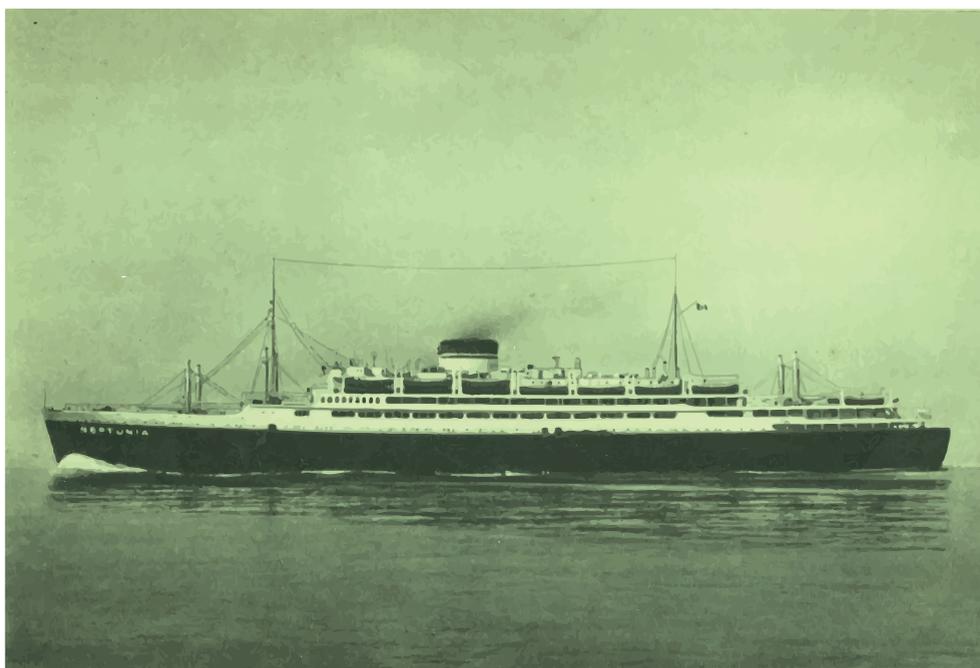


PAIX ET SÉCURITÉ INTERNATIONALES

03

2015



REVUE MAROCO-ESPAGNOLE
DE DROIT INTERNATIONAL ET RELATIONS INTERNATIONALES
(NOUVELLE SÉRIE- VERSION ÉLECTRONIQUE)



DEVELOPING EFFECTIVE PARTNERSHIPS IN PEACEKEEPING OPERATIONS BETWEEN THE UN AND REGIONAL ORGANIZATIONS. A RECENT REPORT OF THE UN SECRETARY GENERAL ON THE TRANSITION IN MALI AND IN THE CENTRAL AFRICAN REPUBLIC

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I. INTRODUCTION – II. THE METHODOLOGY ADOPTED TO PREPARE THE REPORT OF THE SG – III. THE EVENTS IN MALI AND IN THE CENTRAL AFRICAN REPUBLIC WHICH LED TO THE DEPLOYMENT OF AFISMA AND MISCA AND LATER OF MINUMSA AND MINUSCA – IV. SIMILARITIES AND DIFFERENCES BETWEEN THE TWO CASES OF MALI AND CAR – V. THE MODALITIES OF THE TRANSFER OF AUTHORITY FROM THE AFRICAN-LED OPERATIONS TO THE UN PKOS – VI. LESSONS LEARNED FROM THE TWO CASE STUDIES – VII. CONCLUDING REMARKS

ABSTRACT: Developing effective partnerships between the UN and Regional organizations involved in the delivery of Peace-keeping Operations (PKOs) has become a key element to improve the effectiveness, credibility and sustainability of these missions. The recent trend of transferring authority from a regional Organization to a UN PKO represents an interesting tool based on the principles of complementarity and comparative advantages. At the request of the Security Council, the UN Secretary General carried out a lessons-learned exercise on the transition from African Union peace operations to UN PKOs in Mali and in the Central African Republic (CAR). This article provides a critical analysis of this Report and argues that a smooth transition phase from one operation to the other is possible provided that a set of conditions are fulfilled. Moreover, the present contribution highlights that the two cases offer interesting lessons to be learned, which could prove to be essential for the future transition from the African Union Mission in Somalia (AMISOM) to a UN operation.

KEY WORDS: UN, Regional organizations, Peace-keeping, Partnerships.

DEVELOPPER UN PARTENARIAT EFFICACE ENTRE L'ONU ET LES ORGANISATIONS REGIONALES DANS LE DOMAINE DES OPERATIONS DE MAINTIEN DE LA PAIX. LE DERNIER RAPPORT DU SECRETAIRE GENERAL DES NU SUR LA TRANSITION AU MALI ET EN REPUBLIQUE CENTRAFRICAINE.

RÉSUMÉ : Développer des partenariats efficaces entre l'ONU et les Organisations régionales engagées dans le déploiement des Opérations de maintien de la paix (OMP) est devenue un élément

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clé pour améliorer l'efficacité, la crédibilité et la durabilité de ces missions. La récente pratique de transférer l'autorité d'une mission de maintien de la paix du niveau régional au niveau de l'ONU représente un outil intéressant basé sur les principes de complémentarité et de l'avantage comparatif. À la requête du Conseil de sécurité, le Secrétaire général de l'ONU a réalisé une étude sur les leçons apprises concernant l'attribution des opérations de maintien de la paix au Mali et en République centrafricaine de l'Union africaine aux Nations Unies. Cet article propose une analyse critique de ce Rapport et va démontrer que une phase de transition « douce » entre une opération à l'autre est possible si des conditions spécifiques se réalisent. En plus, cet écrit va montrer que les deux opérations offrent des intéressantes leçons à tirer, qui pourraient se révéler utiles hors de la transition de la Mission de Paix de l'Union Africaine en Somalie (AMISOM) aux Nations Unies.

