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### ANNEX

## **Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe**

### **Exceptional Assistance Measure regarding Afghanistan**

#### **1. IDENTIFICATION**

Action:	Promoting inclusive dialogue and the understanding of and respect for International Humanitarian Law
Action Reference:	NDICI CR 2023 / 44
Cost:	EUR 7 500 000 (European Union (EU) contribution).
Budget Line:	14 02 03 10
Duration:	Maximum 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 23(6) of Regulation (EU) 2021/947.
Lead service:	FPI

#### **2. ACTION SUMMARY**

Since the Taliban takeover in August 2021, the context in Afghanistan remains highly volatile. While a general decrease in violence can be observed, core issues underpinning the conflict remain unresolved and structures for peaceful development, inclusion and human rights have been dismantled. In line with the benchmarks set by the Council Conclusions of 21 September 2021 and in line with the Council Conclusions of 20 March 2023, this exceptional assistance measure aims to promote social accountability and inclusive dialogue and to support the protection of the Afghan population, as well as the prevention of violence towards minorities and marginalised groups. In a first component, the measure will create opportunities for dialogue, bridge emerging divides between and within Afghan communities in general and between Afghan civil society actors and the de facto authorities in particular, and involving also regional and international actors. This component will also strengthen the capacity of civil society organisations to promote a peaceful and inclusive Afghan society with respect for human rights, including women's, children's, and minority rights. In a second component, the measure will seek to prevent an escalation of violence against civilians, in particular against women and children, minorities, and marginalised groups. This will include humanitarian diplomacy, training on international norms, legal advice, and other activities to increase the understanding of local authorities regarding roles and responsibilities as well as concerning the needs to adjust policies and practices in accordance with international standards.

### **3. BACKGROUND AND RATIONALE**

#### **3.1 BACKGROUND**

The Taliban takeover of Afghanistan in August 2021 ended the era of the Islamic Republic of Afghanistan and changed the political, economic, and humanitarian situation of the country dramatically. The greater international community views the takeover as illegitimate and has since refrained from recognising the Taliban De Facto Administration (DFA). The DFA introduced decrees violating basic human rights of the Afghan people and significantly impinging on girls and women's rights. Civil society organisations promoting human rights and women's rights report a greater difficulty to obtain permission for their activities. The sudden mass exodus of civil society professionals and human rights activists in the evacuations following the takeover has weakened capacity among civil society organisations in Afghanistan and led to the closure of many organisations. Sanctions towards members of the DFA and related responses of the international banking sector also prevent international bank transactions to and from Afghan banks, including NGOs' bank accounts. Afghans without dual residency also face greater difficulties in securing visas and undertaking international travel. The international donor community has developed cross-cutting principles to be able to support the Afghan people while navigating the Afghan context under the DFA. These principles outline that support shall be delivered off-budget and in a manner that minimises the legitimisation and benefit to the DFA and that the DFA should not have undue influence over planning, implementation and the selection of beneficiaries. This action is fully aligned to those principles and with the EU's commitment to peace and stability in Afghanistan and to supporting its people as articulated in the Council Conclusions adopted on 21 September 2021 and reiterated in the Council Conclusions adopted on 20 March 2023.

#### **3.2 RATIONALE FOR CRISIS RESPONSE ACTIONS UNDER THE RAPID RESPONSE PILLAR OF THE NEIGHBOURHOOD, DEVELOPMENT AND INTERNATIONAL COOPERATION INSTRUMENT**

Two years following the Taliban takeover, power has become increasingly centralised in the Emir in Kandahar, as well as in an all-male and predominantly mullah and Pashtun group, with the Afghan population denied opportunities to influence, partake in and shape decision-making processes on Afghanistan. Since assuming power, the Taliban de facto authorities have repeatedly introduced policies that severely limit the rights of the Afghan population, in particular women and girls. In addition to Afghan women being denied access to education, freedom of movement and the right to work in several sectors, the Taliban have imposed limitations on political pluralism and freedom of the press. The environment for civil society has been severely constrained, with formal and informal restrictions on Afghan civic space posing significant operational challenges for civil society organisations with expertise in peace building, human, and in particular women's, rights. A considerable number of experienced civil society actors – particularly individuals with leadership roles – have left the country since the Taliban's takeover, leaving less-experienced and often younger colleagues to attempt to redevelop the requisite capacity to work towards peaceful and inclusive developments in the country. At the same time, there is a lack of direct international support to Afghan actors

specialised in these thematic areas, even more so inside Afghanistan. Any advancement towards a peaceful and inclusive Afghan society with respect for human rights will take time. However, this Action would seek to provide a targeted response to the crisis for peace, inclusion, and human, and in particular women’s, rights. This constitutes an exceptional and unforeseen situation in the sense of Article 4(4) (a) of the NDICI Regulation. An adequate response cannot be provided under any other European Union Instrument due to the urgency with which the funds are required and due to available resources already being firmly committed.

