COUNCIL DECISION (CFSP) 2020/732

of 2 June 2020

in support of the UN Secretary-General's Mechanism for investigation of alleged use of chemical and biological or toxin weapons

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

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

Whereas:

(1) On 12 December 2003, the European Council adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction (the 'EU Strategy'), Chapter III of which contains a list of measures to combat such proliferation.

(2) The Union is actively implementing the EU Strategy and is giving effect to the measures listed in Chapter III thereof, in particular those measures related to reinforcement, implementation and universalisation of the Biological and Toxin Weapons Convention (BTWC).

(3) The United Nations (UN) Secretary-General's Mechanism for investigation of alleged use of chemical and biological or toxin weapons (the 'SGM') refers to the authority given to the UN Secretary-General by UN General Assembly Resolution A/RES/42/37C. This authority to conduct an investigation in response to reports that may be brought to the attention of the UN Secretary-General by any UN Member State, in order to establish the facts related to an allegation of use of such weapons, was reaffirmed by UN Security Council Resolution 620 (1988).

(4) On 27 February 2006, the Council adopted Joint Action 2006/184/CFSP ([1]) in support of the BTWC, in the framework of the EU Strategy.

(5) On 20 March 2006, the Council adopted the EU Action Plan on biological and toxin weapons ([2]), complementary to Joint Action 2006/184/CFSP in support of the BTWC. That Action Plan provides for an efficient use of Confidence Building Measures (CBMs) and the SGM.

(6) On 10 November 2008, the Council adopted Joint Action 2008/858/CFSP ([3]) in support of the BTWC, in the framework of the EU Strategy.

(7) On 18 July 2011, the Council adopted Decision 2011/429/CFSP ([4]) relating to the position of the Union for the Seventh Review Conference of the States Parties to the BTWC, including support to the SGM.

(8) On 23 July 2012, the Council adopted Decision 2012/421/CFSP ([5]) in support of the BTWC, in the framework of the EU Strategy.

([1]) Council Joint Action 2006/184/CFSP of 27 February 2006 in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction (OJ L 65, 7.3.2006, p. 51).

([2]) EU Action Plan on biological and toxin weapons, complementary to the EU Joint Action in support of the BTWC (OJ C 57, 9.3.2006, p. 1).

([3]) Council Joint Action 2008/858/CFSP of 10 November 2008 in support of the Biological and Toxin Weapons Convention (BTWC), in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (OJ L 302, 13.11.2008, p. 29).

([4]) Council Decision 2011/429/CFSP of 18 July 2011 relating to the position of the European Union for the Seventh Review Conference of the States Parties to the Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction (BTWC) (OJ L 188, 19.7.2011, p. 42).

([5]) Council Decision 2012/421/CFSP of 23 July 2012 in support of the Biological and Toxin Weapons Convention (BTWC), in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 196, 24.7.2012, p. 61).

(9) On 18 January 2016, the Council adopted Decision (CFSP) 2016/51 [6] in support of the BTWC, in the framework of the EU Strategy, including support to the SGM.

(10) In his Agenda for Disarmament 'Securing our Common Future', presented on 24 May 2018, the UN Secretary-General noted that the BTWC does not have a single standing body with responsibility to carry out investigations with the aim of determining whether or not biological weapons have been used in violation of the BTWC. Therefore, the Agenda for Disarmament establishes actions that aim to contribute to developing a framework that ensures a coordinated international response to the use of biological weapons and to establish a core standing coordinating capacity to conduct independent investigations of the alleged use of biological weapons.

(11) On 21 January 2019, the Council adopted Decision (CFSP) 2019/97 [7] in support of the BTWC in the framework of the EU Strategy.

