



Foreign, Commonwealth
& Development Office

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Tom Tugendhat MP
Chair of the Foreign Affairs Committee
House of Commons
London
SW1A 0AA

28 February 2022

Dear Tom,

Thank you for your letter on 7 February. I am writing to provide a response to the second half of your letter on the wider questions you raised on Afghanistan.

Lessons learned

6. The Foreign Secretary has said that the Department now has better processes in place, based on lessons learned from the Afghanistan withdrawal. What processes have been put in place, and where do you think the FCDO fell short in its handling of the withdrawal and evacuation?

7. The National Security Adviser said that the FCDO's Afghanistan lessons learned exercise was focused on the crisis response. What steps are you taking to review the Department's planning for the withdrawal, as well as its handling of the crisis?

The FCDO's Afghanistan Lessons Learnt review did look at contingency planning for the withdrawal, as well as at the crisis response, and covered the period from NATO's April 2021 decision to withdraw troops through to September 2021. Sir Philip Barton will shortly be writing as promised to share with the Committee the main findings and recommendations from the review.

Engagement with the Taliban

8. Is there any evidence that the Taliban are responding to international pressure on human rights and on counterterrorism?

There is limited evidence for this to date. The human rights situation in Afghanistan is very concerning, particularly for women and girls, for minorities, and for those who worked for the previous Afghan Government. We, and our international partners, have taken every opportunity to raise these concerns with the Taliban, both directly, including in recent meetings in Oslo and Kabul. We have joined international statements on human rights issues, such as the joint statement on reports of summary killings and enforced

disappearances on 4 December, and a statement by the Group of Friends of Women in Afghanistan on 21 October.

In August, the Taliban declared a General Amnesty for all those who worked for the former Afghan Government. When we have raised allegations of reprisals, such as those covered in the reports by Human Rights Watch in November, and the UN Secretary General to the UN Security Council in January, the Taliban have offered assurances that any such actions are not centrally sanctioned, and that they have taken disciplinary action against anyone in their ranks found to have committed crimes. After a statement on 4 December from 28 countries, including the UK, condemning reports of extrajudicial killings and enforced disappearances of former members of the security forces, the Taliban said that they would investigate these and other allegations.

On Girls' Education, ten provinces have reportedly allowed girls to continue studying at secondary level, and women were able to continue at tertiary level when the university term began this month. In response to repeated international engagement on the issue, the Taliban have said that all girls will be able to return to secondary school on 21 March, the point that secondary schools return after Persian New Year. We have underlined the importance of delivering on this pledge to the Taliban, and doing so in a way which the international community is able to monitor.

On counter-terrorism, Taliban representatives have restated their promises to respect the security commitments they made in the Doha Agreement not to allow Afghan soil to be used to plan or commit attacks against others. The UN's Analytical Support and Sanctions Monitoring Team, in its latest report to the UN Security Council, found that IS (Khorasan Province) attacks in Afghanistan have increased since August compared to the same period in 2020. It also found 'no recent signs that the Taliban had taken steps to limit the activities of foreign terrorist fighters in the country.' If helpful, FCDO officials could provide a classified briefing for you with further detail.

9. In delivering aid to Afghanistan, how do you manage any trade-off between averting humanitarian disaster and the risk of legitimising the regime?

Faced with a dire humanitarian emergency in Afghanistan, our immediate priority must be to try to help save lives. In keeping with internationally accepted norms, the UK and other donors are providing lifesaving humanitarian aid to the Afghan people without political conditionality, and on the basis of key principles agreed between the UN and Taliban. Our humanitarian aid is channelled through the UN and other international organisations, who are able to ensure that vital aid reaches those who need it most, and not through the Taliban.

Prior to the Taliban's seizure of power, much of our support to the delivery of basic services was channelled through Afghan government institutions. In the light of the Taliban takeover, and the appointment of a number of Taliban figures subject to UN sanctions to head some key Ministries, we have halted this spending and redirected it to humanitarian spending to mitigate the crisis. Our ability to go beyond humanitarian aid and to provide wider economic and development assistance will depend to a large extent on the actions of the Taliban, including their readiness to abide by international norms and to respect the rights of women and girls. The Taliban will need to earn legitimacy through their actions, both in the eyes of the Afghan people and internationally.

10. What steps is the Government taking to give confidence to NGOs and financial institutions operating in Afghanistan?

The UK pushed strongly in the UN Security Council to secure UNSCR 2615, which creates a humanitarian exemption to the UN's Taliban sanctions to enable the delivery of lifesaving aid to the Afghan people. This is helping to ensure that UN sanctions on individual Taliban leaders pose no obstacle to the provision of humanitarian assistance and responds to what

the NGO sector has indicated to us that they need. The Afghanistan (Sanctions (EU Exit) (Amendment) Regulations 2022, which came into effect on 28 January, implement this exemption in UK law. HM Treasury's Office of Financial Sanctions Implementation has issued guidance to banks and NGOs to support the effective implementation of the exception. The Government continues to engage closely with the financial and humanitarian sectors, including through the TriSector Group, which brings together the Government, NGOs and UK banks, as well as regular sanctions outreach events.

