

Reinforcing the Responsibility to Protect in the Central African Republic

INTRODUCTION

The Global Centre for the Responsibility to Protect conducted a research mission to the Central African Republic (CAR) from 27 January to 7 February 2015 to assess efforts to uphold the Responsibility to Protect (R2P), focusing specifically on accountability for grave human rights violations, the protection of civilians, humanitarian access and progress towards reconciliation. This policy brief details findings from the mission and sets forth recommendations to prevent atrocities and stabilize the situation in CAR.¹

The international response to the crisis in CAR has intensified since a surge in violence during late 2013. Despite efforts by the United Nations (UN), African Union (AU), European Union (EU) and countries with strong ties to CAR, including France, civilians continue to endure mass atrocity crimes committed by anti-balaka militias, ex-Séléka rebels and other armed groups. The risk of future mass atrocity crimes in CAR remains high, particularly for the remaining Muslim minority, which has been targeted in what the International Commission of Inquiry describes as a “campaign of ethnic cleansing” by predominantly Christian and animist anti-balaka militias and mobs of civilians.²

Clashes between anti-balaka militias and ex-Séléka factions are ongoing throughout the interior of the country, increasing the risk of mass atrocity crimes to civilian populations. The armed groups are also implicated in rising violence in the transhumance corridor between pastoralist and agricultural

communities. The exploitation of natural resources, including gold and diamonds, fuels the activities of the armed groups.

The current situation in CAR is extremely volatile. An enhanced international response must be multi-faceted, employing a wide array of tools that reflect the complex nature of the crisis. It must also address impunity for mass atrocity crimes, poor governance and the exploitation of natural resources to fuel armed violence. In this sense, the international response to the current situation must focus on long-term engagement with the authorities and people of CAR.

BACKGROUND

Populations in CAR have suffered decades of recurring political instability and humanitarian crisis. Four of the country's five elected Presidents since independence in 1960 have been removed from power by unconstitutional means, while CAR has also been the subject of repeated foreign interventions to “restore order.” France, the former colonial power, has launched eight separate military operations in CAR since 1960. MISCA was the third multilateral African force to operate in CAR since 1998, and MINUSCA is the third UN peacekeeping mission deployed to CAR in less than two decades. The UN has also had a political and peacebuilding support presence in CAR for fourteen consecutive years, first through the UN Office in CAR (BONUCA) from 2000 to 2010 and subsequently the UN Integrated Peacebuilding Office (BINUCA) from 2010 until 10 April 2014.³

¹ The Global Centre for the Responsibility to Protect conducted a previous assessment mission to CAR between 25 March and 1 April 2014 in partnership with the Stimson Center and the Center for Civilians in Armed Conflict. This policy brief is an updated version of one published on 12 May 2014 entitled *Upholding the Responsibility to Protect in the Central African Republic*.

² Final report of the International Commission of Inquiry into the Central African Republic (S/2014/928).

³ A forthcoming Occasional Paper by the Global Centre for the Responsibility to Protect will examine the engagement of the international community in CAR, focusing on early warning and prevention between December 2012 and 2013.

The present crisis in CAR began in December 2012 with the launch of the Séléka rebellion against the government of President Francois Bozizé. Human rights violations by the predominantly Muslim Séléka rebel group (whose ranks included a significant number of mercenaries from neighboring Chad and Sudan) between December 2012 and March 2013 were widespread. The group systematically targeted civilians from CAR's Christian majority.

The violence culminated in the overthrow of President Bozizé by Séléka forces on 24 March 2013. A sub-regional peacekeeping operation, MICOPAX, led by neighboring countries from the Economic Community of Central African States (ECCAS), 400 troops from South Africa and a contingent of French troops, were all in CAR at the time of Bozizé's overthrow. Michel Djotodia, the then-leader of the Séléka, declared himself President on 28 March.

Séléka attacks against the civilian population continued after March 2013, leading to the formation of predominantly Christian and animist local self-defense groups called "anti-balaka" (anti-machete) in towns and villages in the north and west of the country. Beginning in August and September 2013 anti-balaka militias launched attacks against ex-Séléka forces and targeted Muslim communities for violent reprisals. This offensive culminated in a 5-6 December assault on Bangui and the partial capture of the town of Bossangoa by the anti-balaka. At least 1,000 people were killed in Bangui alone over two days, with both sides committing widespread and systematic violations of human rights.

Regional and international pressure following the December fighting led to Djotodia's resignation and exile from CAR on 10 January 2014. A new interim government was formed and on 23 January Catherine Samba-Panza assumed office as the Interim President of CAR.

