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PROPOSAL

From: High Representative of the Union for Foreign Affairs and Security Policy, signed by Mr Stefano SANNINO, Secretary-General

date of receipt: 17 November 2021

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

Subject: Proposal of the High Representative of the Union for Foreign Affairs and Security Policy to the Council for a Council Decision on an Assistance Measure under the European Peace Facility to support the armed forces of the Republic of Mali in conjunction with the EU Training Mission in Mali

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (29.03.2023)

Delegations will find attached document HR(2021) 172 REV 1.

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EUROPEAN EXTERNAL ACTION SERVICE



GREFFE

**Proposal of the High Representative of the Union
for Foreign Affairs and Security Policy
to the Council**

of 16/11/2021

for a Council Decision on an Assistance Measure under the European Peace Facility to support the armed forces of the Republic of Mali in conjunction with the EU Training Mission in Mali

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EXPLANATORY MEMORANDUM

1. OBJECTIVE

This Assistance Measure (AM), which consists of non-lethal support to the Malian armed forces (Forces armées maliennes, *FAMas*), is proposed in the framework of the *European Union's Integrated Strategy in the Sahel*¹, the *Partnership for Security and Stability in the Sahel (P3S)*² - pillar 2, as well as within the framework of engagements under the Roadmap of the International Coalition for Sahel adopted in March 2021 following the N'Djamena Summit.

The objectives of the AM are to strengthen the overall capabilities of the Malian armed forces and to contribute to an enhanced presence of State services in remote areas, thereby better protecting civilians. This AM will be implemented in conjunction with the EU Training Mission (EUTM) Mali.

More specifically, this support will consist of three key objectives:

- Improving the education and training of *FAMAs* Non-commissioned Officers (NCOs);
- Ensuring that training in Sévaré-Mopti takes place in a safer environment;
- Ensuring the *FAMAs* is a better fighting force.

These objectives shall be attained by way of three main actions:

1. Supporting the education of NCOs;
2. Improving the training infrastructure in Sévaré-Mopti as the main centre for the maintaining the operational readiness of the *FAMAs*.
3. Providing the necessary: i. equipment; and ii. infrastructure in order for EUTM Mali to better train the *FAMAs*;

In turn, this AM will be composed of three components:

1. Support to the NCO Academy in Banankoro;
2. Renovation of training infrastructure in Sévaré-Mopti;
3. Equipping three companies of 23rd Regiment of the 2nd Military region of Mali, according to the ULRI³ requirements.

The proposal has been developed in the context of the integrated approach on the basis of a needs assessment taking into account assessments provided by the EU Delegation in Mali in close cooperation with the Malian authorities, EUTM Mali, as well as diplomatic missions of Member States in Bamako and other relevant actors. An EEAS fact-finding mission visited Mali in August

¹ The European Union's Integrated Strategy in the Sahel - Council Conclusions (16 April 2021).

² G5 Sahel : Conférence de presse des Chefs d'État à l'issue du Sommet de Pau, 13 janvier 2020.

³ Unité légère de reconnaissance et d'intervention, ULRI.

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2021 as part of the needs identification process. The EEAS also consulted relevant Commission services and the office of the EUSR for the Sahel during the preparation of the proposal, as well as other EEAS services as appropriate. The measure does not include the provision of any military equipment, or platform, designed for delivering lethal force.

2. CONTEXT

1. Political context

One year after the first putsch that occurred on 18 August 2020, the overall situation in Mali has continued to deteriorate.

The second putsch on 24 May 2021 has weakened an already fragile political and security context in which the transitional authorities, who may yet decide to postpone elections after the 18-month period provided by the Transitional Charter, are under significant international pressure to keep the transition limited in duration.

On 30 July 2021, Prime Minister (PM) Choguel Maïga presented the Action Plan of the Government. The Plan provides for a new electoral architecture for the preparation and organisation of elections. The decision to create an election management body, against the advice of international partners and almost all Malian political parties, seems difficult to achieve in a few months.

