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UNIÃO AFRICANA

Addis Ababa, Ethiopia, P.O.Box 3243 Tel.: (251-11) 5513 822 Fax: (251-11) 5519 321
Email: situationroom@africa-union.org

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**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE AFRICAN UNION-
UNITED NATIONS PARTNERSHIP: THE NEED FOR GREATER COHERENCE**

REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE AFRICAN UNION-UNITED NATIONS PARTNERSHIP: THE NEED FOR GREATER COHERENCE

I. INTRODUCTION

1. This report is submitted in pursuance of paragraph 6 of Declaration Assembly/AU/Decl.1(XXI) on the Report of the Peace and Security Council (PSC) on its Activities and the State of Peace and Security in Africa, adopted by the 21st Ordinary Session of the Assembly of the Union, held in Addis Ababa, from 26 to 27 May 2013. In that Declaration, the Assembly stressed the need to build an innovative, flexible, action-oriented and balanced partnership with international partners, notably the United Nations, to ensure that Africa's concerns and positions are adequately taken into account by the Security Council when making decisions on matters of fundamental interest to Africa. To further this objective, the Assembly requested Council to convene a Summit level meeting, in order to review the partnership with the United Nations in light of the challenges encountered recently regarding the situation in Mali and other issues related to peace and security on the continent.

2. Over the years, the African Union (AU) has forged various partnerships in its efforts to achieve its vision of a free, peaceful and prosperous continent driven by its people. The partnership with the United Nations in the area of peace and security is one of the most visible. In the fulfillment of its mandate, and as provided for in the PSC Protocol, the PSC has established ties with the UN Security Council, which has the primary responsibility for the maintenance of international peace and security. These include the holding of annual joint consultations alternatively in Addis Ababa and in New York. The AU Commission and the UN Secretariat also work together closely and consult regularly on issues of common concern. To enhance their relations, they have put in place institutional mechanisms such as the Joint Task Force (JTF) and the Desk-to-Desk, which respectively bring together the senior leadership and focal points for specific issues of the two organizations.

3. The growing partnership between the two institutions is manifested in their collaborative peacemaking efforts in several conflict and post-conflict zones, including the Central African Republic (CAR), the Democratic Republic of Congo(DRC) and the Great Lakes region, Guinea Bissau, Mali, Sudan and South Sudan and Somalia, to name but a few. Experience from these cases provides useful lessons on how to establish a more predictable and mutually reinforcing partnership, bearing in mind the evolving nature of the threats to peace and security on the continent.

II. PRINCIPLES FOR GREATER POLITICAL COHERENCE

4. In January 2012, the question of AU-UN partnership was addressed by a Report of the Chairperson of the Commission on the Partnership between the African Union and the United Nations on Peace and Security: Towards Greater Strategic and Political Convergence [PSC/PR/2.(CCCVII)], pursuant to paragraph 31 of decision Assembly/AU/Dec.338 (XVI) on the Report of the PSC on its Activities and the State of Peace and Security in Africa, adopted by the 16th Ordinary Session of the Assembly of the Union, held in Addis Ababa, from 30 to 31 January 2011. The Report reaffirmed the primacy of the UN Security Council in the

maintenance of international peace and security and articulated a set of principles aimed at clarifying and enhancing the partnership, in the context of Chapter VIII of the UN Charter. These are as follows:

- (i) *Respect for African ownership and priority setting* – In the spirit of mutual respect, it is critical to promote African ownership and priority setting on issues impinging on the continent's peace and security. Closer and consistent consultations between the decision-making organs of the two institutions, and in particular the PSC and the UN Security Council, would ensure that African ownership and priority setting is respected.
- (ii) *Flexible and innovative application of the principle of subsidiarity* – The Report identified at least three implied elements of subsidiarity: a) consultative decision-making, b) division of labor, and c) burden sharing. The Report called on the UN and the AU to engage in a dialogue on all three elements to foster political coherence.
- (iii) *Mutual respect and adherence to the principle of comparative advantage* – Regional organizations have a strong comparative advantage in promoting peace and security in their respective regions. They are often better positioned to serve as first responders given their proximity to conflict theatres. The following two elements of this principle were identified:
 - *Political legitimacy* – The legitimacy of external actors may, at times, be problematic as conflicts shift from inter-state to intra-state. Indeed, national actors can be reluctant in accepting what they perceive as foreign intervention. This is where regional and sub-regional organizations, which have developed comprehensive peace and security architectures, covering prevention, governance, democratization and other aspects, do have undeniable comparative advantages; and
 - *flexibility*– Regional organizations are proving to be flexible and adaptable in dealing with security challenges in their regions.
- (iv) *Division of labor underpinned by complementarity* – The Report called for dialogue between the two institutions to establish a mutually-agreed division of labor to foster coherence and limit competition. The dialogue should be centered on addressing issues such as the appropriate division of labor between the two institutions and the concrete steps that should be taken to ensure coherence.

5. The identification of shared values and the need to work towards political convergence on key policy issues were identified as important first steps in implementing the principles proposed by the AU. While it is crucial to agree on a division of labor, it is equally important to ensure that the envisaged roles of the two institutions are flexible and adaptable to the often fluid circumstances on the ground.

6. In communiqué PSC/PR/Comm.(CCCVII) adopted at its 307th meeting, held on 9 January 2013, the PSC, having taken note of the Report of the Chairperson of the Commission, reiterated the AU's conviction on the need for the AU and the UN to develop a stronger partnership based on a innovative and forward looking reading of Chapter VIII of the UN Charter, in order to more effectively promote peace, security and stability in Africa. In this respect, the PSC outlined the principles that should help promote a more effective strategic partnership and clarify the relationship between the two organizations. These are as follows: support for African ownership and priority setting; flexible and innovative application of the principle of subsidiarity; and comparative advantage, taking into account the familiarity of the AU and its Regional Mechanisms for conflict Prevention, Management and Resolution with conflict dynamics in their areas of operations and their flexibility in dealing with security challenges. The PSC underlined the need for the Security Council to be more responsive to requests made by the AU regarding specific conflict and crisis situations in Africa; and called on the UN to address in a systematic manner the issue of the funding of AU peace support operations undertaken with the consent of the UN, through the use of UN assessed contribution.

7. On its part, the Security Council, on 12 January 2012, adopted resolution 2033(2012) in which it took note of the Reports of the Chairperson of the Commission and the Secretary-General (S/2011/805) articulating their respective visions of the partnership between the two institutions. It encouraged the improvement of regular interaction, consultation and coordination, as appropriate, between the Security Council and the PSC on matters of mutual interest; supported further interaction between the UN Secretariat and the AU Commission to exchange information and, as appropriate coordinate in the preparation of recommendations; and decided, in consultation with the PSC, to elaborate further ways of strengthening relations between the two Councils, including through achieving more effective annual consultative meetings, the holding of timely consultations and collaborative fields missions of the two Councils, as appropriate, to formulate cohesive positions and strategies on a case-by-case basis in dealing with conflict situations in Africa. The Security Council stressed the need to enhance the predictability, sustainability and flexibility of financing regional organizations when they undertake peacekeeping operations under a UN mandate, while reiterating at the same time the responsibility of regional organizations to secure resources for their activities, including through contributions by their members states and supports from partners.