International efforts to assist in stabilization following the December violence included the deployment of 2,000 French troops under the aegis of *Operation Sangaris* and an 800-strong EU-led force, EUFOR-RCA. Both of these military operations are now scaling down.

The AU's 6,000-strong International Support Mission in the Central African Republic, or MISCA, transitioned on 15 September 2014 to become the United Nations Multi-dimensional Integrated Stabilization Mission in CAR, or MINUSCA. Mandated by UN Security Council (UNSC) Resolution 2149 of 10 April 2014, MINUSCA is expected to consist of approximately 13,000 uniformed personnel.⁴ The initial mandate of the force is set to expire on 30 April 2015.

Despite efforts to reconstitute a functioning government, as well as the deployment of these international forces, the situation in CAR deteriorated during 2014.⁵ Although a ceasefire was signed on 23 July in Brazzaville between representatives of some of the armed groups, it is yet to be effectively implemented. The Brazzaville meeting provided for the holding of local political consultations in advance of a National Forum to be convened in Bangui during early 2015. Ongoing insecurity has led to delays in this process, resulting in the transitional period being extended to August 2015. Parallel peace talks hosted in Nairobi, Kenya, since late December are undermining, rather than consolidating, the domestic political process.

Meanwhile, anti-balaka militias and mobs of civilians continue to systematically target the Muslim population. According to the International Commission of Inquiry the Muslim population of Bangui has been reduced by 99 percent, and approximately 80 percent of Muslims throughout the country have been forcibly displaced or killed.

Despite CAR's troubled history, the current crisis is unprecedented in its scope and impact upon the civilian population. Between 3,000 and 6,000 people have been killed since December 2013.⁶ The destruction of homes, public infrastructure and villages is extensive throughout the country. At the time of publication over 430,000 civilians have already sought refuge in neighboring countries and there are currently more than 450,000 internally displaced persons (IDPs), including at least 50,000 people spread across 34 sites in Bangui.

⁴ UNSC Resolution 2149 initially mandated the force to consist of 11,820 uniformed personnel. At the time of publication MINUSCA had reached approximately 80 percent deployment. On 29 January 2015 the UN Secretary-General requested that the UNSC authorize an additional 1,030 uniformed personnel.

⁵ The Armed Conflict Location and Data Event Project noted a doubling in the scale and scope of violent events in CAR in 2014 compared to the previous year.

⁶ The UN Commission of Inquiry notes that "such estimates fail to capture the full magnitude of the killings that occurred." (S/2014/928).

THE DYNAMIC OF VIOLENCE IN CAR

The Global Centre for the Responsibility to Protect's research mission coincided with a tense period in Bangui following a spate of kidnappings perpetrated by anti-balaka militias. MINUSCA, EUFOR-RCA and French forces continue to struggle to control spikes of violence in Bangui. The anti-balaka still maintain effective control over significant areas of Bangui and engage in opportunistic violence and criminality with detrimental effects on the civilian population.

International forces are unable to control the security situation in the interior of the country. During the Global Centre for the Responsibility to Protect's assessment mission, ex-Séléka factions violently opposed local consultations being held in central and eastern prefectures. According to the UN High Commission for Refugees (UNHCR), a surge in violence in the country's interior since mid-December 2014 has displaced an estimated 50,000 people, including at least 20,000 who have fled into neighboring Democratic Republic of Congo.

Confrontations between anti-balaka militias and ex-Séléka factions are ongoing in the interior of the country, particularly in the central prefectures of Nana-Grebizi and Kemo. These two prefectures effectively split the country between North and South and East and West, adding to fears of a permanent partition of the country. Attacks between these groups have also increased in Ouham prefecture, particularly in Batangafo and surrounding areas, and Ouaka prefecture in the east, particularly near Kouango and Bambari.

Tension between pastoralists and agriculturalists is rising in CAR's transhumance corridors and has translated into clashes between communities. The armed groups have been drawn into this dynamic, with pastoralists affiliating with ex-Séléka factions for protection from anti-balaka attacks. Armed pastoralists and ex-Séléka forces have also perpetrated violence against civilians, such as the 7 February attempted attack against the Ngakobo camp, which hosts 9,500 IDPs.

The present situation is mainly characterized by targeted violence on the basis of both religion and ethnicity. Yet, it

must be emphasized that the conflict in CAR is predominantly a political conflict. Religion and ethnicity have been manipulated by competing elites and various armed groups to further political goals, including by using armed violence to attain, maintain or expand power. Opportunistic violence fueled by a desire for personal economic gain and the control of natural resources is also endemic. Complete impunity for violations committed since December 2012 and a cycle of violent reprisals exacerbates the conflict.

