



The primary purpose of the House of Lords European Union Select Committee is to scrutinise EU law in draft before the Government take a position on it in the EU Council of Ministers. This scrutiny is frequently carried out through correspondence with Ministers. Such correspondence, including Ministerial replies and other materials, is published where appropriate.

This edition includes correspondence from May to November 2009.

FOREIGN AFFAIRS, DEFENCE AND DEVELOPMENT POLICY (SUB-COMMITTEE C)

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AFRICA: EU AFRICA STRATEGY UPDATE (11326/07)

Letter from Gareth Thomas MP, Minister of State, Department for International Development and the Rt Hon Lord Malloch-Brown, Minister of State, Foreign and Commonwealth Office, to the Chairman

We are pleased to be able to write to your Committee with an update on implementation of the Joint Africa EU Strategic Partnership (JAES), following the joint AU-EU Ministerial Troika which took place in Brussels on 28 April 2009.

The Troika of European and African Ministers discussed global issues of mutual concern, including: the response to the global financial downturn and its impact on Africa, and measures taken to mitigate its effects on the most vulnerable; climate change and preparations for the Copenhagen Conference; and peace and security issues in Africa. The JAES commits to deepening the dialogue between Europe and Africa, and building a more mature partnership. It is encouraging that this is starting to be achieved through these regular high level discussions.

The EU and AU have also been co-operating on political issues such as the recent unconstitutional changes of government in Africa. The EU has participated in the African-led International Contact Groups (ICGs) on Mauritania, Madagascar, Guinea and Guinea-Bissau. The ICG on Mauritania recently facilitated a deal on the restoration of normal government in Mauritania, and the unified position agreed by the Guinea ICG has set the tone for the EU's dialogue with Guinea under Article 96 of the Cotonou Agreement, sending strong messages on governance.

The Troika also endorsed the role of the European Parliament and the Pan African Parliament in the JAES. The Parliaments will make recommendations and monitor the implementation of the Strategy.

At working level, the eight thematic Partnerships which make up the First Action Plan for the JAES have each held second Joint Experts Group (JEG) meetings since we reported to the Committee in February. They brought together African and European partners to discuss agreed priority actions, strengthening dialogue between the two continents at expert level.

Through the JEGs, each Partnership has devised a Roadmap highlighting concrete deliverables of the Partnership process. The Roadmaps, which identify lead actors and funding mechanisms for the agreed deliverables, were endorsed by the Ministerial Troika and form a basis for future discussion on the resourcing of the JAES, on which a workshop will be held in September 2009 in Addis Ababa. EU partners are concerned at the lack of human resources being devoted to the Strategy on the African side. The workshop will be an opportunity to highlight the resources available to the Strategy and ensure the use of existing sources of funding is maximised.

MILLENNIUM DEVELOPMENT GOALS (MDG) PARTNERSHIP

Following the successful April G20 meeting in London, where the impact of the economic downturn on developing countries was highlighted, the EU has stepped up its response. It has begun to allocate a €1 billion (£0.85 billion) Food Facility, of which an indicative allocation for Africa is approximately €580 million (£494 million). The EU is also working on establishing a €500 million (£426 million) 'Vulnerability Flex' which will help to protect the poorest in ACP countries.

As the European co-chair for the Partnership on the MDGs, the UK organised a series of joint meetings in March attended by experts from the EC and AU Commission and EU and African states. These included sub groups to address the Finance and Policy base for the MDGs; Health; Education; and Food Security, held back to back with existing fora where possible, to improve efficiency and secure the most appropriate participation. The food security meeting was held in Pretoria, Health and Education meetings took place in London, and a further meeting on Education was held in the margins of an ADEA¹ meeting in Tunis.

¹ Association for the Development of Education in Africa

Disability is a priority for the Partnership across the four thematic areas, and the discussion highlighted the importance of integrating disability into all development issues. The Partnership will seek ways to include disabled people's access to services in international work on the MDGs.

As the most off track MDG, maternal mortality is also a priority for the Partnership. We will seek to use the JAES process to support the AU's Campaign for the Accelerated Reduction of Maternal Mortality in Africa (CARMMA), an initiative we welcome.

The Roadmap for the MDG Partnership also identifies opportunities for coordinating policy positions and preparations ahead of the planned UN MDG Review Summit in 2010, a key milestone.

Other Partnerships

The other partnerships have also focused on agreeing roadmaps which set the agenda for the coming 18 months. Under the Peace and Security Partnership, the EU and AU continue to make progress on several issues, including developing a package of support to African peacekeeping Training Centres and defining priorities for civilian and peace training after the African Standby Force has been operationalised (target date: 2010).

We judge that the partnerships' role as fora for dialogue and experience-sharing is useful across the board, and particularly for those areas where large-scale projects are ongoing, such as those under the Trade, Infrastructure and Regional Integration partnership. Infrastructure remains a priority for the African Union, and the UK is actively supporting the Africa-EU Infrastructure Partnership, an initiative to better connect Africa through transport links, water, energy and ICT, to which DFID has contributed €10 million (£8.5 million).

To enhance the African voice in global debate, the Climate Change Joint Expert Group has been supporting capacity building of African negotiators for the Copenhagen UNFCCC meetings. They are also working to develop a joint EU-Africa approach or declaration for Copenhagen.

We see the Democratic Governance and Human Rights Partnership as a forum to enhance UK bilateral work on good governance and elections and promote human rights in Africa. An EU-Africa Human Rights Platform is being established, bringing together leading human rights experts to share best practice. Meetings have thus far been dominated by issues around 'cultural goods', but the UK has engaged constructively with the Egyptian co-chair and the EU implementation team, and will be well placed to drive other work in parallel.

The Migration, Mobility and Employment Partnership is facing a different challenge: Libya assumed the African co-chair from Egypt in March 2009, and the Libyans have not yet made contact with the Spanish co-chair, causing the partnership to stall. We hope the EC will unblock this by raising the issue at the highest level. The EU held a meeting of African diaspora representatives in The Hague on 22 June, and the UK remains engaged with plans to establish a Remittances Institute with the World Bank.

The Energy Partnership has the scope to address the uneven distribution of hydroelectric power in Africa and enable investment in African energy capacity. We hope to see a continued focus on regional energy markets. The Science, Information Society and Space Partnership is developing a useful role as a forum for exchange of information on existing initiatives, and also considering a range of projects proposed by the African side. This includes establishing African Virtual Campuses, starting with 11 countries in West Africa, to train science and technology teachers and build the science and technology capacities of African states.

We are now looking forward to an autumn of heightened activity on the JAES. September will see the resourcing workshop (mentioned above) and on 13 October the EU-Africa Ministerial Troika will discuss the mid-term review of the first Action Plan's implementation. In the same week, the EU Political and Security Committee is due to meet the AU Peace and Security Council to discuss political and security issues. We look forward to updating the Scrutiny Committees further after these events.

14 July 2009

ALBANIAN AND ICELANDIC EU MEMBERSHIP APPLICATIONS

Letter from Baroness Kinnock of Holyhead, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I thought you would welcome an update on developments on EU membership applications.

As you will be aware on 16 July the Icelandic Parliament passed a bill approving an EU membership application. An application has now been submitted to the Swedish EU Presidency. Albania formally submitted its application for EU membership on 28 April.

The UK Government has made clear its support for both applications, and hope the Presidency will soon bring them to the Council for consideration. The Government continues to support the principle that the Council should refer all applications to the Commission for their formal advice ('an Avis') without delay, provided that the applicant meets the Treaty requirement to respect the principles of the Union. At the same time, we are encouraging the Commission to focus its advice on the key reforms we think necessary. In the case of Albania we urge the Commission to focus on the need for reform of the judiciary, civil service and efforts to tackle organised crime and corruption. As you will know, we have separately reached an agreement with the government of Iceland on handling of their obligations from the collapse of Landsbanki last October which we hope will be agreed by the Icelandic Parliament very soon and thus not complicate accession negotiations.

It is not yet clear when the Swedish Presidency will bring the applications to the Council for decision. Iceland's application may be considered as early as the GAERC on 27 July. We understand that the Presidency intend to table Albania's application in the early autumn after the OSCE publish their report on the recent election. We continue to believe that applications should be passed to the Commission as a procedural step and that no political linkages between the two should be made.

I am aware of the Committee's interest in EU enlargement and will endeavour to keep you fully informed of the progress of EU membership applications. I look forward to having the opportunity to discuss this issue with you.

20 July 2009

BALKANS: EUROPEAN DEVELOPMENT FUNDING

Letter from the Chairman to Michael Foster MP, Parliamentary Under Secretary of State

Thank you for your letter of 18 May replying to my letter of 13 March, on the management and oversight of European development funding in the Balkans (Court of Auditor's Special Report no 12/2008).

In my letter I asked for information about the specific steps that the Government was taking, including through its country offices in the region, to ensure that the weaknesses highlighted in the Court of Auditor's report were being addressed. You replied that "close supervision of ISPA funds remains a priority for our Embassy in Zagreb". However, the Sub-Committee would be grateful if you could provide them with some further information about the practical steps DFID offices or UK embassies in the region are taking to monitor the spending of EU development funds.

18 June 2009

CHINA-EU NEAR ZERO EMISSIONS COAL PLANT PROJECT (11448/09)

Letter from the Chairman to the Rt Hon Lord Hunt of Kings Heath, Minister of State, Department for Energy and Climate Change

Sub-Committee C considered this document at its meeting on 15 October 2009 and cleared it from scrutiny.

The Committee has taken a great deal of interest in China recently, including on climate change and energy issues. In relation to the Commission communication, we were very concerned to learn of the slow progress of this project, given its importance in the global fight against carbon emissions and the pace of growth of high emission coal-fired energy generation in China.

After all this time and publicity we are still in the initial phase of this project, with no certainty of any funding for phase three. We are very keen to understand, therefore, what the realistic timescales are now likely to be for all three phases to be completed. When will sufficiently reliable results of the project be available so that Carbon Capture and Storage can actually be rolled out in China?

We would also welcome your views on the initial management of the project within the EU, and the degree of enthusiasm of the Chinese government for this project.

Given the importance of this project, we are issuing a press release tomorrow dated 20 October 2009, a copy of which is attached.

19 October 2009

CONFLICT PREVENTION AND PEACEKEEPING

Letter from the Chairman to the Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office

Thank you for your letter of 25 March 2009² on funding for conflict prevention and peacekeeping in wider Europe, which Sub-Committee C considered at its meeting on 30 April and discussed further on 21 May. Thank you also for keeping the Sub-Committee informed of the planned changes.

The Sub-Committee was concerned about these planned reductions and re-prioritisations of expenditure which will affect EU missions as well as other activities. We recognise that public spending is under pressure in the current economic downturn. However, the sums involved are not large compared to other areas of public expenditure, and more importantly, conflict prevention and peacekeeping represent an indispensable investment in the nation's security. We see preventing and minimising conflict as an insurance policy against paying far higher costs, both in human lives and financially, from funding conflict itself and post conflict reconstruction. The costs of instability in wider Europe are also liable to be paid by the UK in terms of higher rates of organised crime and illegal immigration which often originate in conflict zones.

The wider Europe area continues to suffer from instability, unresolved conflicts and tensions. Has the Government conducted an assessment of the impact that the funding changes will have on peacekeeping and conflict prevention missions and their ability to counteract a deterioration of the security situation in question?

Many of these conflicts can flare up again at short notice. We are particularly concerned about Georgia. The situation has deteriorated further with reports in the press that the Russian government has signed security pacts with South Ossetia and Abkhazia. Yet the Government halved its contribution of staff to the EU's Monitoring Mission (EUMM) from 22 to 11 in January 2009 and has decided to cease funding of additional conflict prevention work in Georgia.

We are equally concerned about the Western Balkans. Kosovo and Bosnia continue to be potential flashpoints and we note with concern the Government's decision to reduce the number of UK secondees to the EU's rule of law mission (EULEX) from 63 to 32; and to reduce secondments to the EU Police Mission in Bosnia from 9 to 3. Does the Government not accept that these EU operations are making an effective contribution to stabilisation and building the rule of law? In the case of Kosovo, does EULEX have the necessary legal basis, as well as the confidence of all ethnic groups in Kosovo, to be able to operate effectively? If so, we would be grateful if you could explain the reasoning behind your decision to reduce drastically the UK contributions to these missions.

With regard to Afghanistan, we welcome the Government's continuing commitment to the country's stabilisation but would welcome clarification of your statement that "we have endeavoured to maintain our contributions to the crucial police reform and rule of law mission in Afghanistan at a minimum of 14 personnel". Are you now in a position to confirm this figure?

We attach great importance to close and effective co-operation among the three Departments most concerned: FCO, MOD and DfID. We should be grateful for a note setting out how such co-operation now operates in the field of conflict prevention and resolution. What is the budget available to each of these three Departments for spending on conflict prevention? How is this conflict prevention funding jointly managed by the three Departments in practice? Finally, could consideration be given to ring fencing the important discretionary element of the conflict prevention and peacekeeping budgets, thereby protecting them from the adverse effects of unpredictable changes in assessed contributions?

21 May 2009

Letter from Baroness Kinnock of Holyhead, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

Thank you for your letter of 21 May 2009 to my predecessor on funding for conflict prevention and peacekeeping.

² [Correspondence with Ministers, December 2008 to April 2009](#)

The UK remains fully committed to conflict prevention and resolution. The Foreign Secretary's Written Ministerial Statement (WMS) of 25 March 2009 announced an increase in resources available for conflict activity in 2009/10 (from £556 million to £627 million), a significant symbol of the importance we attach to this issue. But we are faced with competing demands and will not be able to fund all areas of activity to the same level as in previous years. We have had to prioritise our resources, focusing activity more tightly on countries where the risk and impact of conflict is greatest and where our actions will have the maximum effect.

The reduction in the number of secondees does not alter the UK's strong belief that the EU should use its full array of tools – diplomatic, economic, military and civilian – to be a central player in international conflict resolution and prevention. We remain politically engaged in the missions. This is important because civilian missions are particularly dependent on the wider political environment. The UK will use its extensive diplomatic network and political influence to support the successful implementation of mission mandates.

In the Western Balkans, we felt it important to continue with conflict prevention work but reluctantly had to decrease our support on some projects. We decided to concentrate our efforts on funding important projects in Bosnia and Herzegovina, Kosovo and Serbia where the risk of conflict is greatest and we felt we could maximise our impact.

You asked about EULEX in Kosovo. We recognise that the EULEX mission is of great importance in assisting Kosovo to develop its policing, judicial and other rule of law services. EULEX has a firm legal basis in Kosovo through the constitutional commitment to implement the Comprehensive Settlement Proposal. Its legal basis as an ESDP Mission lies in the Joint Action adopted by the Council of the European Union in January 2008. To minimise the impact on the mission we have focused our resources on key positions. The remaining secondees have influential roles in every major unit of EULEX and we also provide the Deputy Head of Mission.

In balancing priorities, we have consulted with the Head of Mission and the Council Secretariat to ensure that our positions not only fulfil UK objectives, but also continue to support operational priorities. We have also liaised closely with the Council Secretariat on detailed questions of process to minimise any recruitment gaps.

The EU Police Mission in Bosnia and Herzegovina makes an effective contribution to stabilisation and building the rule of law. The UK is committed to strengthening the governance and performance of the security and justice sectors in Bosnia and Herzegovina. In this light, we have continued to support the EU Police Mission, albeit at a reduced level. The UK secondees are focused on areas where the UK has real expertise, advising the Bosnian authorities and the Head of Mission on the fight against organised crime, illegal immigration and trafficking. This support is also reflected in the continued placement of a UK Government secondee in the Ministry of Security.

In the Russia/CIS region we have managed to maintain our conflict prevention projects, although we have had to look for small savings. Current pressures on budgets have meant that we have not introduced any new programming in Georgia this year. However, we continue to review budgets and should an under spend emerge in year, we will look to reallocate it to priority projects such as those in Georgia.

We remain concerned by the situation in Georgia. The recent rejection by Russia of the prolongation of the mandates for the UN and OSCE missions, and Russia's continued non-compliance with the 12 August and 8 September ceasefire agreements demonstrate that the situation remains fragile.

EUMM has played an important role in Georgia. As the only remaining international mission, the presence of EUMM is vital to re-establish peace and security through monitoring, confidence-building, incident investigation and support for human rights. The UK is already participating in discussions with our EU partners on how the EUMM may have to adapt its activities given the non-renewal of the UN and OSCE missions.

The decision to withdraw some of our monitors from EUMM was part of the wider prioritisation exercise, but we assessed that this would not negatively impact the mission as the mission was well staffed with monitors and support staff. Our 11 secondees, who include three headquarters staff, continue to make an important and well-recognised contribution. We will continue to assess whether the UK is able to put forward further secondees to EUMM.

I visited Georgia only last week. I had the opportunity to see firsthand the work of the EUMM when I accompanied them on a patrol to two of the newly-constructed IDP settlements. The role they play there is vital for the safety and security of the IDP families. Following the visit, I have asked officials to explore the possibility of using funds previously attached to the OSCE/UNOMIG Missions, to further support the work of the EUMM.

With regard to Afghanistan, the UK now funds 15 posts in EUPOL, split between Kabul and Helmand, and this maintains our contribution from last year.

In addition to the EUPOL contribution, the UK has policing experts working on US Police reform programmes in Afghanistan and a substantial bilateral police reform effort in Helmand. Our experts consist of a combination of serving and former police officers and military police soldiers.

They perform a variety of key roles including coordinating the EUPOL-led Kabul City Security project; advising the Helmand Chief of Police; and helping the Afghans developing their strategic planning capabilities. EUPOL is making progress with an increase in numbers to 237 in June, (up from 180 in the autumn), and is leading on high-profile initiatives such as train the trainers and intelligence-led policing.

You asked about HMG cooperation in conflict prevention and resolution. We continue to emphasise the importance of a comprehensive approach, as set out in the tri-departmental Public Service Agreement (PSA 30) on conflict. We are seeking to improve the effectiveness of UK policy making through increased joint analysis, long-term strategies and improved coordination between the three departments (DFID, FCO and MOD).

We currently have £171 million available for discretionary conflict activity in 2009/10. HM Treasury provides this funding to DFID at the beginning of each financial year. DFID then transfers resources to FCO and MOD to cover expenditure. The pool is divided into one thematic and four regional programmes, reflecting priorities set by Ministers: Africa (£43m), Wider Europe (£33m), Middle East (£18m), South Asia (£61.3m), Strategic Support to International Organisations (£6.5m), Central Reserve (£9.2m).

The programmes are subject to tri-departmental decision-making and management at every level. Individual projects may be managed by any of the three departments, but all departments must be involved in project selection, design and evaluation.

Since 1 April 2009, the discretionary element of the peacekeeping budget has been separated from the assessed costs and forms part of the £171 million available for 09/10. We have also retained a central reserve to act primarily as a buffer against fluctuations in the exchange rate and increases in assessed peacekeeping or other conflict related costs. The likely cost of the assessed contributions will be reviewed regularly so that any likely overspend or under spend can be identified and addressed.

30 June 2009

COTONOU AGREEMENT: GUINEA (6543/09)

Letter from Chris Bryant MP, Parliamentary Under Secretary of State, Foreign and Commonwealth Office, to the Chairman

I am responding to your letter of 27 April 2009 sent in reply to Caroline Flint's letter of 20 April addressing the points raised by the EU Sub-Committee C in its initial scrutiny of the above paper. I apologise for the long delay in replying. Officials needed to consult other Whitehall departments about the details of your enquiries. However, we should have been in touch to explain the delay and will ensure that this happens in future.

You asked whether reports that the Islamic Development Bank had offered \$150 million to Guinea in emergency project funding risked undermining international political pressure on the regime for a return to democracy. You also asked what consultations the EU and UK had had with other major donors on supporting the political transition in Guinea, and with what outcomes.

The UK and EU have discussed Guinea with partners within the framework of the International Contact Group for Guinea (ICG-G), which has met three times since February 2009. The next meeting is scheduled for 18-19 June. The ICG-G is jointly led by the Commissions of the African Union and Economic Community of West African States (ECOWAS), and members include major donors such as the IMF, the World Bank, and EU, as well as African and permanent members of the UN Security Council, the Community of Sahelo-Saharan Countries (CEN-SAD), the Organisation of the Islamic Conference, the Mano River Union, and the International Organisation of the Francophonie.

The ICG-G has called for a swift democratic transition in Guinea and endorsed the dates put forward by the current authorities in Guinea for legislative elections on 11 October and presidential elections on 13 (1st round) and 27 (2nd round) December 2009. The ICG-G has underscored the need to mobilise resources required for these elections. Our Ambassador in Conakry also discussed Guinea

in early June with a local representative of the Islamic Development Bank (IDB). He reported that, although they have funds available, the IDB have not agreed any new projects in the country since the coup took place last December. We will continue to encourage all donors, and the Guinean authorities, to focus their efforts on supporting the transition process and elections.

