

STANDARD FORM OF EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION AND DOCUMENTS

OTNYR

Council Decision amending and extending Council Decision 2013/34/CFSP on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali).

Submitted by the Foreign and Commonwealth Office on 26 April 2018

SUBJECT MATTER

1. The attached Council Decision seeks to extend the mandate of, and provide a financial reference amount for, the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali). The proposed fourth mandate will run from 19 May 2018 to 18 May 2020. The financial reference amount for the common costs covering the full period is €59.74m (£52.54m). The UK's contribution, 15.85%, will be £8.33m.
2. The new mandate expands the activity of EUTM Mali to include providing support to the G5 Sahel Joint Force. This regionally led military force will focus on border security and counter-terrorism. Further detail on the Joint Force, the UK's policy, and the effect this addition has on the financial reference amount is included below.

SCRUTINY HISTORY

3. An Explanatory Memorandum on this issue was submitted for Parliamentary Scrutiny on 23 June 2017. The House of Commons European Scrutiny Committee cleared the documents as "not legally or politically important" on 22 November 2017 (ESC 38808, 2nd Report, Session 2017-19). The House of Lords Select Committee on the European Union cleared the documents on 4 July 2017 at the Chairman's sift."

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 Secretary of State for Defence has an interest given EUTM Mali's military nature and the involvement of UK armed forces in the mission.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

5. 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

- i. Legal basis: Treaty on European Union and in particular Article 28, Article 42(4) and Article 43(2).
- ii. Voting procedure: Unanimity.
- iii. Impact on United Kingdom Law: None.
- iv. Application to Gibraltar: Yes.
- v. Fundamental rights analysis: No fundamental rights issues apply.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

6. None.

SUBSIDIARITY

7. The action proposed is more effectively undertaken at Union level rather than at Member State level because it allows all 28 EU Member States to work together, pooling expertise and resources.

POLICY IMPLICATIONS (including Exit implications where appropriate)

8. On 23 June 2016, the EU referendum was held and the people of the United Kingdom voted to leave the European Union. The Government respected the result and triggered Article 50 of the Treaty on European Union on 29th March 2017 to begin the process of exit. 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 also continue to negotiate, implement and apply EU legislation.
9. If the attached draft Council Decision is agreed, the Mandate of EUTM Mali will extend beyond the day the UK will leave the EU and into, but not beyond, the Implementation Period (IP). At the March European Council, the Government agreed that the UK would continue to fund its share of common costs based on GNI share (currently 15.58%) for CSDP military missions and operations under the ATHENA mechanism during the Implementation Period. Therefore, the UK will be liable for its share of these costs (£8.33m) during the entire two year proposed mandate extension.
10. It is highly likely that the EEAS will recommend a fifth mandate for EUTM Mali in 2020. The "Foreign Policy, Defence and Development Future Partnership" paper set out the UK's intention to pursue a deep and special partnership, including the possibility of the UK continuing to contribute to EU missions and operations of mutual interest. Whether we participate in CSDP after we leave the EU, will depend on the outcome of negotiations.

11. The security situation in Mali deteriorated significantly in 2012 when the Tuareg ethnic group in Northern Mali rebelled against the Government and sought to create an independent state. The French military intervened in 2013 under the auspices of UN Security Council Resolution 2085 and at the request of the Malian Government. In 2014 the French military established the enduring counter-insurgency Operation BARKHANE, which is approximately 3,000 personnel strong.
12. The military CSDP mission EUTM Mali was established in February 2013 and will finish its third mandate on 18 May 2018. The mission's overall objectives have been to improve the operational capacity of the Malian Armed Forces (MaAF), and to provide strategic advice to start reform of the defence sector. This military mission works alongside the EU's civilian CSDP missions EUCAP Sahel Mali and EUCAP Sahel Niger and the Article 28 Mission to Central Mali. I wrote to your Committees on 29 September 2017 to explain in further detail what the Article 28 Mission is, and why it was preferred to CSDP action.
13. The UK Government considers Mali, and the wider Sahel region, to be of significant importance to our regional and European interests. The region has some of the worst figures in the world for Human Development Indicators, is politically fragile and suffering from extremist insurgencies. Trafficking networks operate with relative impunity, taking narcotics, weapons and people across the Sahara. The reality of this activity was seen publicly when CNN broadcast footage from slave markets in Libya last year. President Macron has stated that the Sahel is one of his top foreign policy priorities and he visited Bamako, the capital of Mali, in his first fortnight in power. The Prime Minister confirmed the UK's commitment to supporting France and doing in more in the Sahel when she announced a package of measures at the UK-France Summit in January 2018. The most high profile of these was a commitment to support the French mission Operation BARKHANE with three CH-47 Chinook transport helicopters. The UK Government is considering, in the context of the Africa Strategy, what our long-term presence and activity in the Sahel should be.
14. In 2017 the Sahel nations Mauritania, Mali, Burkina Faso, Niger and Chad formed the G5 Sahel organisation to help coordinate their efforts to improve regional security. The group's main focus has been the creation of the G5 Sahel Joint Force, to which each nation contributes 1,000 troops. The EU, through the African Peace Facility funding mechanism, has pledged €100m, and the UK has pledged £2m through the Conflict Stability and Security Fund to aid with the establishment of the force.
15. The UK actively participates in EUTM Mali and provides six military and two civilian staff, including the mission's Executive Officer. The UK leads on delivering the international humanitarian law/rule of law training through two civilian trainers.
16. A strategic review of the mission was undertaken at the end of 2017 and it recommended the training mission remain for a fourth mandate. The Review proposed a 24 month mandate, to focus on four pillars of activity: advice to; training of; and education of the MaAF; plus support to the G5 Sahel Joint Force. Mandate three initiated, and mandate four expands, the decentralisation of training away from the main Koulikoro training centre near Bamako. This welcome step increases the reach of the mission.

