

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

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

PEACE AND SECURITY COUNCIL
502ND MEETING
ADDIS ABABA, ETHIOPIA
29 APRIL 2015

PSC/PR/2(DII)

**COMMON AFRICAN POSITION ON THE
UN REVIEW OF PEACE OPERATIONS**

**COMMON AFRICAN POSITION ON THE
UN REVIEW OF PEACE OPERATIONS**

I. TOWARDS A SHARED SET OF PRINCIPLES AS THE BASIS FOR AU-UN PARTNERSHIP

1. Article 52(1), Chapter VIII, 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 encourages regional institutions to give priority to finding peaceful solutions to conflicts. However, the Charter reserves for the UN Security Council (UNSC) the right to authorize enforcement action. 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...” Thus, all enforcement actions by regional organizations require the authorization of the UNSC, but even after such authorization, these organizations are obliged to keep the Council informed of their actions.

2. The challenge for the AU and the UN is how to apply the spirit of Chapter VIII without prejudice to the role of the UNSC, on one hand, and without undermining or otherwise curtailing the efforts of the AU to develop its own capacity to provide adequate responses to the peace and security challenges in Africa, on the other. What is the appropriate consultative decision-making framework, division of labor and burden-sharing that should be put in place, and how would these impact on peace operations, as undertaken by both the UN and the AU?

3. At the heart of Chapter VIII is the need to complement the international legitimacy and legality of the UN with the advantages embedded in regionalism. An innovative application of Chapter VIII would help to address the gaps in the international system that was crafted in the immediate post-1945 era, while taking into account the important changes seen since then.

4. For the African Union, relations with the United Nations in the area of peace and security should be viewed as a strategic partnership, based on: a) consultative decision-making; b) division of labor; and c) burden sharing.

5. Article 17(1) of the *Protocol Relating to the Establishment of the Peace and Security Council* [hereafter the PSC Protocol] cites Chapter VIII as the basis of its relationship with the UN. The PSC Protocol directs the PSC to cooperate with the UNSC, “...which has the primary responsibility for the maintenance of international peace and security.” In a direct reference to burden-sharing, Article 17(2) of the PSC Protocol states that: “Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Union’s activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of Chapter VIII of the UN Charter”.

6. The AU has identified a number of principles which it believes should underpin relations with the UN, to ensure that cooperation is not *ad hoc* but can proceed in a systematic, principled and predictable manner. These principles are:

- (i) *Collective security, in the context of Chapter VII of the UN Charter:* Reaffirming the primacy of the United Nations Security Council in the maintenance of international security, the AU underscores that, when it intervenes in conflict and crisis situations on the continent, it is doing so on behalf of the UNSC and that, therefore, in the case of AU-led missions that are authorized by the UNSC, the UN has a duty to provide UN assessed contributions.
- (ii) *Support for African ownership and priority setting:* In the spirit of mutual respect, it is critical to support and promote African ownership and priority setting on issues impinging on peace and security on the continent. Closer and consistent consultations between the decision-making organs of the two institutions, in particular the UNSC and the PSC, would contribute to ensuring that African ownership and priority setting is respected.
- (iii) *Partnership on the basis of* i) consultative decision-making; ii) division of labor; and iii) burden sharing. The UN and AU should engage in a dialogue on all three elements to foster political coherence. Issues of legitimacy, division of labor and burden sharing will be clarified if this principle is accepted and applied in the relationship between the UN and AU. The same principle applies to the relationship between the AU and the Regional Economic Communities/Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs). This is another important angle that should be factored into efforts to enhance the strategic partnership between the AU and UN. Efforts to achieve political coherence would be weakened if the role of the RECs/RMs is not properly situated in the partnership.
- (iv) *Mutual respect and adherence to the principle of comparative advantage:* Regional organizations have a strong comparative advantage in promoting peace and security in their neighborhoods. They are often better positioned to serve as first responders, given their proximity to conflict theatres. In light of this, two elements of this principle can be identified:
- *Political legitimacy:* The political legitimacy of external actors is proving increasingly controversial as conflicts shift from inter-state to intra-state. External interventions are increasingly being viewed with reluctance by national actors for a range of reasons, including sovereignty, historical reasons and perceptions linked to impartiality.
 - *Flexibility:* Regional organizations have proven to be more flexible and adaptable in dealing with security challenges in their regions than other international organizations. In practical terms, these instruments provide the AU with the legal basis to respond to all forms of conflicts on the continent.
- (v) *Division of labor underpinned by complementarity:* The two institutions need to engage in dialogue to establish a mutually agreed division of labor to foster coherence and limit competition.

