from a number of budget lines are being used, including the rehabilitation, the human rights and the de-mining budget lines. However, given the non-ratification of Lome IV and IVbis as a consequence of the absence of a central government, the Commission will face serious constraints in the future since the EDF funds have almost been depleted. The Commission is seriously trying to reduce the push factors (as causes of migration) as far as the lack of facilities is concerned. In those areas with stable conditions the Commission continues its support related to health facilities, schools, water supplies, creation of jobs etc. This work is now in jeopardy. The situation is getting even more serious since the number of donors and the amounts available for assistance are decreasing as well. Given the current situation, it is very difficult to mobilise new funding for Somalia.
4. Humanitarian aid

Somalia remains susceptible to three types of emergency situations requiring immediate international response: natural disasters, such as floods, droughts and pestilence; epidemics, particularly of cholera and also those affecting livestock, and man-made disasters, typically war-related casualties, population displacements and famine. Currently the Community, together with 13 UN agencies in collaboration with 50 international and 10 national non-governmental organisations, provide emergency humanitarian relief assistance.

Throughout 1998 Community funded humanitarian assistance had to continue throughout the year in the more insecure and unstable areas of the south and central Somalia, much as it had done in 1997. In more secure and stable areas of the country the Commission was able to pursue more ambitious rehabilitation and development programmes.

Help is also given to Somali refugees in Kenya, Ethiopia, Yemen and Djibouti. A slow but steady repatriation of refugees from Ethiopia to NorthWest Somalia is going ahead with UNHCR’s support. The activities of the Community in North West Somalia (‘Somaliland’) are quite important in preparing the ground for this repatriation. In 1997/1998 ECHO funded a water programme through UNHCR (1.4 MEURO) in Ethiopia which was designed to address the water needs of the local host population and the refugees themselves.

For the refugees in Kenya, the prospects of large repatriation are less immediate because their area of origin, southern Somalia mainly, is much less secure than the North West. Consequently ECHO will continue to focus its attention in Somalia on those areas and regions where the basic pre-conditions for longer-term, more ambitious rehabilitation and development activities do not exist. In practice, this means the southern half of the country, in particular Mogadishu, the Lower Juba and Bay/Bakool. Additional funds are provided because of the aftermath of the EL NIÑO floods.

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

Reports from UNHCR, IOM and Amnesty International are at Annex X.

UNHCR

In the country of origin, Somalia, up to half a million Somalis including returnees, internally displaced persons as well as local populations, benefit from community based reintegration projects in the sectors of water, health and education, and the reinforcing and rehabilitation of infrastructure. Promotion of food security is pursued through agricultural and livestock projects, in addition to income generating activities.
A pilot voluntary repatriation programme from the camps in eastern Ethiopia was initiated in the beginning of 1997 and though the original target figure had to be revised downwards, the programme did not encounter difficulties as it was the case with the repatriation programme in Kenya (add numbers). The repatriation from Kenya encountered some difficulties due to the security situation in some of the potential returnee areas. However, the general perception is one of continuing peace and security in some areas in Somalia, particularly in the northern parts of the country. For full text in Annex III.

ICRC

Since April 1998, when a serious security incident forced the ICRC to suspend its expatriate presence in Somalia, the ICRC has maintained various lifesaving activities in the country, focusing primarily on medical assistance implemented nation-wide through the Somali Red Crescent (SRCS) and ICRC Somali field officers. Material and financial support has been accorded to Keysaney Hospital in Mogadishu North and other clinics and hospitals have been provided with first aid supplies and medicines for the treatment of the war-wounded.

After close monitoring and careful evaluation of the security context in Somalia, the ICRC has decided to increase its field activities in the south of the country, using a limited expatriate field presence. Activities will continue pursuing a two-pronged approach:

- An emergency response to the direct effects of conflicts combined with natural disasters,
- A medium-term response with programmes aimed at maintaining local coping mechanisms and ensuring basic living conditions for specific target groups,
- The emergency response involves traditional ICRC activities for the victims, including medical assistance for the war-wounded, emergency repairs to bore holes in areas hit by drought, and non-food assistance and seed distributions for people affected by flooding and/or crop failure, as well as those recently displaced by armed clashes.
- Depending on the evolution of the situation, the ICRC will consider providing food assistance for the same target groups at a later stage.

IOM

*Summary of IOM contribution will be included.*
D. Assessment of the state of play

According to international law, the fact that the central government collapsed does not mean that Somalia has ceased to exist as a State. For that reason Somalis should not be considered as stateless. A citizenship is connected to a state and the Somali legislation on citizenship is valid until new legislation enters into force. In the case of state succession, legislation made by the former government is valid until replaced.

In the absence of a central government, clan-based factions and militia in different areas of the country have established various local administrations. In some areas, notably the NorthWest ("Somaliland") and in the NorthEast ("Puntland"). local administrations function effectively. Somalia is, generally speaking, a country in the process of reconstruction, with the exception of some areas in southern and central Somalia in which the political situation remains unresolved. The security situation remains unstable in Mogadishu with a recent upsurge of fighting between warring factions. Kismayu has witnessed fierce fighting between rival clans, such as the Marehan and the Ogaden.

Also in the Bay and Bakool regions clashes flare up repeatedly as a result of constant shifts in the relative power of the fighting warlords. Economic activity continues to grow both at a local level and across clan and faction boundaries. Many regional administrations have functioning administrations, including courts and civilian police forces.

Today, parts of Southern Somalia remain in crisis while others, mainly in the North, have established relative peace and stability and are experiencing some social and economic recovery. In Central Somalia (Hiran and Galgadud regions and the Mudug region) the situation is relatively calm, more akin to conditions prevailing in the North than those in southern Somalia. Large parts of the country, however, are in transition, somewhere between crisis and recovery. Throughout Somalia the population remains heavily armed and the security situation very volatile.

The general situation has deteriorated recently due to the influx of weapons, ammunition and military equipment in spite of the Security Council embargo of January 1992.

Since there is no central government in Somalia, there exists in practice no national guarantee for protection of human rights on the basis of international law and a Constitution. Reports of human rights abuses exist in the areas of conflict in the southern parts of Somalia. Cases of summary executions have been reported in those areas. Somalis and international aid workers have been taken hostage; there is ill treatment of prisoners, torture and rape. Within these conflict areas, many people,
including civilians, have been killed in clan fighting. Outside the area of conflict the human rights situation is better. The regional authorities in the area have set up functioning civil administrations.

The primary causes for migratory flows could in general terms be described as insecurity and the ongoing civil strife in some areas of the south, lack of facilities especially education and health facilities.

**JHA questions**

While it is very difficult to get a clear picture on secondary movement, it has been assumed, in the framework of police co-operation on illegal migration, that considerable numbers of the Somali population in member states have applied for asylum in more than one Member State. In 1997 a test carried out showed that 10% out of 100 asylum seekers in a Nordic country had applied for asylum in another Member State before arrival.

Documents issued in the absence of a central government are normally not recognised in EU member states. Somali passports are being issued by Somali missions in existence prior to 1991 in Bonn, London, Nairobi and several other locations, and are normally their only source of income. Somali documents of all sorts, including passports, can easily be obtained at markets in the region. Somalis have travelled to member states with travel documents from Kenya and Ethiopia, which have been unofficially issued.
E. Action required by the Community/Union

SHORT TERM MEASURES:

Foreign Policy

- Continue to assist the peace process in Somalia and consider ways and means to revitalise and strengthen the IGAD process, inter alia through the IGAD Partners Forum
- Facilitate exports of live stock from Somalia; and thus making it possible for regional authorities in the North east and North west to raise revenue through export
- Continue to look for ways to find a political solution in areas with unresolved conflicts through the appropriate bodies and
- EU member states should consider appropriate measures with the aim of upholding the respect for the Security Council resolution 733 on an embargo of all deliveries of weapons and military equipment to Somalia
- To enter into a constructive dialogue between the EU and de facto authorities/leaders in the different regions of Somalia, without recognising the regions; to agree on arrangements for identification and documentation of returnees to respective area
- Explore scope for effective action with the US and Canada, through the transatlantic dialogue
- Preventing human rights violations leading to the need of international protection, inter alia by supporting the High Commissioner for Human Rights and special educational programmes

Development

- Clarify the situation of Somalia under the Lomé convention
- Continued efforts with regard to demining

Migration

- Consider measures to facilitate voluntary repatriation of refugees from the region
- Evaluate programs for return of failed asylum seekers /illegal immigrants and consider vocational training programs for the benefit of returnees and local communities
- Measures to address the reception and protection capacities of countries in the African region
- Enhance practical co-operation with de facto authorities in the region to tackle illegal immigration racketeering
• Enhance co-operation with NGOs in the region with the aim of running information campaigns on the destructive effects of trafficking in children
• Controls at airports in the neighbouring region by Airline Liaison Officers

MEDIUM AND LONG TERM MEASURES

Foreign Policy

• As a relative stability has been created in major areas The EU should consider how to encourage and support the emergence of regional administrations that are trying to rebuild an institutional framework and a form of local governance.
• EU member states should consider appropriate measures with the aim to try perpetrators of serious violations of international humanitarian law and of crimes against humanity and support the work carried out by the UN High Commissioner for Human Rights
• The EU should continue to meet the humanitarian needs of Somalia and should consider ways of supporting Somalis in achieving sustainable development of peace, stability and economic development
• Measures to promote tolerance and the protection of minority rights

Development

• Explore the potential for partnerships in development co-operation to strengthen peace building measure and, reduce conflict.
• Assisting Somalis in reconstruction of the civil society: logistics, legal and administrative capacity building; Demobilisation and reintegration of ex combatants, returnees and IDP's
• Contribute to reconstruction of schools, primary and secondary education, in all parts of the country

Migration

• Evaluate programs for return of failed asylum seekers /illegal immigrants and consider vocational training programs for the benefit of returnees and local communities
• Agree administrative arrangements with the de facto authorities for the return of failed asylum seekers /illegal immigrants
• Draw up a plan specifically targeted at a reduction in trafficking in children.
A. General introduction

Political situation

The Kingdom of Morocco is a Constitutional Monarchy. The Head of State and Spiritual Leader of the Nation is King Hassan II, who ascended the throne at the death of his father in February 1961. In the nineties, Morocco is experiencing a process of opening-up to ensure the continuity of the political regime by placing it on broader and institutionalised foundations.

A constitutional reform was adopted by referendum in September 1996. The reform introduced a two-House system, the House of Representatives, elected by universal direct suffrage and the House of Councillors, elected by indirect vote (municipal, labour and professional electoral college). The reform also established a decentralised State, especially through the region as an administrative body. The Region Act April 1997 divided the country into sixteen regions.

General elections in November 1997 brought a coalition of left-wing and centre parties into power, replacing the previous coalition of conservative powers. Prime Minister Abderraman Yussufi, socialist, submitted the new Cabinet to the King on February 1998, composed by members of seven political parties and independents appointed by the King (Foreign Affairs and Cooperation, Interior; Justice; Islamic Trusts and Affairs, Government Secretary-General and National Defence). The new government of alternation has committed to promoting economic development, modernisation of public administration, justice and health and promotion of human rights.

The attempts by the Prime Minister to fulfil the objectives proclaimed in the electoral programme and his statement to Parliament have come up against multiple difficulties that, more than a year after he came to office, prevent him from presenting concrete results to the public opinion in many areas. This explains the symptoms of discouragement that begin to be seen in precisely the segments of Moroccan society in which Yussufi's rise to power aroused the greatest expectations of change, and for whom the alternation seemed to open up the possibility of new solutions to the country's serious social and economic problems.

However, this statement can be qualified for two reasons: firstly, because the situation has been adversely affected by the problems of information policy that have beset government management, often preventing news about the Executive's work from reaching the people. This has happened in connection with matters requiring a solution (reform of the educational system, tax treatment for companies, reform of the justice system, alleviation of unemployment, the introduction of ethics into public life). Secondly, because the alternation Government has, in fact, achieved results in some fields. Budget Law for 1999-2000 is being prepared. Improvements have also been made in human rights field.
Morocco, which claims sovereignty over the Territory considers that the Western Sahara issue is one of its foreign policy priorities, with strong internal implications. Implementation of the Settlement Plan (the U.N. - designed framework within both, Morocco and the Polisario Front, are requested to put an end to their dispute) has been stalled due to the differences between the parties over identification and the list of eligible voters. After the recent proposals put forward by the UNSG, there is a hope that the implementation of the Plan may be resumed shortly with a view, as stated in the last UNSG report of 28 April 99, to hold the referendum by July 2000.

Economic situation

Morocco is a developing country with a "low average income". With a per capita income of US 1,110. The economic growth has been inferior in the last 22 years than the average in this group of developing countries.