The adoption of a timetable should follow, specifying the number and sequence of elections. Several analysts assess that priority might be given to legislative elections in February 2022, and the presidential elections might be postponed.

Although the measures taken by the current Transitional government against former President Bah N'Daw and former PM Moctar Ouane were lifted on 28 August 2021, the overall situation remains tense, with the transitional authorities facing numerous challenges on the political, social, and security fronts. In addition, the attempted assault on President Assimi Goïta during the celebration of Eid Al Kebir on 20 July 2021 paved the way for a security and judicial crackdown.

The legal proceedings initiated concurrently against three former prime ministers six months before the elections are perceived as a manipulation of the judicial system. PM Choguel Maïga, who is facing difficulties to bring his government together, is facing an increasingly firm political opposition, which includes almost all of the political parties in Mali, opposed to the reforms imposed unilaterally by PM Choguel Maïga.

In this tense context, the transitional government remains isolated on the international scene. Mali is still excluded from the Economic Community of West African States (ECOWAS) and the African Union (AU) which contributes to making President Assimi Goïta relatively insensitive to pressure

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from the international community. In a situation of isolation, support from alternative partners such as Russia⁴, Turkey⁵ and China⁶ is being considered by the Malian government.

DELETED, the communiqué issued on 16 September 2021 reconnected with the strong and unanimous position expressed by ECOWAS after the first coup in August 2020. Under the leadership of the Ghanaian presidency, the Heads of States of ECOWAS exhort the Transitional authorities to maintain “non-negotiable” elections scheduled on 27 February 2022, referring to possible targeted sanctions against those who obstruct the calendar of the 18-month transition. The Heads of States of ECOWAS also condemned any involvement of “private mercenaries” in Mali, with clear reference to the Wagner Group. On 25 October, the ECOWAS ambassador was invited to leave the country.

On 07 November, ECOWAS decided to impose sanctions with immediate effect against individuals and groups, including the entire Transition authorities and the other transition institutions⁷.

As a consequence, the implementation of this action, in particular the delivery of equipment and the start of the works on infrastructure, will be subject to assessment of further political developments in Mali.

The Foreign Affairs Council in its Defence format will discuss the situation in Mali and the consequences of the sanctions adopted by ECOWAS on 7 November 2021.

2. Security context

Security tensions have increased in the Centre and Northern regions, due to recurring attacks by the JNIM⁸ and IS⁹. These attacks are also spreading to the South¹⁰. Moreover, the resumption of clashes between radical groups and self-defence groups¹¹ is undermining ceasefire dialogues and the Algiers Peace Agreement. Although the various operations carried out with the support of regional and international forces have temporarily weakened the IS, the attack in Ouatagouna in

⁴ Cf. Several visits by Malian officials and other civilian and military figures to Russia in recent months, announcement of the possibility of a support from the Wagner Group. On September, 30th, 2021, Mali received weapons, ammunitions and four Mi-171 helicopters from Russia.

⁵ Cf. The upcoming Turkey-Africa summit which will take place in December 2021 in Istanbul.

⁶ On July, 23rd 2021, Mali and China signed a military cooperation agreement. Besides the signature of the Agreement, China has provided Mali with weapons, ammunitions, vehicles and protection equipment.

⁷ 3rd Extraordinary Summit of the ECOWAS Authority of Heads of State and Government on the situation in Mali and Guinea, Accra, 7 November 2021.

⁸ Jama'a Nusrat ul-Islam wa al-Muslimin (Support Group for Islam and Muslims).

⁹ Daesh (Islamic State).

¹⁰ See for instance “*Reversing Central Mali’s Descent into Communal Violence*”, International Crisis Group, November 2020.

¹¹ See for instance “*Sahel 2021: Communal wars, broken ceasefires, and shifting frontlines*”, ReliefWeb, June 2021.

