COUNCIL DECISION (CFSP) 2019/1672

of 4 October 2019

on a European Union action in support of the United Nations Verification and Inspection Mechanism in Yemen

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) On 27 December 2017, the United Nations Office for Project Services (UNOPS) made a proposal aiming to strengthen and expand the activities of the United Nations Verification and Inspection Mechanism (UNVIM) for an additional one-year period until March 2019, in particular by further accelerating the clearance process for commercial shipments and by increasing UNVIM's ability to deploy additional personnel and resources in the ports concerned.

(2) On 3 April 2017 and on 25 June 2018, the Council adopted conclusions in which it recalled the importance of ensuring effective and timely processing for commercial shipping in the ports of the Red Sea, including shipping of fuel, and expressed its full support for the continuation of UNVIM and for the full and unhindered implementation of its mandate. Moreover, in those conclusions the Council stated that it would consider a reinforcement of UNVIM.

(3) Based on a request by UNVIM, on 18 September 2018 the Council adopted Decision (CFSP) 2018/1249 ([1]). The technical implementation of Decision (CFSP) 2018/1249 was entrusted to UNOPS and was intended to enable UNVIM to continue fulfilling its tasks relating to monitoring and inspection in compliance with UN Security Council Resolution (UNSCR) 2216 (2015).

(4) On 13 December 2018, the parties to the conflict in Yemen signed the Stockholm Agreement, the provisions of which were endorsed by UNSCR 2451 (2018) and 2452 (2019). On 18 February 2019, the Council adopted conclusions in which it welcomed the adoption of the Stockholm Agreement as well as the unanimous adoption of UNSCRs 2451 (2018) and 2452 (2019). The Council reiterated its call on all parties to facilitate the delivery of commercial supplies, including fuel, and recalled that the functioning of the Hodeidah port alongside Saleef and Ras Issa ports is of paramount importance for the survival of millions of Yemenis. The Council reiterated its support to UNVIM with a view to ensuring that commercial goods continue to flow into Yemen in full respect of all relevant UNSCRs.

(5) On 24th June 2019, UNVIM made a second proposal to donors for expanded operations, especially with regard to the implementation of the Stockholm Agreement. The proposal related to the enhancement of UNVIM's operations from October 2019 until September 2020.

(6) The Union should renew its support to UNVIM for the implementation of its mandate.

(7) The supervision of the proper implementation of the Union's financial contribution should be entrusted to the Commission,

([1]) Council Decision (CFSP) 2018/1249 of 18 September 2018 on a European Union action in support of the United Nations Verification and Inspection Mechanism in Yemen (OJ L 235, 19.9.2018, p. 14).

HAS ADOPTED THIS DECISION:

Article 1

1. The Union shall renew its support to UNVIM to implement its mandate as set out in relevant UNSCRs, in particular UNSCRs 2216 (2015), 2451 (2018) and 2452 (2019). That support shall have the overall objectives of contributing to the restoration of the unimpeded free flow of commercial items to Yemen through the provision of a transparent and effective clearance process for commercial shipments destined for Yemeni ports which are not under the control of the Government of Yemen, and of enhancing UNVIM's role in implementing the provisions of the Stockholm Agreement.

2. The specific objectives of this project are:

— to increase the flow of commercial cargo to Yemen by accelerating further the clearance process for commercial shipments and promoting the confidence of shipping companies as regards the accessibility of the ports of Hodeidah, Saleef and Ras Issa in the event of those ports opening to commercial shipping,

— to enhance UNVIM's ability to deploy in the ports of Hodeidah, Saleef and Ras Issa as set out in the Stockholm Agreement and the relevant UNSCRs.

3. The Union shall contribute through this Decision to costs associated with the reinforcement of UNVIM, and thereby help to respond to the needs of the Yemeni population as part of a broader humanitarian strategy.

A detailed description of the activities of the project is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall be responsible for the implementation of this Decision.

2. The technical implementation of the activities referred to in Article 1 shall be entrusted to UNOPS. It shall perform this task under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with UNOPS.