The per capita income grew only at the rate of 1.8% per annum from 1956 to 1998 while the average for this group of countries was 2.2%. On the basis of its Human Development Index(HDI) Morocco was ranked 125 for 1998 according to the World Report on Human Development.

The Moroccan economy is relatively diversified (the services sector represents almost 50% of the GDP), although there is still a major farming sector that continues to employ 50% of the working population, albeit its proportion of the GDP has been reduced to 14%. Morocco, which is a member of the WTO, has in recent years undertaken a policy of adjustment and liberalisation. Now, after signing the Association Agreement with the EU (26-2-96), it is facing the challenge of proceeding further along this path with the objective of successfully becoming a member of the Euromediterranean free-trade area planned for the year 2010.

Morocco’s economic growth depends on some key sectors, namely agriculture and fishing (20% GDP), industry (17%) and services, especially trade and tourism (+30% GDP). GDP growth rate varies in connection with rainfall.

The Moroccan economy has, over the past few years, followed a zig-zagging course of ups and downs. Thus, in 1996 it grew by 11% in real terms and in 1997 it dropped by 2.5%, mainly on account of the sparse rainfall that reduced the grain harvest to a third of that obtained during the previous year. In 1998, the GDP rose by 7%.

One of the greatest weaknesses of the Moroccan economy is its foreign trade, as shown by its trade and current account deficits, and the weight of its foreign debt (more than 50% of GDP); debt repayment accounts for about 33% of the budget. In order to improve its negative balance, Rabat has promoted direct foreign investment (very much related to the privatisation of public enterprises) and in 1996 signed debt for equity agreements with Spain and France.
The economic policy has been successful in combatting inflation (2.8% in 1998, and 1.9% predicted for 1999). Control of public expenditure, however, continues to be problematical. For one passing reason or another, however (the 1996 drought, the 1997 electoral process, the arrival of a socialist government to power in 1998), or for structural reasons (the need to combat under-development and the social crisis), a degree of budget growth is maintained, especially by the parties concerned with social and development policies. An attempt has been made to counter-balance the increase in this expenditure by taking measures such as increasing the rate of privatisation of state enterprises, decreasing public investment not directly related to social policy, and stepping up the fight against tax fraud.

Morocco's social situation needs to be improved. World Bank in 1996 recommended a programme of social development through reforms of the educational, health and social security systems and rural development.

Indeed, of an estimated population of about 28 million, 17% of Morocco's working population is unemployed, 13% of its citizens live under the poverty threshold, and 55% are illiterate. Unemployment is specially high in the population's segment more sensitive to emigrate (official rate: 18% in 1997), 29.9% unemployed among population included within 15 to 24 years and 24.1% within 25 to 35 years.

Unemployment affects not only to unqualified youngsters but also to estimated 200,000 unemployed graduates and bachelors included. Moreover, its educational system suffers from serious ineffectiveness, its health structures are plagued with lack of resources, and a large part of its population has difficult access to essentials such as drinking water or electricity. This situation is a cause of social discontent that takes the form of protests such as that by unemployed diploma holders, culminating in an unauthorised demonstration on October 26 last. This was severely put down by the police, with the resulting loss of image for the Government.

Migration of Moroccan workers to foreign countries and in particular to the EU countries has a deep impact on the economy and society due to the important transfers comign from the migrants 'savings. Remittances from Moroccan citizens abroad are equivalent to 40% of the whole export value.

Human rights

Although the general situation of Human Rights in Morocco is, in general, better than in other countries within the Mahgreb region, improvements in this field still must be accomplished, especially in those areas concerning individual rights together with the respect for social and political freedoms. However, it must be taken into account that since the arrival of a new Government headed by Mr. Yussufi a new approach regarding these issues is under way which deserves support.
Moroccan authorities have taken several measures to improve the legal system in human rights matters. There is a political incentive by the government to improve the human rights situation including establishing links with international human rights organisations. In mid-October last year, the adoption of a number of measures was announced by the Chairman of the Advisory Council on Human Rights, including the freeing of 28 political detainees and recognition of the death of 50 persons until then merely known to have disappeared. To this is added the King’s wish to see the human rights’ dossier dealt with in a definitive way within six months. The Advisory Council for Human Rights has published a communique on 8 April 1999 on the situation of disappeared persons and has set up a commission to fix the corresponding compensations.

B. Statistical bases and initial situation

B.I.1. Nationals of Morocco in the EU Member States
(For statistical data on Morocco: see Annex I)

L’ensemble des Marocains résidents à l’étranger avoisine aujourd’hui 2 millions de personnes dont 80% se trouvent en Europe, 15% dans les pays arabes et 4% enfin en Amérique. Une partie négligeable (environ 1%) réside dans les autres pays.

Actuellement, le nombre de marocains vivant légalement en Europe est estimé à environ 1,6 million (France: 459788, Espagne: 140.896, Belgique, 137520, Pays-Bas: 135721, Italie: 120531).

(....)

Statistical data presented in Annex 1 show the following conclusions:

- Moroccan nationals in European Union Member States which have facilitated data are mostly living in France, Spain; with a remarkable increase in the last three years, Belgium, the Netherlands, Italy and Germany.

- Morocco is not an origin country for asylum seekers in last three years within the EU.

- Family reunification constitutes an increasing way to arrive to EU for Moroccan nationals.

- Repatriations figures of Moroccan nationals result of significance for Spain, as a neighbour country. Figures are also important for France.

- Visa issues in the last three years reflect an increasing demand of Moroccan nationals who wish to emigrate into the EU.
- Figures for refused entry of Moroccan citizens are high for Spain. 760836 cases were recorded in 1998.

- Moroccan students within the EU have increased their presence in last years, particularly in Germany, Belgium, Spain and France.

B.I.2. Third countries nationals transiting through Morocco

Statistical data included in Annex I show the following conclusions:

- Third countries nationals, mainly Algerians and Subsaharians, transiting through Morocco to the EU have considerably increased in last years with a tendency to increment.

- An important rate of these nationals are asylum-seekers although, with the exception of Algerians, are not granted with a refugee status.

- An important number of rejected asylum-seekers have been granted with a residence permit on humanitarian grounds.

- Difficulties rise to establish the proper nationality and country of origin in many of the African nationals.

B.II. Analysis of the causes of migration and flight

Maroc comme pays d’origine

L’émigration marocaine en Europe remonte à la période coloniale, mais comme un phénomène quantitativement limité et orienté quasi exclusivement vers la France.

A partir de la seconde moitié des années 60 se produit un changement décisif. Alors qu’ils étaient moins d’un millier par an avant 1.961, les émigrés marocains se comptent par dizaines de milliers au début des années 70. La France est la première destination de ces travailleurs, après la Belgique, les Pays-Bas et la République fédérale allemande.

A la fin des années 80, l’Espagne et l’Italie deviennent une nouvelle destination pour une migration elle aussi renouvelée, empruntant dans de nombreux cas des filières d’immigration clandestine.

Malgré les limitations imposées par les pays européens, les flux de migration n’ont toutefois jamais cessé et la population d’origine marocaine émigrée dans les pays de l’Union Européenne augmente constamment.
Actuellement, la dynamique migratoire au Maroc est devenue un processus complexe lié à plusieurs facteurs. Il serait utile tout d'abord de constater que les causes de la vague croissante de l'émigration des marocains vers l'Europe, qui atteint des proportions alarmantes, ne sont pas d'ordre politique, mais essentiellement socio-économiques, la jeunesse marocaine rêvant d'émigrer vers l'Europe, dû en partie au manque de perspectives claires de développement individuel.

Plusieurs motifs ont été invoqués à cet égard, dont on pourrait souligner 5 facteurs essentiels se renforçant mutuellement:

1. **Le facteur démographique** est un élément important dans la pression vers l'émigration. Le Maroc présente un taux de croissance démographique assez élevé. La population marocaine, actuellement de 27 millions, sera de plus de 34 millions en 2010. Même si les effets de la politique démographique initiée par le gouvernement marocain se font sentir et le taux de fécondité diminue, la croissance de la population se poursuivra dans les prochaines années et il y aura une grande pression dans la demande d'emploi sur le marché du travail interne.

2. **Le niveau du chômage** n'a cessé d'augmenter dans les dernières années, allant de 9% pendant les années 1.970 à 13% en 1.992 et à 18% (taux officiel) en 1.997. En plus, il y avait en 1.997 ·en milieu urbain 29,9% de personnes hors formation ou sans emploi. On estime à 200.000 les diplômés chômeurs, y compris les bacheliers. Par ailleurs, l'an 2020 se profilant à l'horizon, la population active marocaine serait de 15.568.000 impliquant une offre supplémentaire d'emploi de l'ordre de 400.000 par année, ce qui jouera sur le maintien d'une pression vers l'émigration.

3. **Le niveau de croissance économique** du pays reste faible et, de ce point de vue, les revenus des émigrés sont très importants pour le Maroc. Depuis le début des années 70, les revenus des émigrés marocains ont été considérés comme une importante source de devises étrangères, ayant déjà dépassé le tourisme et les phosphates (qui sont d'autres facteurs essentiels dans l'équilibre financier extérieur du pays). L'évolution du total des virements des émigrés marocains est monté de 989 millions de US $ en 1.980 à 1.890 millions de US $ en 1.995.

4. **Motifs sociaux et culturels.** La société marocaine présente une relative faiblesse dans quelques aspects sociaux et culturels, surtout en rapport avec l'image d'une Europe considérée comme un havre de prospérité où même les plus pauvres bénéficient de droits sociaux élémentaires inexistants dans les sociétés du Tiers-monde. Cette image est véhiculée d'une part par la télévision et d'autre part par les résidents marocains à l'étranger de retour au pays, où seulement 20% de la population jouit d'un système de sécurité sociale.

*Northern Region is one of the most underdeveloped area, showing a very high emigration rate. The Agency for the Promotion and the Social and Economic Development of Northern Prefectures and Provinces carries out positive initiatives with the European Union assistance.*
5. La communauté marocaine en Europe. Les marocains immigrés en Europe continuent à maintenir des liens étroits avec leurs familles au Maroc, subvenant d'une part à leurs besoins et essayant, d'autre part, de faire venir en Europe des parents ou des amis, parfois même par des voies illégales. De toutes façons, il y a un manque d'information et des estimations confuses de la part des citoyens marocains sur les conditions réelles de vie des travailleurs immigrés en Europe.

Foundation Hassan II, totally backed by the Moroccan authorities, carries out interesting projects and activities in favour of Moroccan community in Europe which deserve support.

Maroc comme pays de transit

Given the proximity of the European mainland, Morocco remain a transit country for migrants from other African countries. Several factors can be identified:

1. Poverty, famine, armed conflicts and the lack of work expectations in underdeveloped societies have impulsed last years an intense transit West African migration to Europe. Nationals from Nigeria, Mali, D.R. Congo, among others, have been recorded as illegally transiting through Morocco.

2. Easy access to enter in the country due to the fact that African nationals transiting Morocco benefits from visa exception on the side of Moroccan authorities.

3. There are a number of traffickers managing illegal migration networks profiting of the ignorance and credibility of potential candidates. Crossing the Strait of Gibraltar by small boats with associated risks has become a lucrative business.

L'aide à l'émigration clandestine et l'activité des passeurs sont réprimées por la loi au Maroc. Cependant, les interventions de la police contre les passeurs n'ont pas été traditionnellement très efficaces et sont rarement suivies de procès.

4. Finalement, le Maroc n'a mis en œuvre qu'avec beaucoup d'hésitation les accords bilatéraux concernant le rapatriement des immigrants clandestins qu'il a signé avec quelques pays de l'Union Européenne. Il a répondu avec beaucoup de réserve aux offres de coopération des pays membres de l'UE concernant la maîtrise du flux de l'émigration et le rapatriement des émigrés, non seulement pour des raisons économiques mais aussi pour des considérations de politique intérieure.
C. Country-by-country measures and actions

I. Rundown of existing bilateral measures and actions

Relationships between all Member States and Morocco are, in general terms, excellent. A summary of bilateral measures and actions in the area of politics, economics, development cooperation and Justice and Home Affairs is presented in Annex II.

II. Rundown of existing Community measures and actions

1. Politics (conflict resolution, peace making/keeping, promotion of respect for human rights, democratic institutions, rule of law, judicial capacity-building, etc.)

Il existe au Maroc une Délégation de la Commission Européenne, située à Rabat.

Tous les État-membres de l’UE ont une mission diplomatique au Maroc sauf le Luxembourg et l’Irlande.

Les contacts diplomatiques réguliers sont maintenus avec le Maroc à travers les Chefs de Mission et à travers des “démarches diplomatiques” de la Troïka périodiques sur des questions spécifiques.


2. Economics

Le Maroc a conclu des accords commerciaux de type classique avec un certain nombre de pays développés et en développement. Ces accords prévoient le traitement de la Nation la Plus Favorisée et ne confèrent aucun avantage tarifaire. Ces accords sont signés avec quarante pays dont 12 européens, 11 africains, 8 asiatiques, 5 américains et 5 pays arabes.

