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Foreign and Commonwealth Office

London SW1A 2AH

26 March 1987

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Dear Charles,

Afghanistan : Neutrality

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In your letter of 18 March about the Prime Minister's meeting with Mr Armacost you noted that the Prime Minister had wondered whether it was worth looking again at plans for a neutral Afghanistan, on the lines suggested by Lord Carrington in 1981.

I now enclose :

- a paper of 1980 describing our ideas at the time;
- a note produced this week summarising the essential background to our present thinking on this issue.

If the Soviet Union decided at some stage to withdraw, the concept of neutrality (as well as independence and non-alignment) could be a useful means of allaying Soviet professions of fear of Western intervention. It should not be used to allow the Russians to dodge their responsibilities for a prompt and complete withdrawal or for allowing genuine Afghan self-determination to take place: but it could be a useful complementary strand designed to build confidence.

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We have discussed our ideas with Pakistan and the US. They seem to match American thinking and, so far as we can tell, have helped to inform Pakistani attitudes. In their recent talks, however, the Russians and Pakistanis have concentrated not on the neutrality of a post-withdrawal Afghanistan but on the search for a way to manage the transition while Soviet forces withdraw. The Prime Minister will have an opportunity in Moscow to probe Russian thinking on this and other points.

Yours ever

R N Culshaw

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AFGHANISTAN : NEUTRALITY

BACKGROUND

The neutrality proposal was an attempt by us and our European partners to put political pressure on the Russians in the aftermath of the initial intervention; although we had few expectations that the Russians would in fact withdraw at that time, it was carefully formulated to provide a constructive political proposal which the Russians would find difficult to reject. However, it was not picked up sufficiently vigorously by the Pakistanis, the Islamic conference or the non-aligned countries. It developed into the EC (or "Carrington") proposals for a two-stage conference which were formally put forward a year later (see the enclosed statement issued on 30 June 1981 in Luxembourg).

The Russians rejected the proposals on the grounds that questions pertaining to the internal status of Afghanistan and the composition of its government were inadmissible interference in Afghanistan's internal affairs: they argued that outside interference was the real issue to address. Since then much of the proposed agenda has been effectively superseded by the UN Proximity Talks in Geneva which have been dealing with external guarantees, UN monitoring procedures and troop withdrawals. The UN Proximity Talks which began in 1982 have not included any neutrality proposals, although neutrality could be introduced in some way if the parties and the UN were so inclined.

Neutrality was a key concept in Afghan foreign policy statements between 1914 and the 1978 coup, although "positive non-alignment" replaced it thereafter. Soviet leaders prior to 1978 also went on record as approving Afghanistan's neutrality, a concept enshrined in some not so neutral-sounding bilateral Afghan/Soviets treaties of the 1920s and 1930s.

Neutrality returned to fashion when Mr Gorbachev alluded to it during his visit to New Delhi in November 1986 and the Russians probed the Pakistanis on the subject during a visit by a senior Pakistani official to Moscow at the end of the year. Najib too has talked of the need for Afghanistan's guaranteed neutrality. Most recently, in a written reply to the EC démarche of 23 February, the Russians said:

"We wish to see an independent, non-aligned and neutral state ..."

ARGUMENT

Neutrality in our eyes has always been something for the Afghans to embrace of their own free will. It is not a forcible neutralisation imposed from outside. The 1981 Statement speaks of Afghan independence, non-alignment and self-determination. It does not speak of neutrality. In 1980 we had envisaged an independent Government of Afghanistan might itself make a Declaration of Permanent Neutrality. This still seems a practicable option, and one to which the US it would be a process occurring after not before troop withdrawal. And if it were to be a genuine expression of Afghan wishes a settlement could not be made dependent upon a subsequent declaration of neutrality eg by a loyal jirga. Incidentally, although Austrian neutrality (a sovereign decision by their Parliament after the State Treaty had been signed in 1955) is the model, the Austrians themselves vigorously protested in 1981 at being compared to Afghanistan.

An obligation to respect such a Declaration might be reflected in the Declaration of International Guarantees to be signed as part of the UN settlement by the US and USSR. There are various ways in which other states, including Pakistan, might undertake to respect such a Declaration.


i) separate unilateral statements;

ii) the Laotian precedent: a statement of neutrality was made by the Government of Laos accompanied by a declaration on the part of the 13 states who signed the 1962 Declaration to the effect that they recognised and would "respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of Laos";

iii) undertakings at the UN: these could be recorded in the summary or verbatim records and repeated and noted in the text of a Security Council or General Assembly resolution. An advantage of a UN procedure would be that the Non-Aligned countries would be actively involved and more members of the international community would be committed in some degree to the result.

The formulations we came up with in 1980 still seem a reasonable basis for consideration, bearing in mind that the concept of permanent neutrality with which we are concerned in Afghanistan's case should have the following elements: no membership of military alliances; no foreign troops or bases; no treaty obligations of a political or economic nature which would be inconsistent with neutral status; the inability of the neutral state to change its status; and respect by other states of such status. In this context there is the problem of the 1978 Treaty of Friendship between the Soviet Union and Afghanistan, under which the Russians were said by the regime to have been invited to send in troops. We could demand that this Treaty be terminated or modified so that it was not inconsistent with the obligations of neutrality outlined above. Or we could let it wither on the vine, an old arrangement overtaken by a new one. What is clear is that essential ingredients after

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Soviet withdrawal could include a genuine act of self-determination, leading to a genuinely broad-based government which issued a Declaration of Permanent Neutrality (perhaps in the context of a new constitutional settlement). This Declaration could then be endorsed by the guarantors of the UN agreement and by others, perhaps through action at the UN.

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NEUTRAL AND NON-ALIGNED AFGHANISTAN

1. An earlier version of this paper, which had a limited distribution at the time the idea was put to the Nine and adopted by them, attempted to summarise the provisions that might form part of any agreement, treaty, or international instrument establishing a neutral Afghanistan. Section II of that paper discussed possible ways of translating the idea into practice.