You also asked why the junta would want to re-negotiate the mining contracts. In January 2009 the military junta announced plans to review all mining contracts in Guinea stating that this was to ensure that negotiations undertaken by the previous regime had been transparent and that Guinea was receiving its fair share of the value of the minerals extracted. The UK, through our Ambassador in Conakry, continues to monitor the situation and is in regular discussions with mining companies in the region.

22 June 2009

COTONOU AGREEMENT: MADAGASCAR

Letter from the Rt Hon Caroline Flint, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to inform you about the opening of consultations with Madagascar under Article 96 of the Cotonou Agreement. We expect the Czech Presidency to bring a draft letter to the Malagasy authorities (attached) to the JHA Council on 4 June.

In less than a year Africa has seen unconstitutional transfers of power in Guinea, Mauritania and most recently Madagascar. The coup in Madagascar occurred as a result of tensions between President Ravalomanana and the opposition, led by the former Mayor of Antananarivo Andry Rajoelina. In March, buoyed by increased support from the military, Rajoelina increased the pressure and, on 17 March, Ravalomanana resigned (“in the higher interests of the nation”) and transferred power to a military directorate. The military directorate almost immediately transferred power to Rajoelina, conferring on him the functions of president. (There is significant evidence that this was under duress). Rajoelina then announced that he would amend the constitution (at 34 he is 6 years too young to run for President) and, on 18 March, sought and was granted a Malagasy Constitutional Court ruling that the double transfer of power from Ravalomanana to the military directorate and then to Rajoelina was constitutional. It is unclear whether the Court justices ruled under duress. Rajoelina has declared himself to be President of the “High Transitional Authority” (HAT).

The international community, including the African Union (AU), Southern African Development Community (SADC), the US and the EU, has condemned the coup and an International Contact Group (ICG) has been formed to try and agree a political roadmap for the way forward – the first meeting was held on 30 April in Addis Ababa. The UK participates as a P5 member.

The ICG has condemned the coup and associated violence, called for inclusive negotiations and early elections and agreed to support the welfare of the Malagasy people by increasing humanitarian assistance. Article 96 consultations will be consistent with the ICG approach and we successfully inserted an explicit reference to the ICG into the attached Article 96 letter.

The consultations will offer the opportunity to promote democratic principles in Madagascar and to demonstrate the importance the EU attaches to the “essential elements” of the Cotonou Agreement. It is important that the democratic institutions of Madagascar are reinstated as soon as possible.

The unconstitutional transfer of power in Madagascar demanded a swift and coordinated international response, with the EU co-ordinating with other international pressure on the coup leaders. From the outset of the crisis, the UK has been at the forefront of international action: Lord Malloch-Brown issued a statement on 18 February urging all sides in Madagascar to find a solution in line with the Malagasy constitution and the rule of law; he issued a further short statement on 16 March as violent clashes intensified; his third statement on 20 March was one of the first by international figures explicitly to condemn the coup d'état. The UK has likewise pushed hard to kick-start the EU process.

There is currently a sense of drift in Madagascar. Lives and livelihoods of ordinary people continue to be disrupted by the lack of effective government, unrest on the streets and threat of renewed violence. It is important that the international community responds speedily and robustly to ease the situation of some of the poorest people in the world (Madagascar has some of the lowest Human Development Index indicators in the world: overall 143rd from 177 countries). Issuing the letter announcing the start of Article 96 consultations at the earliest opportunity would help to break the current stalemate and send a strong signal of the seriousness of the EU's intent to help Madagascar back to constitutional democracy and the rule of law.

My officials have raised the issue of national parliamentary scrutiny and, as you know, I take this issue very seriously. However, the speed of events on the ground, and the fact that the Africa Caribbean Pacific Working Group agreed only on 15 May to start Article 96 consultations – more quickly than we had anticipated, as well as the need for urgent EU action, means that there is unlikely to be sufficient time for your Committee to scrutinise the Decision before the Council. I hope your Committee will understand if I agree to this proposal before scrutiny by your Committee has been completed.

22 May 2009

Letter from Baroness Kinnock of Holyhead to the Chairman

My predecessor, Caroline Flint MP, wrote to you on 22 May to inform you about the opening of consultations with Madagascar under Article 96 of the Cotonou Agreement. We were grateful for your Committee's reply on 4 June informing us that you had cleared the letter which invited the *de facto* Malagasy Authorities to the consultations. The first round of the consultations has now taken place and I thought you would welcome an update.

Article 96 consultations were held with the Malagasy *de facto* government – the “High Transitional Authority” (HAT) – on 6 July in Brussels. In accordance with the provision on the Internal Agreement on Procedures for the implementation of the African Caribbean Pacific (ACP) – European Community (EC) Partnership Agreement, the EU was represented by the Presidency of the Council and the Commission. The HAT delegation was headed by its President, Andry Rajoelina. The HAT was also accompanied by representatives of the ACP Committee of Ambassadors.

Following lengthy discussions on the HAT's proposals for a return to constitutional order, the EU concluded that the proposals and undertakings from the Malagasy side remained unconstitutional and did not offer any credible prospects in the short term. The EU encouraged the HAT to continue negotiations with the key Malagasy political parties under the auspices of the International Contact Group (ICG) with a view to reaching a consensual agreement which would allow a return to constitutional order. The EU would be ready to re-examine its position as soon as a roadmap to that effect was agreed by all Malagasy parties.

Pending suitable proposals from the HAT and as long as the serious failure to observe the “essential elements” of the Cotonou Agreement continues without notable improvements, the EU will continue to suspend all non humanitarian aid to Madagascar. Any humanitarian programmes or projects of direct benefit to the Malagasy people will continue.

The next meeting of the ICG, and the first to be attended by the key Malagasy players – ousted President Marc Ravalomanana, HAT President Andry Rajoelina and former Presidents Didier Ratsiraka and Albert Zafy, will take place on 22 July, with the attendance of the Southern African Development Community's (SADC) newly appointed mediator, former President of Mozambique, H.E. Mr Joaquim Chissano.

Under the Cotonou Agreement Article 96 consultations can remain open for a maximum of 120 days (so early October in this case). A decision has not yet been made on when the consultations will be closed but this is unlikely to be before mid-September. I should flag up at this stage that the formal decision to close the consultations might be taken at a Council before Parliament returns on 12 October. I will, of course, deposit the Council Decision along with an Explanatory Memorandum, with the Committee when the document is published. I will also endeavour to keep you updated if there are any significant developments in the Article 96 process.

20 July 2009

DEMOCRATIC REPUBLIC OF CONGO: AMENDING EUPOL REFORM MISSION

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to a recent Explanatory Memorandum submitted by my predecessor on Tuesday 13 October informing the Committee of amendments to Joint Action 2007/405/CFSP.

I welcome the Committee's interest in the ESDP mission mandates, and I regret that due to the recent change of Ministerial portfolios, we were not able to provide you with the Explanatory Memorandum in sufficient time for it to be considered at your meeting on 15 October. As a result, I will have to agree for this Joint Action to be considered at the Agriculture and Fisheries Council on 19 October without prior debate at Committee.

The Council Secretariat must proceed with the implementation of the Joint Action, which provides the mission with a greater emphasis on tackling sexual violence and, importantly, provides the necessary budget for the mission to continue its activities from 1 November 2009 until the expiry of its mandate on 30 June 2010.

While there are Council meetings towards the end of October (Justice and Home Affairs on 23 October, and the GAERC on 26 October), were I to delay lifting the UK scrutiny reserve until 22 October, the Council Secretariat would not have enough time to properly administer the renewal of contracts. This would result in a gap in funding beyond 31 October 2009 until contractual positions were resolved. As the mission is looking to place a greater emphasis on tackling sexual and gender based violence and is looking to deploy two multidisciplinary teams to the eastern DRC to take this forward, this could have a serious operational impact.

I am taking this opportunity to provide further information on the levels of sexual violence committed within the DRC and the benchmarks being used by the mission to measure the success of the work undertaken to tackle this serious issue.

The problem of rape and sexual violence is one of the most serious aspects of the conflict in the DRC. Sexual and gender based violence is used systematically as a weapon of war by the Congolese Army and by militia groups to humiliate and intimidate women and men of all ages. Conflict-affected areas continue to be the hardest-hit, with South and North Kivu in the eastern DRC recording the most cases. The UN Population Fund reported 5,204 cases during the period of January to June 2008 and the Congo Advocacy Coalition announced over 2,200 cases of rape recorded in North Kivu in the month of June 2008 alone. The more recent reports from the mission itself have indicated that the number of victims for the first half of 2009 (2,587) has exceeded the total cases reported for the whole of the previous year (2,383). The US Secretary of State visited the DRC in August 2009. Secretary Clinton's visit highlighted the issue of sexual violence and reignited the international community's interest.

These figures reflect that the level of sexual crime in the DRC remains a serious concern. However, as my predecessor explained in the Explanatory Memorandum submitted on 13 October, the amended Joint Action now grants EUPOL DRC a greater emphasis on tackling sexual and gender based violence through its work assisting the Congolese to reform their National Police Force (PNC). Under the mission's new operational plan, the success of the mission will be measured against the following benchmarks:

- the reinforcement of the PNC's capacity to deal with the victims of sexual violence;
- participation in a project to help map the location of sexual violence incidents committed by the police force;
- the development of an anti-sexual violence cell within the PNC; and
- the implementation of a code of conduct for members of PNC which reinforces the unacceptability of SGBV.

16 October 2009

Letter from the Chairman to Chris Bryant MP

Sub-Committee C considered this document at its meeting on 15 October 2009 and decided to hold it under scrutiny.

As I note in my letter of 19 October on "EU business during the summer recess", this was an override of parliamentary scrutiny. We are disappointed that the Committee did not have the opportunity to scrutinise this decision before it was agreed and believe that the override could have been avoided.

The Committee particularly noted that the Explanatory Memorandum contained no assessment whatsoever of the success or value of the EU mission so far. We would like to receive a short assessment on the activities of the mission, the challenges it is facing and your views on the extent to which it is fulfilling its objectives. The Committee sees it as essential that in future all Explanatory Memorandums dealing with renewals or amendments to missions include this type of analysis or report back.

19 October 2009

DEMOCRATIC REPUBLIC OF CONGO: ESDP POLICING MISSION (EUPOL)

Letter the Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to my Explanatory Memorandum (EM) on the Joint Action 2009/.../CFSP amending and extending Joint Action 2007/406/CFSP on EUPOL which was deposited on 1 June 2009, but which did not, as I understand it, make the sift.

This Joint Action will extend the mission mandate for a 12 month period up to 30 June 2010. It will consolidate the successes of the mission to date and incorporate a new project cell. The first four months of this extension (1 July to 31 October 09) will be of no additional cost as the mission will be making use of outstanding funding from the previous years budget of €6.92 million. The funding for the remaining eight months is yet to be decided and an Explanatory Memorandum will be submitted to the Committee before 31 October 2009.

EUPOL was launched in June 2007 to provide strategic advice to the Congolese authorities on issues relating to police and justice reform. Since July 2008 the mission has advised the Congolese National Police (PNC) on the creation of a Border Police service, supported the recently-established Inspectorate General on Police Auditing, and advised on the police aspects of the peace process in Eastern DRC, by deploying 2 (small) teams to Goma and Bukavu. The mission has also helped to develop and train a Police Research and Intervention (PRI) Unit within the PNC and is supporting the establishment of a national Coordination, Command and Control Centre.

This Joint Action must be agreed at the Employment and Social Affairs Council on the 8 June to allow the Commission sufficient time to prepare the necessary legal and financial paper work before the new mandate is put in place on 1 July. Failure to do so would jeopardise the "no cost" element of the extension and allow insufficient time for the new Project Cell to be established. If we are unable to adopt this Joint Action on 9 June there will be operational consequences for the mission, most particularly in terms of a possible loss of funding for the mission and its activities.

For these reasons, I hope you understand that the Government will have to go ahead in approving this Joint Action at the Employment and Social Affairs Council on the 8 June. I look forward to your comments on the Explanatory Memorandum after you have it discussed next week.

3 June 2009

Letter from the Chairman to Baroness Kinnock of Holyhead, Minister for Europe, Foreign and Commonwealth Office

Thank you for your letter of 3 June on the above subject, which the EU Sub-Committee C considered at its meeting on 4 June.

The Sub-Committee considered that agreement need not be withheld pending completion of the scrutiny process and consequently waived the scrutiny reserve under paragraph 3 b) of the Scrutiny Reserve Resolution.

9 June 2009

DEMOCRATIC REPUBLIC OF CONGO: REFORM OF THE SECURITY SECTOR

Letter from the Chairman to Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office

Sub-Committee C considered the above document at its meeting on 22 October 2009 and cleared it from scrutiny. They noted your letter of 16 October and regretted that it had been necessary for this to be an override.

The Sub-Committee applauds the sentiment behind the deployment of extra resources in the East of the DRC for the purpose of preventing sexual and gender based violence. They recognise that it is likely to be a difficult task and would welcome a report in due course on how successful the extended mission has been.

I look forward to hearing from you.

23 October 2009

DEVELOPMENT FUNDS: ACTIVITIES FUNDED BY 6TH, 7TH, 8TH AND 9TH
EUROPEAN DEVELOPMENT FUNDS (OJC 286-02)

**Letter from Gareth Thomas MP, Minister of State, Department for International
Development, to from the Chairman**

Thank you for your letter of 6 February 2009³ clearing from Scrutiny the above-mentioned Annual Report. Your Committee has requested some further comments on the following issues:

Court of Auditors statements under the heading 'Opinion on the reliability of the accounts' (p.281-2)

(a) including its statement that '*...the validity of the assumptions used for the estimate of the provision for costs incurred has not been demonstrated by the Commission...*'

Following a remark from the Court, the Commission contracted a study with an independent audit company (Deloitte & Touche) to assess the methodology. The study concluded that the assumptions of the Commission were correct in most of the cases; nevertheless for a small amount of contracts the Commission should carry out an individual analysis.

In line with the outcome of the study, the Commission has decided to refine its methodology for the 2009 accounts and has communicated the results to the Court – and the Court has agreed with them.

(b) including its statement that '*...the Court draws attention to the high fiduciary risk with regard to budget support resulting from the Commission's "dynamic interpretation" of the eligibility criteria...*'

We agree with the Court of Auditors that a fiduciary risk exists with budget support. However, the Commission, at headquarters and in country, rigorously assesses and monitors the budget support eligibility criteria. At the outset, the Commission ensures a baseline assessment of the Public Financial Management (PFM) system has been carried out, and that a relevant, credible, time-bound government-led reform programme to strengthen PFM is in place. This analysis can lead the Commission to provide budget support in a selective manner to countries which may have weaker administrative structures, with the objective of improving those structures. The Commission's annual monitoring of PFM ensures the baseline assessment and specific reform actions are compared with the current situation to analyse the direction and magnitude of change.

The Court recognises, in Special Report No 2/205 concerning EDF budget aid, that in managing fiduciary risk many other donors similarly base their budget support decisions on the existence of a credible plan to strengthen PFM systems and safeguards put in place by the country to manage specific risks, rather than making decisions based on the achievement of pre-established thresholds for PFM performance.

6 July 2009

EDA STEERING BOARD, MAY 2009

**Letter from the Rt Hon Baroness Taylor, Minister for International Defence and
Security, Ministry of Defence, to the Chairman**

I will be attending the General Affairs and External Relations Council and the EDA Steering Board on 18 May on behalf of John Hutton. In order to allow you sufficient time to review and analyse the EDA documentation for the Steering Board, I am sending you the documents before the official level Preparatory Committee, which will take place on 8 May. Whilst I have indicated the position I intend to take on each of the items they are still subject to change and may not represent the final documentation presented at the Steering Board Meeting.

The first non routine item on the agenda is the 3 Year Financial Framework (2010-2012). There have been difficulties in the past in agreeing a three year financial framework for the Agency because of a lack of evidence to justify the increases requested. This year the Agency has produced a three year work programme to justify the requested increases. Although the decision on the three year financial framework will not be taken until November the EDA will be asking Ministers to endorse the three year work programme in order to set the levels within the three year financial framework. Whilst the Agency have not asked for a large increase in the budget, in the current financial climate we must ensure taxpayers money is spent wisely. I expect officials to challenge the Agency to produce a range of funding options that we can discuss at the meeting rather than a simple request for increased resources by the Agency.

³ [Correspondence with Ministers, December 2008 to April 2009](#)

The next agenda item concerns European Air Transport Fleet (EATF) Programme, as the Department has stated previously we support the aim of the initiative as strategic lift is still a shortfall across both EU and NATO and the EU; however have decided not to participate as it would restrict the way we operate our mixed strategic transport fleet.

The sixth item on the agenda is Helicopters; as you will be aware getting more helicopters on operations has been a key theme for the UK. We have been a leading nation in driving this issue forward, supporting the work in both NATO and the EDA. We are concerned that the work on helicopter upgrades as proposed in the EDA paperwork duplicates work already ongoing in NATO. I therefore intend to challenge the need for this work to be undertaken in the EDA, unless there is resounding support from a number of Member States who wish to use the EDA to upgrade their helicopters.

The next item is a note for the Steering Board on the way ahead with the implementation of Earth Based Earth Observation (MUSIS) project. Although the UK's approach to date has been not to participate in MUSIS we may reflect on this approach in future should technological advances drive down the relative costs of developing new coalition capabilities that complement existing capabilities. The UK will continue to monitor the MUSIS programme to identify potential opportunities for participation, particularly as an associated member participating in the ground segment of MUSIS.

The eighth item on the agenda is a proposal by the EDA for a European Cooperative R&T project with the EU Commission. The Agency has not yet provided us with any information on this project so I am unable to provide you with a position. I will write to you separately once we have this information and have formulated a position.

The ninth item on the agenda relates to the EDA project on protection against Biological Agents (BIO-EDEP). Whilst the EDA have made significant progress in their work on CBRN detection of biological hazards the UK does not participate in this programme. The Department has conducted a thorough review of the EDA programme and have judged that it adds little value over our existing collaborative activity in this area. Whilst we approve the establishment of a project in this area we do not intend to participate.

The final item on the agenda is an EDA proposal for a Declaration of Intent by Defence Ministers on Information and Expertise Sharing on Counter Improvised Explosive Devices (C-IED) and Countering Man Portable Air Defence Systems (C-MANPADs). We are unsure of the reason for this declaration and officials will be exploring this with the Agency at the preparatory meeting. Without good reason to sign such a declaration I will be asking officials to change or remove this item from the steering board agenda.

1 May 2009

Letter from the Rt Hon Baroness Taylor to the Chairman

I wrote to you on 1 May indicating the position I intend to take on each of the items presented to the EDA Steering Board. I promised in my letter to provide an update on the position I intend to take on the EDA proposal for a European Cooperative R&T project with the EU Commission. I have also included information on the changes to the Agenda from discussions at the preparatory committee held on 8 May.

The EDA documentation presented on their proposal for a European Cooperative R&T project with the EU Commission is vague and seems to lack a clear objective. Generally we support exploring the scope for greater harmonisation with the work of the Commission but I will be asking the Agency to articulate the benefits to Defence of doing so. Whilst I intend to support this item in the meeting, UK experts have some concerns over the detail of how this harmonisation will be achieved and Defence interests protected. I will be asking the Agency to clarify the financial assumptions for this project and involve national R&T experts in defining this project to ensure that UK concerns are addressed.

The preparatory meeting on 8 May allowed Officials to discuss changes to the documents along the lines I indicated in my letter of 1 May. The documentation on the three year financial framework has been amended in recognition of UK concerns that Ministers should have options for funding the EDA and not simply agree to the increases proposed. I do not expect that we will discuss these options at the meeting but I expect the Agency to engage with officials between now and November.

The only other substantial change to the documentation was the removal of the final item, a declaration on greater cooperation and information sharing in the field of counter Man Portable Air Defence Systems (MANPADS) and Counter Improvised Explosive Devices (IEDs). This declaration was deemed not yet ready for discussion by Ministers and was removed from the Agenda.

Due to the limited time before the meeting I have not included all of the revised documentation apart from the paperwork on the EDA proposal for a European Cooperative R&T project with the EU Commission.

14 May 2009

Letter from the Rt Hon Baroness Taylor to the Chairman

I wrote to you on 1 May about the Ministerial Steering Board of the European Defence Agency (EDA) enclosing the agenda, papers and an outline of the likely points of discussion.

The following is a brief summary of the main points of discussion.