III. THE PARTNERSHIP IN PRACTICE

8. Since the Council's meeting of 9 January 2012, the AU and the UN have continued to work together on a number of issues of common concern. On the situation between Sudan and South Sudan, the AU High-Level Implementation Panel on Sudan and South Sudan (AUHIP) has forged a close working relationship with the UN through the Secretary-General's Special Envoy. The PSC and the UN Security Council have also acted in unison on the matter of the relations between Sudan and South Sudan. In April 2012, after fighting erupted between the two countries, the PSC adopted a Roadmap aimed at ending the fighting, restarting negotiations and normalizing relations between the two countries. A week later, the Security Council adopted resolution 2046 (2012), under Chapter VII of the UN Charter, in which it endorsed the AU Roadmap. The common position of the international community was critical

in bringing the Parties back to the negotiating table and led, in September 2012, to the signing of the Addis Ababa Cooperation Agreement. The AUHIP has also briefed the Security Council on its activities on numerous occasions.

9. The Temporary Arrangements Agreement for the Administration and Security of the Abyei Area signed in June 2011 established various mechanisms which hinge on the effective and efficient cooperation between the AU and the UN. Key amongst the mechanisms is the Abyei Joint Oversight Committee (AJOC), which is facilitated by an AU official, with the participation of the UN Interim Security Force for Abyei (UNISFA) Force Commander as a member, as well as representatives of the two countries. While UNISFA has been charged with the responsibility of providing security for the Abyei communities, the AU continues to ensure that the Mission receives the necessary political backing. Following its decision in July 2013, the PSC intends to travel to Abyei area during the month of October 2013 to underscore its continued support to UNISFA and the people of Abyei.

10. The AU-UN Hybrid Operation in Darfur (UNAMID) continues to be one of the most innovative approaches devised by the two organizations to address complex peace and security issues on the continent. On 19 July 2013, the PSC adopted a communiqué renewing the mandate of UNAMID for a further period of 12 months. On 30 July 2013, the UN Security Council adopted resolution 2113 (2013), extending the mandate of UNAMID, as set out in resolution 1769 (2007), for a further of 13 months, until 31 August 2014. While UNAMID continues to face challenges on the ground, these cannot be attributed to its hybrid nature, but rather to the complexity of the crisis and the related peace process. In fact, the hybrid nature of the Mission has optimized the level of complementarity between the UN and AU in this instance.

11. Another illustration of successful partnership relates to the African Union Mission in Somalia (AMISOM). The logistical support package provided by the UN and funded through assessed contributions has enabled AMISOM to successfully execute its mandate. Through resolution 2093 of 6 March 2013, the Security Council requested the Secretary-General to continue to provide a logistical support package to AMISOM until 28 February 2014. In the same resolution, the Security Council, noting that the conditions in Somalia were not yet appropriate for the deployment of a UN peacekeeping operation, requested the Secretary-General to set benchmarks for when it might be appropriate to deploy such an operation. It is against this background, and bearing in mind relevant PSC pronouncements, that the AU Commission and the UN Secretariat undertook, from 26 August to 3 September 2013, a joint review of AMISOM and benchmarking exercise for a UN peacekeeping operation. Clearly, the UN logistical support to AMISOM demonstrates the benefits of an innovative and flexible application of the principles of subsidiarity and division of labor, as articulated above.

12. The AU and the UN are also closely coordinating their efforts in addressing the conflict in the Eastern part of the DRC and the challenges facing the Great Lakes region. These efforts led to the signing in Addis Ababa, on 24 February 2013, of the Framework Agreement for Peace, Security and Cooperation for the DRC and the region. The Commission and the UN Secretariat are jointly steering the follow-up mechanism put in place to facilitate the implementation of the commitments entered into. On 28 March 2013, and following a consultative process conducted by the AU and the UN, the Security Council adopted

resolution 2098(2013) of 28 March 2013, authorizing the establishment, within the United Nations Organization Stabilisation Mission in the DRC (MONUSCO), of an intervention brigade mandated to neutralize armed groups and to contribute to reducing the threats posed by these groups to state authority and civilian security in eastern DRC and to make space for stabilization activities.