Accords préférentiels bilatéraux et régionaux
(1) Accord d’Association Maroc - Union Européenne

Ainsi, au niveau de l'industrie, l'Accord prévoit l'élimination progressive sur une période de 12 ans de tous les droits de douane et taxes d'effet équivalent pour les produits originaires de l'Union Européenne.

Dans le domaine agricole, la libéralisation des échanges sera progressivement mise en œuvre entre la Communauté et le Maroc jusqu'au 1er janvier 2001. L'Accord prévoit l'amélioration des préférences en faveur du Maroc pour un certain nombre de produits agricoles notamment les tomates, les agrumes, les pommes de terre primeurs et les fleurs coupées. De nouvelles concessions réciproques seront négociées après 2001.

Concernant les produits de la pêche, l'Accord prévoit le libre accès, dès 1999, des conserves de sardines marocaines au marché de l'UE, sachant que les autres produits de la pêche bénéficient du libre accès à la communauté depuis 1976.

L'Accord d'Association stipule également une large coopération dans les domaines économique, financier, technique, social et culturel. L'accord prévoit aussi une dialogue politique portant sur tous les sujets présentant un intérêt commun pour les deux parties la coopération sociale portant sur la circulation et l'intégration des travailleurs originaires du territoire d'une partie, sur le territoire de l'autre partie.

(2) Programme MEDA

Dans le système MEDA, les ressources financières font l'objet d'une programmation : des programmes indicatifs nationaux de trois ans sont élaborés en concertation avec le Gouvernement pour ce qui est de la voie bilatérale, et un programme indicatif régional couvre les activités multilatérales.

Les grandes orientations du programme MEDA pour le Maroc se traduisent par un changement significatif dans le volume et dans la répartition des fonds de coopération. Estimés à titre indicatif à 450 millions d’écus en fonds budgétaires (soit environ 5 milliards de Dirhams) pour la période 1996-1998, les financements sont répartis selon deux axes principaux :

- l'appui au processus de transition économique (61 % des fonds programmés) ; il s'agit pour l'essentiel de projets de mise à niveau de l'économie marocaine, de formation professionnelle et de soutien au programme d'ajustement structurel ;
l'appui à un meilleur équilibre socio-économique (39 % des fonds programmés), par le biais d'actions portant notamment sur l'eau, le développement rural intégré, l'éducation, la santé et l'aide à la société civile.

(3) Déclaration de libre échange avec les pays de l'AELE
Dans ce nouveau contexte, le cadre juridique des relations entre le Maroc et les pays de l'AELE est en cours de redéfinition avec la signature à Zermatt en décembre 1995 d'une déclaration de coopération visant, entre autres la conclusion d'un accord de libre échange

(4) Autres Accords Cadre sur le Commerce et l'investissement (TIF A)
L'Accord Cadre sur le Commerce et l'Investissement (TIF A) a été signé en mars 1995 entre le Maroc et les Etats-Unis et ratifié en mai 1995.

(5) Accords conclus dans le cadre de la coopération inter-arabe et inter-africaine
Le Maroc a signé des conventions commerciales et tarifaires bilatérales avec les pays du Maghreb, avec certains pays arabes (Jordanie, Irak, Arabie Saoudite, Soudan et Égypte) et certains pays africains (Sénégal et Guinée).

(6) Déclaration de libre échange avec la Tunisie
La nouvelle convention commerciale et tarifaire a été signée entre le Maroc et la Tunisie le 28 novembre 1996.

2. Accords multilatéraux

Pour atteindre son objectif de croissance, et compte tenu de la relative exiguïté de son marché intérieur, le Maroc cherche à consolider sa présence tant au plan régional qu'international et à intégrer son économie à l'économie mondiale. C'est pourquoi, le Maroc a adhéré à un nombre important d'accords multilatéraux relatifs au commerce et à l'investissement dont essentiellement:

Les Accords de l'Organisation Mondiale du Commerce (OMC)
Le 8 mars 1985, le Maroc a présenté officiellement sa demande d'adhésion au GATT et a signé un protocole d'accession le 18 mai 1987, qui est entré en vigueur le 17 juin 1987. Le Maroc avait signé le 15 avril 1994 à Marrakech l'acte final de l'Uruguay Round ainsi que l'accord portant sur la création de l'OMC.
Le Système Global des Préférences Commerciales (SGPC)
Le deuxième round relatif au SGPC a été officiellement lancé le 22 juillet 1992 à Genève
conformément à la déclaration adoptée par les ministres du groupe des 77 à Téhéran en
novembre 1991. Les discussions de ce second cycle se poursuivent.

La Convention de Washington relative au règlement des différends en matière
d'investissements

L'Agence Multilatérale de Garantie des Investissements (MIGA)
La procédure d'adhésion du Maroc au MIGA a été entamée par la signature de la convention le 11
avril 1986. La loi approuvant le principe de sa ratification a été adoptée par la Chambre des
Représentants le 13 avril 1988 et présentée au Sceau Royal.

Traité instituant l'Union du Maghreb Arabe
Ce traité a été signé le 17 février 1989. Il a notamment pour objectif d'assurer progressivement la
libre circulation des personnes, des biens, des services et des capitaux et d'adopter une politique
commune dans divers domaines.

Accord de coopération inter-arabe
Le cadre juridique de la coopération inter-arabe est la convention de facilitation et de
Conseil économique et social de la Ligue Arabe, en marge des travaux de la 58ème session de
septembre 1996, s'est référé à ladite convention dans la perspective de la création d'une zone arabe
de libre-échange, à l'instar des zones de libre-échange existantes.

3. Development cooperation

Le volet coopération technique et financier de l'Accord d'Association UE-Maroc s'inscrit dans le
cadre du Programme MEDA. Le Programme Indicatif pour le Maroc (454,48 MECUS entre 1996
et 1998), prévoit d'une part la coopération dans le domaine de la transition économique (appui aux
réformes économiques, appui aux entreprises et actions de mise à niveau, actions de formation et le
développement des capitaux à risques...) et d'autre part, des actions d'appui à un meilleur équilibre
socio-économique (développement rural, éducation de base, santé...). Voir tableau en annexe.

4. Humanitarian aid

Il n'y a pas d'interventions humanitaires à signaler en 1998.
5. Justice and Home Affairs measures

The Euro-Mediterranean Association Agreement contains a joint declaration on readmission. In addition, a reference to illegal immigration is included in the chapter on social dialogue (art. 69). The Parties agreed to adopt provisions and appropriate measures for the re-admission of their own nationals bi-laterally.

Morocco is on the list of third countries whose nationals must be in possession of a visa when crossing the external borders of the EU Member States (Council Regulation 2317/95)

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

International Organization for Migrations (IOM)

Morocco has just come on board as the first Maghreb State to hold membership status in OIM. In joining, the Government of Morocco made it clear that it wanted IOM assistance in more serious and concerted approach to managing migration. The Government of Morocco approved recently two IOM’s projects on cooperation namely: Migrants Information Campaign (MIC) and Migration Information Management System (MIMS).

The MIC aims at raising the awareness of potential migrants from Morocco with regards to the risks and consequences of undocumented migration. Objective information will be provided to choice on migration options. The campaign will consist of weekly radio broadcasts, TV documentaries, print media and informal discussion tours adapted to local environments. MIC is encouraged and financially supported by the Government of Spain.

The MIMS aims to strengthen through capacity building the institutional and technical capabilities of the Government of Morocco in order to address the orderly aspects of their migration management regime by establishing effective data gathering and information dissemination mechanisms. This will result in contributions toward both establishing an integrated management information system and strengthening the national operational capacities on migration. The project will target the dissemination of information to migrants and potential emigrants, policy and decision-makers, and agencies and entities dealing with migration.

Other projects are of the interest of the Government of Morocco, concerning the return of ex-students from Eastern Europe, the regularization of temporary work in Europe, the return of Moroccan with professional and technical qualifications, return programmes that provide economic opportunities (for example through microcredits) and sustainable measures to channel remittances.
D. Assessment of the state of play

Morocco can be considered as an origin and transit country of economic migrants towards European countries in a continuous flow that began in the sixties. Its emigration figures are currently the highest among Maghreb countries. Morocco has also the strongest migration potential because of four essential, and mutually enhancing factors: the rate of growth of its active population; the prevalence of high levels of unemployment and underemployment among its active population; weaknesses in the social and cultural aspects of the society; slow growth rate and economic stagnation.

It must be distinguished among different types of migrations and movements of persons. As the Barcelona Declaration states, it is necessary to promote exchange of persons, as migrations are a source of development and social progress, as well in the receiving country as in the origin country.

At the same time, it is necessary to combat illegal migration, organised by mafias, which poses serious problems to migrants who risk their lives and are exposed to repatriations because of their clandestine stay. Origin countries lose on an uncontrolled manner human resources for their development. Receiving countries face the need to reinforce police services, organised crime by mafias increases and risk of xenophobia appears.

Clandestine immigration of Moroccan nationals has increased in the last years as shown in statistics, although figures are uncompleted for some countries. Arrivals by maritime routes with the aid of criminal organisations to southern EU countries mean a matter of concern. The arrival and stay of growing numbers of illegal Moroccan migrants may negatively influence the process of integration of legal Moroccan migrants.

Moroccan asylum-seekers represent a very low proportion in EU Member States and recognition rates are not significant compared to other Magreb countries.

Clandestine migration transiting through Morocco to Europe, mainly from West African region, without entry visa to Morocco or undocumented, pose a new challenge. Serious political situation in Algeria has opened a page of uncertainty which may increase emigration pressures. In most cases, readmission demands are denied by Moroccan authorities arguing that there was no proof that these people had transited through the country.
E. Action required by the Community/Union

Morocco as origin migration country

Foreign Policy

- In line with the Barcelona Declaration, it is recommended that EU strengthens to cooperation with Morocco to manage migratory movements. In this framework, the EU should promote, with the involvement of migrants communities in the EU, the voluntary return through repatriation agreements, reintegration programmes and financial schemes in order to give a real incentive to return voluntarily and to assist such persons to reintegrate, in a lasting way, in economic and social respect.

Development

- More attention to be paid to the effects of trade liberalisation and the effects of free trade zones on the employment market, and how to promote foreign direct investments and the relocation of European entreprises to Morocco, in order to foster economic growth.

- Initiatives within the framework of the existing development cooperation which could help to reduce migration pressure in the medium and long term such as:

  - Training, especially vocational training and retraining, as well as facilitating self employment as priorities in employment policies. Within these policies women, the youth and newcomers on the labour market should get special attention

  - Promotion of local development e.g. promotion of small scale enterprises in regions with high migration pressure to be part of economic strategies geared at employment creation. Migrants including returnees interested in setting up bussinesses in their country of origin to be part in the target group of such programmes.

In this context, special attention to be paid to initiatives carried out by the Agency for the Promotion and the Social and Economic Development of Northern Prefectures and Provinces, with the European Union assistance.
Migration

Short-term measures

- Encouragement the collaboration EU-EC with Morocco to deal with the return and readmission of Moroccan nationals who have entered the territory of the European Union illegally. The return migration policy should be regarded as an integrated part of the overall migration policy.

Medium- and long-term measures

- Management of migratory movements in receiving countries in order to reach to a better integration. Role of experienced institutions like Foundation Hassan II to be considered.

- Appraisal the conclusion and strengthening of agreements between the EU Member States and Morocco on temporary work for Moroccan nationals.

Morocco as origin and transit migration country

Migration

Short-term measures

- Establishment of a permanent dialogue EU-Morocco, with the competent Moroccan authorities and institutions, on the overall migration issue, continuing the useful contacts established in the occasion of the EU mission to Rabat, 2-4 June 1999.

- Production and dissemination of comparable statistical data both in the European countries as well as in Morocco itself in order to get a better understanding of the importance and development of the migration from and through Morocco.

- Promotion of comprehensive studies and hold seminars on trends and causes of Moroccan migration dynamics.

- Organisation of information campaigns through Moroccan mass media focused on potential migrants to advice on migration options and the consequences of mafia trafficking and undocumented migration; as IOM, together with the Spanish Government, is currently preparing an information campaign in Morocco, possibilities of charging IOM also with the organisation of the EU information campaign should be examined in order to usefully utilise IOM's expertise in this area.
- Strategies to combat illegal trafficking to include early detection of false documents.

Medium- and long- term measures

- Fight against criminal trafficking networks, including its links with drug-trafficking; by enforcing measures to improve border control, police cooperation on the identification and detection of networks and confiscation of their proceeds and by technical and financial support to Morocco.

- Measures for combating unsafe practices associated with the trafficking or transport of illegal migrants by sea, as recommended by the International Maritime Organization.

