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# **Part VIII**

## **Regional arrangements**

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## Introductory note

### Article 52

1. *Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.*
2. *The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.*
3. *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.*
4. *This Article in no way impairs the application of Articles 34 and 35.*

### Article 53

1. *The Security Council shall, where appropriate, utilize 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, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.*
2. *The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.*

### Article 54

*The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.*

Chapter VIII of the Charter of the United Nations provides the constitutional basis for the involvement of regional arrangements in the maintenance of international peace and security.<sup>1</sup> While Article 52 encourages the engagement of regional arrangements in the pacific settlement of disputes prior to their referral to the Security Council, Article 53 allows the Council to utilize regional arrangements for enforcement action under its authority and with its explicit authorization. Article 54 stipulates that regional arrangements should inform the Council of their activities at all times.

During the period under review, the Council reaffirmed the importance of enhancing cooperation between the United Nations and regional arrangements, pursuant to Chapter VIII of the Charter, on conflict prevention and resolution,

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<sup>1</sup> Chapter VIII of the Charter refers to “regional arrangements or agencies”. For the purposes of the *Repertoire*, the term “regional arrangements” is understood to encompass regional and subregional organizations as well as other international organizations.

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peacekeeping and peacebuilding. The Council acknowledged the progress made in the cooperation between the United Nations and the African Union, evidenced by the increasing number of joint missions, briefings, reports and declarations, and underlined the importance of developing an effective partnership underpinned by consultations between the Security Council and the Peace and Security Council of the African Union. The Security Council and the Peace and Security Council of the African Union held their twelfth annual joint consultative meeting in New York on 19 July 2018.<sup>2</sup> Engagement with other organizations in addition to the African Union, such as the Organization of American States, the League of Arab States and the Shanghai Cooperation Organization, featured prominently in the discussions in the Council.

In 2018, the Council focused in its deliberations on the modalities for planning and mandating operations and the need for adherence to international human rights, international humanitarian law, and conduct and discipline compliance frameworks. In addition, the issue of ensuring predictable and sustainable funding for African Union-led peacekeeping operations was extensively debated in the meetings of the Council.

In connection with the pacific settlement of disputes, the Council continued to highlight in its decisions the crucial importance of the role played by regional and subregional arrangements in mediation and good offices to end conflicts and ensure successful peace negotiations. The Council highlighted the mediation efforts of regional and subregional arrangements in the resolution of political crises and the implementation of peace agreements in Burundi, the Democratic Republic of the Congo, Guinea-Bissau, Liberia, Mali and Somalia, and sustainable peace and security in Afghanistan and the Central African Republic.

Concerning peacekeeping operations led by regional organizations, the Council renewed the authorization of two existing missions, namely the African Union Mission in Somalia and EUFOR-Althea in Bosnia and Herzegovina, while the Kosovo Force of the North Atlantic Treaty Organization continued to operate, no decisions being taken with respect to its mandate. The Council also commended the countries of West Africa and the Sahel for addressing the security challenges in the region through the deployment of the Joint Force of the Group of Five for the Sahel and called for its full operationalization. As in previous periods, the Council authorized enforcement action by regional and subregional organizations beyond the framework of peacekeeping operations in relation to Libya, Somalia and South Sudan, and continued to request reporting by regional organizations, in particular on mandate implementation of relevant regional peacekeeping operations and cooperation with the United Nations.

The practice of the Council under Chapter VIII of the Charter in 2018 is illustrated below in five sections. Each section covers both the decisions adopted by the Council and the discussions held during Council meetings. Section I examines the practice of the Council regarding cooperation with regional and subregional arrangements in the maintenance of international peace and security concerning items of a thematic nature. Section II deals with the recognition by the Council of the efforts of regional arrangements in the peaceful settlement of disputes, within the framework of Article 52 of the Charter. Section III covers the practice of the Council in connection with cooperation with regional organizations in the area of peacekeeping. Section IV describes the practice of the Council in authorizing enforcement actions by regional organizations outside the context of regional peacekeeping operations. Section V refers to reporting on the activities of regional arrangements in the maintenance of international peace and security.

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<sup>2</sup> See [S/2018/736](#).

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## I. Consideration of the provisions of Chapter VIII of the Charter of the United Nations under thematic items

### Note

Section I examines the practice of the Council in 2018 in cooperating with regional organizations in the maintenance of international peace and security, within the framework of Chapter VIII of the Charter, in connection with items of a thematic nature. The section is organized under two headings: (a) decisions on thematic issues relating to Chapter VIII; and (b) discussions on thematic issues concerning the interpretation and application of Chapter VIII.

### A. Decisions on thematic issues relating to Chapter VIII of the Charter

During the period under review, the Council explicitly referred to Chapter VIII of the Charter in two of its decisions on thematic issues.<sup>3</sup> Under the item entitled “Maintenance of international peace and security”, the Council reiterated that cooperation between the United Nations and regional and subregional organizations was critical to contributing to the prevention of the outbreak, escalation, continuation and recurrence of conflict, in line with Chapter VIII.<sup>4</sup> The Council acknowledged the determined work to strengthen strategic cooperation and coordination between the United Nations and regional and subregional organizations, which could play an important role in conflict prevention. In that regard, the Council encouraged consideration of the need to support the pacific settlement of local disputes through regional arrangements or by regional agencies in accordance with Chapter VIII.<sup>5</sup> The Council encouraged the Secretary-General to continue his efforts to ensure better use of conflict prevention and preventive diplomacy tools in cooperation with regional and subregional organizations.<sup>6</sup>

Under the item entitled “United Nations peacekeeping operations”, the Council recalled resolutions [2320 \(2016\)](#) and [2378 \(2017\)](#) and underlined the importance of partnership and political and operational cooperation with regional and subregional arrangements and organizations, in particular the African Union, in accordance with

Chapter VIII, in supporting peacekeeping and peacebuilding activities.<sup>7</sup> Underlining the need for collective action to improve United Nations peacekeeping, the Council also recognized that peacekeeping operations could benefit from the collective engagement of the Council; Member States, including troop- and police-contributing countries, donors and host countries; the Secretariat; and regional and subregional organizations.<sup>8</sup>

In other decisions on various thematic issues, the Council, without explicit reference to Chapter VIII, recognized and referred to the role of regional and subregional arrangements. Under the item entitled “Maintenance of international peace and security”, focusing on the regional partnership in Afghanistan and Central Asia, the Council stressed the importance of advancing regional, interregional and international cooperation to achieve long-term peace, stability and sustainable development in Afghanistan and Central Asia.<sup>9</sup> Specifically, the Council welcomed the involvement of Afghanistan in the Central Asian regional mechanisms for cooperation on counter-terrorism, including in implementing the Joint Plan of Action for the Implementation of the United Nations Global Counter-Terrorism Strategy in Central Asia.<sup>10</sup> The Council also expressed support for the activities of the Regional Economic Cooperation Conference on Afghanistan as a platform for cross-border economic dialogue.<sup>11</sup>

In connection with the item entitled “Children and armed conflict”, the Council requested the Special Representative of the Secretary-General for Children and Armed Conflict to continue engaging with regional and subregional organizations and also called upon regional and subregional bodies, within their respective mandates and in close cooperation with the Governments of the countries concerned, to establish appropriate strategies and coordination mechanisms for information exchange and cooperation on child protection concerns, in particular on cross-border issues.<sup>12</sup> The Council further encouraged regional and subregional organizations and arrangements to continue mainstreaming child protection into their advocacy, policies, programmes and mission planning,

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<sup>3</sup> [S/PRST/2018/1](#), seventeenth and twenty-third paragraphs; and [S/PRST/2018/10](#), seventh paragraph.

<sup>4</sup> [S/PRST/2018/1](#), twenty-third paragraph.

<sup>5</sup> *Ibid.*, seventeenth paragraph.

<sup>6</sup> *Ibid.*, sixteenth paragraph.

<sup>7</sup> [S/PRST/2018/10](#), seventh paragraph.

<sup>8</sup> *Ibid.*, twenty-seventh paragraph.

<sup>9</sup> [S/PRST/2018/2](#), eighth paragraph.

<sup>10</sup> *Ibid.*, thirteenth paragraph.

<sup>11</sup> *Ibid.*, final paragraph.

<sup>12</sup> Resolution [2427 \(2018\)](#), paras. 5 and 10.

as well as to train personnel and include child protection staff in their peacekeeping and field operations and establish, within their secretariats, child protection mechanisms, including through appointing child protection focal points, as well as develop and expand regional and subregional initiatives to prevent violations and abuses against children affected by armed conflict.<sup>13</sup> Recognizing the link between abductions, recruitment, sexual violence and trafficking, and the fact that children in situations of armed conflict could be especially vulnerable to trafficking in persons in armed conflict and to those forms of exploitation, the Council encouraged relevant parts of the United Nations system and international and regional bodies, within their respective mandates, to work to address the issue.<sup>14</sup>

Under the item entitled “Threats to international peace and security”, the Council strongly encouraged Member States and relevant regional, subregional and international organizations to enhance cooperation and strategies to prevent terrorists from benefiting from transnational organized crime, including by strengthening national, regional and global systems to collect, analyse and exchange information, including law enforcement and intelligence information.<sup>15</sup> Noting that the nature and scope of the linkages between terrorism and transnational organized crime varied by context, the Council further encouraged Member States, as well as international, regional and subregional organizations and forums, to continue conducting research to better understand the nature and scope of the links that might exist between terrorists and transnational organized criminals and enhance knowledge of and support initiatives to address, in the design and implementation of global, regional and national counter-terrorism strategies, the linkages between terrorism and transnational organized crime.<sup>16</sup> The Council also recalled its previous resolutions and presidential statements underscoring the importance of developing effective partnerships between the United Nations and regional and subregional organizations and forums, in accordance with the Charter and the relevant statutes of the regional and subregional organizations.<sup>17</sup>

Regarding the item entitled “Peacebuilding and sustaining peace”, the Council welcomed the Peacebuilding Commission’s collaboration with regional and subregional organizations, including the

African Union, and emphasized the importance of further engagement with relevant regional actors on regional and country-specific issues with the consent of the countries concerned.<sup>18</sup> The Council also underscored the fact that the Commission represented a unique platform for convening key actors, such as Member States, including host States and concerned countries, relevant United Nations actors and regional organizations, with a view to enhancing coordination, advocacy and resource mobilization for peacebuilding activities.<sup>19</sup>

## **B. Discussions on thematic issues concerning the interpretation and application of Chapter VIII of the Charter**

At a number of Council meetings held in 2018, speakers discussed the role of regional and subregional organizations under the items entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”,<sup>20</sup> “Maintenance of international peace and security”,<sup>21</sup> “Peacebuilding and sustaining peace”,<sup>22</sup> “Protection of civilians in armed conflict”,<sup>23</sup> “United Nations peacekeeping operations”<sup>24</sup> and “Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe”.<sup>25</sup> In discussions held under the item entitled “Maintenance of international peace and security”, speakers referred to the importance of regional frameworks in Central Asia for the stabilization and reconstruction of Afghanistan (see case 1). Under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, the Council engaged in discussions on strengthening cooperation with the African Union, with a focus on the strategic partnership between the two organizations for peacekeeping and support operations (see case 2) and engagement with the Organization of American States in the context of the situation in Nicaragua (see case 3).

<sup>18</sup> S/PRST/2018/20, seventeenth paragraph.

<sup>19</sup> Ibid., ninth paragraph. For more information on the Peacebuilding Commission, see part IX, sect. VII.

<sup>20</sup> S/PV.8314, S/PV.8340 and S/PV.8414.

<sup>21</sup> S/PV.8162, S/PV.8185, S/PV.8241, S/PV.8262, S/PV.8293, S/PV.8334, S/PV.8346 and S/PV.8395.

<sup>22</sup> S/PV.8413.

<sup>23</sup> S/PV.8264.

<sup>24</sup> S/PV.8218 and S/PV.8349.

<sup>25</sup> S/PV.8200.

<sup>13</sup> Ibid., para. 11.

<sup>14</sup> Ibid., para. 39.

<sup>15</sup> S/PRST/2018/9, second paragraph.

<sup>16</sup> Ibid., third and seventh paragraphs.

<sup>17</sup> Ibid., eighth paragraph.

### Case 1 Maintenance of international peace and security

At its 8162nd meeting, on 19 January 2018, the Council held a ministerial-level debate under the sub-item entitled “Building regional partnership in Afghanistan and Central Asia as a model to link security and development”, during which the Council heard a briefing by the Secretary-General. The meeting was held at the initiative of Kazakhstan, which held the presidency for that month.<sup>26</sup> During the meeting, the representatives of Kuwait and Ethiopia explicitly referred to Chapter VIII of the Charter.<sup>27</sup>

The Minister for Foreign Affairs of Kazakhstan, presiding over the Council, remarked that stabilization and reconstruction in Afghanistan would present an opportunity for Central Asian countries to reinvigorate regional cooperation. He expressed the hope that increased dialogue and connectivity would help to address challenges such as the threat of terrorism and recognized the importance of close coordination between Afghanistan and Central Asian States in combating the cultivation, production, trade and trafficking of illicit drugs. He further noted that long-term stability and prosperity in the region should be guided by the principle of an integrated approach based on three pillars, including a regional approach for the streamlining of efforts by regional organizations and frameworks, such as the Regional Economic Cooperation Conference on Afghanistan and the Central Asia Regional Economic Cooperation Programme.<sup>28</sup>

During the debate, many representatives affirmed their support for ongoing efforts to boost regional economic cooperation and long-term stability.<sup>29</sup> Others raised concerns about continued threats to stability and violence owing to widespread narcotics production and terrorism.<sup>30</sup> In that regard, the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait expressed concern regarding the continued threats to security and stability in Afghanistan owing to the presence of

terrorist and extremist groups such as the Taliban, the Haqqani Network, Al-Qaida and Islamic State in Iraq and the Levant (ISIL, also known as Da’esh). He also stated that the meeting reflected the provisions of Chapter VIII, which underscored the clear role of regional and subregional organizations in resolving conflicts through peaceful and diplomatic means.<sup>31</sup>

The Minister for Foreign Affairs of Poland stressed the importance of regional cooperation to promote not only the economic and social development but also the peace and stability of Afghanistan. The location of Central Asia and Afghanistan presented a unique opportunity to enhance direct and multinational cooperation aimed at constructing transport and logistics infrastructure that would interconnect Europe and Asia. Pointing out that even the most ambitious agenda with regard to regional economic connectivity could fail owing to an unstable security situation, he emphasized that a secure, stable and prosperous Afghanistan was a prerequisite for peace and stability in the region.<sup>32</sup>

Noting the unprecedented growth in Afghan narcotics production, the Minister for Foreign Affairs of the Russian Federation stressed the importance of adopting practical measures to launch a process of national reconciliation and noted that a dialogue had been launched in conjunction with partners and like-minded stakeholders, reviving the work of the Shanghai Cooperation Organization-Afghanistan Contact Group. In addition, a partnership was being built between Afghanistan and the Collective Security Treaty Organization. Highlighting the need for mutually beneficial cooperation based on a balance of interests, he noted that Central Asian countries must respect all their obligations within the Shanghai Cooperation Organization and the Collective Security Treaty Organization. He added that both the Eurasian Economic Union and the Commonwealth of Independent States could contribute to the general efforts by opening broad and promising markets in Afghanistan.<sup>33</sup>

The representative of France, noting the Council’s visit to Afghanistan earlier in January, underlined the high level of insecurity and violence in Afghanistan and the fragility of the humanitarian situation. Welcoming the presidential statement issued at the meeting (*S/PRST/2018/2*), which for the first time highlighted the special ties linking Afghanistan and Central Asia, he stated that it was essential that

<sup>26</sup> The Council had before it a concept note annexed to a letter dated 2 January 2018 from the representative of Kazakhstan to the Secretary-General (*S/2018/7*).

