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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, situationroom@ausitroom-psd.org

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NOTE ON THE REPORT OF THE
AFRICAN UNION - UNITED NATIONS PANEL
ON MODALITIES FOR SUPPORT TO AFRICAN UNION
PEACEKEEPING OPERATIONS

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I. INTRODUCTION

1. At its 12th Ordinary Session held in Addis Ababa from 1 to 3 February 2009, the Assembly of the Union adopted decision Assembly/AU/Dec. 222(XII) on the report of the Peace and Security Council (PSC) on its Activities and the State of Peace and security in Africa. In that decision, the Assembly, having noted that the Panel established by the African Union and the United Nations to make concrete recommendations on how the UN could support AU-led peace support operations, pursuant to Security Council resolution 1809(2008) of 16 April 2008, had submitted its report, requested Council to meet as early as possible to review the said report and submit its input prior to its consideration by the UN Security Council. The Assembly further requested that the African members of the UN Security Council, as well as South Africa, which led the process that resulted in the establishment of the Panel, participate fully in the proposed meeting of Council.

2. The present note is submitted to Council to facilitate its deliberations on the report of the Panel. It first recalls the background to the establishment of the Panel, before providing an overview of the conclusions reached by the Panel. It concludes with observations and recommendations on the way forward.

II. BACKGROUND

3. Council would recall that, at its 8th Ordinary Session held in Addis Ababa from 29 to 30 January 2007, the Assembly of the Union adopted decision Assembly/AU/Dec.145 (VIII) on the report of the PSC on its Activities and the State of Peace and sSecurity in Africa. In that decision, the Assembly, having stressed that the maintenance of international peace and security is the primary responsibility of the Security Council, called upon the United Nations to examine, within the context of Chapter VIII of the UN Charter, the possibility of funding, through assessed contributions, peacekeeping operations undertaken by the AU or under its authority and with the consent of the United Nations. The Assembly requested Member States, working together with the Commission, to undertake the necessary follow-up in this regard.

4. In pursuance of this decision, South Africa took advantage of its presidency of the Security Council in March 2007 to organize, on the 28th of that month, a debate on the theme: "Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security". In the presidential statement adopted on that occasion, the Security Council, having emphasized its primacy in the maintenance of international peace and security, "stress(ed) the importance of supporting and improving in a sustained way the resource base and capacity of the African Union". In this respect, the Security Council

“request(ed) the Secretary-General to provide a report, in consultation with the relevant regional organizations, in particular the African Union, on specific proposals on how the United Nations can better support arrangements for further cooperation and coordination with regional organizations on Chapter VIII arrangements, in order to contribute significantly to addressing the common security challenges in the areas of concern and to promote the deepening and broadening of dialogue and cooperation between the Security Council and the Peace and Security Council of the African Union”.

5. It is against this background that the Commission, in consultation with South Africa, took the initiative to brief Council on the follow-up of the Assembly decision and Security Council presidential statement, and to facilitate an interaction with UN representatives, on the occasion of the 98th meeting of Council held on 8 and 23 November 2007. At the end of the meeting, Council adopted a document meant to be a contribution to the report that the UN Secretary-General was expected to submit. The document outlined the principles that should inform the proposals on the enhancement of the relationship between the United Nations and regional organizations, in particular the AU, and made specific proposals on cooperation between Council and the Security Council. Regarding more specifically the issue of the funding of AU-led peace support operations, Council urged the Security Council to support the request made by the Assembly. It further proposed the appointment by the UN Secretary-General, in consultation with the Commission, of a high-level panel to consider the issue in-depth and make recommendations on implementation. In the meantime, and building on the experience of the UN light and heavy support package for the AU Mission in the Sudan (AMIS), Council called for the provision by the UN of similar support to all AU-led peace support operations undertaken with the consent of the Security Council.

6. At its 10th Ordinary Session, held in Addis Ababa from 31 January to 2 February 2008, the Assembly of the Union, in its decision on the activities of the PSC and the state of peace and security in Africa, welcomed the offer by South Africa to avail its presidency of the Security Council in April 2008, to discuss the report that the Secretary-General was expected to submit. The Assembly requested the Security Council to consider that report with a view to achieving concrete results in further strengthening cooperation between the AU and the UN.

