External policy: freezing of funds and economic resources of persons designated by the United Nations as impeding the peace process in the Darfur region in Sudan

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PURPOSE : to impose 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.

PROPOSED ACT : Council Regulation.

CONTENT : in view of recent developments in Sudan, and notably the continued violations of the N' djamena Ceasefire agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the failure of the Government of Sudan and rebel forces and all other armed groups in Darfur to comply with their commitments and the demands of the Security Council, the United Nations Security Council decided on 29 March 2005 to enlarge the scope of the restrictive measures in

force against Sudan.

These extended restrictive measures, decided by the Security Council in its Resolution 1591 (2005) include, inter alia, the application, as of 28 April 2005, of the freezing of funds and economic resources of persons designated by the United Nations as impeding the peace process, constituting a threat to stability in Darfur and the region, committing either violations of international humanitarian or human rights law, or other atrocities, violating the arms embargo or being responsible for certain offensive

military flights.

The freezing of funds and economic resources of designated persons falls within the scope of the Treaty. The proposed measures are similar to those imposed by the EU imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the

Al-Qaida network and the Taliban, and those imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY).

As the freezing of funds and economic resources serves the objective of promoting international peace and security, the Council should adopt a Common Position calling for Community action, based on Article 15 of the Treaty on European Union (CFSP) for the Regulation to be in line with the Treaty establishing the European Community.

Provisions are also provided in terms of facilitating the exchange of information between Member States on measures taken to implement the Regulation. A list of competent authorities is listed in Annex II which may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, after having determined that the funds or economic resources are necessary for extraordinary expenses. A list of natural and legal persons and entities is also included in the annexes.

Lastly, Member States shall lay down the rules on penalties applicable to infringements of the

provisions of this Regulation and shall take all measures necessary to ensure that they are implemented.