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**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON FOLLOW-UP STEPS ON THE
COMMON AFRICAN POSITION ON THE REVIEW OF UNITED NATIONS PEACE OPERATIONS**

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I. INTRODUCTION

1. The Peace and Security Council (PSC) would recall that, at its 502nd meeting held on 29 April 2015, it adopted the Common African Position on the Review of United Nations (UN) Peace Operations [PSC/PR/2(DII)]. This Position was prepared as the African Union (AU)'s contribution to the work of the UN High-Level Independent Panel on Peace Operations (HIPPO) established by the UN Secretary-General to review UN peace operations in the light of the changes in the situations in which they are deployed. The document addresses a number of issues, including the set of principles that should form the basis for an enhanced AU-UN partnership, strategic coherence, conflict prevention and mediation, financing of AU peace support operations, international justice, and women, peace and security. Regarding more specifically the financing of the AU peace support operations, the Common Position stresses the need for a flexible, predictable and sustainable solution based on the use of UN assessed contributions to support AU peace support operations undertaken with the consent of the UN Security Council (UNSC).

2. The HIPPO submitted its report to the Secretary-General on 16 June 2015 (A/70/95-5/2015/446). At its 532nd meeting held on 10 August 2015, the PSC, in press statement PSC/PR/BR.(DXXXII), expressed appreciation to the HIPPO for taking into account many of the views expressed in the Common African Position, highlighting in particular the following issues:

- (i) that the core principles of peace operations, namely consent, impartiality and limited use of force, remain relevant, but that they need to be interpreted with flexibility in the face of new challenges;
- (ii) that prevention of conflicts should be given paramount importance and, hence, the primacy of political solutions;
- (iii) that partnership with regional organizations is key to operating in the future, in order to be able to address some of the constraints facing the UN, and that the legislative basis for partnership resides in Chapter VIII of the UN Charter;
- (iv) that the strategic partnership being forged with the AU is identified as a template for the UN's relations with regional organizations generally; and
- (v) that, in light of the slowness of the deployment of its forces to the ground, the UN should take into account the capacities being developed by the AU, such as the African Standby Force (ASF), to speed up the deployment of peace operations.

3. The PSC expressed appreciation to the HIPPO for its resuscitation of the recommendations of the Report of the AU-UN Panel on Modalities for Support to AU Peacekeeping Operations (the "Prodi Report") with regard to the funding of UNSC-

authorized AU-led peace support operations. The PSC acknowledged that the recommendation made by the HIPPO for the use of UN assessed contributions on a case-by-case basis, including for the costs associated with the deployment of uniformed personnel, marks a significant step, and urged that this proposal be endorsed by the UN decision-making organs. In this regard, the PSC requested the AU Member States, through the African Group in New York, to ensure effective follow-up within all relevant organs and committees of the UN.

4. On 2 September 2015, the UN Secretary-General issued a report entitled: *The Future of United Nations Peace Operations: Implementation of the recommendations of the High-Level Independent Panel on Peace Operations (A/70/357-5/2015/682)*. The report constitutes the Secretary-General's response to and agenda with which to take forward the recommendations of the Panel. In the report, the Secretary-General recognized that the international peace and security responsibilities shouldered by the AU and its Regional Economic Communities/Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs) in Africa have grown enormously in recent years. He concurred with the Panel's call for sustained, predictable and flexible funding mechanisms to support AU peace operations. In this regard, he commended the AU for its commitment to self-reliance, including to financing 25 per cent of its future peace operations. The Secretary-General urged Member States to give urgent consideration to how the UN can respond to that initiative. In support thereof, he recalled that he had requested the Secretariat to carry out, jointly with the AU and in consultation with other partners, a review and assessment of various mechanisms currently available to finance and support AU peace operations authorized by the UNSC.

5. The present report outlines practical steps on how best to take forward the issue of the financing of AU-led peace operations. In so doing, the report takes into account recent discussions with partners who expressed an interest in reaching consensus on this issue. The report and the decision that would be adopted by the PSC would facilitate Africa's participation in the 28 September 2015 Summit on Peace Operations co-hosted by President Barack Obama of the United States of America, the UN Secretary-General and several other leaders, including President Paul Kagame of Rwanda and Prime Minister Hailemariam Desalegn of Ethiopia.