Annex IV, paragraph 1, second paragraph, points (a), (l), (n) and (q) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to provide (a) support, through the provision of technical and logistical assistance, for the efforts undertaken by international, regional and local organisations and by State and civil society actors in promoting confidence-building, mediation, dialogue and reconciliation, transitional justice, women’s and youth empowerment, in particular with regard to community tensions and protracted conflicts; (l) support for measures to ensure that the specific needs of women and children in crisis and conflict situations, including preventing their exposure to gender-based violence, are adequately met; (n) support for measures to promote and defend respect for human rights and fundamental freedoms, democracy and the rule of law, and the related international instruments, and (q) support for measures to promote the development and organisation of civil society and its participation in the political process, including measures to enhance the role of women in such processes and measures to promote independent, pluralist and professional media.

**3.3 RISKS AND ASSUMPTIONS**

<b>Risk</b>	<b>High (H), medium (M), Low (L)</b>	<b>Mitigation measure</b>
Political risks, including the risk of de facto authorities trying to control activities or exert pressure.	M	The implementing partners will act as neutral brokers between different stakeholders, using silent diplomacy to ensure activities can be implemented. The implementing partners will work with experienced and established partners, that have, in part, already received informal clearance by de facto authorities and have demonstrated capacity to continue their operations.
The economy collapses leading to cash shortages and increased insecurity.	H	The political and economic developments in Afghanistan will be closely monitored with implementing partners

		on the ground. Contingency plans will be developed as needed and activities may be suspended.
Financial issues related to money transfer into Afghanistan.	H	The implementing partner will monitor the situation and coordinate with other international stakeholders facing similar issues and having found potential solutions to that, in close cooperation with the donor.
Limited or difficult movement and access to communities in areas potentially controlled by armed groups.	H	Implementing partners will rely on local partners embedded in selected communities and will conduct advocacy initiatives when needed.
Difficulty in obtaining permissions and registrations to implement activities in the country.	H	Limit public information on the partnerships and projects to avoid this from harming the process of registration.
Implementing partners are blacklisted by the DFA.	H	Ensure that implementing partner/grantee details are kept strictly confidential.  Increase the EU profile of activities, and reduce the Swedish profile, this relates e.g. to activities implemented by Folke Bernadotte Academy

## 4. OBJECTIVES

### 4.1 OVERALL OBJECTIVE

The overall objective of the action is to promote social accountability and inclusive dialogue and to support the protection of the Afghan population.

## **4.2 SPECIFIC OBJECTIVES**

- 4.2.1 To support peacebuilding and promote opportunities for dialogue, inclusive governance, accountability and respect for human rights in Afghanistan.
- 4.2.2 To support the protection of the Afghan population, as well as the prevention of violence towards minorities and marginalised groups.

## **5. ACTION COMPONENTS AND EXPECTED RESULTS**

**The main expected results/outcomes include:**

**Expected Result (1):** Strengthened opportunities for inclusive dialogue, participation, governance, peace, stability and human rights in Afghanistan.

Activities (indicative):

- 5.1.1 Identify new, and build on previous, strategic partnerships and provide grant support to relevant actors to create platforms, and undertake dialogues and advocacy efforts;
- 5.1.2 Identify strategic partnerships and provide grant support to relevant actors to undertake conflict-prevention and peacebuilding initiatives including regional and international partners and initiatives;
- 5.1.3 Provide technical, thematic and logistical support to peacebuilding initiatives and intra-Afghan dialogue.

**Expected Result (2):** Armed organisations and de facto authorities recognise their responsibilities and take concrete steps for the protection of civilians, and understanding of the rights of marginalised groups, especially women, is enhanced among local actors.