The anti-balaka remain a significant threat to civilians, humanitarians and peacekeepers in CAR. These militias have focused their attacks against the remaining Muslim population in a sustained effort to force their displacement and to kill those who try to stay. While the predations of anti-balaka have primarily been directed against Muslims, there have also been reports of some anti-balaka targeting Christians and ethnic minorities in opportunistic violence.

The size and strength of the various anti-balaka militias is difficult to estimate. There is no strong coordinated leadership structure that binds various groups operating in different regions of the country, nor is there an articulated political program that unites the various factions.⁷ However, the faction led by Patrice Edouard Ngaissona, the self-appointed former National Coordinator of the anti-balaka did form a political party in December 2014 called the *Parti Centrafricain pour l'Unité et le Développement*, or PCUD.

Since Djotodia relinquished power, the ex-Séléka rebel alliance has fragmented into numerous factions. The most significant of these are the *Front populaire pour la renaissance de centrafrique* (FPRC), led by Djotodia and Nourredine Adam, *Unite pour la Paix en centrafrique* (UPC), led by Ali Darrassa and Mahamat Alkatim, and *Rassemblement Pour la Reconciliation des Centrafricains* (RPRC), led by Joseph Zoundeiko. Clashes between offshoots of the former Séléka alliance are common, particularly as they vie for control of resource-rich areas of eastern prefectures.

youth, often referred to as "faux anti-balaka," and groups that continue to act as localized self-defense forces. These categorizations are neither exclusive nor exhaustive. In many cases different factions operate alongside one another.

⁷ There appear to be four main factions of anti-balaka currently operating in the country: Former and current soldiers of the Forces armées centrafricaines (FACA) and the national police forces, and those with close links to them, loyalists of former President Bozizé, known as "bozizistes," gangs of criminals and

APPLYING THE RESPONSIBILITY TO PROTECT

Adopted at the UN World Summit in 2005, the Responsibility to Protect is concerned with the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity. Every state has the Responsibility to Protect its populations and the wider international community has a responsibility to encourage and assist them in meeting that responsibility. The international community must be prepared to take appropriate collective action in a timely and decisive manner and in accordance with the UN Charter when a state is found manifestly failing to protect its populations.

The interim government of CAR has the primary responsibility to protect its people from mass atrocity crimes. However, the transitional authorities are manifestly unable to uphold their protective responsibilities. Since January 2014, a lack of capacity and resources has inhibited the transitional authorities' ability establish state authority throughout the territory, or even throughout the entirety of Bangui. Furthermore, government Ministers with strong links to armed groups continue to impede the functioning of the government. The national security forces remain in a state of disarray and the formal economy has effectively collapsed.

Despite the challenges the interim government faces, it has an essential role to play in resolving the current crisis. The government has a responsibility to attempt to restore a minimum level of security and protection and: (1) ensure that government officials do not incite or facilitate the commission of human rights abuses, (2) publicly condemn attacks and actively contribute to dialogue and reconciliation amongst communities (3) attempt to arrest and prosecute atrocity perpetrators and (4) ensure that national security forces observe international human rights standards.

CAR's transitional authorities require significant international assistance in support of these efforts. The provision of financial and technical assistance by the UN, AU, EU, International Contact Group on CAR (ICG-CAR), other key donors and civil society will be essential in enabling CAR's authorities to uphold their primary responsibilities.

The deployment of *Operation Sangaris*, EUFOR-RCA and MINUSCA represents the willingness of the international community to uphold its responsibility to assist CAR. These operations have contributed to the

direct physical protection of civilians and the prevention of atrocities. They have also facilitated the extension of state authority and provided support to the transitional authorities in facilitating dialogue and efforts aimed at reconciliation between communities.

In addition to the deployment of peacekeepers, the international community has employed a number of measures to respond to the current crisis in CAR. These include, but are not limited to, diplomatic initiatives by regional and sub-regional actors and the ICG-CAR, the provision of humanitarian assistance, the establishment of an International Commission of Inquiry and a sanctions regime mandated by the UN Security Council, as well as the opening of a new investigation by the International Criminal Court (ICC).

Despite the transition from MISCA to MINUSCA six months ago, mass atrocity crimes are ongoing in CAR and the situation remains dire, especially in the interior. Approximately 80 percent of the Muslim population has been forcibly displaced or killed since December 2013 and the protection and possible relocation of vulnerable populations remains an ongoing necessity.