(12) Through the Joint Actions and Decisions in support of the BTWC, the Union has contributed to the building-up of a multilateral capacity to investigate alleged use of biological weapons. This Decision provides support to the SGM,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of giving immediate and practical application to some elements of the EU Strategy and of building on the successful implementation of Joint Actions 2006/184/CFSP and 2008/858/CFSP and Decision 2012/421/CFSP, this Decision serves as an operational policy tool for providing essential follow-up and momentum to the activities undertaken throughout the period 2016 to 2019 in the framework of Decisions (CFSP) 2016/51 and (CFSP) 2019/97 in support of the BTWC.

2. This Decision is guided by the following principles:

(a) making best use of the experience gained through Decisions 2012/421/CFSP and (CFSP) 2016/51;

(b) bearing in mind the lessons learned from the most recent SGM investigation, which took place in 2013 in Syria, with the aim of continuing the implementation of those lessons;

(c) actively encouraging the nomination of experts and laboratories from the Global South to the SGM roster;

(d) actively encouraging the nomination of female experts to the SGM roster;

(e) building strategic partnerships with relevant institutions;

(f) supporting the efforts of interested UN Member States to ensure the full operational readiness of the SGM;

(g) contributing to the implementation of the UN Secretary-General's Agenda for Disarmament 'Securing our Common Future'.

3. The Union shall support the following projects corresponding to measures of the EU Strategy:

(a) support for training of experts on the SGM roster;

(b) capacity-building of laboratories from developing countries;

(c) outreach activities to ensure the nomination to the SGM roster of experts and laboratories from the Global South;

(d) support for a full field exercise (Capstone Exercise);

(e) support for regular coordination activities or workshops or both with relevant organisational partners.

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[6] Council Decision (CFSP) 2016/51 of 18 January 2016 in support of the Biological and Toxin Weapons Convention (BTWC) in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 12, 19.1.2016, p. 50).

[7] Council Decision (CFSP) 2019/97 of 21 January 2019 in support of the Biological and Toxin Weapons Convention in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 19, 22.1.2019, p. 11).

4. A detailed description of those projects is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (HR) 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 the United Nations Office for Disarmament Affairs (UNODA). It shall perform this task under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with the UNODA.

Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1(3) shall be EUR 1 418 042.

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 general budget of the Union.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2. For that purpose, it shall conclude a financing agreement with the UNODA. The financing agreement shall stipulate that the UNODA is to ensure visibility of the Union contribution appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

The HR shall report to the Council on the implementation of this Decision on the basis of a final financial and narrative report containing, inter alia, lessons learnt, as well as brief reports prepared by the UNODA on each of the projects referred to in Article 1(3). Those reports shall form the basis for the evaluation carried out by the Council. The Council shall also be briefed every six months on information provided by the UNODA regarding progress in implementation of those projects. The Commission shall provide information on the financial aspects of those projects.

Article 5

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

2. This Decision shall expire 36 months after the date of conclusion of the financing agreement referred to in Article 3 (3) or six months after the date of adoption of this Decision if no financing agreement has been concluded within that period.

Done at Brussels, 2 June 2020.

For the Council
The President
G. GRLIĆ RADMAN

ANNEX

1. BACKGROUND

The United Nations (UN) Secretary-General's Mechanism for investigation of alleged use of chemical and biological or toxin weapons (the 'SGM') was established in 1987 by the UN General Assembly by its Resolution A/RES/42/37C. This authority was reaffirmed by the UN Security Council by its Resolution 620 (1988). The technical guidelines and procedures for the timely and efficient investigation into reports of the alleged use of such weapons were developed by experts provided by interested UN Member States, and set out in UN General Assembly Document A/44/561 in 1989. Those guidelines and procedures were endorsed by the UN General Assembly in 1990 by its Resolution A/RES/45/57C.

Without a verification mechanism for the Biological and Toxin Weapons Convention, such as exists for the Chemical Weapons Convention, the SGM stands as the only independent international tool for investigating an allegation of the use of biological weapons, with the endorsement of both the UN General Assembly and the UN Security Council.