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Northern Mali, which counted 51 civilian casualties amongst the victims¹², suggests a structural deterioration in the security situation. The *FAMas* have also fallen victim to numerous attacks or improvised explosive device (IED) incidents¹³. The increasing number of victims among Malian soldiers is mainly due to two weaknesses that are widespread in the armed forces of the Sahel: the lack of equipment and the lack of proper training for an asymmetric conflict.

In this regard, EUTM has played a crucial part in the operational training of *FAMas* since its creation in 2013. EUTM supports the implementation of the national operation plan that aims at deploying territorial regiments in order to better control sectors of the Malian territory, track terrorists and protect civilians in order to allow the return of the services of the State. In addition, EUTM also supports sustainable efforts that aim at providing an adequate training and education to the NCOs of the *FAMas*. NCOs are of particular importance as military experts consider them to be the backbone of an army. They are responsible for the efficiency of the units, the supervision of the troops for their respect of armed conflict law and international human rights law.

3. BENEFICIARY REQUEST

On November, 4th, 2021, the beneficiary has addressed a formal request for assistance to the HR.

4. PROPOSED SUPPORT

The proposed AM comprises the provision of three support packages in the form of non-lethal equipment to strengthen the capacities of the EUTM-trained units. These entail the delivery of: 1) a support to the NCO Academy in Banankoro; 2) the renovation of training infrastructure in Sévaré-Mopti; 3) the provision of equipment to three companies of 23rd Regiment of the 2nd Military region of Mali, according to the ULRI requirements.

The estimated amount to cover the expenditure related to the proposed AM is EUR 24,000,000.00 to cover the three components of the proposed support, for a period of 30 months.

¹² See for instance « Attaque de civils au Mali : la population terrorisée par des groupes djihadistes », *Le Monde*, 10 August 2021.

¹³ See for instance « Attaque dans le centre du Mali : au moins 16 militaires tués », *Ouest France*, 06 October 2021 ; « Mali : un militaire tué et 3 autres blessés dans une attaque dans le nord », *Anadolu Agency*, 17 October 2021.

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Proposal for a

COUNCIL DECISION

**on an Assistance Measure under the European Peace Facility
to support the armed forces of the Republic of Mali in conjunction with
the EU Training Mission in Mali**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(2) thereof,

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

Whereas:

- (1) In accordance with Decision (CFSP) 2021/509 ⁽¹⁴⁾, a European Peace Facility (EPF) was established for the financing by Member States of Union actions under the Common Foreign and Security Policy to preserve peace, prevent conflicts and strengthen international security in accordance with Article 21(2), point (c), of the Treaty. In particular, in accordance with Article 1(2), point (b) (i), of Decision (CFSP) 2021/509, the EPF may finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defense matters.
- (2) The current crisis in Mali and the Sahel region is multidimensional, with a severe risk of spillover to neighboring countries and specifically to the Gulf of Guinea. The international community, including the Union as well as Member States, has invested considerable efforts to support the Republic of Mali in its fight against terrorism over the recent period. The European Union Training Mission in Mali (EUTM Mali) continues its support to the capacity building of the Malian armed forces, as part of the EU Integrated Approach to the crisis in Mali
- (3) In its Resolutions 2391 (2017) and 2480 (2019), the UN Security Council affirmed its strong commitment to the sovereignty, independence, unity and territorial integrity of the countries of the Group of Five for the Sahel (G5 Sahel), namely Burkina Faso, Chad, Mali, Mauritania and Niger, commended the contribution of bilateral and multilateral partners to strengthen security capacities in the Sahel region, notably the role of the European Union missions (EUTM Mali, EUCAP Sahel Mali and EUCAP Sahel Niger) in providing training and strategic advice to national security forces in the Sahel region, welcomed the efforts of the French forces to support the operations of the G5 Sahel Joint Force, and called for adequate coordination, exchange of information and, when applicable, support between MINUSMA, the Malian Armed Forces, the G5 Sahel Joint force, the French Forces and the European Union missions in Mali.

