

Seminar Report on Institutional and Working Methods Issues Affecting AUPSC and UNSC Relationship

March 6, 2020

The seminar brought together more than forty participants including current, outgoing and incoming members of the African Union Peace and Security Council (AUPSC) and United Nations Security Council (UNSC) as well as representatives of the African Union Commission (AUC) and Regional Economic Communities (RECs).

Speakers:

- **Dr Admore Kambudzi** Director, African Union Peace and Security Department
- **Mr. Gerald Mitchell** Deputy Head of Office and Director of Political Affairs, United Nations Office to the African Union
- **Mr. Dawit Yirga** Former Political Coordinator of the Ethiopian mission to the UN

Moderator: **Ambassador Hadiza Mustapha**, Advisor of the AUC Chairperson on Peace, Security and Governance

The seminar officially started with the opening remarks by Dr Solomon Ayele Dersso, Founding Director of Amani Africa. Welcoming participants and expressing Amani Africa's appreciation for Bitania Tadesse, Amani Africa Director of Programs and the presenters and the moderator. By way of introduction to the seminar and the special report, he pointed out that the central focus of the special report and the seminar was to shed light on the question of how differences between the AUPSC and the UNSC in terms of the institutional framework, working methods and decision-making dynamics affect the partnership.

Ambassador Hadiza opened the panel by introducing the presenters and by posing questions to the speakers on how the relationship between AUPSC and UNSC can be characterized and by interrogating the concept of unequal relationship.

While the PSC is the only international body with which members of the UNSC have institutionalized and regular engagement, the relationship between the AUPSC and the UNSC continues to face challenges. In recent years, much of the challenge to the relationship emanates from the internal power dynamics and deepening divisions in the UNSC in particular. Yet, apart from the perennial doctrinal issues of status and authority, Dawit Yirga's presentation introducing the special report underscored that other issues including internal institutional set up, working methods and capacity differences have come to affect the relationship and how the two respond to specific conflict situations. Thus, beyond the internal political dynamics that shape both councils' decisions and 'make it challenging to achieve consensus,'¹ there are

¹ A recent study observed that 'the councils' internal political dynamics, the uneven diplomatic capacities of member states, and broader debates over political primacy and subsidiarity ...limit cooperation'. Daniel Forti and Priyal Singh, 'Toward a More Effective UN-AU Partnership on Conflict Prevention and Crisis Management', IPI & ISS (October 2019) 4.

questions on the institutional, procedural and working method differences that affect AUPSC-UNSC relationship about which policy makers should be aware of.

The presentation, drawing on the special report, highlighted not only how these institutional, working method and decision-making dynamics affect the relationships but also how to address the impact of these differences in order to enhance and further institutionalize the partnership of the two bodies.

During the presentations, it was also noted that the increase push against multilateral institutions also brings complexities on the relationship of the two councils.

Remarking on the importance of the special report, another presentation highlighted on the need for the UN to understand better the institutional, working method and decision-making processes of the AUPSC and vice versa for being able to engage more effectively and achieve a more productive partnership. It was underscored that as this special research report and the seminar demonstrates the partnership can benefit from support by various stakeholders including non-state actors as well as through the established friends of UN-AU partnership. Beyond the special report, the work of Amani Africa in helping members of the AUPSC to have focused preparation and deliberation during PSC sessions and in promoting PSC working methods was also appreciated.

More detail can found in Amani Africa Special Report 'http://www.amaniafrica-et.org/images/Reports/AUPSC_UNSCworkingrelaitonships.pdf'.

Attention was drawn to the fact that the relationship between the AUPSC and the UNSC is a relationship of unequal entities. While the AUPSC wishes to assume leadership on African issues, the UNSC jealously guards its prerogative as the body with primary responsibility for maintenance of international peace and security. As one presenter noted, the relationship is characterized not only by cooperation but also by scepticism and tension. It was also pointed out that while the AUPSC is a collective organ that speaks in one voice, the UNSC members engage in the individual capacity and ultimately the P5 have the final say. Among others, no progress has been made to find agreeable modality to implement their agreement on undertaking joint filed visits. It was also noted that the release of joint communiqués has also been problematic given the delays of the UNSC on reaching an agreement on the text.

Similarly, reference was made to the diverging geopolitical interest of global powers as a major factor that shapes UNSC decision-making whereby there is a lot of resistance on proposed actions if they do not align with the strategic interest of major powers. Hence, this has led to major decisions to be blocked by the UNSC including the ongoing disagreement on the appointment of a joint AU-UN Special Envoy on Libya and the lack of progress in the discussion around financing of AU led PSOs, although the partnership is broader than the financial aspect.