MOT CLES: ONU, Organisations Régionales, Maintien de la paix, Partenariats

DESARROLLAR UNA COLABORACIÓN EFICAZ EN LAS OPERACIONES DE MANTENIMIENTO DE LA PAZ ENTRE LAS NACIONES UNIDAS Y LAS ORGANIZACIONES REGIONALES. UN INFORME RECIENTE DEL SECRETARIO GENERAL DE LAS NACIONES UNIDAS SOBRE LA TRANSICIÓN EN MALI Y EN LA REPÚBLICA CENTROAFRICANA

RESUMEN: Desarrollar una colaboración eficaz entre las Naciones Unidas y las Organizaciones Regionales involucradas en la realización de Operaciones de Mantenimiento de la Paz (OMP) se ha convertido en un elemento clave para mejorar la eficacia, la credibilidad y la sostenibilidad de estas misiones. La tendencia reciente de transferencia de autoridad desde una Organización Regional a una OMP de las Naciones Unidas representa un instrumento interesante basado en los principios de la complementariedad y de las ventajas comparadas. A petición del Consejo de Seguridad, el Secretario General de las Naciones Unidas ha llevado a cabo un ejercicio de lecciones aprendidas sobre la transición de las operaciones de paz de la Unión Africana para las OMP de las Naciones Unidas en Mali y en la República Centroafricana. Este artículo ofrece un análisis crítico de este Informe y argumenta que una fase de transición suave de una operación a la otra es posible a condición de que un conjunto de condiciones se cumpla. Además, la presente contribución evidencia que los dos casos ofrecen lecciones interesantes que pueden ser aprendidas y que podrían ser esenciales para la transición futura de la Misión de la Unión Africana en Somalia (AMISOM) para una operación de las Naciones Unidas.

PALABRAS CLAVE: Naciones Unidas, Organizaciones Regionales, Mantenimiento de la Paz, Colaboración

I. INTRODUCTION

In recent decades PKOs have undergone major changes, as is evident from the large number of contributions published in this Journal. One of the significant innovations which has occurred is related to the actors involved in delivering these kinds of field operations. While in the past the UN, who rightly claims to have

invented them, enjoyed a *de facto* monopoly in organizing PKOs, in more recent times regional Organizations, coalitions of the willing, groups of States and even individual States have entered this “market” and started to offer their services. This new situation should not come as a surprise: in 1945 the drafter of the UN Charter in San Francisco introduced a specific rule, namely Article 52, in which the role of regional organizations in dealing with such matters relating to the maintenance of international peace and security was not only predicted but even welcomed.² The increasing activism of different players interested in delivering PKO’s, especially in the African continent,³ has even provoked a kind of latent competition between these actors, entailing positive as well as negative effects. On the one hand this competition has stimulated all the actors to improve the quality of their services, while on the other hand it has resulted in a trend of only calling in the UN in situations where other parties are reluctant to become involved with a given region/area.

In more recent times the various PKO providers seem to have changed their attitude from one of “competition” to one of “cooperation”. Various forms of cooperation between the UN and regional organizations and/or coalitions of the willing have already been carefully examined by several scholars.⁴ One issue that has received a lot of attention recently is the “transition phase” from a PKO carried out by regional organizations to the UN and vice versa. International practice, especially in the African continent,⁵ demonstrates that these transition phases are becoming popular and that the manner in which they are carried out has a decisive impact on the effectiveness of the operations. Two recent cases confirm this thesis: the transition from the African-led peace operations to the UN PKOs in Mali and in Central Africa Republic. Both cases presented complex challenges to the two institutions involved and raised sensitive issues: this is why the SC requested in its Resolution 2167(2014)

² For more on this, see WALTER, C., “Regional Arrangements and the United Nations Charter”, in RUDIGER, W. (ed.), *Max Planck Encyclopedia of Public International Law*, Oxford University Press, Oxford, 2009.

³ On the role played by AU in this regard see ENGEL, U. and GOMES PORTO, J. (eds.), *Towards an African Peace and Security Regime: Continental Embeddedness, Transnational Linkages, Strategic Relevance*, Ashgate, London 2013 and HULL WIKLUND, C. and INGERSTAD, I., *The Regionalisation of Peace Operations in Africa, Advantages, Challenges and the Way Ahead*, FOI, Stockholm, 2015.

⁴ See de GUTTRY, A., “Recent trends in peacekeeping operations run by regional organizations and the resulting interplay with the United Nations system”, *African Journal of Conflict Resolution*, Vol. 11, No. 3, 2011, p. 27 ff.

⁵ BOUTELLIS, A. and WILLIAMS, P. D., *Peace Operations, the African Union, and the United Nations. Towards more effective Partnerships in Peace Operations*, International Peace Institute, New York, 2013.

that the UN Secretary General (SG) initiate, in full cooperation with AU, a lessons-learned exercise on the transition from AU to UN operations and provide specific recommendations that could be used for future transitional arrangements. The UN SG presented his Report to the SC on 5 January 2015:⁶ this contribution is aimed at thoroughly examining and commenting on this report and the recommendations contained therein.

