

Distr.: General 21 December 2023

Original: English

## Gabon, Ghana and Mozambique: draft resolution

# The Security Council,

*Recalling* the purposes and principles of the Charter of the United Nations *and reaffirming* the Security Council's primary responsibility for the maintenance of international peace and security in accordance with article 24 of the Charter,

Also recalling Chapter VIII of the Charter of the United Nations on regional arrangements and its competence under article 53 (1) of the Charter to where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority consistent with the purposes and principles of the Charter as well as its oversight role under article 54 of the Charter, *recognising* that cooperation with regional and sub-regional organisations in matters relating to the maintenance of international peace and security can improve collective security *and acknowledging* the mandate of the African Union Peace and Security Council for the promotion of peace, security and stability in Africa pursuant to the Protocol Relating to the Establishment of the Peace and Security Council of the African Union,

*Mindful* of all its previous relevant resolutions and statements by its President, especially resolutions 2320 (2016) and 2378 (2017) as well as Presidential Statement S/PRST/2022/6 which underscored the importance of developing effective partnerships between the United Nations and regional organisations, in particular the African Union, and *also recalling* Security Council resolution 2457 (2019) on silencing the guns as well as the acceleration of progress in the realisation of Agenda 2063 and the 2030 Sustainable Development Goals,

*Recalling* the signing on 19 April 2017 of the Joint United Nations-African Union Framework for Enhanced Partnership in Peace and Security on the African continent, and *also recalling* the Joint Declaration signed by the Secretary-General of the United Nations and the Chairperson of the African Union Commission on 6 December 2018, which outlined the guiding principles underpinning the cooperation and collaboration between the two organisations in responding to conflict and crises in Africa and may continue to inform the partnership between the African Union and the United Nations in meeting peace and security challenges together, which has enhanced consultations between the African Union Peace and Security Council and the United Nations Security Council,

*Welcoming* the Secretary-General's 29 April 2023 (S/2023/303) report on the Implementation of Security Council resolutions 2320 (2016) and 2378 (2017) and considerations related to the financing of African Union peace support operations authorized by the Security Council as requested in the statement by the President of the Security Council on 31 August 2022, and *noting* the African Union Consensus





Paper on Predictable, Adequate and Sustainable Financing for African Union Peace and Security Activities adopted by the 36th ordinary session of the Assembly of the African Union held on 18–19 February 2023,

*Noting* the ongoing efforts of the African Union and its sub-regional organisations to strengthen the implementation of the framework of the African Peace and Security Architecture to undertake peace support operations on the continent, including peace enforcement, consistent with the relevant provisions of Chapter VIII of the Charter of the United Nations, *and reaffirming*, in this context, the significant contributions being made by African Union peace support operations in maintaining regional and continental peace, in particular the comparative advantage, as "first responders" with the political will in undertaking peace support operations, under the effective and direct command and control of the African Union,

*Recognising* the changing nature of conflicts in Africa and the need to be able to draw on a range of international responses and their complementarity to fit the specific complex operating environments and evolving threats, including in some environments the increasing use of asymmetric tactics by non-state armed groups, terrorists and violent extremists, as well as the sophistication of violent extremism conducive to terrorism, the deliberate targeting of peacekeepers, and the expanding influence of transnational organised crime,

*Reaffirming* that States bear the primary responsibility for the prevention of conflict and protection of civilians within their territories and *further recognizing* the role that regional and subregional organizations play in this regard and that national ownership and regional and subregional support is key to establishing sustainable peace, and *noting* the important role of relevant stakeholders in preventing conflicts, including countering violent extremism conducive to terrorism,

*Noting* the need to enhance and align the United Nations and African Union efforts to support the national initiatives to address the security challenges of the continent including through comprehensive solutions that respond to the root causes and drivers of conflicts in Africa and *underscoring* the importance of the primacy of politics and the need for coherent political strategies for African Union-led Peace Support Operations authorised by the Security Council, and *affirming* that lasting peace is not achieved nor sustained by military and technical engagements alone, but through political solutions, and convinced that they should guide the design and deployment of African Union-led Peace Support Operations,

*Further underscoring* the importance of a holistic approach to peace operations deployed in Africa and underlying the centrality of the United Nations in Peacekeeping Operations and the need to ensure coherence, coordination and complementarity between African Union-led Peace Support Operations and United Nations Peace Operations, in accordance with their respective mandates and avoid duplication of efforts,

*Noting also* the progress made by the United Nations and the African Union in the joint planning and management of African Union-led Peace Support Operations, including in the areas of consultative evaluation, analysis, and assessment of African Union missions as well as the conduct of joint assessments and technical missions,

Welcoming the substantial progress made by the African Union since 2017 to strengthen its international humanitarian law, human rights and conduct and discipline compliance frameworks with the support of the United Nations and partners including the European Union and the African Union's commitment to plan and conduct its peace support operations in accordance with international human rights law and international humanitarian law, regional human rights instruments and applicable standards of conduct and discipline and *underscoring* the importance of a progressive implementation and evolution of the African Union's adopted frameworks and its compliance in a manner that ensures the Security Council's oversight of operations that it may authorize,