Activities (indicative):

- 5.2.1 Raise awareness and facilitate humanitarian engagement sessions for armed organisations on their obligations to protect civilians;
- 5.2.2 Provide space for consultations and awareness raising with local communities, including women and youth, on conflict related risks, humanitarian norms and obligations for protecting civilians;
- 5.2.3 Conduct mobilisation campaigns on preventing violence against civilians belonging to minorities and against vulnerable populations, in particular women and children;
- 5.2.4 Organise workshops with international and local actors in Afghanistan.

## 6. IMPLEMENTATION

### 6.1 IMPLEMENTATION MODALITIES

The Commission will ensure that the appropriate EU rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>1</sup>.

#### 6.1.1 Grant: direct award (direct management)

(a) Purpose of the grant

The grant will contribute to achieving the Expected Result 2 related to Specific Objective 2.

(b) Type of applicants targeted

The type of applicant targeted for this direct award are non-governmental organisations.

(c) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because **the action entails crisis management aid as referred to in Article 195(a) and as defined in Article 2(21) of the Financial Regulation** at the date of the Financing Decision.

#### 6.1.2 Indirect management with a pillar assessed entity

A part of this action may be implemented in indirect management with an entity which will be selected by the Commission's services using the following criteria: due to the nature of the action, priority will be given to an implementing partner having a solid presence in the field, with a strong operational capacity in terms of grant management, technical competences and an established institutional network with local civil society organisations, previous experience in the country and expertise in peace issues; a Member State organisation will be selected to ensure that the mechanism is presented and perceived as a European Union initiative. The implementation by this entity entails creating opportunities for dialogue between Afghan civil society actors and the de facto authorities with the aim to promote inclusive dialogue among Afghans as well as with regional and international actors (Specific Objective 1 and Expected Result 1). Indirect management through a Member State organisation will enable the measure to respond to the diverse and unplanned needs arising during the peace process and provide a robust contractual and programmatic framework for EU support in Afghanistan.

### 6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 7 500 000**. A breakdown among components is provided hereunder, and is indicative.

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<sup>1</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu) Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website, it is the OJ version that prevails.

### Indicative budget breakdown

Components	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
Component 1: Afghanistan Inclusive Dialogue Initiative Support peacebuilding and promote opportunities for dialogue, inclusive governance, accountability and respect for human rights in Afghanistan, composed of:		
6.1.2 Indirect management with Member State Organisation	6 000 000	NA
Component 2: Support the protection of the Afghan population, and the prevention of armed violence towards minority and marginalized groups, composed of:		
6.1.1 Direct grant (direct management)	1 500 000	NA
Total	7 500 000	NA

### **6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES**

The action shall be implemented under indirect management for objective 1 and direct management for objective 2. It will be devolved and sub-delegated to the **European Union Delegation in Afghanistan**, with the support of the Commission for the conclusion of the contracts implementing the action.

### **6.4 PERFORMANCE AND RESULTS MONITORING AND REPORTING**

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final report. Each report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and outcomes) as measured by corresponding indicators, using as reference the Logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

## **6.5 EVALUATION**

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

The Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

## **6.6 AUDIT**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

## **6.7 COMMUNICATION AND VISIBILITY**

The 2021-2027 programming cycle has adopted a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

The 2022 "Communicating and Raising EU Visibility: Guidance for external actions" reference document shall be used to establish the appropriate contractual obligations.

## **7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP**

This action is consistent with the Union strategic policy framework for Afghanistan. It has been designed in coordination with the European Union Delegation to Afghanistan and aims to complement ongoing or planned interventions in the country. There are currently a number of initiatives, either being launched or under development, in support of Afghan civil society, human rights, media and peaceful developments in Afghanistan. To ensure that the Action will have an added value, generate synergies, and avoid duplication, it will be highly important to coordinate with these initiatives during both the preparation and implementation of the Action. While implementing the activities, it is important to focus on the beneficiaries inside Afghanistan as this will likely have the most significant impact. Furthermore, this action will take stock of the findings and recommendations of the external evaluations of IcSP and NDICI actions that are currently being undertaken. It will respond to the new political situation on the ground and comply with the five benchmarks of the Council Conclusions of September 2021. Coordination will be ensured with other relevant ongoing or upcoming initiatives in support of Afghan civil society and peace institutions carried out by the EU, its Member States and other like-minded countries.