II. THE METHODOLOGY ADOPTED TO PREPARE THE REPORT OF THE SG

The lessons-learned exercise, which served as the basis for the Report, was driven by the DPKO in collaboration with United Nations Office to the African Union, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the AU, the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS) and relevant United Nations departments, offices, agencies, funds and programs. After a desk review phase aimed at examining all the relevant reports, the process included an interview phase with relevant UN and AU officials as well with other relevant stakeholders. The preliminary findings emerging from these two phases were presented and discussed during a meeting in Cairo, on 19 November 2014, which was attended by all relevant international and regional actors directly involved in the operations in the two countries. Finally a Joint UN-AU validation meeting took place in Addis Ababa, at the Headquarters of AU, to endorse the findings and the recommendations.

III. THE EVENTS IN MALI AND IN THE CENTRAL AFRICAN REPUBLIC WHICH LED TO THE DEPLOYMENT OF AFISMA AND MISCA AND LATER OF MINUMSA AND MINUSCA

The outbreak of a severe crisis in Mali after the coup d'état that occurred in Bamako in March 2012, which caused disturbances, riots, lootings and a very confusing situation about the real leadership in the country, induced several regional actors (in particular ECOWAS and AU) to make efforts to find a political solution in order to restore democracy and to stabilize the country. As the situation was

⁶ S/2015/3.

deteriorating, the UNSC, taking note of the requests of several actors involved in the country,⁷ on 20 December 2012 adopted Resolution 2085(2012) which authorized the deployment of an African-led International Support Mission to Mali (AFISMA) with a robust mandate.⁸

In the following Resolution 2100(2013) of 25 April 2013 the SC decided to establish the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to which AFISMA was requested to transfer authority as from 1 July 2013. As a consequence, about 6500 personnel of AFISMA were re-hatted. The mandate conferred upon to MINUSMA was very ambitious and clearly exceeded that which was previously attributed to AFISMA.

The events in the CAR were even more complicated. After the civil war broke out in December 2012 the country, and in particular the civilian population, faced terrible consequences (internally displaced persons, human rights abuses, use of child soldiers, rape, torture, extrajudicial killings and forced disappearance)⁹. As a result, a group of African States¹⁰ decided to contribute by sending troops to the

⁷ The UNSC Resolution explicitly makes reference to the requests of the Transitional authorities of Mali dated 18 September 2012, of the Final communiqué of the Extraordinary Session of the authority of ECOWAS Heads of State and Government held in Abuja on 11 November 2012 and of the subsequent communiqué of the African Union Peace and Security Council (13 November 2012).

⁸ AFISMA, has been tasked to take all necessary measures, in compliance with applicable international humanitarian law and human rights law and in full respect of the sovereignty, territorial integrity and unity of Mali

(a) To contribute to the rebuilding of the capacity of the Malian Defence and Security Forces, in close coordination with other international partners involved in this process, including the European Union and other Member States;

(b) To support the Malian authorities in recovering the areas in the north of its territory under the control of terrorist, extremist and armed groups and in reducing the threat posed by terrorist organizations, including AQIM, MUJWA and associated extremist groups, while taking appropriate measures to reduce the impact of military action upon the civilian population;

(c) To transition to stabilisation activities to support the Malian authorities in maintaining security and consolidate State authority through appropriate capacities;

(d) To support the Malian authorities in their primary responsibility to protect the population;

(e) To support the Malian authorities to create a secure environment for the civilian-led delivery of humanitarian assistance and the voluntary return of internally displaced persons and refugees, as requested, within its capabilities and in close coordination with humanitarian actors;

(f) To protect its personnel, facilities, premises, equipment and mission and to ensure the security and movement of its personnel.

⁹ For more on this, see Armed Conflict Location & Event Data Project, Country Report: Central African Republic, January 2015 <www.acleddata.com/wp-content/uploads/2015/01/ACLED-Country-Report_Central-African-Republic.pdf>.

¹⁰ Angola, Cameroon, Chad, Democratic Republic of the Congo, Gabon, Republic of Congo and South Africa.

Economic Community of Central African States' to help the government to repel the rebels approaching the capital, and to support the work that had been carried out since 2008 by the ECCAS Peace Consolidation Mission in the Central African Republic (MICOPAX). Considering the difficult situation in the country, the UNSC, in response to a request of the Peace and Security Council of the AU, authorized in Resolution 2127(2013) the deployment of the African-led International Support Mission to the Central African Republic (MISCA) which was supposed to replace MICOPAX. The transfer of authority took place on 19 December 2013. Taking into due account that both AU and ECCAS indicated that MISCA may require eventual transformation into a United Nations peacekeeping operation, in the same Resolution the SC tasked the SG to undertake expeditiously contingency preparations and planning for the possible transformation into a United Nations PKO.¹¹

About 4 months later the SC decided, through Resolution 2149 (2014) of 10 April 2014, to establish the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). The transfer of authority from MISCA to MINUSCA took place on 15 September 2014. In less than a year, the UN transferred the authority of the mission in CAR first to an African-led Operation, and then to MINUSCA. In this case too the mandate given to the UN Operation by far exceeded the mandate of MISCA.

IV. SIMILARITIES AND DIFFERENCES BETWEEN THE TWO CASES OF MALI AND CAR

The two cases of Mali and CAR present a few similar features and several differences, which deserve to be briefly described as they had an impact on the successive transfer of authority to the UN missions. In both cases there was a clear urgency to deploy, in the shortest possible time, a robust international operation to prevent any worsening of the local situation with dramatic consequences for the local population. In both cases, due to this feeling of urgency, the easiest and most rapid way to intervene was identified as the deployment of African-led operations with a contribution of troops mostly from States located in the immediate vicinity of the crisis-affected State. Taking into account the high level of tension and internal disturbances in the two countries, African-led operations were perceived as preferable to operations with contingents coming from outside Africa. This was

¹¹ Paragraphs 46, 47 and 48 of UNSC Resolution 2173(2013).