¹⁴ Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528 (OJ L 102, 24.3.2021, p. 14).

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- (4) In its letter of 4 November 2021 addressed to the High Representative of the Union for Foreign Affairs and Security Policy (the ‘High Representative’), the Malian Ministry of Foreign Affairs requested the Union to continue and enhance its support to the Malian armed forces in three key areas, in conjunction with EUTM Mali.
- (5) The assistance measure is to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, and in particular compliance with Council Common Position 2008/944/CFSP, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (6) The implementation will also be subject to regular assessment of political developments in Mali, in accordance with the Integrated methodological framework for assessing and identifying the required mitigating measures and controls for assistance measures under the EPF. In particular, the implementation should not contravene the security and defence interests of the Union and its Member States.
- (7) The Council reaffirms its determination to protect, promote and fulfil human rights, fundamental freedoms and democratic principles and to strengthen the rule of law and good governance in compliance with the United Nations Charter, with the Universal Declaration of Human Rights and with international law, in particular international human rights and international humanitarian law,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An Assistance Measure benefiting the Republic of Mali (the ‘beneficiary’) to be financed under the European Peace Facility (EPF) (the ‘Assistance Measure’) is hereby established.
2. The objective of the Assistance Measure is to strengthen the overall capacities of the Malian armed forces in restoring their military capacity with a view to enabling them to conduct military operations aiming at restoring Malian territorial integrity and reducing the threat posed by terrorist groups. This should benefit of the population, contribute to an enhanced presence of the State services in remote areas and a better protection of civilians.
3. To achieve the objectives set out in paragraph 2, the Assistance Measure aims to further professionalise supported units of the Malian armed forces through relevant and adequate training and equipment provided through three projects:
 - i. support to the Non Commissioned Officers Academy in Banankoro;
 - ii. the renovation of training infrastructure in Sévaré-Mopti; and
 - iii. the provision of equipment not designed to deliver lethal force for three companies of 23rd Regiment of the 2nd military region of Mali, according to the Unité légère de reconnaissance et d’intervention (ULRI) requirements.

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4. The duration of the Assistance Measure shall be thirty months from the date of conclusion of the agreement between the administrator for assistance measures and the entity referred to in Article 4(2) in accordance with Art. 61(4) of Decision (CFSP) 2021/509.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the Assistance Measure shall be a maximum of EUR 24 000 000.
2. All expenditure shall be managed in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

Article 3

Arrangements with the beneficiary

1. The High Representative shall make the necessary arrangements with the beneficiary to ensure its compliance with the requirements and conditions established by this Decision as a condition for the provision of support under the Assistance Measure.
2. The arrangements referred to in paragraph 1 shall include provisions obliging the beneficiary to ensure:
 - a) compliance with relevant international law, in particular international human rights and international humanitarian law, as well as the commitment of the Malian government to enhance the fight against impunity in particular regarding human rights violations; and take the necessary steps to strengthen the accountability of units benefiting from the Assistance measure;
 - b) the proper and efficient use of any assets provided under the Assistance Measure for the purposes for which they were provided and by units and personnel that are trained under the supervision of EUTM or accompanied by international forces and have not been reported as having committed abuses or violence;
 - c) that any assets provided under this Assistance Measure will only be used by Malian forces and, in case of any form of collaboration, exclusively with state actors which are armed forces of EU partners, in particular G5 Sahel joint force and G5 Sahel armed forces;
 - d) the sufficient maintenance of any assets provided under the Assistance Measure to ensure their usability and their operational availability over their life cycle;
 - e) that any assets provided under the Assistance Measure will not be lost, or be transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 to persons or entities other than those identified in those arrangements, at the end of their life-cycle.

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3. The arrangements referred to in paragraph 1 shall include provisions on the suspension and termination of support under the Assistance Measure in the event of the beneficiary being found in breach of these obligations.

4. In case of breach of any provisions of the arrangement mentioned in article 3.2, the High Representative will take proportionate steps in response in the context of the integrated approach, including the obligation to return the relevant assets provided under this Assistance measure.