13. In Guinea Bissau, the two organizations are coordinating their efforts in support of the transition process put in place following the unconstitutional change of government, which took place on 12 April 2012. Most notably, the AU and the UN, together with the Economic Community of West African States (ECOWAS), the Community of Portuguese Speaking Countries (CPLP) and the EU, undertook two joint assessment missions to review the situation and facilitate a coordinated international support to the transition, from 16 to 21 December 2012 and from 8 to 11 July 2013, respectively, the second one having involved the International Organization of *La Francophonie*. The Security Council has welcomed these joint assessment missions.

14. Thanks to the efforts by ECOWAS, with the support of the AU, the UN and other partners, significant progress has been made in the ongoing transition in Guinea Bissau, as demonstrated, among others, by the establishment of an inclusive transitional Government, the election of the President of National Election Commission and the revision of the electoral code. Furthermore, in early September 2013, the Bissau Guinean authorities opted for an improved manual voter registration system to establish the electoral register for the upcoming elections. It is important that the AU and the UN, building on the outcomes of the joint assessment missions, continue to work together, including through their representatives in Bissau, in order to mobilize the required financial and logistical support for the holding of free, fair, transparent and credible elections this year to complete the restoration of constitutional order, bearing in mind that the period of transition ends on 31 December 2013.

15. In Mali, the efforts by the two organizations have focused both on the political and the peacekeeping aspects of the crisis. Together with ECOWAS, the AU and the UN co-chair the Support and Follow-up Group on the situation in Mali, which has proved to be an invaluable instrument towards greater coordination among concerned members of the international community and enhanced support to the Malian stakeholders. The UN was actively involved in the planning process for the deployment of the African-led International Support Mission in Mali (AFISMA). While the PSC supported the transformation of AFISMA into a UN operation, it requested that the following parameters, as contained in communiqué PSC/PR/COMM. (CCCLVIII) adopted at its 358th meeting held on 7 March 2013, should be taken into account, in order to ensure continuity of the peacemaking efforts:

- (i) the need for the UN to consult closely and adequately with the AU and ECOWAS throughout the proposed transformation process of AFISMA into a UN operation, as well as the appointment of the Special Representative;
- (ii) the mobilization of financial and logistical support in favor of AFISMA, to enable it to build its operational capacity and facilitate its early transformation into a UN operation;

- (iii) the support for the central political role of the AU and ECOWAS; and
- (iv) the support for regional cooperation in the field of security, considering the transnational nature of the threat posed by terrorism and organized crime.

16. In the communiqué adopted at its 371st meeting, held on 25 April 2013, following the adoption by the Security Council of resolution 2100 (2013) of 25 April 2013 authorizing the transformation of AFISMA into the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the PSC :

- noted with concern that Africa was not appropriately consulted in the drafting and consultation process in the lead up to the adoption of the resolution, and stressed that this situation was not in consonance with the spirit of the AU – UN partnership; and
- noted that the resolution did not take into account the concerns formally expressed by the AU and ECOWAS and the proposals they constructively made to facilitate a coordinated international support for the ongoing efforts by the Malian stakeholders.

17. The AU has remained actively seized with the situation in CAR. In reaction to the unconstitutional change of government which occurred on 24 March 2013, the PSC suspended the participation of that country in AU's activities and imposed sanctions against leaders of the Seleka group. It urged AU partners, including the Security Council, and to take measures to reject the *fait accompli*, hold the perpetrators of the unconstitutional change responsible for their actions and consequences. In a press statement issued on 29 March 2013, the members of the Security Council, having strongly condemned the seizure of power by force by the Seleka group, noted the decision of the PSC; emphasized that those responsible for violations and abuses of international human rights law and international humanitarian law must be held accountable; and called for the restoration of constitutional order and the implementation of the Libreville Agreement.