not only because the African contingents are supposed to have a better knowledge of the military and political scenario in the two countries but also because the local population might have been more inclined to accept them. Finally it must also be mentioned that there were not many States, beside those who volunteered to send troops for the two missions, ready to offer troops for UN operations in Mali or in the CAR.¹²

In both cases the deployment of the regional force was authorized by the UNSC on the basis of a specific request not only of the AU institutions and/or sub-regional organizations (ECCAS and ECOWAS) but also of the national authorities of the two involved States. The mandate of the subsequent UN operations clearly exceeded that of the previous regional operation, although both the regional and UN operations in Mali and in CAR enjoyed a so called “robust mandate” i.e. they were authorized to use any necessary measure (including the use of force) to carry out the task assigned to them.¹³

Among the differences relevant for the purposes of this contribution it might be worth underlining that in the case of the CAR, the SC, while authorizing the deployment of MISCA, had already acknowledged that this operation might possibly be transformed into a UN PKO and gave clear indications to the SG on how to best prepare for this event.¹⁴ In the case of Mali however, UNSC Resolution 2085(2012) simply requested the SG to establish a multidisciplinary UN presence in the country, in order to provide coordinated and coherent support to the on-going political and security processes, including assistance with the planning, deployment and operations of AFISMA. In addition to this the SG was requested to actively

¹² In this regard it has to be remembered that there were other actors present in the two countries with armed contingents, but within autonomous missions: the French Operations SANGARIS (in CAR) and SERVAL (in Mali) and the European Union Military Operation EUFOR RCA in CAR established by the Council on 10 February 2014. See more on EUFOR CAR: <http://eeas.europa.eu/csdp/missions-and-operations/eufor-rca/index_en.htm>.

¹³ See paragraph 9 of the UNSC Resolution 2085(2012) and paragraph 17 of the UNSC Resolution 2100(2013) concerning respectively AFISMA and MINUSMA and paragraph 28 of the UNSC Resolution 2127(2013) and paragraph 29 of the UNSC Resolution 2149(2014) concerning respectively MISCA and MINUSCA.

¹⁴ In paragraph 47 of its Resolution, the SC requested the Secretary-General “to undertake expeditiously contingency preparations and planning for the possible transformation into a United Nations peacekeeping operation, stressing that a future decision of this Council would be required to establish such a mission”: Furthermore, in paragraph 48 the SG was instructed “to report to the Security Council no later than 3 months from the adoption of this resolution with recommendations on the possible transformation of MISCA to a United Nations peacekeeping operation, including an assessment of progress towards meeting the appropriate conditions on the ground...”.

cooperate, in close coordination with all interested partners and international organizations, in the planning and the preparations for the deployment of AFISMA.

The highlighted differences in the content of the two relevant resolutions deserve proper attention as they influenced, to a certain extent, the different modalities of the transition from an African mission to a fully fledged UN mission.

V. THE MODALITIES OF THE TRANSFER OF AUTHORITY FROM THE AFRICAN-LED OPERATIONS TO THE UN PKOS

The transfer of authority from AFISMA to MINUSMA was regulated in UNSC Resolution 2100(2013). In this Resolution, the SC, after having commended the efforts of all those who contributed to the deployment of AFISMA, recalled two different sets of documents. First of all the SC referred to the letter, dated 25 March 2013, addressed to the SG by the transitional authorities of Mali, which requested the deployment of a UN operation to stabilize and restore the authority and the sovereignty of the Malian State throughout its national territory. Furthermore the Council made reference to several letters of regional African organizations¹⁵ expressing full support for the transformation of AFISMA into a UN stabilization operation in Mali. These two sets of document played a different role: while the first letter of the Malian transitional authorities constituted the legal basis for the deployment of MINUSMA, the second set of letters had a higher political value as they confirmed the full support of the regional actors for the deployment of a UN mission replacing the African-led mission.

Taking into account, amongst others, the above mentioned documents, the Security Council:

[...] decides to establish the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), [...] requests the Secretary-General to subsume the United Nations Office in Mali (UNOM) into MINUSMA, with MINUSMA assuming responsibility for the discharge of UNOM's mandated tasks, as of the date of adoption of this resolution, further decides that the authority be transferred from AFISMA to MINUSMA on 1 July 2013 at which point MINUSMA shall commence the implementation of its mandate [...] for an initial period of 12 months and requests

¹⁵ The SC refers, more precisely to the letter, dated 26 March 2013, addressed to the Secretary-General by the President of the ECOWAS Commission, to the communiqué, dated 7 March 2013, of the AU Peace and Security Council, as well as to the letter dated 7 March 2013 and addressed to the Secretary-General by the AU Commissioner for Peace and Security.

the Secretary-General to include in MINUSMA, in close coordination with the AU and ECOWAS, AFISMA military and police personnel appropriate to United Nations standards.

Besides a specific paragraph devoted to the timing of the phases of deployment on MINUSMA, the SC Resolution contains only one additional operational paragraph regulating the transition of authority from AFISMA to the UN Mission. In paragraph 11 of the Resolution, the Council:

Requests the Secretary-General to appoint expeditiously a Special Representative for Mali and Head of Mission of MINUSMA, who shall, from the date of appointment, assume overall authority on the ground for the coordination of all the activities of the United Nations, and its agencies, funds and programmes, in Mali and shall use good offices and coordinate efforts of the international community [...] and who shall, from the transfer of authority from AFISMA to MINUSMA, lead all tasks of the mandate of MINUSMA as defined in paragraph 16 below, and coordinate the overall support of the international community in Mali, including in the field of Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR), further emphasizes that the Special Representative shall ensure optimal coordination between MINUSMA and the United Nations Country Team in Mali, in connection with the aspects of their respective mandates.