2. This revised version is in four parts:

- I A political scenario, including interim arrangements at the time of any Russian withdrawal.
- II The provisions that might form part of any agreement, treaty, or international instrument establishing a neutral and non-aligned Afghanistan.
- III Means of bringing about a Conference to negotiate a settlement.
- IV Background material.

I. POLITICAL SCENARIO

3. Soviet agreement will be required for the success of any negotiation to achieve a neutral and non-aligned Afghanistan. Some 2 1/2 months after the Russian invasion (ie early March 1980) such agreement does not look likely to be forthcoming. But the military difficulties caused by the continuing resistance by Afghan insurgents, and the political difficulties the Soviet Union will encounter, especially amongst Islamic countries, as the Russian troops in Afghanistan retaliate, may prompt a change of policy. Soviet speeches, though discouraging, have left open the possibility of withdrawal provided Pakistan, the United States, China, etc, cease "interfering" in Afghanistan. This paper is therefore based on the assumption that at some later stage the Soviet Union does decide that the balance of advantage lies in withdrawal.

4. It is further assumed that the Russians would not withdraw if they foresaw the emergence of a fundamentalist Islamic regime.

5. If Russian troops withdrew, Babrak Karmal would go with them or would swiftly be assassinated. The Russians would presumably arrange their departure so that they left installed, or at least

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well placed to succeed, Afghan politicians with good nationalist credentials (and hence more acceptable locally), though men still pragmatic and sensible enough to know that Afghanistan will always have to live in Moscow's shadow. If such a government could be contrived, and soothed the insurgents, and administer a relatively stable Afghanistan, Western interests would be adequately served. There are enough nationalists left, in Afghanistan or in exile in Peshawar, to form such a government.

6. Any new Afghan government would wish to confirm its claim to represent the Afghan people, and some form of popular mandate is additionally desirable in that it should remove any temptation the Russians might feel to leave behind a puppet regime based on an armed minority of the party faithful in Kabul. But to press for free elections would be to seek too much. Elections are not part of the Afghan tradition. In the past there have been Afghan Assemblies, though these are not strictly comparable to the parliamentary institutions of the West. The Assemblies were usually in the tradition of the loje jirga (or High Assembly), which might be termed a Parliament of Notables or elders - the tribal elders nominating some of their number to the provincial jirgas, which in turn chose some for the loje jirga. Such a loje jirga could be summoned, and could endorse any Declaration of Neutrality which might at the same time be written into the new Constitution due to replace that suspended in 1973. Elections would be difficult to arrange, and unlikely to produce a convincing result (in the free elections that did take place, in 1965 and 1969 only 14% of the estimated total population were on the electoral roll, and only 10% of that roll bothered to vote). Moreover, if there were any risk that they could lead to a fundamentalist Islamic majority, the Russians would reject any settlement.

7. Should the Soviet leaders conclude that withdrawal was the least unpleasant of the courses open to them, the provisions that any solution or settlement might usefully include are set out in Section II.

8. Those provisions would presumably be discussed at a Conference (Section III of the paper). But the practical arrangements for the transition back from a Soviet-occupied province to an independent Afghanistan would be of great importance, and any Conference would presumably be only one element in that process. The other elements - eg the emergence of a new government; the promulgation by Afghanistan of a Declaration of Neutrality and Non-Alignment; the role of observers; the coming into effect of reciprocal undertakings by other powers; the meeting of the loje jirga; etc - would have to be carefully considered. A decision on the sequence in which they took place, and their relationship to the actual troop withdrawals, would require even greater care. It must be assumed that the Soviet Union would seek to maintain a sufficient military presence long enough to stage manage the creation of a new government and the decisions of the loje jirga. This would be unacceptable.

II. THE PROVISIONS IN ANY TREATY OR AGREEMENT

A Declaration of Neutrality

9. Any Declaration by Afghanistan could refer to "perpetual" or "permanent" neutrality. It could be drafted to forbid military alliances in time of peace, foreign forces or the provision of bases or other facilities for foreign forces. It is generally accepted that a neutral state should in peace avoid all actions likely to draw it into any conflict, and this would justify a provision forbidding a military alliance.

Note:- Some critical comments on the proposal reveal a failure to understand what is in mind. First, "neutral" does not mean the "neutralisation" of Afghanistan, which could be interpreted as a move by outside powers to impose upon a small country a solution preferred by others. On the contrary, we are assuming that an independent sovereign Afghan government would itself declare its wish to be neutral.

Second, in reaffirming her traditional neutrality Afghanistan would in no way impair her membership of the Non-Aligned Movement.

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For this reason the formula "neutral and non-aligned" aptly describes our view of Afghanistan's proper status.

Stationing of foreign forces

10. A term that has been used elsewhere is: "(x) will not permit the establishment of any foreign military bases" on her territory (Austrian Parliament's Law of 26 October 1955, following upon the State Treaty of May 1955). The argument is self-evident, but there has been debate as to what constitutes a "base" or a "facility". The aim should be something on the lines of "will not join any military alliance, nor permit the stationing of foreign forces on her territory, nor permit military equipment to be pre-positioned on her territory [for use] by another power". There should also be provisions governing numbers and provenance of instructors; and possibly of training facilities elsewhere that Afghans might use. The latter would be difficult to enforce, and would be a limitation of Afghan sovereignty. To argue against pre-positioned equipment could adversely affect Western military planning for the region.

Economic Groupings

11. The provision is negotiable. The Austrian State Treaty (and the Canadian draft treaty for Afghanistan) envisages such a clause, but European parallels are not exact, and the historical justification in Europe (largely Soviet fears of a Zollverein) are hardly applicable in Afghanistan. Western economic interests would not be seriously affected if such an economic grouping did take place, but there would be political implications from eg. membership of a Communist dominated economic group. In practice Afghanistan is dependent upon her neighbours for transit trade. About 20% of her trade passes through Pakistan, but she will always be heavily dependent on the Soviet Union. The provision is therefore not one that need be pursued tenaciously.