Article 3

1. The financial reference amount for the implementation of the project referred to in Article 1 shall be EUR 4 458 333.

2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union budget.

3. The Commission shall supervise the proper management of the expenditure financed by the amount set out in paragraph 1. For that purpose, it shall conclude a contribution agreement with UNOPS. The contribution agreement shall stipulate that UNOPS is to ensure visibility of the Union's contribution.

4. The Commission shall endeavour to conclude the contribution agreement referred to in paragraph 3 as soon as possible after the adoption of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the contribution agreement.

Article 4

1. The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by UNVIM, including reports on the monthly meetings of the UNVIM Steering Committee. Those reports shall form the basis for the evaluation by the Council.

2. The Commission shall provide the Council with information on the financial aspects of the implementation of the project referred to in Article 1.

Article 5

This Decision shall enter into force on the date of its adoption.

This Decision shall apply from 1 October 2019.

This Decision shall expire 12 months after the date of the conclusion of the Contribution Agreement between the Commission and UNOPS referred to in Article 3(3).

Done at Strasbourg, 4 October 2019.

For the Council
The President
K. MIKKONEN

ANNEX

1. Background

The war in Yemen has caused the world's gravest humanitarian crisis. More than 24 million people are dependent on some form of aid, and the number of Yemenis that are acutely food insecure has continued to rise. The UN is currently feeding more than 10 million people every month in its largest operation in history. The international community was asked in 2019 to contribute USD 4,2 billion in humanitarian assistance, the largest aid appeal in the world.

In this context, it remains vital for commercial items to continue flowing into the country. The UN has continuously called on the parties to the conflict to ensure the unimpeded flow of commercial goods, including fuel, into Yemen. The operationalisation of the United Nations Verification and Inspection Mechanism (UNVIM) in 2016 was meant to facilitate this flow and revive the economy of the country in compliance with UNSCR 2216 (2015).

UNVIM established its main base of operations in Djibouti, with four Inspectors, four Explosive Detection Dogs Teams, 13 management/technical staff and up to seven secondees from the United Kingdom. UNVIM is now also present in Jeddah (two monitors), King Abdullah port (two monitors are being recruited) and Hodeidah (five monitors, three of whom have already been recruited). UNVIM has been used to nurture a relationship between the UN (United Nations Office for Project Services (UNOPS)) and the Saudi-led Coalition, as well as with the Government of Yemen. Several meetings with shipping companies have been organised during the course of the project with the purpose of increasing confidence and predictability for exporters trading with Yemen.

The Union decided to support UNVIM by adopting on 18 September 2018 Council Decision (CFSP) 2018/1249. This followed reiterated calls from the Union stressing the importance of the effective and timely processing of commercial shipping. The Union's support to UNVIM through an EU Stabilisation Action based on Article 28 TEU permitted the Union to: attend UNVIM's monthly Steering Committee meetings, where the Government of Yemen and the Saudi-led Coalition are also represented; establish a working relationship with the Saudi-led Coalition and the Government of Yemen; deepen its coordination with other donors (in particular the United Kingdom and the United States); and increase the Union's visibility with regard to its support to the UN-led process in Yemen.

The parties to the conflict signed the Stockholm Agreement under UN auspices on 13 December 2018. They agreed to a 'UN leading role in supporting Yemen Red Sea Ports Corporation in management and inspections at the ports of Hodeidah, Salif and Ras al-Isa, to include enhanced UNVIM monitoring in the ports of Hodeidah, Salif and Ras Issa'. UNVIM remains therefore a vital element of the UN Special Envoy's plan to implement the provisions of the Stockholm Agreement.

Progress in this regard has been assessed by the UN Special Envoy's office as essential before moving towards political consultations among the parties. UNVIM began its deployment of monitors to Hodeidah port on 25 February 2019, and has had discussions with the port management with regard to the establishment of UNVIM's activities. These discussions have involved the United Nations Mission to Support the Hodeidah Agreement (UNMHA). UNVIM is now in need of further support for its operations, as well as for its deployment into the Red Sea ports.