II. INSTITUTIONALIZING THE STRATEGIC PARTNERSHIP

7. The AU and UN are mutually dependent and have a shared strategic interest in establishing a close working partnership. Whilst this has been recognised by both organizations, at a practical level both the AU and the UN need to do more to systematize and institutionalise this partnership.

- (i) The AU and UN should adopt as formal internal policy and practice the seeking out of each other's views and perspectives, as well as engaging in frank but constructive dialogue towards toward a common understanding on matters of common concern, genuinely seeking collaboration and cooperation in understanding the causes of, as well as the steps necessary towards preventing and addressing, conflict.
- (ii) The Headquarters of both organizations should have regular high-level interaction among all relevant decision-making bodies. The UN has already taken significant steps in this direction, through the strengthening of the UN Office to the African Union (UNOAU). The AU will need to take the steps necessary to implement its decision, PSC XXX[September 2013] to strengthen the AU Permanent Observer Mission to the United Nations in New York.
- (iii) Regular joint assessment missions, joint planning, joint evaluations and joint benchmarking exercises should be undertaken as a matter of course, and at all relevant levels, including by the Security Council and Peace and Security Council, as well as the AU Commission and UN Secretariat.
- (iv) Joint policy documents should steer the overall relationship and specific policies or guidelines should be developed on aspects such as conflict prevention, mediation, transitions from AU to UN peace operations, funding of UN Security Council-endorsed African-lead peace operations, and post-conflict peacebuilding.
- (v) There should be better cooperation in the field, e.g. if both organizations have missions in the same theatre, they should exchange liaison officers; there should be joint operation or coordination centres wherever they would add value, and there should be an annual strategic coherence and alignment conference to agree on shared vision, medium-term plans and short-term priorities on specific conflict issues.

III. SHARED ANALYTICAL BASIS IN RESPONDING TO CHANGING CONFLICT DYNAMICS

8. The conflict dynamics that the UN and African peace operations have to deal with continue to change rapidly and have become more complex and asymmetrical. Through the development of the African Peace and Security Architecture (APSA), in particular the Peace and Security Council (PSC) and the African Standby Force (ASF), the African Union and the RECs/RMs have become significant actors in international peace support operations. The AU and the RECs/RMs today are an important resource for the UN in the maintenance of international peace and security.

9. Guided by the UN Charter which underscores the principle of non-interference in the internal affairs of states as well as the primacy of the Security Council in the maintenance of international peace and security, and by the principles of impartiality, consent and the limited use of force in its peace operations, the UN is coming under pressure by the new

forms of conflict it faces. The AU, which is a younger organization and has had to grapple with some of these issues, is in many ways better adapted to contemporary conflicts, as shown by example by its experiences in Somalia with the deployment of AMISOM. In order to better adapt to these changes in global relations, the AU, the RECs/RMs and the UN can work closer together through the establishment of effective mechanisms for the sharing of information and analyses on conflict situations, for instance by:

- (i) Establishing a joint senior officials working group to map, track and analyse macro conflict and peace trends with a view to improving our understanding of how these trends emerge, develop and manifest, and the implications these changes may have for peace operations.
- (ii) Establishing desk-to-desk joint working groups that can assess, map, track and analyse country specific vulnerabilities, including regional and external factors, so that the AU, the RECs/RMs and the UN will be in a better position to prevent outbreaks of violent conflict, and to take steps to help to build resilient states and societies that can cope with these emerging challenges without lapsing into violent conflict.
- (iii) Ensuring that the regular meetings of AU and UN Special Envoys convened by the AU Commission have more focused, concrete and measurable outcomes.
- (iv) Consideration must be given to articulating complementary principles to the existing principles of impartiality, consent and limited use of force in peace operations, taking into account the changing nature of conflict. These new complementary principles should have as their starting point the protection of civilians, and the relationship between the peacekeeping operation and the political process, and the relationship with belligerent forces.
- (v) Extending the *Joint UN-AU Framework for an Enhanced Partnership in Peace and Security*, signed by the AU Department for Peace and Security and the UN Office to the African Union (UNOAU) in March 2014, which addresses the the steps to be taken towards harmonization of views between the two organizations across the full conflict cycle, to the entire AU and UN systems working in the are of peace and security.

IV. STRATEGIC COHERENCE

10. While the AU and the UN have taken many positive steps to improve cooperation and coherence, including at the political (PSC-UNSC) and strategic (Commissioner-USGs) levels, more needs to be done. Strategically, the most important relationship is that between the UNSC and the PSC. Strengthening this relationship would entail that there should be a shared long-term vision of the crisis/conflict under consideration, as well as the steps needed to address it effectively, and the benchmarks to be attained before effecting a transition from an African-led to a UN peace operation.

11. Another area where more needs to be done is at the mission or country level. When the AU and UN both have missions in the same country, which is likely to be almost always the case in African conflicts (regardless of who has a political and who has a peacekeeping mission in place), there is a need to ensure strategic coherence between the AU and UN

missions, as well as with other key actors in that space, such as the host state, as well as the EU, World Bank, AfDB, etc. Some of the steps that can be taken include:

- (i) Ensuring regular and systematic consultations between the Chair of the PSC and the President of the UNSC on the issues on their respective agendas, to ensure greater harmony, coordination, and strategic coherence. Also ensure that a platform exists for emergency communication/consultation between the two Councils on emerging crisis situation.
- (ii) Implementation of the previous decisions of the two Councils to encourage joint assessment missions to conflict situations/areas of mutual concern.
- (iii) Ensuring regular and systematic consultations between the Chairperson of the Commission and the Secretary-General of the UN Secretariat on matters of mutual concern, with a view to promoting joint actions where possible.
- (iv) At the mission level, establishing a process to develop a joint strategic framework for the country in question, consisting of joint assessments, a joint strategic level plan and a joint monitoring process. This should be an iterative process that generates an annual joint strategic plan or framework.
- (v) Where agreed, the AU and UN can consider appointing a Joint Special Representative that provides overall strategic leadership and coherence to both the AU and UN missions, that will be headed respectively by their own heads of missions.
- (vi) Formalization of the current practice of AU-UN jointly-chaired International Contact Groups.

V. LEARNING TOGETHER

12. The AU and UN can jointly undertake Best Practice assessments of issues relevant to both organisations and African TCCs and PCCs that contribute peacekeepers to both the AU and UN operations. Such cooperation can also strengthen the AU's internal capacity to undertake best practices and lessons learned assessments at the end of mission. Current issues of mutual interest include:

- (i) In many contemporary conflict zones terrorists, criminal gangs, traffickers and armed groups or militias deliberately choose to use violence to pursue their objectives. Civilian populations, aid workers and increasingly peacekeepers have been targeted as a result. Both the AU and UN have lost peacekeepers due to new asymmetric threats such as improvised explosive devices (IED), the use of modern technology to promote the radicalization of local populations, in particular the youth, the nexuses emerging between armed groups and criminal organizations in conflict situations, and the emergence of new threats such as disease and mass migration, in the context of state fragility. The AU and UN can embark on a joint study of how best to prevent and counter these new kinds of threats.
- (ii) Both the AU and UN have to deal with unintended consequences and negative side effects of peace operations, such a sexual exploitation and abuse (SEA), corruption, and other forms of misconduct by peacekeepers. The AU and UN can work together

to share lessons and best practice and to exchange experiences and personnel. They can also develop a joint database that will help them both to ensure that they do not deploy individuals that have been involved in misconduct in previous missions.