POLITICAL UNION WITH OTHER COUNTRIES OR ESTABLISHING THE INVIOABILITY OF FRONTIERS

12. This is a natural extension of the neutrality concept. It should not cause the Afghans, who are a fiercely independent people, any trouble. A provision governing political union is a desirable part of any neutrality agreement. "Pushtoonistan" - ie the traditional

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Afghan claim to a slice of Pakistan - could conceivably complicate such a provision. Certainly there is a risk of causing unnecessary trouble were a draft treaty to state the inviolability of present frontiers, for Kabul does not accept the Durand Line. A judicious silence could be the answer. (The Quadripartite Agreement on Berlin uses the phrase 'the relevant area'). Alternatively, the point may be covered by provisions designed to meet Russian allegations of cross-border interference, presumably for some sort of observers' presence along existing frontiers.

RENUNCIATION OF CERTAIN, eg NUCLEAR, WEAPONS

13. To speak of nuclear weapons in the Afghan context is somewhat unrealistic, but if the Soviet Union take the negotiation seriously, they may see advantage in including a provision which underlines the importance of banning for all time any nuclear threat.

14. If Article 13 of the Austrian State Treaty were taken as a model, then a form of words could be:

1. Afghanistan shall not possess, construct, experiment with, or permit on its territory any of the weapons listed in the Annex to this Treaty.
2. The Powers reserve the right to modify the list of weapons prohibited under this Treaty, as warranted by scientific developments or other circumstances.

15. Any Annex itself would require study by defence experts. Afghanistan may not wish to have her sovereignty circumscribed; she could argue that she had signed the Non-Proliferation Treaty on 1 July 1968. This provision seems desirable so long as it is uncontentious, but it smacks of 'neutralisation' and is peripheral to the main issue; it should not be allowed to affect any negotiation.

OUTSIDE OBSERVERS TO MONITOR ANY SETTLEMENT

16. Even if we ignore the political difficulties, the size and terrain of Afghanistan would make the task of any peace-keeping force

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(ie a brigade or more made up of national contingents) difficult. It seems more sensible, therefore, to propose a team of observers (ie a much smaller number, perhaps a hundred or so, operating in teams of 2 or 3). Their duty would be to report on the observance of the provisions of any Treaty or Agreement. This, initially, would mean to check upon the withdrawal of Russian troops, and thereafter, at a much reduced level of activity, to ensure that the country remained "neutral" - ie not subject to occupation by foreign forces. If a neutral Afghanistan were indeed achieved, there seems no reason why, after the initial period, the observer group would not be able to disperse homewards and thereafter discharge any obligation to report by arranging a short annual visit by one or two staff members.

17. A parallel obligation, which the Russians are likely to insist on imposing upon any observer group, would be to prevent insurgent activities mounted from outside Afghanistan. With the departure of Russian troops and, presumably, the formation of a more 'Afghan' and less Marxist government, insurgency should decrease. Moreover, the Pakistanis have already indicated in public statements their readiness to allow free access to the refugee camps along the Afghan border. The UN High Commissioner for Refugees is working in the area. There should therefore be little difficulty in securing Pakistani agreement to such a provision, so far as the refugee camps are concerned. The Pakistanis would probably be less happy, were it necessary to have a substantial and permanent UN force along the Durand Line. But they are accustomed to allowing access to UN observers in Azad Kashmir, where at present (1979 report) a UN Military Observer Group number 41, drawn from ten countries, operates on both sides of the ceasefire line.

18. No attempt has been made at this stage to decide who should organise and pay for any observer group. The UN has had most experience, but such groups have been organised outside the UN - eg the ICC team in South East Asia. Nor have the possibilities of technical monitoring devices been studied; work done by NATO

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experts in the MBFR context may be relevant.

ASSOCIATING OTHER PARTIES WITH ANY SETTLEMENT

'Other Parties'

19. The other Parties who might be associated with the negotiation of any agreement for a neutral Afghanistan should include all those sharing a frontier with Afghanistan (Iran, the Soviet Union, China and Pakistan). It could include the three other permanent Security Council members, and other near neighbours, notably India and perhaps Saudi Arabia. This list is not exclusive. Of the other three permanent members of the Security Council, the Russians will assuredly require that the United States should give the same assurances as the Soviet Union gives, if only to allay their stated fears that any withdrawal on their part would immediately be followed by American interference. We and the French would provide the European contribution.

20. Other near neighbours are more difficult to define. Political: it is desirable that India should be brought in, even though her presence could complicate any negotiations. She does not like the Soviet invasion. It represents a super power presence in the Sub-Continent, an area she wishes to dominate. Though political reasons prevent her being too critical of the Soviet Union in public, to have India formally associated with any agreement reaffirming Afghan neutrality should be a useful constraint on Soviet behaviour in the future.

21. Indian involvement will inevitably arouse Pakistani fears. India could be balanced by the most powerful of Pakistan's Moslem friends, Saudi Arabia. This would also have the useful effect of providing a link to the Islamic world.

'ACCEPTING', 'GUARANTEEING', OR 'RECOGNISING'

22. The power mentioned above might well be involved in any conference. Thereafter they and others not attending the Conference
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could formally recognise any Afghan declaration of perpetual neutrality; or the Austria precedent, by separate unilateral statements. (For the Laotian precedent see para. 24). A treaty, if that were the method preferred, could for example provide for States who did not take part in the Conference subsequently to accede to the Treaty.