The transition from MISCA to MINUSCA was regulated under UNSC Resolution 2149(2014) which is based, as in the case Resolution 2100(2013) concerning Mali, on the request of the local Government,¹⁶ serving as legal justification for the deployment and for the political consent of the AU to such transfer of authority.¹⁷ The SC decided to establish MINUSCA and requested the Secretary General to subsume the presence of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) into MINUSCA as of the date of the adoption of the resolution and to ensure a smooth transition from BINUCA to MINUSCA. The various temporal phases of the transition period between MISCA and MINUSCA are clearly indicated in the Resolution. The Council, furthermore, requested the SG, in close coordination with AU:

to deploy a transition team to set up MINUSCA and prepare the seamless transition

¹⁶ See the letter from the Minister of Foreign Affairs of the Central African Republic dated 27 January 2014 requesting the deployment of a United Nations peacekeeping operation to stabilize the country and address the civilian aspects of the crisis, quoted in paragraph 35 of the Preamble of the UNSC Resolution.

¹⁷ See para 36 of the UNSC Resolution.

of authority from MISCA to MINUSCA by 15 September 2014 and to take necessary steps to prepare and position MISCA, as soon as possible, for its re-hatting to a United Nations Peacekeeping operation.

The two Resolutions of the SC regulating the transitions from the African-led operations in Mali and in the CAR to fully fledged UN PKOs present similarities and a few interesting differences which can partially be explained considering that when adopting Resolution 2149(2014) concerning the CAR, the Council already possessed the experience of and lessons learned from the previous case concerning Mali. The most interesting difference consists, undoubtedly, in the more detailed rules concerning the transfer of authority in Resolution 2149(2014). This occurred, despite the fact the situation in the two countries (from the perspective of the transfer of authority) was quite similar and that in both countries there was already a significant UN field presence (UNOM in Mali and BINUCA in the CAR).

VI. LESSONS LEARNED FROM THE TWO CASE STUDIES

From the perspective of the effectiveness of the transitions from African-led Peace operation to UN PKOs, the two cases presently being examined offer interesting opportunities for a lessons-learned exercise. The report of the SG is very timely and useful to support the decision makers at the UN in improving the quality of UNSC Resolutions and the impact, quality and effectiveness of the political/operational work carried out by the SG through the personnel deployed in the field. The conclusion can be drawn that a smooth transition from one operation to the other can represent a significant contribution to the stability of the country and, therefore, improve the living conditions and the human security of the local population which is (or should be) the main goal of any PKO.

According to the report by the SG there are six main areas in which lessons learnt could play a major role: strategic cooperation on pre- and post-transition, operational planning and coordination, command and control, re-hatting modalities, civilian capacities and support arrangements. Each of them deserves to be briefly introduced and commented upon.

1. STRATEGIC COOPERATION IN THE PRE- AND POST-TRANSITION PHASE

The first, and perhaps the most important, lesson learnt from the two recent cases

is related to the fundamental need to ensure political coherence and harmonization of policies and strategies at the highest level between the institutions involved in the transition process. To the extent possible, the mandates given to the two missions need to be developed through close cooperation. As anticipated, the mandate of the incoming UN missions, in both cases, has been much wider than the mandate attributed to the previous African-led operation: to avoid any inconsistencies which might significantly affect the smooth transition process and the full effectiveness of the deployed missions, a close coordination in the definition of the respective mandate is of essential importance. Various tools and practices are available and have been used in the two cases under scrutiny to carry out this cooperation: joint assessment of the operation requirements, joint meetings at political, diplomatic and operational level, both at Headquarters and in the field, involving all the relevant actors and stakeholders, continuous exchange of information, harmonized recommendations to the respective decision making bodies, creation of *ad-hoc* task forces within the respective institutions and, finally, the setting up of specific political bodies to provide the necessary political support, coordination and input (for example the Support and Follow-up Group on the Situation in Mali and the International Contact Group on the Central African Republic).

As far as the post-transition phase is concerned, the two precedents prove the importance of keeping the relevant regional and sub-regional organizations fully involved, even beyond the closing of their field operations, in order to better support and complement the new UN missions. In UNSC Resolution 2149(2014) the Council requested AU and ECCAS to support the transition process beyond the transfer of authority on 15 September 2014. We cannot but agree with the words of the SG who in his report states that:

The establishment of strong, post-transition African Union missions, such as the African Union Mission for Mali and the Sahel and the African Union Mission for the Central African Republic and Central Africa, contributed to sustaining regional engagement and maintaining coherence and unity of vision at the strategic level. In the long term, it could also contribute to facilitating United Nations exit strategies.

In any case the timely indications by the SC of its intention/willingness to transform the regional operation into a UN PKO (as was the case for the CAR), undoubtedly represents another instrument which contributes to improving the coordination between regional organizations and the UN and to smoothing the

transition phase.

To sum up, from the two cases under scrutiny, it clearly emerges that a close cooperation between the regional actors and the UN from the very beginning of the planning of a regional mission is of essential importance to guarantee a smooth transition at a later stage. In the interim, once the UN mission replaces the regional one, the regional actors should remain closely associated and involved in the country. The creation of *ad hoc* regional missions, such as those in the CAR and in Mali after the transfer of authority to the UN, proved to be an important tool to guarantee continuing political support to the new mission.