The ACRS

11. *The ACRS includes a so-called pathway that will initially offer places to British Council and GardaWorld contractors, and Chevening alumni. How were these three groups chosen, as opposed to others at risk, such as judges, or NGO staff working on UK-funded projects?*

The ACRS third referral pathway will relocate those at risk who supported the UK and international community effort in Afghanistan, as well as those who are particularly vulnerable. The Government decided that in the first year of the scheme, it was right to consider at-risk British Council and GardaWorld contractors and Chevening alumni for resettlement, in light of their direct relationship to HM Government and commitments made to them during Op PITTING.

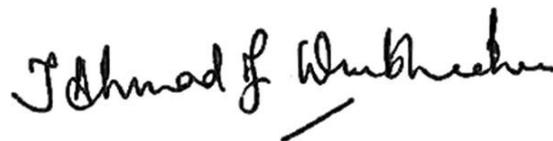
12. *What is the FCDO's role in selecting individuals for the ACRS?*

Under the third pathway, in year one, the FCDO will work in coordination with all three organisations in identifying qualifying individuals and then refer these cases to the Home Office, the lead department for the ACRS.

13. *Were GardaWorld contractors formally called forward for evacuation in August? Why were they unable to enter Kabul airport?*

A small number of GardaWorld contractors were called forward during Op Pitting. Those who were able to get to our Evacuation Handling Centre at the Baron Hotel were evacuated. The Government is working to relocate the others who were called forward but who were unable to reach the Baron Hotel. Most GardaWorld contractors were not called forward for evacuation during Op PITTING.

Yours sincerely,



LORD (TARIQ) AHMAD OF WIMBLEDON

Minister of State for South and Central Asia, North Africa, UN and the Commonwealth
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Tom Tugendhat MP
Chair
Foreign Affairs Committee

23 February 2022

Dear Tom,

Thank you for your 7 February letter on Afghanistan. It was regrettable that our 25 January oral evidence session was cut short by Parliamentary business. You asked for an early reply on the Nowzad issue, and a separate reply to the wider questions you raised, which I shall respond to in due course. I recognise the concern, which your Committee has raised during its inquiry, about the widely reported claim that animals might have been prioritised over people during Operation PITTING last August. I therefore wanted to explain again why that claim is unfounded, as well as setting out, as you asked, the role the FCDO played in relation to the Nowzad charity.

The FCDO's interest in Nowzad was, first and foremost, concerned with the safety of Paul 'Pen' Farthing as a British national. From the start of Operation PITTING, FCDO Consular staff repeatedly urged Mr Farthing directly to take advantage of the offer of UK military evacuation. Mr Farthing declined this offer.

As explained in Sir Philip Barton's 17 January letter to you, FCDO officials included Nowzad's Afghan staff in the list of potential cohorts of Afghan nationals to be considered for military evacuation under the Leave Outside The Rules ('LOTR') provision, if and when space became available, and within the context of the clear priority Ministers had given to British nationals and qualifying family members, and to those accepted for resettlement under the Afghan Relocations and Assistance Policy (ARAP) programme. Only in the later stages of the evacuation did space become available to call forward Afghans from these cohorts.

In the early hours of 25 August, the Defence Secretary tweeted that '*Now that Pen Farthing's staff have been cleared to come forward under LOTR I have authorised MOD to facilitate their processing alongside all other eligible personnel at HKIA [Kabul airport]. At this stage, if he arrives with his animals we will seek a slot for his plane.*'

As the decision to grant LOTR to Nowzad's Afghan staff had not been made in the FCDO, I have been informed in following up on your specific question that FCDO officials sought confirmation from the Cabinet Office later that same morning (25 August) that Nowzad's Afghan staff should indeed be called forward for military evacuation. The National Security

Adviser subsequently confirmed to a senior FCDO official later that morning that they should proceed to call forward Nowzad's staff, which they then did.

Nowzad's Afghan staff were in the event not able to reach the airport, having apparently been refused permission to do so by the Taliban. The situation outside the airport was by that stage extremely difficult. We changed our Travel Advice in response to a terrorist threat on the evening of 25 August, and the area outside the Abbey Gate was attacked by an ISKP suicide bomber on the evening of 26 August. Nowzad's staff did not therefore take a UK military evacuation flight. Instead, they were subsequently among the more than 3,000 people who have been able to leave Afghanistan with our support via third countries since the end of Op PITTING.

The Evacuation Handling Centre we had established at the Baron Hotel to process civilians for evacuation was closed to new arrivals on 26 August, when we judged that it was no longer safe to keep the facility open in light of the terrorist threat. All UK staff who had been inside the Hotel processing evacuees left the Baron Hotel on 26 August, and were transferred to our fall back processing facility inside the airport, as were those British nationals and Afghan civilians who had been inside the hotel at the time of its closure awaiting the completion of their processing for evacuation. That fall back facility then closed on the morning of 28 August, when it had completed the processing of those remaining evacuees. The final contingent of HMG civilian staff flew out that morning, including our Ambassador.