- In his opening remarks the Chief Executive highlighted work on an Association Arrangement with OCCAR, including the need for a security arrangement between the EDA and OCCAR. He also mentioned cooperation between 5 Member States on UAV sense and avoid technology, insisting that it would give them world beating technology.
- The Steering Board discussed the EDA paper on a three year work plan leading to a three year financial framework making the case for an amendment to the Joint Action to allow the three year financial framework to be set every year on a rolling basis. All Member States that spoke endorsed the approach in the paper, however many also noted that in the current circumstances the Agency needed to exercise financial restraint. I said that the EDA could not be exempt from belt tightening and should not assume that more resources would be available next year than this. Several other Member States argued for financial restraint, others argued that the EDA needed appropriate levels of resources, some insisting that the budget could not be reduced, but only one argued explicitly for an increase. The Chairman of the Steering Board suggested coming back to the subject at an additional board meeting, potentially to be held at the Swedish Defence Ministers' informal in September. As I explained in my last letter of 14 May this paper was amended at the Preparatory Committee, I enclose this paper for your information. This was the only substantial change to the paperwork for the Steering Board
- The Steering Board noted the progress on the European Air Transport Fleet Initiative, which has been widened into a framework for different types of air transport assets.
- The Steering Board welcomed the progress of the helicopters training work strand and noted the menu for upgrading Mi helicopters. I asked that if the Agency extended beyond training into helicopter upgrades they should ensure there would be no unnecessary duplication with NATO. Other Member States also welcomed the work on helicopters. The Board noted the need for the committal of Member States resources to support the launch of a Helicopter Tactics Programme in 2010.
- The Steering Board approved the establishment of a Category B project on Future Transport Helicopters. This project is a bilateral initiative between Germany and France who have not yet opened up the project to other interested Member States. This is not a project the UK plans to participate in due to our current helicopter arrangements.
- The Steering Board noted the way ahead on the implementation of the MUSIS Programme and several Member States expressed support for the project.
- The Steering Board welcomed the framework for maximising complementarity and synergy between defence and civilian security-related research activities with a view to establishing the cooperation at the SB-MODs in November 2009. In suggesting ways work to explore the scope for R&T cooperation between the EDA and the commission, the Chief Executive insisted that neither money nor management competence would cross institutional boundaries, a line endorsed by the Commission. I felt no need to intervene on this item due to these assurances given by the Agency.

- The Steering Board approved the establishment of an Ad Hoc Category B Project “Biological Detection Identification Monitoring Equipment Development and Enhancement Programme” (BIO-EDEP) – Preparation Phase.

21 May 2009

ESDP MISSIONS

Letter from Baroness Kinnock of Holyhead, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

As the new Minister for Europe I wanted to reaffirm the commitments made by my predecessor about keeping the Committee informed of developments in the European Union. This letter aims to update the Committee on the recent developments on individual ESDP missions.

I am also taking the opportunity to respond to outstanding questions from the European Scrutiny Committee. The Committee asked for clarification on the EU Rule of Law Mission in Kosovo, following their clearance on 3 June of an Explanatory Memorandum and Joint Action amending the mission’s financial reference amount. The Committee requested further information on the EU Police Mission in the Democratic Republic of Congo, following the Committee’s letter of 17 June, and on the EU Police Missions in Afghanistan and in the Palestinian Territories, following the clearance of their Explanatory Memoranda on 12 November 2008.

The recent developments with the EU Monitoring Mission in Georgia (EUMM Georgia) were described in my Explanatory Memorandum of 8 July 2009.

EU Police Mission in Afghanistan (EUPOL Afghanistan), this mission has seen a new energy with the appointment of the Danish Head of Mission, Kai Vittrup, who took up his role in October 2008. With his leadership and drive, EUPOL has gained in confidence and credibility, and is now established as the main provider of civilian policing expertise to the Ministry of Interior and international community. EUPOL Afghanistan has now deployed personnel to almost all regions and provinces in Afghanistan to mentor and develop local police. The mission has also succeeded in building relations at the highest levels with key international partners, including the US, and with Afghan authorities, which is crucial for its ability to carry out strategic level mentoring and influencing in line with the mission’s mandate.

UK Personnel are a major contributing factor to EUPOL’s recent success and continue to receive high praise for their efforts in EUPOL. In Kabul, the mentor to the deputy Minister of Interior is a UK secondee and has led the successful Kabul City Police Project.

In Helmand, the UK EUPOL contingent has sought to impact upon the lives of ordinary Afghans by supervising the design and construction of the Provincial Police Headquarters and developing an innovative ‘crimestoppers’ line. This hotline now receives over 100 calls per day from the local community reporting crimes which are then investigated. It has been a key tool in building the credibility of Afghan community policing, and is now being taken into the regions.

The staffing levels of EUPOL Afghanistan have increased from 180 in December to current levels of 240 and with further increases expected later in the year. This follows considerable focus on this issue, including UK-led discussions to increase daily allowances for personnel serving in Afghanistan. The mission is supported by 19 Member States and also by contingents from Canada, New Zealand, Norway and Croatia, supporting the UK priority for sharing the burden in Afghanistan, while helping to increase the capacity and diversity of skills in the mission.

Despite recent successes, there is clearly further to go if Afghanistan is to establish a “fair and effective police force”. As a step towards this, the UK pressed successfully for the mission to focus on a set of key priorities within its current mandate, to ensure that it can make quick progress. This focus also helps the mission consolidate its lead on civilian policing, making best use of its niche expertise. In June Member States agreed in the Political and Security Committee six strategic priorities proposed by the Head of Mission which will set the direction for activities over the next six months. These priorities are anti-corruption, intelligence-led policing, police command, control and communications, CID work linking police and prosecutors, and building gender and human rights into the Afghan National Police.

Afghan politicians and officials increasingly recognise the importance of EUPOL and the need to reform the Afghan National Police. Minister of Interior Atmar sees EUPOL as central to efforts to build up Rule of Law in Afghanistan and has personally contributed to progress by removing some corrupt elements of the senior police force. The provincial political leadership are also actively engaged with the mission. In Helmand Province, Governor Gulab Mangal has initiated the formation of

an independent standards unit led by a British EUPOL mentor and is supporting Afghan police and military to identify and act on police corruption. Through all of its work, EUPOL aims for Afghan ownership of policing and rule of law reform. This is starting to bear fruit.

The EU Rule of Law Mission in Kosovo (EULEX Kosovo) is the largest civilian ESDP mission to date with 1550 international staff currently deployed (it is mandated for 1800 international staff). A civilian operation of such size has demonstrated the EU's capability to deploy large numbers of staff and equipment into a crisis situation, supporting the UK's objective of ensuring that the EU is a capable and effective crisis management operator.

EULEX deployed throughout Kosovo in early December 2008 and declared Full Operational Capability on 6 April 2009. It has consolidated its presence in the north of the country which is a key test for its ability to operate in a majority Kosovo-Serb area. Actions have included: manning of the customs gates 1 and 31 in northern Kosovo to register traffic, leading to a measurable decrease in smuggling; the reopening of the Mitrovica Court House for EULEX judges to hear cases; and encouraging the return to work of Kosovo Serb police officers as part of the development of a multi-ethnic police force.

All these actions support the UK goal of building up the Rule of Law in Kosovo and supporting its institutions to create a stable and successful state.

Whilst the security situation across Kosovo is generally calm, there have been some demonstrations in the North and in these cases the mission has also proved an effective second responder to civil unrest, after the Kosovo Police Force (KFOR) which should be the primary means for tackling unrest. In line with our wider policy of ensuring EU-NATO cooperation, the UK is pleased to note that EULEX has shown that it can coordinate effectively with the NATO-mission, KFOR, in order to carry out its mandate.

EULEX Kosovo has pioneered a new methodology for benchmarking improvements in the institutions in the Rule of Law Sector as a whole. This "Programmatic Approach" has used over 2000 reports from EULEX personnel to build a comprehensive picture of the strengths and weaknesses of Kosovo's institutions, which are then used to identify actions for the mission and to measure progress. The mission will now take forward implementation of a number of recommendations flowing from the report, as a basis of its monitoring, mentoring and advising work. Such an approach meets the UK goal of improving the implementation of ESDP civilian missions. It will help prepare the mission for the challenges ahead as it enters the core phase of its activity, including tackling organised crime and corruption.

The House of Commons European Scrutiny Committee asked a number of further questions: the final versions of the Joint Actions and the details of deployment and contributions of Member States; a description of the precise circumstance in which deployment took place, and the legal basis thereof and the relation to the UN Security Resolution 1244 of 10 June 1999.

The final versions of the Joint Actions for EULEX Kosovo are attached. EULEX was launched on 15 June 2008 and a transitional phase lasted until the mission declared Initial Operational Capability on 2 December. Deployment of staff was in waves from June 08. Uncertainties in the handover from the UN Mission in Kosovo (UNMIK) delayed deployment, including handover/transition of staff, premises and equipment. The review and handover of files and other necessary preparations for the launch of the Mission then took place throughout the autumn. EULEX is staffed with secondees from 25 EU Member States and also third states Canada, Croatia, Norway, Switzerland, Turkey and the USA. The UK has funding for 32 positions this financial year and these are focused on priority areas in the mission, whilst ensuring that we have secondees in each of the key components of the mission.

The legal basis for EULEX Kosovo is the Joint Action (Joint Action 208/124/CFSP), adopted by the Council on 4 February 2008. The mission is primarily a monitoring, mentoring and advising mission, designed to support the development of Kosovo's rule of law institutions. It has limited executive powers. EULEX Kosovo did not replace or take over directly from the UN Mission in Kosovo (UNMIK), but has now assumed the lead on rule of law activity in Kosovo. The United Nations Secretary General's report of November 2008 foresaw EULEX's deployment and assumption of rule of law responsibilities in accordance with UNSCR 1244, noting that EULEX will fully respect resolution 1244.

The European Scrutiny Committee specifically requested an assessment of the achievements and lessons learned in the EU Police Mission in the Palestinian Territories (EUPOL COPPS). EUPOL COPPS is an important element of the EU effort to strengthen law and order in the Palestinian Territories and complements the work of Lt Gen Keith Dayton, US Security Coordinator for Israel and the Palestinian Authority. The mission aims to contribute to the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with the best international

standards. In January 2009, a new British Head of Mission – Paul Kernaghan, former head of the Association of Chief Police Officers - was appointed to EUPOL COPPS.

Since the mission's re-engagement with the Palestinian Civil Police (PCP) in July 2007 (following the freezing of the mission's activities after the Hamas election victory in January 2006) the mission has continued with a full range of activities under its mandate: monitoring, mentoring and advising; training; and co-ordinating and facilitating assistance to the PCP. The biggest achievement has been the expansion of the Rule of Law section where there has been notable progress in the past year. The mission has written an impressive Criminal Justice Action Plan as a result of three months of consultations with both local and international partners in the field, which will become the blueprint for the Mission's activities in support to the Palestinian criminal justice. The Criminal Justice Action Plan is now entering its implementation phase.

The mission is constantly looking at ways to improve. In early February two Canadian Training Advisors (third state secondees to the mission) released a report with 15 recommendations for the PCP training. As an immediate result of the first recommendation, a restructuring of the PCP Training Department, in line with international standards is underway and will need more involvement of the Advisory Section. The mission has also responded to calls for greater engagement with local and international actors and the coordination between different EU bodies. Good cooperation now exists with the EC Technical Assistance Office in Jerusalem, and with colleagues in the Commission in Brussels which is the sort of cooperation that the UK supports in all ESDP interventions.

During and after operation Cast Lead in early 2009 the EU Border Assistance Mission in Rafah (EUBAM RAFAH) went through a significant increase in activity in preparation for a possible reopening of the Rafah Crossing Point. This was a test case for rapid response in EU Civilian Missions. With support from Member States, including an offer from the UK of 5 Short Term Experts, the mission rapidly increased in size, allowing the mission to prepare for a reopening of the crossing point. In the event, the border crossing was not reopened, but the expanded mission was able to explore the various scenarios and options should the crossings reopen. The UK now supports readjusting the mission size to meet its current operational needs. It will remain on standby ready to redeploy at the Rafah Crossing Point, when political and security conditions allow.

The EU Rule of Law Mission in Iraq (EUJUST-LEX Iraq) provides training activities for Iraqi rule of law professionals. The mission has continued to provide training courses to senior figures in the Iraqi criminal justice system and, under its new mandate, will aim to hold up to 18 pilot training events in country.

In May the mission successfully conducted its first preliminary in-country seminar in Baghdad on "Managing the Investigation of Serious Crime". The seventeen Iraqi police officers that attended the seminar reported that the seminar had been extremely useful especially regarding the practical demonstration of crime scene responsibility.

The mission also opened a second in country event in Sulimanyah, aimed at supporting the Kurdistan Regional Government's development of penitentiary officials. The event focused on the design and delivery of a comprehensive training programme for new graduate recruits to ensure that the reform process has an effect on junior Iraqi officials as well.

On 15-16 June the mission held its third in country activity for the judiciary sector in Tallil in southern Iraq which was a new location for the mission and presented major planning, security and logistical challenges. The activity took the form of supporting 26 senior Iraqis on the importance of cross sector cooperation for the effectiveness of criminal investigation. All of the attendees were previous EUJUST LEX participants which enabled the mission to provide follow up support and to obtain feedback on past training courses. This feedback will help with the planning of future in country activities which will begin once these first preliminary activities have been fully assessed.

Member States have continued to provide training courses and work experience secondments for Iraqi officials outside Iraq. In May, for example, there was: a Public Order Management and Human Rights course in Spain; and in France, a Major and Critical Incident Management course and a Forensic Science course focused on Serious Crime and Modern Techniques of Investigation. The UK is currently looking into arranging a management of training and forensics courses for senior police officials, and further courses will continue to be provided by Member States.

The mission has recently advertised for new staff as a result of its expansion in-country. The UK has put forward a number of candidates for senior EUJUST-LEX positions in country. We are confident that if Member States put forward quality candidates and the improved security situation in Iraq holds, then the mission will continue to have an important impact in improving Iraqi judicial institutions – a key UK priority for our engagement in Iraq.

In 2009, the European Police Mission in Bosnia and Herzegovina (EUPM BiH) along with police managers and Ministers of the Interior in State and entity level governments, agreed a set of joint

strategic objectives for the mission. Their overall aim is to improve the performance of existing law enforcement agencies and support their integration into the EU law enforcement co-operation mechanism. This will be achieved through developing communication and co-ordination between state and entity level agencies both police and judiciary, enabling them to provide a consistent approach to combating crime throughout the country. The mission will also advise on the provision of police training in regard to human rights and governance principles.

During the current mandate there has been progress on police reform and accountability, for example EUPM monitored and advised on the implementation of 2 police reform laws that established agencies for forensic examinations and for education and professional upgrading of personnel, and carried out inspections to check on anti-corruption measures within the police forces. However the regional level of organised crime continues to be a concern. In BiH, due to the lack of processes to gather information, there is limited scope to assess the level of organised crime, this impacts on police capability to combat it.

The current mission mandate expires in December 2009; it is likely to be extended for 2 years. The mission will likely be reduced both in scale and scope, focusing on the fight against organised crime, at the same time promoting wider rule of law linkages, between the police, judiciary and penitentiary systems. The mission will retain residual functions on police reform and accountability. The mission aims to build up the capabilities of the Bosnian authorities, where tasks will still remain the mission is likely to effect a gradual transition to Community Instruments. The UK supports these changes, especially a renewed focus on organised crime which is of paramount concern in the country.

The military operation ALTHEA in Bosnia and Herzegovina was launched on 2 December 2004. Following a Council decision in December 2006, operation ALTHEA was successfully reconfigured in 2007. The European Union force (EUFOR) now numbers some 2,200 troops on the ground, backed up by over-the-horizon reserves. Within its overall mandate, its operational priorities remain the maintenance of the secure and safe environment, the transfer of the remaining Joint Military Affairs task to the relevant national authorities, supporting and monitoring implementation by the BiH authorities of those Joint Military Affairs tasks already transferred, and support for the armed forces of Bosnia and Herzegovina as regards training.

There is ongoing discussion on future reconfiguration of EUFOR. The Government will keep Parliament informed as this issue develops.

The EU Security Sector Reform (SSR) mission in Guinea Bissau (GB) was created to provide the GB authorities with advice and assistance with reforming their security sector through implementation of reform plans and capacity building.

The overall pace of SSR reform in Guinea Bissau has been slower than expected due to the recent political instability and the assassination of both the Chief of the Armed Forces and President in March this year. The UK therefore supported an extension of the mandate until November 2009 to continue implementation of the aspects of its mandate that were delayed, and test the political will of the new government to real security sector reform.

In recent months the mission has continued to work on revising the structure of the GB armed forces through a series of meetings and discussions with the GB authorities. Previous discussions were often delayed because the appropriate GB official was unable to attend, but the GB authorities have now appointed one main contact point for the mission. This has already started to lead to improved coordination with the mission which is key if the mission is to influence the direction of reform in the country.

The mission recently organised a national seminar entitled "The Public Prosecution Services and Security Sector Reform" for all Guinea Bissau prosecutors. The seminar focused on improving staff understanding of the statutory laws and regulations relating to the prosecution service and also served as a vehicle for sharing information on recent field trips to the East of Guinea Bissau. Following a suggestion at the seminar, the mission is considering holding another seminar in partnership with the United Nations Office on Drugs and Crime covering the institutional relationship between the prosecution service and the police.

The mission's programme of visiting existing military facilities has now been completed and will contribute to a report that will make recommendations about the closure, refurbishment or new construction of garrisons for the new armed forces structure.

The pre-electoral presidential campaign started on 18 May with 13 candidates standing. This is significant for the mission as the recent political instability has hindered the overall pace of SSR reform. In order for reform to have the highest chance of success it needs to have the full support of the national government.

The armed forces Chief of Staff has recently agreed to begin a review of the legal framework that regulates composition, relationship and operation of the whole armed forces structure. Over the next few months the mission will continue to work with the Chief of Staff to draw up and implement the necessary documents underpinning this framework and conclude an ongoing report on its infrastructure. It will also continue to monitor the political and military situation in GB particularly concerning the ongoing election.

Further to the letter of 11 June from the Parliamentary Under-Secretary of State, Chris Bryant MP, to the European Scrutiny Committee concerning the effectiveness of the mission, the EU Police Mission in the Democratic Republic of Congo (EUPOL DRC) has continued to provide advice and assistance to the Congolese authorities on reforming the Congolese National Police (CNP). The mission has continued to focus its work on the wider action plan of police reform, setting out strategic objectives for the police and is now seeking agreement on this at political level in the Police Reform Committee. The mission has also taken forward other structural work within the Police Reform Committee, including on human resources, and is assisting in developing command, control, and coordination structures for the police, and the creation of a police unit to fight violent crime.

The UK was successful in arguing for the inclusion of a project cell for the mission in the new mandate from 1 July 2009. This will enable the mission to disburse funds to implement small projects in order to support the mission's work in monitoring, mentoring and advising.

In a letter of 17 June the European Scrutiny Committee asked about further action by the mission on combating sexual violence. Discussions on this, including possible revisions to the mission operational plan, will be discussed in the autumn.

The EU Security Mission in the Democratic Republic of Congo (EUSEC DRC) aims to assist the Congolese authorities in rebuilding an army that ensures peace and offers better protection to the civilian population. EUSEC has continued to lead on the project to distribute military identity cards amongst members of the Congolese army (FARDC). Over the next few months the project will be extended to include other parts of the DRC. The distribution of the cards will be carried out gradually to ensure that they are handed over to the correct individual. This project will help to reduce the levels of fraud and mismanagement within the army by ensuring that legitimate members of the FARDC can be easily identified. The UK regards this reform as essential to establishing an accountable Congolese army, and hopes that there will be a consequent reduction in violent incidents.

EUSEC is also in the process of conducting a review of the chain of payments process for the army in the Eastern DRC. This project aims to ensure that members of the Congolese armed forces are paid the correct amount and to reduce levels of financial corruption by creating a functioning administrative and financial function within the armed forces. A team from EUSEC will begin a review later this month to assess army's arrangements for the disbursement of funds in the provinces of North and South Kivu and is expected to conclude its work in September. Making progress on surety of payments is important for ensuring stability: the non payment of salaries was a key factor in the recent incident in which members of the FARDC opened fire on peace keepers from the UN mission in the DRC.

EUSEC's mandate was recently extended until 30 September 2009. The extension will allow the mission to further monitor the improving relationship between the DRC and Rwanda and to test the new government's commitment to meaningful security sector reform. The UK's objective in considering any new mandate will be to ensure that the mission is set up to press the Congolese authorities to take proactive action against the use of child soldiers. It will also be important for the mission to address the integration of former rebel soldiers into the Congolese National Army, ensuring that they receive the same pay and treatment as other members of the FARDC.