23. It is suggested that other Parties should not "guarantee" that neutrality, since a guarantee could arguably carry with it the duty to act militarily to defend that neutrality against any aggressor. (That, at least, is how the Swiss have interpreted their Guarantee of Neutrality provided to them by the signatories at Vienna in 1815). It is unlikely that other countries would wish to assume such an obligation; and for some it would be almost a physical impossibility. There are other disadvantages: first, a collective guarantee could present one power with the right of veto, and, second, a series of individual guarantees could mean that an appeal by a future Babrak Karmal for Russian troops to help him against Pakistani-aided insurgents could be justified under the Soviet guarantee.

24. A further precedent is offered by the statement of neutrality made by the Government of Laos and incorporated in the preamble to the Declaration of 23 July 1962, and signed by Burma, Cambodia, Canada, China, France, India, Poland, Thailand, the Soviet Union, the United Kingdom, United States and the two Vietnams. The signatories declared that they recognised and would "respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of Laos".

25. Countries that took no part in any negotiations establishing a neutral Afghanistan could nonetheless subsequently recognise Afghanistan's neutral status. The longer and more impressive the list of those doing so, the weightier will be the constraints inhibiting future offenders.

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PROVISION FOR THE WITHDRAWAL OF ALL FOREIGN TROOPS AND FOREIGN ADMINISTRATORS (SAVE EMBASSY PERSONNEL) WITHIN 90 DAYS OF THE TREATY'S SIGNATURE

26. The exact terms of any settlement governing withdrawal would have to be drafted with care and might have to be administered with some indulgence. Afghanistan needs many aid personnel, and some Soviet administrators may legitimately fall under this head. (They are, however, unlikely to agree to stay behind without military protection). There will also presumably be a continuing need for aid personnel from other countries and international organisations. French and German teachers do an excellent job at their respective schools. There is a need for a careful definition of aid personnel, so that Afghanistan can get rid of the Russian occupying force, civil and military, whilst retaining disinterested help. The Protocol to the Laos Declaration provided a detailed scheme for withdrawal, and for ICC supervision.

27. '90 days' has been suggested, since it seems a reasonable period and was the time specified in the Austrian Treaty. But it is not sacrosanct. More important will be the time required to bring together the various components in any agreement - eg the reciprocal undertakings not to interfere and to maintain neutrality, the phasing out of Russian troops and the possible introduction of observers, etc.

A POSSIBLE PROVISION FOR 'THE PARTIES' TO MEET AT THE REQUEST EITHER OF AFGHANISTAN OR OF ANY 2/3 OF THE OTHER SIGNATORIES

28. It is doubtful whether other countries will wish to commit themselves to defend Afghanistan's neutral status in the face of a renewed and determined Russian military threat. It might be preferable to draft a provision for the Security Council to meet, or for the reactivation of observer duties at the request of any (certain number) of the other signatories.

29. The fundamental question is whether future problems should be aimed at the UN or at the Parties to the Treaty. These presumably

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would be those participating in the Conference, but could include others subsequently "recognising" Afghan neutrality. If "recognising" Afghan neutrality brought with it undefined but possibly embarrassing future obligations, we could expect to discourage those whose association with any Agreement we would wish to encourage. If, however, the Parties merely lent their moral authority, knowing that, if the Russians were again prepared to flood the settlement, their only obligation would be to speak and vote critically in the subsequent UN debate, they should be correspondingly less reluctant to recognise formally Afghan neutrality, and the right names, in substantial numbers, could be something of a political deterrent against a future Soviet invasion.

30. If a provision on these lines were thought desirable, then most international agreements offer a precedent.

A CEASEFIRE

31. There have been suggestions of a ceasefire. But who should call upon whom has been left undefined. In practice the insurgents are divided amongst themselves, and often as much inspired by local factors and rivalries as they are by instructions from the various insurgent "leaders" in Peshawar. There is no overall co-ordination. A comprehensive ceasefire could in practice be almost impossible to negotiate; any so-called ceasefire would be ignored by some Afghans, perhaps more brigands than patriots.

32. A "ceasefire" is therefore not a practical proposition. A lessening in the shooting, as Russians withdraw, is a reasonable expectation.

SECTION III

33. Assuming a Soviet decision to withdraw as part of a settlement involving reciprocal guarantees (neutrality, non-interference, etc) exchanged between the Parties concerned, a settlement could involve either a Conference under UN auspices, or an ad hoc Conference, outside the UN. If the Russians are genuinely determined to cut their losses and withdraw, there would be sense in easing their way and accepting their preferred route. This is unlikely to be the UN, which would allow the Soviet Union's critics an excellent stage on which to emphasise the defeat.

A CONFERENCE UNDER UN AUSPICES

Security Council Action

34. Though the wording is not always precise, Chapter VI of the UN Charter gives the Security Council a role in peaceful settlement of disputes, including (Article 34)

'any situation which might lead to international friction or give rise to a dispute'.

Article 37 includes the power for the Council to 'recommend such terms of settlement as it may consider appropriate', which would enable the Council to lay down broad guidelines for any agreement, treaty or instrument.

35. Security Council discussion could also be based on operative paragraphs 7 or 8 of GA Resolution ES6/2 of 15 January, 1980, adopted when the Afghanistan problem was discussed in the General Assembly.

General Assembly Action

36. The General Assembly is empowered to consider inter alia questions of peace and security and may make recommendations to UN members or to the Council or both (Article 10). Special sessions may be called at the request of a majority of members or at the request of the Security Council. There is a precedent (Hungary 1957) for the establishment of a Special Committee of the General Assembly to examine a particular situation.

37. Soviet antipathy to General Assembly involvement in the maintenance of international peace and security is such that it is most unlikely that they would agree to any General Assembly role over Afghanistan.

Secretary General

38. The powers of the UN Secretary General are not explicit. He normally acts in connection with the maintenance of peace and security only with the acquiescence, if not support, of the major powers and the parties involved. There is, however, a precedent (Vietnam refugees July 1979) for the Secretary General taking an initiative to call a 'meeting' without prior agreement

of all the Permanent Members.