- (iii) The AU and UN now have an established practice of re-hatting African troop contributing countries (TCCs) and police contributing countries (PCCs) when the UN takes over from AU missions. The 2014 desk-to-desk transitions lessons learned initiative that focussed on Mali and the Central African Republic (CAR) can be institutionalised by forming a “best practice working group on transitions”, with the aim of generating guidelines for future transitions as well as a joint AU-UN policy or directive on transitions.
- (iv) The AU and the UN should undertake a comprehensive assessment of the lessons learned in Somalia, with the deployment of AMISOM, the use of assessed contributions to support critical aspects of the operation, experience in the use of trust funds, and the coordination between the AU, the UN, neighbouring states and other key stakeholders, eg. the EU and NATO.

VI. CONFLICT PREVENTION

13. Conflict prevention is a priority for both the AU and the UN. While progress has been made in implementing existing policies and instruments, a number of challenges remain, not least the possibility of gaining appropriate entry points into tense situations likely to evolve into violent conflict. The AU in particular has, over the past two decades, adopted several instruments, mechanisms and policy documents on direct or operational prevention, as well as on structural prevention.

14. The changing nature of African conflicts, linked in part to governance challenges, gives the AU and its Regional Mechanisms a comparative advantage in the area of conflict prevention. This is all the more so as non-African interventions in areas viewed as “internal affairs” by the countries concerned, and hence a question of sovereignty, have proved problematic.

15. Against this background, the following are recommended:

- (i) Regular exchanges between the AU Commission and the UN Secretariat on potential crisis and conflict situations, with the view to identifying appropriate entry points and facilitating harmonized responses by the two organizations.
- (ii) Recognition of AU’s comparative advantage in addressing governance-related conflicts and mobilization of adequate UN technical and political support to AU-led efforts.
- (iii) The UN should be encouraged to view AU mechanisms for conflict prevention, such as the Panel of the Wise and similar mechanisms at the REC/RM level, as resources to be used in pursuit of common goals, much the same way as the ASF is being viewed with regard to the generation of peacekeepers.
- (iv) Support to the AU’s efforts towards the structural prevention of conflicts, through the implementation of AU’s instruments, especially those related to governance,

elections, democracy, arms control and disarmament, and other related issues.

- (v) Inclusion of an agenda item on conflict prevention in Africa in the agenda of the annual Joint Consultative Meeting of the PSC and the UN Security Council.

VII. MEDIATION

16. Traditional peacekeeping was deployed *after* the signing of a peace agreement, in order to monitor its implementation and to assist in the process of peace- and confidence-building in states emerging from conflict. However, increasingly, peace operations are deployed in situations where there is no peace to keep, in order to stabilize the situation and support the mediation process that can lead to a negotiated settlement. However, there are a number of challenges facing mediation and mediators in conflict situations.

17. The Constitutive Act of the African Union and the established practice of African solutions to African problems places a priority on political responses to imminent crises and actually occurring armed conflicts. The absolute priority of the African Union and APSA is to ensure a rapid and effective political response. This is also where the comparative advantage of the AU lies, relative to all external actors. The AU remains fundamentally committed to the principle that political solutions are necessary and preferable and that the dispatch of an armed peace support operation is a last resort, to be undertaken solely and exclusively in support of a political process. To that end, the AU underlines the primacy of the political and will maintain, at all times, the supremacy of political guidance over military peace operations.

18. The African Union reaffirms its commitment to the principles enshrined in its Constitutive Act, including the refusal of unconstitutional change in government, the promotion of democracy and inclusiveness, and the responsibility of member states to intervene in grave circumstances.

19. Current mediation efforts face a host of challenges. These mean that the conventional established models of mediation are less appropriate and viable than in the past, and that mediators must learn new skills, and must be prepared to be far more patient and creative.

20. The first challenge is the lack of viable national interlocutors, in the context of fragile, failing or failed states. This is further compounded by a tendency of armed movements to fracture in the face of political agreements. In the context of weak states, often the mediator is negotiating with states which do not exercise actual authority over parts of their territory, or which lack legitimacy.