18. On 19 July 2013, the PSC adopted a communiqué authorizing the establishment and deployment of an African-led International Support Mission in the CAR (AFISM-CAR), with a total strength of 3 652 military, police and civilian personnel, the nucleus of which will be constituted by the contingents currently serving in MICOPAX, in order to contribute to: (i) the protection of civilians and the restoration of security and public order, (ii) the stabilization of the country and the restoration of the authority of the central Government; (iii) the reform and restructuring of the defense and security sector; and (iv) the creation of conditions conducive for the provision of humanitarian assistance to population in need. In a press statement dated 14 August 2013, the members of the Security Council welcomed the PSC decision of 19 July 2013 regarding the deployment of AFISM-CAR, and expressed their willingness to consider all potential options to stabilize the CAR.

19. The cooperation between the AU and the UN in the area of peace and security covers a number of other issues. The Commission and the Secretariat are involved in numerous joint activities, including mine action, disarmament, demobilization and reintegration, security sector reform, post-conflict reconstruction and development, small arms and light weapons, and counter terrorism. During the period under review, a number of collaborative activities

were undertaken in these different fields. Another key component of the AU-UN partnership relates to capacity building. Efforts towards the implementation of the 2006 Ten-Year Capacity Building Programme (TYCBP) have also continued. With an initial focus on peace and security, the TYCBP has evolved over time to encompass UN-system engagement with the AU across a wide range of areas.

20. Among the developments of the period under review, is the decision of the United Nations to restructure and enhance its Office to the AU (UNOAU), which was established on 1 July 2010. The UNOAU is now headed by a Special Representative of the rank of Under Secretary-General, and steps are underway to strengthen the capabilities of the Office to enable it to engage more effectively with the AU on conflict prevention and peacemaking, in order to foster common understanding and coordination of efforts.

VII. THE WAY FORWARD

21. Clearly, significant progress has been made over the past one and half year. In the face of complex conflict situations, the two organizations have been able to devise innovative ways of addressing the challenges at hand. The hybrid operation in Darfur, the logistical support package to AMISOM, the collaborative peacemaking efforts on Sudan and South Sudan, the joint mission to Guinea Bissau, the signing of the Peace, Security and Cooperation Framework for the DRC and the region of which both the AU and the UN are guarantors, the joint planning of peace support operations, are all illustrative of the growing flexibility of the partnership and its capacity to adapt to the demands of the situations on the ground.

22. However, more needs to be done to further enhance the partnership, as demonstrated by some of the challenges highlighted above, both in terms of consultations prior to decision making, shared understanding of the issues at hand, and consistency and support to African-led efforts. If the UN and the AU are to successfully address the peace and security challenges confronting the continent, it is critical that they reach greater political coherence.

23. It is against this background that the following steps are recommended:

- *Flexible and innovative interpretation of Chapter VIII:* The UN and AU should make renewed efforts to ensure a flexible and innovative interpretation of Chapter VIII of the UN Charter. It is important that the two institutions have a shared understanding and appreciation of the principles and spirit of Chapter VIII. In this respect, the AU Commission and the UN Secretariat could convene a joint meeting to explore ways and means of establishing a more responsive partnership based on Chapter VIII.
- *Enhanced consultations between the PSC and the Security Council:* While progress has been made in the relationship between the two Councils, more still needs to be done to enhance the partnership. This would involve improving the effectiveness of the annual consultative meetings, and ensure adequate follow-up to the communiqués adopted, and collaborative field missions to facilitate the formulation of common positions and strategies. It will also require the holding of timely consultations on issues of common concern. As African issues dominate the agenda of the Security

Council, it is critical that the continent, through the AU, is adequately consulted by the Security Council prior to the adoption of decisions that are of particular importance to Africa. This would ensure that the Security Council members are well informed of the AU views and positions on the issues on their agenda, without prejudice to the primacy of the Security Council.

