

**Trip Report of the Chair of the Central African Republic (CAR) Configuration
to the Central African Republic
11-14 February 2020**

1. In my capacity as Chair of the Central African Republic (CAR) Configuration of the Peacebuilding Commission (PBC), I visited Bangui from 11 to 14 February 2020. The Peacebuilding Support Office (PBSO) and Electoral Affairs Division (EAD) accompanied me during the visit. The Permanent Representative of the Central African Republic to the United Nations also joined me. As set out in the Terms of Reference of the trip, the focus was on exploring how the PBC can be utilized to support the timely preparation and organization of the 2020-2021 elections and raise awareness on challenges including on resource mobilization, understanding developments regarding the implementation of the Political Agreement for Peace and Reconciliation in the CAR (APPR-CAR) and supporting the implementation of the National Recovery and Peacebuilding Plan (RCPCA), with a particular focus on its rule of law components.

2. During my visit, I met with His Excellency President Faustin-Archange Touadera, Prime Minister, Minister of Territorial Administration, Minister of Plan, President of the Constitutional Court, President of the National Electoral Authority (ANE), African Union Representative, European Union Representative, World Bank and IMF Representatives, as well as the high-level leadership of MINUSCA and the UN Country Team and several members of the diplomatic corps.

The opportunities and challenges surrounding the 2020-2021 electoral process:

3. My meetings in Bangui provided several interesting insights on the electoral process for the presidential, legislative and local elections planned for 2020-2021. I am convinced that CAR is at a critical turning point and successful elections are the key for sustained peace and stability. They should respect the constitutional chronogram issued by the Constitutional Court and be inclusive, credible, transparent and peaceful. Any alternative scenario might result in a political power vacuum at the end of the year, damaging prospects of the successful implementation of the APPR-CAR, threatening security and socio-economic gains throughout the country, and empowering spoilers of peace.

4. All my interlocutors, including the President, the Prime Minister and cabinet Ministers, the President of the ANE and the President of the Constitutional Court, as well as representatives of civil society and women parliamentarians, voiced their strong commitment to the conduct of inclusive, credible, transparent and peaceful elections within constitutional timelines. Despite delays, the Electoral Code has been approved in 2019, a Strategic Committee for Elections is now established (which has played a key role in the previous elections). The Prime Minister told me that the Government have disbursed \$2 million towards electoral preparations and are preparing to disburse another \$1 million which will enable the ANE to deploy personnel beyond Bangui. The mapping for voter registration and the identification of future polling stations was launched in November 2019. However, it has been a challenge to extend the mapping process to the eastern parts of the country, while access and security constraints have hampered smooth implementation in the west and central regions. As a result, the actual voter registration

operation, initially planned for January 2020, is unlikely to be launched before April 2020. The approaching rainy season is certain to pose additional logistical challenges. In the meantime, the Mission is hiring the required electoral support staff, following the adoption of the recent MINUSCA mandate providing a full electoral support role.

5. The most pressing issue is ensuring timely and adequate resources to ensure voter registration and other preparations can proceed in a way that enables elections to take place from December 2020, in line with constitutional guidelines. The European Union has pledged €15 million (approximately \$17 million) to the UNDP-managed electoral basket fund (estimated at \$41.8 million). To date, UNDP has disbursed \$1.5 million and the CAR Government has already disbursed \$2 million. The funding gap is around \$20-21 million. Urgent disbursements are needed to fund critical operations to ensure voter registration and for the establishment of the ANE field offices and the procurement of registration equipment. Voter registration needs to be completed by July 2020 at the latest for the voter roll to be finalized to meet the December 2020 constitutional deadline for the first round of the Presidential election. The Constitutional Court, custodian of the constitutionality of the electoral process and the High Authority of Communication, which will play a key role in the monitoring of hate speech and fake news, as well as regulate equal access to public media during the electoral campaign, also need financial support.

6. In my discussions with the African Union and some of its members (Sudan, Nigeria, South Africa and Angola), we agreed that the support of neighboring and regional countries in the previous elections were key to their successful conduct, and that similar political and financial support, as well as technical assistance should be made available in the current electoral process. I understand that some AU countries that extended support to CAR in the past elections want to have more clarity on the electoral needs of CAR Government to contemplate fresh support. The AU Representative also underscored that the upcoming elections posed a dilemma for the insecure parts of CAR, noting that while holding credible and safe elections would be a massive challenge in these areas, the stalling of the electoral process here would intensify the problems even further.

