

## **EXPLANATORY MEMORANDUM ON A EUROPEAN UNION DOCUMENT**

### **Joint Communication to the European Parliament and the Council - Elements for an EU Strategy on Afghanistan**

Submitted by the Foreign and Commonwealth Office on 9 August 2017.

#### **SUBJECT MATTER**

1. The attached document sets out the Commission's view on the priorities for the next EU Strategy on Afghanistan, in line with the Foreign Affairs Council Conclusions of 18 July 2016. The Joint Communication proposes that the EU focuses its work on the following areas:
  - Promoting peace, stability, and regional security;
  - Strengthening democracy, the rule of law and human rights and promoting good governance and women's empowerment;
  - Supporting economic and human development; and
  - Addressing challenges relating to migration.
2. The Joint Communication is consistent with the UK position on the priorities for EU engagement on Afghanistan.

#### **SCRUTINY HISTORY**

3. An Explanatory Memorandum (9467/14) on the Joint Communication to the European Parliament and the Council - Elements for an EU Strategy in Afghanistan 2014-16 was last submitted for Parliamentary Scrutiny on 11 June 2014. The House of Commons European Scrutiny Committee cleared the document as "politically important" after a debate in European Committee B on 25 April 2016 (ESC 35996). The House of Lords Select Committee on the European Union sifted the document to Sub-Committee C on 14 June 2014 and was cleared by the Committee after an update from the Minister for Europe on 16 October 2014.

#### **MINISTERIAL RESPONSIBILITY**

4. The Secretary of State for Foreign and Commonwealth Affairs is the Minister with overall responsibility for UK policy on the EU's Common Foreign and Security Policy. The Secretary of State for International Development has an interest.

#### **INTEREST OF THE DEVOLVED ADMINISTRATIONS**

5. The UK's Foreign Affairs policy is a reserved matter under the UK's devolution settlements and no devolved administration interests arise. The devolved administrations have therefore not been consulted in the preparation of this EM.

## **LEGAL AND PROCEDURAL ISSUES**

6. Legal Basis: Not applicable. This is a Joint Communication, not a European Union legal measure and has no voting procedure or impact on UK law.
7. Application to Gibraltar: Yes.
8. Fundamental rights analysis: No fundamental rights issues apply.

## **APPLICATION TO THE EUROPEAN ECONOMIC AREA**

9. None.

## **SUBSIDIARITY**

10. The Joint Communication has been published by the EU's High Representative for Foreign Affairs and the European Commission and sets out those parties' view on the priorities for the EU and its Member States in Afghanistan. This has to be at EU level and is consistent with the principle of subsidiarity.

## **POLICY IMPLICATIONS**

11. On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation.
12. The Commission has issued this Joint Communication in order to set out its view on the priorities for the next EU Strategy on Afghanistan. The EU and Member States will finalise the details of the Strategy in the Autumn for endorsement at the Foreign Affairs Council in October.
13. The priorities set out in the Joint Communication are broadly consistent with UK priorities for the EU in Afghanistan. Afghanistan continues to suffer at the hands of an ongoing insurgency, and faces a great many economic and development challenges. It continues to rely on international support as it works to become a more prosperous and stable state, and provide a better future for all Afghans. In this context, the Joint Communication is a welcome signal from the Commission of its ongoing commitment to support Afghanistan.
14. The emphasis on peace, stability and regional security is in line with the UK view that the only sustainable solution to reduce the violence in Afghanistan in the long-term is an Afghan-owned and Afghan-led political process leading to a peace settlement. The commitment to supporting human rights, including women's rights, is a welcome continuation of the EU's leading role in this area. The inclusion of support to democratic processes is pertinent as Afghanistan faces the prospect of two significant elections in 2018 and 2019.

The ongoing prioritisation of economic and human development in support of the Afghanistan National Peace and Development Framework is a fitting legacy for last October's Brussels Conference on Afghanistan.

15. Migration has become an important factor in the prism through which many Member States view Afghanistan, and would be a new addition as a priority area in the next EU Strategy of Afghanistan. The UK view is that the new strategy should situate the EU's focus on migration as part of its wider work on building sustainable security, prosperity and opportunity in Afghanistan. Afghans are unlikely to stop seeking opportunities to migrate to Europe while the two key motivators for outward migration - insecurity and lack of economic opportunity - remain.

#### **REGULATORY IMPACT ASSESSMENT**

16. Not applicable.

#### **FINANCIAL IMPLICATIONS**

17. There are no financial implications for the UK.

#### **TIMETABLE**

18. The EU and Member States will work through the details of the new EU Strategy on Afghanistan in the coming months. We expect the document to be finalised and ready for endorsement at the Foreign Affairs Council in October 2017.

#### **OTHER OBSERVATIONS**

19. None.



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