2. UNVIM inspection and verification process

At present, UNVIM's Standard Operating Procedures apply to: (i) all vessels above 100 metric tons destined for Yemeni ports not under the control of the Government of Yemen and to all vessels transporting commercial goods purchased by Yemen-based commercial or government entities intended for sale in Yemen; and (ii) bilateral assistance from UN Member States not channelled through a UN Agency, Fund or Programme or a recognised international humanitarian organisation.

The verification process starts when a shipping company submits an online clearance request at www.vimye.org, uploads the necessary documents and submits all requested documentation to UNVIM. Within 48 hours, UNVIM reviews the documentation and sends a notification to external partners such as the Evacuation and Humanitarian Operations Cell of the Coalition Forces (EHOC). UNVIM then decides whether or not to inspect the vessel based on its own process including discrepancies in the documentation received, undeclared port calls, suspicious vessel movement, switching-off the Automatic Identification System (AIS) for more than four hours and feedback received from external partners. Vessel inspections are either conducted at port in territorial waters or at sea in international waters.

A clearance certificate is then either granted or denied (meaning cancelled, declined or revoked). For a cleared vessel, UNVIM keeps monitoring its movements through the AIS, including: transit to the Coalition holding area; movement from the holding area to the anchorage area; and movement from the anchorage to the berth for discharge. UNVIM tracking ends once the cleared vessel departs from Yemen's Red Sea ports after discharging its cargo and sails out from the port. Throughout the entire process, UNVIM maintains strong contact with the shipping companies and the vessel's Master (Captain) and plays a critical role in addressing any issues the vessel encounters at sea, including advocating with EHOC and the Coalition. UNVIM's facilitation of the entire clearance process and consistent communication with the shipping companies is crucial in maintaining the trust of international shipping lines and, therefore, in ensuring commercial imports to the majority of the Yemeni population continue despite the ongoing conflict.

UNVIM has also sought to reassure the international shipping community through quarterly meetings with their representatives, ensuring that their difficulties and challenges are correctly understood and addressed.

3. Overall objectives

In order to ensure UNVIM unhindered implementation of its mandate, the overall objective of the EU Stabilisation Action is to contribute to the facilitation of an unhindered flow of commercial items to Yemen through the provision of a transparent and effective clearance process for commercial shipments destined for Yemeni ports not under the control of the Government of Yemen. This currently includes, as per the Stockholm Agreement, the deployment of UNVIM to the Red Sea ports of Hodeidah, Saleef and Ras Issa.

The specific objectives of the EU Stabilisation Action are to:

— increase the flow of commercial cargo to Yemen by accelerating the clearance process for commercial shipments and restoring the confidence of shipping companies,

— increase UNVIM's ability to deploy personnel and resources in the region, and in particular in Hodeidah, Saleef and Ras Issa as per the provisions of the Stockholm Agreement.

Should UNVIM's mandate or needs change in a way that brings into question the adequacy or relevance of the project in achieving the abovementioned objectives, the Union contribution shall be reassessed accordingly.

4. Description of activities

UNOPS will be responsible for the technical implementation of the project.

Activity 1: Increasing the number of UNVIM personnel.

The number of operational staff is to be increased, in a first step up to a total of nine, with the option to further increase the number of operational staff at a later stage.

The nine operational staff will be:

— seven UNVIM staff, who are to be deployed to Hodeidah: one coordination officer, one field security adviser, one monitor, one scanner operator, one protocol and operations assistant, one local security assistant, and one administrative assistant in Hodeidah,

— two monitors, one of whom is to be deployed to Saleef and the other to Ras Issa. This increase in capacity would allow UNVIM to effectively deploy in the Red Sea ports.

In addition, administrative support staff (finance officer, procurement officer, etc.) necessary for the implementation of the EU Stabilisation Action shall also be funded.

Planned activities are as follows:

— UNOPS will recruit the new monitors, inspectors and officers in accordance with the UNOPS recruitment rules and procedures,

— UNOPS will pre-inform the EEAS of any opening of positions.

Timeline: Throughout the duration of the project.