Article 4

Implementation

1. The High Representative shall be responsible for ensuring the implementation of this Decision in accordance with Decision (CFSP) 2021/509 and with the rules for the implementation of revenue and expenditure financed under the EPF, consistently with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.
2. The implementation of the activities referred to in Article 1(3) shall be carried out by Expertise France.
3. The High Representative shall authorize the delivery of the assistance after the acceptance by the beneficiary of the requirements and conditions established by this Decision.

In accordance with Article 61(4) of Decision (CFSP) 2021/509, the administrator for assistance measures shall conclude the necessary contracts with the implementing actors.

Article 5

Monitoring, control and evaluation

1. The High Representative shall ensure that the respect of the obligations established in accordance with Article 3 by the beneficiary is monitored. This monitoring shall provide awareness about the context and the risks of breaches of the obligations established in accordance with Article 3, and shall contribute to the prevention of such breaches, including violations of international human rights and international humanitarian law, involving the use of equipment provided under the Assistance Measure. In such cases, the High Representative shall report to PSC and propose proportional measures.

2. The post-shipment control of equipment and supplies shall be organised as follows:

- i. delivery verification, whereby delivery certificates are to be signed by the end-user forces upon transfer of ownership;
- ii. reporting on the inventory, whereby the beneficiary is to report annually on the inventory and state of designated items; reporting is to continue throughout the life-

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- cycle of the assets or until no longer deemed necessary by the Political and Security Committee (PSC);
- iii. on-site control, whereby the beneficiary is to grant the High Representative access to conduct on-site control upon request.

3. Taking into account the provisions as set out in article 3(2), the High Representative shall conduct an evaluation, in the form of a first assessment of the Assistance Measure, six months after the delivery of the equipment to the three units of the 23rd Regiment, the end of the first promotion of the NCO Academy or the completion of the construction of the training facility in Severe, whichever comes last. This will entail on-site visits to check the equipment and supplies delivered under the Assistance Measure, or any other effective forms of independently provided information. A final evaluation shall be conducted at the end of the implementation period of the Assistance Measure to assess whether the Assistance Measure has contributed to reach the stated objectives.

Article 6

Reporting

At the beginning of and during the period of implementation, the High Representative shall provide the Political and Security Committee (PSC) with reports in case of any reported breaches of the arrangement, or any relevant political or security developments, as well as upon request that shall include up-to-date information on the state of implementation of the Assistance Measure, in accordance with Article 63 of Decision (CFSP) 2021/509. The administrator for assistance measures shall regularly inform the Facility Committee established by Decision (CFSP) 2021/509 on the implementation of revenue and expenditure in accordance with Article 38 of that Decision

Article 7

Suspension and termination

The beneficiary shall respect its commitments and obligations from the arrangement with the High Representative. The High Representative shall assess information on possible breaches or infringements to those commitments and obligations which will lead to the examination of the possible suspension or termination at any time of the assistance measure. In accordance with Article 64 of Decision (CFSP) 2021/509, the PSC may decide to suspend wholly or partially the implementation of the Assistance Measure at the request of a Member State or the High Representative in the following cases:

- (i) if the beneficiary is in breach of its obligations under international law, in particular human rights and international humanitarian law, or if it does not fulfil the commitments made under the arrangements referred to in Article 3;
- (ii) if the contract with an implementing actor has been suspended or terminated following a breach of its obligations under the contract;

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(iii) if the situation in the country or area of concern no longer allows for the measure to be implemented whilst ensuring sufficient guarantees;

(iv) if the pursuit of the measure no longer serves its objectives or is no longer in the interest of the Union.

In urgent and exceptional cases the High Representative may provisionally suspend wholly or partially the implementation of an assistance measure pending a decision by the PSC.

The PSC may also recommend that the Council terminate the Assistance Measure.

Article 8

Entry into force

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

Done at Brussels,

For the Council
The President