

**COUNCIL JOINT ACTION 2007/108/CFSP****of 15 February 2007****extending the mandate of the European Union Special Representative for Sudan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 14, 18(5) and 23(2) thereof,

Whereas

- (1) On 5 July 2006, the Council adopted Joint Action 2006/468/CFSP renewing and revising the mandate of the Special Representative of the European Union for Sudan <sup>(1)</sup>.
- (2) The European Union has been actively involved at diplomatic and political level since the beginnings of the international efforts to contain and resolve the Darfur crisis.
- (3) The Union wishes to strengthen its political role in a crisis with a multitude of local, regional and international actors and to maintain coherence between the Union's assistance to the crisis management in Darfur, led by the African Union (AU), on the one hand, and overall political relations with Sudan, including implementation of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan Peoples Liberation Movement/Army (SPLM/A), on the other.
- (4) On 5 May 2006, the Darfur Peace Agreement (DPA) was concluded in Abuja by the Government of Sudan and individual rebel factions. The Union will support efforts to broaden support for the DPA among rebel groups as a crucial element of an all-inclusive political process, which remains the precondition for lasting peace and security and an end to the suffering of millions of the people in Darfur. The functions of the Special Representative of the European Union (EUSR) should take full account of the role of the Union as regards the implementation of the DPA, including in relation to the Darfur-Darfur Dialogue and Consultation process.
- (5) The Union has provided a significant amount of assistance to the AU Mission in the Darfur region of Sudan (AMIS) in terms of planning and management support, funding and logistics.
- (6) On 31 March 2005, the United Nations (UN) Security Council, informed by the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur, adopted Resolution 1593 (2005) which refers the situation in Darfur to the International Criminal Court.
- (7) On 31 August 2006, the UN Security Council adopted Resolution 1706 (2006), which mandates the UN Mission in Sudan (UNMIS) to intensify its engagement in Darfur as well to take steps, in consultation with the AU, to strengthen the African Union mission in the Darfur (AMIS) through the use of UN resources. With a view to implementing this decision, the UN, the AU and the Sudanese government met for a High Level Consultation in Addis Ababa on 16 November 2006. The parties agreed on a three-phased approach of UN support for AMIS leading to an eventual hybrid AU-UN Force.
- (8) The AU Peace and Security Council, while endorsing the conclusions of the Addis Ababa Consultation, decided to extend the mandate of AMIS for a period of 6 months until 30 June 2007, subject to review by the AU and based on the availability of financial resources. On 15 December 2006, the European Council agreed to extend the European Union civilian-military supporting action to AMIS. Commensurate political engagement with the AU, the UN and the Government of Sudan, and specific coordination capacity, therefore continues to be required.
- (9) On 19 December 2006, the UN Secretary-General appointed a Special Envoy for Darfur.
- (10) The permanent presence in Khartoum allows for a continuation of the contacts of the EUSR with the Government of Sudan, the Sudanese political parties, the AMIS Mission Headquarter, the United Nations and its agencies, and diplomatic missions, as well as a participation in the activities of the Assessment and Evaluation Committees established to oversee the implementation of CPA and DPA respectively and closer monitoring of the situation in Eastern Sudan after the conclusion of the Eastern Sudan Peace Agreement (ESPA). Similarly, a presence in Juba would allow for maintaining closer and more regular contacts with the Government of Southern Sudan and the SPLM, as well as following the situation in Southern Sudan more closely.

<sup>(1)</sup> OJ L 184, 6.7.2006, p. 38.

- (11) On 7 June 2006, the Council approved the policy of the European Union on the security of personnel deployed outside the European Union in an operational capacity under Title V of the Treaty on European Union.
- (12) On the basis of a review of Joint Action 2006/468/CFSP, the mandate of the EUSR for Sudan should, in principle, be extended for a period of 12 months.
- (13) Mr Pekka HAAVISTO has informed the Secretary-General/High Representative of his intention to resign at the end of April 2007. His mandate should thus be extended until 30 April 2007. The Council intends to appoint a new EUSR for the remaining period of the mandate.
- (14) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

#### Article 1

##### European Union Special Representative

The mandate of Mr Pekka HAAVISTO as European Union Special Representative (EUSR) for Sudan is hereby extended until 30 April 2007.

#### Article 2

##### Policy objectives

The mandate of the EUSR shall be based on the policy objectives of the European Union in Sudan, notably as regards:

- (a) efforts, as part of the international community and in support of the African Union (AU) and the United Nations (UN), to assist the Sudanese parties, the AU and the UN to achieve a political settlement of the conflict in Darfur, including through the implementation of the Darfur Peace Agreement (DPA) and to facilitate the implementation of the Comprehensive Peace Agreement (CPA) and promote South-South dialogue, as well as facilitating the implementation of the Eastern Sudan Peace Agreement (ESPA), with due regard to the regional ramifications of these issues and to the principle of African ownership; and
- (b) ensuring maximum effectiveness and visibility of the Union's contribution to the AU mission in the Darfur region of Sudan (AMIS).