- *Closer consultation between the UN Secretariat and the AU Commission:* Although the establishment of the UN-AU JTF on Peace and Security has contributed to the forging of closer ties between the Secretariat and Commission, the level of interaction and coordination can still be enhanced, based on African ownership and leadership. Joint missions, such as the ones undertaken to Guinea Bissau, are an effective tool through which the two organizations can foster shared assessments and common recommendations to their respective decision making organs. Other modalities of consultations and joint undertakings could be identified, based on the experience on the ground and other best practices. The JTF should explore such modalities and play an active role in furthering the strategic partnership on peace and security matters between the AU and the UN.
- *Addressing effectively and in a systematic manner the issue of predictable, sustainable and flexible funding of AU-led peace support operations undertaken with the consent of the Security Council, through the use of assessed contributions:* In so doing, it is important to bear in mind that, in undertaking peace support operations, the AU is contributing to the maintenance of international peace and security in a manner that is consistent with the provisions of Chapter VIII of the UN Charter. The full endorsement and implementation of the proposals contained in the Prodi Panel report would constitute a decisive step in this regard.

24. In addition to these recommendations, there is need to take steps to enhance the effectiveness of the African Peace and Security Architecture (APSA), for this will go a long way in ensuring greater cohesion in African positions and more effective follow-up at the UN level of the decisions taken. To this end, the following is recommended:

- *Improved Interface between the PSC and the African members of the Security Council:* Members of the PSC and African members of the Security Council should liaise closely to ensure that their views are synchronized and that concerted efforts are made to ensure that those views are taken on board by the Security Council. Ambassadors of PSC members in New York should play a critical role by engaging with their counterparts in Addis Ababa and the African members of the Security Council. Other steps could be envisaged.
- *Greater Coherence between the AU and its Regional Mechanisms prior to engagement with the UN:* There is need for greater coherence between the AU and its Regional Mechanisms prior to any engagement with the UN. This is crucial as it would foster the relationship between the AU and its Regional Mechanisms and, more critically, ensure that they speak with one voice in their engagements with the UN. Such an enhanced interaction between the AU and its Regional Mechanisms should be based on the

relevant provisions of the PSC Protocol which stipulate that the AU has the primary responsibility for promoting peace, security and stability in Africa.

- *Addressing the funding gap as a matter of urgency:* The inability to mobilize adequate financial resources from within the continent to support AU-led peacemaking and peacekeeping efforts undermine the legitimate desire of the continent to play a leading role and fully own peace efforts on the continent, as part of the promotion of African solutions to African problems. It is therefore critical that more efforts are made to secure increased financial resources from within the continent, without prejudice to the support expected from the United Nations and other partners.
- *Strengthening the mandate, capacity and visibility of the AU Permanent Observer Mission to the UN:* Efforts will continue to be made to strengthen mandate, capacity and visibility of the AU Office to the UN. The current configuration and staffing level of the office does not allow it to discharge its functions and play the role expected of it in an effective and efficient manner.

VIII. OBSERVATIONS

25. Significant progress has been achieved in the partnership between the two organizations. Yet, much remains to be done. It is important that the AU and the UN intensify their efforts to ensure that this partnership is further strengthened, based on a creative interpretation of Chapter VIII of the UN Charter, the recognition of the critical role of the AU and the fact that support by the United Nations to the AU in matters relating to the maintenance of international peace and security is an integral part of collective security as provided for in the UN Charter. The complexity of the peace and security challenges confronting the continent means that no single organization can effectively address them on their own. The leverage of both institutions is enhanced when they undertake coordinated and complementary efforts.

26. In this respect, the presidential statement adopted by the Security Council, on 6 August 2013, on cooperation between the UN and regional and sub-regional organizations in maintaining international peace and security and the resolution on the cooperation between the UN and the AU, adopted by the General Assembly, on 16 September 2013, are worth highlighting. Both outline concrete steps whose implementation will further enhance the partnership between the AU and the UN and improve collective security.

African Union Commission (AUC)

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PSC Outcomes

Communiqués

2013-09-23

Communiqué of the 397th Meeting of the Peace and Security Council Held on 23 September 2013, New York, USA.

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