7. On 7 April 2008, the Secretary-General submitted his report on the relationship between the UN and regional organizations, in particular the African Union, in the maintenance of international peace and security. In that report, the Secretary-General, having considered the important issues that define the nature of the collaborative partnership in international peace and security between the United Nations and regional organizations, in particular the AU, and the division of responsibilities between the United Nations and those organizations under Chapter VIII of the UN Charter, made a number of recommendations. These relate to the following aspects: nature and structure of the partnership; coordination and consultation mechanisms; strengthening and improvement of delivery for capacity-building for peacekeeping and peace support operations with regional organizations; conflict prevention and mediation; peace-building support and post-conflict

reconstruction; human rights and humanitarian action. On the specific issue of the predictability, sustainability and flexibility of financing regional organizations when they undertake peacekeeping operations under UN mandate, and building on a proposal made by Council in November 2007 as a contribution to the report requested by the Security Council, the Secretary-General proposed the establishment, within three months, of an African Union-United Nations Panel consisting of distinguished persons to consider in-depth the modalities of how to support, including financing, peacekeeping operations undertaken by regional organizations, in particular as related to startup funding, equipment and logistics, and make concrete recommendations.

8. The Security Council, through resolution 1809 (2008) adopted on 16 April 2008, welcomed the Secretary-General's proposal to set up such a Panel. At their 2nd joint meeting held in New York, on 17 April 2008, the Security Council and the PSC expressed satisfaction with the efforts to strengthen their relationship through, among others, taking steps to identify predictable, sustainable and flexible resources for the AU in order to undertake peacekeeping operations in the context of Chapter VIII of the UN Charter.

9. Following consultations between the AU and the UN, the Panel members were designated on 12 September 2008, as follows: Mr. Romano Prodi (Italy), Chair, Mr. James Dobbins (United States of America);, Mr. Jean-Pierre Halbwachs (Mauritius); Ms. Monica Juma (Kenya); Mr. Toshiyuki Niwa (Japan) and Mr. Behrooz Sadry (Islamic Republic of Iran). The Panel was tasked to examine all possible options for the funding of AU peace operations mandated by the Security Council, and recommend possible mechanisms needed to support them, in particular:

- reliable source of funding for AU peace operations mandated by the UN Security Council;
- funding for developing the AU's capacity to plan, deploy, manage and sustain peace operations;
- funding to support further development of the African Peace and Security Architecture, with a long term objective to see a sustainable African peacekeeping capacity.

10. In defining modalities for funding, the Panel was to take into account existing capacity building initiatives, including those addressing specific short falls in capability, as well as the capacity needed by the AU to implement the Panel's recommendations. Furthermore, recommendations for improved modalities for funding were to take into account the need for closer cooperation between the UN Security Council and the AU PSC, as well as between the respective secretariats.

11. The Panel started its work on 15 September 2008. In the process of drafting its report, the Panel undertook wide consultations with concerned institutions, including the UN, the AU, the Regional Economic Communities (RECs), the European Union (EU) and Member States. As part of this process, Council, at its 152nd meeting held on 7 October 2008, exchanged views with the members of the Panel. In the press

statement adopted following this meeting, Council underscored the need and urgency for predictable, flexible and sustainable funding for AU-led peace support operations, as well as for mobilizing the required logistical support, bearing in mind the provisions of Chapter VIII of the United Nations Charter and the fact that, in deploying peace support operations, the AUs also acting on behalf of the entire international community, in particular the United Nations. Council also expressed the hope that the Panel would put forward specific and innovative recommendations that will provide the much-needed support to AU's efforts towards the promotion of peace, security and stability in Africa.

III. SUMMARY OF THE REPORT

12. The report of the Panel was submitted by the UN Secretary-General to the Security Council and the General Assembly on 31 December 2008. The report presents a broad review of the main issues discussed with a wide range of interlocutors on the increasing engagement of the AU in conflict prevention, peacekeeping and post-conflict reconstruction. These issues include peace and stability in Africa; lessons learned from African peacekeeping; United Nations/African Union strategic relations; African institutional capacity; development of the African Standby Force (ASF); resources and logistic requirements; financing for peacekeeping and long-term capacity-building, as well as coordination of support. Regarding peacekeeping in particular, the Panel pointed out that, while African missions have demonstrated a capacity for rapid deployment that provides the initial stability needed for a longer-term solution, the lack of capacity and other resources hampers their ability to effectively implement their respective mandates in the longer term, including establishing the foundations for post-conflict reconstruction.

13. In addition to addressing the strategic relationship between the United Nations and the African Union, the Panel made a number of recommendations to strengthen the mutual relationship and develop a more effective partnership when addressing issues on the joint agendas. In this respect, the Panel stressed the need for a shared strategic vision, if the UN and the AU are to exercise their respective advantages: the African Union's ability to provide a rapid response and the United Nations capacity for sustained operation. Such a vision will also reduce the likelihood of duplication of effort and organizations working at cross purposes. More specifically, the Panel recommended that a joint strategic assessment be established in order to identify the issues that underpin this mutual relationship and develop a more effective partnership in addressing issues on the joint agendas. The Panel further recommended that a more formalized process be established to cover the range of issues of mutual interest, including building on the model offered by the UN/EU Steering Committee and staff exchange.

