EUROPEAN PARLIAMENT

2004 *2009*

Committee on Development

2005/0068(CNS)

7.6.2005

OPINION

of the Committee on Development

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council regulation imposing certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan (COM(2005)0180 – C6-0138/2005 – 2005/0068(CNS))

Draftswoman: Ana Maria Gomes

PA_Leg

SHORT JUSTIFICATION

The Committee on Development has been consulted regarding a draft regulation which will enable the funds and the economic resources of certain persons and entities to be frozen in the light of the situation in Darfur (Sudan). The proposal for a regulation constitutes an enactment of UN Security Council Resolution 1591(2005), which was adopted on 15 November 2004 and which provides not only for a freeze on assets and economic resources but also for an arms embargo.

The persons targeted are those who (in the UN's words) 'impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate [the arms embargo] or are responsible for offensive military overflights'.

Since the Security Council is acting in accordance with Chapter VII of the UN Charter, the Community and the Member States are required to implement the proposal.

The list of targeted persons and entities will be drawn up confidentially by a Committee (Article 3 of Resolution 1591(2005)) in order to prevent - in so far as is possible - funds and economic resources which should be frozen from being transferred. It is to be hoped that the 'heavy procedure' (which involves all the members of the Security Council) will not have effect of shielding the most senior political leaders from sanctions and of targeting their subordinates.

Although the Committee on Development in principle approves of sanctions of this kind which affect leaders without penalising ordinary people, a number of comments should be made and have been put into the form of amendments:

- it is proposed that a specific reference be made to the Cotonou Agreement and to the Article 8 and Article 96 procedures; on 25 January 2005 - in spite of Parliament's reservations on account of the situation in Darfur - the Commission signed an agreement to resume cooperation with Sudan;

- it is not acceptable for Parliament to be consulted in respect of a regulation which does not contain a list of the persons to whom the sanctions will apply; hence it is proposed that Annex I be deleted and that before the list is published, advance information should be made available confidentially to the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Development;

- freezing assets and economic resources is only one instrument amongst several and it does not relieve the parties to the conflict of their duty to deprive individuals of their impunity if they are suspected of having seriously violated human rights and international humanitarian law; nor does it constitute an obstacle to the pursuit of investigations by the International Criminal Court's Prosecutor, pursuant to Security Council Resolution 1593(2005).

AMENDMENTS

The Committee on Development calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments into its report:

Text proposed by the Commission[1]	Amendments by Parliament
Amendment 1 Citation 2 a (new)	
	- having regard to the International Committee of Inquiry's report on Darfur (drawn up pursuant to UN Security Council Resolution 1564(2004) of 18 September 2004),
Amendment 2 Recital 3 b (new)	
	(3b) In applying the measures laid down in UN Security Council Resolution 1591(2005), the Community shall ensure that those measures are coordinated with the procedures currently being pursued under the Partnership Agreement between, on the one hand, the members of the African, Caribbean and Pacific Group of States and, on the other, the European Community and its Member States, which was signed in Cotonou (Benin) on 23 June 2000[2] (with particular reference to Articles 8 and 96 thereof).
Amendment 3 Recital 3 c (new)	
	(3c) The measures provided for in this Regulation shall be without prejudice to the adoption of other measures designed to

[1] Not yet published in OJ.
[2] OJ L 317, 15.12.2000, p. 3.

	implement the ceasefire agreement signed in N'Djamena on 8 April 2004 and to the requirement to prosecute and put on trial (in accordance with international conventions on the protection of human rights) persons who are suspected of having seriously violated human rights and international humanitarian law, or to the pursuit of investigations by the International Criminal Court's Prosecutor into the crimes committed in Darfur, on the basis of the UN Security Council's ad hoc consultation of the Court pursuant to Resolution 1593(2005).

Amendment 4
Article 10

The Commission shall be empowered to:	The Commission shall be empowered to:
(a) amend ***Annex I*** on the basis of determinations made by either the United Nations Security Council or the Sanctions Committee; and	(a) ***draw up and*** amend on the basis of determinations made by either the United Nations Security Council or the Sanctions Committee ***a list of the natural or legal persons, entities or bodies referred to in Article 2 whose assets and economic resources should be frozen,*** and
(b) amend Annex ***II*** on the basis of information supplied by Member States.	(b) amend ***the*** Annex on the basis of information supplied by Member States.
	The Commission shall provide the European Parliament's Committee on Civil Liberties, Justice and Home Affairs and Committee on Development with confidential information in advance concerning the drawing up of, and any amendments to, the list referred to in subparagraph (a) above.

Amendment 5
Annex I

List of natural and legal persons or entities referred to in Article 2	***deleted***

PROCEDURE

Title	Proposal for a Council regulation imposing certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan
References	COM(2005)0180 - C6-0138/2005 - 2005/0068(CNS)
Committee responsible	LIBE
Committee asked for its opinion Date announced in plenary	DEVE 6.6.2005
Enhanced cooperation	No
Draftswoman Date appointed	Ana Maria Gomes 24.5.2005
Discussed in committee	6.6.2005
Date amendments adopted	6.6.2005
Result of final vote	for: 29 against: 0 abstentions: 0
Members present for the final vote	Margrete Auken, Margrietus van den Berg, Danutė Budreikaitė, Alexandra Dobolyi, Michael Gahler, Hélène Goudin, Jana Hybášková, Filip Andrzej Kaczmarek, Glenys Kinnock, Çirts Valdis Kristovskis, Maria Martens, Miguel Angel Martínez Martínez, Gay Mitchell, Luisa Morgantini, Józef Pinior, Pierre Schapira, Jürgen Schröder, Feleknas Uca, Anna Záborská
Substitutes present for the final vote	John Bowis, Milan Gaľa, Ana Maria Gomes, Jan Jerzy Kułakowski, Manolis Mavrommatis, Karin Scheele, Csaba Őry, Zbigniew Zaleski, Gabriele Zimmer
Substitutes under Rule 178(2) present for the final vote	Carl Schlyter