2. OBJECTIVES

The SGM, by promptly investigating the alleged use of chemical and biological or toxin weapons, and establishing facts related to the allegations, could serve to uphold global norms against the use of such weapons, to help deter the use of such weapons by UN Member States, individuals or organisations, and ultimately to preserve international peace and security.

Activities in support of enhancing the level of preparedness of the SGM for the investigation of the alleged use of chemical and biological or toxin weapons are consistent with the EU Strategy against the Proliferation of Weapons of Mass Destruction. Decision (CFSP) 2016/51, and in particular its Project 5 'Support to the UN Secretary-General's Mechanism', sought to support the strengthening of the SGM through expanding the number of suitably trained experts on the SGM's roster of experts and laboratories (the 'SGM roster'), by convening a meeting of SGM stakeholders and by organising a number of cross-organisational training events. Project 5 of Decision (CFSP) 2016/51 provided basic and specialised skills training for rostered experts through a new systematic training concept, a network of designated analytical laboratories and capacity-building activities for such laboratories, and also outreach activities to promote geographical diversity of experts and laboratories.

There is a need to continue these activities in order to further strengthen international capacity and capability to promptly investigate any violations of the global prohibition on the use of chemical and biological or toxin weapons, with a particular focus on biological weapons. Promoting geographic diversity and gender balance of experts would contribute to enhancing the credibility and legitimacy of the SGM. Further developing the capacity and capability of experts and designated laboratories could also have positive secondary effects on biological research and on public health research and development, especially in developing countries. In addition, implementation of such activities will serve as an example of concrete support to the UN Secretary-General's Agenda for Disarmament 'Securing our Common Future', and in particular Action 10 of that Agenda entitled 'readiness to investigate alleged use of biological weapons'.

Principles

(a) Making best use of the experience gained through Decisions 2012/421/CFSP and (CFSP) 2016/51.

(b) Bearing in mind the lessons learned from the 2013 SGM investigation in Syria.

(c) Actively encouraging the nomination of experts and laboratories from the Global South to the SGM roster, sourced through networks and strategic stakeholders in the Global South.

(d) Building strategic partnerships with relevant institutions.

(e) Seeking a broader range of expertise in the SGM roster and actively encouraging the nomination of female experts to that roster.

(f) Supporting the efforts of interested UN Member States to ensure the full operational readiness of the SGM.

(g) Contributing to the implementation of the UN Secretary-General's Agenda for Disarmament.

Expected outcomes

The implementation of this project is expected to produce the following overall outcomes:

(a) enhancement of the operational readiness of the SGM;

(b) further development of the network of designated laboratories;

(c) enhancement of experts' skills needed in the context of the SGM missions; and

(d) diversification of expertise in the SGM roster.

In addition, the implementation of this project would have the following secondary outcomes:

(a) harmonisation of national, regional and international biological weapons investigation architecture;

(b) enhanced knowledge and capacity of investigation into alleged use of biological and chemical weapons at a national level; and

(c) awareness-raising with UN Member States and relevant stakeholders.

3. PROJECTS

3.1. Project 1: Support for training of experts on the SGM roster

3.1.1. Project purpose

To enhance, update and harmonise the skill-sets of qualified experts, and to provide further training to expert consultants in order to ensure that capability and capacity for field exercises and investigations will be readily available.

3.1.2. Expected results of the project

(a) An additional cadre of new experts is trained, with a view to securing sufficient 'reach-back' (reserve/support) capacity.

(b) Experts already engaged in SGM activities continue to receive advanced training.

(c) Training courses are held regularly in the period covered by this Decision.

3.1.3. Project description

This project will follow up and expand on the activities and achievements reached under Project 5 of Decision (CFSP) 2016/51 to increase the number of qualified experts and expert consultants on the SGM roster who have been trained in the core skills required for the successful conduct of an SGM investigation, as part of a UN team, and under possibly adverse field conditions.