<sup>27</sup> *S/PV.8162*, p. 6 (Kuwait) and p. 23 (Ethiopia).

<sup>28</sup> *Ibid.*, pp. 4–5.

<sup>29</sup> *Ibid.*, p. 6 (Kuwait), p. 8 (Poland), p. 9 (Russian Federation), p. 10 (United States), p. 13 (United Kingdom), p. 19 (Plurinational State of Bolivia), p. 21 (Côte d’Ivoire), p. 26 (Kyrgyzstan), p. 28 (Tajikistan), pp. 32–33 (Belgium) and pp. 38–39 (European Union).

<sup>30</sup> *Ibid.*, p. 8 (Poland), p. 9 (Russian Federation), p. 18 (France), p. 27 (Tajikistan), p. 32 (Islamic Republic of Iran) and p. 36 (Turkey).

<sup>31</sup> *Ibid.*, pp. 6–7.

<sup>32</sup> *Ibid.*, pp. 7–8.

<sup>33</sup> *Ibid.*, pp. 9–10.

Afghanistan be able to benefit from its geographical location in the heart of Asia; hence, its increasing involvement in multiple projects to increase connectivity between Afghanistan and Central Asia must be encouraged.<sup>34</sup>

Several representatives of the countries of the Central Asian region discussed the situation on the ground, describing the ongoing regional initiatives and frameworks to enhance economic cooperation. The Minister for Foreign Affairs of Tajikistan said that the region was currently facing pressing challenges: an expansion of international terrorism, an increase in extremism, transnational organized crime and drug trafficking, and the exacerbation of environmental issues, such as climate change and desertification. He said that the current situation required that the countries of the region take more robust action and make firm commitments by facilitating regional cooperation and partnerships. Noting the role of regional organizations, he called for the strengthening of cooperation between the relevant United Nations institutions and regional organizations, including the Collective Security Treaty Organization and the Shanghai Cooperation Organization.<sup>35</sup>

The Minister for Foreign Affairs of Kyrgyzstan commended the efforts made within the framework of the Heart of Asia-Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan, expressed support for initiatives aimed at establishing peace and achieving national reconciliation in Afghanistan, and said that the countries of Central Asia were ready to engage actively in the process of building peace and stability in Afghanistan. With regard to the production and export of Afghan opium, he noted that some important regional projects had been adopted as a result of the seventh ministerial-level Regional Economic Cooperation Conference on Afghanistan, held in November 2017, and emphasized the importance of pursuing joint efforts to integrate the economy of Afghanistan with those of other countries in the region by expanding cooperation and improving regional infrastructure, trade, investment, transit and transport projects.<sup>36</sup>

Speaking on regional security initiatives such as the Kabul Process for Peace and Security Cooperation and the C5+Afghanistan cooperation framework, the Deputy Minister for Foreign Affairs of Afghanistan said that the Heart of Asia-Istanbul Process, an

Afghan-led initiative, would remain a key focus in work to increase cooperation between Afghanistan and Central Asian countries through various platforms, including the Shanghai Cooperation Organization. In addition, he highlighted the tireless work of the Government of Afghanistan to advance economic cooperation through the Regional Economic Cooperation Conference and drew attention to the opportunity to transform the nexus of regional threats into a nexus of peace, security, economic growth and development for prosperity.<sup>37</sup>

## **Case 2 Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security**

On 18 July 2018, the Council held its 8314th meeting, under the sub-item entitled “African Union”, with a particular focus on sustainable financing mechanisms for African Union-led peacekeeping operations. The Council heard briefings by the Special Representative of the Secretary-General to the African Union and Head of the United Nations Office to the African Union and the African Union Commissioner for Peace and Security.<sup>38</sup> During the meeting, several speakers explicitly referred to Chapter VIII of the Charter.<sup>39</sup>

The Special Representative of the Secretary-General to the African Union and Head of the United Nations Office to the African Union noted the importance of framing the issue of predictable and sustainable financing for African Union peace support operations authorized by the Council within the context of a common political strategy, agreed to by the Security Council and the Peace and Security Council of the African Union and informed by joint analyses and assessments of conflict situations. She said that the Council should view its support for African Union peace support operations as a means by which it could exercise its primary responsibility for the maintenance of international peace and security through effective collaboration with regional organizations, in accordance with Chapter VIII.<sup>40</sup>

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<sup>34</sup> Ibid., pp. 17–18.

<sup>35</sup> Ibid., pp. 27–28.

<sup>36</sup> Ibid., pp. 25–26.

<sup>37</sup> Ibid., pp. 29–30.

<sup>38</sup> S/PV.8314, pp. 2–6.

<sup>39</sup> Ibid., p. 4 (Special Representative of the Secretary-General to the African Union and Head of the United Nations Office to the African Union), p. 5 (African Union Commissioner for Peace and Security), p. 11 (Kuwait), p. 13 (United States), p. 13 (Russian Federation) and p. 18 (France).

<sup>40</sup> Ibid., p. 4.



Several speakers also stressed the need to provide Africa-led peacekeeping operations with sustainable and predictable funding.<sup>41</sup> The representative of China noted that, as African Union peacekeeping operations faced difficulties in terms of human and financial resources, there was a need to actively explore innovative ways to resolve the funding issue.<sup>42</sup> With respect to the African Union Military Observer Mission in Somalia in particular, the representative of the United Kingdom stated that the international community needed to step up and provide vital contributions to the Mission in the short and medium terms.<sup>43</sup> The representative of France argued that, in order to enhance African peace operations, there was a need to move concretely and swiftly towards their predictable and sustainable financing. He also stated that, given the current situation, African peace enforcement operations, which would complement United Nations peacekeeping operations, should enjoy sound and predictable funding, including through mandatory contributions from the United Nations.<sup>44</sup> The representative of Kazakhstan called upon the Council to consider practical steps to develop a mechanism to ensure the sustainable and predictable joint financing of African Union peace operations and said that conflict prevention should be prioritized.<sup>45</sup>

The Deputy Foreign Minister of Sweden, welcoming the renewed momentum in the partnership between the United Nations and the African Union, stated that the need for flexible, predictable and sustainable funding of African Union peace operations was clear and welcomed the access to assessed United Nations contributions for African Union-conducted peace operations. She also noted the progress in the development of the compliance framework and stressed the need to invest time and energy in United Nations-African Union cooperation in the area of conflict prevention and resolution.<sup>46</sup> The representative of Equatorial Guinea, speaking also on behalf of Côte d'Ivoire and Ethiopia, highlighted the importance of improving operational cooperation between the United Nations and the African Union in the areas of conflict prevention and mediation, peacekeeping and peacebuilding. In that regard, he recalled resolution

2378 (2017), in which the Council expressed its intention to give further consideration to practical steps that could be taken, and the conditions necessary, to establish a mechanism through which African Union-led peace support operations authorized by the Council could be partly financed through United Nations assessed contributions. He further emphasized that the \$47 million raised by African Union member States for the Peace Fund proved that those States were seriously committed to achieving the goal of 25 per cent self-funding. The three African members of the Council expected a similar commitment from the United Nations, in line with resolutions 2320 (2016) and 2378 (2017).<sup>47</sup>

The representative of the Netherlands said that the Secretary-General, in his report on strengthening the partnership between the United Nations and the African Union on issues of peace and security in Africa, including on the work of the United Nations Office to the African Union (S/2018/678), rightly observed that regional interests and proximity to the parties could also complicate matters. On the provision of financial support for African Union peacekeeping, she called upon the Council to step up its efforts and added that sustainable, predictable and flexible financing would enhance the effectiveness of African Union peacekeeping. She further expressed support for the Secretary-General's intention to explore financing options in greater technical detail with the General Assembly.<sup>48</sup>

The representative of the Plurinational State of Bolivia voiced his support for the African Union's request for a predictable and flexible budget and for economic support for peace and security operations. He also expressed regret that the Council had ignored the express request of the Intergovernmental Authority on Development that targeted sanctions and an arms embargo not be imposed at a time when headway was being made in the dialogue in South Sudan. He also noted that it was crucial to grant a greater leadership role to the African Union in decision-making on matters that concerned it.<sup>49</sup>

The representative of the United States said that the United States would not consider additional financial support through the United Nations for any future African Union-led operations authorized by the Council under Chapter VIII until African Union peace organizations and operations demonstrably implemented benchmarks for financial transparency,

<sup>41</sup> Ibid., p. 4 (Special Representative of the Secretary-General to the African Union and Head of the United Nations Office to the African Union), p. 12 (Kuwait), p. 15 (China), p. 17 (United Kingdom), p. 18 (France) and p. 19 (Kazakhstan).

<sup>42</sup> Ibid., p. 15.

<sup>43</sup> Ibid., p. 17.

<sup>44</sup> Ibid., p. 18.

<sup>45</sup> Ibid., p. 19.

<sup>46</sup> Ibid., p. 6.

<sup>47</sup> Ibid., pp. 7–8.

<sup>48</sup> Ibid., p. 9.

<sup>49</sup> Ibid., p. 11.

conduct and discipline, and human rights. While recognizing the progress that the African Union had made towards developing compliance frameworks for international humanitarian law and human rights, he urged the United Nations and the African Union to continue to prioritize the development and implementation of standards in order to achieve greater transparency and accountability in African Union peace support operations.<sup>50</sup>

The representative of the Russian Federation stated that it was extremely important to maintain the current United Nations procedures for considering and approving the relevant budgetary applications to ensure transparency and accountability in the allocation and use of funds, and that strengthening cooperation between the two organizations would inevitably mean additional responsibilities for the regional actors, for which they must be fully prepared.<sup>51</sup> The representative of Poland underlined the need to ensure the full compliance of African-led peace operations with United Nations rules and standards in terms of troop quality, training and equipment, as well as accountability, conduct and discipline.<sup>52</sup>

### **Case 3 Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security**

At its 8340th meeting, on 5 September 2018, the Council discussed the situation in Nicaragua for the first time, under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”.<sup>53</sup> The Council heard briefings by the Chief of Staff to the Secretary-General of the Organization of American States (OAS) and a former Secretary-General of the Ministry of Defence of Nicaragua and civil society leader. The representatives of Costa Rica, Nicaragua and Venezuela (Bolivarian Republic of) also participated in the meeting. During the meeting, two Council members explicitly referred to Chapter VIII of the Charter.<sup>54</sup> In addition, one explicit reference to Article 52<sup>55</sup> and one explicit reference to Article 54 were made.<sup>56</sup>

While Council members largely diverged in their opinions concerning the relevance of the meeting to the responsibility of the Council for the maintenance of international peace and security,<sup>57</sup> several speakers concurred on the importance of the role of regional organizations, in particular OAS, in addressing the situation in Nicaragua and expressed support for or welcomed the efforts of OAS in Nicaragua.<sup>58</sup> The representative of the Russian Federation said that his delegation was categorically opposed to discussing the situation in Nicaragua. He stated that the United States presidency of the Council had used a “regional rationale in order to shovel the Nicaraguan issue” onto the Council’s agenda and called upon Washington to “refrain from its efforts in the colonial tradition to influence the situation in Nicaragua”.<sup>59</sup> The representative of the Plurinational State of Bolivia echoed that view, rejecting the holding of the meeting on the basis that Nicaragua did not constitute any kind of threat to the region or the world. He stated that it was “absurd” to draw attention to the internal situation of a Member State under the theme “regional and subregional cooperation” and added that the argument for addressing the situation in Nicaragua was not applicable under Article 54 of the Charter, by virtue of which regional bodies should keep the Council informed of activities undertaken or being contemplated under regional arrangements for the maintenance of international peace and security.<sup>60</sup>

The representative of Kuwait recalled the essential role that regional and subregional organizations played in dealing with regional issues before they escalated, in accordance with Article 52 of the Charter, which provided for them to deal with matters relating to the maintenance of international peace and security.<sup>61</sup> The representative of the United Kingdom said that it was right that the Council had been made aware by a regional organization of its worry that the situation in Nicaragua could begin to have effects throughout the region and stated that the Council should never reach a stage at which it could not hear from a regional organization about its

<sup>50</sup> *Ibid.*, pp. 12–13.

<sup>51</sup> *Ibid.*, pp. 13–14.

<sup>52</sup> *Ibid.*, p. 16.

<sup>53</sup> For more information on this item, see part I, sect. 38, and part II, sect. II, “Agenda”.

<sup>54</sup> *S/PV.8340*, p. 9 (Peru) and p. 16 (Equatorial Guinea).

<sup>55</sup> *Ibid.*, p. 7 (Kuwait).

<sup>56</sup> *Ibid.*, p. 17 (Plurinational State of Bolivia).

<sup>57</sup> For further details on the discussions relating to the primary responsibility of the Council for the maintenance of international peace and security, see part V, sect. I.B.

<sup>58</sup> *S/PV.8340*, p. 7 (Kuwait), p. 8 (United Kingdom), p. 9 (Peru), p. 10 (France), pp. 11–12 (Netherlands), p. 13 (Poland), p. 14 (Kazakhstan), p. 15 (Sweden), p. 16 (Equatorial Guinea), p. 19 (United States) and p. 21 (Costa Rica).

<sup>59</sup> *Ibid.*, pp. 6–7.

<sup>60</sup> *Ibid.*, pp. 16–17.

<sup>61</sup> *Ibid.*, p. 7.

concerns about what was happening in territory for which it was responsible.<sup>62</sup>

The representative of Kazakhstan stated that the situation in Nicaragua did not fall under the mandate of the Council since it did not constitute a threat to international peace and security. He suggested that the United Nations be involved only through the mediation efforts and good offices of the Secretary-General. He also emphasized that stronger engagement and respectful cooperation by regional organizations in resolving the situation would be a crucial step towards the normalization of the political situation in Nicaragua.<sup>63</sup>

The representative of Equatorial Guinea recalled that Chapter VIII defined the mechanisms and means necessary for interaction between the Council and regional and subregional organizations. He stated that the situation in Nicaragua should be addressed not by including it in the programme of work of the Council but by encouraging the international community, in particular OAS and the Catholic Church, to continue its constructive mediation role so as to establish the necessary external conditions to facilitate consultations, dialogue and agreement to avert a deterioration of the situation, and by calling upon the Government of Nicaragua to open up to the international community and facilitate the establishment of the mechanisms necessary for a resolution of the political crisis.<sup>64</sup>

<sup>62</sup> Ibid., p. 8.