On the issue of financing it was highlighted that there was misunderstanding of Africa's position on the AU Peace Fund. The 25%, which the AU has committed to mobilize is not meant for peace operations rather it is to cover AU led peace and security activities (from conflict prevention to post-conflict reconstruction). To this

end the PSC has agreed to write a position paper to guide the drafting of the resolution. It was thus underscored that there is a need for not mixing the commitment to the AU Peace Fund and the negotiation in the UNSC for a framework resolution on access to UN assessed contribution for AU led peace support operations authorized by the UNSC.

The presenters and the discussion underscored the need for the AUPSC and the UNSC to learn about each other's working methods and decision-making dynamics. It was noted that there are various good practices that each could learn from the other to improve not only its effectiveness but also the partnership between the two. The issue of informal consultations, which is commonly used by the UNSC, has been mentioned as a good practice for the AUPSC to emulate. The adoption of the Rules Procedure and its willingness to respond to conflict situations irrespective of geopolitical considerations were mentioned as some of the good attributes of the AUPSC worth following.

Some of the areas in the tools and decision implementation frameworks of the AUPSC that require further work and highlighted during the seminar include the deployment of the African Standby Force and the operationalization of the Peace Fund.

In terms of enhancing the partnership, the importance of fully utilizing and operationalizing the framework agreement between the AU and UN has been underscored. Although there are challenges to the partnership due to internal geopolitical divisions particularly on issues related to Libya, Sahel, as well as climate change, there is a need for innovative approaches in addressing the areas of disagreement.

Discussions:

Some of the themes that featured predominantly during the seminar include the following:

-Institutionalizing the partnership: there is a need for a more regular engagement in between annual consultations and increased institutionalization of informal meetings. Towards understanding the modality and purpose of the partnership there is a need to start from the members and the context in which the two bodies operate from. The relationship of African member states with the individual members of the UNSC itself is not equal. This has impact on decision making, often times PSC decision has to be validated by the major powers in the UNSC.

The proper functioning of the partnership requires mutual trust. While some participants proposed the need for systematic change, others argued that the partnership could be strengthened within existing frameworks.

- Enhancing synergy: the preparation of the monthly programs in both councils would benefit from the greater cooperation between chairs and president. To this end the dialogue has to be strengthened at Addis level between PSC members and representatives of UNSC members. Moreover, further follow up is needed on joint field mission. Some gains were made on integrating reporting as witnessed in the case of Darfur and Somalia.

Further negotiation is also needed on areas of disagreement including financing of PSOs. In this context misunderstanding needs to be addressed and the clear position of the PSC needs to be communicated. Strengthening African PSOs would boost their

capacity to respond to conflict at a very early stage. African led PSOs are currently undertaking counterterrorism, which they would have been much more effective if the support was provided ahead of time.

Given that the majority of the agenda items are African conflicts, the PSC must be clearly heard in the UNSC and A3 can also facilitate this engagement. Chapter VIII of the UN charter provides an ample space for regional actors to play a key role in promoting peace and security and there is a need for more willingness by the P5 to listen to and accommodate the views of the PSC and the A3 when they speak collectively.

When considering the synergy, the need to understand the different normative contexts have been noted. Certain instruments in the PSC may not necessarily be applicable in the UNSC such as provisions on unconstitutional change of government.

- Conflict Prevention: the effort around joint horizon scanning is recognized in the joint UN-AU framework. Joint reporting and briefing by the SRSG has also been undertaken as a preventive measure. Prevention through shared analysis of conflict situations however is still missing.

The other gap is related to the modalities for operationalizing provisions on prevention in in the PSC Protocol and the impact of resort to sovereignty on PSC's engagement with member states in preventive measures. In addressing this challenge, the Assembly has decided for enhanced measure to be taken by the PSC, which will also be discussed extensively during the upcoming induction of the new PSC member in Maputo. There is also need to apply and operationalize AU tools by member states.

Participants and presenters have noted that long-term solution also requires addressing root causes of conflict and grievances of armed groups. There needs to be a response beyond military operations. Moreover, the centrality of Africa's ownership and accountability in addressing conflict was highlighted.

Drafting of decisions: participants noted that the penholder system is a very delicate practice which the PSC does not necessarily need to replicate, rather the PSC needs to have a drafting committee that can share the burden of the secretariat/commission. Even in the UNSC the A3 may play a role in the production of the text on African conflicts although they are not the official penholders.