We are also pushing the mission to urge the government to follow up on its commitment to strengthen action against sexual and gender based violence (SGBV) as well as impunity. Recently the Congolese government has shown encouraging signs of tackling SGBV by creating a public body to tackle all aspects of sexual violence and has made funds available for the promotion and protection of women and children. The Congolese Minister for Justice also announced plans for a working group to be set up with the aim of developing an action plan on this issue.

The scrutiny committees cleared the extension to EUSEC's mandate on 17 June 2009. In doing so the European Scrutiny Committee requested further information on the strategic indicators that would be used to assess Congolese political commitment in the medium term. The draft version of a revised general concept document currently under consideration in Brussels sets out a number of indicators of progress: the introduction of a policy to manage the number of personnel in the Congolese Army (FARDC); that funds are made available to improve the living conditions of FARDC soldiers and their families; that support is provided for the vetting process set up by MONUC (UN Mission in the Democratic Republic of the Congo) in order to prevent corruption and human rights abuses by FARDC personnel; that the number of SGBV (Sexual and Gender Based Violence) incidents

committed by members of the FARDC decreases; the introduction of a realistic and effective HR policy that will address soldiers recruitment, career development and departure from the FARDC.

On 8 December 2008 the EU launched its first naval mission Operation ATALANTA (EUNAVFOR). The objectives of the mission are to protect World Food Programme (WFP) humanitarian deliveries and to deter and disrupt pirate attacks on other vulnerable shipping. Operation ATALANTA declared Initial Operating Capability (IOC) on 13 December with a one year mandate. The UK is at the forefront of this mission, providing the Operation Commander (Rear Admiral Peter Hudson RN since 3 June, previously Rear Admiral Phil Jones) and the Operation Headquarters at Northwood. The Royal Navy also provided a frigate, HMS NORTHUMBERLAND, for the first three months of the operation.

Seven other EU Member States have committed ships to different phases of the operation to cover the twelve month period, with the Deputy Op Commander and Force Commander posts rotating.

ATALANTA is already regarded as a high profile political success for European Security Defence Policy. It has successfully escorted WFP shipping 36 shipments (seven of which were escorted by HMS NORTHUMBERLAND) equating to 243,179 metric tonnes of food. Additionally, it has been agreed that ATALANTA will, within its means and capabilities, help protect UN vessels delivering logistical support to the African Union Mission in Somalia (AMISOM). It has also provided reassurance to the commercial sector by establishing the Maritime Security Centre Horn of Africa (MSCHOA) website that has over 4000 subscribers.

The EU operation was originally scheduled to last until 13 December 2009. However, despite the successes of Operation ATALANTA, piracy off the coast of Somalia is likely to remain a serious threat beyond the end of the mandate of the operation. On 15 June 2009 the Council of the European Union agreed that Operation Atalanta should be extended for one year from its current end date of 13 December 2009. An early decision was needed to facilitate force generation. A new Joint Action is required and will be submitted to the Parliamentary Scrutiny Committees after the summer recess. We continue to expect that the UK share of common costs for the first year of the operation to be £1.29 million. The UK has also offered the continued use of Northwood as the Operational Head Quarters (OHQ) for the Operation.

Since the inception of the operation, we have been clear that piracy is a symptom of wider issues on land. We must continue to work with the international community to tackle those causes at their root, through the provision of humanitarian and development assistance. We are encouraging the European Commission and other partners to increase targeted support for governance/economic development, in particular in coastal areas.

The EU military mission to Chad and the Central African Republic (EUFOR TChad/RCA), was launched on 28 January 2008 and formally concluded its mission on 15 March 2009, one year after announcing initial operating capacity. EUFOR worked in close coordination with the multi-dimensional UN presence in the East of Chad, MINURCAT (French acronym for United Nations Mission in the Central African Republic and Chad). EUFOR undertook duties aimed at facilitating the delivery of humanitarian assistance, increasing security for the civilian population, and creating favourable conditions for reconstruction and development efforts and voluntary return of refugees and internally displaced persons. EUFOR also worked to create favourable conditions for the deployment of MINURCAT-trained Chadian police, (Détachement Intégré de Sécurité), whose role is to establish rule of law in and around refugee and IDP camps. As provided for in UN Security Council Resolution 1861, MINURCAT was then expanded on 15 March 2009 to include a military element, which replaced EUFOR.

Throughout its mandate, EUFOR made a tangible contribution towards facilitating the activities of humanitarian workers and protecting civilians in danger, in particular refugees and displaced persons affected by the neighbouring crisis in Darfur.

15 July 2009

EU SATELLITE CENTRE (13224/09)

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

Sub-Committee C considered this document at its meeting on 29 October 2009 and decided to clear it from scrutiny.

The Sub-Committee welcomed the potential of this Joint Action to improve cooperation between NATO and the EU. In this regard, we wonder whether you could comment on the wider problems in

communication and information exchange between the EU and NATO arising from tensions between Cyprus and Turkey. What are the prospects for overcoming these difficulties in information exchange in the near future?

We would also be grateful for your comments on the usefulness of the EU Satellite Centre's products for the effectiveness of the EU's counter-piracy operation (ATALANTA), which you mentioned in your Explanatory Memorandum.

I look forward to hearing from you.

30 October 2009

EUROPEAN SECURITY AND DEFENCE COLLEGE (ESDC)

Letter from the Chairman to Baroness Kinnock of Holyhead, Minister for Europe, Foreign and Commonwealth Office

The House of Lords EU Sub-Committee C considered the above document at their meeting on 2 July and decided to hold it under scrutiny.

In the current climate of austerity, we are concerned about the impact the expansion of this College will have on availability of funding for EU defence activities, and any impact on UK resources for defence. We would also wish to have greater assurance in regard to the effectiveness of the College. We would be grateful for your views on these matters.

I look forward to hearing from you.

7 July 2009

Letter from Ivan Lewis MP, Minister of State, Foreign and Commonwealth Office, to the Chairman

I would like to thank the Committee for their letter of 7 July to the Minister for Europe regarding the expansion of the European Security and Defence College (ESDC).

I can reassure the Committee that the expansion of the College will not impact upon the UK resources for defence activities. Nor will it impact on resources for European defence activities, as the UK's contribution is funded from the EU's Common Foreign and Security Policy (CFSP) budget. This is a common budget paid for by all EU Member States, The UK's share is funded by the Foreign and Commonwealth Office. Because the CFSP budget is 'pillar one' money, and is therefore voted on by the European Parliament, it is not allowed to be spent on defence activity. The budget pays for a range of CFSP activities including civilian ESDP operations and EU Special Representatives.

As my Explanatory Memorandum of 23 June 2009 made clear, the UK successfully negotiated a significantly more modest expansion than that originally proposed by the Secretariat. The cost to the UK of the agreed expansion will equate to only approximately 0.3% of the CFSP budget to which the UK contributes, through the EU budget, around 17%. The use of the CFSP budget will not lead to increased costs to the UK as this budget is pre-agreed. We see the College as a positive resource, providing cross European EU specific training we would not otherwise have, including the newer focus on civilian training capabilities.

The Committee raised a question regarding the effectiveness of the College. I can assure the Committee that the UK continues to work hard with like-minded partners to maintain and improve the effectiveness of the College and its training courses. I am for example greatly encouraged by the continued focus on the Internet Distance Learning activities of the College, improvements to the High Level Course, and the new emphasis on useful activities including Security Sector Reform training.

17 September 2009

FOREIGN AND COMMONWEALTH OFFICE: EU BUSINESS OVER RECESS

Letter from Baroness Kinnock of Holyhead, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

July sees the start of the Swedish Presidency of the European Council, and I would like to take this opportunity to set out what we anticipate to be their priority areas. Some of these will progress

throughout summer recess and these actions may need to be agreed at Council during the recess period, when your Committee will not be sitting.

SWEDISH PRESIDENCY

On July 1, Sweden assumed the Presidency of the Council of Ministers. I would like to take this opportunity to share what we know to be the Presidency's priorities over the coming months.

Tackling the economic crisis will be the central element of the Swedish Presidency. They will continue to lead discussions on a new structure for financial supervision and regulation, and on the development of a revitalised Lisbon Strategy for Growth and Jobs following the expiry of the current strategy in 2010. The UK will be working closely with Sweden to help see this through.

Sweden has also outlined their priorities on climate change. They share our determination to reach an agreement in Copenhagen this December, the wish to drive forward progress on establishing a low carbon economy and to make the Baltic Sea a special pilot region for closer regional cooperation on environmental issues, though the Baltic Sea Strategy.

Justice and Home Affairs (JHA) is an important priority under the Swedish Presidency, and the next 5-year work programme for JHA (The 'Stockholm Programme') will be agreed as a successor to the Hague Programme. It is expected that the programme will get the final agreement at the December European Council. It will outline priority areas for EU cooperation on issues such as counter-terrorism, child protection and immigration which the UK also attaches great importance to.

The Presidency will continue to work to strengthen the EU as a global actor with a clear agenda for development and human rights. Work will continue on the development of the Eastern Partnership launched under the Czech Presidency which the UK continues to consider a priority. On a global stage, the Presidency will seek deeper transatlantic dialogue; hope to strengthen and develop relations with the Middle East; improve the deployment of Civilians to EU Civilian/Military missions; and strengthen the EU's strategy on Afghanistan and Pakistan, which the UK particularly welcomes.

This Presidency will see major institutional shifts, with a new European Commission taking office. The Presidency will also be working to ensure that, if ratified, arrangements are in place for the entry into force of the Lisbon treaty. I have already committed to keep Parliament informed of progress in this area.

The White Paper on the Prospects for the EU during the Swedish Presidency will issue on 24 July, and will be deposited in Parliament in the usual way. This paper will provide more detail on the main policy areas which the Swedes are expected to take forward under their Presidency, and outlines the UK's position on them.

SUMMER RECESS

There are several proposals that may progress during the summer period. These are, in the main, issues on which we do not yet have draft documents, but which will require action. If it is operationally necessary to take action, during the recess period, I may have to agree to the actions described below without completing scrutiny. As ever I will submit Explanatory Memoranda and deposit the relevant documents with the Committee on these subjects over the recess period.

ROMANIA / BULGARIA ACCESSION AND THE CVM

I wrote to the House of Commons European Scrutiny Committee, copied to the House of Lords Select Committee on the EU, on 1 July 2009 about the forthcoming Commission report on the Cooperation and Verification Mechanism (CVM) for Romania and Bulgaria. Publication is expected during the recess. As stated in my letter I will provide an assessment of the reports when they are published, in the form of an Explanatory Memorandum (EM), and deposit both the reports and the EM with Committees. We expect the Council to adopt conclusions on the reports at the GAERC on 14 September.

CONTONOU ARTICLE 96.

Mauritania – EU Member States agreed to close consultations with the Mauritanian Junta, leaders of the 2008 coup, in April this year and appropriate measures were implemented. Political dialogue continued and after intense negotiations in Dakar with the International Contact Group (UN, AU, EU, Arab League, US and Francophone), and with the intervention of Presidents Sarkozy and Wade, an accord was signed between the opposing parties on 4 June, ensuring the return to constitutional

order and the delay of elections until 18 July. It is taking time for the opposing parties to consensually implement the Dakar Accord.

However, we are cautiously optimistic that progress towards the restoration of democracy will continue.

Should the 18 July elections go ahead, and if the majority of Member States agree the elections were free and fair, then the EU will need to formally close Article 96 measures. This will need to be done as soon as possible to ensure political dialogue, under enhanced Article 8, is entered into quickly. Any delay in this process could cause instability in-country because the EU cannot resume full development aid or support the new government through political dialogue without Council agreement to end Article 96.

Madagascar – I will write separately, and in greater detail, on the current situation in Madagascar and the EU consultations under Article 96. In short, Article 96 consultations were held with the Malagasy *de facto* government – the “High Transitional Authority” (HAT) – on 6 July in Brussels. Following lengthy discussions on the HAT’s proposals for a return to constitutional order, the EU concluded that the proposals and undertakings from the Malagasy side remained unconstitutional and did not offer any credible prospects in the short term. Under the Cotonou Agreement Article 96 consultations can remain open for a maximum of 120 days (so early October in this case). A decision has not yet been made on when the consultations will be closed but this is unlikely to be before mid-September.

Fiji – Following the December 2006 coup in Fiji, the EU stated in a declaration that it considered there had been a violation of the essential elements of the Cotonou Agreement: democracy, the rule of law and human rights. The UK agreed that dialogue was critical. It was important not to move straight to sanctions which would affect the people of Fiji and the stability of the country. Consultations were held in Brussels 18 April 2007 and led to agreement on a set of measures for the return to democracy and civilian rule. As the next step, the Commission wrote to the Interim Government detailing benchmarks against which these commitments would be measured. The UK stressed the need to set realistic and credible benchmarks and to ensure that these were regularly monitored by Heads Of Missions in Suva. The Interim Government failed to call elections as promised by March 2009 and have set a new deadline of 2014. The current Article 96 agreement is due to come to an end in October 2009, when it will either expire or be renewed. We agree negotiations could be difficult at this time, but strongly believe tangible ‘next steps’ are necessary to avoid the current agreement continually being extended.

SANCTIONS

Burma – Depending on the outcome of the trial of Aung San Suu Kyi, and any other political developments, the EU will seek to adopt further targeted sanctions to increase the pressure on the Burmese junta to change. We fully support this policy and are currently working with the Commission and other Member States to determine what the best and effective measures would be.

North Korea – The UN Security Council unanimously adopted resolution 1874 (2009) on 10 June 2009 which tightened the sanctions regime on North Korea following nuclear tests and missile activity conducted during May 2009.

The EU is negotiating a draft Common Position (and possible Council Regulation) in order to implement resolution 1874 (2009) and some EU Member States are calling for EU sanctions to go further than those required by the UN.

The UK is focused on ensuring that the EU comprehensively and swiftly implements the new UN measures, and that a robust EU reaction is in line with that of UN Partners reflecting the united international condemnation of North Korea’s recent actions.

Somalia – On 6 July 2009, following attacks on the Transitional Federal Government of Somalia and the civilian population by armed groups and foreign fighters, the African Union unanimously called on the UN Security Council to impose further sanctions against those, including Eritrea, undermining peace and reconciliation in Somalia and regional stability.

Negotiations will take place in the UN to discuss whether sanctions are an appropriate response, and if so, what measures should be imposed. As a consequence, the EU would need to draft a Common Position (and possibly a Council Regulation) in order to implement these restrictive measures. Any EU measures would likely mirror that of the UN and would not seek to impose additional sanctions.

Al Qaida / Taliban – The proposal to amend Regulation (EC) No.881/2002, which implements the asset freeze imposed by the United Nations Security Council under Resolution 1267(1999) (as amended) imposing sanctions on Al Qaida and the Taliban, may be submitted to the European Parliament for

consultation in August. However, we do not believe that the European Parliament will begin their consideration until September.

EUROPEAN SECURITY AND DEFENCE POLICY MISSIONS

My letter of 15 July 2009 provided the Committee with an update on the progress of each ESDP mission. The Council agreed on 25 June to extend the mandate of the EU Security Sector mission in the Democratic Republic of Congo (EUSEC DRC) until 30 September 2009. Discussions on the future of the mission are likely to lead to agreement on a new Joint Action for the mission before the end of September.

The Council decision on 15 June provided funding for the EU Police mission in the DRC (EUPOL DRC) until 31 October 2009. A new financial reference amount will need to be adopted before 1 November in order for the mission to continue its work until the expiration of the current mandate in June 2010. Brussels working groups are likely to discuss this before the House returns from recess, although it should be possible for scrutiny to be completed before this document goes to Council.

The EU Police Mission in Bosnia and Herzegovina (EUPM Bosnia) will be extended for 2 years after the current mandate expires in December 2009. The mandate is being revised to focus on the fight against organised crime. The Council is likely to adopt the Joint Action extending the mission and allocating a new financial reference amount at the September GAERC.

20 July 2009

Letter from the Chairman to Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office

Thank you for your predecessor's letter of 20 July on EU business during the summer recess which EU Sub-Committee C considered at their meeting on 15 October.

The Sub-Committee were grateful for the update on the subjects which were likely to arise during the summer. Unfortunately the letter was sent too late for the Sub-Committee to be able to consider it at their last meeting before the recess. Had your predecessor requested it, they would therefore not have been able to agree in advance to ministerial action being taken in the absence of parliamentary scrutiny being completed, agreeing a waiver under article 3b of the Scrutiny Reserve Resolution. Some decisions taken in Brussels during the summer will consequently be recess overrides namely:

- Council Joint Action replacing Joint Action 2007/406/CFSP on the Security Sector Reform Mission in the Democratic of Congo;
- Council Joint Action amending Joint Action 2009/137/CFSP extending the mandate of the EUSR in Kosovo (Ivan Lewis's letter of 7 August refers);
- Council Decision extending the period of application of the measures in Decision 2007/64/EC concluding consultations with the Republic of Fiji Islands under Article 96 of the ACP-EC Partnership Agreement and Article 37 of the Development Cooperation Instrument (Ivan Lewis's letter of 17 September);
- Council Decision extending the mandate of the EUSR in the former Yugoslav Republic of Macedonia;
- Council Common Position increasing restrictive measures in respect of Burma;
- Common Position 2009/573/CFSP amending Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea.

Officials here are, of course, always ready to advise on the timings of meetings, especially in advance of recesses, prorogation or the dissolution of Parliament before a general election, in order to assist the Government to avoid overrides where possible.

19 October 2009

FORMER YUGOSLAV REPUBLIC OF MACEDONIA: RESTRICTIVE MEASURES AGAINST EXTREMISTS

Letter from Chris Bryant MP, Parliamentary Under Secretary of State, Foreign and Commonwealth Office, to the Chairman

I am writing to inform you of developments following the Select Committee on the European Union's scrutiny of the draft Common Position on restrictive measures against extremists in Macedonia (v. Explanatory Memorandum of 23 January 2009).

Common Position 2009/116/CFSP of 10 February renewed Common Position 2004/113/CFSP, thus extending a travel ban against extremists in Macedonia for a further 5 months until 10 July 2009 and removing certain individuals from the list of those targeted.

The travel ban targets individuals who actively promote or take part in violent extremist activities challenging the Ohrid Framework Agreement's (OFA) basic principles of stability, territorial integrity and the unitary and multi-ethnic character of the Republic of Macedonia. The ban also applies to those who deliberately, repeatedly and illegitimately undermine and obstruct the concrete implementation of the OFA by actions outside the democratic process.

Individuals remaining on the list had a known criminal background threatening the OFA. However, it was less clear that these individuals had been engaged in activities of concern recently. Therefore, the UK, argued at the time of the last extension that we would not agree to the measures being extended beyond July unless we saw clear evidence of recent activity posing a threat to the Ohrid Framework Agreement. We have seen no such evidence and so see no reason to keep any of the individuals on the list. In the absence of a change in that situation by July, we expect the EU, following a review by Heads of Mission in Skopje, to allow the measures to expire. We would propose agreeing with that course of action.

11 June 2009

GENERAL AFFAIRS AND EXTERNAL RELATIONS COUNCIL MAY 2009

Letter from the Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to inform you of the outcome of the General Affairs and External Relations Council (GAERC), which took place on 18-19 May in Brussels. My Right Honourable Friends the Secretary of State for Foreign and Commonwealth Affairs (Mr. David Miliband), the Parliamentary Under-Secretary of State for Defence (Baroness Taylor of Bolton) and my Hon Friend the Minister of State for International Development (Mr. Gareth Thomas) represented the UK.

The agenda items were as follows:

GENERAL AFFAIRS

Full details of A points adopted at the General Affairs Council can be found at:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/107919.pdf

Preparation of the 18-19 June European Council

EU Foreign Ministers discussed the Presidency's agenda for the June European Council, which will include EU institutional issues, the economic, financial and social situation, climate change and external relations.

The Foreign Secretary agreed with the Presidency that economic/financial issues were the most important part of the agenda, and said that there were several strands of work, including the de Larosiere report and G20 Summit follow-up. On institutional issues, he said that the UK's principal aim was for the Lisbon Treaty to enter into force, and that we would work with Ireland and others to ensure progress in June.

On climate change, the Presidency noted that the EU needed to continue to show leadership, particularly on climate financing. The Foreign Secretary linked this aspect of the European Council agenda with the discussion on economic and financial issues; he emphasised that the EU should not separate the two, rather the development of a low-carbon economy should be the common result of both discussions.

The Minister also highlighted the Middle East as one of the external relations issues which would probably require discussion in June. We also strongly support the Presidency's aim to cover Afghanistan and Pakistan.

EXTERNAL RELATIONS

The full text of Council Conclusions (including A points) can be accessed at:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/107921.pdf

EU-Russia Summit preparations

The Council discussed preparations for the EU-Russia Summit, which is to take place in Khabarovsk on 21-22 May. The agenda will cover: coordination of responses to the global financial and economic crisis; progress on the four 'Common Spaces', including trade issues and WTO accession, investment, energy, climate change, visa issues, rule of law and human rights; and negotiations on the new framework Agreement with Russia. The Summit will also consider regional and international issues, including Georgia, the Republic of Moldova, Iran, the Middle East and Afghanistan/Pakistan, and Russian proposals on European Security.