The project would allow the United Nations Office for Disarmament Affairs (UNODA) to expand the number of trained qualified experts and expert consultants, in order to ensure sufficient 'reach-back' capacity during a field exercise or actual investigation. Core competencies for training include evidence-gathering and handling, report-writing, operational security, field communications, negotiations and media-handling.

Timing and location of these training courses will be heavily dependent on the UN Member States that offer such training courses. The guidelines and procedures for SGM investigations, submitted to and endorsed by the UN General Assembly in 1989, state that 'any interested Member State may designate to the Secretary-General relevant specialized training or courses available to qualified experts in support of their possible role on his behalf in carrying out investigations of possible use of CBT agents'.

3.1.4. Responsibilities of the implementing agency

Substantive preparation:

In consultation with UN Member States hosting the training event and relevant partners, the UNODA will develop the training programme and select the participating experts.

Logistics and administrative services:

The UNODA will partner with the UN Office for Project Services (UNOPS) for the logistical arrangements (such as travel arrangements for participants and experts) for the training activities.

3.2. Project 2: Capacity-building of laboratories from developing countries

3.2.1. Project purpose

To support participation of representatives from nominated laboratories in training activities aimed at developing a network capable of supporting an SGM investigation into an alleged use of biological weapons.

3.2.2. Expected results of the project

(a) Enhanced participation of representatives of laboratories from developing countries in events aimed at developing a network of SGM-designated laboratories.

(b) Greater engagement of laboratories from developing countries in SGM training.

3.2.3. Project description

In order to ensure that the SGM is seen as having both integrity and full impartiality, the full participation of nominated laboratories from the Global South, and their engagement in these activities in support of the SGM, is critical. It is therefore essential to facilitate greater engagement and participation of rostered laboratories from these countries in this process, including their participation at dedicated workshops for laboratories organised by UN Member States, as well as their participation as observers in training activities for qualified experts on the SGM roster, in order to ensure that the laboratories and experts are aware of the need to harmonise activities which are transparently in support of a properly-conducted investigation.

3.2.4. Responsibilities of the implementing agency

Substantive preparation:

In consultation with relevant laboratories and UN Member States hosting the event to develop the laboratory network, the UNODA will identify laboratories in developing countries whose participation in that event is to be supported.

Logistics and administrative services:

The UNODA will partner with the UNOPS for the logistical arrangements (such as travel arrangements for participants).

3.3. Project 3: Outreach activities

3.3.1. Project purpose

To enhance the nomination of experts and laboratories from the Global South to the SGM roster.

3.3.2. Expected results of the project

(a) Regional outreach workshops held in Africa and in Central and South America.

(b) Enhanced nomination of experts and laboratories from those regions to the SGM roster.

(c) Increased number of experts from those regions participate in SGM skills training courses.

3.3.3. Project description

While the roster of experts and laboratories nominated by UN Member States is diverse, there remains an under-representation of UN Member States from Africa and from Central and South America ([1]).

The integrity and perceived impartiality of the SGM will be bolstered by ensuring a diverse pool of experts and laboratories from which the UNODA can select for training activities and from which the UN Secretary-General can choose during an actual investigation.

In support of this, regional workshops in each of these two regions will be held, with the aim of engaging directly with the relevant expertise in national capitals in order to explain the SGM, its importance in a coordinated international response to an allegation of the use of biological weapons, and the role and importance of a diverse group of experts in the event an SGM investigation is triggered. Data on nominations from countries in these regions will be compiled following the annual 'note verbale' from the UNODA to all UN Member States, in order to ascertain whether there has been any measurable impact on nominations. The exact scope and number of participating UN Member States and of participants in the workshops will be decided mainly through consultations between the UNODA and the countries who offer to host the workshops, taking into account factors such as location of the workshop, budget and relevant capacity in the countries. The Council shall be informed by the UNODA on the process of selecting host countries, and the UNODA will seek guidance and endorsement from the Council in this regard.