21. Secondly, there is the challenge of integrating the peace mission and the peace process. In almost all peace missions in Africa, there is no clear political strategy underpinning the peace mission, beyond the immediate stabilization of the country. Consequently the relationship between the peace mission and the peace process is weak and lacks institutional clarity.

22. Thirdly, the mediator often finds him or herself faced with the need often incompatible demands of negotiating a quick end to the immediate hostilities, while at the

same time promoting a comprehensive agreement that can address the underlying causes of the conflict. This is compounded by the demands of “deadline diplomacy”, in which parties, and mediators, often at the instigation of donors who are footing the bill, are pressured to reach agreement within tight specified timeframes, leading in some cases to premature substantive agreements that have little chance of being implemented.

23. Fourthly, coordinating the roles and activities of various mediators, in particular the AU and the UN, but also the AU and the RECs/RMs, as well as other multilateral and bilateral partners is proving to be difficult. The demands of managing these relationships and the multiplicity of actual or putative mediation actors can divert political attention and resources from the mediation. In 2011, an attempt was made to codify the ways in which to ensure cooperation between the AU and the UN through the adoption of a “Joint Mediation Guidelines Handbook”. The AU has attempted to address the issue of coordination of mediation efforts through the establishment of International Contact Groups (ICGs) bringing together the different mediators to coordinate approaches and strategies. The establishment of ICGs has led to an improvement in cooperation between the AU, the UN, EU and the RECs/RMs, and this mechanism should be improved, adapted and implemented for all mediation efforts in Africa. Finally, the “new wars” pose a significant challenge to the very premise of mediation, as an effort to find common ground between belligerents in a conflict.

- (i) The AU and UN should revisit the AU-UN Mediation Guidelines, with a view to finalizing and adopting them.
- (ii) The AU should systematize the practice of jointly-chaired International Contact Groups, and should enhance those already in existence, including through the establishment of joint secretariats to service them, as well as putting in place follow-up mechanisms. The experience of AU-UN cooperation in the mediation process and ICG in Central African Republic, through the G8-CAR, provides an instructive case study.
- (iii) The question of comparative advantage and division of labour applies as much to mediation as to other aspects of peace operations, and the AU and UN should strive to reach a common understanding of what these are in each mediation context. The case of the African Union High-Level Implementation Panel on Sudan and South Sudan (AUHIP) provides an excellent example of seamless cooperation based on a shared understanding of the comparative advantage and division of labour between the AU, the UN and other interested parties towards the mediation process between Sudan and South Sudan.
- (iv) As the AU embarks on the development of a mediation roster, it should be able to draw on the UN’s extensive experience in this regard.
- (v) The AU and UN, including the two Councils, should work together to reach agreement on how to deal with spoilers to peace processes.
- (vi) The AU and UN should consider the establishment of mechanisms and modalities to assess jointly compliance by Parties to a conflict with the agreement reached, as part of the mediation process.

- (vii) The AU and the UN should recognize that effective and successful mediation will need to be responsive to the changing dynamics of each conflict and mediation context, and two bodies should therefore seek to maintain a joint analysis and appraisal of the needs of the mediation as the process unfolds.

VIII. FINANCING OF AU PEACE OPERATIONS

24. The financing of African-led peace operations in a flexible, predictable and sustainable manner remains one of the most important strategic challenges facing the AU and UN, and more needs to be done to address this challenge directly. Ignoring it will only increase tension and undermine other aspects of the AU-UN strategic partnership. African peace operations represent local responses to global problems and effective African peace operations thus represent a significant contribution to the global common good. Moreover, Africa has become the largest single contributor to UN peace operations, contributing approximately 45 % of the UN's uniformed peacekeepers. Thus African capacities have become a critical resource for the success of the UN's own missions, and the failure to support the development of their capacity has deleterious effects for the UN. Moreover, as demonstrated by the AU and UN experiences in Mali and CAR, the failure to provide the AU with the necessary support to carry out the stabilisation mandate given to it by the UN Security Council, will result ultimately in the deployment of a UN mission into a situation that is not yet stabilized, and consequently that is not consonant with existing UN peacekeeping doctrine. The following recommendations address this key challenge:

- (i) The AU is committed to increase the proportion of the cost of AU peace operations covered by the AU and its Member States. It has launched an initiative to increase AU assessed contributions to AU peace operations, and also to seek alternative ways to finance the AU and its peace operations. To this effect, a number of decisions were taken during the most recent Summit in January 2015. In addition, AU Member States have in the past and are continuing to make significant contributions to peace operations by contributing troops and equipment and shouldering many of the hidden costs, such as the salaries, pensions and health care of the troops and police officers, including long-term health costs of those wounded; the capital cost of new equipment, etc; and, most importantly, the lives of its peacekeepers. The AU, together with its partners, can assess the total actual contribution AU TCCs and PCCs are making and the alternative ways in which these contributions can be enhanced and resourced.
- (ii) At the same time, the international community, through the UN, has a duty to support AU operations. There are three ways in which the UN has supported AU operations in the past: through undertaking hybrid missions where the AU retains a political role in the management of the mission, but where the financial costs are fully funded by the UN through the normal process of assessed contributions (e.g. UNAMID); through deploying a UN support mission to indirectly support key elements, including logistics, of an AU mission (e.g. UNSOA), and by the UNSC authorising a UN Trust Fund that is dependent on voluntary contributions but that has the political backing of the UNSC. The AU, UN and key partners such as the EU and other major donors should assess these models and make recommendations regarding how they can be improved and adapted in the future.
- (iii) The AU's preferred model is the use of UN assessed contributions to support AU-led

peace operations, premised on the conviction that the UNSC retains the primacy for the maintenance of international peace and security and that, in undertaking peace operations in the continent, the AU is responding to an international obligation and acting on behalf of the UN. The AU also fully shares the position articulated by the Report of the African Union-United Nations Panel on Modalities for Support to African Union Peacekeeping Operations (the “Prodi Report”), which stressed the need for equitable burden-sharing between the UN and the AU, and underlined the need for a shared strategic vision, if the two organizations are to be able to exercise their respective advantages.

- (iv) In addressing the funding issue, the two organizations should address also the doctrinal issues relating to interventions in situations where there is “no peace to keep.” Such doctrinal differences between the AU and UN in deciding whether or not to deploy peace operations will have an impact on the use of UN assessed contributions.
- (v) The AU would also like to note that experience to date has shown that Trust Funds are neither reliable, predictable nor easily accessible, especially for high-tempo operations where troops on the ground are faced with well-resourced, determined and highly networked armed groups, the very types of operations that the AU has tended to deploy into, and which are not suited to UN peacekeeping doctrine.
- (vi) Even if it is not possible to have one preferred model, the AU and the UN can develop a predictable mechanism for addressing the financing of AU peace operations in future, i.e. a standing mechanism that can be activated when ever the need arises, and that can design a funding and support model that meet the needs of the specific context at hand. The advantage of such a standing model is that those involved will build up institutional knowledge, best practices and avoid re-inventing the wheel.

IX. SUPPORTING AU PEACE OPERATIONS

25. The UN has provided some form of support to all the African missions to date. The AU has a very limited in-house capacity to support its own missions and will therefore have to rely on outsourcing and partnerships.

- (i) The AU and UN should jointly embark on a work study to design an appropriate support model for AU operations. Such a model should give guidance on what kind of in-house mission support capacity the AU should develop, what kind of partnerships the AU can rely on, and what kind of outsourcing arrangements the AU need to prepare for.
- (ii) The UN should make some of its Department of Field Service capabilities available to the AU, including its Brindisi and Entebbe logistical depots. The UN can include the AU in some on-call procurement arrangements, for instance strategic airlift, etc. The AU and UN can undertake a joint study of which UN Department of Field Support (DFS) capabilities can be made available to the AU on a partnership basis, including through the use by AU missions of assets available in neighbouring UN missions on the ground, and what legal and other procedural steps would be necessary to manage such a partnership.

- (iii) The issue of support needs also to address the issue of standards and their harmonization, bearing in mind the need to ensure both that AU operations meet all required international standards, while at the same time allowing for flexibility, it being understood that the different environments in which AU operations, especially peace enforcement operations, are deployed, entails a different set of standards from traditional peacekeeping operations.