Also bearing in mind that promoting standards of compliance with international law, including, international humanitarian law and international human rights law, and conduct and discipline is an iterative and ongoing process requiring sustained support and dedicated resources including from partners,

*Recognising* the revitalisation of the African Union Peace Fund and the improvement of the Financial Rules and Regulations to support prudent management of resources and improved accountability, and *welcoming* the ambition to support African Union peace and security activities from the Fund, including Peace Support Operations,

*Noting* the significant contributions being made by the African Union, sub-regional organisations and its Member States, with the support of the United Nations and international partners, towards the maintenance of international peace and security on the continent and *recognising* the adverse impact that ad hoc, inadequate and unpredictable financing arrangements have had on African Union-led Peace Support Operations authorised by the Security Council under Chapter VIII of the Charter, and *underlining* the need to enhance the adequacy, predictability and sustainability of financing for African Union-led Peace Support Operations authorised by the Security Council's authority consistent with Chapter VIII of the UN Charter,

*Recognising* the various financing models presented by the Secretary-General in his report S/2017/454 on options for authorization and support for African Union peace support operations through which United Nations assessed contributions could be used to support African Union-led Peace Support Operations on a case-by-case basis, and stressing that any financing model to be used should be adequate, predictable and sustainable,

Acknowledging the existing efforts of the African Union and its Member States to share the burden of African Union-led Peace Support Operations authorised by the Security Council together with financing from United Nations assessed contributions, and determined to address the financing challenges identified with Africa Union-led Peace Support Operations and strengthen the strategic partnership between the United Nations and the African Union in support of the maintenance of international peace and security,

Also taking note of Communiqués adopted at the 1153rd and 1175th meetings of the African Union Peace and Security Council reiterating its commitment to further strengthen its partnership with the United Nations Security Council, for the maintenance of international peace and security, calling for the use of United Nations assessed contributions based on established parameters of the United Nations standards and building on existing practices to ensure access to adequate, predictable, and sustainable financing of African Union-led Peace Support Operations,

1. *Reaffirms* its determination to take effective steps to further enhance the partnership between the United Nations and the African Union, in accordance with Chapter VIII of the Charter, including forging greater regional and national ownership and underscores the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security, as well as the oversight responsibilities of the Security Council for African Union-led Peace Support Operations authorized by the Security Council;

2. *Agrees* to consider on a case-by-case basis, while aiming at early action and rapid deployment to prevent violent conflict and its escalation, requests from the

African Union Peace and Security Council seeking authorisation from the United Nations Security Council for African Union-led peace support operations under chapters VII and VIII of the Charter to have access to United Nations assessed contributions consistent with Article 17 of the Charter as well as the financial regulations and rules of the United Nations, and under the direct, and effective command and control of the African Union on the terms established in paragraphs 3 to 13 below;

### Decision making and authorization

3. *Acknowledges* that African Union-led peace support operations, including peace enforcement can be deployed quickly to implement a clear, robust, and focused mandate with a limited duration in time and an exit strategy defined from the outset, and determines that the processes for mandate authorization will encompass the following:

- i. The African Union Chairperson and the United Nations Secretary-General will undertake consultations for the conduct of joint strategic assessment, which shall include a detailed conflict analysis, a range of options for response by the African Union Peace and Security Council and the United Nations Security Council, including a draft Concept of Operations, developed by the African Union in collaboration with the United Nations and in consultations with the host country, and notify the United Nations Security Council and the African Union Peace and Security Council,
- ii. A joint strategic assessment conducted through a consultative planning and decision-making process undertaken by African Union Commission Chairperson and the Secretary-General of the United Nations, and guided by a joint African Union-United Nations planning as well as regular joint review and reporting processes to ensure oversight by the Security Council of all authorized operations that access United Nations assessed contributions pursuant to its role and prerogatives as set out in Chapter VIII of the Charter,
- iii. The decision of the African Union Peace and Security Council on the report of the strategic assessment and draft Concept of Operations shall be transmitted to the United Nations Security Council for consideration,
- iv. A consideration and decision by the United Nations Security Council on whether to authorize the African Union-led Peace Support Operations with assessed contributions,
- v. The mandates for African Union-led Peace Support Operations that access United Nations assessed contributions will be expressly authorized by the United Nations Security Council and guided by a coherent political strategy that will be undertaken in partnership with the United Nations and sub-regional organisations to support host countries in their transition from conflict to peace,
- vi. Following the United Nations Security Council authorization for an African Union-led Peace Support Operations accessing United Nations assessed contributions, the Secretary-General and the African Union Commission Chairperson jointly develop the detailed planning documents, such as the mission and component-level concepts, including command and control structure,