39. The Russians have a similar antipathy to enhancing the role of the Secretary General. It is most unlikely that they would agree to any substantive role for him in connection with Afghanistan, except under the specific mandate of the Security Council.

Regional Organisations

40. Not applicable in this case.

Conclusions

41. This indicates that, if the UN seems the best way to advance matters, the Security Council rather than the General Assembly should be used. A Security Council Resolution could either:

- (a) set out the framework of a settlement and call upon Member states to implement it through bilateral or multilateral instruments; or
- (b) request the Secretary General to convene a conference on Afghanistan (with participation of 'all interested parties') with the purpose of agreeing a treaty or comparable instrument(s) to secure the neutrality of Afghanistan.

A CONFERENCE OUTSIDE THE UN

42. The Russians may well refuse to conduct any substantive negotiation on Afghanistan within the UN framework, given the overwhelming vote against them on GA Resolution ES6/2 of 15 January. While there might be a possible role for the Security Council at a later stage, eg by taking note of any settlement achieved, the Russians might also refuse to accept any direct involvement by the Secretary General, eg the summoning of a Conference. They could also reject any peace-keeping force or observer group, if it were sent under specifically UN auspices.

43. The alternative is to bring about, through ad hoc diplomacy, a settlement involving the neutrality of Afghanistan. This would unquestionably be difficult. The nearest precedent is the Declaration and Protocol on the neutrality of Laos which was negotiated at the Geneva Conference of 1962. This involved a

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Declaration of Neutrality by the then Royal Government of Laos, this Declaration being accompanied by parallel Declarations by the other participating Governments undertaking to respect and observe the sovereignty, independence, neutrality, unity and territorial integrity of Laos.

44. While the Geneva Conference of 1962 on Laos cannot be revived, the precedent does suggest a possible list of participants in any ad hoc conference on Afghanistan. The then participants consisted of the two States in Vietnam at the time (the Democratic Republic of Vietnam and the Republic of Vietnam), Cambodia, Laos, China, the USSR, the US, France, the UK, Burma (as a State immediately adjacent to Laos), Canada, Poland and India (the three States represented on the International Control Commission for Laos). This might suggest that an ad hoc conference on Afghanistan could be limited to the five members of the Security Council, Pakistan, India and possibly Iran (the last three as adjacent or nearly adjacent States to Afghanistan itself): the question of "other parties" is also considered at paragraphs 19-21). The problem would be to find an acceptable government which would be prepared to act as host, and a government or governments prepared to chair (or co-chair) a conference of this nature.

45. The alternative courses listed in paragraphs 33-41, and 42-44 above, assume a settlement by Conference. This seems the likeliest outcome and moreover one at which we should aim, since the more Declarations, instruments and signatories we can formally associate with a Soviet withdrawal, the greater the political constraints, should later the Russians be tempted to return. But it remains possible that the Russians, if they decide to cut their losses, will prefer to do so without permitting other countries to be associated with their discomfiture, and arrange to withdraw after a minimum, or even no, bilateral negotiations with selected countries.

IV. BACKGROUND MATERIAL

46. a) Research Department's note on the Historical Background to Afghanistan's Neutrality.
b) Précis of Mr Beel's minute on Soviet definition of Neutrality
c) a note on Elections.

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Mr Broucher (EESD)

A NEUTRAL AFGHANISTAN

1. In view of the proposal that Afghanistan should become a neutral country, it may be worth looking again at Soviet definitions of neutrality in general, and at the limits on the neutrality of Afghanistan which the Soviet Union formally recognises today.

2. The entry in the Large Soviet Encyclopedia published in 1974 (3rd edition, Volume 17 cols 1253-1254) defines neutrality, in international law, as a policy of non-participation in war, and in peace time of non-membership of military blocs. A neutral state has the right to the inviolability (neprikiosnovennost', lit. 'untouchability') of its territory, citizens who take no part in the military activities of warring parties, and of property not related to military contraband. A neutral state may defend its neutrality by military means (armed neutrality). Permanent neutrality envisages the obligation of a state to refrain from war (apart from self-defence), and in peace time to pursue a peace-loving foreign policy, or not to participate in military alliances or coalitions or conclude agreements intended to involve it in war. Switzerland and Austria are cited as examples of permanently neutral states, which are obliged to pursue a policy of neutrality in war and peace.

3. The Soviet Diplomatic Dictionary (Volume 2, 1971) adds that neutrality also means not giving military assistance to warring States. Neutrality, it says, plays a prominent part in the policy of developing countries. Wishing to emphasise the effectiveness of the neutrality to which they adhere, many developing countries in Asia and Africa call their policy positive, active or constructive neutrality. The essence of positive neutrality is non-participation in military groupings of imperialist states and the socialist countries' defence agreements, and participation in the active struggle for the prevention of war and the maintenance of peace.

4. The USSR and Afghanistan, of course, concluded treaties of neutrality and non-aggression in 1926 and 1931 - cited by the Short Political Dictionary (1978) as an example of "treaty neutrality." These treaties remain valid, the 1931 treaty having been extended for a further ten-year period as recently as December 1975. The main provisions of the latter treaty are:

- a) in the event of hostilities between one of the signatories and a third country or countries, the other remains neutral;
- b) each side must refrain from attacking the other (or territory in its possession), and take no steps which would cause military or political damage to the other side. Equally there must be no participation by either side in alliances or military or political agreements, or in a financial or economic blockade directed against the other;

- c) if third countries take such action against either side, the other party to the treaty must resist it on its territory;
- d) the parties, proceeding from mutual recognition of state sovereignty, must refrain from any armed or unarmed interference in each other's internal affairs and will categorically refrain from promoting or taking part in any intervention by a third party or parties which would undertake such steps against the other party;
- e) they will not permit and will prevent on their territory the organisation and the activity of groups of individuals which would harm the other side or make preparations for the overthrow of the state system of the other party, or encroach on its territorial integrity or mobilise or recruit armed forces against the other;
- f) similarly, both sides will not permit the entry or passage through their territory of armed forces and weapons directed against the other.

