

AFRICAN UNION

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UNION AFRICAINE

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**MEETING OF EXPERTS ON THE DRAFT
MEMORANDUM OF UNDERSTANDING ON
COOPERATION IN THE AREA OF PEACE AND SECURITY
BETWEEN THE AFRICAN UNION, THE REGIONAL
ECONOMIC COMMUNITIES AND THE COORDINATING
MECHANISMS OF THE REGIONAL STANDBY BRIGADES
OF EASTERN AFRICA AND NORTHERN AFRICA**

**31 AUGUST – 2 SEPTEMBER 2007
KAMPALA, UGANDA**

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REV. 3**

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REGIONAL STANDBY BRIGADES OF EASTERN AFRICA AND NORTHERN
AFRICA**

PREAMBLE:

The African Union, the Regional Economic Communities, and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa,

Considering the relevant provisions of the Constitutive Act of the African Union and of other similar instruments of the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, as well as all other continental and regional instruments relating to conflict prevention, management and resolution;

Further considering the provisions of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, in particular Article 16, which states that the Regional Mechanisms for Conflict Prevention, Management and Resolution are part of the overall security architecture of the African Union, which has the primary responsibility for promoting peace, security and stability in Africa;

Reaffirming their commitment to the promotion of peace, security and stability on the continent, in conformity with the Charter of the United Nations and other relevant international instruments;

Bearing in mind that no single internal factor has contributed more to socio-economic decline on the continent and the suffering of the civilian population than the scourge of conflicts within and between African States;

Recognizing the need for closer collaboration between the African Union and the Regional Economic Communities in order to address effectively the problems posed by the illicit proliferation, circulation and trafficking of small arms and light weapons, the scourge of landmines and the threat of terrorism and transnational organized crime, as well as the importance of promoting arms control and disarmament on the basis of relevant African and international instruments;

Aware of the fact that the development of strong democratic institutions and culture, the respect of human rights and the rule of law, the promotion of good governance and, more generally, of measures geared towards the structural prevention of conflicts, as well as the implementation of post-conflict reconstruction and development policies are essential for the promotion of collective security, durable peace and stability in the continent;

Acknowledging the contribution of the African Union and the Regional Mechanisms for Conflict Prevention, Management and Resolution to the promotion and maintenance of peace, security and stability in Africa and the increasing cooperation and collaboration between them in the implementation of the continent's peace and security agenda;

Desirous of strengthening and deepening their relations and enhancing their capacity to collectively address the scourge of conflicts and ensure the maintenance of peace, security and stability, through the conclusion of the present Memorandum of Understanding, in accordance with the authority conferred by the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;

HEREBY AGREE ON THE FOLLOWING:

ARTICLE I
Definitions

1. For the purpose of this Memorandum of Understanding:
 - i) "Assembly" means the Assembly of Heads of State and Government of the African Union;
 - ii) "Commission" means the Commission of the African Union;
 - iii) "Constitutive Act" means the Constitutive Act of the African Union;
 - iv) "Coordinating Mechanisms" means the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa";
 - v) "Council" means the Peace and Security Council of the African Union;
 - vi) "Memorandum" means the Memorandum of Understanding on Cooperation in the area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa;
 - vii) "Parties" means the African Union (AU), the Arab Magreb Union (UMA), the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Inter-governmental Authority on Development (IGAD), the Southern Africa Development Community (SADC), as well as the East African Standby Brigade Coordination Mechanism (EASBRICOM) and the Northern African Regional Capability (NARC), which are not managed by Regional Economic Communities;

- viii) ““PSC Protocol” means the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;
- ix) “RECs” means the eight Regional Economic Communities recognized by the African Union;
- x) “Union” means the African Union.

ARTICLE II

Scope

Pursuant to the PSC Protocol, the Memorandum is a binding legal instrument consisting of principles, rights and obligations to be applied in the relationship between the Union, the RECs and the Coordinating Mechanisms, in matters relating to the promotion and maintenance of peace, security and stability in Africa, subject to their respective competences.