### Financial arrangements and procedures

4. *Emphasizes* that African Union-led Peace Support Operations authorized by the Security Council that access United Nations assessed contributions will comply with the Financial Regulations and Rules of the United Nations, standards for financial oversight, and accountability mechanisms, and reaffirms the established process for the preparation and presentation of reports by the Secretary-General containing proposals for the appropriation of resources and subsequent performance reports for consideration and approval by the General Assembly through the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee in accordance with the established peacekeeping budgetary process for United Nations assessed contributions and as appropriate, including information pertaining to the peace support operations budget;

5. Also stresses that the logistical, financial, and other support extended to African Union-led Peace Support Operations will as appropriate, include costs and reimbursement of all categories of support as negotiated between the troop-police contributing country, the African Union, and the United Nations, under the Memorandum of Understanding according to the reimbursement framework covered by United Nations Peace Operations and as contained in the United Nations Contingent-Owned Equipment Manual, including the provision of personnel reimbursement to countries contributing personnel, as well as death and disability compensation and logistics support to the civilian component of the mission;

6. Determines that African Union-led peace support operations that are authorized by the Security Council will have access to funding from the United Nations assessed contributions not exceeding 75 percent of their annual budgets, with the remaining amount to be jointly mobilized by the African Union and United Nations from the international community as extra-budgetary resources and commits to consider all viable options in the event of significant shortfalls in resource mobilization;

7. Determines that the support provided to African Union-led Peace Support Operations will be delivered in accordance with the Human Rights Due Diligence Policy on United Nations support to non-United Nations security forces and within the regulatory and administrative framework established by the United Nations General Assembly, and in this regard *requests* the Secretary-General to provide support to United Nations, as well as African Union entities to ensure implementation of the Human Rights Due Diligence Policy, with a focus on strengthening mitigation, compliance, and accountability measures and capabilities;

8. Determines that in authorizing, on a case-by-case basis, prospective African Union-led Peace Support Operations requiring logistical, financial and other support through the United Nations assessed contributions, the Security Council will decide on the most appropriate mission model, prioritizing the establishment of a United Nations Support Office, which enables the use of the fiduciary processes and reporting of the United Nations system or as may be necessary through any other mission model;

9. Welcomes the commitment and ambition of the African Union, sub-regional organisations and its member states to contribute significantly within their available means to African Union-led Peace Support Operations to be determined on a case-by-case basis, in line with the principle of burden sharing, and further stresses this contribution will include the provision of military, police and civilian personnel, ensuring effective pre-deployment training and readiness of personnel, effective involvement in planning, situation analysis, assessment and management for African Union-led Peace Support Operations that will be authorized

by the United Nations Security Council and have access to United Nations Assessed Contributions;

10. Also welcomes the continued financial, technical, and logistical support provided by all Member States and international partners in support of peace and stability in Africa, and encourages Member States, international organizations, and international financial institutions to sustain their support to Africa;

#### Compliance frameworks and other matters

11. Stresses the operational necessity for African Union-led Peace Support Operations accessing United Nations assessed contributions to be planned and conducted in compliance with the African Union Compliance Framework on International Humanitarian Law, African Union Human Rights Compliance Framework, International Human Rights Law, African Union Policy on Conduct and Discipline for Peace Support Operations, African Union Policy on Prevention and Response to Sexual Exploitation and Abuse, the Human Rights Due Diligence Policy on United Nations Support to non-United Nations security forces, as well as align with relevant United Nations frameworks and policies;

12. *Emphasizes that* African Union-led Peace Support Operations accessing United Nations assessed contributions should ensure that the protection of civilians is prioritized in the planning of African Union-led peace support operations, as well as the Concept of Operations and rules of engagement and relevant policy and guidance documents as appropriate;

13. *Further emphasizes* the importance of implementing resolution 1325 (2000) to ensure the full, equal, and meaningful participation of women, including as appropriate, through the deployment of women as part of African Union-led Peace Support Operations accessing United Nations assessed contributions, in all aspects of these operation;

14. *Emphasizes* the need for the African Union and the United Nations to enhance collaboration in operational support, planning, oversight, accountability, compliance and decision-making, with a view to enhancing the autonomy and ownership of the African Union's own peace support operations;

#### **Reporting and Monitoring**

15. *Requests* the Secretary-General, in consultations with the Chairperson of the African Union Commission, to submit a joint report to the United Nations Security Council every 180 days (6 months) on the status of implementation of the mandate that the United Nations Security Council authorizes for the conduct of any African Union-led Peace Support Operations within the framework of this resolution, including the state of compliance with paragraphs 3 to 13 above;

16. Also requests the Secretary-General to submit an annual report to the Security Council on progress in the implementation of this framework resolution to enable its alignment for greater effectiveness and also use the United Nations Security Council and the African Union Peace and Security Council annual consultative meeting to provide updates in this regard; and

17. *Further decides* to review the implementation of this resolution three (3) years after its adoption and remain seized of the matter.