

## **STANDARD FORM OF EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION AND DOCUMENTS**

### **Proposal for a Council Decision amending Decision 2013/354/CFSP on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)**

Submitted by the Foreign and Commonwealth Office on 12 June 2019

#### **SUBJECT MATTER**

1. The draft Council Decision extends the mandate of the Common Security and Defence Policy (CSDP) Mission deployed in the Palestinian Territories: the European Union Police Mission for the Palestinian Territories (EUPOL COPPS). The mandate extension is for 12 months to 30 June 2020, following the strategic review in April 2019.

#### **SCRUTINY HISTORY**

2. An Explanatory Memorandum on this mission was last submitted for Parliamentary Scrutiny on 18 June 2018. The House of Commons European Scrutiny Committee cleared the item as “not legally or politically important” on 14 June 2018 (ESC 39899, 32<sup>nd</sup> Report, Session 2017-19). The House of Lords External Affairs Sub-Committee cleared the item on 29 October 2018.

#### **MINISTERIAL RESPONSIBILITY**

3. 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.

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

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

#### **LEGAL AND PROCEDURAL ISSUES**

6.
  - i. Legal basis: Articles 28, 42 (4) and 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: Yes.
- vi. Fundamental rights analysis: No fundamental rights issues apply.

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

- 7. None.

## **SUBSIDIARITY**

- 8. In 2005, the Palestinian Authority and the Government of Israel invited the EU to establish EUPOL COPPS and the mission was subsequently established by the EU. The extension of the mission's mandate for the next 12 months accordingly needs to be done at the EU level (by a Council Decision) and cannot be sufficiently achieved at the level of the Member States.

## **POLICY IMPLICATIONS (including exit implications where appropriate)**

- 9. 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 EU 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.
- 10. No decisions have been taken yet with regard to UK involvement in the Mission after the UK leaves the European Union. We will keep the Committees informed as and when these decisions are taken.
- 11. EUPOL COPPS opened in 2006 and supports the Palestinian Authority (PA) to develop effective and sustainable policing and wider criminal justice capability, in-line with international best practice. The mission continues to play a critical role in the wider PA security sector and is a crucial component of EU support to Palestinian state building. It contributes to the Middle East Peace Process through effective work to strengthen law and order in the West Bank under a strong leadership team, and to increasing Palestinian public confidence in the Palestinian Civilian Police (PCP) and justice institutions.
- 12. While there has been a decline in violence in the West Bank over the past two years, the potential for a sudden escalation remains. EUPOL COPPS engagement in the West Bank is an important part of our efforts to improve the capacity of the Palestinian security services in support of Palestinian state-building efforts. The PCP and Palestinian security forces have played an important role in maintaining calm over the past year, including in times of tension such as during protests in the OPTs. They have also continued important security cooperation with the Israeli authorities. For these reasons, we indicated in Brussels that we were content for the mandate to be extended.

13. The Strategic Review in April 2019 considered that the Mission should continue to provide support to the Ministry of Interior (Mol), Palestinian Civil Police, and the criminal justice institutions, while gradually shifting its engagement to the strategic level where appropriate. When doing so, due regard should be given to ensuring local ownership and sustainability of Mission's achievements at the operational and tactical levels. The shift to the strategic level support will not entail any increase in the Mission's resources. It was further suggested that a gradual shift towards mentoring could be considered with due regard to local buy-in.
14. With regard to security sector reform, the Strategic Review noted the importance of the Missions' support to the Mol aimed at implementing the Legislative Plan for the security sector as well as continued support to operationalise and implement relevant legislation, with focus on the Decree Law on Police. The Missions should remain committed to promoting the concept of civilian police primacy. The Mission was applauded for its engagement in facilitating the cooperation between PCP and the Israeli police, noting its role is highly praised by both counterparts. The Mission should continue its efforts in the areas of human rights and gender, notably in relation to gender mainstreaming within PCP. The Mission should also explore the possibility of broadening its capacity building to encompass the new PCP unit in charge of detecting and preventing environmental crimes.
15. With regard to the justice sector, the Mission should effectively use its unique capability to engage with all relevant stakeholders within the criminal justice sector and further support the development of a relevant regulatory legislative framework. The Mission's efforts should ensure transparency, notably via inclusive civil society consultations throughout the entire legislative process.
16. EU Member States noted the uneven progress of the Mission's delivery in the justice sector compared to the security sector and acknowledged that the Mission may have to adapt its efforts over the next mandate, in light of PA government change and US disengagement from the security sector.
17. We agree with the Strategic Review's assessment and support a two-year extension of the mandate to 30 June 2020. We also agree with the recommendations that:
  - EUPOL COPPS focus on pursuing strategic reforms within the security and criminal justice sectors, sustaining Palestinian Authority capacity at the strategic and operational levels and improving donor coordination;
  - EUPOL COPPS gradually shift its engagement in the security and justice sectors towards more strategic support, with due regard to ensuring local ownership, traction and sustainability of the Mission's achievements at operational and tactical levels;
  - The Mission continues its efforts to mainstream Human Rights and Gender across its activities, taking into account the Women, Peace and Security framework, and;
  - The EU present a Strategic Review of EUPOL COPPS in April 2021.

## **CONSULTATION**

18. None

## IMPACT ASSESSMENT

19. Not applicable.

## FINANCIAL IMPLICATIONS

20. EUPOL COPPS's expenditure will be funded from the CFSP budget. The UK contributes a proportion to the pre-agreed CFSP budget, not the individual programmes within it. Funds for the proposed budget will be found within existing resources in the CFSP budget, so this proposal does not present additional costs to the UK.

7. The proposed budget for EUPOL Copps is €12, 430, 000, a slight decrease on the current budget of €12, 666, 633. A budget breakdown is below.

<b>Budget heading</b>	<b>Current budget</b>	<b>Proposed budget</b>
Personnel costs	8 521 586	8 703 834.24
Missions	207 196	237 322.88
Running expenditure	2 713 771	2 447 511.85
Capital expenditure	448 695	554 793.99
Representation	20 000	35 000
Projects	580 500	538 895
Sub-total	12 491 749	12 517 357.97
Warehouse budget		-347 752.94
Contingencies	174 884	260 394.97
Total	12 666 633	12 430 000

## TIMETABLE

8. The current mandates and budget commitments expire on 30 June 2019 and therefore the Council Decision will be submitted for adoption to Council before the mandate expires. Early consideration by the Committees is needed therefore.

## OTHER OBSERVATIONS

9. None



Rt Hon Sir Alan Duncan MP  
Minister for Europe and the Americas  
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