ARTICLE III

Objectives

1. The Parties shall institutionalize and strengthen their cooperation and closely coordinate their activities towards their shared goal of ridding the continent of the scourge of conflicts and laying the foundation for sustainable peace, security and stability.
2. The objectives of the Memorandum shall be to:
 - (i) contribute to the full operationalization and effective functioning of the African Peace and Security Architecture;
 - (ii) ensure the regular exchange of information between the Parties on all their activities pertaining to the promotion and maintenance of peace, security and stability in Africa;
 - (iii) foster closer partnership between the Parties in the promotion and maintenance of peace, security and stability on the continent, as well as to enhance coordination between their activities;
 - (iv) develop and implement joint programmes and activities in the area of peace, security and stability in Africa;
 - (v) ensure that the activities of the RECs and the Coordinating Mechanisms are consistent with the objectives and principles of the Union;
 - (vi) facilitate coordination and enhance partnership between the Parties, on the one hand, and the United Nations and its agencies, as well as other relevant international organizations, on the other hand;

- (vii) contribute to ensuring that any external initiative in the field of peace and security on the continent takes place within the framework of the objectives and principles of the Union; and
- (viii) build and strengthen the capacity of the Parties in the areas covered by the Memorandum.

ARTICLE IV

Principles

The implementation of the Memorandum shall be guided by the following:

- (i) scrupulous observance of the principles and provisions of the Constitutive Act and the PSC Protocol, as well as other relevant instruments agreed to at continental level;
- (ii) recognition of, and respect for, the primary responsibility of the Union in the maintenance and promotion of peace, security and stability in Africa, in accordance with Article 16 of the PSC Protocol ;
- (iii) acknowledgment of the role and responsibilities of the RECs and, where appropriate, of the Coordinating Mechanisms in their areas of jurisdiction, as well as the contribution they can make towards the promotion and maintenance of peace, security and stability in other regions of the continent ; and
- (iv) adherence to the principles of subsidiarity, complementarity and comparative advantage, in order to optimise the partnership between the Union, the RECs and the Coordinating Mechanisms in the promotion and maintenance of peace, security and stability.

ARTICLE V

Areas of cooperation

In order to achieve the objectives listed in Article III (2) of the Memorandum, the Parties shall cooperate in all areas relevant for the promotion and maintenance of peace, security and stability in Africa, including:

- (i) the operationalization and functioning of the African Peace and Security Architecture, as provided for by the PSC Protocol and other relevant instruments;
- (ii) the structural prevention of conflicts;
- (iii) the prevention, management and resolution of conflicts;

- (iv) humanitarian action and disaster response;
- (v) post-conflict reconstruction and development;
- (vi) arms control and disarmament;
- (vii) counter-terrorism and the prevention and combating of trans-national organized crime;
- (viii) border management;
- (ix) capacity building, training and knowledge sharing ;
- (x) resource mobilization;
- (xi) any other areas of shared priorities and common interest as may be agreed to by the Parties.

Article VI

Operationalization of the African Peace and Security Architecture

1. The Parties shall work towards the full operationalization and effective functioning of the African Peace and Security Architecture.
2. The Parties shall work together to make the Continental Early Warning System, as provided for by Article 12 of the PSC Protocol, fully operational, on the basis of the Framework for the Operationalization of the Continental Early Warning System.
3. The Parties shall work together to make the African Standby Force, as provided for in Article 13 of the PSC Protocol, fully operational, on the basis of the Policy Framework on the Establishment of the African Standby Force and Military Staff Committee, which, among other things, provides for the establishment of five regional brigades to constitute the African Standby Force.
4. The Parties shall, where appropriate and within the framework of their conflict prevention strategies, establish structures similar to the Panel of the Wise, as provided for by Article 11 of the PSC Protocol.

Article VII

Structural Prevention of Conflict

1. The Parties shall intensify their efforts towards the structural prevention of conflicts through, among other things, fostering policies aimed at promoting democratic principles and practices, good governance, the rule of law and the protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law.

2. The Parties shall work together and draw on each other's expertise to contribute to the implementation of regional and continental instruments relevant to the promotion and maintenance of peace, security and stability in Africa, including the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa, the Solemn Declaration on the Common African Defence and Security Policy, the Convention Governing the Specific Aspects of Refugee Problems in Africa, the African Charter on Human and People's Rights and its Protocol on the Rights of Women, the African Charter on the Rights and Welfare of the Child, the Convention on the Prevention and Combating of Corruption, and the African Charter on Democracy, Elections and Governance.

Article VIII

Conflict Prevention, Management and Resolution

1. The Parties shall cooperate to enhance their capacity to anticipate and prevent conflicts and actions that may lead to genocide and crimes against humanity.

2. Where conflicts have occurred, the Parties shall cooperate in peace-making and peace-building activities to resolve these conflicts and prevent their recurrence, including through good offices, mediation, conciliation, enquiry and deployment of peace support missions, as provided for in the PSC Protocol and other relevant regional instruments.