Similar provisions are included in the 1926 treaty.

5. Although the situation is now very different from what it was before April 1978, it is worth recalling that Soviet leaders are on record as approving Afghanistan's neutrality. Thus L I Brezhnev said in Kabul in October, 1963:

"In the Soviet Union the policy of neutrality and non-participation in military blocs pursued by the Royal Government of Afghanistan, is highly valued. Thanks to this policy your country is greatly respected in the world." (Pravda, 15 October, 1963)

6. Soviet support for Austrian neutrality under the 1955 State Treaty is well documented. For example a recent issue of New Times (No 7, 1980) carries an article on the 35th anniversary of the treaty, headed "The Benefits of Neutrality". It quotes Brezhnev as saying in Vienna in June, 1979, that: "The State Treaty cleared the way, as it were, for the relaxation of tension in Europe and facilitated the further advance towards peaceful co-operation". "The past 25 years", says New Times, "have amply demonstrated that the policy of permanent neutrality fully accords with the national interests of Austria and guarantees its international prestige. These decades have also shown the great importance for the republic of its multiform relations with Socialist countries." It could be argued that the same benefits might be derived for South-West Asia and Afghanistan itself from a treaty guaranteeing Afghanistan's neutrality. The following statement by Kosygin in Vienna in June, 1971, is also indicative of the positive Soviet approach to Austrian neutrality:

"One sometimes hears the opinion voiced that, in conditions of detente, the policy of neutrality loses its significance. This is, of course, wrong. During cold war times there were also people who called the policy of neutrality amoral. But neutrality is by no means equivalent to indifference to

what is going on in the world. There is clearly no such neutrality. We know, for example, that Austria is contributing to the solution of a number of international problems, such as disarmament and the assertion of the principles of good-neighbourly relations between States in the interests of reducing international tension. Under the law of permanent neutrality Austria has committed itself not to participate in military alliances, not to permit the creation of other countries' war bases on her territory. Such a position is aimed at reducing the danger of war in Europe - and in this we see the positive significance of Austria's neutrality''. (Izvestiya, 3 June, 1971).

AFGHANISTAN : NEUTRALITY

1. Introduction The first formal proclamation of Afghanistan's neutrality appears to have come in 1914 at the outbreak of the First World War. From then until the April 1978 coup which brought an avowedly Marxist government to power in Kabul, "neutrality", variously defined, remained a key concept in Afghanistan's foreign policy pronouncements. Since the April 1978 coup, however, Afghanistan's foreign policy has been described more as one of "positive non-alignment" than one of neutrality. This has meant close support for the Soviet Union and its friends and allies on international issues.

2. The Nineteenth Century Background During the nineteenth century, Afghanistan found itself at the centre of Anglo-Russian rivalry in Asia. British fears about possible French and Russian interest in Afghanistan as a route to India led to the first overtures to Afghanistan in the Napoleonic wars. These continued fears of Russian threats to the Indian Empire led in turn to the Afghan wars of 1839-1842 and 1879-1880, which left Britain in control of Afghanistan's foreign relations. The Afghan response to these developments was a fierce isolationism, helped by traditional xenophobia and religious sentiment, and a desire to avoid all foreign involvement as far as possible. Thus Amir Abdul Rahman Khan, who reigned from 1880 to 1901, advised his sons to avoid the use of foreign capital, foreign advisers and anything else which would allow non-Afghans a greater stake in the country than was absolutely necessary. It would be an anachronism to suggest that what the Afghans then desired was neutrality, but it is nevertheless true that the basis of such a policy was laid in those years. It is certainly true that both under the monarchy and under President Daud (President 1973-1978), the origins of the concept of Afghanistan's neutrality were frequently traced back to this nineteenth century experience.

3. Afghanistan Proclaims Itself Neutral 1914-1945 At the outbreak of the First World War, the Amir of Afghanistan proclaimed his country neutral for "as long as the honour, existence, independence and freedom of Afghanistan were in no ways jeopardised or threatened". This position was maintained throughout the war, although the Amir came under strong pressure to declare war on the British and their allies after the Ottoman entry into the war. One sign of such pressure was a joint mission from the Sultan and the Kaiser to Afghanistan in September 1915. Both its reception and the rejection of its overtures indicate the Amir's firm adherence to his proclamation of neutrality.

4. Following the death of Amir Habibullah in 1919 and the accession of his third son Amanullah, Afghanistan succeeded in obtaining its full independence from British control by the Treaty of Rawalpindi of 1921. This left the Afghan government free to sign treaties as it wished, and among the first of its new treaties was one of "Friendship and Neutrality", signed with Persia on 22 June 1921. In 1926, Afghanistan and the Soviet Union signed a "Treaty of Reciprocal Neutrality and Non-Aggression", by which (Article I), the contracting parties undertook to observe neutrality towards each other in the case of war or military action between one of them and one or more third parties.

5. Afghanistan's adherence to neutrality was re-affirmed in 1931, following the overthrow of Amanullah and a brief interregnum, by King Nadir Shah. Addressing the opening session of the Afghan National Consultative Assembly in July 1931, the King said :-

"In my opinion, the best and most useful policy one can imagine for Afghanistan is a policy of neutrality. Afghanistan must always entertain good relations with its neighbours as well as all friendly powers who are not opposed to the national interests of the country. Afghanistan must give its neighbours assurances of its friendly attitude while safeguarding the rights of reciprocity. Such a line of conduct is the best one for the interests of Afghanistan."

This policy was implemented by reaffirming links with the British and the Soviet Union, and continuing the established policy of extending Afghanistan's diplomatic relations as widely as possible. Also, during the 1930s, Afghanistan signed to the Kellogg Pact on the renunciation of war, and joined the League of Nations.