THE RISK OF FUTURE MASS ATROCITIES

The risk of further mass atrocities remains high in CAR, particularly for remaining Muslim communities and civilians caught in clashes between rival armed groups.

There are still at least 36,000 Muslim civilians trapped in seven besieged communities. These enclaves have been systematically encircled, predominantly by the anti-balaka, subjected to attack and cut off from food and medical supplies. They include 24,000 people in Bangui's PK-5 neighborhood and approximately 9,000 people in Boda. There are legitimate fears of these enclaves being overrun.

The plight of 470 Muslim Peuhl herders trapped in the enclave of Yaloke is of particular concern. According to UNHCR the transitional authorities continue to deny them the ability to relocate despite the desire of at least 90 percent of residents to do so. The position of the transitional authorities is in direct contravention of the *AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa*, to which it is a signatory. The enclave remains at high risk and trapped

individuals cannot access health facilities or other services outside of the area without being attacked.

Muslim self-defense groups and anti-balaka militias in Bangui remain heavily armed. The withdrawal of EUFOR-RCA by 15 March will leave a security vacuum which must be effectively and immediately filled in the 3rd and 5th *arrondissements* of the capital. Outside of Bangui, clashes between anti-balaka militias, ex-Séléka factions and other armed groups continue to claim civilian lives. An expanded conflict between these groups would be disastrous for civilians. The risk of this is amplified in the interior, particularly in eastern prefectures, with the pending drawdown of *Operation Sangaris*.

The Lord's Resistance Army, which has perpetrated crimes against humanity across central Africa since 1987, also remains active in eastern CAR. The group has exploited the security vacuum in the country and despite the recent surrender of a senior commander, Dominic Ongwen, the risk of further atrocities perpetrated by the group remains.

Without a significant improvement in the security situation and meaningful gains in disarmament, political dialogue and reconciliation, the current electoral timeline could also result in further polarization between communities, incitement and perpetration of mass atrocity crimes. High levels of displacement, the potential inability of IDPs to exercise their franchise and the perceived lack of inclusivity regarding local consultations ahead of the Bangui Forum calls into question the legitimacy and viability of elections.

REINFORCING THE RESPONSIBILITY TO PROTECT

In keeping with the Responsibility to Protect, the transitional authorities of CAR, along with MINUSCA, UN agencies and programs, EU, AU, ECCAS, ICG-CAR and other key donor countries, must intensify efforts to protect civilians and prevent further atrocities. This will require a multi-dimensional approach to address immediate protection needs of populations as well as the structural deficiencies that have contributed to recurring crises in CAR.

MINUSCA has yet to reach full operational capacity and will require additional personnel if it is to effectively uphold its mandate, particularly with elections planned for August 2015. There is an urgent need for MINUSCA to deploy throughout the entire territory of CAR and to robustly support the extension of state authority, disarmament and political dialogue in advance of the planned Bangui Forum. MINUSCA must actively anticipate emerging risks and use force wherever necessary to protect civilians.

Ending impunity must be the cornerstone of efforts to enhance the Responsibility to Protect in CAR. National authorities remain unable to hold perpetrators of atrocity crimes accountable because of a lack of capacity. MINUSCA must make full use of its mandate for "Urgent Temporary Measures" and arrest those responsible for human rights violations.⁸ Financial and technical assistance is imminently required from international partners to ensure the mixed Special Criminal Court (SCC) is expeditiously established and becomes operational. The Court should be comprised of a significant number of international judges and prosecutors. Enhanced cooperation with the ICC is also necessary to complement national efforts to ensure accountability for atrocities.

The international community must also send a strong message to those profiting from the present crisis. Disrupting the networks of support to the various armed groups operating in CAR will be critical to ending attacks against civilians. Individuals providing material or financial support to various factions of the anti-balaka or ex-Séléka, as well as those individuals responsible for the incitement or facilitation of attacks against civilians, should be the targets of sanctions and investigated by the SCC and ICC.

Individuals responsible for violations of international law and UN sanctions should not be allowed to participate in the Bangui Forum or stand in the upcoming elections.

NECESSARY ACTION

To the transitional authorities of the Central African Republic:

- Publicly condemn all acts of violence against civilians, including against the Muslim minority, and

request of the Transitional Authorities and in areas where national security forces are not present or operational.