14. The Panel also stressed the need to develop institutional capacity commensurate with the demands placed on the AU. While commending ongoing efforts in this respect, the Panel encouraged AU to move forward with identifying and implementing appropriate structures and procedures. It also underlined the importance of appropriate training.

15. Concerning the enhancement of the predictability, sustainability and flexibility of financing of United Nations-mandated peace operations undertaken by the African Union, the Panel recommends the establishment of two new financial mechanisms:

- i) the first one would be based on United Nations-assessed funding and designed to support specific peacekeeping operations. This should be on a case-by-case basis to support United Nations Security Council-authorized African Union peacekeeping operations for a period of up to six months. Initially, at least, this support should be provided mainly in kind. This could include troop transport, troop reimbursement, communications and various forms of logistical supports. The Panel stressed that this would require an agreement between the AU and the Security Council for the mission to transition to the UN;
- ii) the second would be a voluntarily funded multi-donor trust fund, focused on comprehensive capacity-building for conflict prevention and resolution as well as institution-building, and should be designed to attract new as well as existing donors, while fostering African ownership. The fund will be governed by a board representing the AU, the UN and donors.

16. At the same time, the Panel emphasized the importance of African ownership. In this respect, it recommended that the AU should consider establishing its own system for financial contributions for peacekeeping operations through assessed contributions to gradually augment the AU Peace Fund.

17. The Panel also recommended that the African Union considers developing its logistics capacity and explores innovative options, including commercial multifunction contracts. Finally, the Panel recommended the establishment of a joint United Nations/African Union team to examine the detailed modalities to implement the above mentioned recommendations.

IV. OBSERVATIONS

18. Undoubtedly, the report of the Panel marks an important step in the overall efforts aimed at enhancing the capacity of the AU to meet the peace and security challenges facing the continent and mobilizing greater support within the larger international community. In particular, the recommendations made with respect to the funding of AU-led peace support operations are of paramount importance. While they fall short of full access to UN assessed contributions for AU missions authorized by Security Council and are contingent upon a clear understanding that there will be a transition to the UN, they constitute a step in the right direction. Clearly, this is work in progress, and every effort should be made to maintain the momentum generated by the report of the Panel.

19. It is encouraging to note that, over the past few years, the United Nations has shown more responsiveness to the need for greater and more systematic support for AU led peace support operations. In this respect, it is worth noting the adoption by the UN Security Council, on 16 January 2009, of resolution 1863(2009) in which it approved the proposals put forward by the Secretary-General to provide a logistical

support package for the AU Mission in Somalia (AMISOM), including equipment and services. Based on the letter addressed by the UN Secretary-General to the Security Council on 30 January 2009, this support will include provision of logistics capacity support package to be funded from UN assessed contributions and to comprise the equipment and mission support services normally provided for a UN peacekeeping operation of the same size. The budgetary approval of this support by the General Assembly is expected in March 2009.

20. This development is a clear recognition that, in taking initiatives for the promotion of peace, security and stability in Africa, the AU is also acting on behalf of the UN and the larger international community, consistent with the provisions of Chapter VIII of the UN Charter. It highlights a greater willingness by the international community to establish arrangements to support peace keeping efforts on the continent, given the daunting challenges facing Africa in this respect and the fact that it host the largest number of conflicts worldwide.

21. While, as indicated above, the proposals made by the Panel regarding support to AU-led peace support operations constitute a step forward, there is nonetheless room for improvement, to ensure that support provided by the UN is indeed commensurate with the needs of the AU and will enable the organization to address in a more effective way the daunting peace and security challenges facing the continent. In this respect, the following could be considered:

- (i) the in-kind support being proposed for AU-led peace support operations should not be made contingent upon an agreement between the AU and the UN Security Council for the operation to transition to the United Nations. Indeed, this would mean that, in the absence of (para. 90 of the Panel's report) a UN Security Council agreement for a follow-up mission, the AU is likely to be faced with the prospect of relying on donor contributions as it has been the case in the past. Very often, the AU missions are deployed in situations that do not necessarily correspond to conditions required by the UN for the deployment of a peacekeeping operation. The aim is thus to create the conditions necessary for the deployment of a UN operation. This was the case in Burundi, where the UN Security Council authorized the deployment of an operation to take over AMIB, and could be the case in Somalia, should the Security Council confirm its intention, expressed in resolution 1863(2009), to establish a UN peacekeeping operation as a follow-up to AMISOM;
- (ii) the period of six (6) months that is proposed for the in-kind support to UN Security Council authorized AU peacekeeping operations is very short. There is need to look at a longer timeframe to provide greater predictability to AU-led operations;
- (iii) the UN Security Council should consider providing financial support through UN assessed contributions to UN Security Council authorized AU peacekeeping operations, for which there is an agreement to transition to a UN operation after a given period of time;

