



# SECURITY COUNCIL REPORT UPDATE REPORT



18 September 2006 No. 3

## THE UNITED NATIONS and REGIONAL ORGANISATIONS

### Expected Council Action

The Council is expected to adopt a presidential statement following the 20 September open debate on challenges of cooperation between the United Nations and regional organisations and other intergovernmental bodies in maintaining peace and security.

The debate is an initiative of Greece, the President of the Council for September. The Council will consider the report of the Secretary-General and the progress made since the adoption of resolution 1631 last October.

A draft presidential statement has been circulated and is currently being negotiated. Besides welcoming progress made since resolution 1631, it is expected to encourage greater information-sharing on capabilities and lessons-learned in peacekeeping through expanding the scope of the website of the Department of Peacekeeping Operations's Best Practices Section and opening its databank to regional and subregional organisations. It is also likely to urge contributions to the capacity building of regional organisations and subregional organisations, particularly of the AU and African subregional organisations.

### Background

On 7 September the Greek mission circulated a concept paper on challenges of cooperation between the United Nations and regional organisations in maintaining international peace and security. The paper suggested that the debate could address:

- more effective cooperation between UN and regional and other intergovernmental organisations;
- recommendations of the Secretary-General on strengthening cooperation in conflict prevention, peacemaking, peacekeeping, peacebuilding, disarmament and non-proliferation;
- the nature of the partnership between the UN and regional organisations; and
- building capacity of partner organisations.

The paper also focused on the need to define regional and subregional organisations. It suggests that the Council could revise the current terminology of "regional and subregional organisations" to include "intergovernmental organisations" (e.g., the EU, NATO, and the Organisation of Islamic Countries). It also suggested that a distinction needs to be made between international organisations that come under Chapter VIII of the Charter and others.

## The UN Charter and Regional Organisations

When the UN Charter was negotiated there was debate over the place of regionalism in the new organisation. The outcome was Chapter VIII which acknowledges the scope for contribution of regional organisations to the settlement of disputes, but in a subordinate capacity, and there is some ambiguity about the exact nature of regional arrangements.

Article 52(1) states that nothing in the charter stops “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”.

Article 53 (1) makes clear the supremacy of the Council in peace and security matters. It states:

*“The Security Council shall, where appropriate, utilise such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council ...”*

Article 54 states that the Security Council should be kept fully informed of activities undertaken by regional organisations for the maintenance of international peace and security.

While the Charter is often cited as the basis for interaction between the UN and regional organisations, the Council's recent practice has not been consistent in citing Chapter VIII when recognising or authorising the actions of an organisation to lead peace operations. For example:

- In February 2003 the Council authorised the actions of the Economic Community of West African States (ECOWAS) in response to the violence in Côte d'Ivoire in 2002 with reference to Chapter VII and Chapter VIII.
- In August 2003 the Council authorised the role that the ECOWAS multinational force played in Liberia in implementing the June 2003 ceasefire and cited Chapter VIII.
- In 2003 the AU deployed military observers to Burundi but the Council did not adopt a resolution under Chapter VII or VIII.
- In 2004 the Council welcomed, rather than authorised, the AU deployment of observers with a peacekeeping mission to the Darfur region of Sudan.

## Key Facts

In the early 1990s the UN began to pay more attention to the need to involve regional organisations in the pursuit of peace and security. This was seen in references to cooperation with regional organisations in a number of reports published at that time.

In January 1992 the Security Council, meeting for the first time at the level of heads of state or government, asked the Secretary-General to recommend ways to strengthen and make the UN more efficient for preventive diplomacy, peacemaking and peacekeeping.

In response the Secretary-General issued his report *An Agenda for Peace* in June 1992, where he highlighted the role that regional organisations could play in preventive diplomacy, early warning systems for crisis prevention, peacekeeping and post-conflict peacebuilding. This was the birth of the idea of a “regional-global security partnership”.

The following year, after considering *Agenda for Peace* the Council invited regional organisations to study ways of strengthening their functions in peace and security and improving coordination with the UN.

In a presidential statement in May 1994 the Council said that one of the factors that should be taken into account when establishing new peacekeeping operations was the existence of regional and subregional organisations and whether they could help in resolving conflicts.

Later that year the General Assembly's Declaration on Enhancing Cooperation with Regional Organisations and Agencies declared that regional efforts by regional arrangements in the maintenance of peace and security should be encouraged and supported by the Council.

In 1995 in the *Supplement to an Agenda for Peace* the Secretary-General outlined the forms of on-going cooperation between the UN and regional organisations: consultation, diplomatic support, operational support, co-deployment and joint operations.