The Commission said that it was vital to continue hard-headed engagement with Russia, without shying away from the challenges in the relationship. Many Member States stressed the importance of raising Russia's failure to meet its international commitments, particularly on Georgia, and the EU's concerns on Russia's attitude towards climate change and human rights. These views are in line with the Government's aims for the Summit. We will provide Parliament with a full update following the Summit.

Moldova

Ministers discussed the ongoing political crisis and possible EU responses. The Commission said they were preparing a 'democracy support package'; the key was to increase engagement through the Eastern Partnership and the New Agreement. The Presidency concluded that political dialogue between the government and opposition was needed to resolve the crisis; that an independent and transparent investigation of human rights abuses would be vital; and that Moldova should move quickly to normalise relations with Romania. The Government broadly supports this position.

Sri Lanka

The Council adopted Conclusions that: call on the President of Sri Lanka to outline a clear process leading to a fully inclusive political solution, based on consent, equality and rule of law; call for the alleged violations of international humanitarian law and human rights law to be investigated through an independent inquiry; and urge full and unhindered access to all IDPs by humanitarian aid agencies.

The Government strongly supports the Conclusions, which reflect the fact that the EU was responding to fast-moving developments, focusing on the humanitarian situation and reinforcing the importance of a credible and inclusive political process to try and build lasting peace.

Iran

Ministers discussed Iran's nuclear ambitions. High Representative Solana said that the E3+3 had stated that it wished to restart talks with the Iranians; and the US had made clear that it was prepared to engage directly with Iran to establish a new relationship based on mutual respect; the EU therefore needed to reinforce that approach in pursuit of our shared objective of a diplomatic resolution to this issue.

The Foreign Secretary agreed, saying that it was important to press the Iranians to take up the opportunity on offer, while making clear that it would not be there for ever and that there would be a cost to Iran if they turned it down.

Georgia

Ministers discussed EU-Georgia relations in the context of recent developments in domestic and regional politics, the state of play at the Geneva talks and the future of international presences, including the EU Monitoring Mission in Georgia.

AOB

Burma

This item was added to the agenda following the arrest of the opposition leader Aung San Suu Kyi on 14 May. The Council strongly condemned the arrest of Suu Kyi days before her house arrest was to expire and called for her immediate release. The Foreign Secretary stressed that all options should

remain on the table, including further measures, and agreed with a suggestion from other Member States that the EU should continue to engage with ASEAN. The Presidency agreed.

After the GAERC, the Presidency issued a press statement, which strongly condemned the arrest of ASSK, called for her immediate release and confirmed that the EU was looking at all options, including reinforcing restrictive measures, as well as stepping up dialogue with Asian countries on Burma.

Illegal Migration

The agenda item was withdrawn at the request of Greece.

JOINT SESSION OF EU FOREIGN AND DEFENCE MINISTERS

Bosnia and Herzegovina (BiH)

The Council discussed the political and security situation and assessed the contribution of EUFOR Althea, the EU's military mission, to a safe and secure environment in BiH. Solana said that the EU was working towards assuming a more central political role once the Office of the High Representative (OHR) was closed, but the decision to proceed with this transition was predicated on meeting the five objectives and two conditions ("5+2"); any decision on the future of EUFOR would have to take into account the wider political situation. A number of Member States supported. The Foreign Secretary agreed that it was premature to take a decision on EUFOR while the timing of political transition remained uncertain and noted that there was consensus on the 5+2 conditionality and on the need for a robust EU-led presence after OHR closure.

Somalia/Piracy

Ministers praised the success of Operation Atalanta, the EU's naval mission against Somali piracy, and the UK's leading role. The Commission urged Member States to contribute to the mission's long-term funding to complement its own efforts in the region. Baroness Taylor reiterated that Northwood would remain available as operation HQ (OHQ), should the Council decide to extend the mission's mandate beyond December and called upon other Member States to provide more maritime patrol aircraft and OHQ staff.

The Council adopted without discussion Conclusions on Somalia, which: condemned the recent fighting in Mogadishu and called for an immediate cessation of hostilities; welcomed the steps taken by the new Transitional Federal Institutions to consolidate the political process; supported the ambition of the new Transitional Federal Government to focus on the development and strengthening of national capacity in the security sector; invited the Council Secretariat and the Commission, in consultation with the UN Political Office for Somalia and the African Union, to study possible ways of contributing further to the security sector; and stressed the continued engagement of the EU, including in the delivery of humanitarian aid as well as for reconstruction and development. The Government broadly welcomes these Conclusions.

EU DEFENCE MINISTERS

EU Defence Ministers met as the European Defence Agency (EDA) Steering Board and in Council sessions. The EDA Steering Board discussed the potential establishment of a three-year financial framework linked to a three-year EDA work plan, to be finalised during the Swedish Presidency in the second half of 2009. All those who spoke supported this approach. Baroness Taylor, with widespread support, also urged the need for decisions on the financial framework to be realistic, in recognition of the current global crisis.

Ministers also received an update on seven European Defence Agency capability projects. The Presidency noted good progress on military capability development since the Defence Ministers' declaration last November, and called for renewed efforts. There had also been significant progress, including at the Presidency-hosted workshop in Brno, on the 'military Erasmus' initiative to promote exchanges of junior officers during initial training.

Council Conclusions on ESDP, which were agreed without discussion, reviewed ESDP missions and operations; recalled the importance of the systematic consideration of human rights, gender and children affected by armed conflict in the planning and conduct of ESDP missions and operations; and set out developments in civilian and military crisis management capabilities, including the work of the EDA.

Defence Ministers also briefly discussed EUFOR Chad/CAR, and welcomed the successful handover to the UN mission MINURCAT2. Over lunch, discussion focused on EU/NATO relations. With some support, Baroness Taylor pressed the case for greater harmonisation of EU and NATO defence planning.

EU DEVELOPMENT MINISTERS

Development Ministers discussed how the EU could support developing countries in coping with the economic crisis. The Council recognised that the financial crisis was putting much of the development progress in poorer countries at serious risk. Looking forward to the key 2010 milestones for the Millennium Development Goals (MDGs), the Council adopted Conclusions that: set out measures to honour the EU's commitment to provide 0.56% of their Gross National Product as aid by 2010 and to support the progress towards the MDGs, particularly the most off track targets such as maternal health. The Conclusions also outlined how the EU will help support the G20 Summit recommendations on development.

The Commission updated Ministers on Economic Partnership Agreements. Many Member States, including the UK, supported the Commission for showing flexibility with the ACP countries, leading to a steadily improving negotiating atmosphere. It was recognised that there had been real progress since the last GAERC discussion on EPAs, and that the EU was generally on the right track.

Development Ministers also held a preliminary discussion on democratic governance and budget support at the request of the Netherlands. This will also be a theme for the Swedish Presidency, in particular with a focus on improving the monitoring of the impact and results of budget support.

Sweden gave a presentation on the results of the Commission on Climate Change and Development, which Sweden supports financially. While emphasising that it viewed the UN as leading on the co-ordination of donor efforts in the field of climate change, Sweden called for the European Commission to produce a response to the Commission's report and announced that the Swedish Presidency would prepare Council Conclusions on climate change for the November GAERC.

The Minister of State for International Development underlined the scale of the humanitarian challenge in Sri Lanka and need for proactive EU engagement; and pressed the Commission on the need for the Sri Lanka GSP+ investigation to be concluded.

The Netherlands raised concerns about Kenya and called for a full discussion at a future GAERC.

22 May 2009

GENERAL AFFAIRS AND EXTERNAL RELATIONS COUNCIL, JULY 2009

Letter from Ivan Lewis MP, Minister of State, Foreign and Commonwealth Office, to the Chairman

I am writing to inform you of the outcome of the General Affairs and External Relations Council in Brussels on 27 July. My Right Honourable Friend the Secretary of State for Foreign and Commonwealth Affairs (Mr. David Miliband) represented the UK.

The agenda items were as follows:

GENERAL AFFAIRS

The full text of Conclusions adopted, including 'A' points, can be found at:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/109452.pdf

Priorities of the Swedish Presidency

The Swedish Presidency set out their priorities. The major policy themes would be the economy, employment and climate change. On the external side, there would be a number of summits with third countries and preparation for key multilateral events such as the Copenhagen Conference in December and the September G20 Summit in Pittsburgh.

We welcome these priorities. The FCO has published a Command Paper (Cm 7679), 'Prospects for the European Union in 2009: The Swedish Presidency July to December 2009', which provides further information. It can be downloaded at: <http://www.fco.gov.uk/resources/en/pdf/white-paper-swedish-eu>

Baltic Sea Strategy

The Commission introduced their strategy and action plan for the Baltic Sea region aimed at promoting cooperation to produce a more integrated region addressing environmental, economic, energy and transport and security issues. They said that it could serve as a model for future macro-regional strategies, with the next planned for the Danube area in 2010. The Presidency said they aimed for agreement on the strategy in the autumn.

The Government welcomes the Baltic Sea Strategy and Action Plan and will be interested to observe the development of actions under the Strategy and the lessons this may have for the management of regional seas.

Iceland/Enlargement

Ministers agreed to refer Iceland's application for EU membership to the European Commission for advice. On the basis of that advice the Council will decide whether to recognise Iceland as a formal candidate country and open accession negotiations. Ministers adopted Conclusions to that effect, which also reaffirmed the EU's support for the European prospects of the Western Balkans and stressed that the Council would revisit Albania's membership application once its electoral procedures are complete.

The Foreign Secretary supported Iceland's application, emphasising that accession negotiations required candidates to meet clear criteria and that these should be implemented rigorously and fairly for all candidates. The Minister also looked forward to referring Albania's application to the Commission as soon as possible.

AOB

Canada/Czech Republic Visas

The Czech Republic expressed disappointment with the Canadian decision to impose visa requirements on Czech citizens. The Commission strongly regretted the Canadian move and expressed solidarity; they had received a formal complaint from the Czech Republic and would have 90 days to assess the situation and issue a report in September. The Presidency said the issue would be reviewed at the September GAERC.

EXTERNAL RELATIONS

The full text of all Conclusions adopted can be found at:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/109451.pdf

Somalia

Ministers agreed Conclusions that reaffirmed the EU's support to the Transitional Federal Government (TFG) and the principles of the Djibouti Peace Agreement; underlined the importance of a comprehensive approach, linking security with development, rule of law and respect for human rights, gender related aspects and international humanitarian law; and acknowledged the importance of co-ordinating the EU's efforts with all relevant actors, including the ICG on Somalia under the leadership of the UN Special Representative of the Secretary General (UNSRSG).

The Conclusions, which the Government supports, also stated that the Council would explore ways to increase assistance to support TFG institutions, including the security sector; expressed continued support to AMISOM; expressed the intention to assess possible additional EU support to regional maritime capabilities in cooperation with international partners; and viewed positively the possibility of appointing an EU Special Representative for the Horn of Africa in order to further enhance the EU's ongoing strategic policy formulation and the coordination of EU activities.

GEORGIA

Ministers adopted Conclusions extending the mandate of the EU Monitoring Mission until September 2010, which the Government strongly supports. The Presidency said that the GAERC would have a strategic discussion of the wider issues in September.

Iran

The Foreign Secretary thanked EU Partners for their solidarity and support in securing the release from detention of members of British Embassy staff. Ministers expressed concern about the continuing detention of a French national by the Iranian authorities. They also discussed the nuclear issue, and whether EU Ambassadors should attend Ahmadinejad's inauguration in August following the disputed election.

AOB

Moldova

The Polish Foreign Minister debriefed on his recent visit to Chisinau. He had delivered strong messages to the Government and opposition parties on the need for clean elections, and had said that if elections were conducted properly the EU would be ready to step up its engagement; the EU might

need to engage actively after the 29 July elections to ensure a government was formed. The Presidency concluded that the EU would continue to monitor developments over the summer.

Aegean Overflights

Greece and Cyprus raised concerns about an increased level of Turkish military flights over Greek territory in the Aegean and requested EU intervention. The Presidency said that the EU would communicate its position on overflights to Turkey.

Afghanistan/Pakistan

High Representative Solana briefly reported on his visit to Afghanistan and Pakistan.

GAERC Effectiveness

The Presidency sought Ministers' views on their proposals to cover the GAERC agenda over two days, in order to increase the Council's effectiveness by creating more time for Ministers to discuss the issues.

30 July 2009

GUINEA: RESTRICTIVE MEASURES

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to you as part of our commitment to keep your Committee better informed on matters concerning parliamentary scrutiny of EU decisions regarding sanctions.

Following the death of Guinean President Conte in December 2008, Captain Moussa Dadis Camara announced a coup d'etat by the Guinean army, dissolving government and suspending the constitution. The international community has monitored events, and there were encouraging signals when the junta promised presidential elections. However, on 28 September 2009 troops loyal to Dadis Camara and the military junta committed a violent crackdown on demonstrators in Conakry, which was condemned by the European Union, US, African Union and the Economic Community of West African States (ECOWAS).

The African Union and ECOWAS have taken the lead to resolve the political crisis in Guinea and prevent further violence. The AU has threatened sanctions if Dadis Camara refuses to agree not to stand in future presidential elections. On 17 October 2009, ECOWAS agreed to impose an arms embargo on Guinea. EU Member States have also argued strongly that the EU should stand ready to support any sanctions imposed by the AU or ECOWAS in order to demonstrate broad international commitment to resolving the crisis.

We believe that the UK should support EU restrictive measures to bolster any AU/ECOWAS sanctions on Guinea. However we seek to ensure that any sanctions are targeted and do not have a disproportionate effect on the general population, or UK interests.

On 20 October we received a draft Common Position and list of names drawn up by EU Heads of Mission in Conakry. The proposed sanctions impose an arms embargo on Guinea as well as travel restrictions targeting members of the military junta and individuals associated with them who are responsible for the violent repression of 28 September or the political stalemate in the country.

Given the recent imposition of an arms by ECOWAS, ongoing political stalemate in Guinea and the need for the EU to send a coordinated and strong message that it condemns the violent crackdown, it is likely that the EU will agree to impose sanctions at the GAERC on 26-27 October. In light of this, I hope the Committee will understand that I may have to agree to the restrictive measures before scrutiny has been completed.

I will send the draft, along with an Explanatory Memorandum, as soon as a final version is available.

24 October 2009

GYMNICH MEETING, SEPTEMBER 2009

Letter from Chris Bryant MP, Parliamentary Under Secretary of State, Foreign and Commonwealth Office, to the Chairman

I am writing to inform you of the outcome of the informal meeting of EU Foreign Ministers ('Gymnich') that took place in Stockholm on 4 and 5 September. My Right Honourable Friend the Secretary of State for Foreign and Commonwealth Affairs (Mr. David Miliband) represented the UK.

The agenda items were as follows:

MIDDLE EAST

High Representative Solana briefed Ministers on his recent visit to the region. He stressed the importance of the MEPP in general, noting there was a window of opportunity where the EU had a role to play, particularly in support of US efforts to prepare the ground for settlement negotiations. The Foreign Secretary agreed, and said that the EU needed to give clear political messages to both the Israelis and Palestinians. Many Ministers noted the need for EU unity and all agreed that the EU should support the US.

IRAN

The Presidency introduced the discussion with a recap of developments over the summer concerning the trials of locally engaged staff from EU Member States' embassies and a French national. Ministers also discussed the political situation following the elections and the nuclear issue. The Foreign Secretary thought the result of the elections had been counterproductive for EU efforts to engage with Iran, not least on the nuclear issue. Ministers will resume the discussion at the 14/15 September GAERC.

AFGHANISTAN/PAKISTAN

The Presidency (Bildt) briefed Ministers on his recent visit to Afghanistan and gave his assessment of the Presidential elections. He said that the EU should continue its planning to offer a more concerted contribution to international efforts. Several Ministers welcomed draft proposals on the nature of that contribution, but noted that these would need to be worked up in greater detail, with a view to further discussion at a GAERC later in the autumn. Spain said they would be willing to host a second EU-Pakistan Summit (following up the June 2009 Summit), which the Government welcomes.

EUROPE AS A GLOBAL ACTOR

The Presidency introduced proposals for matching the EU's foreign policy resources, including institutions and funding for ESDP missions, more closely with its strategic priorities. Several Member States supported these proposals strongly. It was agreed that Ministers would return to the issue at a GAERC later in the autumn.

SESSION WITH CANDIDATE COUNTRIES

The candidate countries (Croatia, Former Yugoslav Republic of Macedonia and Turkey) joined EU Ministers for a wide-ranging discussion of their neighbouring regions. The Commission commented on the candidates' prospects of EU membership ahead of the enlargement report in October. The candidates updated Ministers on progress with reforms required by the EU and wider regional issues.

The Turkish Foreign Minister gave a broad presentation of Turkey's engagement in the wider Middle East, the Southern Caucasus and the Balkans, including recent moves towards rapprochement with Armenia.

EU Foreign Ministers agreed on the importance of enlargement for security and stability in the European neighbourhood. Ministers agreed that the EU had a joint interest in stabilising the Western Balkan region but voiced concern about the lack of progress in Bosnia and Herzegovina. The Presidency summed up by expressing the hope that substantial progress would be made by all Western Balkan countries towards accession in the near future.

9 September 2009

HEALTH SERVICES IN SUB-SAHARAN AFRICA (5886/09)

Letter from Ivan Lewis MP, Parliamentary Under Secretary of State, Department for International Development

Thank you for your letter of 6 March clearing from scrutiny the above-mentioned report.

We share your concern that we need to maximise the impact of our efforts to support better health in Sub-Saharan Africa. More than two thirds (68%) of all HIV positive adults and 90% of HIV positive children live in Sub-Saharan Africa (SSA). 12 out of the 13 countries with the highest Maternal Mortality Ratio are in SSA. In SSA, the lifetime risk to women of dying in pregnancy or childbirth in SSA is approximately 1 in 22. In the UK it is 1 in 3,800. We therefore remain fully committed to accelerating progress on these challenges, working through our bilateral programmes, as well as through multilateral channels, like the EC. We have also led international efforts, in particular through the International Health Partnership (IHP+) to enhance the coordination and collaboration amongst donors supporting the health sector.

In relation to the effectiveness of the EC's aid, an overview of the performance of projects across the whole portfolio is given by the Results Oriented Monitoring system. Results are not available for the health sector but project effectiveness over the whole portfolio, in terms of contribution of a project's results to achieving the project's purpose, has remained steady with slight variation with 65% of projects achieving very good or good performance in 2005, 69% in 2006 and 67% in 2007. The Commission is currently improving their monitoring system and we remain party to providing inputs into this process. The improved monitoring system will help the EC increase its effectiveness in their programmes.

We believe the EC can make an important contribution to better health outcomes in Sub-Saharan Africa – and that General Budget Support can be an important vehicle to achieving this. But success will require a strengthened approach. The International Health Partnership (IHP+) offers a powerful framework for helping the EC to deliver the greater predictability and flexibility of resources that countries need to invest in health systems, including recruiting, training and retaining health workers. We will continue to work closely with the EC and other Member States to strengthen the impacts of the EC's activities. Your Committee has requested some further comments on the following specific issues:

(a) "... the contribution of European Community GBS to improving health outcomes and would appreciate if you could inform the Committee about the action DFID is taking to address the shortcomings highlighted in the report".

Resources provided under General Budget Support (GBS) offer a number of potential benefits such as increased country ownership, support for macroeconomic stability, increased policy and institutional coherence, lower transaction costs and enhanced domestic accountability. By building country capacity to deliver results, including health outcomes, GBS offers a durable and sustainable approach to development assistance. Further, DFID agrees with the findings of the Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) peer review (2007) that GBS is an area in which the EC has a comparative advantage. We believe that the EC's results-oriented approach to GBS can serve to focus attention, incentives and resources on improving social indicators.

Nevertheless, DFID has continued to press the EC to strengthen its approach to GBS to ensure it is providing the predictable funding resources that countries need to invest in strengthening their systems. As the ECA report notes predictability has been a shortcoming up to now in GBS operations. We welcome the steps the EC has taken to improve predictability through the development of their MDG contracts for EDF countries (which will provide budget support over six years instead of three). The shift to MDG contracts will not solve the attribution issue. That is intrinsic to GBS. But it will ensure that the dialogue between the EC and recipient countries is more focused on social outcomes – including for health.

(b) "... further details of the steps DFID is taking to address this challenge [EC Delegations' capacity], including the scope for DFID and the EU to work more closely with NGOs as well as for enhancing cooperation between NGOs working in the area of health".