<sup>63</sup> Ibid., p. 14.

<sup>64</sup> Ibid., p. 16.

The representative of Peru stated that the holding of the meeting was relevant under Chapter VIII, which provided that the Council must be kept fully informed of the activities undertaken by regional organizations for the maintenance of international peace and security, and noted that, despite the efforts of OAS, the Government of Nicaragua had thus far rejected the offer to engage in constructive dialogue and had limited its cooperation with various entities of the inter-American and United Nations systems.<sup>65</sup>

The representative of France stated that the Council had a responsibility to support and assist conflict-prevention diplomacy without ideology and in full respect for the principles of the Charter.<sup>66</sup> The representative of the Netherlands said that his delegation saw a key role for the Council to play in conflict prevention by addressing root causes, such as human rights violations, and that the engagement of local and regional actors was essential to addressing the current crisis.<sup>67</sup> Noting that “one nation’s crisis becomes a region’s crisis – even a global crisis”, the representative of the United States expressed her country’s full support for the efforts of OAS and applauded the Council for adding its powerful voice to those calling for an end to tyranny in Nicaragua.<sup>68</sup>

<sup>65</sup> Ibid., p. 9.

<sup>66</sup> Ibid., p. 10.

<sup>67</sup> Ibid., p. 11.

<sup>68</sup> Ibid., pp. 18–19.

## II. Recognition of the efforts of regional arrangements in the pacific settlement of disputes

### Note

Section II deals with recognition by the Council of the efforts of regional and subregional organizations in the pacific settlement of local disputes, within the framework of Article 52 of the Charter. The section is divided into two subsections: (a) decisions concerning efforts of regional arrangements in the pacific settlement of disputes; and (b) discussions concerning the pacific settlement of disputes by regional arrangements.

### A. Decisions concerning efforts of regional arrangements in the pacific settlement of disputes

During the period under review, in several of its decisions, the Council welcomed, commended and encouraged the engagement of regional and subregional arrangements in the pacific settlement of disputes, as described in further detail below. The Council did not explicitly refer to Article 52 in any of its decisions.

Regarding the situation in Afghanistan, the Council reiterated the importance of advancing regional and interregional cooperation to promote

long-term peace and security and welcomed joint efforts to enhance dialogue and collaboration and to advance shared goals of economic development across the region.<sup>69</sup> The Council reaffirmed its support for the Afghan-led regional efforts within the framework of the Heart of Asia-Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan and the summits of the Regional Economic Cooperation Conference on Afghanistan.<sup>70</sup> The Council also welcomed the ongoing efforts to build trust and cooperation, including by the Organization of Islamic Cooperation, the Shanghai Cooperation Organization, the Collective Security Treaty Organization, the South Asian Association for Regional Cooperation and the Conference on Interaction and Confidence-building Measures in Asia.<sup>71</sup>

Concerning the situation in Burundi, the Council welcomed and expressed support for the renewed commitment by the African Union and the East African Community, expressed at the thirtieth African Union summit and the nineteenth East African Community summit, to a peaceful resolution of the political situation in Burundi through an inclusive dialogue on the basis of the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000. The Council noted its deep concern over the slow progress of the political dialogue and called for all Burundian stakeholders to participate actively and unconditionally in the process. The Council also emphasized that it was crucial for all parties, especially the Government, to commit to the East African Community-led process and reach an agreement ahead of the 2020 elections.<sup>72</sup> The Council called upon the United Nations, the African Union, the East African Community, the International Conference on the Great Lakes Region and the guarantors of the Arusha Agreement to coordinate their efforts to assist Burundian stakeholders in settling outstanding issues in the implementation of the Arusha Agreement and noted with appreciation the readiness of the African Union to deploy the High-Level Committee of Heads of State on Burundi.<sup>73</sup> Lastly, the Council reiterated its concern over the significant delays in the deployment of African Union human rights observers and military experts and expressed support for the African Union call for the rapid signing

of the memorandum of understanding relating to their activities in Burundi.<sup>74</sup>

In connection with the situation in the Central African Republic, the Council emphasized the importance of the role and high-level commitment of the African Union, the Economic Community of Central African States (ECCAS), the International Conference on the Great Lakes Region and neighbouring countries that were part of the panel of facilitators of the African initiative to promote lasting peace and stability in the Central African Republic.<sup>75</sup> The Council reaffirmed its support for the African Initiative for Peace and Reconciliation in the Central African Republic and the road map of the Initiative, which was adopted at the ministerial conference held in Libreville on 17 July 2017 by the Central African Republic authorities, the African Union, ECCAS and the International Conference on the Great Lakes Region.<sup>76</sup> The Council also welcomed the high-level ministerial meeting held on 27 September 2018 and co-chaired by the Central African Republic, the United Nations, the African Union and ECCAS, and reiterated the need to strengthen coordination of all efforts and initiatives under the leadership of the African Union in support of the African Initiative.<sup>77</sup> The Council called upon the African Union, ECCAS, the International Conference on the Great Lakes Region and neighbouring countries to step up their coordination and efforts for the next steps in the implementation of the Libreville road map.<sup>78</sup>

Regarding the situation in the Democratic Republic of the Congo, the Council encouraged the continuation of efforts by the Secretary-General of the United Nations, the African Union, the International Conference on the Great Lakes Region and the Southern African Development Community (SADC) to restore peace and security in the Democratic Republic of the Congo and further encouraged the Government of the Democratic Republic of the Congo to ensure continuous close cooperation with those and other international parties.<sup>79</sup> The Council called for continued and close coordination between the United Nations, the African Union, the International Conference on the Great Lakes Region, SADC and other key regional actors to ensure the full

<sup>69</sup> Resolution 2405 (2018), tenth preambular paragraph.

<sup>70</sup> *Ibid.*, para. 40.

<sup>71</sup> *Ibid.*

<sup>72</sup> S/PRST/2018/7, second paragraph.

<sup>73</sup> *Ibid.*, fourth paragraph.

<sup>74</sup> *Ibid.*, fourteenth paragraph.

<sup>75</sup> Resolution 2448 (2018), para. 5; and S/PRST/2018/14, fifth paragraph.

<sup>76</sup> Resolution 2448 (2018), para. 2; and S/PRST/2018/14, fourth paragraph.

<sup>77</sup> Resolution 2448 (2018), para. 4.

<sup>78</sup> *Ibid.*, para. 5.

<sup>79</sup> Resolution 2409 (2018), eighteenth preambular paragraph.

implementation of the Comprehensive and Inclusive Political Agreement signed in Kinshasa on 31 December 2016 and the successful conclusion of the electoral process.<sup>80</sup> The Council welcomed the commitment of the United Nations, the African Union, SADC, the European Union and the International Organization of la Francophonie to support the electoral process and the establishment of a joint team of experts from those organizations, as well as the role of the International Conference on the Great Lakes Region.<sup>81</sup> Lastly, on the issue of human rights, the Council urged the Government of the Democratic Republic of the Congo to hold accountable those responsible for violations of international humanitarian law and abuses of human rights, including those committed in the context of the electoral process, and stressed the importance to that end of both regional cooperation and cooperation by the Democratic Republic of the Congo with the International Criminal Court, as well as cooperation with the African Court on Human and Peoples' Rights.<sup>82</sup>

With respect to the situation in Guinea-Bissau, the Council commended the continued mediation efforts of the Economic Community of West African States (ECOWAS) to promote the implementation of the road map entitled "Agreement on the resolution of the political crisis in Guinea-Bissau" as the primary framework for a peaceful resolution of the political crisis.<sup>83</sup> The Council encouraged international partners, in particular the United Nations, the African Union, ECOWAS, the European Union and the Community of Portuguese-speaking Countries to continue to work together towards the country's stabilization, in accordance with the priority structural reforms established by the Government.<sup>84</sup> In that regard, the Council encouraged ECOWAS and the Community of Portuguese-speaking Countries to take the necessary steps towards organizing a meeting of the International Contact Group on Guinea-Bissau, in consultation with the United Nations, the European Union and all stakeholders.<sup>85</sup> The Council also encouraged ECOWAS to continue extending its political support to the authorities and political leaders of Guinea-Bissau through the use of good offices and mediation and to continue close coordination with the United Nations, the African Union, the Community of Portuguese-

speaking Countries and the European Union.<sup>86</sup> The Council further encouraged the African Union, the Community of Portuguese-speaking Countries, the European Union and the United Nations to provide support to ECOWAS.<sup>87</sup>

Concerning the situation in Mali, the Council encouraged regional partners to provide the necessary support for the implementation of the Agreement on Peace and Reconciliation in Mali.<sup>88</sup> Stressing the importance of inclusive, free, fair, transparent and credible elections in Mali, the Council called for the continuation of a constructive dialogue between the Government, the opposition and all relevant stakeholders on the modalities of the presidential elections, which was essential for the transparency and credibility of the electoral process. It also expressed support for the efforts currently deployed by the Special Representative of the Secretary-General for Mali, in coordination with the High Representative of the African Union for Mali and the Sahel and Head of the African Union Mission for Mali and the Sahel and the ECOWAS representative, to support such dialogue.<sup>89</sup> Regarding the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the Council also requested the Secretary-General to continue to ensure enhanced cooperation and information-sharing between MINUSMA, the United Nations Office for West Africa and the Sahel (UNOWAS) and subregional organizations, including ECOWAS.<sup>90</sup>

In connection with the item entitled "Peace consolidation in West Africa", the Council expressed full support for the Special Representative of the Secretary-General for West Africa and the Sahel and looked forward to ongoing activities undertaken by UNOWAS in the areas of conflict prevention, mediation and good offices, and subregional and regional cooperation to address root causes and cross-border and cross-cutting threats to peace and security.<sup>91</sup> The Council welcomed the peaceful general election held in Liberia on 10 October 2017 and the run-off presidential election on 26 December 2017, and expressed appreciation for the efforts of international and regional facilitators, including ECOWAS, the African Union and the United Nations. The Council also encouraged the continued engagement of the international community to assist the continued efforts

<sup>80</sup> Ibid., para. 5.

<sup>81</sup> Ibid., para. 9.

<sup>82</sup> Ibid., para. 11.

<sup>83</sup> Resolution 2404 (2018), ninth and tenth preambular paragraphs.

<sup>84</sup> Ibid., seventh, eighth and tenth preambular paragraphs and paras. 12, 16 and 23.

<sup>85</sup> Ibid., para. 13.

<sup>86</sup> Ibid., paras. 12 and 24.

<sup>87</sup> Ibid., para. 23.

<sup>88</sup> Resolution 2423 (2018), para. 16.

<sup>89</sup> Ibid., para. 23.

<sup>90</sup> Ibid., para. 30.

<sup>91</sup> S/PRST/2018/3, third paragraph.

of Liberia to achieve sustainable peace, including in support of the commitments made in the Liberia peacebuilding plan.<sup>92</sup> The Council expressed its concern over the challenging security situation in West Africa and the Sahel.<sup>93</sup> It also reiterated its concern over the situation in Guinea-Bissau, called upon all political leaders to uphold the provisions of the Conakry Agreement on the Implementation of the ECOWAS Road Map for the Resolution of the Political Crisis in Guinea-Bissau and commended the continued engagement of ECOWAS in helping efforts to resolve the political impasse.<sup>94</sup> Regarding security in West Africa and the Sahel, the Council commended the efforts of the African Union and ECOWAS to strengthen border security and regional cooperation.<sup>95</sup> The Council also looked forward to efforts to enhance ongoing activities undertaken by UNOWAS in the area of conflict prevention, including the development of comprehensive early warning analyses, mediation and good offices, and efforts to enhance subregional capacities to cooperate in that regard, in particular the cooperation between the African Union, ECCAS and ECOWAS on early warning systems.<sup>96</sup> The Council welcomed the recent high-level United Nations-African Union mission to the Sahel and emphasized the need for an integrated gender perspective in the design and implementation of comprehensive strategies to address the root causes of the crisis.<sup>97</sup> The Council also welcomed the efforts of UNOWAS and ECOWAS to work towards the systematic involvement of women in initiatives to counter terrorism and prevent violent extremism.<sup>98</sup> The Council expressed its concern at increased tensions between pastoralists and farmers in the region and encouraged ECOWAS and its member States, with the support of UNOWAS, to address those challenges in a coordinated and holistic manner.<sup>99</sup> Stressing the need to strengthen collective engagement across the Sahel region, in line with existing frameworks, the Council welcomed the strengthened cooperation between the United Nations and the African Union, in particular through the Joint United Nations-African Union Framework for Enhanced Partnership in Peace and Security and the implementation of the 2030 Agenda for Sustainable Development and Agenda 2063: The Africa We Want, and took note of the decision of the Peace and Security

Council of the African Union to reactivate the Nouakchott Process and the review of the African Union strategy for the Sahel.<sup>100</sup>

With respect to the situation in Somalia, the Council made an explicit reference to Chapter VIII of the Charter in two of its decisions.<sup>101</sup> It reiterated the need to enhance the predictability, sustainability and flexibility of financing for African Union-led peace support operations under the Council's authority consistent with Chapter VIII.<sup>102</sup> The Council also requested the Secretary-General to work closely with the African Union in supporting the implementation of the resolution and encouraged close collaboration between the United Nations Assistance Mission in Somalia, the United Nations Support Office in Somalia and the African Union Mission in Somalia at all levels.<sup>103</sup>

Concerning the situation in the Abyei Area, in decisions adopted in connection with the item entitled "Reports of the Secretary-General on the Sudan and South Sudan", the Council commended the continued assistance provided to the parties by the African Union, the African Union High-level Implementation Panel and the Intergovernmental Authority on Development (IGAD) and encouraged the African Union High-level Implementation Panel and the Special Envoy of the Secretary-General for the Sudan and South Sudan to continue coordinating efforts towards calling for the full implementation of the 2011 agreements, namely the Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area, the Agreement between the Government of the Sudan and the Government of Southern Sudan on Border Security and the Joint Political and Security Mechanism, and the Agreement on the Border Monitoring Support Mission between the Government of the Sudan and the Government of South Sudan.<sup>104</sup> The Council expressed disappointment that the parties had taken few steps to implement the Agreement and requested them to update the African Union High-level Implementation Panel on the steps outlined in the resolution.<sup>105</sup> The Council also encouraged the United Nations Interim Security Force for Abyei to coordinate with the African Union High-level Implementation Panel and the

<sup>92</sup> *Ibid.*, seventh paragraph.

<sup>93</sup> *Ibid.*, tenth paragraph.

<sup>94</sup> *Ibid.*, eighth paragraph.

<sup>95</sup> *Ibid.*, thirteenth paragraph.

<sup>96</sup> *Ibid.*, penultimate paragraph; and [S/PRST/2018/16](#), fourth paragraph.

<sup>97</sup> [S/PRST/2018/16](#), twelfth paragraph.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.*, fifteenth paragraph.

<sup>100</sup> *Ibid.*, twentieth paragraph.

<sup>101</sup> Resolution [2431 \(2018\)](#), para. 32; and [S/PRST/2018/13](#), ninth paragraph.

<sup>102</sup> [S/PRST/2018/13](#), ninth paragraph.

