

**EXPLANATORY MEMORANDUM ON THE EUROPEAN UNION'S
COMMON FOREIGN AND SECURITY POLICY**

Council Decision amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces

Submitted by the Foreign and Commonwealth Office on 9 October 2018.

SUBJECT MATTER

1. The draft Council Decision seeks to extend EU Training Mission (EUTM) Somalia's mandate for two years until 31 December 2020. It seeks to amend and extend Council Decision 2010/96/CFSP of 15 February 2010 on a European Union military mission to contribute to the training of Somali security forces, last amended by Decision 2016/2239/CFSP. The current Decision expires on 31 December 2018.
2. The mandate extension is in accordance with recommendations made in the Mission's Strategic Review earlier this year and sets the proposed costs at €22,980,000 for the operation from 1 January 2019- 31 December 2020.
3. On 1 January 2017, the 5th Mandate of the Mission extended its activities until 31 December 2018. During this period the mission maintained its training capability, focusing on leadership and specialised courses based on a programme defined jointly with the Somali authorities, and increased the focus of its advisory component on building long-term capability and capacity within the Somali Ministry of Defence (MoD) and Somali National Army (SNA) General Staff. It has endeavoured to pass the responsibility of all the training activities to the SNA through "Train the Trainers" activities.
4. The Mission has focussed on the training of SNA Non-Commissioned Officers, officers, specialists and trainers. EUTM advisors also provide strategic advisory and mentoring training to the Somali authorities within the Security Institutions (Ministry of Defence and General Staff).
5. These efforts have contributed positively to the security situation in Somalia. Increasing the capability and capacity of the SNA to provide security is essential, not least in being able to take over security responsibilities from the African Union Mission in Somalia as it draws down.
6. The 2017-2018 Mission Plan (MPlan) set out increased ambition for EUTM Somalia, which refocused the mission towards a more structured level of direct SNA support and development. Whilst maintaining its training capability, focusing on leadership and specialised courses, the mission has increased its advisory activities to build long-term capability within the Somali MoD and SNA General Staff.

The new MPlan, agreed by Member States in September 2018, is similar to the previous plan and seeks to continue this focus on delivering support to the SNA through strategic advisory and mentoring activities as well as “Train-the-Trainers” activities.

7. EUTM Somalia is part of the EU's comprehensive approach to Somalia, which comprises diplomatic efforts, development support, humanitarian aid as well as security engagement. It includes two other complementary missions under the EU's Common Security and Defence Policy: Operation ATALANTA, contributing to fighting piracy off the Somali coast and EU Capacity Building Mission in Somalia (EUCAP Somalia), for maritime security capacity development in Somalia. The Mandate for EUCAP Somalia is also being renewed in December 2018

SCRUTINY HISTORY

8. An Explanatory Memorandum on the Council Decision amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces (EUTM Somalia) was submitted for Parliamentary Scrutiny on 21 December 2016.

MINISTERIAL RESPONSIBILITY

9. 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.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

10. The UK’s foreign 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

11.
 - i.) Legal Basis: The Treaty on European Union, and in particular Article 42(4) and Article 43(2) thereof.
 - ii.) Voting Procedures: Unanimity.
 - iii.) Impact on UK Law: None.
 - iv.) Application to Gibraltar: Yes.
 - v.) Fundamental rights analysis: The proposed objectives of EUTM are likely to mean that EUTM’s activities engage fundamental rights issues in the context of their support to Somali institutions. Compliance with fundamental rights will need to be assessed on a case-by-case basis in the context of EUTM’s activities.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

12. None.

SUBSIDIARITY

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

POLICY IMPLICATIONS (including Brexit implications where appropriate)

14. On 23 June, 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.

15. Under the terms of the Withdrawal Agreement, UK personnel may remain in non-command positions in EUTM Somalia and other Common Security and Defence Policy operations and missions during the Implementation Period.

16. Somalia is a top foreign policy priority for the UK Government and the UK has taken a lead in coordinating efforts in the international community to support Somalia. The UK Government hosted the London Somalia Conference in May 2017 to help coordinate international support for Somalia. At the UN General Assembly on 27 September 2018, the UK Government jointly hosted a meeting on Somalia. A joint co-chairs summary endorsed Somalia's political roadmap, approved the updated Mutual Accountability Framework, and confirmed support for the security Transition Plan. Implementation, however, is slow and significant progress on security sector reform will be needed to enable a successful transition of responsibility from the African Union Mission in Somalia (AMISOM) to Somali-led security.

17. EUTM-Somalia provides political and strategic level military advice and mentoring to Somali Defence institutions, as well as specific mentoring, tailored training and capacity building. This aims to contribute to the development of the Somali National Armed Forces so that they can deliver effective and sustainable long-term security.

18. Despite the difficult and complex operating environment in Somalia, we judge that the EUTM has the potential to make a difference in developing the Somali Defence Sector, and we support its increased focus on providing strategic mentoring to the SNA forces, which is aligned with UK objectives.

REGULATORY IMPACT ASSESSMENT

19. Not applicable.

FINANCIAL IMPLICATIONS

20. The reference amount proposed for the new mandate is €22.98m for the 24-month period 1 January 2019 to 31 December 2020. The UK contribution through the Athena mechanism is estimated to be €4.4m based on a cost share of 17.6%.
21. The previous EUTM reference amount for 24 months between January 2017 and December 2018 was €22.948m. The referenced amount for 2019-2020 is therefore €32,000 higher than the budget for the last two years. This increase results from a number of factors, namely the purchase of a €100,000 armoured minivan and increased infrastructure maintenance and office rental costs at Mission Force Headquarters located at Mogadishu International Airport. Despite the increase to the budget resulting from these factors, the referenced amount for 2019-2020 lists a number of reductions in the General Support costs for the mission, totalling cuts of €1,201,800. This resulted largely from the AIRMEDAC reserve budget now being held by ATHENA at the central level and saving around staffing and office support. We judge the referenced amount to be justified, reasonable and required in order to allow the Mission to operate effectively.
22. EUTM have outlined that additional expenses may arise as a result of having decentralised training outside Mogadishu should the conditions permit. However, decentralised training has not yet been approved so they are not included in this reference amount. If decentralised training opportunities are identified and approved at PSC, all additional costs arising from these activities will be presented accordingly to the Athena Special Committee and submitted to UK ministers for approval.
23. We will continue to seek value for money on common costs when the detail of the finalised budget is discussed by the Athena Special Committee in November 2018.

TIMETABLE

24. This proposal is scheduled to be adopted as a procedural point at the Foreign Affairs Council in December 2018.

A handwritten signature in black ink, appearing to read 'Alan Duncan', is positioned above the typed name and title.

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