The Council responded to the *Supplement* by reaffirming the importance it attached to the role that regional organisations and arrangements could play in peace and security.

In April 1998 the Secretary-General released his report on peace and security in Africa. While the focus of this report was Africa, the recommendations on peacekeeping dealt with UN cooperation with any regional organisation. In order to review the recommendations in the report the Council established an *ad hoc* working group. Based on the recommendations of the working group the Council adopted a number of presidential statements and resolutions from September to November 1998 that were relevant to regional organisations involved in the maintenance of international peace and security.

Both the December 2004 report of the UN Secretary-General's *High-Level Panel on Threats, Challenges and Change* and the March 2005 follow-up to the High-Level Panel, *In Larger Freedom: towards development, security and human rights for all* recommended strengthening the relationship between the UN and Regional Organisations. In the *In Larger Freedom* report the Secretary-General talked about the "establishment of an interlocking system of peacekeeping capacities" that would allow the UN to work with regional organisations in predictable and reliable partnerships. He also introduced the possibility of:

- having Memoranda of Understanding (MOU) between the UN and regional organisations;
- regional organisations with conflict prevention or peacekeeping capacity placing those capacities within the framework of the UN Standby Arrangements System (UNSAS);
- amending the peacekeeping budget to give the UN the option, under exceptional circumstances, to use assessed contributions to finance regional operations authorised by the Security Council; and
- inviting regional organisations to participate in meetings of UN system coordinating bodies.

The Summit Outcome Document of September 2005 recognised the contribution of regional organisations to peace and security and supported a stronger relationship between the UN and regional and subregional organisations pursuant to Chapter VIII of the Charter. It resolved to expand cooperation through:

- formalised agreements between respective secretariats;
- involving regional organisations in the work of the Council;
- ensuring that regional organisations have the capacity for conflict prevention or peacekeeping and consider placing such capacities in UNSAS framework; and
- strengthening the framework for cooperation in economic, social and cultural fields

It endorsed a ten year capacity-building programme for the AU.

### **High-Level Meetings and Thematic Council Debates**

Besides the reports, since 1994 there have been six high-level meetings between the UN and regional organisations and other intergovernmental organisations convened by the Secretary-General. In 2004 six working groups were formed to support the high-level meetings. The first five meetings focused on the approach to the partnership and developed guidelines for the modalities for cooperation. The sixth high-level meeting in 2005 produced more concrete proposals for action. It agreed that regional and subregional organisations would pursue joint activities under the umbrella of the high-level meetings under Chapter VIII of the Charter while other intergovernmental organisations will partner with the UN under other provisions of the Charter. It also agreed to hold high-level meetings annually, instead of bi-annually, in order to coordinate with the thematic meetings of the Council on this subject. A standing committee which is expected to initiate ideas, mobilise political will and ensure implementation of decisions was also formed. The standing committee will meet on 21 September, and the seventh high-level meeting will take place on 22 September.

The Council began to focus more directly on this issue from 2003 through thematic debates involving regional organisations. In April 2003, under the Mexican presidency, the Council met with six organisations (AU, ECOWAS, EU, League of Arab States, Organisation for Security and Cooperation in Europe (OSCE) and Organisation of American States (OAS)) to debate the Security Council and regional organisations: facing the new challenges to international peace and security.

In July 2004 it had a debate on Cooperation between the United Nations and regional organisations in stabilisation processes under the Romanian presidency. Seven international organisations attended (AU, Commonwealth of Independent States, EU, League of Arab States, NATO, OSCE and ECOWAS) and a presidential statement was issued acknowledging the important role that can be played by regional organisations in the prevention, resolution and management of conflicts and stressing that the importance of improved cooperation and collaboration.

After the 2005 thematic debate, which was also held under the Romanian presidency, the Council adopted resolution 1631—its first resolution on the UN and regional organisations. In it the Council expressed its intention to hold regular meetings with regional and subregional organisations and asked the Secretary-General to submit a report on the opportunities and challenges facing cooperation between the UN and regional and subregional organisations in maintaining international peace and security. The Council identified the following areas for specific action: standby arrangements, rapid deployment, small arms and light weapons, counter-terrorism and capacity-building assistance.

The annex to this Update Report contains a chart showing the action requested and action taken since the last meeting. In summary, however, the progress at the general level is not good.