- Promotion of readmission agreements concerned with Moroccan nationals who have entered illegally the territory of the European Union, refused Moroccan asylum-seekers and third countries citizens who has entered the territory of the European Union illegally after transiting through Morocco; promotion of measures aimed at assuring the effective implementation of existing readmission agreements.

Morocco as transit migration country

Migration

Short- term measures

- Visa requirements by Morocco to third countries, especially those of West Africa region (Nigeria, Senegal, Mali, D.R. Congo...), and proper measures to be adopted by Moroccan authorities, to prevent aliens' illegal migration transiting through Morocco.

- CIREA/ CIREFI should be given the task of compiling a report concerning the numbers, nationalities, destinations and "modus operandi" of third country nationals transiting Morocco to Europe. The report should also describe and evaluate the measures taken by Morocco to prevent this traffic.

Budget Lines

Funding for measures included in Section E may be available from existing budget lines. There are a number of different sources of funding within Community budgets but these are for specifically defined purposes. If these purposes do not match the requirements for implementation of the Actions Plan it will be for Ministers to consider whether these should be changes of emphasis in spending priorities.
A. General Introduction

Political situation:

Saddam Hussein has ruled Iraq since 1979. He relies on an omnipresent security regime with party, family and clan ties. Despite the steadily deteriorating living standards in Iraq, Saddam Hussein's control has not been seriously undermined. Apart from this deteriorating leaving conditions, the Iraqi population simply will not try to actively remove the well organised regime in Baghdad, as this would imply enormous risks in terms of further oppression and prosecution.

Northern Iraq is not under the control of the central government in Baghdad. It is largely administered as an autonomous region by the two Kurdish groups (KDP - Democratic Party of Kurdistan and the PUK - Patriotic Union of Kurdistan). After American mediation the leaders of the KDP (Massoud Barzani) and the PUK (Jalal Talabani) agreed to settle their conflict. They signed a peace agreement in Washington on 17 September 1998 in which they accepted the territorial integrity within the internationally recognised borders of Iraq including the northern provinces settled by the Kurds. Full implementation of this agreement, however, must still be achieved. Within northern Iraq there is also a continued arm presence of PKK (Kurdish Workers Party). This presence regularly leads to controversies with the Iraqi-Kurdish Party and has on a number of occasions led to direct arm interventions by the Turkish military in the area.

Iraq's domestic politics is largely marked by the country's ethnic, religious and social heterogeneity. Shiite Arabs form the majority; the Sunnite Kurds of northern Iraq have been in conflict with the Arabs in the region for many centuries. Loyalty belongs first and foremost to the ethnic group, clan and family. The regime is dominated by Sunnite Arabs. It represents a minority. It enforces its will by brutal centralism.

Iraq is a totalitarian state with no separation of powers. The Revolutionary Command Council has both legislative and executive powers. Parliament has no political power. Cabinet depends for all major decisions on Saddam Hussein and his Office. Principles of the rule of law and fundamental political rights are not observed.

Security forces in government controlled Iraq frequently act outside police regulations. They proceed arbitrarily and with excessive brutality. Extrajudicial detentions and executions are the order of the day. The UN Special Rapporteur estimates that there were a total of 2500 cases of summary, arbitrary or extrajudicial executions on political grounds during 1998. In many parts of Iraq an atmosphere of fear prevails.
Iraqi opposition is fragmented and largely active in or from exile. It is difficult to assess the extent of its support inside Iraq. There is no single personality known who could lead the opposition and eventually govern Iraq with widespread support. Many of the various opposition groups state that they wish to see a united, democratic, pluralistic government in Baghdad. There is no guarantee, of course, that these aims would be realised if the groups came to power.

Members of the elite have, so far as possible, largely left the country. Brain drain from Iraqi universities and schools to neighbouring Jordan, other Arab countries and elsewhere is a grave problem. The embargo has hit schools and universities. There is a shortage of paper, teaching material, textbooks, and foreign publications. Iraqi students have almost no access to international publications.

Since the end of the Gulf War two no fly zones have been established: one in Northern Iraq to protect the Kurdish, Turkamen and Assyrian minorities and one in Southern Iraq to protect the mainly Shiite Community. Since the military action against Iraq in December 1998 Iraq has repeatedly violated the no fly zones.

**Economic situation:**

Iraq possesses the second largest oil deposits in the world (10% of the known oil reserves world-wide). Nevertheless, Iraq's GDP has shrunk to the level of the 1940s since the comprehensive sanctions regime was imposed by the UN Security Council in 1990. Since then, Iraq has developed a war economy, whose collapse is not in sight. Due to its immense foreign debts, reparation demands and reconstruction needs, Iraq will remain a developing country for a long time.

Since the comprehensive sanctions regime was imposed by the UN Security Council in 1990, the Iraqi GDP has fallen to approximately 18% of the pre-war level. The per-capita GDP is approximately 500 US dollars per annum.

Within the framework of the implementation of the "oil for food" agreement, in effect since December 1996, which allows Iraq to export oil and oil products totalling 5.3 billion US dollars every 6 months to finance purchases of humanitarian goods. Since the implementation of the programme goods valued approximately US$ 3.5 billion had arrived in Iraq until March 1999. Nevertheless, the supply situation of the civilian population has only slightly improved. Conditions continue to be depressing.
Phase 5 of the "oil for food" programme began in December 1998. It has been hit even more adversely than the previous phase by low oil prices, limiting the funds available for purchasing humanitarian goods. Logistical and organisational problems, are often preventing distribution. Key areas of the infrastructure (water and power supplies) are continuing to deteriorate affecting particularly Baghdad. The Iraqi government refused to engage constructively. The UN Secretary General recommended the government of Iraq to utilise the resources available to ensure the efficient distribution of goods. However, the adoption of the oil for food programme has played an important role in averting major food shortages in Iraq and to a considerable extent has helped to alleviate the health situation, especially in the North.

Foreign debt amounts to 120 billion US dollars. Reparation demands total 220 billion US dollars. The cost of reconstruction is estimated at approximately 124 billion US dollars. All this is an obstacle to Iraq's hope for increased oil export revenues after the lifting of the embargo.

Living standards in northern Iraq are better than in the rest of the country. KDP areas receive supplies mainly from Turkey, PUK areas from Iran, including embargoed goods. There are in addition humanitarian supplies within the framework of UN Res. 986 and NGO support. Medical facilities in northern Iraq are in a far better condition than in areas under Baghdad's control. However, a large part of the Kurdish population is living on subsistence economy, smuggling and food rations.

There is uncertainty among the Kurdish population about the political future of northern Iraq. Earlier attempts by KDP and PUK to develop joint Kurdish administrative structures have failed so far. Emigration pressure among Iraqi Kurds principally results from political, legal and economic uncertainty.

**Human rights situation:**

The Iraqi constitution formally guarantees the protection of human rights, personal liberty and legal protection. Iraq has ratified the major international human rights conventions. Nevertheless, the human rights situation is alarming. The Iraqi regime enforces its political objectives ruthlessly. Basic human rights standards are not applied. The regime has effectively eliminated the civil rights of life, liberty, physical integrity, and the freedoms of thought, expression, association and assembly; the rights of political participation have been flouted. For further details see the latest Report of the UN Special Rapporteur, Mr. Max van der Stoel, "Situation of human rights in Iraq", 26 February 1999. Report of Human Rights Commission

Compared to the situation in other Arab countries, women in Iraq can be regarded as largely emancipated.

Religion alone is not a cause of persecution. Religious communities enjoy a relatively high degree of tolerance that stems from the originally secular nationalism of the Baath movement.
Despite this traditional position and despite legal protection of sectarian equality, the regime has in recent years repressed the shi'a community including the clergy.

**B.II. Analysis of the causes of flight and migration**

During 1990-1998, Germany received the largest number of Iraqi asylum-seekers, some 46,400 or 30% of the total number of Iraqi asylum applications submitted, followed by the Netherlands (32,700 or 21%), Sweden (21,600 or 14%), Greece (12,800 or 8%) and Austria (9,300 or 6%).

In 1998, the Netherlands received 24% of all Iraqi asylum applications, followed by Germany (22%, excluding re-opened applications) and Sweden (11%).

**Summary of the main reasons for migration and flight:**

The main reasons for migration and flight from Iraq are the alarming human rights situation, the catastrophic humanitarian situation, lack of prospect of a political change, isolation from the outside world, uncertainty as to when the sanctions regime will be eased or lifted and the dismal economic perspective. Although the Christian community traditionally enjoys a relatively high degree of tolerance some of its members choose to leave the country as they fear the possibility of further islamisation of Iraqi society.

Additionally, the predominant Kurdish population in northern Iraq is doubtful about the success of the internal Kurdish reconciliation process and the political future (autonomy) of northern Iraq.

The Northern Iraq region can be seen as internal flight alternative for those who fear persecution at the hands of the regime in Baghdad, except in the case of specified at-risk groups and after a case-by-case assessment. UNHCR takes the view that for the purposes of an internal flight alternative account needs to be taken of existing family, political or community ties. Its position is that PUK and KDP supporters have a flight alternative in the area controlled by their party. For further details concerning the UNHCR position see .........

**C.I. Review of existing bilateral measures and actions (see Annex)**

**C.II. Rundown of existing Community/Union measures and actions**

1) **EU Action Plan on the influx of migrants from Iraq and the neighbouring region**

The General Affairs Council has adopted the Action Plan on Iraq and the neighbouring regions on 26 January 1998. All strategic points in this Action Plan which have not yet been implemented, are linked to relations with third countries, in particular Turkey. At its meeting held on 26/27 March 1998, the K.4 Committee agreed in principle to action being taken, in consultation with UNHCR where relevant, in the following areas to implement the remit in the Action Plan in relation to Turkey:
i. examine means of support to assist Turkey in the improvement of conditions for detaining illegal immigrants prior to removal;

ii. exchange of experience on removals to Bangladesh and Pakistan, consulting the International Organisation for Migration as appropriate;

iii. exchange of experiences on formulation of laws on illegal immigration;

iv. examine scope for exchange of expertise on the detention of false documents, including possible technical assistance and Community funding;

v. ensure feedback to Turkey on operational information involving illegal immigration, in particular where trafficking is involved;

vi. liaise with UNHCR in examining ways of ensuring the proper screening of asylum-seekers, and consider means of assistance for this purpose, in particular, by providing training to Turkish border police in the screening of asylum-seekers.

The K.4 Committee agreed that the following Member States should take the ‘lead’ in relation to each action point: Italy for point (i.) (to be confirmed), the United Kingdom for point (ii.), Belgium for point (iii.), Germany for point (iv.), the Netherlands for point (v.) and Austria for point (vi.). On 10 December 1998, the six specific points were discussed between the Chairman of the K.4 Committee, who was accompanied by representatives of the Commission and of the Council Secretariat, and the Turkish authorities in Ankara. The result has been that so far no substantial progress has been made.

Accordingly, the Council Secretariat in a survey of 12 March 1999 on the implementation of the EU Action Plan on Iraq stated that additional impetus should be given to this key part of the Action Plan. As to (vi.), seminars are planned for Turkish officials in order to improve proper screening of asylum-seekers. The training will be led by Austria and supported by Germany. UNHCR will also assist in this project, which is financed within the EU-Odysseus programme. At a meeting of Turkish, Austrian and German representatives, which took place in Ankara on 4 May 1999, it was agreed, that five seminars for 20 participants each would be held in summer and autumn 1999. The target group for these seminars will be Turkish police officers, who are responsible for first interviews with asylum seekers. Additionally, Austria will make a presentation on its asylum system for 10 Turkish officials in a one-week seminar in Vienna.

2. Rundown of existing Community measures and actions

1. Politics

Like EU Member States and other countries, the Community’s relation with Iraq is governed by Iraq’s compliance with various resolutions adopted by UN Security Council since the Gulf Crisis in 1990. The resolutions include calls for respect of human rights and stop of any violations. In this respect, the EU Parliament and Council of Ministers have issued a number of resolutions and declarations over the years calling for peaceful solutions to the conflict and respect of human rights and rule of law. The latest is Council of Ministers’ resolution of 25 January 1999 and the EU Parliament resolutions B4-0044,0059 and 0079 of 14 January 1999.

2. EC Relations with Iraq

The EC does not and never did have any contractual relations with Iraq. There is no official contact or dialogue between the EC and the Iraqi Government. Neither does the Commission have a delegation in Baghdad, nor is Iraq formally covered by any other Commission Delegation in the region. However, an Iraqi diplomatic mission, headed by a Chargé d’affaires, is accredited to the EC.