Article IX

Humanitarian Action and Disaster Management

The Parties shall cooperate and support each other in humanitarian action and in addressing major natural disasters, in accordance with the relevant provisions of the PSC Protocol.

Article X

Post-Conflict Reconstruction

1. The Parties shall combine their efforts to support post-conflict reconstruction and development, with a view to consolidating peace, promoting sustainable development and paving the way for growth and regeneration in countries and regions emerging from and/or affected by conflicts.

2. The Parties shall cooperate to facilitate the effective implementation of the Continental Policy on Post-Conflict Reconstruction and Development.

Article XI

Arms Control and Disarmament

1. The Parties shall work together to promote and encourage the implementation of continental, regional and other relevant instruments pertaining to arms control and disarmament.

2. The Parties shall, through collaborative efforts, work to address effectively the scourge of landmines, the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, issues related to chemical weapons and denuclearization, based on the relevant regional, continental and international instruments.

Article XII

Counter-terrorism and Prevention and Combating of trans-national organized crime

1. The Parties shall promote closer cooperation in the prevention and combating of terrorism, based on the Union's Convention, Protocol, and Plan of Action on the Prevention and Combating of Terrorism, as well as on other relevant regional and international instruments.

2. The Parties shall promote closer cooperation in the prevention and combating of trans-national organized crime.

Article XIII

Border Management

The Parties shall work together on issues relating to border management on the basis of the Declaration on the Union's Border Programme and its Implementation Modalities.

Article XIV

Capacity building, training and knowledge sharing

1. The Parties shall work together to develop and enhance their capacities in a mutually reinforcing way to facilitate the effective implementation of the Memorandum and the achievement of its objectives.

2. The Parties shall engage in staff exchange and secondment programmes, as well as sharing of best practices and lessons learnt.

Article XV

Resource mobilization

1. The Parties shall cooperate in the mobilization of resources through a coherent and coordinated strategy, including with respect to the relations with their partners within the international community, it being understood that nothing in the Memorandum shall preclude the right of the Parties to seek individual assistance and resources in matters covered by the Memorandum.

2. The Parties shall work together to mobilize the resources required for the implementation of the Memorandum.

ARTICLE XVI

Arrangements for cooperation

Arrangements for cooperation shall include:

- (i) Exchange of information;
- (ii) Meetings and other mechanisms for enhancing cooperation;
- (iii) Institutional presence; and
- (iv) Joint activities and field coordination.

Article XVII

Exchange of information

1. The Parties shall regularly exchange information, analysis and assessments on the issues covered by the Memorandum.
2. The RECs and the Coordinating Mechanisms shall submit, whenever required and at least every six (6) months, a comprehensive report on their activities in the area of peace and security to the Chairperson of the Commission and, through him, to Council. The Commission shall also, whenever required and at least every six (6) months, provide the RECs and the Coordinating Mechanisms with an update on its activities and those of Council in the area of peace and security.
3. Without prejudice to the formally established channels of communication, the Parties shall encourage networking, including through the establishment of desk-to-desk consultation, and, to that end, shall exchange names of their desk officers dealing with issues covered by the Memorandum.
4. The Parties shall treat sensitive information with the appropriate level of confidentiality and shall transmit the same through secure channels.

Article XVIII

Meetings and other mechanisms for enhancing cooperation

1. The Parties shall regularly consult each other, both at political and technical levels, on matters relating to the promotion and maintenance of peace, security and stability.
2. The RECs and the Coordinating Mechanisms shall be invited to the discussion of any question brought before Council whenever that question is being addressed by a REC or a Coordinating Mechanism or is of special interest to that REC or Coordinating Mechanism, in accordance with Article 16 (6) of the PSC Protocol.

3. The Chairperson of the Commission shall be invited to the meetings and deliberations of the RECs and the Coordinating Mechanisms, in accordance with Article 16(7) of the PSC Protocol.
4. The Parties shall invite each other to all other meetings relevant to their partnership for the promotion and maintenance of peace, security and stability, and shall share reports of those meetings.
5. A meeting between the Chairperson of the Commission and the Chief Executives of the RECs and the Coordinating Mechanisms shall be held at least once a year to discuss matters of peace and security and agree on a programme of work.
6. A meeting of Senior Officials shall be held at least once a year to review and monitor progress in the priority areas of cooperation identified in the programme of work and to discuss policy, technical and operational issues relating to the furtherance of the objectives of the Memorandum.
7. *Ad hoc* consultations at political or technical levels may also be convened to address specific issues relevant to the objectives of the Memorandum.