X. TRANSITIONS FROM AU TO UN OPERATIONS

26. The idea behind the notion of transitions is that they occur once certain benchmarks, related to stabilization, have been met. Lessons learned from recent transitions in Mali and CAR have exposed both challenges and opportunities for promoting a seamless transition from AU peace support operations to UN peacekeeping. In some cases, benchmarks for transition were neither properly nor jointly conducted, nor informed by improvements in the security conditions on the ground before the deployment of a UN peacekeeping mission. Drawing from experiences of recent transitions, from AU to UN missions as well as current interactions in going AU operations, the AU makes following recommendations:

- (i) There is an imperative for both the PSC and the UNSC to enhance early consultations well in advance of an adoption of a UNSC resolution authorizing a transition from an AU peace support operation to a UN peacekeeping mission.
- (ii) At a technical level, it is important for both the AU Commission and the UN Secretariat to be aware that they are working towards a common vision and objective to promote sustainable peace in Africa. Accordingly, both organizations must develop a more institutionalized practice for early pre-mandate consultations and assessment, collectively develop strategy documents and agree on appropriate benchmarks for transition. This would prevent questions about possible discrepancies between AU and UN standards in the re-hatting of uniformed and civilian personnel and ensure that the transition process is informed primarily by the improvement of the security conditions on the ground.
- (iii) The UN needs to articulate clearly the modus operandi of its support regime to AU peace operations and should seek to adapt its support rules to suit the liquidation process of AU high intensity operations. The transition from AU to UN peacekeeping missions does not end with a transfer of authority ceremony. Rather, transition means that the AU will require continued support both in the liquidation of some of its assets as appropriate, including through enhanced collaboration between the UN and the AU after the re-hatting, usually through the establishment of a political office.
- (iv) Even after a mission has been re-hatted as a UN mission, the role of the AU remains relevant, especially as part of the political process and post-conflict reconstruction of the country.

XI. SUSTAINABLE POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT

27. Ten years after the establishment of the UN's Peacebuilding Commission (PBC) and nine years after the adoption of the AU's policy on Post-Conflict Reconstruction and

Development (PCRD), a number of challenges remain, as shown by the relapse of some post-conflict countries into violence. All the countries on the UN PBC country configuration agenda over the last decade have been from Africa. African countries have received approximately 80% of the UN Peacebuilding Fund's allocations over the 2007-2014 period, and approximately 70% of the UN's Special Political Missions have been in Africa. The AU, through its Post-Conflict Reconstruction and Development Framework (PCRD) and its African Solidarity Initiative (ASI) that encourages South-South cooperation, and the UN through its Peacebuilding Architecture (PBA) and Special Political Missions (SPMs) have much to learn from each other's approaches and experiences, and from seeking greater cooperation, collaboration and complementarity.

- (i) The UN Peace Operations Panel and the UN Advisory Group of Experts (AGE) that are undertaking a review of the UN's peacebuilding architecture should consider what needs to be done to ensure that the UN's peacebuilding work is well connected and complementary to the AU's PCRD and ASI work streams.
- (ii) The Panel and the AGE should consider how the UN PBC and PBF can enhance its complementarity and support to the AU, RECs/RMs and African civil society. The engagement between the PBC and the African Union's Peace and Security Council in 2014 should be institutionalised in an annual meeting on peacebuilding in Africa to seek greater coherence on strategic priorities between the PBC and PSC.
- (iii) These high-level exchanges need to be underpinned by a desk-to-desk exchange between the UN's Peacebuilding Support Office, the relevant departments in the AU Commission, and relevant parts of the RECs/RMs.
- (iv) The UN PBC should encourage the efforts of the African Solidarity Initiative to develop its database of support from African countries to others emerging from conflict, it being understood that resources and support extend beyond financial, to include experience and other "soft skills" that are appropriate to the needs of countries emerging from conflict. The PBC should also seek to use these types of skills in its own peace building efforts in African and non-African countries on the PBC's agenda.