In practice, however, the Council has made some recent decisions which touch on regional and subregional organisations. On 19 July the Council agreed in its Note of the President of the Security

Council on the Work of the Informal Working Group on Documentation and other Procedural Questions to expand consultation and cooperation with regional and subregional organisations by:

- inviting relevant organisations to participate in the Council's public and private meetings;
- informally consulting with regional organisations when drafting resolutions, presidential statements and press statements; and
- drawing the attention of regional organisations and arrangements to relevant resolutions, presidential statements and press statements or decisions of the Council.

On 2 August the Secretary-General released his progress report on the implementation of the recommendations from his 1998 report on the causes of conflict and the promotion of durable peace and sustainable development in Africa. In this report he highlights the efforts to strengthen African peacekeeping capacity and enhance cooperation between the UN and African regional organisations. His suggestion for a team based largely in Addis Ababa with a small team in New York to implement a comprehensive programme of support to African peacekeeping capacities, is a new innovation which, if successful, could be duplicated in other regions.

### **Involvement of Regional Organisations**

In practice also, the UN has begun to work with regional and intergovernmental organisations. Some of these organizations, like OSCE, AU, ECOWAS and NATO, have made conflict prevention part of their core mandates and have assumed active roles in selected conflicts. NATO and the UN have been involved jointly in conflicts in the Balkans, Kosovo, Afghanistan and Iraq. ECOWAS and the UN have played a significant role in Liberia where ECOWAS created a military observer group (ECOMOG) in 1990. It has also deployed forces to Sierra Leone (1998), Guinea Bissau (1998), Côte d'Ivoire (2002). The UN Operation in Liberia (UNOMIL), set up in 1993, became the first operation to be undertaken in cooperation with a peacekeeping operation established by another organisation, in this case ECOWAS. More recently, the AU has been involved in Chad, Côte d'Ivoire and most importantly in Darfur. In this regard resolution 1706 which mandated innovative and substantial UN assistance to AU Mission in Sudan (AMIS) is a possible benchmark for the future.

In some parts of the world, like Central, South and Southeast Asia, regional security arrangements with scope for cooperation with the UN are inoperable or absent. The League of Arab States has an interregional security mandate but many regional conflicts fall outside its ambit. A security mandate for the South Asian Association for Regional Cooperation (SAARC) remains elusive. The Association of Southeast Asian Nations (ASEAN) has a long-held policy of non-interference in the internal affairs of its members and has not developed a policy on regional conflict.

### **Key Issues**

As the debate over how to work with regional organisations moves into higher gear, The Council will be faced with the following issues.

- There is a lack of a formal process for establishing working relationships with regional organisations. Currently existing mechanisms for collaboration are *ad hoc*. MOUs with regional, subregional and intergovernmental organisations would be helpful in defining the areas and scope of partnerships and allow for quicker action.
- A related issue is that the funding for regional peacekeeping is *ad hoc* and uncoordinated and depends on the vagaries of donor financing. There are likely to be political obstacles to getting regional peacekeeping operations financed by assessed UN budget contributions. Other possible funding options are voluntary contributions to a special fund, non-UN multilateral

support from organisations like the EU to the AU (e.g., EU support for the Peace Support Operation facility of the AU) and bilateral arrangements between specific countries and regional organisations (e.g., US support for ECOWAS to deploy in Liberia and the AU's mission in Burundi.)

- The UN Secretariat is limited in its ability to offer longer-term substantive planning or logistical support to missions led by regional or subregional organisations. These restraints affect the UN's ability to collaborate with organisations in developing their capacity. If the Council intends to seriously collaborate with regional organisations, the Secretariat needs to increase its capacity to play a bigger role in setting common standards and frameworks for cooperation for peacekeeping operations and facilitating partnerships with regional organisations.
- The lack of resources such as equipment, logistics and standards in regional organisations is a serious issue. Regionally led peacekeeping operations do not qualify for UN stocks. As a result regional organisations could become burdened with a problem beyond their capacity.
- The suggestion to have regional organisations place any peacekeeping capacity they have under UNSAS is not going to be easy to implement. At the moment UNSAS is still very much a concept rather than a reality. The EU has made a decision to have standby battle groups and the AU is working on developing an African Standby Force by 2010. None of the organisations involved in the high-level meetings or in the thematic debates seem ready to integrate their capacity under UNSAS.

## **Council Dynamics**

While supporting the general idea of cooperation with regional organisations, the Council has not shown an inclination to intensify focus on this issue in an abstract or general sense. This is particularly true of the permanent members of the Council who have stated their positions openly during the Council debates. Last year both Russia and China made it clear that cooperation with regional organisations should be strictly under the provisions of the UN Charter. The UK stressed that the Council retained primary responsibility for the maintenance of international peace and security. However, at the practical level there is awareness that there is an increasing need to work with regional and intergovernmental organisations in conflict situations and to develop the capacity of regional organisations. However, even this is evolving slowly as the Darfur case shows where for most of 2006 the Council only reluctantly came to the idea of even mentioning, let alone giving concrete effect to a partnership with the AU. (Please see our January and February 2006 *Forecasts*)

## **Underlying Problems**

As regional organisations develop interest and greater ability to lead peace operations this could give rise to competition over supplies of available forces, logistics, funding and leadership.