<sup>103</sup> Resolution [2431 \(2018\)](#), para. 25.

<sup>104</sup> Resolution [2416 \(2018\)](#), fourth and fifth preambular paragraphs and para. 8.

<sup>105</sup> *Ibid.*, para. 6.

Special Envoy of the Secretary-General on reconciliation, community sensitization and political peace processes.<sup>106</sup>

In connection with the situation in Darfur, the Council emphasized the crucial role of the African Union in the stabilization of Darfur<sup>107</sup> and the importance of the work of the African Union High-level Implementation Panel.<sup>108</sup> The Council encouraged the Government of the Sudan, the African Union-United Nations Hybrid Operation in Darfur and the United Nations country team to engage with the African Union Commission in support of the political process, security sector reform and disarmament, demobilization and reintegration.<sup>109</sup> The Council also encouraged all parties to the conflict to engage constructively with the African Union High-level Implementation Panel to implement the Panel's road map in full.<sup>110</sup> Concerning conflict-related sexual violence, the Council urged the Government of the Sudan, with the support of the United Nations, in particular the Special Representative of the Secretary-General on Sexual Violence in Conflict, and the African Union to develop a structured framework through which conflict-related sexual violence would be comprehensively addressed.<sup>111</sup>

With respect to the conflict in South Sudan, the Council welcomed the commitment and efforts of IGAD, the Joint Monitoring and Evaluation Commission, the African Union, the Peace and Security Council of the African Union and the United Nations to continue engaging with South Sudanese leaders to address the current crisis.<sup>112</sup> The Council stressed that the IGAD high-level revitalization forum was a unique window of

opportunity, but equally a last chance for the parties to achieve sustainable peace and stability in South Sudan, and called upon South Sudanese parties to demonstrate the political will to peacefully resolve the conflict.<sup>113</sup> The Council also took note that the African Union, IGAD and the Council had demanded that parties that violated the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access must be held accountable.<sup>114</sup> The Council also requested the Special Representative of the Secretary-General for South Sudan to exercise his or her good offices to lead the United Nations system in South Sudan in assisting the Joint Monitoring and Evaluation Commission, the African Union, IGAD and other actors, as well as the parties, with implementation of the Agreement and to promote peace and reconciliation.<sup>115</sup> On justice and impunity, the Council took note of the steps taken by the African Union towards the setting-up of the Hybrid Court for South Sudan and welcomed the African Union's formal invitation for the United Nations to provide technical assistance in that regard. The Council requested the Secretary-General to continue to make technical assistance available to the African Union Commission in setting up the Court and establishing the Commission for Truth, Reconciliation and Healing.<sup>116</sup>

With regard to the situation in Ukraine, the Council expressed its full support for the Organization for Security and Cooperation in Europe Special Monitoring Mission to Ukraine and called upon all the parties to facilitate its work, including safe and secure access throughout Ukraine to fulfil its mandate.<sup>117</sup>

Table 1 sets out provisions of decisions referring to regional and subregional organizations in relation to the pacific settlement of disputes. The subjects are listed in alphabetical order.

<sup>106</sup> Resolution 2445 (2018), para. 9.

<sup>107</sup> Resolution 2429 (2018), para. 23.

<sup>108</sup> *Ibid.*, para. 31.

<sup>109</sup> *Ibid.*, para. 23.

<sup>110</sup> *Ibid.*, para. 31.

<sup>111</sup> *Ibid.*, para. 35.

<sup>112</sup> Resolution 2406 (2018), sixth preambular paragraph.

<sup>113</sup> *Ibid.*, seventh preambular paragraph.

<sup>114</sup> *Ibid.*, eighth preambular paragraph.

<sup>115</sup> *Ibid.*, para. 13.

<sup>116</sup> *Ibid.*, para. 28.

<sup>117</sup> S/PRST/2018/12, fourth paragraph.

Table 1  
Decisions concerning the pacific settlement of disputes by regional arrangements

<i>Item</i>	<i>Decision and date</i>	<i>Paragraphs</i>	<i>Regional organizations mentioned</i>
The situation in Afghanistan	Resolution 2405 (2018) 8 March 2018	Thirteenth preambular paragraph and para. 40	Collective Security Treaty Organization, Conference on Interaction and Confidence-building Measures in Asia, Heart of Asia-Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan, Organization of Islamic Cooperation, Regional Economic Cooperation Conference on Afghanistan, Shanghai Cooperation Organization, South Asian Association for Regional Cooperation

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<i>Item</i>	<i>Decision and date</i>	<i>Paragraphs</i>	<i>Regional organizations mentioned</i>
The situation in Burundi	<a href="#">S/PRST/2018/7</a> 5 April 2018	Second and fourth paragraphs	African Union, East African Community, International Conference on the Great Lakes Region
The situation in the Central African Republic	<a href="#">Resolution 2399 (2018)</a> 30 January 2018	Seventh preambular paragraph	African Union, Economic Community of Central African States (ECCAS), International Conference on the Great Lakes Region
	<a href="#">S/PRST/2018/14</a> 13 July 2018	Fifth paragraph	African Union, ECCAS, International Conference on the Great Lakes Region
	<a href="#">Resolution 2448 (2018)</a> 13 December 2018	Twenty-fifth preambular paragraph and paras. 2, 4 and 5	African Union, ECCAS, International Conference on the Great Lakes Region, European Union
The situation concerning the Democratic Republic of the Congo	<a href="#">Resolution 2409 (2018)</a> 27 March 2018	Paras. 5, 9 and 11	African Union, African Court on Human and Peoples' Rights, European Union, International Conference on the Great Lakes Region, International Organization of la Francophonie, Southern African Development Community
The situation in Guinea-Bissau	<a href="#">Resolution 2404 (2018)</a> 28 February 2018	Seventh and tenth preambular paragraphs and paras. 5, 12, 16, 18, 20, 23, 24 and 25	African Union, Community of Portuguese-speaking Countries, Economic Community of West African States (ECOWAS), European Union
The situation in Mali	<a href="#">Resolution 2423 (2018)</a> 28 June 2018	Para. 23	African Union, ECOWAS
Peace consolidation in West Africa	<a href="#">S/PRST/2018/3</a> 30 January 2018	Seventh and eighth paragraphs	African Union, ECOWAS
	<a href="#">S/PRST/2018/16</a> 10 August 2018	Fourth, twelfth, fourteenth, fifteenth and twentieth paragraphs	African Union, ECCAS, ECOWAS
The situation in Somalia	<a href="#">Resolution 2431 (2018)</a> 30 July 2018	Para. 25	African Union
Reports of the Secretary-General on the Sudan and South Sudan	<a href="#">Resolution 2406 (2018)</a> 15 March 2018	Sixth, seventh, and eighth preambular paragraphs and paras. 13 and 28	African Union, Intergovernmental Authority on Development (IGAD), Joint Monitoring and Evaluation Commission
	<a href="#">Resolution 2416 (2018)</a> 15 May 2018	Paras. 6 and 8	African Union
	<a href="#">Resolution 2429 (2018)</a> 13 July 2018	Thirtieth preambular paragraph and paras. 23 and 31	African Union



<i>Item</i>	<i>Decision and date</i>	<i>Paragraphs</i>	<i>Regional organizations mentioned</i>
	Resolution 2445 (2018) 15 November 2018	Fifth preambular paragraph and para. 9	African Union, IGAD
Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)	S/PRST/2018/12 6 June 2018	Fourth paragraph	Organization for Security and Cooperation in Europe

## B. Discussions concerning the pacific settlement of disputes by regional arrangements

During the period under review, various Council members referred to the role of regional and subregional organizations in the pacific settlement of disputes. As described below (cases 4 and 5), Council discussions focused, respectively, on the complementary relationship between the United Nations and the African Union in the context of the political crisis in Burundi, and the United Nations and African Union support for the mediation role of IGAD in the conflict in South Sudan.

### Case 4 The situation in Burundi

On 26 February 2018, the Council held its 8189th meeting, under the item entitled “The situation in Burundi”, focusing on the report of the Secretary-General on the situation in Burundi (S/2018/89), submitted pursuant to resolution 2303 (2016). The Council heard briefings by the Special Envoy of the Secretary-General for Burundi and the representative of Switzerland, in his capacity as Chair of the Burundi configuration of the Peacebuilding Commission. The briefers congratulated the East African Community on its efforts and mediation initiatives,<sup>118</sup> highlighting the East African Community-led dialogue process as an indispensable instrument to address the current situation in Burundi, and called upon national, regional and international interlocutors to continue to lend their support to the efforts undertaken by President

Museveni and President Mkapa as part of that process.<sup>119</sup>

The representative of Equatorial Guinea urged all parties in Burundi to participate actively in the political dialogue, noting that the mediation efforts of regional and subregional organizations, such as the African Union and the East African Community, coupled with the constructive role of the United Nations, should make up the bulwark of mechanisms for finding a lasting political solution. He voiced positive views on the initiatives of the East African Community-led inter-Burundian dialogue held in Arusha, affirming that political dialogue was the only way out of the situation, and reminded the Council members that the sovereignty and territorial integrity of Burundi must be fully respected.<sup>120</sup>

Expressing concern over the lack of direct and constructive talks between the Government and the opposition despite the progress made in inter-Burundian dialogue, the representative of Kazakhstan called upon the leadership of the subregion and guarantors of the Arusha Peace and Reconciliation Agreement for Burundi to redouble their efforts with regard to the revitalization of the East African Community-led mediation. He concluded by reiterating the importance of a regional approach in addressing the underlying causes of the situation in Burundi.<sup>121</sup>

The representative of Côte d’Ivoire expressed regret that no significant progress had been made at the fourth session of the East African Community-led inter-Burundian dialogue, held in Uganda from 27 November to 8 December 2017. He appealed to the international community to further support the efforts

<sup>118</sup> S/PV.8189, p. 3 (Special Envoy of the Secretary-General for Burundi) and p. 5 (Chair of the Burundi configuration of the Peacebuilding Commission).

<sup>119</sup> Ibid., p. 5 (Chair of the Burundi configuration of the Peacebuilding Commission).

<sup>120</sup> Ibid., p. 6.

<sup>121</sup> Ibid., pp. 6–7.

of the East African Community and the mediator and facilitator of the inter-Burundian dialogue to restore stability and national reconciliation in Burundi.<sup>122</sup>

The representative of Ethiopia said that, in spite of the efforts of the facilitator, former President Benjamin Mkapa of the United Republic of Tanzania, the peace process remained deadlocked. He affirmed the clear need to reinvigorate the peace process, and said that the Council's support for the East African Community-led dialogue remained important in order to create the necessary conditions for peaceful and democratic elections in 2020.<sup>123</sup>

On 21 November 2018, the Council held its 8408th meeting, focusing on the report of the Secretary-General on the situation in Burundi (S/2018/1028), submitted pursuant to resolution 2303 (2016). The Council heard briefings by the Special Envoy of the Secretary-General for Burundi and the representative of Switzerland, in his capacity as Chair of the Burundi configuration of the Peacebuilding Commission. Informing the Council that the Government of Burundi and the majority party had not attended the fifth session of the inter-Burundian dialogue, the Special Envoy said that the East African Community, the United Nations and the African Union must re-evaluate their commitment to helping Burundi emerge from its crisis, especially in view of the elections scheduled for 2020, and noted that the Secretary-General welcomed the East African Community's forthcoming summit.<sup>124</sup>

Several Council members voiced concern over the lack of progress in the East African Community-led political dialogue, as well as the Government's absence from the last round of talks, and urged the Government to reconsider its view of the inter-Burundian dialogue as obsolete.<sup>125</sup> Some Council members also expressed support for the continued facilitation led by the East African Community<sup>126</sup> and highlighted the significance of close coordination with the African Union<sup>127</sup> and the International Conference on the Great Lakes Region.<sup>128</sup>

Welcoming President Nkurunziza's announcement that he would not stand for re-election in 2020, the representative of France noted that the recent situation nonetheless presented concerns and expressed regret that the Burundian authorities had not participated in the fifth session of the inter-Burundian dialogue, held in Arusha in October 2018. He also echoed the view of the Secretary-General that the Council should work closely with the East African Community and the African Union to help Burundi to hold fair, free and transparent elections in 2020 and reaffirmed that the Burundian issue should remain on the agenda of the Council.<sup>129</sup>

The representative of the Russian Federation said that, overall, the internal political processes in Burundi were moving towards stabilization and that the issue of the presidential and parliamentary elections planned for 2020 was that country's internal affair. With regard to the problems in advancing the inter-Burundian dialogue, he said that ascribing responsibility to one side alone was counterproductive and affirmed his country's commitment to the principle of African solutions to African problems, calling upon the African community to continue its active mediation efforts. He concluded his statement by urging Council members to focus on more serious issues and added that the situation in Burundi was not such as to merit its being kept on the Council's agenda.<sup>130</sup>

The representative of the Netherlands described the outcome of the fifth session of the inter-Burundian dialogue as disappointing, despite the tireless efforts of the East African Community facilitator, and expressed regret at the Government's absence from the dialogue.<sup>131</sup> The representative of Poland commended the efforts of the East African Community and the facilitator to enable the inter-Burundian dialogue and affirmed his delegation's belief that the Arusha Agreement remained the main instrument for peace and stability in Burundi, encouraging the African Union, the East African Community and the guarantors of the Arusha Agreement to remain engaged in supporting Burundi.<sup>132</sup>

Echoing the concern expressed by other Council members over the current political impasse, the representative of Ethiopia said that there should be engagement between the Government of Burundi and the international community, based on a realistic strategy aimed at supporting strong institutions and creating a climate that was conducive to the conduct of

<sup>122</sup> Ibid., pp. 7–8.

<sup>123</sup> Ibid., p. 9.

<sup>124</sup> S/PV.8408, pp. 2–3.

<sup>125</sup> Ibid., p. 6 (France), p. 9 (Netherlands), p. 11 (Ethiopia), p. 13 (Kazakhstan), p. 15 (Peru), p. 15 (United Kingdom), p. 16 (United States) and p. 17 (Sweden).

<sup>126</sup> Ibid., p. 6 (France), p. 8 (Plurinational State of Bolivia), p. 9 (Netherlands), p. 11 (Ethiopia), p. 12 (Côte d'Ivoire), p. 16 (United Kingdom) and p. 18 (United States).

<sup>127</sup> Ibid., p. 10 (Poland), p. 13 (Kazakhstan), p. 14 (Kuwait) and p. 18 (Sweden).

<sup>128</sup> Ibid., p. 19 (China).

<sup>129</sup> Ibid., pp. 6–7.

<sup>130</sup> Ibid., pp. 7–8.

<sup>131</sup> Ibid., p. 9.