The addition of a new strand of activity to support the G5 is the most significant change and this is what has driven the large increase in the estimated financial reference amount.

17. The UK Government supports the proposal for a fourth mandate for EUTM Mali and believes that the mission is performing well. We welcome the expansion of the mandate to include support to the G5 Sahel Joint Force. Building the capacity and effectiveness of this nascent regional force is an important part of improving the region's ability to address its own issues. Expanding the Human Rights training to the G5 Sahel Joint Force is an especially welcome step because a military that does not respect and protect the population will never succeed against an extremist insurgency.
18. The Malian Army is of very low capacity and capability, while the extremely high operational requirements affect retention and morale. Despite this, the Mission is performing well in highly challenging conditions and there have been clear successes against armed groups, especially in the centre of Mali. However, the positive improvements in fighting capability must be considered against the very real concerns around Human Rights compliance and troop behaviour. MaAF leadership continue to provide reassurances on their efforts, and the UK's provision of International Humanitarian Law Advisors is particularly valued.
19. The mission has continued to improve with each mandate renewal. In particular, the creation of Combined Military Advisory and Training Teams (CMATT) under mandate three allowed the mission to extend its influence by deploying small teams to regional centres – the EEAS refers to this as decentralised training. Mandate four increases the use of CMATTs. Coordination with international actors is improving, and under mandate four the mission will be negotiating a formal cooperation agreement with the UN Peacekeeping mission MINUSMA.
20. EUTM Mali faces a significant challenge in measuring impact. The mission is limited to training and advising, meaning there is little opportunity for EUTM staff to assess improvement in capability. The mission relies on MINUSMA and the French Operation BARKHANE to report on capability improvements. There is no doubt that military and human rights training are vitally important, and recent military successes suggest that the mission is achieving its objectives.
21. The Malian Government are supportive of EUTM Mali and see it as a strong and reliable partner. The Malian Government have increasingly allowed EUTM to access more training and operational facilities; access of this nature is sensitive and underline the trust the Malian authorities have in EUTM Mali.

CONSULTATION

22. None.

IMPACT ASSESSMENT

23. None.

FINANCIAL IMPLICATIONS

24. The estimated financial reference amount for the 24-month mandate is €59.7m (£52.54m). This represents an approximately 79% increase in the previous reference amount. To increase our expenditure on CSDP while negotiating Brexit might seem incongruous, but when considered in the context of the NSC endorsed illegal migration and counter-terrorism strategies and the Prime Minister's commitment to do more in the Sahel, we judge this proposed expenditure justifiable.
25. The UK's contribution to EUTM Mali is an assessed (e.g. mandatory) contribution and our share (£8.17m) is therefore non-discretionary expenditure. This is a £3.08m (£1.54m per year) increase on our contribution for the third mandate and, despite the significant increase, is considered affordable, within the framework of the wider budget.
26. A comparison between the current and estimated reference amounts is presented below.