Given the lack of contractual relations and the lack of unity among Member States concerning the policy lines to be followed with regard to Iraq, the EC has since 1991 usually kept a low political profile. Its role is largely limited to implementing the UN Security Council sanctions against Iraq and emphasises that full Iraqi compliance with relevant resolutions is a prerequisite to any re-consideration of the present state of affairs. Unlike some Member States, the Commission has neither organised nor taken part in trade fairs or economic co-operation activities in or for Iraq. In the humanitarian field, the Community has gained some prominence in Iraq. ECHO decided to open an office in Baghdad in 1997. However, limitations imposed by the Iraqi authorities on the small group of European NGOs authorised to work in southern and central Iraq makes it very difficult to maintain or even extend this somewhat high profile.

3. Economics

Given the sanction regime against Iraq enforced by UN since 1990, any co-operation in the economic field has to be done within this framework and has basically been limited to answering export inquiries in connection with the implementation of the oil-for-food facility.
4. Humanitarian Aid

Since the end of the Gulf War in 1991, the EC has been the major donor of humanitarian aid to Iraq, with 244 million ECU. Following the visit of the Commissioner, Mme Bonino to Iraq in August 1997, it was confirmed that humanitarian needs are greater in the Government of Iraq (GOI) controlled areas of the centre and south (pop. Mio 19, Baghdad Mio 4) than in the Kurdish controlled areas of the north of the country (pop. Mio 3). It was expected that with the full implementation of the oil-for-food deal, humanitarian aid should in principle be provided in the future without recourse to outside assistance. However, implementation of the deal has been slow in getting underway and has been hampered by a lack of revenue due to low world oil prices and the refusal to allow sufficient rehabilitation of the Iraqi oil production facilities to enable increased production to compensate.

ECHO's current criterion for establishing priorities is to provide actions complementary to the oil-for-food deal in favour of the most vulnerable, concentrating on topical sectors where it would remain useful and cost-effective. In particular, compensation for the lack of “cash assistance” in the centre and south continues to provide this opportunity for the sector of water and sanitation.

A further allocation of € 10 million EURO covering the period January-October 1998 was approved by the Commission on 16.02.98. It focused on support for malnourished children, assistance to victims of landmines, renovation of water supplies, and the rehabilitation of hospitals, water and sanitation services. There was also support for children in special institutions for the handicapped and orphans. In order to reinforce its capacity, ECHO proceeded to engage a field correspondent for Baghdad to co-ordinate ECHO projects and monitor local developments in the humanitarian situation in Iraq. The Correspondent took up his post in Baghdad at the end of April. Correspondingly, the ECHO office in the North of Iraq was closed. On the 6 June, the Iraqi Council of Ministers announced that humanitarian aid from abroad would no longer be accepted. This decision did not apply to the oil-for-food programme. A decision of the presidential office authorised only seven NGOs to operate in Iraq: IFRC, Middle East Council of Churches, Care, Enfants du Monde, Premiere Urgence, Ponte per Baghdad and Voice in the Wilderness. This decision caused considerable delays in implementation and as a result most contracts under this decision have been extended until the end of 1998/beginning of 1999. Furthermore the ECHO Correspondent was not granted renewed access to Iraq from July 1998 until the beginning of this year and was withdrawn to Jordan. He has since received his visa and has recently carried out a mission to co-ordinate ECHO projects and monitor local developments in the humanitarian situation in Iraq.
ECHO's latest decision of 4 million EURO, adopted by the European Commission on 11.12.1998, covers activities until June 1999 (coinciding with the end of the current phase of oil-for-food) and continues to focus on: support for the renovation of water supplies, the rehabilitation of hospitals, assistance for children in special institutions for the handicapped, orphans and street children as well as assistance to IDPs in both the North and the Centre and South.

Two small actions have been undertaken by ECHO as a result of "Operation desert fox": the rehabilitation of the Sadam General Hospital of Medical City, Baghdad and the allocation of medical kits to three hospitals in Baghdad.

As regards the IDP sector, the influx of returnees from Iran and displaced from the Kirkuk Governorate continues. ECHO continues to provide further support to the current integrated action throughout the north, oriented towards promoting self sufficiency. The operation addresses not only housing and emergency relief supplies but also contribute to the creation of an income generating project for female IDPs, specific assistance to children of IDP: (schooling, health and social conditions), basic community health programme for IDPs and confidence building measures. Further to an initial request of Mr. Dennis Halliday, concerning the plight of IDP in the south of Iraq, ECHO has now begun to rehabilitate IDP housing in Basrah.

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

D. Assessment of the review

Under the prevailing conditions many Iraqis would like to leave Iraq. The vast majority of Iraqis see no future for themselves whatsoever. A fundamental improvement in the situation of the Iraqi civilian population, including the Kurds, is not in sight. The country's formerly broad middle class is impoverished and resigned. Fleeing abroad to many seems to be the only way out.

Repression by the central government in Baghdad has limited migration from the regions under its control. The regime tries to halt the exodus, particularly of groups and elites vital for the economy by a range of restrictive measures (e.g. exit taxes, passport restrictions, prohibition to leave). Migration from the autonomous Kurdish areas is easier. A significant proportion of those leaving the Kurdish area head for Europe, of whom many use Turkey as country of transit.

There is political contact between some Member States and the Iraqi Government and there are contacts with the Kurdish administration in Northern Iraq.
The General Affairs Council on 25 January 1999 welcomed the fact that the situation in Iraq has been discussed in the Security Council on the basis of the initiatives by Members of the UN Security Council to reach agreement on the way forward on Iraq. Lasting security and stability in the region, as well as the living conditions of the Iraqi people, are the prime considerations that must guide the Council’s action. The General Affairs Council discussed the possibility of an EU initiative aimed at enhancing the role of EU in efforts to improve the humanitarian situation in Iraq. The Council looked forward to the future reintegration of Iraq into the international Community and a more prosperous and dignified life for the Iraqis civilian population. The Council reaffirms that Iraq must fully comply with its obligations as provided for in the relevant Security Council resolution and calls on the Government of Iraq to cooperate to that end.

E. Proposals for measures by the Community

I. Further implementation of the EU Action Plan on the influx of migrants from Iraq and the neighbouring region

As Turkey, because of its geographical situation, plays a prominent role as a transit country for illegal migration it was appreciated that the K.4 Committee started a dialogue with Turkey in order to implement the EU Action Plan on Iraq of 26 January 1998.

- The Strategic Committee should continue the dialogue with Turkey and thus give a new impetus to the implementation of the action points described in 6938/2/98 ASIM 78 REV 2 under (i.) to (vi.) (see Chapter CIII).

- Develop a common strategy to cope with Iraqi asylum-seekers under Article 1F of the Geneva Convention. Within this framework information should be shared amongst EU Member States.

II. Proposals of UNHCR concerning the improvement of the reception of asylum seekers in Turkey (“Measures to address the problem of Iraqi refugees in the Iraqi neighbouring countries”, June 1999) should be examined and adequately supported

III. Additional measures and actions

Iraq as a whole

- recommend to the Council to continue to discuss the situation in Iraq and the possibility of EU initiatives.

- Continuation of ECHO programme.

- Look into further possibilities of providing humanitarian assistance.
- Dialogue with the Iraqi elites in the academic and cultural spheres and cooperation between universities.

- An update of existing information on migratory movement from Iraq is necessary to develop efficient policies against illegal migration from Iraq.

Northern Iraq

- EU should negotiate a transit agreement with Turkey which would allow Member States to reintroduce rejected Iraqi asylum-seekers into northern Iraq.

**Stabilisation of the reconciliation process and improvement of economic conditions:**

**Support for the reconciliation and democratisation process:**

- Encouragement of the KDP/PUK to continue the reconciliation and support for the implementation of the UNSC resolution 688.

- Stimulation of democratic process.

- Appropriate monitoring of regional parliamentary elections.

**Economic development:**

- Implementation of economic and infrastructure and job development programmes.

**Stabilisation of the security situation:**

- Dialogue with Turkey.

- Access of NGOs to Northern Iraq.
ANNEX

Germany:

Politics

Political relations between Germany and Iraq have been very low-level since the Gulf War. Diplomatic relations still exist but our Embassy in Baghdad has not been occupied since the staff was evacuated on security grounds in January 1991. Iraq has an Embassy in Bonn which formally continues to have an ambassador accreditation and is headed by a chargé d'affaires. Since March 1996 we have had an Iraqi observer at our Embassy in Amman who travels to Iraq at regular intervals and has contacts in the Iraqi Foreign Ministry at head of division level. Establishing contacts with Iraqi decision-makers is not part of his remit. Former Federal Foreign Minister Kinkel met the Iraqi Foreign Minister Al Sahaf in 1995 and 1998, on both occasions during the UN General Assembly. Since the Gulf War there have been no delegation visits to Iraq involving the Federal Foreign Office.

Germany has contacts at working level with the representatives in Germany of the Kurdish parties KDP/PUK.

Economy

Economic relations with Iraq are minimal as a result of the UN embargo. German exports to Iraq, which in 1990 still had a volume of approximately 1.2 billion German marks, totalled a mere 15 million German marks in 1996 (mainly relief supplies in line with UN sanctions).

Development cooperation

There is no development cooperation with Iraq.

The Netherlands:

Politics

Diplomatic relations between the Netherlands and Iraq have been on a low-level since the Gulf War. Diplomatic relations still exist. The Dutch Embassy in Baghdad has not been staffed since withdrawal of the staff in January 1991. Iraq has an embassy in The Hague that is headed by a chargé d'affaires. Dutch Embassy staff in Amman have regular contact with the Iraqi Foreign Ministry at working level.

Economy

Economic relations with Iraq are minimal as a result of the UN embargo. In 1997 the Netherlands exported food, livestock, chemicals, etc. to Iraq for a total of Dfl. 24.500.000,–. Import (oil) totalled more than Dfl. 300.000.000,–.
Development cooperation

Development co-operation: in 1998 the Netherlands has donated 7 million Euro for projects (via UN, ICRC, IFRC, ngo's) in Iraq. Sweden, Denmark, UK and Greece apparently also finance(d) projects in Iraq. Dutch project aid is aimed at humanitarian activities for the most vulnerable groups in Iraq. Since the end of the Gulf War the European ECHO programme contributions have totalled more than 200 million Ecu.

Austria:

Politics:

Austrian Embassy in Baghdad (temporarily closed, Embassy of Iraq in Vienna.

Economy:

Austrian exports 1998: € 8.6 million
Austrian imports 1998: € 123.5 million.
Exports and imports are carried out on the basis of UN-Resolution 985-“Oil for food”.

Development cooperation:

None.

Bilateral treaties: 20.

Sweden:

1. Politics
Sweden has diplomatic relations with Iraq. The Swedish embassy in Baghdad is, however, unattended since the Gulf War 1990-91. Iraq has a chargé d'affaires en pied in Stockholm. No high level contacts exist at present.

2. Economics
Sweden has no bilateral economic contacts with Iraq due to the existing UN sanctions regime. There is some export by Swedish companies to Iraq within the "oil for food"-arrangement, but this is channelled through the UN sanctions committee.

3. Development Co-operation
There is no development co-operation between Sweden and Iraq.

4. Humanitarian Aid
Since 1991 Sweden has in total given 441 million SEK (50 million EURO) in bilateral emergency aid to Iraq.
During 1998 Sweden approved financial support amounting to 69 million SEK (7.8 million EURO) to the following NGO-activities in Iraq:

Baghdad-controlled areas and Northern Iraq:
- ECRC (3 million SEK/337,000 EURO)
- IFRC (7 million SEK/787,000 EURO)

Northern Iraq:
- Qandil: The Swedish Committee for the Kurds' Human Rights Organisation in Northern Iraq; (23 million SEK/2.6 million EURO)
- MAG, Mines Advisory Group; 26 million SEK/2.9 million EURO)
- Swedish Committee for the Assyrians; (357,000 SEK/40,112 EURO)

Baghdad-controlled Iraq:
- UNICEF (10 million SEK/1.1 million EURO).

This year, Sweden has approved applications for humanitarian aid programmes in Iraq amounting to 46 million SEK (5.2 million EURO). This is divided between Qandil, MAG, and UNICEF. An application by the ICRC is under review.

5. Justice and Home Affairs measures

Nationals from Iraq constitute the largest group of migrants coming to Sweden. A majority of these files an application for asylum after they have entered the country and thus not at the border. Many of these people have probably entered with falsified passports or with the help of smugglers.

Sweden gives priority to the Iraqi issue and stresses the importance of a joint strategy for the EU Member States as initiated in the Action Plan from January 1998. Measures need to be taken in the regions that generate the migration flows as well as in the countries of destination.

The Swedish authorities do not expel anyone to Iraq, nor have they entered into any return agreements with the Iraqi authorities.

United Kingdom:

Politics

There are no diplomatic relations between the UK and Iraq. There is a small Iraqi Interests Section at the Jordanian Embassy in London but the British Embassy in Baghdad has been closed since the Gulf War. Two locally-engaged staff keep up the estate, supervised from our Embassy in Amman, and the Russian Embassy looks after British interests. The only contacts with the Iraqi authorities take place at official level between the FCO and the Iraqi Interests Section and between the two Missions in New York.
The United Kingdom has regular contacts with the leaders and officials of the KDP and PUK at Ministerial and official level, in London and Ankara.