We believe that the International Health Partnership (IHP+) – to which the EC is a signatory – offers a route for the EC to scale up their support (particularly through budget support) without having to have expert health sector capacity in every office. Much closer coordination between donors, including common approaches to analytical work and to technical assistance should become standard practice.

We know that civil society has a central role in delivering quality health services – either through direct delivery or else influencing of governments' health planning and accountability for performance. For this reason, a key principle of the IHP+ is to work with countries to ensure much greater civil society participation in the health sector, particularly planning, implementation and monitoring of country health strategies. DFID has provided support to NGOs to enhance their capacity to engage in country level processes.

(c) "...EU should be focusing on building up the healthcare systems of African countries rather than fighting specific diseases. We would be grateful for your view on this matter".

You raise an important issue on whether the EC should be providing finance to health systems or to fighting specific diseases. However, we do not see these two objectives as mutually incompatible – financing for health systems should ultimately be used to deliver services for specific diseases. Health systems investments, such as health workforce, infrastructure, or medicine supply chains, are critical for delivering impact on a whole range of disease outcomes. Similarly, focusing on disease outcomes can itself strengthen health systems.

The issue is how the EC channels its resources into national health sector financing. We support the EC's approach which uses instruments such as sector budget support, which are very much in line with the Paris principles of aid effectiveness. Where the EC targets specific diseases, such as by channelling resources through the Global Fund to Fight AIDS, TB and Malaria, the additional conditions that are imposed by these more focused organisations can lead to disbursement delays - such as those reported in this audit.

(d) EDF mid-term review will take place... grateful for some further details of its timing and the main issues that it is expected to cover".

The EC's preparatory work for the mid-term review (MTR) has already started. At present the EC is preparing the MTR guidelines which will guide Delegations, MS and partner countries in how to engage in this process. The guidelines are due to be presented to the EDF Committee in June 2009 where the EC will invite MS to exchange views. The MTR is expected to be undertaken between July 2009 and March 2010, with a final approval at the EDF Committee in March or April 2010.

The objectives of the MTR will be to adapt the existing Country Strategies and to reallocate funds within those strategies based on results, progress and evolving needs based on the impact of the financial crisis. The MTR will cover four key areas; evolution in the governance structure; the evolution in the economic situation; poverty and social situation; and performance of EC cooperation.

18 May 2009

HELICOPTER DEVELOPMENTS

Letter from the Chairman to the Rt Hon Baroness Taylor, Minister for International Defence and Security, Ministry of Defence

Thank you for your EM of 8 June on the above subject which EU Sub-Committee C considered at their meeting on 25 June. They cleared the Report from scrutiny.

The Sub-Committee noted the references to helicopter development in the documents, the Government's support for any initiative that improves the availability of helicopters for operations, and the decision that the UK will not participate in the Future Transport Helicopter Project. We would welcome a more detailed explanation of how the EU plans to fill the gap in the availability of helicopters, and how the UK's plans fit into proposed developments in the EU.

29 June 2009

Letter from the Rt Hon Baroness Taylor to the Chairman

Thank you for your letter of 29 June telling me that our Explanatory Memorandum and the Head of the European Defence Agency's Report to the Council had been cleared from scrutiny. You asked me for some more information on how the EU plans to address the shortfall in helicopters, and how the UK's own plans fit into this.

The UK-FR Helicopter Initiative was launched by the Prime Minister and President Sarkozy at the UK/French Summit in March 2008 with the aim of addressing helicopter shortfalls in Afghanistan and ongoing EU and UN operations. The initiative aims to enable those nations willing to deploy in current theatres of operation to operate in the relevant environments by the provision of helicopter training to their crews and upgrades for their helicopters. The initiative continues to make progress

towards delivering tangible improvements in capability. Although progress appears to be slow, it takes considerable time and effort to bring inexperienced crews and poorly equipped helicopters up to a suitable standard to carry out useful tasks at an acceptable level of risk in dangerous combat zones often subject to extreme environmental conditions. This initiative was therefore never a short term project and it is expected that the €27M so far contributed by 16 nations will deliver up to 12 helicopters by the end of 2011 suitable for operations in Afghanistan or other theatres. Additional funding up to our target of €50M would further increase these numbers.

Most or all of these helicopters will go to Afghanistan in the first instance, subject to final national decisions, thus helping the shortfall in ISAF's Combined Joint Statement of Requirements.

However the helicopter initiative is wider than just financial contributions, there are other 'in kind' contributions. These include Ukraine's gift of 6 x Mi-8s, the first of which will be upgraded by the Fund and donated to Hungary, Spain is providing its training ranges that offer 'Hot, High & Dusty' conditions similar to those found in Afghanistan, and a number of other nations are offering helicopter crew training courses and exercise areas. The US is prevented from transferring money to an international trust fund by Congressional rules, but is providing \$2.7M worth of training to Czech and Hungarian helicopter crews earmarked to deploy to ISAF.

Whereas NATO has the lead for upgrade activity, the EU, through the EDA, has the lead on training matters and has been extremely proactive. The Agency is developing a tactics training programme for Mi-helicopter aircrew to increase their initial effectiveness when they deploy to Afghanistan later this year. In March the EDA and France organised a very successful multinational helicopter exercise in the French Alps, focused on providing Mi-helicopter aircrew with high altitude and tactical training to prepare them for bilateral deployment training. A similar joint exercise is currently taking place in Spain this week to cover the hot, high dusty environment. Activity on wider training is progressing under EDA stewardship and the Agency has commissioned two Studies, under AgustaWestland leadership, to develop a road map for a Europe-wide helicopter tactics training system. The EDA is also proposing a study into the definition of a baseline upgrade for Mi-helicopters working with NATO.

It is worth emphasising that the EU, through the EDA, is working very closely with NATO in addressing helicopter shortfalls. An example of this is the HIP Task Force which recognises that multinationalisation of logistics can reduce deployment and sustainment costs. NATO's Air Component Command at Ramstein is leading on operational aspects and command and control arrangements and the EDA are leading on training HIP crews for operations. Both organisations are playing coordinated enabling roles in this with excellent collaboration and information flow key to its success.

The UK has been a leading nation in the helicopter initiative, supporting the work in both NATO and the EU and chairing the Helicopter Initiative Steering Board at 2-star level. We have contributed £8.6M to the initiative as well as providing a Seconded National Expert to the EDA who leads on the training activities.

Of course we also have our own national plans to improve helicopter capability in addition to the work we are doing with the EU and NATO. From November 2006 to April 2009 we increased UK helicopter numbers in theatre by nearly 60%. We have also increased available flying hours in theatre by 84% since 2006. Under current plans, the UK's Heavy Lift helicopter capability will continue to be provided by our Chinook fleet out to 2040. We are assessing the best way to proceed with the through-life management of Chinook and we expect to develop a framework for further work and investment decisions on the basis of our findings. Given that several European allies, including France and Germany, do not operate Chinook and do not intend to in the future, we do not anticipate any significant opportunities for collaboration in meeting our future Heavy Lift requirements. However we will maintain a watching brief on their acquisitions and on the EDA Future Transport Helicopter Project to identify potential synergies in capability and support. Over the next ten years, we are planning to invest some £2.5bn in upgrading over 200 helicopters in our current fleet and some £3.5Bn in acquiring over 120 new helicopters, including the Future Medium Helicopter and a new Search and Rescue service.

I hope this provides you with the detailed explanation that you requested.

16 July 2009

ICELAND AND ALBANIA: EU MEMBERSHIP APPLICATION

Letter from Baroness Kinnock of Holyhead, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I thought you would welcome an update on developments on EU membership applications.

As you will be aware on 16 July the Icelandic Parliament passed a bill approving an EU membership application. An application has now been submitted to the Swedish EU Presidency. Albania formally submitted its application for EU membership on 28 April.

The UK Government has made clear its support for both applications, and hope the Presidency will soon bring them to the Council for consideration. The Government continues to support the principle that the Council should refer all applications to the Commission for their formal advice ('an Avis') without delay, provided that the applicant meets the Treaty requirement to respect the principles of the Union. At the same time, we are encouraging the Commission to focus its advice on the key reforms we think necessary. In the case of Albania we urge the Commission to focus on the need for reform of the judiciary, civil service and efforts to tackle organised crime and corruption. As you will know, we have separately reached an agreement with the government of Iceland on handling of their obligations from the collapse of Landsbanki last October which we hope will be agreed by the Icelandic Parliament very soon and thus not complicate accession negotiations.

It is not yet clear when the Swedish Presidency will bring the applications to the Council for decision. Iceland's application may be considered as early as the GAERC on 27 July. We understand that the Presidency intend to table Albania's application in the early autumn after the OSCE publish their report on the recent election. We continue to believe that applications should be passed to the Commission as a procedural step and that no political linkages between the two should be made.

I am aware of the Committee's interest in EU enlargement and will endeavour to keep you fully informed of the progress of EU membership applications. I look forward to having the opportunity to discuss this issue with you.

7 October 2009

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing in response to a letter dated 14 October from Michael Connarty.

He asked what discussion we expect at the General Affairs and External Relations Council (GAERC) on Monday 26 October on Albania. It is now clear that the Council is not going to make a decision on referral for an Avis at this meeting. Our position remains that we would like to see a swift referral of the Albanian application to the Commission in line with normal practice.

Michael also asked what detailed advice we expect the Commission's Avis to give the Albanian government. We do not have this advice yet but the Commission's detailed annual Progress Report gives a good overview of where the Albanian government needs to focus its reform efforts and we will shortly be placing an Explanatory Memoranda in Parliament on this.

23 October 2009

INFORMAL MEETING OF EU FOREIGN MINISTERS (GYMNICH)

Letter from the Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

Thank you for your letter of 27 April 2009⁴, in which you asked for clarification of discussion of Montenegro's application for EU Candidate Status at the Gymnich meeting in March, and for reassurance that informal meetings of EU Foreign Ministers are not developing into decision-making not subject to formal parliamentary scrutiny.

I should like to confirm, first of all, that Gymnich meetings, like that on 27-28 March, are indeed informal discussions between EU Foreign Ministers, and as such cannot take binding decisions.

I can confirm also that the Gymnich did not take any formal decision on Montenegro's application for EU Candidate Status. The aim of the informal discussion of Montenegro's application was to discuss

⁴ [Correspondence with Ministers, December 2008 to April 2009](#)

possible EU handling given some Member States' concerns about the effect of referral of the application for an Avis on future applications. The result was broad informal agreement in principle that the handling of Montenegro's application should go forward for formal consideration at a subsequent COREPER (Committee of Permanent Representative to the EU). In my letter of 29 April (which may have crossed with your letter of 27 April), I confirmed that, following COREPER discussion on 7 April, agreement was reached to recommend referral of the application to the Commission for an Avis. The formal Council decision (which does not require parliamentary scrutiny) was taken by the Agriculture and Fisheries Council on the 23 April.

21 May 2009

**INSTRUMENT FOR PRE-ACCESSION (ISPA): STRUCTURAL POLICIES 2000-2006
(6380/09)**

**Letter from Mike Foster MP, Parliamentary Under Secretary of State, Department for
International Development, to the Chairman**

Thank you for your letter of 13 March 2009 clearing from Scrutiny the above-mentioned Annual Report. You asked to be provided with further information on how DFID was going to address some of the short-comings mentioned in the report.

We have already taken action in pressing for Council Conclusions to instruct the Commission to implement the recommendations of the report, with a view to avoiding the same mistakes with the new Instrument for Pre-accession (IPA). These Conclusions were agreed on 17 March, and the final version is attached to this letter. Close supervision of ISPA funds remains a priority for our Embassy in Zagreb. DFID also now has a full time member of staff based in Brussels focussed on monitoring and improving pre-accession assistance.

However, it is also worth noting that the report's overall conclusions are generally positive about the impact ISPA has had in the region. The Court of Auditors concluded that: (i) there was a coherent strategy for ISPA, but projects were not always adequately prepared, (ii) projects were not implemented according to planning because of significant delays and changes in the financing plans, and (iii) that specific projects audited by the Court did demonstrate an increase in compliance with EU standards or an improvement in links to the Trans-European Network for Transport (TEN-T).

To my knowledge the EU has not considered privatising the management and audit of EU-funded projects in accession countries. One of the main benefits of pre-accession assistance is that it encourages countries themselves to take responsibility for implementation themselves. The current delays in implementing ISPA are due to the Croatian authorities, and they are now being addressed. Over the last six months the agency responsible has been adequately staffed. New measures, such as ensuring staff receive proper training and an increase in salaries, means that staff retention has now stabilised. This had had clear impact on agency's overall performance. This is a good example of EU funds both funding projects and (eventually) improving national administration.

18 May 2009

Letter from the Chairman to Mike Forster MP

Thank you for your letter of 18 May replying to my letter of 13 March, on the management and oversight of European development funding in the Balkans (Court of Auditor's Special Report no 12/2008).

In my letter I asked for information about the specific steps that the Government was taking, including through its country offices in the region, to ensure that the weaknesses highlighted in the Court of Auditor's report were being addressed. You replied that "close supervision of ISPA funds remains a priority for our Embassy in Zagreb". However, the Sub-Committee would be grateful if you could provide them with some further information about the practical steps DFID offices or UK embassies in the region are taking to monitor the spending of EU development funds.

I look forward to hearing from you.

19 June 2009

KOSOVO: EXTENDING THE MANDATE OF THE EUSR

Letter from Ivan Lewis MP, Minister of State, Foreign and Commonwealth Office, to the Chairman

I am writing to let your Committee know of plans to augment the EUSR liaison office in Belgrade by appointing three additional members of staff. These additional appointments reflect the increasing importance and workload of the Belgrade office in facilitating co-operation and exchange of information with the Serbian government. The amendment to the mandate concerns an uplift to the EUSR budget of €105,000 to fund the new staff; this uplift requires a change in the Financial Statement attached to the mandate for the EU Special Representative to Kosovo, this will be achieved through an agreed Joint Action.

The UK has been active in supporting an increased level of staff and, in light of finding a candidate that it finds preferable, these appointments need to be secured before the end of August. We had expected that the Council Secretariat would not proceed with this until after the summer break. However, since they are now in a position to appoint their preferred candidates they have informed us that they wish to proceed as soon as possible. This is likely to be achieved under Written Procedure by 7 August. For this reason we would not be able to postpone agreement until your sift in October. The expansion of the EU office in Belgrade and the ability of the Council Secretariat to appoint candidates available within this timescale are in the UK's interests and benefit our policy in Kosovo. I hope you will therefore understand if I agree the Joint Action before scrutiny has been completed.

7 August 2009

MID-TERM REVIEW OF FINANCIAL INSTRUMENTS FOR EXTERNAL ACTION

Letter from Baroness Kinnock of Holyhead, Minister of Europe, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to my Explanatory Memorandum (EM) on the Mid-Term review of the Financial Instruments.

The papers relating to the EM were deposited by the Cabinet Office on 29 and 30 April. My officials agreed with the Committee Clerks to delay the EM until discussions of the documents became clearer.

The Presidency and Commission now have a provisional timetable. There will be an initial Council discussion of the Mid-Term Review in July, followed by detailed discussions starting in September at working group level. This further clarity therefore means that I can now submit the EM for scrutiny by the Committee.

7 July 2009

PIRACY: OPERATION ATALANTA

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

Operation ATALANTA was originally scheduled to last until 13 December 2009. On 15 June 2009 the Council of the European Union agreed that the operation should be extended for one year from its current end date of 13 December 2009. Such an early policy decision in principle was needed to facilitate force generation. The FCO informed the committees of the extension of Operation ATALANTA in letters from Lord Malloch Brown on 14 July and Baroness Kinnock on 7 September and 6 October. However because of on going discussions in Brussels it was difficult to include specific details of what would be included in the Council Decision to extend the operation. The draft Council Decision that was made available on 18 November now makes clear what is included.

The formal legal decision to extend will be taken at the Foreign Affairs Council on 7 December. Consequently I would like to bring to the attention of the Committee the draft Council Decision that will be agreed in order to extend Operation ATALANTA until December 2010. Since the amending instrument will be adopted following entry into force of the Lisbon Treaty on 1 December, the amending instrument is a Council Decision, not a Joint Action.

In light of experience from the first year of the operation, and following the recently concluded negotiation process in Brussels, amendments to the Joint Action are required in order to allow the EU Naval Force (EUNAVFOR) to contribute to the monitoring of fishing activities off the coast of Somalia.

Amendments include:

- Monitoring of fishing activities off the coast in Somalia;
- The need for Operation ATALANTA to liaise and cooperate with international bodies working in the region;
- Assisting Somali authorities by sharing information on fishing activities;
- The extended EU military operation is scheduled to terminate on 12 December 2010.

The FCO is fully seized of the importance of seeking parliamentary approval which is why the letters of 14 July, 7 September and 6 October provide as much detail as was available at the time on the proposed extension of the mandate. The negotiation process in Brussels has however produced a final document incorporating other Member States' positions only at this late stage, and I regret that this forces me to have to agree the Council Decision by overriding the scrutiny process.

I am aware that the Committees are extremely interested in piracy and have asked for information on what action is being taken to deal with the circumstances that have led to the increase in pirate attacks including within the wider Indian Ocean. I am writing to you separately to update the committees on action being taken, including the work of the Contact Group on Piracy off the Coast of Somalia and the recent meeting of Working Group I chaired by the UK on 16 and 17 November.

27 November 2009

PIRACY: TRANSFER OF PERSONS TO KENYA (EUNAVFOR)

Letter from the Chairman to Chris Bryant, Minister for Europe, Foreign and Commonwealth Office

Sub-Committee C considered the above document at its meeting on 22 October 2009 and cleared it from scrutiny. They also considered the useful and interesting letter of 19 October from your predecessor, for which we thank you.

The Sub-Committee noted that the document was an override. As the Council Decision was adopted in February 2009, we would be grateful for an explanation of why the Government failed to deposit an Explanatory Memorandum in time to permit parliamentary scrutiny and why there has been this delay.

We would be grateful if you could let us know how the agreement between the EU and Kenya is working. Have any suspected pirates been transferred by the EU operation to Kenya under this agreement, and if so, what has happened to them?

You also mention that negotiations on similar agreements are underway with other countries in the regions. Has the agreement with the Seychelles been finalised and which other countries are involved in negotiations?

I look forward to hearing from you.

23 October 2009

RAFAH: EU BORDER ASSISTANCE MISSION

Letter from the Chairman to Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office

The above document was cleared at the sift and sent to the EU Sub-Committee C for information.

The Sub-Committee were interested to learn of the latest developments concerning EUBAM Rafah. They recalled Lord Grenfell's letter of 27 October last year to your predecessor and Caroline Flint's reply of 4 December 2008. The Sub-Committee remain sceptical that 18 members should be needed for the Rafah Mission as a symbolic presence to demonstrate the EU's political commitment to the Middle East Peace Process and consider that this purpose could be served using a considerably lower

number. We would be grateful if you could let us know what these Mission members are doing, given that the crossing point has not been opened in the presence of EUBAM Rafah since June 2007.

We look forward to hearing from you.

6 November 2009

REPUBLIC OF FIJI: EXTENDING MEASURES UNDER THE ACP-EC PARTNERSHIP AGREEMENT AND THE DEVELOPMENT COOPERATION INSTRUMENT

Letter from Ivan Lewis MP, Minister of State, Foreign and Commonwealth Office to the Chairman

I am writing with regard to my Explanatory Memorandum for amending Decision 2007/641/EC on the extension of the Article 96 measures in respect of Fiji for a period of six months. As noted in my letter of 9 July time constraints and the need to maintain a legal basis for the current EU measures being taken against Fiji, necessitate my agreeing this Council Decision before Scrutiny clearance can be obtained.

No changes to the current arrangements will take place during this six month extension. The UK has made it clear that this arrangement cannot continue to be rolled over in its present form, and discussions during the extension period must decide on future criteria. Member States are in agreement. Any documents on new arrangements will be put before the committee, for scrutiny in the normal way, prior to agreement

17 September 2009

ROMANIA AND BULGARIA: COOPERATION AND VERIFICATION MECHANISM (CVM) (12386/09)

Letter from Baroness Kinnock of Holyhead, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am pleased to enclose a copy of the Government's Explanatory Memorandum on the Commission's latest reports under the Cooperation and Verification Mechanism, which I hope will be of assistance to the Committee in its scrutiny of the reports.

The Government welcomes these balanced and thorough reports from the Commission. The reports note that both countries have made some technical steps in the right direction since the February interim reports. However, they also recognise that a number of serious shortcomings persist in both countries, and call on the Bulgarian and Romanian Governments to demonstrate the strong political will and commitment to reform that is needed to deliver tangible and sustained results. The reports also recommend that the mechanism must continue until such a time as it can be lifted entirely, a position that the Government fully supports.