Article XIX Institutional presence

1. The Commission shall establish Liaison Offices to the RECs and the Coordinating Mechanisms, with a view to strengthening coordination and cooperation. The RECs and the Coordinating Mechanisms shall be encouraged to establish Liaison Offices to the Commission.
2. The Parties shall facilitate the establishment of these Liaison Offices by providing, to the extent possible, the necessary support, including office space, communications, and other administrative and logistical support.

Article XX Joint Activities and Field coordination

1. The Parties shall, as required, develop and implement joint activities in the areas covered by the Memorandum, including through the convening of workshops and seminars.
2. The Parties shall also enhance the coordination of their operational activities, including through regular consultations and coordination between their representatives in a given area or country.
3. The Parties shall undertake joint activities related to capacity building, including through joint training, exchange of lessons learnt and best practices, exchange of staff, and development of comprehensive and well coordinated strategies in that regard.

ARTICLE XXI

Modalities for interaction

1. Without prejudice to the primary role of the Union in the promotion and maintenance of peace, security and stability in Africa, the RECs and, where appropriate, the Coordinating Mechanisms shall be encouraged to anticipate and prevent conflicts within and among their Member States and, where conflicts do occur, to undertake peace-making and peace-building efforts to resolve them, including through the deployment of peace support missions.
2. In undertaking these activities, the RECs and, where appropriate, the Coordinating Mechanisms shall keep the Chairperson of the Commission and, through him, Council fully and continuously informed and ensure that their activities are in conformity with the objectives of the PSC Protocol.
3. The RECs managing regional brigades within the framework of the African Standby Force and the Coordinating Mechanisms shall, upon decision by Council, make available their assets and capabilities, including planning, to other RECs and Coordinating Mechanisms or the Union, in order to facilitate the deployment of peace support operations outside their areas of jurisdiction.
4. The RECs and the Coordinating Mechanisms shall, upon decision by Council, make their regional brigades available for deployment as part of a peace support operation undertaken outside their areas of jurisdiction.
5. Nothing in this Memorandum shall prevent the Union from taking measures necessary to maintain or restore peace and security anywhere in the continent.
6. Intervention as provided for by Article 4(h) of the Constitutive Act shall be authorized by the Assembly upon recommendation by Council.
7. Intervention by the Union, at the request of Member States, as provided for by Article 4 (j) of the Constitutive Act, shall be authorized by the Assembly and the modalities therefor shall be approved by Council.

ARTICLE XXII

Relations with the United Nations and other International Actors

1. The Parties shall harmonize their views in relevant international forums, including the United Nations. The Union shall coordinate such efforts to ensure that African interests and positions as defined at continental level are effectively pursued.
2. The Parties shall work together to mobilize the support of the United Nations, other relevant actors and the international community, in pursuit of the objectives outlined in the Memorandum. The Union shall coordinate such efforts.

3. The Commission shall ensure that the United Nations Security Council is kept informed of the activities undertaken by the Union, the RECs and the Coordinating Mechanisms relating to the promotion and maintenance of peace, security and stability.

ARTICLE XXIII Supplementary Agreements

The Parties may enter into supplementary, inter-organizational, or other agreements for the effective implementation of the Memorandum.

ARTICLE XXIV Dispute Resolution

1. Any misunderstanding or difference(s) arising among the Parties from or regarding the interpretation or application of the provisions of the Memorandum shall be resolved amicably through negotiation.

2. Any misunderstanding or difference(s) that cannot be resolved amicably shall be referred to Council, whose decision shall be binding on the Parties and shall be final.

ARTICLE XXV Amendments

The Parties shall regularly review the implementation of the Memorandum and shall, when necessary, amend its provisions, by consensus.

ARTICLE XXVI Commencement of the Memorandum

The Memorandum shall enter into force upon signature by five of the Parties, including the Commission.

In Witness Whereof, the Parties have signed this Memorandum on the.....day of2007.

AFRICAN UNION

CEN-SAD

By:.....

By:

(Title)

(Title)

COMESA

By:
(Title)

EAC

By:
(Title)

ECCAS

By:
(Title)

ECOWAS

By:
(Title)

IGAD

By:
(Title)

SADC

By:
(Title)

UMA

By:
(Title)

EASBRICOM

By:
(Title)

NARC

By:
(Title)

2007

Draft Memorandum of Understanding on Cooperation in the Area of Peace and Security Between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa

African Union Commission

Peace and Security

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