3.3.4. Responsibilities of the implementing agency

Substantive preparation:

In consultation with UN Member States hosting the workshops, the UNODA will develop the agenda and programme, and select the participants.

Logistics and administrative services:

The UNODA will partner with the UNOPS for the logistical arrangements for the workshops, such as travel arrangements for participants.

3.4. Project 4: Support for the Capstone Exercise

3.4.1. Project purpose

To ensure adequate preparation for, and successful execution of, a full field exercise (known as the 'Capstone Exercise') planned to be held in Germany in September 2020.

3.4.2. Expected results of the project

(a) Preparation for the Capstone Exercise is conducted in a timely and comprehensive manner.

(b) Planning missions for the Capstone Exercise are conducted, and all necessary preparations for the exercise completed or discussed with the host country and organisers.

(c) Support is provided for the participation of experts in the Capstone Exercise.

(d) Facilitation and consultation undertaken by the UNODA to ensure that general and specialised equipment necessary for the conduct of the Capstone Exercise is made available by UN Member States and others in advance of the Capstone Exercise.

3.4.3. Project description

A Capstone Exercise, or a culminating training activity, is designed to provide the trained experts with a chance to practise the full scope of their scientific expertise and acquired core skills in a realistic field-based event in preparation for an actual deployment. Such an exercise is currently planned for the second half of 2020 by the governments of Germany and Sweden.

([1]) Only six African Member States have nominated experts and two States have nominated laboratories. Only five Central/South American States have nominated experts and only one has nominated a laboratory.

In order to ensure the success and value of such an activity, a number of training courses need to be completed prior to the Capstone Exercise, to ensure that experts participating in the Capstone Exercise are fully trained and prepared. These training courses are provided for in Project 1 above. Participation of experts and officials from relevant international organisations, such as the World Health Organization (WHO), the World Organisation for Animal Health (OIE) and Interpol, will be supported under this project.

In addition, appropriate equipment, such as personal protective gear, disinfectant, investigative equipment, communication devices, other necessary detection and identification equipment, calibration devices and materials, and photographic and recording devices will need to be acquired and provided by UN Member States and others to the participating experts in advance of the Capstone Exercise.

Lessons learned from the Capstone Exercise will be an important part of informing and improving future SGM training activities, and will identify gaps and challenges in the current SGM operational set-up. In addition to 'hotwash' and debriefing for participating experts at the end of the Capstone Exercise, a separate dedicated 'lessons-learned' event may take place with funding from other sources.

All of the relevant activities will be carried out in close coordination and cooperation between the UNODA and the governments of Germany and Sweden.

3.4.4. Responsibilities of the implementing agency

Substantive preparation:

The UNODA will consult with the governments of Germany and Sweden and with other relevant UN Member States and partners as regards the substantive preparation for the Capstone Exercise, including the development of its objective, scenario, programme and evaluation mechanism.

Logistics and administrative services:

The UNODA will partner with the UNOPS for the logistical arrangements for the Capstone Exercise, including travel arrangements for participants and experts as well as the acquisition and transport of equipment.

3.5. Project 5: Support for regular coordination activities or workshops with relevant organisational partners

3.5.1. Project purpose

To identify and engage organisational partners for cooperation on the SGM.

3.5.2. Expected results of the project

(a) A series of workshops with relevant international partners are held.

(b) New detailed arrangements for cooperation with such international partners are developed and adopted, such as guidelines, recommended operating procedures, agreements and memoranda of understanding.

3.5.3. Project description

In order to maximise the support of the UN system to the SGM, and in view of the limited resources of the UNODA, it is essential to build strong partnerships with relevant international organisations. Examples of successful arrangements for the provision of expertise and support to both training and potential investigations include the UNODA's partnerships with the Organisation for the Prohibition of Chemical Weapons (OPCW), the OIE and the WHO, Interpol, and CBRN Centres of Excellence.