19 August 2009

RUSSIA-EU AGREEMENT: SECURITY OF CLASSIFIED INFORMATION

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to inform the Committee of a potential override on the attached Explanatory Memorandum on the Council Decision concerning the conclusion of the Agreement between the Government of the Russian Federation and the European Union on the security of classified information.

Unfortunately this document was not treated with enough urgency when received on 5 November, in the Foreign and Commonwealth Office. As a result I sincerely regret that I may have to agree to this measure before the Committee can properly consider it. This is because the document needs to be agreed at the General Affairs and External Relations Council on 16 November 2009. It is vital that the document is agreed at Council on 16 November because the EU is hosting a Summit with Russia on 18 November 2009. The Government is keen that this document be discussed and fully delivered at the Summit at this time.

12 November 2009

Letter from the Chairman to Chris Bryant MP

Sub-Committee C considered this document at its meeting on 26 November 2009 and cleared it from scrutiny. They noted that it was an override and that your letter of explanation of 12 November had reached them too late to enable them to give a waiver under article 3b) of the Scrutiny Reserve Resolution.

The Sub-Committee also understands that the agreement had been negotiated over 4 to 5 years which should have given ample time to inform them in advance of the existence of such a document. For a document of this importance the Sub-Committee was very disappointed that this situation had arisen.

The Sub-Committee understands that the agreement (whose Annex it has not seen) is designed to deal with the sharing and protection of classified information connected to ESDP missions with which the Russian Federation is associated. We have no problem with this.

However, the agreement itself does not appear to limit the information that can be passed between the parties to those circumstances. We are particularly concerned about the potential risks arising from the transfer of personal information. As you will be aware, for security reasons a number of EU States collect aircraft passenger information which includes data about an individual's preferences, credit card details, addresses, email addresses and many other fields of information. Does the agreement exclude the authority to transfer this and similar information, despite the fact that it has been collected for security reasons?

We are concerned on two accounts. Firstly on the simple basis of individual privacy and data protection. Secondly on the important matter that it is widely recognised that within Russia officially held data is regularly bought and sold on the black market for illegal use. We therefore fear that there is a potential risk of the abusive use of personal data of EU citizens.

Once again we regret very much that we are only able to ask these important questions after the instrument has already been agreed by the Council.

27 November 2009

RUSSIA: EU-RUSSIA SUMMIT MAY 2009

Letter from Chris Bryant MP, Parliamentary Under Secretary of State, Foreign and Commonwealth Office, to the Chairman

I am writing to update you on the 23rd EU-Russia Summit, which took place in Khabarovsk, in the Russian Federation on 22 May, hosted by President Medvedev. The European Union delegation was led by Czech President Dr Klaus in his capacity as President of the European Council, assisted by the Secretary-General/High Representative, Dr Javier Solana; and by the President of the European Commission, Mr Jose Manuel Barroso.

The Summit discussed the state of play in EU-Russia relations, including progress in negotiations on the New EU-Russia Agreement. The economic and financial crisis, energy security, Georgia, climate change and various international issues including MEPP, Iran and Afghanistan were also discussed.

ECONOMIC AND FINANCIAL CRISIS

Both sides agreed to continue co-ordinating efforts to tackle the financial crisis. In general, Russia was satisfied with the implementation and coordination of the anti-crisis measures. The Russian economy had been severely hit, and suffered because of a high degree of export dependence. President Medvedev said that Russia would continue its efforts at export diversification. At the same time, Russia had implemented ambitious anti-crisis measures, and had succeeded in stabilising its banking system, saving a number of banks. This had also had a stabilising effect on the Russian currency.

The EU side said they appreciated the Russian anti-crisis efforts and were pleased with the outcome of the recent G20 meeting, and welcomed Russia's role there. Both sides agreed that avoiding protectionism was crucial. Fair burden sharing within the IMF was important; emerging economies, particularly those with large currency reserves, also had to take their responsibility. The EU was committed to advancing the conclusion of the next regular IMF quote review from 2013 to 2011. The EU welcomed Russia's participation in the newly created Financial Stability Board.

ENERGY SECURITY

President Medvedev said that, on the whole, Russia was satisfied with the cooperation between the EU and Russia on energy: the EU would remain Russia's main customer for energy, and Russia was and would remain a reliable supplier of energy to the EU. President Medvedev once again highlighted new Russian proposals on energy which he said should be seen as a reaction to recent events, and were aimed at providing instruments for dealing with crises.

President Medvedev reiterated Russia's position in respect of the Energy Charter Treaty (ECT), namely that it was not up to date; did not provide solutions to existing problems; and that Russia would not be ratifying it. Russia thought a new treaty, which should incorporate all the best elements of the existing ECT, while taking into account the interests of producer countries was necessary. President Medvedev said that the current ECT did not take Russian interests fully into account and is therefore unacceptable to Russia, although if Russian proposals were taken into account, Russia might accept a revised ECT in the future.

The gas crisis between Russia and Ukraine was also discussed. President Medvedev raised concern about Ukraine's ability to pay for the gas that it would need to fill the storage on its territory before the winter. He said that a "credit pool" to help Ukraine should be created; otherwise there was a risk of a repetition of the January gas crisis. Russia was interested in investing in technology to raise energy efficiency, and would appreciate closer cooperation with the EU on this.

The EU side said that events at the beginning of the year had shown the importance of a stable, predictable and mutually beneficial energy relationship. All the elements to create such a relationship already existed. In the short term, the most important thing was to rebuild confidence and predictability, and ensure uninterrupted supply. Enhancing the Early Warning Mechanism, and shoring up the Ukrainian gas transport system were key in this regard. Furthermore, there was a need for political assurances that a repetition of the January gas cut-off would not be allowed to happen.

In respect of President Medvedev's recent energy proposals, while the EU side said they had many questions, they appreciated Russian constructiveness and the proposal will be considered in detail. The EU side felt that most of the principles in the Russian proposals were already covered to a greater or lesser extent in other frameworks, such as the ECT. The EU stood by its commitment to the ECT and was not going to move away from it. The EU side thought Russia should put forward its proposals in the context of the ECT revision process.

EU-RUSSIA RELATIONS

The EU side noted that negotiations on the New EU-Russia Agreement were moving forward well, on the basis of a shared understanding that both sides strive for a comprehensive, ambitious and innovative agreement, covering all areas of the relationship. The normative basis for the agreement should be commitments made under the OSCE, the Council of Europe, and the UN, including in terms of democracy, human rights and the rule of law. The EU side recalled that the EU's basic assumption for the negotiations was that by the time the New Agreement entered into force, Russia would be a member of the WTO. The new agreement should contain ambitious provisions on energy which should enshrine the principles of transparency, non-discrimination, fairness, reciprocity, and market economy. The EU side said more progress was needed, particularly in the trade and economics field.

President Medvedev remarked that the EU was Russia's most important economic and political partner and that generally, Russia was satisfied with the dialogue. In the Russian view, the new agreement should be universal but have the character of a framework agreement, to be complemented by sectoral agreements.

Russia highlighted its three major objectives in its cooperation with the EU. The first was to create an "energy union" comprising the EU and Russia, to ensure energy security and promote energy efficiency. The second objective was "visa freedom". Third, Russia wanted to create a body that would give the EU and Russia possibilities of taking decisions on foreign policy issues, and of reacting to crises. On these issues, the Russian side felt that the dialogue could be more intensive. Russia thought that the fight against piracy off Somalia was a good opportunity to develop EU-Russia cooperation. President Medvedev suggested working together on the issue of how to assign responsibility to pirates that had been apprehended by naval vessels.

On the issue of WTO membership, Russia's objective of joining had "practically not changed": Russia wanted to join as soon as possible, on non-discriminatory conditions and hoped for continued constructive EU support.

EASTERN PARTNERSHIP (EAP)

President Medvedev said that while he understood the concept was important to the EU, it was important that the EaP should not be seen as an "antithesis" to Russia's cooperation with its neighbours. President Medvedev suggested that it was the responsibility of the EU to see to it that Georgia and Ukraine did not consider the EaP as an encouragement of their "anti-Russian policies".

The EU side referred to the recent EaP Summit in Prague, underlining that the initiative was designed to promote stability and prosperity, and was not aimed against anybody.

EURO-ATLANTIC SECURITY

President Medvedev said that the conflicts that had taken place in Europe lately demonstrated the weaknesses of existing security structures. This was why he had proposed a new, legally-binding treaty on European security. President Medvedev thought the key principles of such a Treaty should be non-use of force, respect for territorial integrity, and equality of all states, with a special mechanism for conflict prevention, and conflict resolution. President Medvedev said that the objective was not to replace NATO.

The EU side noted that the issue was not being discussed for the first time. At the last EU-Russia Summit in Nice, the EU had already made a commitment to engage in a discussion. The Russian side was well aware of the EU position, including where it differed from the Russian one. The EU side said they felt comfortable in existing security structures. The EU side noted that the Russian proposals had been discussed at the OSCE Ministerial Council in Helsinki in December last year, and that an OSCE informal ministerial meeting was planned to take place in Corfu, at the end of June. The EU side repeated the basic principles of its position on this issue: notably that discussion should take place in the OSCE framework and that the comprehensive approach to security, as set out in the Helsinki Final act and the Charter of Paris, should be retained. Russia should be more specific about what it wanted and put substance on the table. The EU side also made the point that there was a need for confidence building; working together to resolve the conflicts in the common neighbourhood would be very useful in that regard: the Russian position on the mandate for the OSCE mission in Georgia was particularly frustrating.

On international and regional issues there was broad agreement on MEPP, Iran and Afghanistan. Georgia was raised with particular focus on the Geneva process as well as the OSCE and the EUMM missions. The EU side asked Russia to assist in ensuring the continuation of the Geneva process and underlined the importance of ensuring access for humanitarian aid. The EU side expressed its disappointment at the Russian opposition to a new mandate for the OSCE mission in Georgia. In responding, President Medvedev said that Russia was committed to the Geneva process, underlining that this was about discussions not negotiations. As for the EUMM, Russia thought it ought to accept realities after August 2008 and not pretend that events then had not taken place.

You will be aware that since the Summit, the situation regarding the observer missions in Georgia has changed. On 15 June, Russia blocked the new mandate for the United Nations Observer Mission in Georgia, which was deeply disappointing. We continue to believe that the UN mission was carrying out valuable work in defusing tensions and maintaining security in Georgia. We made a considerable effort to negotiate a Resolution that was acceptable to all, and were prepared to put through a technical rollover to allow more time to negotiate. However, Russia decided to turn its back on language agreed by the Security Council as recently as February 2009. Russia's insistence that Georgia's territorial integrity could not be recognised in any text was a clear attempt to coerce the Security Council into abandoning its attachment to the territorial integrity of a Member State. This is clearly unacceptable to the UK and the wider Council. Russia exercised its veto on the rollover resolution despite its isolation on the Council.

The UK, along with the whole international community except Russia and one other country, continues to recognise the sovereignty and territorial integrity of Georgia.

17 June 2009

Letter from the Chairman to Chris Bryant MP

Thank you for your letter of 17 June on the above subject which EU Sub-Committee C considered at their meeting on 25 June.

The Sub-Committee would like to thank you for the full account of the Summit which they found very interesting. They expressed concern however at the news about developments in Georgia where the Russians appear to be obstructing the various international observers, including the EU Monitoring Mission. It would be most helpful if a senior FCO official could give an informal oral briefing to

Members on current developments. If our Ambassador is due to visit, this would be very welcome, but we understand that this may not be possible. (A previous briefing on another subject was most helpful in assisting Members to understand the situation in Afghanistan and Pakistan.)

The Clerk of the Committee will contact your officials to make arrangements.

29 June 2009

SANCTIONS MATTERS

Letter from Baroness Kinnock MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

As part of our commitment to keep your Committee better informed on matters concerning sanctions, I am writing to inform you of several issues that will be coming up in the next few months.

First, the UN Security Council Resolution imposing sanctions on **Cote d'Ivoire** is due for review at the end of October. Cote d'Ivoire continues to make progress towards reunification and peace. The next big test for this process is the presidential elections which are scheduled to be held on 29 November 2009. This is a significant moment in the peace process with the reactions of the winners and losers, and subsequent transition of power, key to progress. We therefore feel it is too early to substantially change the restrictive measures in place on Cote d'Ivoire at this time but that the position should be reviewed in light of the outcome of the forthcoming election.

Second, the **Uzbekistan** sanctions regime is due for its annual review within the EU in November. Whilst there has been some small progress towards improved human rights in Uzbekistan over the last year we are currently assessing its worth and whether we believe continued sanctions could achieve more. We are actively discussing the issue with our EU partners to determine the best next steps.

Third, the current suspension of the travel ban on listed individuals in **Belarus** is also due for review in December. The suspension was put in place in March and since then we have monitored progress in human rights within the country. Belarus has behaved constructively in international fora, including the EU's Eastern Partnership summit and the Council of Europe, where it has engaged in discussions on democracy and human rights. Belarus has also cooperated with the IMF over the past year, and is negotiating with the World Bank for loans to help address its serious economic problems. However, there has been little progress on human rights since March. Indeed, there appear to have been some backwards steps. We will therefore be approaching the negotiations with EU partners with these considerations in mind.

On Uzbekistan and Belarus it is worth noting that we will need to secure unanimity within the EU for measures to be rolled over or adopted. We will do our best to achieve our desired outcome through negotiation. However, if unanimity cannot be achieved, the sanction measures will lapse by default.

Finally, in your recent scrutiny of the new measures adopted against **Burma** you expressed an interest in efforts the UK is making to secure change in Burma by engaging with China. We continue to urge Burma's neighbours, including China, India, and those countries within the Association of South East Asian Nations (ASEAN), to use their influence to press for change in Burma. With specific regard to China, Burma was raised at the 11th EU-China summit on the 20th May with Premier Wen Jiabao, where the EU stressed our shared interests in regional stability and the importance of an inclusive political process. We encouraged China's support for Secretary General Ban Ki-moon's visit to Burma on 3-4 July, where he was able to deliver robust messages both in public and private to the regime. Most recently, Foreign Office Minister Ivan Lewis raised Burma prominently in his visit to Beijing on 10 September 2009, and the Foreign Secretary took part in the Group of Friends meeting with China and other partners on 23 September at the UN General Assembly, where he stressed that all members must continue to use their influence to encourage the regime to commit to a path of reconciliation and change.

28 September 2009

SERBIA: STABILISATION AND ASSOCIATION AGREEMENT (SAA)

Letter from Baroness Kinnock of Holyhead, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to update you further on Serbia's co-operation with the International Tribunal for the former Yugoslavia (ICTY).

My predecessor sought to keep the Committee fully updated on developments with regards to Serbia's SAA, including writing to the Committee on 4 December 2008, 19 January 2009 and 16 February 2009⁵. I have noted the Committee's interest in this issue and would like to give you an update of the discussions on Serbia's co-operation with ICTY at the General Affairs and External Relations Council (GAERC) on 15/16 June.

Following his visit to Belgrade on 11/12 May 2009 and formal presentation of the ICTY completion strategy to the United Nations Security Council (UNSC) on 4 June 2009, ICTY Chief Prosecutor Serge Brammertz was invited to the GAERC on 15 June to discuss Serbia's co-operation with ICTY. I attach a copy of the relevant section of Brammertz's report to the UNSC for your information. Following Brammertz' presentation, there was a debate amongst EU Member States on the implications of Brammertz' report for implementation of Serbia's Interim Agreement and ratification of her Stabilisation and Association Agreement (SAA).

As my predecessor informed the Committee, the Government's existing policy is that the UK would be content to implement now Serbia's Interim Agreement on the basis of Serbia's significantly improved co-operation with the ICTY, while keeping ratification of the SAA conditional on Serbia's full co-operation with the ICTY. In our view, 'full co-operation' would mean committed and sustained activity from the Serbian Government, demonstrating 100 percent effort and political will. Co-operation with the Tribunal covers efforts in a range of areas including: tackling support networks; meeting requests for documents; allowing access to archives; ensuring protection of witnesses; as well as locating and transferring remaining indictees.

However, discussion at the 15/16 June GAERC confirmed that there was no consensus amongst EU Member States on implementation of the Interim Agreement and the EU will therefore not at this stage proceed to unblock it. In the event that consensus on this issue be reached in subsequent EU discussion, we envisage that the IA will be unblocked in due course by revisiting the existing GAERC conclusions on ICTY conditionality, rather than by a Council Decision. However, like my predecessor, I will keep the Committees updated of any future progress on this issue.

30 June 2009

Letter from the Chairman to Baroness Kinnock of Holyhead

Thank you for your letter of 30 June updating the EU Sub-Committee C on the discussion at the GAERC on Serbia, which the Sub-Committee considered at their meeting on 9 July.

The Sub-Committee agree with the Government's approach to the implementation of the Interim Agreement with Serbia outlined in your letter as a signal of encouragement to the Serbs to continue on the path of their improved cooperation with the ICTY. Members consequently noted with regret that there had been no consensus amongst EU Member States on this point at the June GAERC and therefore no progress at this stage on unblocking the Interim Agreement.

13 July 2009

SRI LANKA: EXPORTATION OF ARMS

Letter from the Chairman, to the Rt Hon Lord Malloch-Brown, Minister of State for Foreign and Commonwealth Affairs, Foreign and Commonwealth Office

The House of Lords European Union Sub-Committee C have expressed concern that the UK and other Member States may have exported, or may be exporting, arms to Sri Lanka in violation of EU rules.

An article in The Times last month (2 June) stated that "Britain approved commercial sales of more than £13.6 million of equipment including armoured vehicles, machinegun components and semi-

⁵ [Correspondence with Ministers, December 2008 to April 2009](#)

automatic pistols, according to official records”⁶. The article also alleged that Slovakia provided rockets and Bulgaria approved sales of guns and ammunition to Sri Lanka. We are consequently concerned that arms exports authorised by the UK and other EU Member States in recent years could have prolonged the internal conflict. We are also concerned that these exports could have been, or could still be, used for the purposes of internal repression in Sri Lanka or in violation of applicable rules of international humanitarian law or human rights norms.

In a Written Statement to the House of Commons on 26 October 2000 (Column 200W), Mr Hain set out eight criteria against which HMG would consider granting export licences, consistent with EU rules. These include criterion 2: “the respect of human rights and fundamental freedoms in the country of final destination”; and criterion 3: “the internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts”.

We would welcome an assurance from the Government that arms exports to Sri Lanka will not undermine the building of a viable peace process and the protection of civilians. Does the above Written Statement still constitute the basis for HMG decisions on arms exports; and are there any plans to update the criteria? What authorisations for the export of arms to Sri Lanka has HMG authorised in the last two years? If arms exports have been authorised, on what basis did the Government assess that EU and national criteria for arms exports have been met? Was the risk that the Sri Lankan government could use the arms contrary to EU rules, including those on internal repression and respect for international law, fully taken into account in the decision to grant arms export licences? What assessment has the Government carried out of the end use of arms exported to Sri Lanka? Does the Government intend to review all licences for exports to Sri Lanka in light of the current situation? What discussions has the Government had with other EU Member States on the implementation of the EU rules in respect of Sri Lanka, and with what effect?

I look forward to hearing from you. As these issues are the subject of public interest, we may discuss the correspondence with the media when we have received your reply.

9 July 2009

Letter from Ivan Lewis MP, Minister of State, Foreign and Commonwealth Office, to the Chairman

Thank you for your letter of 9 July about UK arms exports to Sri Lanka.

We remain deeply concerned about the situation in Sri Lanka, the high number of civilian casualties in recent fighting and the huge number of displaced people in IDP camps. We are very concerned about continuing reports of abductions, disappearances, violence and intimidation against the media, all of which appear to affect Tamil communities disproportionately. The UK has made clear our concern for human rights in Sri Lanka at the UN Human Rights Council. We continue to raise this issue regularly and call upon the Government of Sri Lanka to take decisive action to tackle human rights abuses. The UK fully endorses the EU’s call for an investigation into allegations of violations of international humanitarian law to establish clearly what happened.

All UK export licence applications, including those to Sri Lanka, are carefully assessed against the Consolidated EU and National Arms Export Licensing Criteria on a case-by-case basis, taking into account the nature of the goods, the end use, and end users, and with full consideration of the prevailing situation. I enclose a copy of the Criteria your information. In line with the Criteria, any export licence application that would provoke or prolong the internal conflict or be used for internal repression would be refused. Any licences that have been granted for Sri Lanka were all consistent with the Criteria at the time of application. Where circumstances change significantly or new information comes to light it is standard practice to review extant licences to determine whether a different decision would be reached in view of the change in situation. This review process is currently underway for Sri Lanka. The recent conflict will also be taken into account when we assess future applications for this destination.

The claim in The Times published on the 2 June 09 that £13.6 million of UK arms was sold to Sri Lanka is misleading. The article was made up of selected information from the 2006-2008 Annual Reports and the total value of licences quoted is not representative of military support for the Sri Lankan Government as the article implies. It includes a wide range of licensable goods for non-military end use including a significant contract to a commercial company, and some dual use manufacturing goods.

