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►B ►M1 **COUNCIL DECISION 2010/450/CFSP**

of 11 August 2010

appointing the European Union Special Representative for the Republic of Sudan and the Republic of South Sudan ◄

(OJ L 211, 12.8.2010, p. 42)

Amended by:

		Official Journal		
		No	page	date
►M1	Council Decision 2011/499/CFSP of 1 August 2011	L 206	50	11.8.2011

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COUNCIL DECISION 2010/450/CFSP

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appointing the European Union Special Representative for the Republic of Sudan and the Republic of South Sudan

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 28, 31(2) and 33 thereof,

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

Whereas:

(1) On 18 July 2005, the Council adopted Joint Action 2005/556/CFSP ([1]) concerning the appointment of a European Union Special Representative (hereinafter the EUSR) for Sudan.

(2) Mrs Rosalind MARSDEN should be appointed as EUSR for Sudan from 1 September 2010 to 31 August 2011. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the HR) following the entry into force of the Decision establishing the European External Action Service.

(3) The EUSR will implement her mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

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Article 1

European Union Special Representative

Mrs Rosalind MARSDEN is hereby appointed as the European Union Special Representative (EUSR) for the Republic of Sudan (Sudan) and the Republic of South Sudan (South Sudan) from 9 July 2011 until 30 June 2012. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

([1]) OJ L 188, 20.7.2005, p. 43.

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Article 2

Policy objectives

The mandate of the EUSR shall be based on the policy objectives of the European Union ('the EU' or 'the Union') in relation to Sudan and South Sudan, working with the Sudanese parties, the African Union (AU) and the United Nations (UN) and other national, regional and international stakeholders, to achieve a peaceful co-existence between Sudan and South Sudan following the expiry of the Comprehensive Peace Agreement (CPA) and South Sudan's independence on 9 July 2011. The Union's policy objectives include actively contributing to the resolution of any outstanding CPA and post-CPA issues and helping the parties to implement what has been agreed; supporting efforts to stabilise the volatile north-south border area; promoting institution building and fostering stability, security and development in South Sudan; facilitating a political solution to the conflict in Darfur; promoting democratic governance, accountability and respect for human rights, including cooperation with the International Criminal Court; maintaining engagement in eastern Sudan; and improving humanitarian access throughout Sudan and South Sudan.

In addition, the mandate of the EUSR shall be based on the Union's policy objective to contribute to the mitigation and elimination of threats to the stability of South Sudan and the wider region posed by the Lords Resistance Army (LRA).

Article 3

Mandate

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

(a) liaise with the Government of Sudan, the Government of South Sudan, Sudanese and South Sudanese political parties, the Darfur armed movements, civil society and non-governmental organisations, with the aim of pursuing the Union's policy objectives;

(b) maintain close cooperation with the UN, the AU and in particular the AU High-Level Implementation Panel for Sudan (AUHIP), the League of Arab States, the Inter-Governmental Agency for Development and other leading regional and international stakeholders including the US Special Envoy;

(c) participate in relevant international and public forums to promote the Union's policy objectives and the coherence of international efforts towards Sudan;

(d) contribute to international efforts to facilitate a comprehensive, inclusive and durable peace agreement for Darfur working closely with the UN, the AU, the Governments of Qatar and other international stakeholders;

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(e) promote respect for human rights by maintaining regular contacts with the relevant authorities in Sudan and South Sudan, the Office of the Prosecutor of the International Criminal Court, the Office of the High Commissioner for Human Rights and the human rights observers active in the region;

(f) contribute to the implementation of the Union's human rights policy, including the Union Guidelines on human rights, in particular the EU Guidelines on Children and Armed Conflict as well as on violence against women and girls and combating all forms of discrimination against them, and the Union policy regarding UN Security Council Resolution (UNSCR) 1325 (2000) on Women, Peace and Security, including by monitoring and reporting on developments as well as formulating recommendations in this regard;

(g) actively contribute to the implementation of a comprehensive Union approach to Sudan and South Sudan as agreed by the Foreign Affairs Council on 20 June 2011;

(h) have oversight of and coordinate Union engagement with all relevant stakeholders to support efforts to mitigate and eliminate the threat to civilians and stability in South Sudan and the wider region posed by the LRA.