2. OPERATIONAL PLANNING AND COORDINATION

The active participation of dedicated UN staff in the operational planning of a regional mission to be later transferred under the authority of the UN, represents another essential component for a successful transition.¹⁸ In both cases UN officers working in the field and at Headquarters supported the regional counterparts in the challenging process of mission planning. Although with different timing (in the case of Mali the real cooperation began only after ECOWAS and AU had already started to develop distinct concepts of operations), the participation of both institutions to the operational planning of the regional mission proved to be decisive. The UN staff provided mainly “technical and expert advice to support the planning and deployment of MISCA and strengthen its command and control, administrative infrastructure and training capacity”¹⁹ though specific support teams were tasked not only to assist the regional actors in planning their activities but also later in preparing the subsequent smooth transfer of authority to the UN missions.

3. COMMAND AND CONTROL

“Clear command and control structures are critical to the success of peacekeeping operations, particularly as they operate in volatile political and security

¹⁸ The Report of the UNGA Special Committee on PKOs of March 2014 (A/68/19) recognized “the growing importance of partnership and cooperation between the United Nations and regional arrangements in planning and conducting United Nations peacekeeping operations. The Special Committee encourages the Secretariat to continue developing exercise and training policies with these regional arrangements aimed at improving interoperability”: See also WIHARTA, S., “Planning and deploying peace operations”, *SIPRI Yearbook 2008: Armaments, Disarmament and International Security*, 2008, p.97 ff.

¹⁹ Report of the SG (see n.5 above), p.5.

environments”.²⁰ This clear cut statement of the SG reflects a widely agreed concept. Unfortunately, its implementation has not been consistent, especially in the African continent. The challenges in this regard proved to be complex due to a lack of resources which made communication between force headquarters and those deployed in the field difficult and problematic. In Mali, the short transition time did not allow the issue to be approached in a proper manner (with negative consequences on the process itself). In contrast, in the CAR the attention devoted to it was much higher: well before the effective transfer of authority, a common Joint Operations Centre between the African Union and the UN had been established for this purpose. This Centre proved to be an essential component of the transitioning strategy, which was carried out in a complex framework in which other missions in the country, such as operations Sangaris (carried out by France) and the EU-led EUFOR RCA had inevitably to be fully involved in the entire transition exercise.

Well defined mandates of the different actors in the field, a clear chain of command amongst them, fully coordinated activities and the establishment of a Joint Operations Center to manage the transition phase are, from the lessons-learned exercise in the two African countries, clearly important aspects of a transition strategy and machinery.

4. RE-HATting MODALITIES

In most of the cases in which a transfer of authority from one mission to the other occurs, the military and police components of the previous mission are, to a large extent, re-hatted and join the subsequent mission. The re-hatting phenomenon in PK and in PB operations is quite common and the number of personnel involved is very significant.²¹

Notwithstanding the dimensions of the problem and the way it has affected (very often negatively) the transition phase from a regional actor to the UN, the problems which have been experienced in the past have not yet been overcome. The general quality and level of preparation of the contingents, their equipment, the command and control structures, and the human rights record are often below the requested UN standards. These deficiencies have had an immediate impact on the quality, efficiency and rapidity of the deployment of the subsequent UN Mission.

²⁰ *Ibid.*

²¹ SOETERS J. and MANIGART, P. (eds.), *Military Cooperation in Multinational Peace operations. Managing Cultural Diversity and Crisis Response*, Routledge, Oxon and New York, 2008.

The two cases under examination here suffered the same problems notwithstanding the concession of period of grace, the organization of additional training activities and efforts to upgrade the equipment. The duty-of-care the UN faces towards their staff on one hand and the human rights due diligence policy (which requires the UN not to deploy anyone who has been involved in violations of international human rights or humanitarian law) have been seriously compromised.

Even taking into due account the pressure on the UN to promptly deploy and implement the mandate these shortcomings should be carefully considered and specific strategies to overcome them should be elaborated even in the preliminary stage of mission-planning. In any case there are no quick and easy solutions to these challenges: as underlined in the SG Report, Member States and international donors must increasingly support the capacity of African States to deliver troops equipped, trained and screened according to the UN standards.²² The generous contributions of the EU to support the African Peace and Security Architecture (and to finance several AU-led Peace Support Operations) as well as that of many States acting on a bilateral basis²³ are positive steps but much more has to be done. Furthermore a closer relationship in the planning phase between the regional deploying organization and the UN could also contribute to ensuring that the troops selected to operate in a regional PKO have the same standards as required by the UN: this would simplify the transition and re-hatting phase significantly. Finally and in line with the increased attention to the accountability of the UN, special attention must be devoted to ensuring that the UN human rights screening policy is fully implemented and respected, without exception. Once more, increased cooperation between the regional actors and the UN at the preliminary phase of the planning of a regional PKO could ensure that the required human rights standards are incorporated into the selection process of the regional PK forces. This would have a very positive impact on the credibility and accountability of the UN and of the regional deploying institutions.

5. CIVILIAN CAPACITIES

The civilian mandate of most of the recent UN PKOs has significantly increased

²² Report of the SG (see n.5 above), p.7.

²³ As an example it might be worth quoting the significant work carried out by the Center of Excellence for Stability Police Units (COESPU) of the Italian Carabinieri, located in Vicenza, where hundreds of African peace-keepers have been trained.