XII. INTERNATIONAL JUSTICE

28. Since the ratification of the Rome Statute in 1998 and the subsequent establishment of the International Criminal Court (ICC) in 2003, there has been a shift in understanding of the concept of "transitional justice." Originally "transitional justice entailed an understanding of how states manage their transitions from conflict through alternatives to prosecution, often rooted in historical cultural practices, precisely as a way to avoid appearances of impunity and to provide a form of justice appropriate to delicate and complex political transitions. Now, with the arrival of the ICC, the main approach to transitional justice privileges prosecutions as a normative response to certain offenses, even in contexts where prosecutions can pose a threat to stability in fragile transition situations.

- (i) The UN should support the AU in the latter's efforts to articulate more fully the intersection and prioritising of peace, justice and reconciliation as it obtains on the African Continent, and should view the AU's efforts as a contribution to the

global search for principled responses to the challenges of the new conflicts the world faces.

- (ii) The UN should support the AU's efforts to enhance its capacity to prosecute and adjudicate serious crimes.
- (iii) The UNSC should treat with the seriousness they deserve the AU's decisions and requests to defer cases before the ICC in order to ensure that peace efforts are not undermined.

XIII. WOMEN, PEACE AND SECURITY

29. Conflicts today unfortunately involve the commission of mass atrocities targeted against civilians. Women and girls in particular have tended to be targets, through the use of rape, enforced pregnancy, and enslavement for sexual and non-sexual purposes. In addition to this, there have been numerous instances where peacekeepers have been accused of committing sexual abuse and exploitation of vulnerable women in displaced persons camps.

30. UN Security Council Resolution 1325 (2000) is the cornerstone resolution on women, peace and security, further reinforced by consequent resolutions on issues related to women participation to peace processes, protection of women from violence and respect of their rights. Together these resolutions create the Global framework for the agenda on Women, Peace and Security. The challenge facing us is how to ensure their concrete and effective implementation, in Africa and globally. In Africa, this framework is supplemented by the AU's own instruments, including the AU Solemn Declaration on Gender Equality in Africa (SDGEA), the Maputo Protocol, and the Africa Decade for Women. Based on the above, the AU makes the following recommendations:

- (i) Determine a minimum threshold of the proportion of women to be included in peacekeeping operations, all the while ensuring that their basic and specific needs are understood and fulfilled, including the need to be protected from sexual harassment or any other forms of violence against women, and provide facilities to communicate with families on a regular basis.
- (ii) Increase the proportion of the women in the police component of peace operations, and involve them from the beginning of missions, since experience on the ground has shown that women peacekeepers reassure communities and in particular women victims of the conflict in areas where violence against women has been used as a weapon of war.
- (iii) Ensure that the terms of reference of mediation and peace building processes have a clear component of women participation, as the basis of their delivery and accountability towards the implementation of the women, peace and security agenda.
- (iv) The UN and the AU should develop specific tools for the mediation, which can be provided to mediation teams to help increase their understanding and commitment on the issue of women's participation in peacemaking.
- (v) Work proactively with security and armed forces in Member States hosting peace operations as well as TCCs, to make training programmes on women, peace and

security a mandatory part of the curricula for a their regular training and not only when they are being prepared for peace support operations. Individual and troops accountability should also be stressed during these trainings. The AU has already begun to integrate such training into its ASF programme.

- (vi) Invest in conflict prevention and in women's prevention initiatives, particularly in environments that are prone to violence, such as during election periods, and strengthen the participation of women through initiatives such as Women's Situation Rooms, and platforms focused on disseminating information about violence against women in conflict and crisis situations.
- (vii) Ensure that perpetrators of violence against women are held accountable and hence effectively apply zero tolerance policies and act on ensuring accountability thus to end impunity for such crimes. In the case of sexual violence and abuse perpetrated by peacekeepers, the mandating authority (eg. the UN or the AU) should exercise accountability and justice, rather than the TCC, as has been the case to date.
- (viii) Seek to address the scourge of sexual and gender based violence more holistically, as an often deeply engrained societal phenomenon, which requires, among others, the promotion of attitudinal changes and engagement of young males in particular.