Another possible problem is if regional organisations decide to intervene in a situation where the UN has not acted or is reluctant to authorise action. (East Africa's Intergovernmental Authority on Development's effort to become involved in Somalia is a possible case in point. Please see our September 2006 *Forecast* for more details.) There could also be trouble if regional groups wish to take the lead but fall short of accomplishing stated goals or do not act in accordance with the norms set by the UN.

## **Historical Background**

*17 October 2005* The Security Council adopted the first resolution on the UN and regional organisations after the third open debate.

*25 July 2005* The Secretary-General and regional organisations held the sixth high-level meeting

*20 July 2004* The Council issued a presidential statement after its second open debate on cooperation between the United Nations and regional organisations.

*29-30 July 2003* The Secretary-General and regional organisations held the fifth high-level meeting.

*April 2003* The Council held its first open debate on the Security Council and regional organisations: facing the new challenges to international peace and security.

*14 February 2001* The Secretary-General and regional organisations held the fourth high-level meeting.

*21 August 1998* The Secretary-General and regional organisations held the third high-level meeting.

*15 February 1996* The Secretary-General and regional organisations held the second high-level meeting.

*25 January 1995* In the *Supplement to an Agenda for Peace* the Secretary-General outlined the forms of on-going cooperation between the UN and regional organisations.

*9 December 1994* The General Assembly adopted the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements and Agencies in the Maintenance of International Peace and Security.

*1 August 1994* The Secretary-General and regional organisations held the first high-level meeting.

*January 1993* The Security Council invited regional organisations to study ways of strengthening their functions in peace and security, and improve coordination with the United Nations.

*June 1992* The Secretary-General's report, *Agenda for Peace*, was published.

*31 January 1992* The Security Council asked the Secretary-General to recommend ways to strengthen and make the UN more efficient for preventive diplomacy, peacemaking and peacekeeping.

## UN Documents

### Selected Security Council Resolutions

- S/RES/1706 (31 August 2006) was the resolution on the situation in Sudan mandating UN assistance to AMIS.
- S/RES/1631 (17 October 2005) was the first resolution adopted by the Security Council on regional organisations.
- S/RES/1497 (1 August 2003) recognised the role ECOWAS played in implementing the June 2003 ceasefire in Liberia and cited Chapter VIII.
- S/RES/1464 (4 February 2003) welcomed the actions of ECOWAS in response to the violence in Côte d'Ivoire in 2002 with reference to Chapter VII and Chapter VIII.
- S/RES/1197 (18 September 1998) was on the need for the UN to provide support regional and subregional organisations and to strengthen coordination between the UN and those organisations.
- S/RES/1170 (28 May 1998) was on durable peace and sustainable development in Africa.