⁸ This provision of Resolution 2149 allows for MINUSCA to maintain basic law and order and fight impunity, within the limits of its capacities and areas of deployment, at the formal

call upon all armed groups to lay down their weapons and adhere to the Brazzaville ceasefire;

- Urgently adopt the draft law of the Special Criminal Court and bring to justice all perpetrators of mass atrocity crimes and other serious violations of human rights through the SCC or via cooperation with the ICC;
- Prevent those with links to armed groups, and/or responsible for inciting or facilitating mass atrocity crimes from taking part in the Bangui Forum or the transitional government;
- Actively promote peace messaging, including in cooperation with national telecommunications providers;
- Facilitate the evacuation and relocation of besieged populations and vulnerable IDPs wishing to be safely relocated as expeditiously as possible, while taking all necessary steps to ensure that these populations can safely and voluntarily return at a future date;
- Formally appoint a National R2P Focal Point and establish a National Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes against Humanity and all forms of Discrimination.

To MINUSCA:

- Accelerate the deployment of civilian, police and military capabilities to reach full operational capacity and prioritize force positioning to areas where vulnerable civilians are at risk;
- Urgently move to arrest alleged perpetrators of mass atrocity crimes and human rights violations, and work with transitional authorities to expeditiously ensure their prosecution;
- Re-calibrate protection of civilian activities, focusing particularly on enabling the freedom of movement of IDPs, returnees and enclaved communities, as well as UN and humanitarian workers seeking to assist these populations;
- Expedite the deployment of troops and police to areas where armed groups are exploiting natural resources to fuel their activities and work with transitional authorities to facilitate the extension of state authority to these areas;
- In line with the Secretary-General's *Human Rights Up Front Action Plan*, publish regular reports on the situation of human rights protection and promotion, including through close cooperation with the Office of High Commissioner for Human Rights (OHCHR);
- Ensure that an adequate number of Community Liaison Assistants are expeditiously hired and deployed throughout the country to improve communication with the population;
- Thoroughly investigate any incident involving UN troops and police that results in civilian casualties

and/or human rights abuses and ensure the results are relayed to the population.

To Operation Sangaris and EUFOR-RCA:

- Ensure that comprehensive transition plans are in place so that MINUSCA is able to assume authority in zones previously protected by *Operation Sangaris* and EUFOR-RCA.
- Thoroughly document lessons learned and ensure their dissemination to all relevant actors.

To the ICG-CAR and other key donors:

- Use the opportunity of the next ICG-CAR meeting on 16 March to publicly reaffirm that a political solution to the crisis must be domestically led and that parallel processes will not supplant the 23 July 2014 ceasefire or the current transitional roadmap;
- Ensure adequate funding is secured for the establishment and operation of the SCC and consider hosting a donor conference on justice and accountability on the margins of the next ICG-CAR meeting;
- Urgently increase humanitarian funding to ensure the needs to 2.7 million people requiring assistance are fulfilled.

To the UN Security Council:

- Ensure the list of individuals subject to targeted sanctions pursuant to Resolutions 2127 and 2196 is as comprehensive as possible, taking into consideration the detailed reporting of the UN Panel of Experts on CAR;
- Maximize the upcoming 10 March trip to CAR by assessing the security situation, including areas outside Bangui, and discussing with all relevant partners the challenges ahead, including the protection of civilians from mass atrocity crimes;
- Re-emphasize the centrality of the protection of civilians in MINUSCA's mandate renewal and ensure the renewed mandate includes provisions for MINUSCA to advise and assist the transitional authorities in fulfilling their responsibility to protect civilians from mass atrocity crimes;
- Prioritize the human rights component of MINUSCA's mandate and call upon MINUSCA to regularize and publicize human rights reports, including through cooperation with OHCHR through a Human Rights Joint Office;
- Hold monthly briefings and consultations on the progress of the renewed mandate of MINUSCA, and, where necessary, convene briefings under "Any Other Business" or Arria formula meetings.

To the UN Secretary-General:

- In accordance with the *Human Rights Up Front Action Plan*, undertake every effort to ensure that UN agencies act to promote and protect human rights and prevent further atrocities.

CONCLUSION

International responses to previous crises in CAR have been ad hoc and have contributed to recurring instability and humanitarian suffering. The severity of the current crisis and the enduring threat of mass atrocities requires enhanced efforts to uphold the Responsibility to Protect. This response must be calibrated, coordinated and sustained, employing a wide array of tools under the R2P framework to ensure that immediate civilian protection efforts are closely linked to a longer-term strategy to bring lasting peace, justice and development to CAR. These will be the benchmarks by which the international community will be judged for its response to the crisis in CAR and every effort should be undertaken to ensure they are met.