<sup>132</sup> Ibid., p. 10.

peaceful elections. He also urged the Council to explore new avenues for re-engagement with Burundi and called upon the Secretary-General to be fully engaged in cooperation with the East African Community and the African Union.<sup>133</sup>

The representative of Peru expressed the hope that the Government would reconsider its position that the dialogue had become obsolete, which had led to the Government's absence from the latest meeting.<sup>134</sup> The representative of the United Kingdom reaffirmed his delegation's position that the East African Community-led inter-Burundian dialogue was the only viable option to guarantee open and inclusive elections in 2020. Echoing the concern of some Council members at the lack of progress, he encouraged the East African Community to redouble its efforts to remain engaged and continue to push for tangible inclusive dialogue.<sup>135</sup>

The representative of China welcomed the efforts of regional and subregional organizations but noted that the ownership and leadership of Burundi in handling its own affairs should be fully respected and that the international community should respect the choice of the Government and the people of Burundi relating to the elections and the political process.<sup>136</sup>

#### **Case 5 Reports of the Secretary-General on the Sudan and South Sudan**

On 13 July 2018, the Council held its 8310th meeting, under the item entitled "Reports of the Secretary-General on the Sudan and South Sudan", to discuss new sanctions on South Sudan and adopt resolution [2428 \(2018\)](#). The representatives of the United States of America, Ethiopia and Equatorial Guinea spoke before the vote. As the penholder of the resolution, the representative of the United States disputed the claim that an arms embargo would undermine the peace process and said that peace in South Sudan would not come by letting the parties get their hands on more weapons.<sup>137</sup>

Noting that the decision on sanctions would have serious implications for the peace process, the representative of Ethiopia said that, for the Council to take such action without synchronizing its position with the Intergovernmental Authority on Development (IGAD) and the African Union would seriously undermine the peace process and would not reflect

well on the cooperation between the United Nations and regional organizations. He added that it was not the view of the African Union and IGAD that now was not the appropriate time for punitive measures and that the IGAD Council of Ministers had made it clear that pursuing such a course of action at the current stage would not be helpful. He called upon the Council members to heed the calls of the region.<sup>138</sup>

The representative of Equatorial Guinea, explaining his decision to abstain in the voting, said that the Council's imposition of sanctions at the current time would be counterproductive and would also reflect a clear lack of consideration for the States and regional organizations involved. He argued that regional actors, with the support of the Council, should exert pressure on the parties to establish a secure and lasting peace in South Sudan.<sup>139</sup>

Following the adoption of the resolution,<sup>140</sup> the representative of France said that the resolution was not intended to undermine the negotiations conducted by IGAD but rather to protect civilian populations by limiting the flow of weapons towards South Sudan. He also welcomed the commitment of IGAD and called upon the South Sudanese parties to finalize a peace agreement as soon as possible.<sup>141</sup>

The representative of Poland stated that the measures adopted by the Council were an important means to advance the peace process and expressed his appreciation for the regional efforts of African leaders and their leadership of IGAD in elaborating a viable political solution to the conflict.<sup>142</sup>

The representative of China said that the Council should play a constructive role and continue to lend all possible support to the mediation efforts of IGAD, the African Union and the countries of the region. He added that the Council must listen to the legitimate aspirations of regional organizations and countries in Africa and take a cautious stance when it came to imposing sanctions.<sup>143</sup>

Explaining his decision to abstain, the representative of the Plurinational State of Bolivia said

<sup>138</sup> *Ibid.*, pp. 3–4.

<sup>139</sup> *Ibid.*, pp. 4–5.

<sup>140</sup> The resolution received nine votes in favour (Côte d'Ivoire, France, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom, United States) and six abstentions (Bolivia (Plurinational State of), China, Equatorial Guinea, Ethiopia, Kazakhstan, Russian Federation).

<sup>141</sup> [S/PV.8310](#), p. 5.

<sup>142</sup> *Ibid.*, pp. 5–6.

<sup>143</sup> *Ibid.*, p. 6.

<sup>133</sup> *Ibid.*, pp. 10–11.

<sup>134</sup> *Ibid.*, p. 15.

<sup>135</sup> *Ibid.*, p. 16.

<sup>136</sup> *Ibid.*, p. 19.

<sup>137</sup> [S/PV.8310](#), p. 3.

that the only way to achieve stable and lasting peace in South Sudan was through a serious political process involving the parties to the conflict, which was exactly what IGAD and the African Union had been developing over the past year. He further said that the capacity of the region to resolve its conflicts must not be underestimated and insisted that Council measures should be agreed on in principle with the relevant regional organizations.<sup>144</sup>

The representative of the Russian Federation said that, thanks to the efforts of IGAD, the format for contact between the politicians of South Sudan had been transformed into a fully fledged negotiation platform in less than a month. He expressed regret that the Council had taken a disappointing approach instead of listening to the regional position and expressed the hope that, despite the destructive step taken, the mediation efforts of IGAD would continue.<sup>145</sup> The representative of Kazakhstan, explaining his decision to abstain, said that the resolution did not reflect the positions and concerns of the countries of the region and the relevant regional organizations, IGAD and the African Union. He called upon the Council to remain united in its support for the efforts of IGAD and the African Union, despite the adoption of the resolution, and to stand up for a greater role for regional organizations in the Council's work.<sup>146</sup>

The representative of Kuwait expressed the hope that the resolution just adopted would represent an opportunity for the various parties in South Sudan to pursue their talks.<sup>147</sup> The representative of Sweden said that, along with other Council members, he shared a deep sense of frustration and that, as violence and mass atrocities continued, the international community could not stand idly by. He commended IGAD and the wider region for their efforts towards a political solution and said that the Council must carefully consider how best to support the regional effort.<sup>148</sup>

At the 8356th meeting, on 18 September 2018, which was focused on the report of the Secretary-General on South Sudan (covering the period from 4 June to 1 September 2018) (S/2018/831), submitted pursuant to resolution 2406 (2018), the Council heard briefings from the Under-Secretary-General for Peacekeeping Operations, the Special Envoy of the Secretary-General for the Sudan and South Sudan, the IGAD Special Envoy for South Sudan and the Governance and Peace Manager for Community

Empowerment for Progress Organization. The briefers highlighted the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and the importance of supporting IGAD efforts in the peace process.<sup>149</sup>

The representative of the United States acknowledged the Revitalized Agreement but expressed concerns about its sustainability in the light of past failures. In that connection, he urged IGAD and the African Union to intensify their involvement in monitoring progress on implementation and to hold the parties to account, and expressed support for the continued engagement of the region to facilitate the implementation of the Agreement.<sup>150</sup>

The representative of Ethiopia highlighted the indispensable support and assistance of the African Union, the United Nations and IGAD throughout the protracted high-level revitalization forum process and said that it was necessary to maintain unity of purpose among the organizations. He expressed the hope that the Council would respond positively to the request from the IGAD summit to support the full deployment of the regional protection force and a review of its mandate so that it would be in a better position to support the implementation of the revised Peace Agreement.<sup>151</sup>

The representative of the Netherlands expressed appreciation for the signing by IGAD of the Peace Agreement on 12 September and called upon all signatories to ensure that the Agreement was respected and implemented. He also stressed the important role that the region played in ensuring a political process with concrete results and stated that the targeted sanctions and arms embargo imposed by the Council were indicative of its resolve to end the violence and protect civilians.<sup>152</sup>

The representative of Poland expressed concern that, despite the positive developments, the Agreement had yet to have an impact on the situation of the people of South Sudan. She nonetheless commended the role of IGAD, Ethiopia and the Sudan.<sup>153</sup> The representative of Kazakhstan, hailing the Revitalized Agreement as a great example of the cherished notion of African solutions for African problems, commended

<sup>144</sup> *Ibid.*, p. 7.

<sup>145</sup> *Ibid.*, pp. 7–8.

<sup>146</sup> *Ibid.*, p. 8.

<sup>147</sup> *Ibid.*, pp. 8–9.

<sup>148</sup> *Ibid.*, pp. 9–10.

<sup>149</sup> S/PV.8356, pp. 2–3 (Under-Secretary-General for Peacekeeping Operations), pp. 3–4 (Special Envoy of the Secretary-General for the Sudan and South Sudan) and pp. 5–6 (IGAD Special Envoy for South Sudan).

<sup>150</sup> *Ibid.*, pp. 8–9.

<sup>151</sup> *Ibid.*, pp. 9–10.

<sup>152</sup> *Ibid.*, p. 11.

<sup>153</sup> *Ibid.*, p. 12.

the concerted work of IGAD and the African Union, as well as the mediation efforts of the leaders of Ethiopia, the Sudan and Uganda, which had helped to secure the peace deal, and urged the Council to remain united in support of IGAD, the African Union and the parties in South Sudan in implementing the provisions of the Agreement.<sup>154</sup>

The representative of Côte d'Ivoire, commending the tireless mediation efforts of the region's leaders, said that it was essential for the authorities of South Sudan to receive technical and financial support from IGAD, the African Union, the United Nations and other partners, and that measures must be taken to restore trust among the parties and create a climate conducive to constructive dialogue.<sup>155</sup> The representative of Sweden encouraged the region to maintain its active engagement and continue to play a proactive role and said that its involvement in monitoring the implementation of the Revitalized Agreement and holding the parties to account would now be especially important. He emphasized the need for the Council to continue to support regional efforts, including those of

<sup>154</sup> Ibid., p. 13.

<sup>155</sup> Ibid., p. 16.

IGAD and the African Union, in order to maintain the current momentum.<sup>156</sup>

The representative of China said that the international community should continue to fully support the good offices and efforts of regional organizations and countries and help to realize the full potential of regional organizations, such as IGAD, and countries as the main channel for mediation. He stressed that the Council, as the primary institution for the maintenance of international peace and security, should send out positive messages and play an important role in promoting the political peace process by working together.<sup>157</sup> The representative of the Plurinational State of Bolivia emphasized that it was important for the Council to maintain unity with the African Union and IGAD and to coordinate its actions with those of the region.<sup>158</sup>

The representative of the Russian Federation expressed his delegation's readiness to consider substantive proposals by IGAD regarding the regional protection force.<sup>159</sup>

<sup>156</sup> Ibid., pp. 18–19.

<sup>157</sup> Ibid., p. 19.

<sup>158</sup> Ibid., pp. 20–21.

<sup>159</sup> Ibid. pp. 21–22.

### III. Peacekeeping operations led by regional arrangements

#### Note

Section III describes the practice of the Council in connection with the cooperation between the United Nations and regional organizations pursuant to Chapter VIII of the Charter in the area of peacekeeping. The section is divided into two subsections: (a) decisions concerning peacekeeping operations led by regional arrangements; and (b) discussions concerning peacekeeping operations led by regional arrangements.

#### A. Decisions concerning peacekeeping operations led by regional arrangements

During the period under review, the Council renewed the authorization of two peacekeeping operations led by regional arrangements, namely EUFOR-Althea in Bosnia and Herzegovina<sup>160</sup> and the

African Union Mission in Somalia (AMISOM).<sup>161</sup> The Council also welcomed the leadership demonstrated by countries in West Africa and the Sahel in spearheading initiatives to address security challenges in the region, including through the Joint Force of the Group of Five for the Sahel (G5 Sahel), and further welcomed the operationalization of support for the Joint Force through a technical agreement between the United Nations, the European Union and the G5 Sahel.<sup>162</sup>

The Council, in its decisions in 2018, also took note of the work of United Nations peace operations and called upon them to cooperate with several regionally led military and police training missions, namely the North Atlantic Treaty Organization (NATO) Resolute Support Mission in Afghanistan,<sup>163</sup> the European Union training mission in the Central African

<sup>160</sup> Resolution 2443 (2018), para. 3.

<sup>161</sup> Resolutions 2415 (2018), para. 1; and 2431 (2018), para. 5.

<sup>162</sup> See, for example, S/PRST/2018/3, thirteenth and fourteenth paragraphs; S/PRST/2018/16, fourteenth paragraph; and resolution 2423 (2018), eighteenth preambular paragraph and paras. 48 and 49.

<sup>163</sup> See, for example, resolution 2405 (2018), para. 6 (f).

Republic,<sup>164</sup> the European Union training mission in Mali<sup>165</sup> and the Economic Community of West African States (ECOWAS) Mission in Guinea-Bissau.<sup>166</sup> The

<sup>164</sup> See, for example, resolutions 2399 (2018), eighth preambular paragraph; and 2448 (2018), paras. 18 and 40 (b) (i).

<sup>165</sup> See, for example, resolution 2423 (2018), para. 54.

<sup>166</sup> See, for example, resolution 2404 (2018), eighteenth

Kosovo Force of NATO, established by resolution 1244 (1999), continued to operate, and no decisions were taken with respect to its mandate.

Table 2 lists the decisions by which the Council authorized peacekeeping missions led by regional organizations during the reporting period.

preambular paragraph and para. 18.

Table 2

**Decisions by which the Council authorized peacekeeping operations led by regional organizations**

<i>Item</i>	<i>Decision and date</i>	<i>Paragraphs</i>	<i>Peacekeeping operations</i>
The situation in Bosnia and Herzegovina	Resolution 2443 (2018) 6 November 2018	paras. 3–6	EUFOR-Althea
The situation in Somalia	Resolution 2415 (2018) 15 May 2018 Resolution 2431 (2018) 30 July 2018	para. 1 paras. 5–8	African Union Mission in Somalia (AMISOM) AMISOM

**EUFOR-Althea**

During the period under review, the Council renewed the authorization of EUFOR-Althea in Bosnia and Herzegovina for a period of 12 months.<sup>167</sup> The Council reiterated its authorization for Member States to take “all necessary measures” to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina, stressing that the parties would be held equally responsible for compliance with those annexes and would be subject to such enforcement action by EUFOR-Althea and the NATO presence as might be necessary.<sup>168</sup> The Council also authorized Member States to take “all necessary measures”, at the request of either EUFOR-Althea or NATO Headquarters, in defence of EUFOR-Althea or the NATO presence respectively, and to assist both organizations in carrying out their missions.<sup>169</sup>

**African Union Mission in Somalia**

In 2018, the Council adopted resolutions 2408 (2018) of 27 March, 2415 (2018) of 15 May, 2431

(2018) of 30 July and 2444 (2018) of 14 November and issued a presidential statement on 7 June<sup>170</sup> in connection with AMISOM. The Council renewed twice in 2018 the authorization of the States members of the African Union to maintain the deployment of AMISOM, initially authorized in 2007.<sup>171</sup>

By resolution 2431 (2018), the Council added further elements to the existing mandate of AMISOM, authorizing the Mission to pursue the following strategic objectives: enable the gradual handing over of security responsibilities from AMISOM to the Somali security forces, with the aim of Somali security institutions taking the lead by December 2021; reduce the threat posed by Al-Shabaab and other armed opposition groups, including through mitigating the threat posed by improvised explosive devices; and assist the Somali security forces in providing security for the political process at all levels, as well as stabilization coordinated with community recovery and extension of State authority and accountability, reconciliation and peacebuilding in Somalia.<sup>172</sup>

<sup>167</sup> Resolution 2443 (2018), paras. 3 and 4. For information on the establishment of EUFOR-Althea, see *Repertoire, Supplement 2004–2007*, chap. XII, part III.C.

<sup>168</sup> Resolution 2443 (2018), para. 5.

<sup>169</sup> *Ibid.*, para. 6.

<sup>170</sup> S/PRST/2018/13. For information on the establishment of AMISOM, see *Repertoire, Supplement 2004–2007*, chap. XII, part III. C.