7. Furthermore, the resource and capacity limitations of the Government, particularly in border areas, together with the difficulty of ensuring the security of the elections, is likely to create important challenges that might threaten the inclusivity of the elections and the fair participation of all segments of society. MINUSCA has completed a draft security plan for the elections and is working with national stakeholders to finalize it. In such a context, ensuring the inclusion of women to the electoral process is of utmost importance. During my meeting with women parliamentarians, I was glad to hear how the Peacebuilding Fund support has enabled them to raise awareness and build capacity on the electoral process among women in their constituencies. Furthermore, the existing Electoral Code has no provisions to allow refugee to vote. Both the President and the Prime Minister assured me that they are taking this issue seriously; and that they instructed ANE and other responsible stakeholders to come up with proposals to ensure the voting rights of refugees are respected. The President of the Constitutional Court told me that a slight amendment to the electoral code, through what she described as “une loi rectificative” which could be limited to an article or two would be needed to provide the legal basis for refugees voting. She explained that since the last elections were held against the backdrop of

extremely fragile conditions, authorities were able to issue decrees allowing for different groups to vote. This time, a year after the signature of the APPR, CAR would have to fully abide by legal procedures and could not enact ad hoc regulations.

8. In conclusion, despite positive developments on the peace and security front since the last elections, the 2020-2021 elections are taking place in a challenging environment. MINUSCA's capacities are more limited compared to the last elections, severe funding and capacity gaps, as well as security challenges will continue to persist, while public expectations from the elections are much higher. Once the elections are concluded, putting adequate dispute resolution mechanisms in place will be key to safeguarding the legitimacy and credibility of the electoral process. As such, the international community will need to remain vigilant and maintain its unified position in support of CAR, during and after the elections. I intend to make use of the Peacebuilding Commission's convening role in the crucial next months to continue to share information and raise awareness on developments surrounding the electoral process. On the financing of the elections, urgent action is needed and I intend to reach out to all the partners of the Central African Republic to encourage them to participate to the UNDP Basket Fund. The international community cannot allow a funding gap exacerbate risks of relapse, after all the investments made for peace in CAR in the past years.

The political, security and economic climate on the first anniversary of the APPR:

9. One year after the signature of the APPR-CAR, the agreement continues to hold. All my central African interlocutors voiced their commitment to the implementation of the Agreement. Furthermore, the representation of all armed groups leaders, with the exception of Nouredin Adam who was represented, at the first-year anniversary has also raised hopes on the future of the agreement. Violence has gone down thanks to robust action by MINUSCA, and most of the current violence seems to be between armed groups. Despite all difficulties, laws on decentralization, status of former Heads of State and political parties have been prepared and their adoption is scheduled this month in an extraordinary session of the National Assembly, while economic development is palpable in Bangui where violence has considerably subsided over the past year. The potential of political instability heightened by the unclear implications of the return of former Presidents François Bozizé and Michel Djotodia to the country persists. However, the President has reached out to them, as well as to other former Presidents and Prime Ministers, in the spirit of reconciliation, which has led to a reduction in risk perception. Yet, the limited control of the State over the territory of CAR, the persistence of armed groups particularly in the center and east of the country, strong grievances within the population sharpened by years of conflict, and the extremely low human development indicators requires keeping a close eye on CAR in the years to come.

10. On the other hand, in my conversations with civil society actors and women parliamentarians, I heard about the frustration of the population with the slow implementation of the peace process. The delays in the establishment and deployment of the special mixed units (USMS) risk empowering armed groups and militias. These delays also risk alienating the population from the peace agreement, who are already voicing their frustration with being excluded from the implementation of the peace agreement as well as with the prospect of the

