

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL JOINT ACTION 2005/556/CFSP
of 18 July 2005
appointing a Special Representative of the European Union for Sudan

THE COUNCIL OF THE EUROPEAN UNION,

political engagement with the AU and the Government of Sudan, and specific coordination capacity.

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

(5) On 31 March 2005 the United Nations (UN) Security Council adopted Resolution 1593(2005) on the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur.

Whereas

(1) The European Union has been actively involved at the diplomatic and political level since the beginning of the international efforts to contain and resolve the Darfur crisis.

(6) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the CFSP as set out in Article 11 of the Treaty,

(2) 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 with regards to the implementation of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan Peoples Liberation Movement/Army (SPLM/A) on the other.

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mr Pekka HAAVISTO is hereby appointed as European Union Special Representative (EUSR) for Sudan.

Article 2

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

(3) The Union has provided an ever-growing amount of assistance to the AU mission in the Darfur region of Sudan (AMIS) in terms of planning and management support, funding and logistics.

(a) efforts, as part of the international community and in support of the AU and the UN, to achieve a political settlement of the conflict in Darfur as well as to facilitate the implementation of the CPA and to promote South-South dialogue, with due regard to the regional ramifications of these issues and to the principle of African ownership; and

(4) The AU has decided to expand AMIS to 6 171 military and 1 560 civilian police personnel, and the Union is, in support of the AU, proposing for this enhancement a set of measures as defined by 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 ⁽¹⁾, which require commensurate

(b) ensuring maximum effectiveness and visibility of the Union's contribution to AMIS.

⁽¹⁾ See page 46 of this Official Journal.

Article 3

1. In order to achieve the policy objectives the EUSR's mandate shall be to:

- (a) liaise with the AU, the Government of Sudan 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 Union's policy objectives;
- (b) represent the Union at the Abuja political talks, at high level meetings of the Joint Commission, as well as other relevant meetings as requested;
- (c) ensure coherence between the Union's contribution to crisis management in Darfur and the overall political relationship of the Union with Sudan;
- (d) 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; and
- (d) follow up and report on compliance of the Sudanese parties with the relevant UN Security Council Resolutions, notably 1556(2004), 1564(2004), 1591(2005) and 1593(2005).

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the High Representative. 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 implementation of the Union's assistance to AMIS and on the evolution of the situation in Darfur as well as in the Sudan as a whole.

Article 5

1. The financial reference amount intended to cover the expenditure related to the EUSR's mandate for a 6-month period shall be EUR 675 000. The Council shall decide, as necessary, on the financial reference amount for the continuation of this Joint Action.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the budget, 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. Expenditure shall be eligible as from the day of the adoption of this Joint Action.

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

Article 6

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 Secretary General/High Representative, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the 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 might be 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

1. In the coordination of Union's contributions to AMIS, the EUSR shall be assisted by an ad hoc Coordination Cell (ACC) established in Addis Ababa, acting under his authority, as referred to in Article 5(2) of the Joint Action 2005/557/CFSP.

2. The ACC shall comprise a political advisor, a military advisor and a police advisor.

3. The police and military advisors in the ACC 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.

Article 8

As a rule, the EUSR shall report in person to the High Representative and to the PSC and may report also to the relevant Working Group. Regular written reports shall be circulated to the High Representative, the Council and the Commission. On the recommendation of the High Representative and the PSC,

the EUSR may report to the General Affairs and External Relations Council.

Article 9

To ensure the consistency of the external action of the Union, the activities of the EUSR shall be coordinated with those of the High Representative, the Presidency and the Commission. The EUSR shall provide regular briefings to Member States' missions and Commission delegations. 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 10

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 a comprehensive written report on the implementation of the mandate to the High Representative, the Council and the Commission two months before the mandate expires. The report shall form a basis for evaluation of this Joint Action in the relevant Working Groups and by the PSC. In the context of overall priorities for deployment, the High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 11

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

It shall apply until the end of the Union's supporting action as decided by the Council in accordance with Article 16(2) of Joint Action 2005/557/CFSP.

Article 12

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

Done at Brussels, 18 July 2005.

For the Council
J. STRAW
The President