Economy
Economic relations with Iraq are minimal. For example, under phase 5 of the "oil for food" programme, only 4 of the 90 contracts approved by the Sanctions Committee involved UK companies. We have a €10.7 million emergency aid programme for Baghdad-controlled Iraq, in addition to a €4.6 million programme for northern Iraq.

Development cooperation
On Development Co-operation, we fund projects in northern Iraq through Kurdistan Children's Fund and Kurdish Life Aid, among other NGOs.

Denmark:

Politics
Denmark has no embassy in Baghdad and Iraq no embassy in Copenhagen. Diplomatic relations remain in force.

Economy
Under the oil-for-food programme, Denmark exported food and medicine for humanitarian needs in Iraq through the UN sanctions committee for an estimated amount of approximately 3 million EURO in 1998. No other economic relations exist at present.

Development co-operation
Denmark has no development co-operation with Iraq.

Humanitarian Aid
Danish humanitarian assistance is channelled either through international humanitarian organisations or through Danish NGOs but never on a government-to-government basis. Danish humanitarian contributions amounted to 1.7 Million Euro in 1998, 3.4 Million Euro in 1997 and 3.8 Million Euro in 1996. So far, financial support amounts to 135,000 Euro in 1999. In total, Denmark has since 1991 contributed with approximately 33 Million Euro in humanitarian assistance to Iraq.

Justice and home affairs
Iraqis must have visas in order to enter Denmark. Transit visa/Airport transit visa is required as well. Danish legislation permits DNA-tests and medical determination of age in connection with family reunion cases. Denmark has no readmission-agreement with Iraq.
Draft action plan for Afghanistan and the neighbouring region

A. General Introduction

1. political situation

a. the military situation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. economic situation

a. general

21. The economy of Afghanistan, one of the world’s poorest and least developed countries, has never been well documented. Since the fall of the communist government in 1992, official statistics all but dried up. Figures relating to the economy of Afghanistan are therefore at best reliable estimates.
22. Afghanistan is traditionally a subsistence agricultural economy. However, much of the arable land fell into disuse with the onset of war, as millions of people were uprooted from the countryside, crowding into towns and cities or fleeing to neighboring Pakistan and Iran. In addition, the Soviet army adopted a scorched-earth policy to undermine the Mujahedin, who retaliated by sabotaging economic installations and infrastructure.

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

24. In a 1993 rehabilitation action plan, the UN Development Program (UNDP) estimated GDP in 1991/92 at approximately Afl25bn (ca. $1.72bn), compared with Afl17bn in 1978/79, the year of the Soviet invasion. Agriculture accounted for about 45% of output, down from about 53% in the late 1970s. Mining, trade, construction, and transport and communications had shares of about 14%, 8%, 5% and 3% respectively. Services were estimated to account for about 17% of GDP.

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

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

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

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

b. agriculture

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

30. Up to 85% of Afghans traditionally derive their living from agriculture. However, after more than 15 years of war the agricultural system has been largely destroyed and literally undermined. Many farmers have left their holdings, making Afghanistan now partly dependent on grain imports from Pakistan. The problems in food production are further aggravated by a shortage of wheat in neighboring Pakistan.
31. Despite the diminished population, there is evidence of persistent food shortages. In 1991-1992, the UNDP estimated farm output to be about half its pre-war level and some crop yields as much as 70% lower than before the war. The situation has worsened since. Independent experts put the wheat deficit for 1993 at 600,000 tonnes, exclusive of what was needed to feed returning refugees.

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

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

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

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

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

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

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

f. infrastructure (transport, communications, energy provision, housing)
39. In the decade before the Soviet invasion a major proportion of foreign aid, much of it from the US and the Soviet Union, was spent on road construction and rehabilitation. Over 2,000 km of asphalt and concrete roads were built, giving the country a modern network, which linked all the major urban centers. However, the war has taken a heavy toll. The 1993 UNDP assessment said that about 60% of the 2,500 km of highways required "significant pavement reconstruction" and that regional roads were in "generally poor condition". Since then, the condition of all roads has deteriorated considerably. Hundreds of bridges have also been destroyed.
40. Rehabilitation of the network is crucial to the recovery of other sectors and to the restoration of normal economic activity. Given the lack of foreign funding and the absence of a functioning central government, the UNDP said road repair would best be carried out by contractors based in the local community or associated with NGOs.

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

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

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

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

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

3. human rights situation

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

47. The overall human rights situation in Afghanistan remains extremely poor. During 1998, serious human rights violations continued to occur and citizens were precluded from changing their government or choosing their leaders democratically. There were credible reports of large-scale massacres carried out by the Taliban as they captured Mazar-i-Sharif in August. These attacks were reportedly in retaliation for the thousands of Taliban soldiers massacred by anti-Taliban forces when the anti-Taliban forces retook the city after a brief Taliban occupation in May 1997. Both Taliban and UIFSA forces were responsible for the indiscriminate bombardment of civilian areas. Massoud's forces have continued rocket attacks against Kabul.
Summary justice is common, extra-judicial killings occur frequently and the death penalty is applied throughout Afghanistan. In Taliban areas, strict and oppressive order is imposed and stiff punishments for crimes prevail. The Taliban's Islamic courts and religious police, the Ministry for the Promotion of Virtues and Suppression of Vices (PVSV), enforced their extreme interpretation of Islamic punishments, such as public executions for adultery or murder and amputations of one hand and one foot for theft. Prison conditions are poor.

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

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

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

The Taliban imposed codes of conduct that derive from the Sharia and the traditions of the Pashtun tribes. In fact, the Taliban reinvigorated established modes of behavior; they introduced "village" values and attitudes in the cities. This implies that many Afghans, in particular Pashtuns living in rural areas, already abided by comparable codes of conduct before the advent of the Taliban. Thus, while for many Afghans (especially the rural Pashtuns) it is possible to settle again in the part of Afghanistan ruled by the Taliban, for others, especially the urban, well-educated middle and upper classes, it is difficult if not impossible to comply with the way of life ordered by the Taliban.
53. On 26 June 1997, The Taliban declared a general amnesty, in which "All returnees, irrespective of their political affiliations, are exempted from prosecution for all criminal offenses committed for whatever reason prior to, or in, exile except for those criminal offenses committed against other persons. This exemption includes inter alia having left Afghanistan and having found refuge in Pakistan, Iran or any other country, joining different commanders, draft evasion and desertion as well as the act of performing military service in internationally non-recognized armed forces." Later on, the UIFSA drew up a similar amnesty declaration. The UNHCR monitoring reports indicate that the amnesty is largely respected by both groups.
B. Statistical bases and initial situation

1. Nationals of Afghanistan in the EU Member States

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

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

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

2. Analysis of the causes of migration and flight

a. summary of the chief causes of flight

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

58. The general situation in Afghanistan and the treatment by the Taliban in general, as well as the "methods of government" established by the Taliban (including the application of the Sharia) are often given as reasons for leaving Afghanistan. Many applicants refer to the (..) application by the Taliban of strict living rules as the main reason for leaving the country (e.g. use of alcohol or drugs, dress or hair code, playing music, videos). These claims are sometimes based on a general dislike of the situation without the applicant having suffered any individual persecution. In other cases the applicants claim to have opposed the Taliban living rules and claim to have experienced treatment which amounts to persecution. There are claims of Afghan asylum seekers stating they opposed the Taliban instructions on the education of girls.
59. Membership of a political party or affiliation with a political party are often cited as reasons as well. In a large category of cases applicants are ex-communists. They either held government or military positions under the Taliban, or were PDPA/Watan party members. In some member states there are relatively many applicants who held positions in the former communist security service as well. The second category of applicants who claim to fear persecution because of political activities/affiliation, are those active for a Mujahedain party. Most of them claim to have left the country before the Taliban took power in the area of the country where they lived, or claim to have encountered difficulties/human rights violations on the part of the Taliban. There is also a substantial category of asylum seekers who claim to have been active for small parties, many of which are leftist/Communist.

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

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

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

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

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

b. Afghans in Pakistan

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

66. About 75% of the Afghan refugees in Pakistan originate in the Afghan Pashtun areas. The remaining 25% are mainly from Kabul and Mazar-i-Sharif.
Pakistan is not a party to the Geneva Convention on Refugees, but there is *de facto* compliance with the Convention; reference is also made to the Convention in Pakistani secondary legislation. The criteria for the acceptance of someone as a refugee in Pakistan are laid down in the *Handbook on Management of Afghan Refugees in Pakistan* (1981, revised 1984). According to the Handbook, every Afghan staying in Pakistan, regardless of his motives, is considered to be a *prima facie* refugee. In July 1997, the Ministry of Interior reconfirmed the refugee status of Afghans in Pakistan and legitimated their freedom of movement outside the refugee villages (which were originally designed as their places of settlement). Every Afghan entering the country has the freedom of movement and the freedom of work; consequently, Afghans in Pakistan freely come and go and have access to the labor market.

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

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

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

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

Afghan refugees are not systematically registered by the Pakistani authorities or by the UNHCR. On request, the Pakistani authorities issue ID cards, the so-called Shanakhti passes, to Afghan refugees. Since this pass is not necessary to be able to work and reside in Pakistan, only a limited number of Afghan refugees apply for such a pass. The UNHCR in Pakistan is unable to register nor assess the particular status of refugees.
73. A declaration is appended to the EC-Pakistan Co-operation Agreement in which Pakistan declares to conclude readmission agreements with the EU member states which so request. The agreement is due to be signed in May 1999. Since the declaration only refers to the readmission of "nationals" (viz. Pakistani), the declaration does not explicitly include the readmission of Afghans who have arrived in the EU via Pakistan. At present, Pakistan does not appear to be officially prepared to readmit Afghans who have been resident for a long period in an EU Member State. According to the Pakistani authorities, the Afghan refugee problem has simply internationalized with tens of thousands seeking asylum in Western Europe while Pakistan still harbors a multiple of that number. The fact that a number of Afghans hold Pakistani travel documents makes little difference, as the great majority of such documents are thought to have been obtained illegally, according to the Pakistani authorities.

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

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

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

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

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

79. The difficult economic conditions in Iran have had a negative impact on the situation of refugees. High unemployment has led to a strict application of the Labor laws which has resulted in many refugees losing their jobs or being unable to obtain a work permit. Forced returns of Afghan nationals to Afghanistan occur. The Iranian authorities state that they are unable to continue their generous policy towards refugees. The killings of Iranian consular staff in Mazar-i-Sharif in August 1998 have increased the negative sentiments against Afghans among the local population.
80. These developments have led to significant deportations of undocumented Afghan nationals as well as spontaneous returns to Afghanistan. The deportees comprise Afghans who committed criminal activities in Iran as well as Afghans without documents who were detected by the Disciplinary Forces. During the last months of 1998 and the beginning of 1999 alone, the number of refugees involved in these forced repatriations may possibly amount to more than 50,000. Afghans who returned on their own were mainly Afghans who went back to their families in Afghanistan following completion of temporary/seasonal work in Iran. The majority of Afghans returning outside of UNHCR assisted repatriation program (deportees or spontaneous returnees) consisted of single males of all ethnic groups.

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

d. Afghans in Central-Asian Republics and elsewhere

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

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

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

85. In India, the 16,960 Afghan refugees recognized under UNHCR mandate are either able to remain on temporary residence permits or are tolerated by the Government of India. Most of them, too, have been associated with the communist regime of Najibullah.
e. asylum applications of Afghan nationals in the EU
86. The political and military turmoil which existed in Afghanistan over the past decades has caused a constant stream of Afghan citizens to leave their country. The big majority of them settled down in the neighboring countries (Pakistan, Iran, former USSR republics). Since the second half of the 1980s an increasing number of Afghan nationals have migrated to Western Europe. Nearly all of them lived for a substantial period of time in one of the neighboring countries. There is also a large group which lived in one of the former USSR Republics, notably Russia, the Ukraine, and Tajikistan. The alternation of different regimes/rules in Afghanistan has caused the group of Afghan nationals who reside in EU countries at present (and those individuals who have required a EU citizenship) to be very heterogeneous; the group comprises both Afghans who claim to have been persecuted by the communists, communists who claim to have been persecuted by either the Mujahedin or the Taliban, and Mujahedin who claim to have been persecuted by the Taliban.