6. Following the outbreak of the European war in September 1939, the Afghan government, as in 1914, declared itself neutral. A Royal Proclamation issued on 6 September 1939 stated :-

"Our Royal Government who have always taken the part of peace and who desire to see peace and tranquillity in the world, have resolved now that war has broken out in Europe, to continue as the lover of peace and to declare our Neutrality. We therefore notify the Neutrality of Royal Government of Afghanistan in the present war, and may God the Almighty, bring the war, which is destroying the civilisation and peace of the world to a speedy end."

7. There continued to be both German and Italian diplomatic missions in Kabul, but there was strong British pressure for their removal. To this British pressure was added Soviet pressure in 1941. In October 1941, a joint British-

Soviet demarché was made, calling for the expulsion of the Axis Missions and nationals from Afghanistan. In response to this pressure, the Afghan Government summoned a "Loe Jirga" or Grand National Council. This reluctantly agreed that the British and Soviet demand should be met, but went on to assert the country's neutrality in firm terms. A resolution adopted on 6 November 1941 stated :

"... we the deputies of the 'Loe Jirga' support the policy of absolute neutrality which has so far been pursued by the Government and which in future should be fully safeguarded. Afghanistan wishes to lead a peaceful life, especially, with those Powers with whom treaties have been concluded, and particularly with her neighbours' ..."

The resolution went on :

"... We do not consider it advisable for our Government to enter into any new treaty with any one of the foreign powers which might interfere with our country's policy of neutrality ..."

(Full text at annex).

8. 1945 to 1973 Although there were major changes in the world after 1945 affecting Afghanistan, especially the departure of the British from India and the emergence of separate states of India and Pakistan, the Afghan government continued to proclaim its neutrality. During the premiership of the King's cousin, Mohamad Daud from 1954 to 1963, this "neutrality" was often seen by commentators as being a disguise for a pro-Soviet bias, but nevertheless a stated basic principle of foreign policy remained neutrality. Thus, in October 1954 in London, the Afghan Foreign Minister, Mohamad Daud's brother Prince Naim, explained that Afghanistan had traditionally followed a policy of neutrality and wished to continue to do so. Pressure from the Soviet Union, however, was increasing all the time, and Afghanistan needed the west's assistance - for example in such matters as its quarrel with Pakistan.

9. Such statements were not confined to private exchanges. In 1959, referring to a call by Pakistan's President for Afghanistan to join CENTO, Prince Naim stated that Afghanistan would not join pacts and that "Afghanistan's policy of neutrality [was] aimed at strengthening peace, confidence and friendship among the nations". Prince Daud in August 1961 reaffirmed the neutrality policy in his Independence Day speech, and again in addressing the first Non-Aligned Conference Summit Meeting in Belgrade in September 1961. On the latter occasion he said :

"Afghanistan's policy of neutrality far antedates the events which have given rise to the term 'none-alignment'. Afghanistan has traditionally followed a policy of impartial goodwill through many years and has never deviated from this course, even during the world wars..."

10. After Daud resigned as Premier, in 1963, the new government reasserted the policy of neutrality. The Kabul Times reported on 1 June 1963 that the new Foreign Minister had said, discussing relations with Pakistan, that :-

"The policy of Afghanistan is based on neutrality, non-alignment, as well as the promotion of friendship, better understanding and mutual respect with all nations. This will be the guiding principle of our future policy also".

11. The Republic 1973-1976 Daud's return to power as President in 1973 marked no major change in foreign policy. Although the new government's first foreign policy statements tended to stress non-alignment, they also referred to Afghanistan's traditional foreign policy of friendship towards all countries and desire for general peace. Before long there were also frequent references to Afghanistan's neutrality. Speaking during a visit by Soviet President Podgorny in December 1975, Daud said that :-

"Active and positive neutrality and peaceful co-existence represent the foundation of our foreign policy and mirror the resolve and peacefulness of the Afghan people".

Again in April 1977, this time in Moscow, Daud said that Afghanistan

"... sincerely follows the policy of non-alignment and positive neutrality."

12. The April 1978 coup Immediately after the April 1978 coup, the new regime too affirmed its foreign policy in terms similar to those used by Daud. In a broadcast of 9 May 1978 in which the "fundamental lines" of the new regime were laid out, Taraki stated that among the goals of its foreign policy would be :-

"The pursuance of the policy of non-alignment and positive and active neutrality, an independent and peace-seeking policy founded on the principles of peace co-existence."

But while subsequent statements on foreign policy have occasionally referred back to these early fundamental principles, the concept of neutrality has ceased to be a feature of Afghan pronouncements, being generally replaced by references to "positive non-alignment". This was the case under both Taraki and Amin, and has continued to be so under Babrak Karmal.

AFGHANISTAN/ELECTIONS

1. Both the 1923 and the 1931 Afghan Constitutions provided for a limited measure of election to State Councils (1923) and a National Assembly (1931). The 1964 Constitution was far more liberal. Under its terms, all Afghan nationals of both sexes over 20 years of age were eligible to vote. Depending on the figure chosen for the country's population, this provided an electorate of between 3.5 and 4.5 million. Elections on this basis were held in 1965 and 1969. In the latter year, voter lists were compiled by electoral officials who allowed all persons past puberty who could produce a witness to swear that they had resided in Afghanistan for ten years to register. This produced an electoral list of about 2.5 million. In the election itself, however, only about 10% voted. Few women voted in the country-side but there was a good female turnout in the towns, especially Kabul. Candidates had to campaign as individuals, since political parties were not legal.

2. Following Daud's 1973 coup, the 1964 Constitution was abandoned. Although "elections" were in theory held in January 1977, these were in fact selection by acclamation. According to Louis Dupree, candidates put themselves forward on certain dates and "voting" took place by show of hands and acclamation, until one successful candidate was selected. In addition to those selected, Daud appointed 130 additional delegates to the Loje Jirga or Great National Assembly.

