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

COUNCIL DECISION (CFSP) 2020/732

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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.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2020/732. (See end of Document for details)*

(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.

(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'.

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2020/732. (See end of Document for details)*

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.

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.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2020/732. (See end of Document for details)*

Done at Brussels, 2 June 2020.

For the Council

The President

G. GRLIĆ RADMAN

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2020/732. (See end of Document for details)*

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.