II. **BACKGROUND**

6. Article 52(1) of the UN Charter provides for the "existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations." The Charter stipulates that the Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies. The Charter, in Article 53(1), states that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council...". The AU Constitutive Act and the Protocol Relating to the Establishment of the PSC reaffirm the principle of the primacy of the UNSC in the maintenance of international peace and security.

7. At its 307th meeting held on 9 January 2012, the PSC, in communiqué PSC/PR/COMM.(CCCVII), “reiterate[d] the AU’s strong conviction of the need for the AU and the UN, building on the progress already achieved and lessons learned, to develop a stronger partnership, based on an innovative, strategic and forward-looking reading of Chapter VIII of the UN Charter, in order to more effectively promote peace, security and stability in Africa, particularly in view of Africa’s evolving security landscape and the complexity of the challenges at hand, the development by the AU and its RECs/RMs of a comprehensive normative and institutional framework for dealing with peace and security issues, and their proximity and familiarity with the challenges facing their Member States.” The PSC “reiterate[d] its call to the United Nations to address in a systematic manner the issue of the predictability, sustainability and flexibility of the funding of AU peace support operations undertaken with the consent of the Security Council, through the use of UN assessed contributions, bearing in mind that, in undertaking peace support operations, the AU is contributing to the maintenance of international peace and security in a manner consistent with the provisions of Chapter VIII of the UN Charter.”

8. Within the framework elaborated in Chapters VII and VIII of the UN Charter, the UN and the AU are tasked with managing conflicts that have, in recent years, become more complex, asymmetrical and challenging, in which civilian populations, aid workers and, increasingly, peacekeepers are targeted. Effectively managing such conflicts requires robust peace operation capabilities, including peace enforcement, to contain and manage aggressors and provide the required space for humanitarian and political work to alleviate suffering and seek sustainable political solutions.

9. The complexity of modern peacekeeping means that no single organization is able on its own to address the challenges involved. Both the AU and the recent report of the HIPPO have stressed the need for partnership and equitable burden-sharing between the UN and the AU on the basis of consultative decision-making processes, comparative advantage and a mutually-acceptable division of labor. They have underlined the need for a shared strategic vision, if the UN and the AU are to exercise their respective advantages, namely the AU’s ability to provide a rapid response and its willingness to undertake enforcement operations, and the UN’s capacity for sustained, multidimensional operations.

10. African peace operations have, to date, been funded almost exclusively through voluntary bilateral support and the African Peace Facility (APF) established by the European Union (EU) at the request of the AU and, in the case of the AU Mission in Somalia (AMISOM), through UN assessed contributions. AU Member States, including African troop and police contributing countries, have provided limited funding. In the recent case of the AU Support Mission to counter the Ebola Outbreak in West Africa (ASEOWA), some funding was also provided through African private sector donations.

11. The inability of the AU to fund its own missions from within the continent has made it difficult to sustain its peace operations. Thus, in the case of its peace support operations in Mali (African-led Support Mission in Mali – MISMA), from 2012 to 2013, and in the Central African Republic – CAR (African-led Support Mission in the CAR – MISCA), from 2013 to 2014, the AU had to transition to UN missions before the conditions for such transitions were ripe. Such premature transitions have had negative consequences for subsequent UN peacekeeping operations.

12. It is against this background that the 24th Ordinary Session of the Assembly of the Union, held in Addis Ababa, from 30 to 31 January 2015, adopted decision Assembly/AU/Dec.561(XXIV), through which Member States agreed to contribute 25% of the cost of AU peace and security efforts, including AU-led peace support operations, which would be phased in over a number of years. The 25th Ordinary Session of the Assembly of the Union held in Johannesburg, South Africa, from 14 to 15 June 2015, reiterated this commitment [Assembly/AU/Dec.577 (XXV)]. However, the contributions from within Africa are not sufficient on their own to fund African peace operations at the scale mandated by the UN Security Council. African peace operations would thus require additional funding and support from the AU's international partners.

13. The AU has consistently argued for the need for predictable, flexible and sustainable financing for its peace operations, most recently in the Common African Position submitted to the HIPPO. The HIPPO report has endorsed this position and has made a convincing case for a strong strategic partnership between the UN and the AU that includes a commitment by the UN to provide financial support to AU-led peace support operations authorized by the UNSC, on a case-by-case basis.