<sup>171</sup> Resolutions 2415 (2018), para. 1; and 2431 (2018), para. 5.

<sup>172</sup> Resolution 2431 (2018), para. 7 (a)–(c).

While reiterating the priority tasks defined in resolution 2372 (2017), the Council also requested the African Union and the United Nations to conduct a joint operational readiness assessment of AMISOM, to be completed by 15 September 2018, in order to identify capacities and requirements within the authorized troop ceiling and provide the baseline for a revised concept of operations that provided clear target dates for the progressive transfer of security responsibility from AMISOM to Somali security institutions and forces.<sup>173</sup>

The Council also welcomed the intention of the Secretary-General to conduct a technical assessment of AMISOM by 31 January 2019, working closely with the African Union to review the Mission's reconfiguration in support of the transition plan.<sup>174</sup> The Council expressed its intention to consider further uniformed personnel reductions, in line with the aim of having the Somali security institutions leading security responsibility by December 2021.<sup>175</sup>

In reference to Chapter VIII of the Charter, the Council stressed the need to enhance the predictability, sustainability and flexibility of financing for African Union-led peace support operations authorized by the Council and encouraged the Secretary-General, the African Union and partners to continue efforts to explore in earnest funding arrangements for AMISOM.<sup>176</sup>

During the period under review, the Council reiterated its request that AMISOM support and assist the Federal Government of Somalia and the federal member states in implementing the total ban on the export of charcoal from Somalia and urged increased cooperation by the Federal Government of Somalia, federal member states and AMISOM to document and register all military equipment captured as part of offensive operations or in the course of carrying out their mandates.<sup>177</sup> The Council also called upon AMISOM to facilitate regular access for the Panel of

Experts to charcoal-exporting ports and requested the Federal Government of Somalia, federal member States and AMISOM to share information with the Panel regarding Al-Shabaab activities.<sup>178</sup> Underlining the continued importance of AMISOM forces carrying out their mandate in full compliance with the obligations of participating States under international law, the Council called upon AMISOM and the African Union to ensure monitoring of and prompt and thorough investigations concerning allegations of violations of human rights and international humanitarian law.<sup>179</sup>

### Joint Force of the Group of Five for the Sahel

In its decisions in 2018, the Council welcomed the leadership demonstrated by countries in West Africa and the Sahel in spearheading initiatives to address security challenges in the region, including through the Joint Force of the G5 Sahel, which was established in February 2017 by five Sahel States, namely Burkina Faso, Chad, Mali, Mauritania and the Niger.<sup>180</sup> The Council stressed that the efforts of the Joint Force to counter the activities of terrorist groups and other organized criminal groups would contribute to creating a more secure environment in the Sahel region and thus facilitate the fulfilment by the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) of its mandate to stabilize Mali.<sup>181</sup> The Council also recognized that MINUSMA and the Joint Force had the potential to be mutually beneficial instruments to restore peace and stability in Mali and in the Sahel region and underlined that they had the potential to constitute a positive interaction between a United Nations peacekeeping operation and an African operation.<sup>182</sup> The Council encouraged ECOWAS and the G5 Sahel to identify areas of complementarity in preventing conflict and sustaining peace and recalled the important role of the United Nations Office for West Africa and the Sahel in providing technical assistance to the Permanent Secretariat of the G5 Sahel.<sup>183</sup> In that connection, the Council requested the Secretary-General to continue to ensure adequate coordination, exchange of information and, when applicable, support between MINUSMA, the Malian Defence and Security Forces, the Joint

<sup>173</sup> Ibid., para. 11. By resolution 2415 (2018) of 15 May 2018, the Council recalled its decision to authorize the African Union to reduce the level of uniformed AMISOM personnel to 20,626 by 30 October 2018 (para. 1). By resolution 2431 (2018) of 30 July 2018, the Council decided to extend the deadline for troop reduction to 28 February 2019, stressing that "there should be no further delay in the reduction of the level of uniformed AMISOM personnel" (para. 5).

<sup>174</sup> Resolution 2431 (2018), para. 23.

<sup>175</sup> Ibid., para. 24.

<sup>176</sup> Ibid., para. 32.

<sup>177</sup> Ibid., para. 16; and resolution 2444 (2018), paras. 27 and 42. For more information on the sanctions measures concerning Somalia and Eritrea, see part VII, sect. III.

<sup>178</sup> Resolution 2444 (2018), paras. 42 and 53.

<sup>179</sup> Resolution 2431 (2018), para. 17.

<sup>180</sup> See, for example, S/PRST/2018/3, thirteenth paragraph; and S/PRST/2018/16, fourteenth paragraph.

<sup>181</sup> Resolution 2423 (2018), para. 48.

<sup>182</sup> Ibid., eighteenth preambular paragraph.

<sup>183</sup> S/PRST/2018/16, fourteenth paragraph.

Force, the French forces and the European Union missions in Mali.<sup>184</sup>

The Council welcomed the ongoing efforts of relevant partners to support the G5 Sahel in the establishment and implementation of a robust compliance framework to prevent, investigate, address and publicly report violations of human rights and international humanitarian law related to the Joint Force.<sup>185</sup> The Council also welcomed the signing of a technical agreement between the United Nations, the European Union and the G5 Sahel with a view to providing specified operational and logistical support through MINUSMA to the Joint Force.<sup>186</sup> In addition, the Council stressed that such support from MINUSMA, in accordance with the conditions set out in resolution 2391 (2017), had the potential to allow the Joint Force to enhance its ability to deliver on its mandate.<sup>187</sup> The Council welcomed the operationalization of the support for the Joint Force through the technical agreement following the disbursement of a contribution from the European Union and called upon donors to further contribute without delay, in order to guarantee full implementation and functionality of the technical agreement.<sup>188</sup>

The Council requested the Secretary-General to enhance the exchange of information between MINUSMA and the G5 Sahel through the provision of relevant intelligence.<sup>189</sup> It also requested MINUSMA to ensure that its support to the Joint Force was provided in strict compliance with the human rights due diligence policy on United Nations support to non-United Nations security forces<sup>190</sup> and called upon the Joint Force to cooperate with the United Nations in implementing the policy, including by ensuring that the relevant monitoring and reporting mechanisms were in place and functional.<sup>191</sup> The Council also recalled that adherence to the compliance framework referred to in resolution 2391 (2017) was essential to ensuring the effectiveness and legitimacy of the Joint Force and requested the Secretary-General to report to the Council every three months on coordination, exchange of information and, when applicable, mutual operational and logistical support between MINUSMA, the Malian Defence and Security Forces, the Joint

Force, the French forces and the European Union missions in Mali.<sup>192</sup>

### **Resolute Support Mission in Afghanistan**

In connection with the situation in Afghanistan, the Council decided that the United Nations Assistance Mission in Afghanistan (UNAMA) and the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA would continue to lead and coordinate international civilian efforts, with a particular focus, inter alia, on closely coordinating and cooperating with the Resolute Support Mission agreed upon between NATO and Afghanistan.<sup>193</sup>

## **B. Discussions concerning peacekeeping operations led by regional arrangements**

During the period under review, the Council discussed the role of regional peacekeeping operations such as EUFOR-Althea in Bosnia and Herzegovina,<sup>194</sup> AMISOM in Somalia,<sup>195</sup> the Joint Force of the G5 Sahel<sup>196</sup> and the NATO Resolute Support Mission in Afghanistan.<sup>197</sup> As illustrated in the case studies on the situation in Somalia (see case 6) and peace and security in Africa (see case 7), Council members and other speakers focused their remarks regarding regional operations on, inter alia, the need for international and United Nations support and cooperation, respect for the principle of national ownership and the need for conditions-based transition processes.

### **Case 6 The situation in Somalia**

At the 8321st meeting of the Council, held on 30 July 2018 in connection with the situation in Somalia, the Council adopted resolution 2431 (2018), by which it extended the mandate of the African Union Mission in Somalia (AMISOM). Following the adoption of the resolution, the representative of Ethiopia highlighted the important contribution of AMISOM and said that, in spite of the political and security gains made in recent years, much remained to be done in terms of post-conflict recovery and

<sup>184</sup> Resolution 2423 (2018), para. 41.

<sup>185</sup> S/PRST/2018/3, fourteenth paragraph.

<sup>186</sup> Resolution 2423 (2018), para. 49.

<sup>187</sup> Ibid., para. 48.

<sup>188</sup> Ibid., para. 49.

<sup>189</sup> Ibid., para. 50.

<sup>190</sup> Ibid., para. 52.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid., paras. 51 and 70 (iii).

<sup>193</sup> Resolution 2405 (2018), para. 6 (f).

<sup>194</sup> S/PV.8248 and S/PV.8392.

<sup>195</sup> S/PV.8165, S/PV.8259, S/PV.8280, S/PV.8321 and S/PV.8352.

<sup>196</sup> S/PV.8266, S/PV.8306, S/PV.8402, S/PV.8407, S/PV.8433 and S/PV.8435.

<sup>197</sup> S/PV.8199, S/PV.8354 and S/PV.8426.



peacebuilding. Detailed planning and implementation were required in order to put all phases of the transition plan into motion. He also stressed the need for cooperation and coordination between the United Nations Support Office in Somalia (UNSOS), AMISOM and the Somali national security forces at all levels, including through improved consultation with AMISOM in the management of the logistics support package.<sup>198</sup> Welcoming the adoption of the resolution, the representative of Somalia noted that, while the situation had improved recently, UNSOS needed to provide an appropriate level of funding to fill the gaps in logistics and equipment for AMISOM, which was underfunded, understaffed and unequipped.<sup>199</sup>

At the 8352nd meeting of the Council, held on 13 September 2018 in connection with the situation in Somalia, the Special Representative of the Secretary-General for Somalia and Head of the United Nations Assistance Mission in Somalia (UNSAM), as well as the Special Representative of the Chairperson of the African Union Commission for Somalia and Head of AMISOM, made statements on the political, security and humanitarian challenges in Somalia and underlined the importance of AMISOM and of providing it with predictable funding during the transition period.<sup>200</sup> The Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) referred to the increasing political participation of women in Somalia and said that she expected that Council members would follow up on the implementation of the mandates of AMISOM and UNSAM, which included many references to gender equality.<sup>201</sup>

Some Council members commented on the importance of providing predictable and sustainable funding for AMISOM. The representative of the United Kingdom stated that AMISOM needed to be reconfigured to support the practical requirements for transition. He said that, for that reason, it was necessary to ensure that the transition was sustainably financed.<sup>202</sup> The representative of Ethiopia noted that the role of AMISOM, in close cooperation with the Somali national security forces, continued to be vital, and said that predictable support was important for AMISOM to be able to implement its mandate effectively.<sup>203</sup> The representative of Sweden stated that the Council must continue to address the challenges to

the efforts of AMISOM, including by ensuring adequate, predictable and sustainable funding.<sup>204</sup> The representative of China called upon the United Nations and the international community to give positive consideration to providing stable, predictable and sustainable funding support to AMISOM and help the troop-contributing countries with capacity-building to combat terrorism and promote peace and stability in Somalia and the surrounding regions.<sup>205</sup>

Expressing deep concern at the fragility of the situation in Somalia and the deterioration of the human rights situation, the representative of Côte d'Ivoire stated that the precarious security situation in Somalia justified the continued presence of AMISOM troops in the country and should lead the international community to provide financial and logistical support, first to AMISOM, to enable it to effectively implement its mandate and, second, to the Government of Somalia, to enable the effective implementation of the transition plan.<sup>206</sup>

Recalling the Council's decision to postpone reducing the AMISOM troop ceiling until February 2019, the representative of France emphasized that it remained important to continue the gradual, organized and conditions-based drawdown of AMISOM. She further highlighted the importance of abiding by the new deadlines pursuant to resolution 2431 (2018) and added that, while AMISOM must continue to be supported throughout the transition, the European Union could no longer continue to finance the bonuses of AMISOM soldiers alone; new partners should contribute to the financing of the Mission.<sup>207</sup>

The representative of Kazakhstan said that the transfer of responsibilities from AMISOM to the national security forces should not create a security vacuum. He emphasized the critical importance of the swift implementation of the national security architecture and the transition plan, with the coordinated support of the international partners.<sup>208</sup>

### **Case 7 Peace and security in Africa**

On 15 November 2018, the Council held its 8402nd meeting, to consider the report of the Secretary-General on the Joint Force of the Group of Five for the Sahel (S/2018/1006), which was submitted to the Council pursuant to resolution 2391 (2017). The

<sup>198</sup> S/PV.8321, pp. 2–3.

<sup>199</sup> Ibid., pp. 3–4.

<sup>200</sup> S/PV.8352, pp. 2–6.

<sup>201</sup> Ibid., pp. 7–8.

<sup>202</sup> Ibid., p. 9.

<sup>203</sup> Ibid., p. 11.

<sup>204</sup> Ibid., p. 15.

<sup>205</sup> Ibid., p. 18.

<sup>206</sup> Ibid., p. 13.

<sup>207</sup> Ibid., p. 16.

<sup>208</sup> Ibid., p. 20.

Council heard briefings by the Under-Secretary-General for Peacekeeping Operations, the Permanent Secretary of the Group of Five for the Sahel (G5 Sahel), the High Representative of the African Union for Mali and the Sahel, and the Deputy Secretary-General for Common Security and Defence Policy and Crisis Response at the European External Action Service.<sup>209</sup>

In their briefings, they voiced concerns about the security situation in the Sahel, given the increase in terrorist attacks, and called for the full operationalization of the Joint Force, echoing the prior calls by the Secretary-General to place the force under a Chapter VII mandate.<sup>210</sup> Noting that only an operation with a regional mandate and more clearly defined roles and responsibilities among the Joint Force, national armies and international forces would be effective in combating terrorism and transnational crime in the Sahel, the Under-Secretary-General for Peacekeeping Operations encouraged the States members of the G5 Sahel to agree on a common vision of the final status of the Joint Force.<sup>211</sup> The Permanent Secretary of the G5 Sahel said that the financing received for the Joint Force was far from the amount pledged and called for a greater level of tangible solidarity on the part of the international community.<sup>212</sup>

The High Representative of the African Union for Mali and the Sahel reiterated the African Union's strong commitment to the Joint Force and welcomed the Secretary-General's emphasis on the overriding need to establish a support group for the Joint Force. The African Union reiterated its support for the call issued by the Heads of State of the G5 Sahel to endow the Joint Force with a mandate under Chapter VII and to enable it to enjoy direct United Nations financing.<sup>213</sup> The Deputy Secretary-General for Common Security and Defence Policy and Crisis Response at the European External Action Service reaffirmed the European Union's support for various political processes throughout the Sahel, in particular its support for the ongoing peace process in Mali, and noted that the European Union had established a coordination hub, which was being made available to the G5 Sahel and international donors to facilitate the

identification of needs and to coordinate the financial support of donors to the Joint Force.<sup>214</sup>

The representative of France said that it was crucial for the G5 Sahel States to continue their mobilization in order to ensure that the Joint Force became fully operational as soon as possible and called for the implementation of the decision of the Heads of State of the G5 Sahel to relocate the headquarters of the Joint Force to Bamako. He called upon the international community and the Council to provide the G5 Sahel States with effective support that corresponded to the level of the challenges they faced, including the pledged financial contributions and additional resources to finance the technical support that would enable the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to provide logistical and operational support on the ground. He also expressed support for the Secretary-General's recommendations for enhancing multilateral support for the Joint Force by providing a robust mandate and implementing a logistics package.<sup>215</sup>

The representative of the Russian Federation said that his delegation expected concrete plans for the continuation of joint operations to be announced in the near future and underlined the importance of speeding up the process of building military camps for the Joint Force.<sup>216</sup>

The representative of Kazakhstan said that the G5 Sahel countries needed predictable and long-term sustainable funding from the donor community and expressed support for the recommendations of the Secretary-General regarding the need to revise support measures and the funding mechanism. He also noted the importance of ensuring complementarity and strengthening the coordination between the Joint Force and all security forces in the region, including MINUSMA, Operation Barkhane and regional frameworks, in particular the African Union-led Nouakchott Process.<sup>217</sup>

The representative of the United Kingdom called upon the G5 Sahel countries to expedite their efforts to deploy all their outstanding troops and fully establish the police component in order to address the growing transborder threat. He also urged all partners to make good on the financial commitments that they had made to the Joint Force as soon as possible.<sup>218</sup>

<sup>209</sup> S/PV.8402, pp. 2–8.