and become more substantial, more complex and more demanding. To fulfill these new tasks there is a need to find properly trained, skilled and motivated personnel, able to work in a challenging environment and to interact with the military and police components. The UN and some regional organizations involved in the delivery of PKOs (and *in primis*, the EU) have given the necessary priority to identifying, recruiting and training the right personnel. The creation of rosters with restricted and conditional access, the organization of training activities and the pre-selection of potential candidates ready to be mobilized, are only part of the strategy to equip the UN and other regional organizations with well trained and qualified staff. At African level similar efforts have been recently initiated, although the results are not yet entirely satisfactory. According to Article 13 of the Peace and Security Council (PSC) Protocol, the African Standby Force (ASF) shall be composed of multi-disciplinary civilian and military components held on standby in their countries of origin, and ready for rapid deployment at appropriate notice. The Protocol states, furthermore, that the AU should establish and centrally manage a roster of “mission administration and civilian experts to handle human rights, humanitarian, governance, reconstruction and DDR functions in future missions”. In 2006 a Technical Experts Workshop on the Civilian Dimension of the ASF took place in Ghana and adopted a detailed document on “The Policy Framework for the Civilian Dimension of the ASF”.²⁴ Two years later, an “African Union ASF staffing, training and rostering workshop” took place in 2008 in Uganda and recommended that each regional capacity should be prepared to deploy approximately 60 civilians. To this end a civilian standby roster of approximately 300 civilian specialists should be developed in each sub-region.²⁵ The African Regional Economic Communities (RECs) and Regional Mechanisms (RM) recently launched an ambitious training and rostering process which has significantly improved the overall situation. Notwithstanding all these efforts,²⁶ there are still many deficiencies that need to be overcome. Not only is the quantity/quality of the civilians involved in PKOs a problem in the African continent, but the precise definition of the civilian mandate remains problematic, as well as the reporting methodology. The latter causes discrepancies with the risk of

²⁴ The meeting of the African Ministers of Defence and Security of March 2008 considered and took note of this document.

²⁵ The report was subsequently noted and acted upon at the 6th Meeting of African Chiefs of Defence Staff and Heads of Safety and Security of May 2009.

²⁶ For more on this see de CONING, C. and KASUMBA, Y. (eds.), *The Civilian Dimension of the African Standby Force*, ACCORD, Johannesburg, 2010.

rendering previous reports unusable by the succeeding organization, with a serious impact on the credibility of the missions and very often an increase in impunity for human rights violations.

Most of these problems are dealt with in the Report of the SG although his proposals about how to overcome these deficiencies seem insufficient, considering the importance of the issue. The SG merely suggests a more systematic coordination between the two organizations combined with enhanced civilian capacity to implement strategies related specifically to the protection of civilians. Much more could and should be done: the organization of joint training activities between UN and African civilian staff on essential issues (such as monitoring and reporting), a better definition by the UN of their reporting standards and a coordinated effort to harmonize within UN and AU the methodology on following up on human rights violations and on the modalities of sharing info in this regard. This last aspect seems to be crucial to make sure that investigations and follow up on violations of human rights proceed smoothly and without being affected by the transition from one organization to the other. These innovations must happen soon in order to ensure the respect which is due to the victims of human rights abuses.

6. SUPPORT ARRANGEMENTS

Extraordinary efforts have been carried out in recent years by the AU as well as by the RECs and the RM to be ready to deploy on short notice and to have all the necessary material available for use. In the meantime generous contributions of many regional organizations and member States have facilitated the capacity of the AU to deliver timely field operations. This notwithstanding, there is a persistent need to overcome the limited ability, so far, of the AU to secure adequate support in the conduct of its peace operations. The UNSC Resolutions authorizing the deployment of MISCA and of AFISMA requested the SG to provide soft support to these missions. To fulfill this demand the SG deployed additional UN experts to support MISCA in the areas of mission support, communication and military and police planning. The UN support to AFISMA and MISCA has also materialized through another instrument: the creation of trust funds, in order to supplement the resource mobilization carried out by AU. The SC in both Resolutions 2085(2012) and 2127 (2013) formally tasked the SG to establish these funds: the result was far beyond expectations. The funds received for the mission in Mali amounted to

\$44 million while for the mission in CAR the funds received were only \$5 million. Although a few member States, and especially the USA and France, were generous in providing bilateral support directly to a number of troop or police-contributing States, the donor conference for MISCA which was organized by AU in Addis Ababa, confirmed the limited generosity in feeding the trust funds. Further, the conditionality which was attached to the funding (in most cases the funds disbursed by Member States were earmarked for non-lethal assistance) rendered these funds unable to be spent supporting the field operations and later on the smooth transition. As stressed in UNSC Resolution 2167 (2014), there is an urgent priority to enhance the predictability, sustainability and flexibility of financing regional organizations when they undertake peacekeeping under a SC mandate.

To be effective the transfer of authority must happen between an already well-functioning mission and another which will build on and benefit from the experiences and the results achieved by the previous operation. In both cases the constraints faced by the AU in the delivery of field operations should have suggested an increase in the financial and logistical support to AU. This would have contributed to increasing the impact of the mission itself, facilitating a smooth transition process and allowing the benefits and the added value of regional organizations deploying a field operation in a member State to be fully realised. This represents, undoubtedly, an important lesson learnt.

VII. CONCLUDING REMARKS

Peacekeeping Operations have become very popular in recent decades and they have attracted the interest of several actors who promoted themselves, for different reasons, as potential deliverers of these field missions. Regional and sub-regional organizations have been very active in this regard and most of them have initiated ambitious programs and activities to be ready to deliver in an efficient manner these more and more demanding and complex operations. Considering the political situation in many African countries and the legacy of history, and taking into account that most of these operations are deployed in the African continent, it does not come as a surprise that regional institutions in Africa have been at the forefront in building up their capacity to deliver PKOs. The development of the African Peace and Security Architecture as well as the ASF are positive initiatives, which deserve the necessary political and technical support. The contribution of many

States and partners in terms of financial support and in kind donations have thus far proved to be fundamental, yet still not enough. The need to develop new synergies and forms of cooperation between regional and UN operations has become of pivotal importance and recently many new ideas/models of partnership have been experimented with: from the mere logistical/financial support offered by the UN to regional organizations to the authorization by the SC to a Regional organization to deliver a PKO,²⁷ or even the joint delivery of a field operation (such as in the case of UNAMID).²⁸ One of these models, which is gaining momentum, consists in initiating a PKO by the competent regional organization and then to transfer the authority, after a given period, to the UN. This model, mostly used in Africa, has many positive aspects but also poses several challenges, most of them being related to the constraints the AU is facing.