⁶ The Times, 2 June 2009 “Britain sold weapons to Sri Lanka despite human rights abuse fears”.

The EU Working Group on Conventional Arms (COARM) in Brussels, provides a forum for discussion of any issues relating to the Criteria and ensures Member States can be challenged on issues of consistency of interpretation. Sri Lanka was discussed at the last COARM meeting 25 June 2009 and the consensus was that very few arms exports have been made to Sri Lanka by EU Member States and none were inconsistent with the Criteria at the time of export. As a result of discussions about Sri Lanka at previous COARM meetings, exporting states have revoked licences that had previously been approved, including in the case of rockets provided by Slovakia.

11 August 2009

UKRAINE-EU PARTNERSHIP AGREEMENT AND ASSOCIATION AGENDA (12631/09)

Letter from the Chairman to Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office

Sub-Committee C considered this document at its meeting on 15 October 2009 and cleared it from scrutiny.

The provisional text of the EU-Ukraine Association Agenda contains little reference to involving Ukrainian civil society, businesses and other interested parties in a dialogue on its implementation. Is the Government satisfied that the EU is committed to such a dialogue and that the right mechanisms are in place for it to be successful?

We would also be grateful for clarification on the title "Association Agenda". To what extent is this a different kind of action plan from the one adopted under the European Neighbourhood Policy?

15 October 2009

Letter from Chris Bryant MP to the Chairman

Thank you for your letter of 15 October.

I am satisfied that the EU is committed to the inclusion of civil society and other interested parties in the implementation of the Association Agenda and that mechanisms are in place to achieve this objective. The EU-Ukraine Association Agenda makes clear that the EU will support its implementation through a variety of means including by helping and facilitating the involvement of international, governmental, business and civil society partners. Ukrainian civil society will, for example, be invited to contribute to the annual reviews of the Association Agenda. The Association Agenda also states that the EU's new Eastern Partnership will be available to contribute to this process. The first meeting of the Eastern Partnership's Civil Society Forum will take place on 16-17 November.

The name Association Agenda was chosen because, in addition to being a practical reform tool in much the same way as the European Neighbourhood Policy Action Plan was, the Association Agenda also has a more visionary purpose of preparing for and facilitating the early implementation of the EU-Ukraine Association Agreement. It also provides a broader framework for the overall goal of achieving Ukraine's political association and economic integration to the European Union, which is in line with Ukraine's ambitions for its relations with the EU.

3 November 2009

Letter from the Chairman to Chris Bryant MP

Thank you for your reply, dated 3 November, to our letter on the EU-Ukraine Association Agenda.

You wrote that the Association Agenda makes clear that the EU will support its implementation through a variety of means, including by helping and facilitating the involvement of international, governmental, business and civil society partners. However, you say nothing about how these consultations will work in practice. We feel that this is an important aspect of the EU's engagement in the Ukraine and we would therefore be grateful for some information on this point, including on the Eastern Partnership Civil Society Forum that you refer to.

We look forward to hearing from you.

18 November 2009

UNION FOR THE MEDITERRANEAN (UMed): EUROPEAN NEIGHBOURHOOD POLICY (9029/09)

Letter from the Chairman to Lady Kinnock, Minister for Europe, Foreign and Commonwealth Office

The House of Lords EU Sub-Committee C considered the above document at their meeting on 4 June and cleared it from scrutiny. The Sub-Committee expressed their concerns about the Union for the Mediterranean (UMed), which is designed to build on the European Neighbourhood Policy. We are concerned that UMed may be developing into an ineffectual organisation that will add little value to the Neighbourhood Policy. We note that the Government's objective, as set out in Caroline Flint's letter to Michael Connarty of 22 April 2009, is to "keep [UMed's] funding light, shared between all partners and focused on delivering tangible projects in the region". However, her letter highlights numerous issues which have not yet been resolved. We would therefore be grateful for your comments on how you see the EU being able to make progress in a way that meets UK objectives. Should there not be a fundamental rethink of the UMed project and major modification at a forthcoming European Council given the track record so far?

RISKS OF DUPLICATION AND INEFFICIENCY

- We are concerned that UMed could duplicate existing EU initiatives under the Neighbourhood Policy or lead to inefficiencies through greater bureaucracy and complicated decision-making processes. What is the added value of UMed? How will the Government ensure that UMed is consistent with existing EU initiatives, including the Neighbourhood Policy and the EU-Africa strategy? Is UMed consistent with the "aid effectiveness" agenda, under which the EU and the UK have committed themselves to simplify the structures for channelling aid to developing countries?

THE SECRETARIAT'S STATUTES, FUNDING AND MANDATE

- Has the Government been able to secure Council oversight and approval of the draft texts of the Secretariat and procedures to ensure effective coordination within the EU in relation to the future activities of the Secretariat, as referred to in Caroline Flint's letter? We would be grateful if a copy of the draft Statutes could be made available to the Committee so that they can comment.
- The Secretariat appears to be developing into a top-heavy structure, with a Secretary-General and five or six Deputy Secretary-Generals. What will the role of these officials be? What will be their added value? Would it not be more sensible to select them on the basis of merit rather than nationality? What proportion of the funding for UMed do you expect to be spent on personnel and administration costs of the UMed Secretariat?

NATURE OF THE UMed AND ITS LEGAL BASIS

- We are concerned about the possible creation of new structures outside the EU framework. Will UMed be a new organisation separate from the European Union? What type of legal personality will UMed have and do you expect UMed to conclude a headquarters agreement with the Spanish authorities?
- Caroline Flint stated in her letter that the basis for the establishment of the UMed Secretariat "flows from the Ministerial declarations and UMed has always been a fluid and informal process". However, the laying down of intergovernmental rules on the functioning of UMed, as well as the establishment of a Secretariat with fixed structures, funding and mandate, are a clear formalisation of this process. What is the basis in EU law for the UMed? Is there a precedent for the establishment of UMed on the basis of EU Ministerial declarations?

GOVERNANCE AND FUNDING

- How will UMed and the projects managed by it be funded? How will decisions be made? Who will be authorised to approve funding decisions or new projects, or any other kind of spending by UMed? What will be its relationship to the EU?
- What is the relationship between the UMed Co-Presidency and the EU Presidency? We are concerned that that the current situation whereby France and the Czech Republic work side by side could lead to confusion and inconsistencies. Caroline Flint stated in her letter that the UK continues to emphasise the importance of adhering to existing rules on external EU representation. Do the current UMed Co-Presidency arrangements respect EU law on external representation, including art. 18 of the Treaty on European Union? Is there a risk that the EU's rotating Presidency will be sidelined by these arrangements? We believe that it is also important to ensure that the European Commission is fully associated with UMed.

OVERSIGHT AND ACCOUNTABILITY

- We feel it is important to ensure that UMed will benefit from appropriate mechanisms of oversight and accountability. How will national Governments, Parliament and the European Parliament exercise effective scrutiny and oversight over UMed? Which national or EU body will scrutinise UMed funding for the Secretariat and individual projects? What role is envisaged for the Court of Auditors?

POLITICAL FACTORS

- One risk with the creation UMed is that political factors, such as the Arab-Israeli conflict, could hamper the decision-making process or the building of political consensus among the UMed partners. The advantage of the European Neighbourhood Policy is that it allows the EU to develop bilateral relations which are suited to each individual Mediterranean partner country, irrespective of progress made by other countries or the wider geopolitical situation, a theme we considered in our report on "The EU and the Middle East Peace Process" (26th report of session 2006-07, para 161). The governance of UMed, on the other hand, would seem to be susceptible to political disagreements. The negotiations over the representation of the Arab League in UMed, which Caroline Flint described in her letter, are a case in point. Does the Government share the Committee's concerns? Is there a need to put in place mechanisms that allow UMed to make progress on a practical level, even when political disagreements arise? How does the Government intend to address this issue?

9 June 2009

Letter from Baroness Kinnock of Holyhead to Lord Roper

I am responding to your letter of 9 June on the points raised by Lords EU Sub-Committee C in its initial scrutiny of the above paper. I apologise for the delay in responding to you.

The Government shares a number of your concerns about the Union for the Mediterranean (UMed) process, in particular the current uncertainty about its funding, the EU's relationship with the body and UMed's impact in the region. We are working hard to tackle these issues and seek greater clarity as we move forward. From the outset we have been working actively with EU and UMed partners to achieve an effective and straight-forward format, to build on and enhance the Euro-Mediterranean Partnership, particularly by securing improved co-ownership of concrete projects. However, the actual process is still in its infancy with progress badly affected by two lengthy suspensions of discussions. Meetings have now resumed and we will be playing an active role to shape the process and to ensure that our concerns are addressed.

Much remains undecided and some serious disagreements remain amongst the wider membership, for example, the finer details of funding and project guidelines, the number of Deputy Secretary Generals, the role of the Commission, financing of staff, and the terms under which the Secretariat will operate.

Discussions on the Secretariat's Statutes are moving slowly but are taking place. I attach a copy of the latest draft version of the Statutes for your interest. These are likely to change as discussion continues.

May I address each area of your concerns in turn, although I have regrouped some of the themes where there may be overlap.

UNION FOR THE MEDITERRANEAN AND THE EUROPEAN UNION

The UMed process follows directly from the Barcelona Process, founded in 1995. The EU's interaction with UMed is through the European Neighbourhood Policy (ENP) and is designed to reinvent the Barcelona Process (EuroMed).

Our key objective is to avoid the risks of duplication you note. The joint ownership by the EU and Southern partners is designed to give a stronger process. This does, however, bring the risk of delays in negotiating and bringing in all view points to reach consensus. As such UMed will not be an EU body as it includes members from outside the Union, all with differing institutional relations with the EU. The EU nevertheless retains a strong oversight role including on funding.

EU EXTERNAL REPRESENTATION IN UMED

We value France's ongoing role in UMed and their leadership in pushing forward the UMed project. It is important for existing rules on EU external representation to be respected, however, and we will continue to emphasise this. We were pleased to note that the new Swedish EU Presidency's opening statement at the last Senior Officials meeting on 6 July, stressed that the EU will have a coordinated position on all UMed matters prior to engaging with non-EU UMed members. We strongly support this as it is essential that the EU speaks with one voice and in line with existing treaty obligations.

The Commission is key to helping the EU function within UMed and we will continue to work closely with them. We need to be careful however that existing EC competences are respected.

FUNDING

UMed is made up of several different elements: the Secretariat which will oversee a variety of projects (yet to be implemented) and sectoral processes continuing from the Barcelona Process, e.g. on migration and water including at Ministerial level. This means that funding for the whole process comes from a variety of sources.

UMed's costs so far have been limited as there is no Secretariat and few activities: only the circulation of documents and support to some countries to attend meetings. Once a permanent Secretariat is established, most of its core activities, such as local staff and administration, will be funded from the European Neighbourhood & Partnership Instrument's (ENPI) regional funding streams administered by the European Commission. EC funding should be kept within existing resources, respecting the Financial Framework, as consistent with what the UK, secured in the Paris and Marseille declarations. The actual building will be provided free of charge by the Spanish authorities. The core budget and local staffing costs will be supplemented by those Member States who wish to provide additional voluntary contributions. At this stage we do not envisage additional UK funding.

EC funding will be monitored and agreed in the same way as all ENPI funding and the normal rules will apply. The draft Statutes of the Secretariat require the Secretary General to submit annual accounts and work plans to the Senior Officials to ensure oversight of spending and impact.

It is too early to establish what percentage of overall budget will be met by the European Commission but there is agreement through the Marseille declaration to keep costs as light as possible. There was also agreement in Paris and Marseille that funding needs to be shared between the North and South shores of the Mediterranean. But some EU Member States and some partner countries see the Secretariat as being a larger entity, we will resist such moves.

PROJECTS

UMed is neither a donor organisation nor a funding body. We expect UMed projects to be funded from a wide variety of sources including by Member States, the private sector and bodies such as the World Bank, European Investment Bank and European Commission. Project bids can come, and are coming, from groups of states or the funding bodies themselves looking for implementing partners. We expect the Secretariat to provide support in finding project implementers and funders and we have stressed and secured the need for value for money.

The Paris declaration made clear that projects would take account of variable geometry, the idea that as long as the principles of a project were in line with the guidelines and areas agreed by all, only the states and funders involved in the actual project would need to agree on it. This is a contentious area but should allow greater implementation of projects and prevent technical projects being affected by political divisions.

SECRETARIAT AND STATUTES

The UMed Secretariat is intended to remain responsive and flexible, with the Statutes kept under review to ensure they are suitable for its purpose. The Statutes will form the terms under which the Secretariat will operate and are being discussed by an informal drafting group.

The basis of the draft Statutes has been drawn from the Paris Declaration, adopted by all Heads of State, and the Marseille declaration, adopted by Foreign Ministers. We expect the Statutes to go to the Senior Officials Group after discussion by the informal drafting group. They should then go to Foreign Ministers for final agreement. We do not expect this to be easy. And partner states could attempt to renegotiate elements with which they were not content, delaying adoption of the Statutes.

The UMed Secretariat will be an independent body and will conclude a headquarters agreement with Spain. This will give it the ability to employ staff and enter into agreements with organisations. It will not have international legal personality, which of course would require an international founding treaty to be ratified by all member's Parliaments or Governments. Member states can, if they wish, grant privileges and immunities to the Secretariat's staff. The UK has already made clear that it would not be prepared to do this.

We are pushing for the majority of the staff to be seconded from Member States and the costs covered by those states. Other members are pushing to have all Member States contribute to a trust fund to support secondments. The UK strongly disagrees with this as it will mean a greater share of the costs falling to us.

Keeping the Secretariat light and functional remains a key priority for the United Kingdom. You raised in this respect the creation of several Deputy Secretary General (DSG) posts. The number of DSGs was instigated by the French co-presidency at the Foreign Ministerial Meeting in Marseille in November 2008 in order to gain political agreement from several partners who were threatening to block the process. We would like to keep the number and roles of the DSGs under review and subject to a revision at the end of their first three-year term.

20 July 2009

Letter from the Chairman to Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office

Thank you for the informative letter of your predecessor, Baroness Kinnock, of 20 July 2009 on the Union for the Mediterranean (UMed). We note that several of our concerns remain to be satisfactorily resolved.

We believe that transparency is key to ensuring that UMed develops into an effective organisation, but at present it is not sufficiently taken into account in the UMed process. In my original letter of 9 June we expressed the view that it was important to ensure that UMed benefits from appropriate mechanisms of parliamentary oversight and accountability, a matter on which we still have concerns. What opportunities will national parliaments, the European Parliament and the Euro-Mediterranean Parliamentary Assembly be given to exercise effective scrutiny and oversight over UMed? Should the UMed secretariat statutes be modified so as to require the Secretary-General of the secretariat to give evidence, if requested, to national parliaments or the European Parliament? What role is envisaged for the European Court of Auditors in scrutinising the use of EU funds by the secretariat?

15 October 2009

VENEZUELA: BENEFICIARY COUNTRIES THAT QUALIFY FOR THE SPECIAL INCENTIVE ARRANGEMENT FOR SUSTAINABLE DEVELOPMENT AND GOOD GOVERNANCE (8629/09)

Letter from the Chairman to Gareth Thomas MP, Parliamentary Under Secretary of State, Department for International Development

The House of Lords European Union Sub-Committee on Foreign Affairs, Defence and Development considered the above document on 14 May 2009 and decided to hold it under scrutiny.

The Sub-Committee was grateful that DfID was able to provide an official at short notice to brief them informally about this proposal. Nevertheless, we remain concerned on two accounts.

Firstly, that the potential political consequences do not appear to have been fully taken into account. We were told by your official that the joint Government position agreed between DfID and the FCO is to uphold the rules of the scheme of generalised tariff preferences, but that no consultation had taken place with the FCO specifically on the political dimension of the current proposal. It is the Committee's view that there needed to have been a proper discussion with the FCO about the potential effects on relations with Venezuela, although the Committee itself does not prejudge what those might be. Venezuela is an important country in the region with a number of sensitive issues.

Secondly, although we understand the need for proper implementation of the rules, we would point out that Venezuela has now ratified the Convention against Corruption, one month after the deadline. This means that it is likely that Venezuela will be added back into the agreement as early as next year with no further action needed on its part. This seems a large amount of bureaucracy and EU legislation generated for one month's delay.

We look forward to hearing from you.

18 May 2009

Letter from Gareth Thomas MP, to the Chairman

Further Information Request on EM 8629-09 Proposal for a Council Decision amending Commission decision 2008/938/EC on the List of the Beneficiary Countries which qualify for the Special Incentive Arrangement for Sustainable Development and Good Governance

Thank you for your letter of 18 May 2009 in relation to removing Venezuela from the list of countries benefiting from the EU special incentive arrangement for sustainable development and good governance (GSP+) in 2009-2011. The letter informed us that the House of Lords Sub-Committee on Foreign Affairs, Defence and Development had decided to hold its Scrutiny Reserve on the above document.

POTENTIAL POLITICAL CONSEQUENCES

Decisions on whether or not to remove countries from GSP+ should not be based on a political or foreign policy basis. To do so would not only undermine the transparency and effective operation of the scheme in general, but additionally could undermine the UK Government's firm stance on ensuring the GSP+ scheme is robust and effectively implemented. The Foreign and Commonwealth Office, including the London desk officer and Embassy in Venezuela, was fully consulted on the Commission's decision to remove Venezuela from the list of countries benefiting from the EU special incentive. The FCO supports the principle that decisions on GSP+ should be made on the basis of the rules under which the scheme operates rather than for political or foreign policy reasons.

RATIFICATION OF THE CONVENTION AGAINST CORRUPTION

We recognise and welcome the fact that Venezuela has now ratified the Convention against Corruption, one month after the deadline. Whilst this delay may not seem significant, we believe that this must be balanced against the risk to the effective operation of the scheme if such deadlines were not enforced. Setting a precedent for one country could undermine the operation of the whole scheme to the detriment of all beneficiaries. Venezuela will be able to apply for the scheme in mid-2010, in order to receive benefits from July 2010.

23 June 2009

ZIMBABWE AND SOMALIA: RESTRICTIVE MEASURES

Letter from Baroness Kinnock of Holyhead, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

As part of our commitment to keep your Committee better informed on matters concerning parliamentary scrutiny of EU decisions regarding sanctions, I am writing to inform you that the European Commission has tabled proposals to amend the Council Regulations that impose restrictive measures on Somalia and Zimbabwe.

In July 2008, the Council of the European Union agreed to broaden the scope of restrictive measures on Zimbabwe to enable financial and travel restrictions to be imposed not just on individual members

of the Government of Zimbabwe and those associated with them, but also on “any other natural or legal persons whose activities seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe”.

Whilst this change has been made in Council Common Position 2008/632/CFSP, the Council Regulation (which, amongst other things, implements asset-freezing restrictions in Europe) has not yet been aligned with this amended wording.

In relation to Somalia, during November 2008 the UN adopted UN Security Council resolution 1844 (2008) which enables financial and travel restrictions to be imposed against individuals or entities as designated by the Sanctions Committee. This amendment has been reflected in Council Common Position 2009/138/CFSP, but the existing Council Regulation pertaining to Somalia sanctions also needs to be updated.

The UK believes that the EU Regulations should be amended as soon as possible in order to align EU implementation of restrictive measures.

The proposed Council Regulations go further than providing a legal basis for implementing previously agreed amendments to the restrictive measures. In particular, the current drafts include additional technical measures aimed at meeting obligations related to “due process”, handling of classified information and processing of personal data by Community institutions.

These additional measures follow parallel changes currently being negotiated in an amendment to Council Regulation 881/2002 in respect of restrictive measures directed against individuals and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban. The UK supported these additional measures in that context as a means to rectify specific deficiencies identified by the ECJ in the EU’s implementation of this sanctions regime.

Whilst the UK firmly agrees that restrictive measures must also comply with fundamental rights and legal obligations, we are considering whether the insertion of these additional technical measures is necessary and appropriate at this time with regard to the sanctions on Zimbabwe and Somalia.

There is currently no deadline for the proposed Council Regulations to be adopted, and we have been advised that they will not be agreed before the October GAERC. It is possible that the proposed regulations will be redrafted during negotiations in September and October. We will submit formal Explanatory Memoranda on both of these proposals and keep you informed of progress in the negotiations

7 September 2009

Letter from the Chairman to Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office

Thank you for your predecessor’s letter of 7 September on Proposed Council Regulations concerning restrictive measures in respect of Zimbabwe and Somalia, which EU Sub-Committee C considered at their meeting on 15 October.

The Sub-Committee would be grateful if you could write to them with an update on the situation in Zimbabwe, including the Government’s view of the current situation.

19 October 2009