14. In light of the HIPPO report and of the decision by the AU to increase its own financing of AU-led peace operations to a level of 25%, some UN Member States are exploring a proposal which entails the provision of funding for AU-led peace support operations authorised by the UNSC, out of UN-assessed contributions.

III. MODALITIES FOR PROVISION OF UN ASSESSED CONTRIBUTIONS

15. The proposal currently under consideration has three core elements:

- (i) UN assessed contribution support for UN authorised AU-led peace support operations for up to 75% of the cost of the mission;
- (ii) the establishment of a standing UN Support Office for AU Peace Support Operations that will be responsible for facilitating the UN support to the AU; and
- (iii) commitment by the AU to:
 - (a) assume responsibility for at least 25% of the cost of AU-led peace support operations;
 - (b) develop appropriate mechanisms for managing relations with UN and other partners;
 - (c) strengthen AU funding and support capabilities;
 - (d) strengthen AU financial oversight;
 - (e) strengthen AU Human Rights Due Diligence capabilities; and

- (f) strengthen AU capacity to plan and manage peace support operations.

IV. STRATEGIC LEVEL PARTNERSHIP ARRANGEMENTS

16. The PSC, at the political-strategic level, is responsible for authorising and overseeing all AU-led peace support operations. All AU-led peace operations that require authority to use force under the provisions of Chapter VII of the UN Charter require a UNSC mandate, as well as periodic reporting to the UN Security Council. In addition, all AU-led peace support operations that receive financial and other forms of support from the UN, as provided for under Chapter VIII of the UN Charter, also require a UNSC decision as well as the submission of regular reports to the Security Council.

17. A strategic partnership between the AU and the UN implies that the UNSC and the PSC establish a shared understanding of the nature of the situations under consideration, and how best to manage and resolve them, coordinate their decisions-making processes, and synchronise their reporting requirements, so that the PSC can help to prepare for, and reinforce, decisions of the UNSC. This would require enhanced strategic coordination and communication between the two Councils.

18. In addition to the already-existing annual consultative meetings between the PSC and the UNSC members, more systematic engagement and communication needs to take place between the two organs, including monthly consultations between the Chair of the PSC and the President of the UNSC. Over the last two years, the AU has also made significant efforts to enhance cooperation, consultation and coordination between the PSC and the African non-permanent members of the Security Council (the A3). These efforts will continue.

19. Efforts have also been made in recent years, albeit in an *ad hoc* manner, to ensure greater involvement of the permanent members of the UNSC in the deliberations of the PSC, by inviting them to attend the open sessions of the PSC's meetings, thereby enabling them to articulate their views on matters on the agendas of both Councils. The UN, through the UN Office to the African Union (UNOAU) or through the Special Representatives or Envoys of the Secretary-General, is also invited to attend PSC meetings. The participation of the permanent members of the UNSC and representatives of the Secretary-General should be systematized, to ensure that they are able to make their views known on situations that could lead to the adoption of decisions on cooperation and support. Thus, by the time decisions are taken by the PSC, there would already have been extensive discussions and consultations with key members of the UNSC and representatives of the Secretary-General.

20. In addition to enhanced coordination with the UNSC and the Secretary-General, a framework agreement needs to be finalized on how to activate the process of authorization by the UNSC of an AU-led mission to be supported by UN-assessed contributions. This process could entail a letter written by the Chair of the PSC to the President of the UNSC, transmitting the PSC decision and requesting endorsement by the UNSC, as well as its support for implementation.

21. The UNSC, in turn, would then request the Secretary-General, working closely with the Chairperson of the Commission, to establish a joint assessment and planning team, which would work collaboratively on the preparation of key strategic planning documents, including the strategic concept and the operational-level documents for the proposed mission. These key strategic planning documents would be submitted to the PSC for adoption and, thereafter, would be submitted to the Secretary-General and the UNSC, so that they can inform the mandate drafting process.

22. As provided for in the PSC Protocol, the Chairperson of the Commission, supported by the Commissioner for Peace and Security, is responsible for strategic direction and support for AU-led peace support operations. The Chairperson would submit regular reports to the PSC and to the UNSC through the Secretary-General on the status and progress of the peace operation involved.

