

Briefing on Sustainable financing of African Peace & Security Agenda under the UN Charter

Automatic Heading TextDate | 19 September, 2019

Tomorrow (19 September 2019) the African Union (AU) Peace and Security Council (PSC) is scheduled to hold a session to consider the draft UN Security Council (UNSC) resolution initiated in August 2019 on sustainable financing for African Peace and Security Agenda in the context of Chapter VIII of the UN Charter. It is expected that the Committee of Experts, a subsidiary body of the PSC, is expected to present the outcome of its review of the draft resolution to the Council.

In December 2018, the African three non-permanent members of the UNSC (the A3) presented a draft resolution on financing of African Peace and Security Agenda for vote by the UNSC. The draft resolution initiated by Cote d'Ivoire, Equatorial Guinea & Ethiopia had gone through rigorous negotiation process with other members of the United Nations (UN) Security Council (SC). After negotiations were concluded, the draft was put in blue on 8 December by Cote d'Ivoire, the President of the UNSC for December 2018, on the request the A3 and voting was initially scheduled for 10 December.

In a press release of 14 December 2018, the PSC underlining that 'the tabling of this resolution represents a watershed moment and an expression of the international community's commitment to strengthening the global peace and security architecture and its capacity to address

today's complex security challenges', endorsed it as 'timely and balanced'. Following an apparent indication by the US to veto the draft if the vote went ahead as planned, the 10 December vote was postponed for a week after France requested to engage the US further to avoid the veto and bring the US to the consensus.

In the meantime, the A3 continued mobilizing support for the resolution. Following a briefing by the A3 on 18 December and taking into account the 14 December press release of the AU PSC, the African Group in New York after deliberation on the draft decided to put its full weight behind the A3 efforts and called on all members of the group to co-sponsor the draft resolution. Beyond the Africa group, the draft also received support from other members of the UN with a total of 87 UN member states co-sponsoring it.

The postponement of the 10 December vote and the engagement with the US did not yield the kind of compromise that the A3 deemed to be consistent with the core fundamentals of the draft resolution. Accordingly, a vote on the draft resolution was scheduled for 19 December. However, unofficial communications received from the AU advised that every effort be made to avoid the veto. In the meantime, a compromise text by France started to circulate. The result was that the A3 postponed the vote once again to 21 December. Two complicating factors also surfaced. First, an informal message from the AU advising to accept the so-called compromise text emerged. It was followed by a note verbal from the AU Commission Chairperson holding that 'the best course of action is to build on the compromise proposals in the past few days,' hence opting for the compromise text by France instead of the original A3 draft. Second, the cohesion of the A3 suffered a blow when Cote d'Ivoire requested the UN Secretariat to put the so-called compromise proposal in blue for a vote.

In an email it sent out to the UN members co-sponsored the original A3 text, the Office of the Permanent Representative of Ethiopia raised serious reservations on the 'compromise text'. It observed that 'the new text introduced significant amendments and new languages in its operative paragraphs (see OP9, OP16, OP 17, OP 18, OP 19, OP 26, OP 28 and OP 30) which is fundamentally different from the original A3 text'. It also pointed out that '[m]ost of the members of the Security Council had no knowledge of the new resolution. Neither did it pass through any negotiation process nor did it also go through the silence procedure'.

Following a meeting on 21 December at the level of Permanent Representatives, the A3 once again decided to postpone the vote on the draft resolution pending a clear guidance from the AUPSC, which mandated the A3 to champion the common African position on the financing issue. The Africa Group also met in an emergency session and endorsed the A3 decision. The report of the Africa Group meeting was communicated to the AUC.

On 24 December 2018, the PSC discussed the matter under 'any other business' and requested the AU Commission to submit to it a report. Although the report was planned to be presented to the Council in early 2019, this did not happen. Yet, at the level of the AU, the call on the UNSC for adopting the resolution has continued. In February 2019 the AU High Representative on Silencing the Guns by 2020 urged the 'Security Council to respond positively to the African Union's long-standing and legitimate calls for the funding of African peace support operations through United Nations assessed contributions.'

