

STANDARD FORM OF EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION AND DOCUMENTS

Council Decision amending Decision (CFSP) 2017/1869 on the European Union Advisory Mission to Iraq in support of Security Sector Reform (EUAM Iraq)

OTNYR

Submitted by Foreign and Commonwealth Office on 21 September 2018

SUBJECT MATTER

1. The attached Council Decision relates to the first Strategic Review of the EU Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq). The mission was originally mandated from 18 October 2017 until 17 October 2018 (12 months), but the Strategic Review recommends a mandate extension of 18 months.

SCRUTINY HISTORY

2. An Explanatory Memorandum on this subject was last submitted for Parliamentary Scrutiny on 22 March 2018. The document was cleared at the House of Lords Chairman's sift on 27 March 2018. The House of Commons European Scrutiny Committee cleared the document as "not legally or politically important" on 18 April 2018 (ESC 39579, 24th Report, Session 2017-19).

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

5. i. Legal basis: Articles 42(4) and 43 of the Treaty of the European Union.
 - ii. European Parliament Procedure: None
 - iii. Voting procedure: Unanimity
 - iv. Impact on United Kingdom Law: Not applicable
 - v. Application to Gibraltar: Yes

vi. Fundamental rights analysis: The proposed objectives of EUAM Iraq are likely to mean that the mission's activities engage fundamental rights issues such as in relation to detention and the right to fair trial. Compliance with fundamental rights will need to be assessed on a case-by-case basis in the context of EUAM Iraq's activities.

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. It also shares costs and brings coherence across the 28 Member States.

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. In May 2016 the Foreign Affairs Council expressed its readiness to support Iraq in the area of civilian security sector reform, policing and the rule of law, and called for an increase in EU support to the civilian security sector in Iraq and the establishment of a security sector assistance mission.
10. In March 2017, the National Security Council (NSC) agreed three UK priorities in Iraq: protecting the UK from terrorist threats; defeating Daesh and limiting any future insurgency; and working towards a more resilient Iraqi state. The NSC also agreed to step-up our engagement with Iraq, including by working through multilateral partners – such as the EU and NATO. Reforming Iraq's Security Sector is central to all three of these priorities. A representative, capable and inclusive civilian security sector that is responsive to all Iraqis will be critical in helping to address the legitimate grievances that led to Daesh's rise and to build a more stable and inclusive Iraq. The EU, with its experience in civilian Security Sector Reform (SSR), is able to play a substantial role in supporting Iraqi-led civilian SSR, complementing the work of the Global Coalition against Daesh, NATO and Iraq's bilateral partners, including the UK.
11. With Daesh now defeated militarily in Iraq, the next and potentially greater challenge for Iraq is winning the peace and addressing the underlying factors which led to Daesh's rise. In August 2017, Iraq's Government expressed its agreement to the deployment of the mission. The mission is now supporting the Government of Iraq as it looks to reform its civilian security sector and re-establish security across the country.
12. We support an EU role in Iraq which takes a focused approach to SSR, is firmly based on Iraqi need, and which complements existing efforts on the ground carried out by individual EU Member States, the Global Coalition and other international actors.

13. The mission's first Strategic Review was formally presented to PSC on 13 July 2018, which recommended that the current mandate be extended by 18 months to allow for continued progress on civilian security sector reform. PSC agreed this recommendation.

CONSULTATION

14. None

IMPACT ASSESSMENT

15. Not applicable.

FINANCIAL IMPLICATIONS

16. The proposed figures below are still subject to final negotiations. Should the final figures change, I will update the Committees accordingly.

17. The proposed 18 month mandate extension amounts to a budget uplift of EUR 48,000,000 for October 2018 until April 2020. The uplift in funding is predominantly a result of capital expenditure, running expenditure and personnel costs.

18. A comparison of the current and proposed budget increase is set out below:

Budget heading	Current budget (EUR) 16 October 2017 – 17 October 2018	Proposed budget (EUR) 18 October 2018 – 17 April 2020
1. Personnel costs	4 011 358.96	12 112087.98
2. Missions	397 821.60	485 060.00
3. Running expenditure	11 844 385.92	42 924 269.11
4. Capital expenditure	973 445.00	7 527 550.00
5. Representation	24 000.00	36 000.00
6. Projects	0.00	895 000.00
Sub-total (1-6)	17 251 011.48	63 979 967.09
Contingencies	48 988.52	1 320 032.91
Total	17 300 000.00	65 300 000.00

19. Key subheads:

- a. Personnel costs: An increase in personnel is required to fulfil the mission's mandate effectively. Salaries are inclusive of expatriation allowance, hardship allowance and non-family duty station allowances. The October 2017-October 2018 mandate budgeted for 52 staff; current staffing is at 43. The October 2018-April 2020 mandate budgets for a total of 98 staff.
- b. Missions: Mission expenditure includes transportation, daily allowances and accommodation. 150 duty trips to Europe (mainly Brussels), 108 in-country duty trips (2 duty trips of 3 staff every month), and 36 duty trips to other locations are all foreseen, including for training and Head of Mission/Deputy Head of Mission meetings.
- c. Running expenditure: This covers fuel, maintenance, insurance, spare parts and tools after the purchase of 20 armoured vehicles in the period 18 July 2019 – 17 April 2020. It also covers accommodation and offices; the mission uses two complete floors in two hotels for security reasons. The number of close protection teams will increase from the current 5 teams to 7 teams from October 2018, and to 9 teams from January 2019, in accordance with the foreseen deployment of visiting experts and new mission staff.
- d. Capital expenditure: This covers the gradual purchase of 20 armoured vehicles and one armoured ambulance, which is deemed more cost-effective than renting vehicles for more than two years. The mission's vehicles will be provided with diplomatic registration plates, allowing greater freedom of movement.
- e. Representation: Representation costs of up to EUR 2000 per month.
- f. Projects: This is a new element of the mission's budget and will cover a variety of workshops, including best practice in counter-terrorism, policy making and implementation, and thematic security sector reform mapping and analysis.

20. We judge the proposed budget to be commensurate with the mission's activities.

TIMETABLE

21. The mission's current mandate expires on 17 October 2018. EEAS will put the Council Decision and corresponding Budget Impact Statement to the FAC for adoption on 17 October 2018. To give certainty to the mission, which the UK would support, I would appreciate consideration of this Explanatory Memorandum by your Committee at sif before Tuesday 16 October.

22. Adoption can only take place once UK scrutiny is complete. If recess does not allow for consideration by this date, a scrutiny override may be required. Failure to agree the mandate extension and budget could have a negative effect on the mission, preventing it from operating effectively.

OTHER OBSERVATIONS

23. None.

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