<b>Selected Presidential Statements</b>
<ul style="list-style-type: none"> <li>• S/PRST/2004/27 (20 July 2004) was the statement after the Council's debate on cooperation between the United Nations and regional organisations in stabilisation processes.</li> <li>• S/PRST/1998/35 (30 November 1998) reaffirmed the increasingly important role of regional arrangements in maintaining peace and security.</li> <li>• S/PRST/1998/28 (16 September 1998) set general standards for peacekeeping and stressed the need to be fully informed of peacekeeping activities carried out by regional or subregional organisations.</li> <li>• S/PRST/1994/22 (3 May 1994) said that regional and subregional organisations should be taken into account when setting up new peacekeeping operations.</li> </ul>
<b>Selected Letters</b>
<ul style="list-style-type: none"> <li>• S/2006/719 (7 September 2006) was the letter from the President of the Security Council with the Greek non-paper on "Challenges of Cooperation between the United Nations and regional organisations in maintaining international peace and security".</li> <li>• S/2005/567 (8 September 2005) was the conclusions of the sixth high-level meeting between the Secretary-General and regional organisations.</li> <li>• S/2001/138 (14 February 2001) was the summary of the proposals from the fourth high-level meeting between the Secretary-General and regional organisations.</li> <li>• S/1998/785 (21 August 1998) was the summary statement from the third high-level meeting between the Secretary-General and regional organisations.</li> </ul>
<b>Selected Secretary-General's Reports</b>
<ul style="list-style-type: none"> <li>• A/61/213 (2 August 2006) was the Secretary-General's report on the implementation of recommendations from his 1998 report.</li> <li>• S/2006/590 (28 July 2006) <i>A regional-global security partnership: challenges and opportunities</i></li> <li>• A/59/2005 (21 March 2005) <i>In larger Freedom: towards development, security and human rights for all</i></li> <li>• A/59/565 (2 December 2004) and Corr. 1 (6 December 2004) was the report of the High-Level Panel on Threats, Challenges and Change.</li> <li>• S/1998/318 (13 April 1998) was the Secretary-General's report on the causes of conflict and the promotion of durable peace and sustainable development in Africa.</li> <li>• S/1995/1 (25 January 1995) was the <i>Supplement to an Agenda for Peace</i> which outlined the forms of cooperation between the UN and regional organisations at the time.</li> <li>• S/24111 (31 January 1992) was the <i>Agenda for Peace</i> where the Secretary-General recommended a greater role for regional organisations in peace-related activities.</li> </ul>
<b>Selected General Assembly Resolutions</b>
<ul style="list-style-type: none"> <li>• A/RES/60/1 (24 October 2005) was the World Summit Outcome Document.</li> <li>• A/RES/49/57 (9 December 1994) was the Declaration on Enhancement of Cooperation between the United Nations and Regional Arrangements and Agencies in the Maintenance of International Peace and Security.</li> </ul>
<b>Other</b>
<ul style="list-style-type: none"> <li>• S/2006/507 (19 July 2006) was a note by the Council president on documentation and procedural questions.</li> <li>• S/25859 (28 May 1993) was the note from the president of the Council following the Council's consideration of <i>Agenda for Peace</i>. The Council invited regional organisations to study ways of strengthening their functions in peace and security and improving coordination with the UN.</li> <li>• S/23500 (31 January 1992) was the note from the president of the Council after the first summit meeting of the Council.</li> </ul>



## Useful Additional Sources

*Building Partnerships for Crisis Prevention, Conflict Resolution and Peacebuilding between the United Nations and Regional Organisations*, International Peace Academy, 2006.

Felicio, Tania; Graham, Kennedy, *Regional Security and Global Governance: A Proposal for a Regional-Global Security Mechanism*, Royal Institute for International Relations, January 2005.

Foreman, Shepard; Greene, Andrew, "Collaborating with Regional Organisations" in *The UN Security Council*, Malone, David (ed.), Lynne Rienner Publishers, 2004.

Holt, Victoria; Shanahan, Moira, *African Capacity-Building for Peace Operations: UN Collaboration with the African Union and ECOWAS*, The Henry L. Stimson Center, February 2005.

*Cooperation between the UN and Regional Organisations/Arrangements in a Peacekeeping Environment: Suggested Principles and Mechanisms*, Lessons Learned Unit, UN Department of Peacekeeping Operations, March 1999.

## ANNEX

Action Requested in Resolution 1631	Action Taken
<u>Standby Arrangements</u> : "regional organisations that have the capacity...consider placing such capacity in the framework of the United Nations Standby Arrangements system"	None (The Secretariat is reviewing UNSAS to see how it can be adapted.)
<u>Rapid Deployment in peacekeeping operations</u> : "welcomes initiatives taken in this regard."	None (The Secretariat is looking at engaging regional capacities in short-term support of UN peacekeeping operations.)
<u>Small Arms</u> : "potential role of regional and subregional organisations in addressing illicit trade in small arms."	No concrete action has been taken but the UN has increased cooperation with regional and subregional organisations under the global framework of implementation of the 2001 Programme of Action on Small Arms.
<u>Counter-Terrorism</u> : "urges all relevant regional and subregional organisations to enhance the effectiveness of their counter-terrorism efforts"	The Counter-Terrorism Committee Executive Directorate (CTED) is working on involvement of regional organizations and has organised regional conferences.
<u>Capacity Building</u> : "strengthening capacity of regional and subregional organisations, in particular in African regional and subregional organisations...through provision of human, technical and financial assistance"	Action has mostly focused on Africa and the AU. An interagency mission to the AU is planned. Japan has committed funds to the Pacific Island Forum and OAS; US to IGAD and ECOWAS; UK, Canada, Denmark to ECOWAS; EU to ECOWAS-EU-UN office for West Africa.
<u>Agreements for Cooperation</u> : "Secretary-General asked to explore the possibility of agreements establishing a framework for regional cooperation with and contributions to UN-led peacekeeping operations".	No MOUs have been signed.