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

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

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

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

91. The return of refugees to Afghanistan was seriously hindered by the events of 1998. Firstly, the Taliban's conquest of large parts of northern Afghanistan and Hazarajat created a new flow of refugees, mostly to Pakistan. Secondly, the UN was forced to withdraw its international staff after the security situation in Afghanistan had worsened considerably. Yet throughout 1998 refugees continued to return. Most of the refugees returning from Pakistan were Pashtuns with rural backgrounds, who went back to the rural areas in southern and eastern Afghanistan where they originated.
92. In September 1997, UNHCR initiated a group repatriation program for Afghan refugees in Pakistan. In the course of 1998, this program really gained momentum, accounting for 18,000 returnees. The objective of the group repatriation program is to identify larger groups of Afghan refugees in Pakistan who are willing to repatriate and to undertake better targeted assistance projects inside Afghanistan which will ensure their reintegration and a sustained return. A main component of this approach is to maintain the link between those who repatriated and the rest of the community still residing in Pakistan. In this way, refugees who have stayed behind may also be convinced to repatriate.

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

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

1. Rundown of existing bilateral measures and actions

a. politics


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

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

b. economics

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

c. development co-operation (Table)

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

d. humanitarian aid (Table)

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

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

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

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

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

2. Rundown of existing Community/Union measures and actions

a. politics

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

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

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

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

b. economics

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

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

109. The European Commission is the largest single donor to Afghanistan. On average, 40 million EURO have been committed for annum since 1989. In 1996, the total amount of Community aid commitments reached 78.7 million EURO, due to an exceptional one-year program of 32.5 million EURO launched by ECHO in December 1996. The total amount of commitments in 1997 was 43.16 Mecu.
110. During the period 1995-1997, a substantial part of the budget for aid to uprooted people in Asia was spent on Afghan refugees, internally displaced persons (IDP's) and returnees (63.9 MEURO). This substantial attribution can be explained by the fact that Afghans remain the largest single refugees caseload in the world for the 18th year in succession. Assistance had been provided to local communities and Afghan refugees in Pakistan and Iran were supported financially. Resettlement in Afghanistan has been assisted by supporting de-mining activities, the rehabilitation of small infrastructures, particularly agriculture, as well as the provision of basic health care, water and sanitation, basic education and vocational training. These activities have been confined initially to the Eastern part of Afghanistan which offered conditions of relative security in the years from 1994 and 1998, but have been gradually extended to most of the southern half of Afghanistan and other areas. In addition, a small number of NGO's receive co-financing for micro-action and support for activities to reduce drug demand. In 1998 the Community attributed a total amount of almost 18 MEURO for the assistance of uprooted Afghans. 2.7 MEURO was allocated to UNHCR for the assistance of Afghan refugees in Iran and Pakistan.

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

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

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

e. Justice and Home Affairs measures

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

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

a. political situation

115. UN peace initiatives are described in section A.1.e.
b. economic situation

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

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

c/d. development co-operation/humanitarian aid

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

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

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

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

122. As of 13 November 1998, some $51m had been contributed or pledged for projects in the 1998 UN consolidated appeal for assistance to Afghanistan, representing one third of the appeal requirements of $157m.
123. The UN continued collaborative efforts within the assistance community to implement principled common programming of aid activities in Afghanistan. On 10 November 1998, the first meeting of the Afghanistan Programming Body was held at Islamabad, comprising representatives from the UN, NGOs, ICRC, the International Federation of Red Cross and Red Crescent Societies and major donor countries, providing guidance on the preparation of the 1999 consolidated appeal.

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

e. human rights

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

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

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

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

20
D. Assessment of the state of play

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

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

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

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

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

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

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

136. The difficult co-operation climate which prevails between the international aid community and the Taliban and which led to the evacuation from the Taliban held area of all international staff during the summer of 1998 led to a decrease of support activities in Afghanistan.
137. In recent years the European Community provided substantial assistance in various areas to Afghanistan making it the largest single donor to this country. Humanitarian assistance, including food aid, medical and health programmes, sanitation and water supply, de-mining and shelter was provided. Special attention is given to the Afghan refugees in Pakistan and Iran and repatriation has been supported. The volatile security situation has lead to reduced activities. The future aid strategy of the Community for Afghanistan is heavily depended on political and security conditions in the country. Conditions allowing, the Community is ready to increase the assistance. In the meanwhile emergency humanitarian and limited rehabilitation aid will be maintained in the areas of Afghanistan that are stable and which continue to attract refugee return. Targeted aid will be provided in areas where this can be done in a non-discriminatory was and with partners committed to the respect of basic humanitarian principles.

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

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

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

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

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

143. Different travel routes are used. One route leads via Russia, Poland or Hungary or the Czech Republic; another via the Middle East (either by air through Dubai airport or over land via Turkey).
No EU member state returns rejected asylum seekers to Afghanistan; in specific, exceptional cases, one EU member state returns Afghan nationals to Pakistan. However, on the whole, Pakistan does not co-operate with the readmission of Afghan nationals who lived there several years before leaving for the EU.
E. Action required by the Community/Union

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

a. short-term measures

Foreign Policy

a) The EU supports the UN peace efforts and the work of the UN Secretary General's Special Envoy for Afghanistan, Mr. Lakhdar Brahimi. The EU continues to engage in contacts with the Afghan parties and prominent Afghan individuals to point to the futility and grave and unacceptable humanitarian consequences of the continued fighting, and urges an immediate ceasefire and the negotiation of a political settlement under UN auspices, including the establishment of a fully representative, broad-based government.

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

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

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

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

Development

a) Explore the potential for partnerships in development co-operation to strengthen peace-building measures, reduce conflict and provide security to all Afghans both within Afghanistan and in the surrounding region, especially the poorest. The EU aims to improve the effectiveness of aid by closer international donor co-ordination, in particular by working through the ASG and the Afghanistan Programming Body.

b) The Commission will develop concrete suggestions for a intervention strategy based on its proposals set out in its paper "The EC and Afghanistan Cooperation Strategy 1999-2000". The EU will look for ways of strengthening the cooperation with international governmental and non-governmental development organisations in the region.

c) In co-operation programmes special attention should be given to activities that aim to improve the basic living conditions in Afghanistan. In this respect, priority should be given to the restoration of the health care system, the educational system as well as to de-mining programmes in the countryside.
d) Assisting programmes under the guidance of UNDCP aimed at combatting the production and trafficking of drugs (poppy cultivation) in line with the EU Common Position on Afghanistan.

Migration

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

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

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

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

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

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

g) Approach IOM to develop a public information campaign for Afghan refugees in Pakistan and in Iran (..). The aim of such a campaign, which is to be set up in close consultation with the authorities, is to raise awareness amongst potential migrants of the risks and consequences of irregular migration towards Western Europe.

h) Develop a common strategy to cope with Afghan asylum seekers under article 1F of the Geneva Convention. Within this framework information should be shared amongst EU member states.

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

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

k) Undertake measures aiming at the integration of Afghan nationals, legally residing in the EU.
b. Medium- and long-term measures

Foreign Policy

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

b) Intensify the dialogue with Pakistan and Iran in dealing with refugees and migrants from Afghanistan.

Development

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

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

Migration

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

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

Date revised: 10 June 1999
### Table 1  Sums granted to development programmes and humanitarian aid. *(To be converted in Euro)*

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A: GENERAL INTRODUCTION

1. Sri Lanka is a multi-ethnic, multi-religious society with an estimated population of 18.9 million (1998). Three-quarters of the population are Sinhalese (mainly Buddhist) whilst 12% are Sri Lankan Tamils and 5.5% Estate Tamils (mainly Hindu). There are also Muslims (7%) and groups of Christians drawn from the Sinhalese, Tamil and other communities. Sri Lanka has a unicameral parliament with a powerful Executive Presidency. In addition to the national legislature, there are two further tiers of government: local and provincial.

2. Sri Lanka is a lower-middle income, predominantly rural country with high unemployment, the actual rate being much higher than the official figure of 9.5% (1998). Although the ethnic conflict has hindered economic development, Sri Lanka has experienced a consistent growth rate this decade of around 5% per annum. Growth in 1998 was slightly less at 4.5% and there are signs that the economy is beginning to slow down in response to global and regional events, most notably the Asian financial crisis. In areas where the conflict is concentrated, poverty is particularly severe, providing a push factor for migration to more developed countries. The International Organization for Migration (IOM) is working with the Sri Lankan Government on the development of a positive migration policy.

3. Following Sri Lanka's independence in 1948, relations between the Tamil and Sinhalese communities deteriorated and the former complained of discrimination in areas such as higher education and employment. In the 1960s and 1970s Tamil political parties sought a federal system of government - the failure to attain their aims by peaceful means led to demands for an independent Tamil state and the formation of armed groups, most notably the Liberation Tigers of Tamil Eelam (LTTE). Fighting between the LTTE and the Government began in 1983. Tamil aspirations were clearly outlined at the Thimpu talks of July 1985 in which demands were made for: a Tamil homeland (Eelam), recognition of the Tamils as a distinct nationality, self-determination and a general amnesty. The Sri Lankan Government rejected these demands but the LTTE have argued that they should be the basis of any peace settlement. Peace talks were brokered but collapsed in June 1990 and again in April 1995, when the LTTE abandoned negotiations with the Government and resorted to violence, seeing military action as their only option. Despite the worsening security situation, the Government launched a package of devolution proposals on 3 August 1995 which offered the Tamils in the North and East an unprecedented degree of local self government, at the same time investing heavily in the military and undertaking major military offensives. The LTTE have rejected the devolution proposals and the package has also met parliamentary opposition.
4. The human rights situation in Sri Lanka is a cause for concern. Human rights violations have occurred on both sides of the conflict - particularly in the war zones in the North and East of the country, but also in Colombo. There have been reports of maltreatment, rape, killings and numerous disappearances in the Jaffna Peninsula, as well as in other areas of Sri Lanka. Large numbers of civilians have also been killed or wounded in terrorist attacks. Arbitrary arrest, detention and interrogation of Tamils, particularly in Colombo, is an issue of concern. While most Tamils are quickly released, some are detained for extended periods and are consequently at greater risk of suffering human rights abuses. Police impunity is a major problem, as are arrests and detentions in violation of the safeguards built into the Emergency Regulations. There is concern that the LTTE may still be using child soldiers despite a commitment to the UN Special Representative for Children and Armed Conflict in May 1998 not to use children below 18 years of age in combat.

5. President Kumaratunga has made human rights a priority and taken positive steps to improve Sri Lanka's human rights record. The number of disappearances at the hands of Government forces is significantly down from the high levels reached in 1996 and 1997. Although there appears to be a greater willingness to investigate human rights violations than under the previous government, problems still remain.

6. The Sri Lankan Government is aware of the concerns of the European Union countries over its human rights position. The establishment of a Human Rights Commission in 1997 was a step in the right direction. But experience is showing that the Commission is weak. However, the judiciary is comparatively independent. Recently, the Supreme Court declared as unlawful a Presidential ruling in August 1998 announcing a State of Emergency which effectively postponed local elections because the security situation made it unsafe to hold them. The judgement decreed that these should be held within three months. The Government has accepted the ruling. Elections were held on 6 April 1999. There have been other recent examples of the courts finding members of the armed forces guilty of human rights violations.

7. Provincial elections were held in the North West Province in January 1999. These were marred by many allegations of voting irregularities and acts of violence. On 4 March 1999, the EU made a Troika démarche expressing concerns at the election violence and calling upon the government to adhere to democratic principles and to guarantee the safety of all voters in forthcoming provincial and national elections. The Sri Lanka Foreign Minister said that he welcomed the approach taken by the EU to express its concern. He explained that a Commission had been set up to investigate allegations of electoral malpractice to deal with election complaints in the run-up to the provincial elections on 6 April 1999. Nevertheless, while campaigning was generally less violent, there were deaths and injuries. Early reports also suggest that there were instances of intimidation and fraud.
B: STATISTICAL BASES AND INITIAL SITUATION


8. Statistics collated by Eurostat show that the 150,000 Sri Lankan citizens legally resident in EU Member States comprise only a small proportion of the non-EU population (within the 2-3% range). Numerically, the largest populations are in Germany and the United Kingdom (approximately 60,000 in each country in 1998). It can therefore be concluded that the emigration of Sri Lankans for non-asylum purposes is low; it is in the area of asylum (and subsequent family reunion applicants) that significant numbers are encountered. A total of 6652 applied for asylum in the Member States in 1998 with Germany, France, the Netherlands and the United Kingdom receiving the most significant numbers, of which the United Kingdom received more than half the total. Recognition rates of those granted full refugee status vary from 1% (Austria) to 51% (France). Detailed statistical tables are to be found in Annex A.

9. There are a number of Tamil offices based in the Member States. For the most part, their activities are confined to cultural, social and sporting matters. Although some Member States suspect close links with the LTTE, there is no evidence that they are involved in the organisation of direct financial or logistical support for paramilitary activities in Sri Lanka.