This meant that, by the time Pen Farthing arrived at the airport later on 28 August with Nowzad's animals loaded in crates on a flatbed truck, there was no longer any possibility that any more British or Afghan civilians could have been evacuated by us. By that stage, there were no HMG civilian staff left in Kabul to process evacuees, our processing centres had closed, and our remaining military personnel were firmly focussed on their own final departure. The final RAF flights under Op PITTING by that stage were evacuating only our own military personnel and equipment, not civilians.

As the Defence Secretary has made clear, he authorised the MoD to seek landing and take-off slots for the private charter flight which took Nowzad's animals out of Kabul. In his oral evidence to your Committee on 25 January, he made clear that *'when they [Nowzad] did make a request, as I said in those tweets earlier, subject to them not jumping the queue and subject to the fact that it was able to come in and would not disrupt, we would give it clearance.'* The First Sea Lord described in his evidence to the Committee how the UK CAOC facilitated the landing slot on 28 February.

At no point in Op PITTING, therefore, were animals prioritised over people. Our civilian evacuation processing capability, and our military on the ground, were never diverted from evacuating civilians in order to deal with Nowzad's animals.

On the question of the Prime Minister's involvement in decisions on Nowzad, the Prime Minister himself has repeatedly said that he had no involvement. It was indeed the case that some FCDO officials referred at the time to what they thought had been a Prime Ministerial decision in their emails. Lord Goldsmith clarified this point when he told the House of Lords on 2 February, *'it is not uncommon in Whitehall for decisions to be interpreted or portrayed as coming directly from one department or another or even the Prime Minister, even when that is not the case.'*

This was an exceptionally complex and fast-moving situation, when the overwhelming focus of senior officials leading our crisis response on that particular day was not on Nowzad, but on saving lives, in response to a terrorist threat to the evacuation. The final days of Operation PITTING, an evacuation operation of a scale and complexity unprecedented in recent memory, were especially intense for all involved.

I hope this provides the clarity you need from us on this issue. I will write separately on your wider questions about lessons learned, engagement with the Taliban, and resettlement.

Yours sincerely,

A handwritten signature in black ink, reading "Tariq Ahmad of Wimbledon". The signature is written in a cursive style with a horizontal line underneath the name.

LORD (TARIQ) AHMAD OF WIMBLEDON

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Foreign Affairs Committee

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From the Chair
Tom Tugendhat MP

Lord Ahmad of Wimbledon
Minister for South Asia, the United Nations and the Commonwealth
Foreign, Commonwealth & Development Office

7 February 2022

Dear Lord Ahmad

Many thanks for your appearance before the Committee to discuss UK policy on Afghanistan. I am writing with some questions to follow up on that session, which was cut short by business in the Chamber.

I would be grateful for responses on the first group of questions, on decision-making around the Nowzad evacuation, by 18 February, and responses to the rest of the questions by 25 February.

The Nowzad evacuation

We have repeatedly asked the FCDO about its role in the Nowzad evacuation, but its answers have been undermined when new information has come into the public domain.

Our concern is not the actions of the Nowzad charity, or those who campaigned on its behalf, whose actions were entirely in keeping with their stated aim, but rather to establish the facts around the Government's decision-making: whether there was a ministerial intervention to approve the evacuation outside the established process; if so, on what basis; and how this impacted Operation Pitting, if at all.

I would appreciate responses that reassure the Committee that it is receiving complete answers on this matter.

1. Sir Philip Barton apologised for giving “inadvertently inaccurate” answers to the Committee, telling us that he and Nigel Casey, Special Representative for Afghanistan and Pakistan, had “no recollection” of emails discussing an intervention by the Prime Minister in the Nowzad case. However, the BBC released further leaked emails which suggest that Mr Casey was actively involved in discussions on this topic, and apparently himself wrote an email confirming that the National Security Adviser, Sir Stephen Lovegrove, would seek input on the case from “Number 10”. This appears to undermine Sir Philip's letter of apology to the Committee. How do you explain this?
2. Did Sir Stephen seek guidance on the Nowzad case from Number 10? If so, which individual or team did he seek it from, and what response did he get?
3. Did FCDO officials or Ministers seek or receive any guidance on the Nowzad case from Number 10, or from the Prime Minister, or from individuals or agencies acting on his behalf?
4. Internal FCDO emails published as evidence by this Committee appear to show that multiple senior officials acted on the basis that the Prime Minister had intervened on the Nowzad evacuation. How do you explain this?

5. What steps are you taking to find out why FCDO officials acted on the basis of this apparently false belief, and how will you prevent such a miscommunication happening again?

Lessons learned

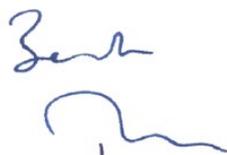
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