23. The Commission and the UN Secretariat have already begun to establish mechanisms and processes aimed at facilitating and ensuring shared conflict analysis and a common approach to conflicts management and resolution. These include, in particular, the Joint UN-AU Framework for Enhanced Partnership in Peace and Security, signed on 27 March 2014, the Joint Task Force (JTF) on Peace and Security that brings together senior officials from the two organizations who are in charge of peace and security, and the Desk-to-Desk (D2D) consultations on peace and security.

24. The AU also needs to realign and enhance the capacity of its Permanent Observer Mission in New York so that it is better able to support the strategic, operational and mission support aspects of the AU-UN strategic partnership. Proposals in this regard will be submitted to the relevant decision-making bodies, with a view to expediting the restructuring of the Permanent Observer Mission.

V. FUNDING ARRANGEMENTS

25. A committee has been established to consider the implementation of the decision of the AU Summit that AU Member States will be responsible for up to 25% of the cost of AU-led peace support operations. The AU's commitment to phasing in the 25% contribution shall be incremental, it being understood that the full 25% would have been reached by 2020, as part of the AU's vision of "Silencing the Guns", within the larger framework of Agenda 2063. The 25% provided by the AU shall be constituted of various contributions to the peace missions, including payment of stipends by troop and police contributing countries, according to fixed rates, as well as contribution of in-kind support.

26. The AU will also seek to increase voluntary contributions to the Peace Fund, including from the African private sector. The efforts made to reach out to the private sector, as was the case for ASEOWA, shall continue and be intensified. In this respect, it is envisaged to appoint a High Representative for the Peace Fund, who will have responsibility for mobilizing additional funding for all AU peace and security-related activities. It is also envisaged to appoint an Expert Advisory Group for the Peace Fund that will have a dual function of helping the Commission identify innovative ways of attracting additional contributions to the Peace Fund, as well as advising it on how best the Peace Fund can be managed and evaluated to ensure financial oversight and results-orientated performance.

27. Bilateral and multilateral partners will continue to help the AU to meet some of its costs in the interim period, and this support will contribute to the 25% of costs not covered by the UN. In addition to direct financial support, some partners are likely to continue to provide in-kind support.

VI. MISSION SUPPORT

(i) Establishment of an UN Integrated Missions Support Capacity in Addis Ababa

28. The biggest challenge the AU has faced in the deployment and management of missions, in addition to the lack of financial resources to sustain them, is the lack of capacity to undertake key tasks related to planning of and support for these missions. This applies in particular to the provision of logistical support.

29. To address these issues, and given the UN's extensive experience, capacity, and economies of scale, in the case of AMISOM the UN has put in place a Support Office to AMISOM (UNSOA), to provide logistical support in the areas of, *inter alia*, provision of fuel, level 2 and 3 medical support, rations, strategic airlift, and other types of support. The experience of UNSOA should form the basis for the provision of logistical and other support by the UN to AU-led missions, it being understood that other relevant experiences and lessons learned from the UNSOA experience would also be factored in.

30. The AU, therefore, proposes the establishment of an integrated UN Mission Support Office to the AU (UMSO) that would provide such support to all AU-led operations receiving support through UN-assessed contributions. The UNOAU could also be mandated to support the establishment of the new integrated AU Mission Support capacity. Furthermore, the UN would deploy a UN support team to each individual AU-led peace support operation supported by the UN. The UN support team should be co-located with the AU support component.

(ii) AU Mission Support Capacity

31. The AU currently lacks policies, procedures and capacity to manage the reimbursement of contingent-owned equipment (COE), and the proposed UN Mission Support Office should manage this aspect of AU peace support operations together with the development of an AU Mission Support capacity. The AU Commission and UN Secretariat should consider jointly whether the UN COE policy and standards should be used as the basis for AU operations, or whether the AU needs to develop its own COE policy and standards.

32. Through the support of its partners, the AU is currently able to manage, *inter alia*, the payment of stipends and death and disability compensation. Over the next five years, the AU will gradually increase its portion of responsibility for these costs, as part of the 25% contribution not covered by the UN under the proposed arrangements.

33. The AU will need to develop a new peace operations and mission support policy as well as standard operating procedures that will, among others, address the financial management, procurement, human resources aspects of AU field deployments. Currently

the AU's administrative, financial and human resources capacity is geared to supporting the needs of the AU headquarters in Addis Ababa, and not for the heightened pace required for rapid deployment of complex peace operations in the field. If the AU is to assume responsibility for 25% of the costs of AU-led peace support operations, and coordinate closely with the UN for the remaining 75%, it would have to develop new sets of policies, rules, regulations and procedures that would enable it to respond more appropriately to the needs and pace of complex operations, to allow for swift, nimble yet responsible recruitment, procurement and disbursement processes.