inclusion of armed group elements in the USMS, especially since the USMS have not been fully operationalized yet to control the violence associated with transhumance and to create conditions for development. I heard alarming messages on the continuation of various forms of attacks against women with impunity, particularly sexual violence in border areas. The risks associated with transhumance exacerbates threats to local populations and particularly women; I was glad to hear that the PBF is supporting solutions to this important regional issue. Meanwhile, we heard reports of growing ethnic polarization and rising hate speech across the country. MINUSCA remains in a difficult situation, facing serious resource and operational constraints in such a challenging environment. Furthermore, while the recent indictment of former militia leaders for war crimes and crimes against humanity has been widely broadcasted and welcomed, much more will need to be done to support the population to access justice and start dealing with the shadows of the recent conflict. Due to widespread insecurity and lack of State capacity and control, peace and development dividends of the peace agreement are not reaching equally local populations. For all these reasons, while there is no alternative to the APPR-CAR as the path to peace and stability, the international community should be conscious that peace is very fragile and requires consistent and coherent support to persist.

11. In my meetings with the African Union and its member states, we had the chance to explore the regional context and CAR's relations with its neighbors. I was glad to hear that the relationship between the African Union, ECCAS and the UN in CAR was described as a 'model partnership'. My interlocutors told me that there is constant strategic communication between the three organizations, with UN providing logistical support and technical assistance to the mediation efforts of AU and ECCAS throughout the country. Armed group presence near the borders of several neighboring countries leading to cross-border violence was highlighted as a major issue. Several AU members suggested that the arms embargo was not preventing the access of the militias to arms and stressed the need to give further thought on how the flow of arms to these groups could be monitored and limited. On a positive note, we heard that the holding of the Joint Commission with Sudan has been agreed and a date was being negotiated between the Ministries of Foreign Affairs, while the Joint Commission with Chad was held recently. These developments will hopefully contribute to better security at CAR's borders. The Government and the international community will have to strengthen their efforts on various fronts in order to maintain the relevance of the APPR-CAR, particularly in terms of security, with the redeployment of State authority but also with the delivery of basic services. The population need to feel the change in their daily lives, feel the dividends of peace. The issue of spoilers will also have to be addressed firmly.

The implementation of the RCPCA:

12. It is clear that the sustainability of the peace agreement will ultimately depend on its ability to bring peace and development dividends to the population. This was the underlying logic behind the RCPCA, and its implementation would have a critical impact on the sustainability of peace. With the Minister of Plan, we discussed several developments in areas related to the RCPCA such as the adoption of key frameworks on the Security Sector Reform Strategy and the Sectoral Justice Policy. However, the pace of implementation remains slow. This is partly due to the persistent absorption and delivery capacity of the Government, particularly outside of the capital, and partly due also to the complexity of the RCPCA, that requires a strong coordination,

amongst partners and with the Government. On the other hand, the RCPCA process also does not seem to be adequately synchronized with the implementation process of the APPR-CAR. It remains a challenge for the country to better synchronize both frameworks. In my meetings with the World Bank, we further explored the emerging World Bank-UN-AU partnership in Birao, where the AU and ECCAS are working with the Bank to understand what types of peace and development dividends can be made available if a peace deal is reached in coordination with the UN. While no concrete results have been achieved yet, this cooperation seems to be a good emerging model that could strategically contribute to the sustainability of local peace agreements if successful.

13. The PBC attaches great importance to efforts to strengthen the rule of law in CAR, which are prerequisites for peace and lasting reconciliation, and is closely monitoring developments in this regard. The recent conviction of five former militia handed down during the criminal session by the Bangui Court of Appeal for war crimes and crimes against humanity is not only a clear indication that investment in combatting impunity and justice is starting to deliver concrete results in responding to the populations demand for justice, but also is a clear example of the type of peace dividend that is needed for the population to start dealing with decades of grievances. Since 2015 the regular criminal sessions have been listened to widely on the radio, resulting in growing trust in the formal justice sector (from 22% in 2017 to 50% in 2018¹). There have been other positive developments: the approval of the National Justice Sector Policy for 2020 - 2024 by the Government and the first meeting of its Steering Committee will enable the CAR to implement structural reforms under a comprehensive framework to the benefit of both the State and its financial partners, as well as recruitment, training and deployment of Internal security forces (police and gendarmerie) and penitentiary personnel, the launch of a community policing policy, and the adoption by the National Assembly of a law on Legal Aid and support to legal aid clinics providing justice services to the population. All of the above contribute not only to State building but also to direct impact on the population, thereby promoting sustainable peace. Furthermore, the draft bill to establish the Commission on Truth, Justice, Reparation and Reconciliation (TJRRC) was finalized after nationally-led consultations and handed over to the President on 22 January.