<sup>210</sup> *Ibid.*, pp. 3–4 (Under-Secretary-General for Peacekeeping Operations), p. 5 (Permanent Secretary of the Group of Five for the Sahel) and p. 6 (African Union High Representative for Mali and the Sahel).

<sup>211</sup> *Ibid.*, pp. 2–3.

<sup>212</sup> *Ibid.*, pp. 4–5.

<sup>213</sup> *Ibid.*, pp. 6–7.

<sup>214</sup> *Ibid.*, pp. 7–8.

<sup>215</sup> *Ibid.*, p. 9.

<sup>216</sup> *Ibid.*, pp. 10–11.

<sup>217</sup> *Ibid.*, pp. 11–12.

<sup>218</sup> *Ibid.*, p. 13.

The representative of Côte d'Ivoire said that, according to the report of the Secretary-General (S/2018/1006), while the progress made in building up the Joint Force was encouraging, it was still below expectations. He therefore urged the G5 Sahel States to continue their dialogue with international partners with a view to strengthening the coordination of the multifaceted support for the operationalization of the Joint Force. He also reaffirmed his belief that the Joint Force's rapid deployment capabilities and familiarity with the social and cultural environment constituted its comparative advantages.<sup>219</sup>

The representatives of Ethiopia and the Plurinational State of Bolivia explicitly called for the Council to place the Joint Force under a Chapter VII mandate. The representative of Ethiopia said that it was important that the international community, including the Council, take concrete action, as requested by the President of Mali, Ibrahim Keita, and other representatives from the region, to place the Joint Force under a Chapter VII mandate so as to ensure continuous support and funding. He also expressed support for the African Union's work in reporting on the activities of the Joint Force.<sup>220</sup> The representative of the Plurinational State of Bolivia said that the Joint Force was a great and exemplary demonstration of the coordinated efforts of the African Union and the United Nations. She added that the refusal of some

Council members to provide the Joint Force with a Chapter VII mandate had made its deployment and operationalization even more difficult and that it was crucial that the Council take urgent and relevant steps in that regard.<sup>221</sup>

By contrast, the representative of the United States expressed the view that Chapter VII authorization was not needed to accomplish the Joint Force's mission, as the G5 Sahel countries already had existing agreements in place for military operations in their respective territories. He further noted that security responses alone would not solve every problem and added that the technical agreement between the G5 Sahel, the United Nations and the European Union, which allowed for MINUSMA to be reimbursed for logistical support provided to the Joint Force within the territory of Mali, represented the full extent of any support role that the United Nations should play outside of continued coordination and technical assistance on a voluntary basis.<sup>222</sup>

The representative of Sweden said that, while the operational and logistical support provided by MINUSMA to the Joint Force was important, that support should not affect the capacity of MINUSMA to implement its own mandate.<sup>223</sup>

<sup>221</sup> Ibid., p. 24.

<sup>222</sup> Ibid., pp. 17–18.

<sup>223</sup> Ibid., p. 16.

<sup>219</sup> Ibid., pp. 13–14.

<sup>220</sup> Ibid., p. 15.

## IV. Authorization of enforcement action by regional arrangements

### Note

Section IV concerns the practice of the Council in utilizing regional and subregional arrangements for enforcement action under its authority, as provided in Article 53 of the Charter. Given that the authorizations accorded by the Council to regional peacekeeping operations to use force in the implementation of their mandates are covered in section III above, this section focuses on the authorization of enforcement action by regional and other organizations outside the context of regional peacekeeping operations. Cooperation with regional arrangements in the implementation of measures adopted by the Council under Chapter VII not involving the use of force is also covered in this section. The section is divided into two subsections: (a) decisions concerning the authorization of enforcement action by regional arrangements; and

(b) discussions concerning the authorization of enforcement action by regional arrangements and the implementation of other Chapter VII measures by regional arrangements.

### A. Decisions concerning the authorization of enforcement action by regional arrangements

During the reporting period, the Council did not explicitly refer to Article 53 of the Charter in its decisions. The Council did, however, authorize the use of force by regional arrangements beyond the context of regional peacekeeping operations.

With respect to the situation in Libya and acting under Chapter VII, the Council extended for a further 12 months the authorizations to Member States "acting

nationally or through regional organizations” to inspect vessels on the high seas off the coast of Libya suspected of carrying arms or related materiel to or from Libya in violation of previous Council resolutions and to use “all measures commensurate to the specific circumstances” to carry out such inspections, as set out in resolution [2292 \(2016\)](#).<sup>224</sup> Also acting under Chapter VII, in connection with migrant smuggling, the Council renewed the authorizations, set out in paragraphs 7 to 10 of resolution [2240 \(2015\)](#), to Member States “acting nationally or through regional organizations” to inspect on the high seas off the coast of Libya vessels suspected of being used for migrant smuggling or human trafficking from Libya and to seize those vessels that were confirmed as being used for those purposes, and authorized Member States to use “all measures commensurate to the specific circumstances” in confronting migrant smugglers or human traffickers carrying out the aforementioned activities.<sup>225</sup> In both cases, the Council requested the Secretary-General to report to it within 11 months of the adoption of the resolutions on their implementation.<sup>226</sup> The Council also issued a presidential statement on 30 January 2018 in connection with the item entitled “Peace consolidation in West Africa”, reaffirming its condemnation of all instances of trafficking in persons and encouraging further cooperation between the European Union, the African Union and the United Nations aimed at saving and protecting the lives of migrants and refugees along routes, and in particular inside Libya.<sup>227</sup>

In relation to the situation in Somalia, also acting under Chapter VII, the Council renewed its call upon States and regional organizations to take part in the fight against piracy and armed robbery at sea off the coast of Somalia by deploying naval vessels, arms and military aircraft, by providing basing and logistical support for counter-piracy forces, and by seizing and disposing of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery.<sup>228</sup> The Council also renewed for a period of 13 months the authorizations, as set out in resolution [2383 \(2017\)](#), granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off

the coast of Somalia.<sup>229</sup> The Council requested States and regional organizations cooperating with Somali authorities to inform the Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authorizations outlined above.<sup>230</sup>

Concerning the situation in South Sudan and acting under Chapter VII, the Council decided to maintain the force levels of the United Nations Mission in South Sudan (UNMISS), including its regional protection force established pursuant to resolution [2304 \(2016\)](#).<sup>231</sup> The Council decided that the mandate of UNMISS would include participating in and supporting the Ceasefire and Transitional Security Arrangements Monitoring Mechanism in the implementation of its ceasefire monitoring and verification mandate and actively participating in and supporting the work of the Joint Monitoring and Evaluation Commission.<sup>232</sup> The Council also called upon all parties, including regional and subregional organizations, to ensure cooperation with the Panel of Experts, including by providing information on illicit transfers of wealth from South Sudan.<sup>233</sup> The Council also invited the Joint Monitoring and Evaluation Commission to share relevant information with the Council, including on its assessment of the parties’ adherence to the Agreement on the Resolution of the Conflict in the Republic of South Sudan and the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access.<sup>234</sup>

The Council adopted several decisions in which it either recognized or requested the support of regional and subregional organizations in the implementation of sanctions measures with respect to the Central African Republic. Acting under Chapter VII of the Charter, the Council encouraged all Member States, in particular the States members of the Economic Community of Central African States and of the Central African Economic and Monetary Community, to utilize the advance notification and exemption procedures established under the arms embargo to return arms and related materiel belonging to the Armed Forces of the Central African Republic.<sup>235</sup> The Council also emphasized that it was important for the Committee established pursuant to resolution [2127 \(2013\)](#) to hold

<sup>224</sup> Resolution [2420 \(2018\)](#), para. 1. See also resolution [2292 \(2016\)](#), paras. 3 and 4.

<sup>225</sup> Resolution [2437 \(2018\)](#), para. 2.

<sup>226</sup> Resolutions [2420 \(2018\)](#), para. 2; and [2437 \(2018\)](#), para. 3. See also resolution [2240 \(2015\)](#), paras. 17 and 18.

<sup>227</sup> [S/PRST/2018/3](#), fifteenth paragraph.

<sup>228</sup> Resolution [2442 \(2018\)](#), para. 12.

<sup>229</sup> *Ibid.*, para. 14. See also resolution [2383 \(2017\)](#), para. 14.

<sup>230</sup> Resolution [2442 \(2018\)](#), para. 32.

<sup>231</sup> Resolution [2406 \(2018\)](#), para. 6. For more information on the mandate of the regional protection force, see part X, sect. I.

<sup>232</sup> Resolution [2406 \(2018\)](#), para. 7 (d) (ii) and (iii).

<sup>233</sup> Resolution [2428 \(2018\)](#), para. 21.

<sup>234</sup> *Ibid.*, para. 25.

<sup>235</sup> Resolution [2399 \(2018\)](#), para. 8.

regular consultations with concerned Member States and regional and subregional organizations in order to ensure full implementation of the arms embargo, travel ban and asset freeze.<sup>236</sup> Furthermore, the Council welcomed the measures taken by States members of the International Conference on the Great Lakes Region to implement the Regional Initiative against Illegal Exploitation of Natural Resources, as endorsed in the Lusaka Declaration of 2010.<sup>237</sup> The Council urged all parties, as well as regional and subregional organizations, to ensure cooperation with the Panel of Experts on the Central African Republic and the safety of its members and further urged the Central African Republic, its neighbouring States and other States members of the International Conference on the Great Lakes Region to cooperate at the regional level to investigate and combat criminal networks and armed groups involved in the illegal exploitation and smuggling of natural resources, including gold and diamonds, and wildlife poaching and trafficking.<sup>238</sup> With respect to the situation in Guinea-Bissau, the Council expressed support for the efforts of the Economic Organization of West African States (ECOWAS) to ensure a swift resolution of the crisis and took note of its decision of 4 February 2018 to impose sanctions on those obstructing the implementation of the Conakry Agreement on the Implementation of the ECOWAS Road Map for the Resolution of the Political Crisis in Guinea-Bissau.<sup>239</sup>

## **B. Discussions concerning the authorization of enforcement action by regional arrangements and the implementation of other Chapter VII measures by regional arrangements**

During the period under review, various Council members referred to the authorization of enforcement action by regional arrangements. As described below, Council discussions focused on the relationship between the United Nations and ECOWAS in the context of the political crisis and the imposition by ECOWAS of sanctions on Guinea-Bissau (see case 8) and the position of the African Union concerning the implementation of resolution 1593 (2005), by which the Council, acting under Chapter VII, referred the situation in Darfur to the International Criminal Court (see case 9).

### **Case 8 The situation in Guinea-Bissau**

On 14 February 2018, the Council held its 8182nd meeting, to consider the report of the Secretary-General on developments in Guinea-Bissau and the activities of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) (S/2018/110), submitted pursuant to resolution 2343 (2017). The Council heard briefings by the Special Representative of the Secretary-General for Guinea-Bissau and Head of UNIOGBIS and the representative of Brazil, in his capacity as Chair of the Guinea-Bissau configuration of the Peacebuilding Commission. With regard to developments at the regional level, the Special Representative informed the Council that, on 4 February 2018, the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS), pursuant to its decision of 27 January 2018, had imposed targeted sanctions on 19 individuals deemed to be obstructing the implementation of the Conakry Agreement. He further informed the Council that, under his leadership, the group of five regional and international partners comprised of representatives of the African Union, the Community of Portuguese-speaking Countries, ECOWAS, the European Union and the United Nations had continued to harmonize efforts and messaging at opportune moments with the aim of creating a stable and enabling environment for dialogue among political leaders. He emphasized that it was important for the Council to continue to reaffirm the centrality of the Conakry Agreement and reiterate its full support for ECOWAS.<sup>240</sup>

Expressing concern about the political impasse in Guinea-Bissau, the representative of Côte d'Ivoire said that the sanctions imposed by ECOWAS were a strong signal of its resolve to bring the country out of a crisis that had persisted too long. He said that the measures, which specifically involved the suspension of the participation in the activities of ECOWAS of all persons concerned, a travel ban, the denial of visas to those persons and their families and the freezing of their assets, must be applied with utmost rigour. He congratulated ECOWAS on taking the measures, looked forward to their effective endorsement by the African Union and invited the Council to fully support ECOWAS in the interests of peace and national cohesion in Guinea-Bissau. He also urged the Community of Portuguese-speaking Countries, the European Union and the United Nations to support the efforts of ECOWAS to effectively implement

<sup>236</sup> Ibid., para. 25.

<sup>237</sup> Ibid., para. 23.

<sup>238</sup> Ibid., paras. 36 and 37.

<sup>239</sup> Resolution 2404 (2018), para. 5.

