COUNCIL DECISION (CFSP) 2023/1440
of 10 July 2023
on an assistance measure under the European Peace Facility to support the Ghana Armed Forces

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) Council Decision (CFSP) 2021/509 (1) establishes the European Peace Facility (EPF) for the financing by Member States of Union actions under the common foreign and security policy (CFSP) to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) of Decision (CFSP) 2021/509, the EPF is to be used for the financing of assistance measures such as actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.

(2) The northern regions of the coastal countries of the Gulf of Guinea, namely Ghana, Côte d’Ivoire, Benin and Togo, have been experiencing deteriorating security conditions in connection with the crisis affecting the central Sahel.

(3) In light of the deteriorating security environment, it is important to strengthen the defence and security forces to enable and support stabilisation efforts in Ghana. In this context, and fully cognisant of the fact that the situation requires an integrated response, long-term peace and security in Ghana are a key priority for the Union.

(4) On 5 May 2023, the High Representative of the Union for Foreign Affairs and Security Policy received a request from Ghana for the Union to assist the Ghana Armed Forces with the procurement of key equipment to strengthen the operational capabilities of the military units deployed in the northern part of the country to fight armed groups and counteract and reduce the opportunities for those groups to commit terrorist attacks.

(5) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, in particular compliance with Council Common Position 2008/944/CFSP (2), and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.

(6) 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, the Universal Declaration of Human Rights and international law, in particular international human rights law and international humanitarian law,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefiting Ghana (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 enhance the capabilities of the Ghana Armed Forces to protect the territorial integrity and sovereignty of Ghana and its civilian population against internal and external aggression and to contribute to peace and stability within the region.

3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the following types of equipment not designed to deliver lethal force:
   (a) intelligence and surveillance equipment;
   (b) electronic warfare systems;
   (c) military engineering equipment;
   (d) riverine equipment;
   (e) explosive ordnance disposal equipment.

4. The assistance measure shall finance the transfer to Ghana of 105 militarized vehicles seized by Operation EUNAVFOR MED IRINI on board the merchant vessel MV Victory RoRo on 18 July 2022 due to that vessel's violation of the United Nations' arms embargo on Libya.

5. The duration of the assistance measure shall be 30 months from the date of adoption of this Decision.

**Article 2**

**Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 8 250 000.

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.

3. Expenditure related to the implementation of the assistance measure shall be eligible from the date of adoption of this Decision.

**Article 3**

**Arrangements with the beneficiary**

1. The High Representative of the Union for Foreign Affairs and Security Policy (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) the compliance of the Ghana Armed Forces with relevant international law, in particular international human rights law and international humanitarian law;
   (b) the proper and efficient use of any assets provided under the assistance measure for the purposes for which they were provided;
   (c) the sufficient maintenance of any assets provided under the assistance measure to ensure their usability and their operational availability over their life cycle;
   (d) 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.

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 the obligations set out in paragraph 2.
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 the rules for the implementation of revenue and expenditure financed under the EPF, in line 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 the administrator for assistance measures, through an administrative arrangement with the *Economat des Armées* in accordance with Article 37 of Decision (CFSP) 2021/509.

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor the compliance by the beneficiary with the obligations set out in Article 3. This monitoring shall be used to provide awareness of the context and the risks of breaches of the obligations established in accordance with Article 3, and to contribute to the prevention of such breaches, including violations of international human rights law and international humanitarian law by the Ghana Armed Forces.

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

   (a) delivery verification, whereby EPF delivery certificates are to be signed by the end-user forces upon transfer of ownership;

   (b) reporting, whereby the beneficiary is to report annually on the activities conducted with the equipment provided under the assistance measure and on the inventory of designated items, as relevant, until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);

   (c) on-site inspections, whereby the beneficiary is to grant the High Representative access to conduct on-site controls upon request.

3. The High Representative shall conduct a final evaluation upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the objectives stated in Article 1(2).

Article 6

Reporting

During the period of implementation, the High Representative shall provide the PSC with six-monthly reports on the 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 as to the implementation of revenue and expenditure in accordance with Article 38 of that Decision, including by providing information on the suppliers and subcontractors involved.

Article 7

Suspension and termination

1. The PSC may decide to suspend wholly or partially the implementation of the assistance measure in accordance with Article 64 of Decision (CFSP) 2021/509.

2. 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 date of its adoption.

Done at Brussels, 10 July 2023.

For the Council
The President
P. NAVARRO RÍOS