- (iv) the multi-donor trust fund proposed in para. 91 of the report to support a comprehensive plan for long-term capacity building should cover other areas, in particular operational cost for start-up funding for AU peace support operations. This would be in line with resolution 1809(2008) of 18 April 2008, which welcomed “the Secretary-General’s proposal to set upa Panel ...to support such peacekeeping operations, in particular *start-up funding*...”. In this respect, it should be noted that, in resolution 1863(2009) referred to above, the UN Security Council also requested the Secretary General to establish a Trust Fund to, among others, provide financial support to AMISOM until a UN peacekeeping operation is deployed. This trust fund will allow for funding to be channeled to AMISOM to cover reimbursements and, eventually, to help procure necessary contingent equipment. It is also worth mentioning that the new Africa Peace Facility (APF) put in place by the EU for the period 2008-2010 includes an early response mechanism to support the first stages of African-led mediation and preparatory steps of African-led peace support operations. This mechanism is further testimony of EU confidence in AU’s capacity to operate and manage these operations. It is important that the United Nations build on this mechanism.

22. The other recommendations made by the Panel are also of particular relevance. Clearly, the ongoing efforts to enhance support for AU-led operations should be based on a more effective strategic relationship between the AU PSC and the UN Security Council, to enable both organs to exercise their respective comparative advantages (para. 82). Indeed, without such an effective relationship and a shared vision on the issues of common interest to the AU and the UN, there is a risk of seeing the two organizations working in an uncoordinated manner and even at cross purpose. To this end, the proposal for a joint strategic assessment made in paragraph 82 of the report is relevant. In the meantime, there is need to ensure a more regular interaction between the Chairperson of the PSC and the President of the Security Council and to encourage prior consultations before important decisions are taken. The objective should be to ensure closer coordination and better synchronization between the Security Council and the PSC in terms of decision-making.

23. Of equal importance is the need to further enhance the relationship between the UN Secretariat and the AU Commission (para. 83). In all fairness, it should be stressed that, in the past few years, significant progress has been made in ensuring that the AU Commission and the UN Secretariat work more closely together in pursuance of peace, security and stability in Africa. In this respect, it is worth noting that, as part in the “Ten Year Capacity Building Programme”, signed between the United Nations Secretariat and the AU Commission in November 2006, the UN Department of Political Affairs (DPA) and the AU Peace and Security Department (PSD) have now launched annual consultative meetings on conflict prevention, management and resolution, also referred to as the Desk-to-Desk Consultation. The first such meeting took place in Bahir Dar, Ethiopia, from 26 to 27 July 2008, and the second one took place in Manhasset, New York, from 27 February to 1 March 2009. These meetings provide an opportunity to enhance coordination between DPA, relevant AU Departments and the Regional Economic Communities (RECs) working in the areas of peace and security and to ensure regular exchange of information on

issues of mutual interest. At the same time, there is room for further progress, especially in ensuring effective follow-up and implementation of the commitments made by both organizations.

24. The recommendations regarding institutional capacity, including structures and procedures, training and logistics provide a good basis for further joint efforts by the AU and the UN in these fields, taking into account the initiatives already underway within the framework of the African Union. Regarding in particular the proposed multi-donor trust fund to support a comprehensive plan for long-term capacity building, it should complement ongoing efforts, in particular those undertaken within the framework of the APF (35 million Euros were earmarked for capacity building under the first APF – 2004-2007, and 60 million Euros for the second APF – 2008-2010). The management of such a trust fund should also be as flexible as possible and avoid unnecessary bureaucratic procedures.

25. In order to take all these recommendations forward, it is important, as proposed by the Panel, to establish a joint AU-UN team to examine the modalities for their implementation. This team should meet as soon as possible and, within six months, present a joint AU/UN report on the issue. In so doing, the proposed team should fully take into account existing efforts and initiatives within the African Union and between it and other partners, with the aim of complementing them and enhancing their effectiveness. It is equally important that the AU PSC and the UN Security Council seize the opportunity of their joint annual meetings to review progress made and challenges being encountered in the follow-up to the report and agree on the best way forward.

26. Finally, and as requested by the Assembly in its decision referred to above, the African Group in New York and the African members of the UN Security Council should closely follow the matter with the United Nations. Efforts should also be made to mobilize as much support as possible from AU partners, including the EU in the context of the Lisbon Joint Strategy and Action Plan, to facilitate early action by the relevant UN organs on the report of the Panel.