<sup>240</sup> S/PV.8182, pp. 2–3.

measures aimed at ensuring that the Conakry Agreement was upheld.<sup>241</sup>

The representative of Ethiopia joined in commending the role of ECOWAS and remarked that the Council should reinforce the decision of ECOWAS and the African Union and convey a clear and united message to all the parties in that regard.<sup>242</sup> The representative of the United States also applauded the efforts to hold those in power accountable and to compel them to do what was right for the people of Guinea-Bissau.<sup>243</sup>

The representative of France called upon the Council to increase pressure on local actors, in particular the President of Guinea-Bissau, José Mário Vaz, and to direct the parties in Guinea-Bissau to shoulder their responsibilities. She added that sanctions had been adopted in 2012 through resolution 2048 (2012), and additional measures could be taken in conjunction with those taken by ECOWAS.<sup>244</sup> The representative of the Netherlands said that her country supported and endorsed the mediation efforts of ECOWAS and its imposition of sanctions and called upon the Council to firmly support ECOWAS, as it should do in the case of any other regional organization in Africa that took the lead in maintaining peace and security in the region.<sup>245</sup>

Regarding the possibility of imposing similar measures based on the provisions of resolution 2048 (2012), the representative of the Russian Federation said that the main aim of the resolution was to restore constitutional order, which in practical terms had been achieved several years previously.<sup>246</sup> On the same issue, the representative of Guinea-Bissau said that sanctions were unlikely to defuse a crisis and could even be counterproductive.<sup>247</sup>

At its 8194th meeting, on 28 February 2018, the Council discussed the mandate of UNIOGBIS and adopted resolution 2404 (2018). As the penholder, the representative of Côte d'Ivoire said that the text was balanced and reflected the realities on the ground, and that its crafting had enjoyed the full and comprehensive cooperation of all. He said that the Council welcomed the decision of ECOWAS of 4 February 2018 to impose sanctions on those obstructing the implementation of the Conakry

Agreement and that it also commended international partners, including the United Nations, the African Union, ECOWAS, the European Union and the Community of Portuguese-speaking Countries, for their concerted efforts.<sup>248</sup>

The representative of Equatorial Guinea expressed the view that sanctions should not be the only way to unblock the current situation in the country and said that there must be pragmatic and direct involvement to help the political actors reach a compromise solution that would pave the way towards the preparations for the upcoming legislative elections. In that connection, he proposed that the Council members maintain close contact with the political actors of Guinea-Bissau with a view to finding a committed solution.<sup>249</sup>

The representative of the United States said that the bold move by ECOWAS to impose targeted sanctions on those impeding the peace process was based on a desire to induce them to become part of the solution. She said that ECOWAS was proving to be an example for regional organizations everywhere in its willingness to take challenging steps, as it had done in the Gambia.<sup>250</sup>

Stressing that the acknowledgment in resolution 2404 (2018) of instances of restrictions imposed by ECOWAS did not signify their approval by the Council, the representative of the Russian Federation said that the only legitimate international sanctions were those imposed by the Council, in line with Chapter VII of the Charter. He also objected to any attempt, through the Council, to introduce wording that would distort that fundamental principle in international law or use it to legitimize unilateral restrictions, regardless of any noble intentions that might be advanced. He said that unilateral sanctions, especially those imposed in addition to measures already agreed by the Council, were a path to nowhere and that they only served to further escalate crises instead of resolving them.<sup>251</sup>

### **Case 9 Reports of the Secretary-General on the Sudan and South Sudan**

The Council held its 8290th meeting on 20 June 2018, under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, focusing on the investigation by the International

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<sup>241</sup> *Ibid.*, p. 6.

<sup>242</sup> *Ibid.*, p. 8.

<sup>243</sup> *Ibid.*, p. 7.

<sup>244</sup> *Ibid.*, p. 9.

<sup>245</sup> *Ibid.*, p. 15.

<sup>246</sup> *Ibid.*, p. 17.

<sup>247</sup> *Ibid.*, pp. 18–19.

<sup>248</sup> S/PV.8194, p. 2.

<sup>249</sup> *Ibid.*, pp. 3–4.

<sup>250</sup> *Ibid.*, p. 4.

<sup>251</sup> *Ibid.*, p. 4.

Criminal Court of alleged crimes in the western Darfur region of the Sudan. During the meeting, the representative of Ethiopia recalled that the African Union had called for the suspension of the proceedings against the President of the Sudan, Omar Al-Bashir, and urged the Council to withdraw the referral of the case. Stating that the continuation of the case would only damage the Council's credibility, he said that the level of intercommunal violence had once again plummeted, which had been confirmed by the joint strategic review of the African Union and the United Nations.<sup>252</sup>

The representative of Peru expressed renewed support for the work of the Office of the Prosecutor of the Court and expressed regret that some States parties to the Rome Statute had not lived up to their obligation to cooperate with the Court. He also welcomed the initiative of New Zealand of December 2016 to address the problem of non-compliance with the Court's orders.<sup>253</sup>

The representative of China called upon the Council and the Court to fully respect the sovereignty of the Sudan, address the legitimate concerns of the African Union and the Government of the Sudan and fully respect the views of the African Union and the League of Arab States, which could not be ignored.<sup>254</sup>

The representative of the Plurinational State of Bolivia voiced support for the work of the Court and urged it to join in the efforts of the international community, in particular regional organizations, to strengthen political processes in the Sudan, in particular those related to the Doha Document for Peace in Darfur. He said that, as indicated in resolution [1593 \(2005\)](#), cooperation and coordination between the Court and the African Union were crucial, and that the commitment of the African Union to fighting impunity was undeniable, as set out in its Constitutive Act. He called for the establishment of constructive dialogue between the African Union and the Court to facilitate the necessary work and strengthen trust.<sup>255</sup>

<sup>252</sup> [S/PV.8290](#), p. 7.

<sup>253</sup> *Ibid.*, p. 8.

<sup>254</sup> *Ibid.*, p. 9.

<sup>255</sup> *Ibid.*, p. 10.

The representative of Equatorial Guinea said that his delegation shared the position of the African Union regarding the Court's action concerning Darfur and stated that the Court had no jurisdiction to charge a President in full discharge of his duties. He joined in the repeated request of the African Union for the suspension of proceedings against the President of the Sudan and the withdrawal of the referral of the case.<sup>256</sup>

The representative of Kuwait said that his country, in its capacity as the Arab member of the Council, recalled the 514th resolution adopted at the twenty-second Arab Summit in Sirte in 2010, which represented the Arab position on the Court's proceedings against the President of the Sudan: rejection of the politicization of the principles of international justice and their use to challenge the sovereignty, unity and stability of States under the guise of international criminal justice, and the underscoring of the need to respect the sovereignty, territorial integrity and independence of the Sudan.<sup>257</sup> He also noted that the decision of the Court had not gained the support of regional organizations to which the Sudan was a party, such as the League of Arab States, the African Union and the Organization of Islamic Cooperation, all of which were organizations capable of international action, as set forth in Chapter VIII of the Charter.<sup>258</sup>

The representative of Kazakhstan said that, as an observer to the African Union, Kazakhstan underscored the critical role of the African Union in resolving the crisis in Darfur and its return to peace and justice. He suggested that the Court take into consideration the unified position of the African Union and establish dialogue with the Open-ended Committee of Ministers for Foreign Affairs on the International Criminal Court.<sup>259</sup>

<sup>256</sup> *Ibid.*, pp. 11–12.

<sup>257</sup> Letter dated 19 April 2010 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council ([S/2010/204](#)), pp. 40–42.

<sup>258</sup> [S/PV.8290](#), p. 12.

<sup>259</sup> *Ibid.*, p. 14.

## V. Reporting by regional arrangements on their activities in the maintenance of international peace and security

### Note

Section V examines reporting by regional arrangements on their activities in the maintenance of international peace and security within the framework of Article 54 of the Charter, under two headings: (a) decisions concerning reporting by regional arrangements; and (b) discussions concerning reporting by regional arrangements.

#### A. Decisions concerning reporting by regional arrangements

During the period under review, the Council made no explicit reference to Article 54 of the Charter in its decisions. The Council did, however, request reporting from regional organizations, in particular the African Union, either directly or through the Secretary-General, on issues such as cooperation on peace and security between the United Nations and the African Union, in particular with respect to peace support operations, such as the African Union Mission in Somalia (AMISOM) and the Joint Force of the Group of Five for the Sahel (G5 Sahel) in Mali, and support for the establishment of transitional justice mechanisms in South Sudan, as described in further detail below.

With regard to the situation in Mali, the Council requested the Secretary-General to report on coordination, exchange of information and mutual operational and logistical support between the United Nations Multidimensional Integrated Stabilization Mission in Mali, the Malian Defence and Security Forces, the Joint Force, the French forces and the European Union missions in Mali every three months after the adoption of resolution [2423 \(2018\)](#) on 28 June 2018.<sup>260</sup>

With regard to Somalia, by resolution [2442 \(2018\)](#), the Council requested States and regional organizations cooperating with Somali authorities to inform the Council and the Secretary-General, nine months after the adoption of the resolution, of the progress of actions undertaken in the exercise of the authorizations provided in the resolution in relation to the fight against piracy and armed conflict.<sup>261</sup> The Council also requested the African Union to keep the

Council regularly informed of the implementation of the mandate of AMISOM, including its reconfiguration in support of the transition plan.<sup>262</sup> In that regard, the Council requested the African Union to report to the Council, through the provision of oral updates and no fewer than three written reports, every 120 days, with the first written report to be submitted not later than 15 November 2018.<sup>263</sup> The Council further requested that the first written report contain a reconfiguration plan detailing the modalities of the reduction in the level of uniformed personnel.<sup>264</sup>

In connection with the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, the Council, by resolution [2418 \(2018\)](#), requested the Secretary-General, in coordination with the Ceasefire and Transitional Security Arrangements Monitoring Mechanism, to report by 30 June 2018 on whether any fighting had taken place since the adoption of the resolution on 31 May 2018 and on whether the parties had come to a viable political agreement.<sup>265</sup> The Council also requested the Secretary-General to report, through his regular 90-day reports, on the technical assistance provided for the establishment of the Hybrid Court for South Sudan.<sup>266</sup> The Council invited the African Union to share information on progress made in the establishment of the Hybrid Court for South Sudan and expressed its intention, upon receipt of the reports of the Secretary-General, to assess the work that had been done in the establishment of the Hybrid Court.<sup>267</sup>

On the situation in Darfur, the Council requested the Secretary-General and invited the Chairperson of the African Union Commission to provide detailed reporting in the regular 90-day reports on the progress made towards achieving the benchmarks and indicators identified in the report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur dated 12 October 2018 ([S/2018/912](#)).<sup>268</sup>

Table 3 lists decisions adopted during the period under review in connection with the obligation to keep the Council informed of activities undertaken by regional arrangements for the maintenance of international peace and security.

<sup>260</sup> Resolution [2423 \(2018\)](#), para. 70 (iii).

<sup>261</sup> Resolution [2442 \(2018\)](#), para. 32. For more information on the authorization of enforcement action by regional organizations in Somalia, see sect. IV.A above.

<sup>262</sup> Resolution [2431 \(2018\)](#), para. 9.

<sup>263</sup> *Ibid.*

<sup>264</sup> *Ibid.*

<sup>265</sup> Resolution [2418 \(2018\)](#), para. 3.

<sup>266</sup> Resolution [2406 \(2018\)](#), para. 34.

<sup>267</sup> *Ibid.*

<sup>268</sup> [S/PRST/2018/19](#), seventh paragraph.



Table 3

**Decisions concerning reporting of activities by regional arrangements**

	<i>Item</i>	<i>Decisions</i>	<i>Paragraphs</i>	<i>Reporting from</i>
Country and region-specific items	The situation in Mali	Resolution 2423 (2018) 28 June 2018	para. 70 (iii)	Secretary-General
	The situation in Somalia	Resolution 2431 (2018) 30 July 2018	para. 9	African Union, through the Secretary-General
		Resolution 2442 (2018) 6 November 2018	para. 32	States and regional organizations cooperating with Somali authorities
	Reports of the Secretary-General on the Sudan and South Sudan	Resolution 2418 (2018) 31 May 2018	para. 3	Secretary-General, in coordination with the Ceasefire and Transitional Security Arrangements Monitoring Mechanism
		S/PRST/2018/19 11 December 2018	seventh paragraph	Secretary-General and the Chairperson of the African Union Commission

**B. Discussions concerning reporting by regional arrangements**

At the 8314th meeting of the Council, held on 18 July 2018 under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security” and in connection with the African Union, the Special Representative of the Secretary-General to the African Union and Head of the United Nations Office to the African Union welcomed, with regard to the conditions outlined in resolution 2378 (2017), the progress made by the African Union on the operationalization of the Peace Fund, the development of a compliance framework and the development of a reporting framework.<sup>269</sup> The Deputy Foreign Minister of Sweden welcomed the agreement between the United Nations and the African Union on fiduciary reporting as an important and concrete step in the right direction.<sup>270</sup> The representative of the United Kingdom, stating that the African Union’s knowledge of the region was invaluable, encouraged more interaction between the Security Council and the Peace and Security Council of the African Union, including on reporting, so that the views of the African Union could be considered.<sup>271</sup> The representative of Kazakhstan stressed that further technical work was needed for the United Nations and the African Union to develop the modalities for joint analysis, planning and assessment,

as well as reporting to the relevant intergovernmental bodies.<sup>272</sup>

At the Council’s 8407th meeting, held on 20 November 2018 under the item entitled “Peace and security in Africa”, the representative of Kazakhstan emphasized the need to capitalize on the Joint United Nations-African Union Framework for Enhanced Partnership in Peace and Security, as well as the framework on sustainable development, to improve the effectiveness of peace operations in Africa. He also noted that further technical work was needed to develop the modalities for joint analysis, planning and assessment, as well as reporting to the relevant intergovernmental bodies.<sup>273</sup> The representative of Norway, speaking on behalf of the Nordic countries, said that the strategic partnership between the United Nations and the African Union must be further strengthened with regard to financing. The Nordic countries were in favour of a system that combined assessed contributions from the United Nations with African Union funding; such a system should be based on transparent financial reporting.<sup>274</sup> The representative of Guatemala said that, through the African Union’s peace support operations, the ability of the United Nations, in particular the Council, to maintain international peace and security was strengthened, which highlighted the importance for both organizations of working more closely in the field of peace and security, including joint cooperation,

<sup>269</sup> S/PV.8314, p. 4.

<sup>270</sup> Ibid., p. 6.

<sup>271</sup> Ibid., p. 17.

<sup>272</sup> Ibid., p. 19.

<sup>273</sup> S/PV.8407, p. 10.

<sup>274</sup> Ibid., p. 34.

operational evaluation and joint reporting, when appropriate.<sup>275</sup> The representative of Rwanda, reiterating his country's support for the United Nations-African Union partnership framework, said that Rwanda recognized the importance of close coordination and cooperation, based on strategic assessment, planning and reporting, to handle conflict in a timely manner.<sup>276</sup> The representative of the Republic of Korea highlighted the need to provide predictable, flexible and sustainable financing for African Union-led peace operations and welcomed the progress that the African Union, in close cooperation with the United Nations, had made in developing compliance and reporting frameworks.<sup>277</sup>

At the 8414th meeting, held on 6 December 2018, the representative of Poland said that the key areas that the Council should focus on when drafting the

framework for the next phase of cooperation between the United Nations and the African Union were, inter alia, compliance, reporting, accountability and sustainability.<sup>278</sup> The representative of Brazil, noting that, under exceptional circumstances, the Council could authorize and had authorized Member States and regional organizations to use force in order to achieve peace, emphasized the need to remain vigilant so as to avoid causing unnecessary harm to civilian populations, to monitor the situation and to require periodic reporting. In that connection, he welcomed initiatives such as resolution [2391 \(2017\)](#), in which the Council called for the G5 Sahel States to uphold international law, including international human rights law and international humanitarian law, as well as to take into account a gender perspective in all operations of the Joint Force of the G5 Sahel.<sup>279</sup>

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<sup>275</sup> Ibid., p. 45.

<sup>276</sup> Ibid., p. 49.

<sup>277</sup> Ibid., p. 60.

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<sup>278</sup> [S/PV.8414](#), p. 26.

<sup>279</sup> Ibid., p. 62.