#### Article 3

##### Mandate

1. In order to achieve the policy objectives the EUSR's mandate shall be to:
- (a) liaise with the AU, the Government of Sudan, the Government of Southern Sudan, the Darfur armed movements and other Sudanese parties as well as non-governmental organisations and maintain close collaboration with the UN and other relevant international actors, with the aim of pursuing the Union's policy objectives;
- (b) represent the Union at the Darfur-Darfur dialogue, at high level meetings of the Joint Commission, as well as other relevant meetings as requested;
- (c) represent the Union, whenever possible, at the CPA and DPA Assessment and Evaluation Commissions;
- (d) follow developments regarding the implementation of the ESPA;
- (e) ensure coherence between the Union's contribution to crisis management in Darfur and the overall political relationship of the Union with Sudan;
- (f) with regard to human rights, including the rights of children and women, and the fight against impunity in Sudan, follow the situation and maintain regular contacts with the Sudanese authorities, the AU and the UN, in particular with the Office of the High Commissioner for Human Rights, the human rights observers active in the region and the Office of the Prosecutor of the International Criminal Court.
2. For the purpose of the fulfilment of his mandate, the EUSR shall, *inter alia*:
- (a) maintain an overview of all activities of the Union;
- (b) ensure coordination and coherence of the Union's contributions to AMIS;

(c) support the political process and activities relating to the implementation of the CPA, the DPA and the ESPA; and

(d) follow up and report on compliance by the Sudanese parties with the relevant UN Security Council Resolutions, notably 1556 (2004), 1564 (2004), 1591 (2005), 1593 (2005), 1672 (2006), 1679 (2006) and 1706 (2006).

#### Article 4

##### Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the Secretary-General/High Representative (SG/HR). The EUSR shall be accountable to the Commission for all expenditure.

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political input within the framework of the mandate.

3. The EUSR shall regularly report to the PSC on the situation in Darfur and the Union's assistance to AMIS, as well as on the situation in Sudan as a whole.

#### Article 5

##### Financing

1. The expenditure relating to the mandate of the EUSR in the period from 1 March 2007 to 30 April 2007 shall be covered by the financial reference amount decided by the Council for the mandate of the EUSR during the period from 18 July 2006 to 28 February 2007.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission.

4. The Presidency, Commission, and/or Member States, as appropriate, shall provide logistical support in the region.

#### Article 6

##### Constitution of the Team

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency, assisted by the SG/HR, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the final composition of his team.

2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The remuneration of personnel who are seconded by a Member State or an institution of the European Union to the EUSR shall be covered by the Member State or the institution of the European Union concerned respectively.

3. All A-type posts which are not covered by secondment shall be advertised, as appropriate, by the General Secretariat of the Council and notified to Member States and institutions of the European Union in order to recruit the best-qualified applicants.

4. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

#### Article 7

##### Security

1. The EUSR and the members of his team shall respect security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations<sup>(1)</sup>, in particular when managing EU classified information.

2. The EUSR shall, in accordance with the policy of the European Union on the security of personnel deployed outside the European Union in an operational capacity under Title V of the Treaty on European Union, take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

<sup>(1)</sup> OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/952/EC (OJ L 346, 29.12.2005, p. 18).

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, the management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the European Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the European Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the SG/HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports;
- (e) ensuring, as necessary and within his responsibilities as part of the chain of command, that a coherent approach is taken with regard to the security of personnel across all EU elements present in a crisis management operation or operations in his geographical area of responsibility.

#### Article 8

##### Coordination Cell

1. In the coordination of the Union's contributions to AMIS, the EUSR shall be assisted by the ad hoc Coordination Cell (EUSR Office) established in Addis Ababa, acting under his authority, as referred to in Article 5(2) of Joint Action 2005/557/CFSP of 18 July 2005 on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan <sup>(1)</sup>.
2. The EUSR Office in Addis Ababa shall comprise a political advisor, a senior military advisor and a police advisor.
3. The police and military advisors in the EUSR Office shall act as advisors to the EUSR respectively regarding the police and military components of the Union's supporting action referred to in paragraph 1. In that capacity, they shall report to the EUSR.
4. The police and military advisors shall not receive instructions from the EUSR regarding the management of expenditure in relation respectively to the police and military

components of the Union's supporting action referred to in paragraph 1. The EUSR shall bear no responsibility in this respect.

5. An Office of the EUSR shall be established in Khartoum, comprising a Political Advisor and the necessary administrative and logistic support staff. In accordance with the mandate described in article 3, sub-offices in Darfur and Southern Sudan shall also be established if the Office in Khartoum cannot provide all necessary support to EUSR staff deployed in other regions of Sudan. The Office in Khartoum shall draw on the technical expertise of the EUSR Office in Addis Ababa regarding military and police matters, whenever required.

#### Article 9

##### Reporting

As a rule, the EUSR shall report in person to the SG/HR and to the PSC and may report also to the relevant Working Group. Regular written reports shall be circulated to the SG/HR, the Council and the Commission. On the recommendation of the SG/HR and the PSC, the EUSR may report to the General Affairs and External relations Council.

#### Article 10

##### Coordination

To ensure the consistency of the external action of the European Union, the activities of the EUSR shall be coordinated with those of the SG/HR, the Presidency and the Commission. The EUSR shall provide Member States' missions and Commission delegations with regular briefings. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission, who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

#### Article 11

##### Review

The implementation of this Joint Action and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the SG/HR, the Council and the Commission with a comprehensive mandate implementation report by mid April 2007.

#### Article 12

##### Entry into force

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

<sup>(1)</sup> OJ L 188, 20.7.2005, p. 46.

*Article 13***Publication**

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 15 February 2007.

*For the Council*

*The President*

W. SCHÄUBLE

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