In New York, another effort for following up the process for securing a resolution has been initiated under South Africa, which joined the A3 in January 2019 taking over from Ethiopia. After consultations with A3 members including Ethiopia, the two drafts that were put in blue in December

2018 were withdrawn. In August 2019, South Africa in consultation with the A3 introduced a new draft. While negotiations on this text has started, the draft was also submitted to the PSC for its guidance in anticipation of a consensus being achieved on this draft for its potential consideration for vote under South Africa's presidency in October 2019.

It was against the background of the foregoing that tomorrow's agenda was put in the program of work of the PSC for September. It was not for the first time that the PSC would discuss this tomorrow. On Monday 16 September, the PSC also discussed this agenda after receiving a briefing from the troika of the PSC (the previous, the current, and incoming chairs of the PSC) on their videoconference meeting that they had with the A3 the previous week. After the meeting, the PSC tasked the Committee of Experts to review the two draft resolutions that the A3 proposed in December 2018 and the latest one from August 2019 in order to make proposal to the PSC on the next steps.

The August 2019 draft reflected recent developments since the December 2018 Draft. For example, draft preambular paragraph 17 welcomed 'the joint Declaration of the Secretary-General of the United Nations and the Chairperson of the African Union Commission of 6th December 2018' and preambular paragraph 19 and 20 welcoming work undertaken by the UN Secretariat and the AU in developing and adopting relevant compliance standards. In terms of the operative paragraphs, the August 2019 draft no longer contains the text from the compromise draft postponing the adoption of a framework resolution for another time. Yet, despite keeping the key paragraph 'deciding in principle that United Nations assessed contributions can be provided, with decisions to be taken on a case-by-case basis ... to support future African Union-led peace support

operations', the August 2019 draft has carried much of the new text that was introduced in the compromise draft that France proposed and the A3 and the Africa Group rejected.

The Committee of Experts reviewed the two drafts during their 17th meeting held on 17 September. There is strong view in the PSC that the position of the PSC of 14 December 2018 endorsing the A3 draft needs to be maintained. In this respect, there are concerns that the August 2019 draft with the text from the compromise draft including that which reduced the role of the AU 'to operational details' would seriously undermine the mandate of the PSC as provided for in the PSC Protocol. In their report to the PSC tomorrow, the Committee of Experts would also highlight other aspects of the draft that are deemed to mark major departure from the December 2018 draft including the language 'utilized', the reporting arrangements and the formulation of the reference to AU's decision committing to raise 25% of funds for peace and security.

It is therefore expected that the Committee of Experts would advise that the draft resolution should not be submitted to the UNSC for adoption in October 2019. The Committee is also expected to propose that further negotiations are held on the draft focusing on those aspects of the draft resolution that are feared to curtail the mandate of the PSC provided for in its Protocol and seriously limit the scope of flexibility and strategic level political role of the AU in general.

In terms of taking this process forward, there is a need for ensuring that the momentum is not lost. Central to keeping the momentum that has been achieved thus far is engaging the US not only with a view to avoid its use of veto but also importantly achieve, based on further negotiations on the draft, a new more balanced formulation. In this respect, consideration should be given to

recalibrate the approach utilized thus far. There is in particular a need for elevating the engagement of the US administration not only at the level of the US Delegation in New York but also at the level of Congress, the State Department and the White House. The opportunity that the UN General Assembly (UNGA) presents for engaging the US administration particularly at most senior levels of the State Department and the White House by the AU PSC ministers and Heads of State and Government including South Africa's President, as the incoming president of the UNSC leading on the negotiation in the UNSC on the draft resolution, is worth exploring. Similarly, as part of the preparation for the 13th Annual Consultative Meeting of the PSC and the UNSC scheduled for October, consideration should be given to engage, including based on proposed text jointly formulated by the AU Commission and the UN Office to the AU (UNOAU), the permanent five members of the UNSC in general and the US in particular for avoiding a stalemate in the negotiation process.

While no formal outcome is expected from tomorrow's meeting, depending on the depth of the deliberations and the guidance that the PSC may wish to give on next steps, it may adopt a communique. Such a communique could envisage that the matter is discussed with the A3 both on the side-lines of the UNGA and during the upcoming visit of the Committee of Experts to New York to discuss preparations for the Annual Consultative Meeting. In the light of the existence of major concerns over the current draft, it could also urge for further negotiations in the interest of keeping the momentum of the process with a more sustained and elevated engagement. It could also task as part of the negotiation process proposed texts for bridging the gap and achieving a more balanced draft are initiated in consultation with the A3.