14. I am glad to hear that justice and security challenges are being tackled and all of the above are being supported by the UN, noting the \$8.5 million support from the PBF allocated since 2016 to transitional justice and reform processes and the recruitment of police and gendarmerie. I have been informed that PBF support since 2016 on rule of law has been instrumental to support this sensitive area of work and catalytic in attracting further investments in the sector. We also note remaining funding gaps, especially as relates to justice and security priorities in advance of the elections (ISF deployment, mobile courts to issue judgments so people can register as voters or candidates) as well as on support to the struggling ordinary court system to hold further criminal sessions.

15. Challenges remain. Civil society and women's groups who I spoke with have underscored that despite all these efforts, most of the population is still not perceiving peace dividends in terms of access to justice. Impunity is still widespread, while strong grievances and human rights violations persist, particularly in the peripheral areas. While the comprehensive nature of the

¹ http://www.peacebuildingdata.org/sites/m/pdf/CAR_Poll4_Engl_Final.pdf

National Justice Sector Policy is important to support the fragile justice sector and court system, it also creates implementation and absorption challenges for a Government that already suffers from persistent financial and human resource gaps. It will be essential for the international community to support CAR throughout the implementation phase of the Justice Sector Policy, for concrete results on the ground. Delays in the establishment of the TJRRC has also led to complaints from some armed groups.

16. While the Special Criminal Court (SCC) has several cases under investigation, the registry is almost operational and trials are anticipated to start in 2021, major financial gaps persist with the \$13 million yearly budget of the Court mostly covered by MINUSCA. The significant challenges faced in finding sufficient resources for the SCC, appointing international magistrates, recruiting support staff, and improving the capacity and functioning of national justice and correctional institutions outside Bangui have been regularly communicated to the Commission. The recruitment of international magistrates - whose presence is required by law and is necessary for the development of the Court's judicial activity – remains key. If the Court is to achieve concrete results within its five-year mandate, the secondment of qualified magistrates to the SCC will be needed. It will be important to ensure that despite a difficult political and security environment and the challenges surrounding the upcoming elections, the recent gains in the rule of law sector are maintained and taken forward, in order to move towards durable peace and stability. It is important to maintain our collective political and financial support to the reinforcement of the judiciary system in its entirety.

Final observations:

17. CAR is at critical crossroads today. Despite the risks and challenges, capacity and resource gaps, and the presence of various spoilers to the APPR-CAR, I am hopeful that sustainable peace and reconciliation remains within reach. All segments of the society understand that there is no viable alternative to the peace agreement and are strongly committed to its implementation. There's also strong commitment to the conduct of successful elections within constitutional timelines. But it will need our attention and consistent support. The reduction of violence across CAR since the signature of the APPR-CAR is an indication that the agreement is working. However, for sustainable results, populations across the country need to start seeing changes in their daily lives, from access to security and justice to better livelihood opportunities.

18. Despite operating in a challenging environment, it is important that the UN system continues to move towards better coordination and integration in support of CAR, both internally and with its key partners – particularly the Government, AU, ECCAS and the World Bank. Many lessons can be learned from the peacebuilding experience in CAR, but all joint efforts need to be sustained. At this crucial point, our first and foremost priority should be to come together to provide unified support, upon request by the CAR authorities, to the successful organization of inclusive, credible, transparent and peaceful electoral process. In the meantime, we need to find realistic, pragmatic and practical methods to put the needs and interests of local populations at the heart of the implementation of the peace agreement, so they can benefit from peace and development dividends. Unless we all come together to support CAR and its population to move forward on these two priorities, the important gains of the past year will risk being lost.

19. Finally, I would like to reiterate the urgent needs in terms of funding for the elections. The International Community can't afford another relapse in the CAR. And the success of the upcoming elections will be key in the stabilization of the country. Therefore I would like to urge all member states to consider a participation to the UNDP Basket Fund, at their earliest convenience, to allow for a smooth preparation process.