Budget sub-heading	Current amount (€)	Estimated amount (€)
Personnel	980,000	1,797,032
Admin and office costs	3,460,000	4,105,129
Medevac and support	17,055,000	23,028,579
Public relations	256,000	248,778
Transport and travel	2,687,000	4,259,696
Comms and IT	1,835,000	6,760,201
Equip and machinery	670,000	2,984,000
Infrastructure	640,000	5,729,334
Land barracks facilities	5,872,000	10,830,298
Total	33,455,000	59,743,047

a. Personnel: €1,797,032

Personnel costs relate to the local staff necessary to run the offices, provide security and translate for the training teams. There is a proposed €817,032 (83%) increase from the current reference amount. The majority of this increase is due to an increase in the number (from 37 to 40) and cost of translators to be used during training. This increase in cost was questioned in Brussels and the EEAS responded that competent, security cleared translators who are willing to deploy to Mali are a rare resource.

b. Administration and office space accommodation support: €4,105,129

This sub-heading covers the general running of the offices and necessary support functions including fuel and will increase by €642,129 (19%). This increase is partly due to the effect of inflation on the price of grid electricity and diesel for generators, and partly due to furniture for office enlargement to accommodate new staff.

c. Medical evacuation and support: €23,028,579

By far the largest sub-heading, which covers the essential provision of medical evacuation facilities as well as medical facilities in-country, has a proposed increase of €6.1m (35%). This can be entirely attributed to the support necessary for decentralised training in Mali and the expansion of the mandate to cover training the G5. The new requirements include additional medical evacuation capability as well as field medical treatment facilities in the decentralised locations. In particular, the costs for recently created Deployed Medical Surgical Support Services first response medical unit were not included in the previous budget. Conducting training away from Bamako, as much as 780 miles northeast in Kidal, requires the provision of medical evacuation aircraft which is a significant cost driver. Under the circumstances, this increase seems reasonable.

d. Public relations: €248,000

This sub-heading, which includes media relations and publicity, will actually see a decrease of €7,222 (2.8%) from the previous mandate. This reduction has been achieved through rebalancing costs and ceasing paying for journalists to visit.

e. Transportation and travel: €4,259,696

Proposed costs under this sub-heading cover mission-essential travel to Brussels and within Mali. The amount will increase by €1,572,696 (59%). This is driven by a significant increase in the allowance for travel within the region to allow for the deployment of more CMATTs, and the support to the G5 Sahel Joint Force – both areas of activity that we support. In particular, the mission anticipates increased frequency of travel to Timbuktu and Gao, both in the North of Mali where the military is in particular need of assistance. Although significant, we believe this increase is commensurate with the more ambitious scope of the proposed fourth mandate.

f. Communication and IT equipment and services: €6,760,201

This sub-heading covers all IT, telecoms and internet equipment and services. The reference amount for this mandate is a €4,925,201 (268%) increase from the current allocation. This significant increase was questioned in Brussels and the EEAS stated that the mission had suffered a number of cyber-attacks. The provision of secure IT and telecoms is vitally important for any military mission, so on balance this increase is acceptable.

g. Equipment and machinery: €2,984,000

This sub-heading includes the purchase of specialist vehicles as well as miscellaneous equipment for the mission. This area will see an increase of €2,314,000 (345%) from the current reference amount. This is due to the purchase of eight armoured vehicles and forty-four soft-skinned vehicles to support the expansion of the mission's mandate. While significant, this expansion is commensurate with the increased ambition of the mission.

h. Infrastructure works: €5,729,334

The proposed reference amount is a €5,089,334 (795%) increase from the current mandate. Proposed costs in this area relate to expansion and repair works at the existing Koulikoro training camp and Bamako HQ, both of which have been open for a number of years and require remedial work. Additionally, the mission intends to construct a Forward Operating Base in Sévaré, Central Mali (approximately 400 miles North East of Bamako) as part of the decentralisation strategy. This investment is consistent with the strategy to conduct more training away from Bamako, and to support the G5 Sahel Joint Force.

i. Land barracks facilities: €10,830,298

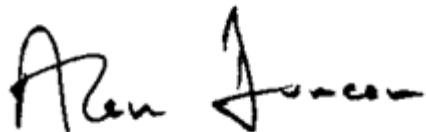
This covers expenditure on accommodation and office space and sees a €4,958,298 (85%) increase in the reference amount. This includes routine maintenance and services at the main training base near Bamako (Koulikoro) as well as accommodation for support in the decentralised locations. It is the increase in number of personnel being deployed away from Bamako, and the frequency of those deployments, that has largely driven the increase in cost.

TIMETABLE

27. The current mandate expires on 18 May and the EEAS intend to place the draft Council Decision before the General Affairs Council on 14 May. The UK has placed a scrutiny reserve on the draft Council Decision.

OTHER OBSERVATIONS

28. None.

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

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