There would be potential to expand this network of partnerships to include other international organisations that may have similar needs in terms of training, expert development and equipment.

Therefore, the UNODA seeks to identify relevant organisational partners, engage with them with due sensitivity to individual mandates, and hold a series of workshops to identify these commonalities and areas for cooperation with a view to securing commitments related to shared training events, equipment and expertise.

3.5.4. Responsibilities of the implementing agency

Substantive preparation:

The UNODA will undertake the substantive preparation for the workshop, including development of the agenda and programme, and the selection of participants.

Logistics and administrative services:

The UNODA will partner with the UNOPS for the logistical arrangements, including travel arrangements for participants and experts.

4. REPORTING AND ASSESSMENT

The UNODA will brief the Council every six months on the progress of the implementation of the project.

At the conclusion of the project, the UNODA will submit to the High Representative of the Union for Foreign Affairs and Security Policy and to the European Commission ('Commission') a final financial and narrative report containing brief reports on each project.

5. DURATION

The total estimated duration of the implementation of the project is 32 months, from May 2020 to December 2022.

6. BENEFICIARIES

The beneficiaries of Project 1 will be experts on the SGM roster, as well as national health authorities and the institutions to which the relevant experts are affiliated.

The beneficiaries of Project 2 will be designated laboratories participating in the activities, in particular those in developing countries.

The beneficiaries of Project 3 will be countries in the geographic regions that are currently under-represented on the SGM roster. The SGM itself will also be able to enhance its perceived legitimacy by widening its geographical base from which to draw experts and laboratories for training activities and missions.

The beneficiaries of Project 4 will be the UN Member States and partners organising the Capstone Exercise, as well as the experts who participate in the exercise.

The beneficiaries of Project 5 will be the UNODA, relevant departments and agencies in the UN system, and international and regional partners.

7. IMPLEMENTING AGENCY – STAFFING ISSUES

The UNODA will be entrusted with the implementation of this project. The implementation of this project will be in accordance with the financing agreement to be concluded between the Commission and the UNODA. The UNODA will partner with the UNOPS, who will provide logistical and administrative support to this project. The role of the UNOPS would be limited to logistical and administrative support only.

Given the extra-budgetary character of the activities envisaged for the UNODA in the implementation of this project, additional staff will be required. The staff will be responsible for successful implementation of the project, and will organise and deliver activities identified in its projects. In particular, the staff is expected to contribute with substantive experience and expert knowledge to the design and delivery of training activities and to liaise with relevant partners such as international and regional organisations and laboratories. The staff will have to be at a senior level (at P-5 level in the UN system) in view of the complexity of the project and, in relation to the training activities, the high level of experience and knowledge needed in diverse areas, including field deployment, investigations, design and delivery of training activities, and biology and biological weapons.

In addition, the UNOPS will be engaged for the administrative and logistical support in implementing the projects and in particular in the organisation of training courses and workshops, mainly through the booking and issuing of tickets and disbursement of per diem amounts to participants. Utilising the expertise of the UNOPS as an experienced resource for project implementation and administrative support services would be a better option than hiring administrative support staff, as this often generates an expectation of continued employment with the UNODA after the end of the project and the risk that such administrative support staff will be used for non-project related assignments by virtue of being co-located in the office. Using the UNOPS as an implementing agency in this project would also allow the UNODA to further engage the UNOPS in SGM activities, including in the case of actual deployment of the SGM mission in response to a request by UN Member States. The extensive network for procurement, supplies and transportation that the UNOPS possesses could be highly advantageous in cases where the need swiftly to procure and transport equipment would be crucial to the success of a mission.

8. EU VISIBILITY

The UNODA shall take all appropriate measures to publicise the fact that this project has been funded by the Union. The Union's support will also be acknowledged in invitations and other documents that are shared with the participants of the various events. The UNODA will ensure that, where possible, the Union is represented at events that are supported under this Decision.