2. For the purpose of the fulfilment of her mandate, the EUSR shall, inter alia:

(a) advise and report on the definition of Union positions in international forums in order to proactively promote and strengthen a consistent Union policy approach towards Sudan and South Sudan;

(b) maintain an overview of all activities of the Union and cooperate closely with the Union delegations in Khartoum, Juba and the Union delegations to the AU in Addis Ababa and to the UN in New York;

(c) contribute to the political process and activities relating to the resolution of any outstanding CPA and post-CPA issues and help the parties to implement what has been agreed as well as support efforts in the area of institution-building in South Sudan;

(d) contribute to the implementation of the Union's human rights policy, including the Union Guidelines on Human Rights, in particular the EU Guidelines on Children and Armed Conflict as well as on violence against women and girls and combating all forms of discrimination against them, and the Union policy regarding UNSCR 1325 (2000) on Women, Peace and Security, including by monitoring and reporting on developments in this regard; and

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(e) follow up and report on compliance by the Sudanese and South Sudanese parties with the relevant UNSCRs, in particular 1556 (2004), 1564 (2004), 1590 (2005), 1591 (2005), 1593 (2005), 1612 (2005), 1663 (2006), 1672 (2006), 1679 (2006), 1769 (2007), 1778 (2007), 1881 (2009), 1882 (2009), 1891 (2009), 1919 (2010).

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Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority of the HR.

2. The Political and Security Committee (hereinafter the PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

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3. The EUSR shall work in close coordination with the European External Action Service (EEAS).

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Article 5

Financing

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1. The financial reference amount of EUR 1 820 000 shall be increased by EUR 955 000 to cover the expenditure related to the mandate of the EUSR for the period from 1 September 2010 to 30 June 2012.

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2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

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

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Article 6

Constitution and composition of the team

1. Within the limits of her mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting her team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of her team.

2. Member States, institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the Union to the EUSR shall be covered by the Member State, the institution of the Union concerned or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.

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3. All seconded personnel shall remain under the administrative authority of the sending Member State, institution of the Union or the EEAS and shall carry out their duties and act in the interest of the mandate of the EUSR.

4. Offices of the EUSR shall be maintained in Brussels, Khartoum and Juba with the necessary political, administrative and logistic support staff.

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Article 7

Privileges and immunities of the EUSR and her staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of her staff shall be agreed with the host party/parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

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Article 8

Security of EU classified information

The EUSR and the members of her team shall respect the security principles and minimum standards established by Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information ([1]).

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Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2. The Union delegation and/or Member States, as appropriate, shall provide logistical support in the region.

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Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with her mandate and the security situation in her geographical area of responsibility, for the security of all personnel under her direct authority, in particular by:

(a) establishing a mission-specific security plan, including physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and including a mission contingency and evacuation plan;

(b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;

([1]) OJ L 141, 27.5.2011, p. 17.

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(c) ensuring that all members of her team to be deployed outside the 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;

(d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the Council, the HR 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.

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Article 11

Reporting

1. The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as necessary to Council working parties. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

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2. The EUSR shall regularly report to the PSC on the situation in Darfur and on the situation in Sudan and South Sudan.

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Article 12

Coordination

1. The EUSR shall promote overall Union political coordination. She shall help to ensure that all Union instruments in the field are engaged coherently to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region. The EUSR shall provide Member States' missions and the Union's delegations with regular briefings.

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2. In the field, close liaison shall be maintained with the Heads of the Union delegations, including in Khartoum, Juba, Addis Ababa and New York and with Member States' Heads of Mission. They 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 13

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a progress report before the end of January 2012 and a comprehensive mandate implementation report at the end of the mandate.

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Article 14

Entry into force

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