34. Each AU-led peace support operation will have an integrated mission support component responsible for managing and coordinating the mission support functions. This will include coordination of the support provided by the AU Commission, support provided by the UN and support provided by other partners and contractors.

VII. FINANCIAL OVERSIGHT

35. The AU Peace Fund was established in 1993 to provide the necessary financial resources for AU activities related to peace and security, including peace operations and other activities related to conflict prevention and resolution. It shall remain the main mechanism for the management and oversight of the financial aspect of AU peace support operations.

36. The AU has developed considerable experience and capacity and has made significant progress with regard to the management of, and accountability for, the use of external funds. For instance, the EU's African Peace Facility includes support to AMISOM and other AU-led peace support operations, as well as to other peace and security-related activities, including conflict prevention and mediation efforts. Regular audit reports are submitted to the AU policy organs and concerned partners.

37. The AU's existing financial oversight mechanisms need to be enhanced, in particular with regard to the provision of additional capacity, to meet the challenges that will be presented, by establishing the AU's own mission support policies, capacities for managing its own 25% of mission costs, and for coordinating and supporting the 75% of mission costs to be provided by the UN. In this regard, it is proposed to establish joint AU-UN financial oversight mechanisms over all aspects of the missions, and to conduct regular reviews to consider ways to improve the management of the missions.

VIII. COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS NORMS

38. The AU maintains a strict zero tolerance policy towards sexual exploitation and abuse (SEA) and any other acts of misconduct, and is committed and determined to investigate any potential cases and to take all necessary steps to ensure justice for victims. The response to the allegations made by Human Rights Watch against AMISOM personnel in September 2014 serves as an example of the seriousness with which the AU Commission deals with misconduct.

39. The AU is committed to work with the UN to ensure that its missions and their partners comply with the UN's Human Rights Due Diligence (HRDD) policy. In cooperation

with the UN, the AU has begun providing training to troop and police contributing countries, as part of the operationalization process of the ASF, and this process will continue.

40. The AU has started a process of developing new and enhanced policies related to conduct in general and SEA in particular, consistent with international norms. The process for finalizing and adopting these policies will be expedited, and the Commission will put in place new mechanisms and capacities at both the level of the headquarters in Addis Ababa, in its role of Strategic Headquarters for AU peace support operations, as well as at mission level, to prevent, investigate and manage cases of misconduct. The AU commits to finalize a conduct and discipline and HRDD policies by December 2016.

41. The AU Commission is also in the process of considering what mechanisms and capacities are needed, at the headquarters level and in each AU-led mission, to be able to prevent, monitor, investigate and manage all aspects related to conduct and discipline, SEA and HRDD policies. The AU is already ensuring that the troops, police and civilians deployed in AU peace support operations receive training on HRDD, conduct and discipline and SEA, prior to the deployment to AU-led peace operations. Such training courses will be aligned to the new policies under development.

42. For all allegations of violations of HRDD Policy and misconduct by AU peacekeepers and other mission personnel in missions authorized by the UNSC and supported by UN assessed contributions, it is proposed to establish joint investigative teams, and to submit their reports to both the PSC and the UNSC.

IX. LESSONS LEARNED AND BEST PRACTICES

43. The AU and the UN will need to learn from and continuously refine and improve the mechanisms and processes established to manage the AU-UN strategic relationship, including the support provided to the AU. This will require a capacity to monitor, assess and review progress, and a mechanism for considering and agreeing on adjustments to the arrangements. A joint AU-UN team can undertake periodic evaluations on a case-by-case basis, and to report on their findings to both the PSC and the Security Council.

X. CONCLUSION

44. The AU is committed to fulfil its responsibilities to ensure that the envisaged new mechanism to fund AU-led peace support operations is a success. This arrangement will require a major effort on the side of both the AU and the UN to make the necessary adjustments in their respective operating cultures, policies and procedures. The AU is committed to addressing and overcoming any challenges that may arise, because it is deeply committed to the strategic relationship with the UN.

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