Activity 2: Renting of a part of the Djibouti port and renting of an office in Sanaa. The Union will continue to fund the rental of the port facilities to ensure a constant location at which to conduct inspections. In addition, the Union will finance the rental of the Sanaa office, which serves as a temporary base for UNVIM staff to connect from and to Hodeidah and Djibouti.

Timeline: Throughout the duration of the project.

Activity 3: Purchasing additional inspection equipment. UNVIM will purchase additional inspection equipment (such as scanners) necessary for the implementation of the EU Stabilisation Action. It will facilitate the timely inspection of vessels in Djibouti port and in international waters.

Planned activities are as follows:

— development of technical specifications currently ongoing,

— as per UNOPS procurement procedures, launch of an international call for tender for supplies and award of contract,

— delivery of the equipment and training of the relevant personnel.

Timeline: Months one to four inclusive of the project. At the end of the project, the disposal of the assets will be done in accordance with the contract signed with the European Commission.

Activity 4: Upgrading UNVIM's security. This activity will be dedicated to ensuring that UNVIM's operations in the ports of the Red Sea meet the appropriate security requirements and allow for UNVIM's work to be properly conducted.

Planned activities are as follows:

— development of technical specifications currently ongoing,

— as per UNOPS procurement procedures, launch of an international call for tender for supplies and award of contract,

— delivery of the equipment and training of the relevant personnel.

Timeline: Months one to four inclusive of the project. At the end of the project, the disposal of the assets will be done in accordance with the contract signed with the European Commission.

Activity 5: Project implementation. UNOPS will provide programme management oversight. This oversight is to include the development of milestones, internal reviews, oversight of contractual agreements and financial management. Anticipated activities include:

— procurement of external services or Special Services Agreement for technical assistance for the implementation of the project,

— financial and contractual management of services that UNOPS sub-contracts to third parties.

Timeline: Throughout the duration of the project.

5. Expected results

In stepping up UNVIM operational activities, the expected results of the project are as follows:

— prevent the flow of prohibited items from entering Yemen's Red Sea ports,

— facilitate the free flow of commercial goods to Yemen's Red Sea ports,

— support the Yemen Red Sea Ports Corporation in the management and inspections of the operation of the Hodeidah, Saleef and Ras Issa ports,

— build trust amongst the international shipping community by projecting a transparent and efficient process for the entry of commercial goods to Yemen's Red Sea ports, despite the ongoing conflict,

— support the Government of Yemen in meeting its population's needs for basic commodities that are not fully met by humanitarian assistance and local sources.

6. Estimated duration

The duration of the project is envisaged to be 12 months. An according contribution agreement between the Commission and UNOPS will be signed.

7. Union visibility

UNOPS's responsibility for the technical implementation of the project will ensure proper visibility of the financial support of the Union, for example in reports, events or meetings. An EU flag will be displayed on all UNVIM documentation. UNVIM/UNOPS will display appropriate visibility on all equipment purchased using EU funds that is not consumable, including the display of the EU logo. Where such display could jeopardise UNOPS's privileges and immunities or the safety of its staff or of the final beneficiaries, appropriate alternative arrangements will be made.

8. EU participation in the UNVIM Steering Committee

The UNVIM Steering Committee comprises the Kingdom of Saudi Arabia (represented by EHOC and the Ministry of Defence), the UAE, the Government of Yemen (represented by a Djibouti-based UNVIM liaison officer and a Ministry of Transport representative), UNOPS and the UN Office for the Coordination of Humanitarian Affairs. In the same way as the United States, the Netherlands and the United Kingdom attend such meetings with 'observer status' in their capacity of donors to UNVIM, the Union will continue to participate in the monthly meetings of the UNVIM Steering Committee.

9. Reporting

UNVIM/UNOPS will provide to the EEAS a monthly report to review progress towards the completion of project results. These reports will be shared with the relevant Council body.

EEAS will report to the relevant Council body on the monthly UNVIM Steering Committee meetings.

UNVIM/UNOPS will report directly to the relevant Council body on a quarterly basis in Brussels.

UNVIM/UNOPS will submit a final narrative and financial report within six months of the end of the implementation period.