

STANDARD FORM OF EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION AND DOCUMENTS

OTNYR

Council Decision amending the Council Decision (CFSP) 2016/610 on a European Union military training mission in the Central African Republic (EUTM CAR)

Submitted by the Foreign and Commonwealth Office on 11 July 2018

SUBJECT MATTER

1. The European Union Military Training Mission to the Central African Republic (EUTM RCA) was established via Council Decision adopted at the 19 April 2016 Foreign Affairs Council. It gave the Mission a mandate for 24 months until 19 September 2018.
2. This Council Decision extends the Mission for a further 24 months until 19 September 2020.

SCRUTINY HISTORY

3. An Explanatory Memorandum on this issue was last submitted for Parliamentary Scrutiny on 10 March 2016. The House of Lords Select Committee on the European Union cleared the document on 14 April 2016 after referral to Sub-Committee C. A post adoption Explanatory Memorandum was sent to the House of Commons European Scrutiny Committee on 4 May 2016 and was cleared as “politically important” on 11 May 2016 (ESC 37721, 33rd Report, Session 2015/16). This Explanatory Memorandum was subsequently cleared from scrutiny by the House of Lords External Affairs Sub-Committee on 21 July 2016.

MINISTERIAL RESPONSIBILITY

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

INTEREST OF THE DEVOLVED ADMINISTRATIONS

5. None.

LEGAL AND PROCEDURAL ISSUES

- i. Legal basis: Article 42 (4) and Article 43 (2) of the Treaty on European Union
- ii. European Parliament Procedure: not applicable
- iii. Voting procedure: unanimity
- iv. Impact on United Kingdom Law: none
- v. Application to Gibraltar: no
- vi. Fundamental rights analysis: no fundamental rights issues apply

APPLICATION TO THE EUROPEAN ECONOMIC AREA

6. None

SUBSIDIARITY

7. Not applicable.

POLICY IMPLICATIONS (including Exit implications where appropriate)

8. On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation.
9. The mandate for the European Union Military Training Mission to the Central African Republic (EUTM RCA) will end on 19 September 2018.
10. The EUTM RCA launched in 2016 to help deliver specific defence sector reform tasks in CAR to enable the CAR armed forces (known as the FACA) to become operational. Its work contributes to the security sector reform process coordinated by MINUSCA (the UN Peacekeeping Mission).
11. Her Majesty's Government is supportive of the EUTM and is supportive of the proposal to extend the mandate. It is in our interest to have a FACA that is well organised, vetted, integrated and able to deliver effective security, justice and stability to CAR. The Mission has achieved good results; it has trained nearly three battalions and some EU trained units have already deployed to key areas. It has also delivered education to around 25% of the commissioned and non-commissioned officers.
12. Under the extended mandate the EUTM will continue this work in support of defence sector reform.

The proposed two-year extension would enable EUTM RCA to make significant progress towards its desired end state: four to six trained FACA battalions as well as delivering education on priority issues, such as humanitarian law and preventing sexual violence, to around 50% of officers and non-commissioned officers. The EUTM will also continue to provide strategic advice to CAR's Ministry of Defence as part of an effort to develop a credible, accountable, and ethnically balanced FACA that is under democratic control. The EUTM will continue to coordinate closely with MINUSCA.

13. Additional recommendations have been made for the next phase of the mandate. These include: enlarging the EUTM's strategic advice to the CAR Presidential Cabinet defence and security advisers and providing specific advice on civilian-military co-operation, including to the gendarmerie. This civilian-military work is seen as important for stability. In CAR's security vacuum a number of criminal gangs (as opposed to politically motivated armed groups) have emerged; MINUSCA's analysis is that a gendarmerie style response is required to deal with this.
14. Security in Bangui remains sufficient to permit EUTM activities. Overall, security in Bangui has been relatively stable since 2016. However, in April and May, there was significant unrest in the capital, including attacks by armed groups on places of worship. These attacks, and the growing sectarian rhetoric risk exacerbating tensions between Muslim and Christian communities. The Mission Commander will work in close coordination with MINUSCA and the CAR authorities to ensure the EUTM is protected.
15. The Mission Commander, Brigadier General Hermínio Maio, has produced a Mission Plan (MPLAN), which is in line with the previous MPLAN and the Crisis Management Concept. The MPLAN was first presented to the EU's Political and Security Committee (PSC) on 5 June, they will formally agree it on 11 July. The MPLAN has also been approved by the EU Military Committee. These operational documents are necessarily Confidential and set out in detail how the Operation will be implemented.
16. The Reference Amount in the Council Decision to establish the Mission is €25,44m. This covers the running costs of the mission, transport, communication, and information systems equipment. I attach a detailed breakdown for the Reference Amount.
17. The Reference Amount also shows a proposal to move the EUTM base from the existing UCATEX base to one in M'Poko. This move was agreed by the Political and Security Committee following recommendations from the EU Military Committee in May 2018. The proposal was made by mission leadership following the emergence of security and health concerns about the current base. Preparatory work towards the move is ongoing.
18. The Mission Commander has three months to propose the budget once the Reference Amount has been agreed.
19. The UK does not contribute troops to the EUTM RCA and there are no plans to do so in future.

CONSULTATION

20. Not applicable

IMPACT ASSESSMENT

21. Not applicable

FINANCIAL IMPLICATIONS

22. The UK contributes to the common costs of the EUTM through the ATHENA mechanism. This is 15.85% for 2018. Under the terms of the Withdrawal Agreement, the UK will continue to be liable for our share of common costs until 31 December 2020. The Administrator has evaluated the reference amount for the activities foreseen in the draft Council Decision at €25,44m for a 24 month period, although the actual budget will be drawn up after the agreement of the MPLAN. The UK's contribution would therefore be approximately €2m per year. HMG would provide this cost through the Conflict Security and Stability Fund (CSSF), which on current planning has sufficient capacity to absorb this spend.

TIMETABLE

23. The Council Decision to extend the European Union military training mission in the Central African Republic will be adopted at the Foreign Affairs Council on 18 September.

OTHER OBSERVATIONS

24. None

A handwritten signature in black ink, appearing to read 'Alan Duncan'. The signature is written in a cursive, slightly slanted style.

The Rt Hon Sir Alan Duncan
Minister for Europe and the Americas
Foreign and Commonwealth Office