In any case, in addition to the numerous goodwill statements and political declarations concerning the need to reinforce the mutual cooperation between the UN and AU, several concrete actions have been already undertaken. At least three deserve special mention due to their far-reaching impact and relevance for the transition from an AU-led to a UN PKO: the creation of the African Union Peacekeeping Support Team within the Department of Peacekeeping Operations and the establishment of the United Nations Office to the African Union (UNOAU) as coordinating structures, aimed at providing necessary expertise and transfer of technical knowledge to enhance the capacity of the African Union's Peace Support Operations Division, including in mission planning and management. The third element which could further contribute to definitively improve the transition phase is associated with the setting of benchmarks (agreed upon by both the regional deploying organization and the UN) on when it might be appropriate to deploy a UN PKO. This specific activity would tremendously impact on the quality of the planning, it would provide greater clarity on the timelines and conditions under which transitions take place and, therefore, increase their predictability, and would demonstrate unity of strategic vision between the two actors involved in the present

²⁷ For more on the challenges related to this model see GILL T.D., "Legal Aspects of the Transfer of Authority in UN Peace Operations", in DEKKER I.F. and HEY E. (eds.), *Netherlands Yearbook of International Law*, 2011, p.32 and BELLAMY A.J. and WILLIAMS P.D (eds.), *Providing Peacekeepers. The Politics, Challenges and Future on United Nations Peacekeeping Contributions*, Oxford University Press, Oxford, 2013, at p.437 ff.

²⁸ For more on this see GELOT L., *Peace Operations and Global Regional Security: The African Union-United Nations Partnership in Darfur*, Routledge, Oxon and New York, 2012.

and future operations. The interesting benchmarking exercise, strongly encouraged by UNSC Resolution 2093(2013), concerning Somalia and implemented jointly by the AU and the UN, provides enough evidence of the potential positive impact of this instrument.²⁹

The lessons-learned exercise initiated, upon request of the SC, by the UNSG with specific reference to the transfer of authority of the missions in Mali and in the CAR, proved to be useful and relevant as it has been conducted in a sound and transparent manner which allows the shortcomings and strengths of both actors involved to be highlighted and proposes a few realistic suggestions and recommendations to be taken into account for future missions.

The methodology used to prepare the report seems adequate to the specific needs at stake although a more active role of the real beneficiaries of the two operations, namely the two States directly involved, Mali and the CAR, as well of representatives of the civil society of the two countries would have been beneficial to increase the diversification of the sources of information on which the Report is based and therefore the credibility of the Report itself.

The problematic issues associated with the two cases have been carefully addressed in the previous paragraph: the next challenge is now to make sure that the SC (and other UN institutions) and the AU competent bodies make good use of this exercise. This is crucial for increasing integration, interoperability and effective mission mandate implementation, avoiding unnecessary overlapping while searching for all possible synergies and cooperation; developing the capacity of the staff to work together with members of other International Institutions working in the same country; contributing to create some common and inter-institutional culture among the different components of crisis management operations. The long-awaited transfer of authority from AMISOM to a UN PKO could be the next case which might benefit from this lessons-learned exercise.³⁰ This would be already a great contribution of the report of the SG, especially considering the broader framework of Chapter VIII of the UN Charter that not only requests States to

²⁹ For more information on this case see the Report of the Chairperson of the Commission on the Joint AU-UN Benchmarking Exercise and the Review of the African Union Mission in Somalia, PSC/PR/2. (CCCXCIX) < www.peaceau.org/uploads/psc-rpt-399-amisom-09-10-2013.pdf>.

³⁰ See the interesting article by FREEAR, M. and de CONING, C., "Lessons from the African Union Mission for Somalia (AMISOM) for Peace Operations in Mali", *Stability, International Journal of Security & Development*, Vol. 2(2), 2013, p. 11 ff: the two authors investigate the extent to which the AMISOM experience influenced the operations in Mali.

make every effort to achieve peaceful settlement of local disputes through regional arrangements before referring them to the Security Council but also reiterates that:

The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

Very much in line with this article, UNSC Resolution 2167 (2014) which was adopted at the conclusion of the open debate on “Peacekeeping Operations: The United Nations and Regional Partnerships and its evolution” which took place in New York at the end of July 2014, welcomed:

the continuing efforts and enhanced peacekeeping role of regional and subregional organizations, consistent with the Charter of the United Nations and Security Council resolutions and decisions, including in preparing the ground for United Nations peacekeeping operations and calling upon regional and subregional organizations to promote coherence and coordination of their peacekeeping efforts with those of the peacekeeping operations and special political missions, as well as with the wider United Nations presence on the ground.

The experiences of the two cases in Mali and in the CAR prove that the growing contribution made by regional and subregional organizations can usefully complement the work of the UN in maintaining international peace and security: what is needed now is for everyone involved, from the UN to the regional actors, from the member States to other IOs, to play their respective roles as requested in various UNSC Resolutions to consolidate this mutual cooperation and transform it into a winning strategy. This would be the best contribution of the international community as a whole to improve the human security of the local population of countries emerging from conflicts or from other disasters.

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2015

REVUE MAROCO-ESPAGNOLE DE DROIT INTERNATIONAL ET RELATIONS INTERNATIONALES
NOUVELLE SÉRIE - VERSION ÉLECTRONIQUE

SOMMAIRE / Janvier -Décembre 2015 / N° 3

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