II: Analysis of the causes of migration and flight

10. Sri Lanka is primarily a country of origin of migrants and, since 1983, of asylum seekers. At present, the emigration of Sri Lankans for non-asylum purposes is low. It is not a transit country for migrants or asylum seekers. The on-going armed conflict has caused Tamils from the North and North Eastern provinces to flee to India and further afield since 1983. Almost 90% of all migrants from Sri Lanka are Tamils. It is estimated that in Jaffna one third of the population's income is derived from remittances from those resident overseas. Concentrations of extreme poverty exist in the conflict zones in the north and east due to the large numbers of internally Displaced People (IDPs) in these areas. An estimated one million people have been displaced since 1983 and around 800,000 remain away from their homes. Not all these people were originally poor but virtually all now have to cope with insecurity and minimal basic services.

11. In 1997 and 1998, the Government of Sri Lanka, other Governments and NGOs assisted 72,000 and 32,000 people respectively, who had been displaced within the country, to return to Jaffna. Others moved to settle in the south of the country. A recent change in military tactics, leading to fewer displacements, is a move to be encouraged.

12. The mostly male asylum seekers claim that, as Tamils, they are at risk of persecution in Sri Lanka from the authorities who regard all Tamils as members of the LTTE. Round-ups and interrogations of young Tamils (males but also some females) are frequent and occur in all parts of the country, particularly Colombo, and can also be advanced as a reason for seeking asylum.

13. Tamil asylum-seekers (both men and women) frequently claim that they cannot stay in the North or East of the country as they risk being forcibly recruited by the LTTE. For those forced to join and who then escape, they claim to be at risk of persecution both from the LTTE (for having betrayed the cause) and the authorities (for being a member of the LTTE).
Most of the illegal migration would not be possible without the existence of Tamil-organised trafficking networks, allegedly in connection with LTTE activities but there is also evidence of involvement in trafficking by Sinhalese and Muslim facilitators. Those trafficked include a significant number of unaccompanied children. The penalties for convicted traffickers, and those holding falsified documents were significantly increased through enactment of the amended Immigrants and Emigrants Act in July 1998. A meaningful deterrent to such criminal activities now exists. Penalties upon conviction comprise a fine of between €750 to €3000 and a mandatory custodial sentence of between 1 and 5 years. The Sri Lankan courts are generally enforcing this legislation for the small-time criminal; however, no major racketeers have been arrested or charged under this legislation.

C: COUNTRY-BY-COUNTRY MEASURES AND ACTIONS

I. Rundown of existing bilateral measures and actions

15. All Member States report good relations with the Government of Sri Lanka and a range of bilateral measures and actions in the area of politics, economics, humanitarian aid and JHA measures. Full details are to be found in Member States individual contributions at Annex B.

II. Rundown of existing Community measures and actions

Politics


17. Not all Member States have missions in Sri Lanka but Italy, the Netherlands, the United Kingdom, France, Sweden and Germany have Embassies in Colombo. These six enjoy an excellent working relationship. For at least the last 12 months, diplomatic representatives had been pressing the Sri Lankan authorities for a high level meeting to discuss trafficking issues. This has not yet taken place.

18. The Sri Lankan authorities have been aware for some time of EU concerns about the number of asylum seekers it produces.

Economic development; development co-operation; partnership and co-operation agreements

19. The Community has signed a third-generation Co-operation Agreement with Sri Lanka (July 1994) with the possibility to suspend co-operation on the basis of a Human Rights clause. This agreement entered into force on 1 April 1995.

20. In recent years the European Community has shifted the emphasis of its co-operation with Sri Lanka from traditional development co-operation towards economic co-operation, with the active participation of the European and Sri Lankan private sectors, through bilateral and regional projects or sectoral programmes.
Humanitarian aid

21. Since 1993 the European Humanitarian Office (ECHO) has provided assistance for returnees and internally displaced persons in Sri Lanka to a total of € 9,065,000. The main sectors of activity have been logistical support to ICRC, as well as relief assistance to returnees, providing medicine, agricultural inputs, water supply and shelter, and protection activities. Special attention is given to the Vanni region and, since 1993, aid has been delivered via NGOs. Projects included shelter, sanitation, malaria control and provision of relief supplies to vulnerable groups such as children, the sick, the elderly, and pregnant women. In 1998, ECHO approved a package of humanitarian aid worth € 1,000,000 for victims of civil war; it is envisaged that aid will continue at roughly the same levels of expenditure.

22. Details of aid provided by the European Community to Sri Lanka are at Annex C.

Justice and Home Affairs Measures

23. The Co-operation Agreement with Sri Lanka does not contain a readmission clause.

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

24. Reports by UNHCR, IOM, ICRC and Amnesty International are at Annex D. These confirm the political assessment in Section A. The focus of IOM intervention is on returns and developing a sustainable migration policy with the authorities, to include the export of labour from Sri Lanka. ICRC’s traditional Red Cross activities are supplemented, unusually, by assistance projects in the agricultural field, under the auspices of the World Bank and the EC, in the areas worst affected by deprivation as a result of the war. UNHCR’s work is largely focused on meeting protection needs and stabilising the situation of internally displaced persons as well as facilitating the reintegration of returnee populations, particularly in Jaffna. Through their activities the security of displaced persons is enhanced and opportunities are provided to monitor and promote their rights. Projects designed to increase income generation and to support infrastructures have the effect of strengthening the capacity of host communities to cope with influxes of displaced persons. UNHCR has put forward a number of proposals for future measures and actions by the Community/Union which they consider would contribute constructively to their further work in the region. These are set out in their paper at Annex D.

D: ASSESSMENT OF THE STATE OF PLAY

25. A significant proportion of the primary cause of migratory flows stems ultimately from the continuing conflict, to which no military or political settlement appears likely in the near future. The Sri Lankan Government has made it clear that it is not prepared to accept third party mediation as part of any attempt to resolve the conflict.

26. There is some public sympathy in India towards the plight of the Tamils in Sri Lanka (particularly from the Indian Tamils living in Tamil Nadu) and there have been attempts by senior figures to put pressure on the Indian Government to intervene in the ethnic conflict. But the Indian Government seems disinclined to become directly involved at present, particularly following its unsuccessful intervention in 1987-1990 (in which an Indian peace keeping force occupied areas in the North and East). The LTTE were responsible for the assassination of Rajiv Gandhi and have been banned in India since 1991.
27. The state of war has led to human rights abuses inflicted by both sides and economic deprivation and poverty in the areas most affected. All these factors, whether collectively or individually, create a powerful incentive to migrate, whether to take advantage of the internal flight alternative or to seek a better and more peaceful life overseas. The large sums demanded by traffickers means, in practice, that the poorest look no further than the internal flight option, while the slightly more well-off put themselves at the mercy of the many smuggling networks active in the area.

28. There are reported to be shortages of aid supplies in the north of the country (though this is a reflection of distribution problems rather than an absolute shortage of supplies), poor accommodation for displaced persons from the north in camps around Vavuniya and continuing arrests and detentions of Tamils in government-held areas under the emergency legislation. Military restrictions on the movement of equipment and people up to Jaffna have also been a major impediment to relief and rehabilitation work.

29. There is an effective cadre of liaison officers based in Colombo who have a good working relationship, both between themselves and with the Sri Lankan authorities. Canada, with its world-wide coverage through Immigration Control Officers, is well placed to monitor migratory patterns.

30. Recognition rates of Sri Lankan asylum seekers in the Member States are low. Tamils who are displaced as a result of violence directly related to the armed conflict in the northern and eastern areas of Sri Lanka are generally considered to have available an internal flight alternative; many Tamils live in Colombo and the south and, although Tamils are liable to be checked and interrogated and there are extensive security measures in those areas, it is not generally considered that these measures constitute persecution within the meaning of the 1951 Convention nor a breach of Article 3 ECHR or the UN Convention Against Torture.

31. The fact that the number of those recognised as refugees is a small proportion of the total also means that there are large numbers outside Sri Lanka who are eligible for return. The Sri Lankan authorities are worried about any sudden influx of returnees and this leads them to create obstacles to documentation which mean that, in practice, failed Sri Lankan asylum seekers are not being returned in significant numbers although some EU countries do return them (for details see Annex A).

32. The negative factors can therefore be summarised as follows:

- there is still no end to the ethnic conflict;
- there is no robust response to abuses of human rights;
- there are shortages of aid in the most needy areas (a reflection of distribution problems rather than absolute shortages);
- there is economic deprivation as a result of the effects of the war;
- there is a reluctance by the Sri Lankan authorities to receive returnees in any numbers
- all these factors create a lack of incentive to return voluntarily and a poor climate for enforced returns of failed asylum seekers.
33. But the positive factors should not be overlooked:

- despite all its current problems, Sri Lanka is not a country without hope;
- the Sri Lankan Government has taken steps to improve its human rights records (for example by setting up the Human Rights Commission) and has shown a greater willingness to investigate human rights abuses;
- literacy rates and age expectancy are relatively high for the region;
- the country has a capacity to feed itself;
- there are a number of pockets of investment and affluence.

34. These positive elements could provide a basis for a brighter future but it will be an uphill struggle. The primary causes of flight are inextricably interlinked: conflict, abuses of human rights and localised poverty. Action at the EC/EU level must therefore seek to address all three of these areas if the linkages are to be weakened and the incentive to migrate diminished.

**E: ACTION REQUIRED BY THE COMMUNITY/UNION**

*Priority:* short-, medium- and long-term measures, programmes and projects likely to be a lasting success; legal bases and financing.

**GENERAL**

35. Continue to look for ways to find a political solution to the conflict through the appropriate bodies.

**SHORT-TERM MEASURES**

*Foreign Policy*

36. a) Continue to raise human rights issues with the Sri Lankan Government and, through the appropriate channels, with the LTTE.

b) Approach the Sri Lankan authorities in order to make the Human Rights Commission a truly independent body, to finance it appropriately and to invest it with all-encompassing investigating powers.

c) Continue to contact the Sri Lankan authorities with a view to the Chemmani graves investigation being passed to an impartial body, such as the Human Rights Commission, for clarification without delay.

d) Explore scope for effective action with the US and Canada, through the Transatlantic Dialogue (particularly with regard to paragraph 35(a) above).
Development

37. a) Assessment of poverty levels and causes of poverty levels in Sri Lanka of the main migrant groups.

b) Improve police practices through training in human rights issues (in conjunction with Human Rights Commission/ICRC and other relevant NGOs).

c) Explore the potential for partnerships in development co-operation to strengthen peace-building measures, including educational projects, reduce conflict and provide security to all Sri Lankans, especially the poorest.

d) Consider assistance with landmine clearance measures and improvements in water supplies in areas affected by the civil war.

Migration

38. a) Complement the effectiveness of Airline Liaison Officers in Colombo through a detailed analysis of migratory movements.

b) Enhance co-operation with the Sri Lankan authorities and NGOs to tackle illegal immigration racketeering.

c) Agree arrangements with the Sri Lankan authorities for the return of failed asylum seekers/illegal immigrants (taking due account of Sri Lankan sensitivities over the volume of returns), voluntary assisted return programmes and monitoring of returnees.

d) Continue Community assistance to refugees and internally displaced persons by funding actions and programmes to be implemented through NGOs and UNHCR.

MEDIUM- AND LONG-TERM MEASURES

Foreign Policy

39. Discuss with the Sri Lankan authorities the possibility of repeal of those provisions in the Prevention of Terrorism Act and Emergency Regulations which appear to give government officials far-reaching exemptions from prosecution.

Development

40. a) Contribute to as rapid as possible reduction of the level of poverty in Sri Lanka, bearing in mind the International Development Target of a reduction of one-half of the proportion of people living in extreme poverty by 2015.

b) Development of effective partnerships to ensure an effective contribution through development co-operation to the reduction of poverty and of conflict.
Depending on the support provided by the Sri Lankan Government and other national and EC priorities for using development co-operation to eliminate poverty, use of development assistance to help reduce conflict, build peace and provide security to all Sri Lankans, especially the poorest.

Migration

41. a) Draw up a plan specifically targeted at a reduction in trafficking in children.

b) Work with the Sri Lankan authorities to agree arrangements for the identification and documentation of their citizens. (Machine-readable passports have recently been introduced in Sri Lanka).

c) Pursue with the Sri Lankan authorities the possibilities of return programmes (setting out numbers of returnees per annum; the Sri Lankan Government is keen to regulate returns and has concluded MOUs with some Member States).

d) Organise an information campaign using IOM expertise to warn against the consequences of illegally entering EU Member States and unlawful employment, and of using facilitators to gain entry to the EU.

Budget Lines

42. Funding for these measures may be available from existing Budget Lines (for example, B7-6008 for assisting with the voluntary repatriation and reintegration of returnees). There are a number of different sources of funding within Community budgets (eg development funds) but these are for specifically defined purposes. If these purposes do not match the requirements for implementation of the Action Plans it will be for Ministers to consider whether there should be changes of emphasis in spending priorities.

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