3. This latter concept might well provide the basis for the "testing of opinion". Loje Jirga have met on a number of occasions over the years, apart from that mentioned above. It was such a gathering which reaffirmed Afghanistan's neutrality in 1941. Loje Jirga function as conflict-solving, decision making meetings at which tribal leaders, representatives of various interest groups including military and civil officials meet to discuss matters of concern. Decisions are reached by acclamation, not by secret ballot. The meetings are similar to the tribal Jirgas, but are, of course, on a much larger scale, and are traditionally regarded as binding the whole country.

Text of the resolution adopted by the 'Loe Jirga'.

6 Nov. 1941.

We, the representatives of the people of Afghanistan, in accordance with the authorisation delegated to us by our constituents, and (who) having come to Kabul to attend the 'Loe Jirga', have listened to, and closely pondered over, the statements of His Excellency the Minister of Foreign Affairs regarding world events, and recent political developments in Afghanistan, do (hereby) declare that the fundamental line of policy so far pursued by the Government of His (God-trusting) Majesty, is in accordance with our wishes.



1. Therefore, we, the Deputies of the 'Loe Jirga' support the policy of absolute neutrality that has so far been pursued by the Government and which should in future be fully safe-guarded. Afghanistan wishes to lead a peaceful life, especially with those Powers with whom treaties have been concluded, and particularly with her neighbours.

2. However, we, the Deputies in accordance with the powers vested in us on behalf of our Constituents do (hereby) declare, positively and categorically, that the Afghan Nation is not prepared to enter into negotiation with or accept, directly or indirectly, any request or demand made by a foreign power which may be opposed to our honour, pride or complete independence, no matter from which quarter it may emanate. On no account should any excuse, permission or opportunity be afforded to any foreign power to occupy the whole or a part of the territory of Afghanistan, or derive territorial or aerial advantage of our beloved country for military purposes, or desire from us any privilege or concession during the present war. We do not consider it advisable for our Government to enter into any new treaty with any one of the foreign powers which might interfere with our country's policy of neutrality. Similarly on no account and on no pretext whatever should any Foreign Government be given an opportunity or permission to usurp or interfere in the slightest degree with the rights specified in the Treaties of Afghanistan or the International privileges assigned to Sovereign or Independent States - amongst which Afghanistan is counted as one. Apart from this, Afghanistan had, and has a right, and shall reserve that right to continue her diplomatic relations with any country she desires, and to establish, should she so wish, diplomatic connections with any other foreign power in the future. We, the Deputies of the people of Afghanistan, in accordance with the powers vested in us by our Constituents do (hereby) give our absolute and positive decision as to the basic line of policy to be adopted by our Government. The Afghan Nation has at no time been under any obligation to a Foreign Government, nor will she ever be. The Nation had always been free, and will also in future maintain its free and independent existence.

By the help of God, the people of Afghanistan are unanimously prepared to live a life of honour by defending their rights with all their material and spiritual forces, even to the point of shedding the last drop of blood.

TEXT OF STATEMENT ON AFGHANISTAN MADE BY EUROPEAN COUNCIL
ON 30 JUNE 1981 (LUXEMBOURG)

1. The European Council notes with deep concern that the situation in Afghanistan remains an important cause of international tension, that Soviet troops remain in Afghanistan and that the sufferings of the Afghan people continue to increase.
2. The European Council recalls its earlier statements, notably those issued at Venice on 12/13 June 1980, and Maastricht on 24 March 1981, which stressed the urgent need to bring about a solution which would enable Afghanistan to return to its traditional independent and non-aligned status free from external interference and with the Afghan people having the full capacity to exercise their right to self-determination. In keeping with the resolutions voted by the United Nations, the Islamic Conference and the New Delhi conference of the Non-Aligned Movement, the European Council has made it clear on several occasions that it will support any initiative which could lead to the desired result.
3. The European Council considers that the time has come for a fresh attempt to open the way to a political solution to the problem of Afghanistan. They therefore propose that an international conference should be convened as soon as possible, for example in October or November 1981, and that the conference should consist of two stages, each stage being an integral part of the conference.
4. The purpose of stage one would be to work out international arrangements designed to bring about the cessation of external intervention and the establishment of safeguards to prevent such intervention in the future and thus to create conditions in which Afghanistan's independence and non-alignment can be assured.



5. The European Council proposes that in due course the permanent members of the United Nations Security Council, Pakistan, Iran, India and the Secretary-General of the United Nations and the Secretary-General of the Islamic Conference, or their representatives be invited to participate in stage one of the conference.

6. The purpose of stage two would be to reach agreement on the implementation of the international arrangements worked out in stage one and on all other matters designed to assure Afghanistan's future as an independent and non-aligned state.

7. Stage two would be attended by the participants in stage one together with representatives of the Afghan people.

8. The member states of the European Community will be ready at a later stage to make further proposals on the detailed arrangements for the proposed conference.

9. The European Council firmly believes that the situation in Afghanistan continues to demand the attention of the international community. It is convinced that this proposal offers a constructive way forward and therefore calls on the international community to support it fully with the aim of reducing international tension and ending human suffering.



6. The European Council proposal is for a conference to be held in Brussels in the autumn of 1957. The members of the Council, the Secretary-General of the United Nations, India and the Secretary-General of the Organisation for Economic Co-operation and Development, and the Secretary-General of the Islamic Conference, should be invited to participate in the conference.

7. The purpose of the conference would be to reach agreement on the implementation of the international arrangements worked out in the past and on all other matters relating to the future of Afghanistan as an independent and non-aligned state.

8. The conference would be attended by the participants in the past together with representatives of the Islamic Republic of Iran.

9. The member states of the European Community will be invited at a later stage to make further proposals on the detailed arrangements for the proposed conference.

10. The European Council firmly believes that the situation in Afghanistan continues to demand the attention of the international community. It is convinced that this proposal offers a constructive way forward and therefore calls on the international community to support it fully with the aim of achieving international tension and ending human suffering.