



Security Council

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Letter dated 20 February 2020 from the Chair of the Central African Republic configuration of the Peacebuilding Commission addressed to the President of the Security Council

It is my pleasure to share with you, in my capacity as Chair of the Central African Republic configuration of the Peacebuilding Commission, the report of the visit that I undertook to Bangui from 11 to 14 February 2020.

I remain at the disposal of the Security Council to provide further information and clarifications, as may be required. The Commission remains ready to accompany the Central African Republic and to inform the Council on peacebuilding-related developments, as appropriate.

I kindly request that the present letter and its annex be circulated to the members of the Security Council and issued as a document of the Council.

(Signed) Omar **Hilale**
Chair

Central African Republic configuration
of the Peacebuilding Commission



Annex to the letter dated 20 February 2020 from the Chair of the Central African Republic configuration of the Peacebuilding Commission addressed to the President of the Security Council

Visit of the Chair of the Central African Republic Configuration to the Central African Republic

11–14 February 2020

1. In my capacity as Chair of the Central African Republic Configuration of the Peacebuilding Commission, I visited Bangui from 11 to 14 February 2020. Members of the Peacebuilding Support Office and the Electoral Affairs Division 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 for the trip, the focus was on exploring how the Commission can be utilized to support the timely preparation and organization of the 2020–2021 elections and raise awareness of challenges, including resource mobilization, understanding developments regarding the implementation of the Political Agreement for Peace and Reconciliation in the Central African Republic and supporting the implementation of the National Recovery and Peacebuilding Plan, with a particular focus on its rule of law components.

2. During my visit, I met with President Faustin-Archange Touadera, the Prime Minister, the Minister of Territorial Administration, Decentralization and Local Development, the Minister of Planning, the President of the Constitutional Court, the President of the National Electoral Authority, the African Union representative, the European Union representative and the World Bank and International Monetary Fund representatives, as well as the high-level leadership of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the United Nations country team and several members of the diplomatic corps.

Opportunities and challenges surrounding the 2020–2021 electoral process

3. My meetings in Bangui provided several interesting insights into the electoral process for the presidential, legislative and local elections planned for 2020–2021. I am convinced that the Central African Republic is at a critical turning point and successful elections are the key for sustained peace and stability. They should respect the constitutional schedule 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 the prospects of the successful implementation of the Agreement, threatening security and socioeconomic 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 National Electoral Authority 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 was adopted in 2019, and a strategic committee for elections has now been established (which has played a key role in the previous elections). The Prime Minister told me that the Government has disbursed \$2 million towards electoral preparations and is preparing to disburse another \$1 million, which will enable the National Electoral Authority 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 for a full electoral support role (see Security Council resolution [2499 \(2019\)](#)).

5. The most pressing issue is ensuring timely and adequate resources to ensure that 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 United Nations Development Programme (UNDP)-managed electoral basket fund (estimated at \$41.8 million). To date, UNDP has disbursed \$1.5 million and the Central African Republic Government has already disbursed \$2 million. The funding gap is approximately \$20–21 million. Urgent disbursements are needed to fund critical operations to ensure voter registration and for the establishment of the National Electoral Authority 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, the custodian of the constitutionality of the electoral process and the High Council for 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 (Angola, Nigeria, South Africa and Sudan), we agreed that the support of neighbouring 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 African Union countries that have extended support to the Central African Republic in past elections want to have more clarity on the electoral needs of the Central African Republic Government before considering providing fresh support. The African Union representative also underscored that the upcoming elections posed a dilemma for the insecure parts of the Central African Republic, noting that, while holding credible and safe elections would be a massive challenge in those areas, the stalling of the electoral process there would intensify the problems even further.

7. Furthermore, the resource and capacity limitations of the Government, in particular 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 the 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. The existing Electoral Code has no provisions to allow refugee to vote. Both the President and the Prime Minister assured me that they were taking this issue seriously; and that they had instructed National Electoral Authority and other relevant stakeholders to put forward proposals to ensure that 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 to vote. She explained that, since the last elections had

been held against the backdrop of extremely fragile conditions, the authorities had been able to issue decrees allowing for different groups to vote. This time, a year after the signature of the Agreement, the Central African Republic 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 capacities are more limited as compared with the last elections; severe funding and capacity gaps, as well as security challenges, will continue to persist; while public expectations of 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. The international community will therefore need to remain vigilant and maintain its unified position in support of the Central African Republic, 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 of 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 contribute to the UNDP basket fund. The international community cannot allow a funding gap to exacerbate risks of relapse, after all the investments made for peace in Central African Republic in recent years.

Political, security and economic climate on the first anniversary of the Political Agreement for Peace and Reconciliation in the Central African Republic

9. One year after the signature of the Political Agreement for Peace and Reconciliation in the Central African Republic, the Agreement continues to hold. All my Central African interlocutors voiced their commitment to the implementation of the Agreement. The representation of all armed groups leaders, with the exception of Nouredine Adam, who was represented, at the first anniversary has also raised hopes with regard to the future of the Agreement. Violence has declined thanks to robust action by MINUSCA, and most of the current violence seems to be between armed groups. Despite all difficulties, laws on decentralization, the status of former Heads of State and political parties have been prepared and they are scheduled for adoption in February 2020 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 for 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 a spirit of reconciliation, which has led to a reduction in risk perception. Nonetheless, the limited control of the State over the territory of the Central African Republic, the persistence of armed groups, in particular in the centre and east of the country, strong grievances within the population sharpened by years of conflict and the extremely low human development indicators mean that the Central African Republic will need to be closely monitored in the years to come.

10. 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 risk empowering armed groups and militias. These delays also risk alienating the population from the Agreement, as they are already voicing their frustration with being excluded from its implementation, as well as with the prospect of the inclusion of armed group elements in the special mixed units, especially since the special mixed units have not yet been fully operationalized 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, in particular sexual violence in border areas. The risks associated with transhumance exacerbates threats to local populations and women in particular, and I was glad to hear that the Peacebuilding Fund 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 broadcast 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. Owing to widespread insecurity and lack of State capacity and control, peace and development dividends of the Agreement are not reaching local populations equally. For all these reasons, while there is no alternative to the Agreement 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 the relations of the Central African Republic with its neighbours. I was glad to hear that the relationship between the African Union, the Economic Community of the Central African States (ECCAS) and the United Nations in the Central African Republic was described as a “model partnership”. My interlocutors told me that there is constant strategic communication between the three organizations, with the United Nations providing logistical support and technical assistance to the mediation efforts of the African Union and ECCAS throughout the country. Armed group presence near the borders of several neighbouring countries leading to cross-border violence was highlighted as a major issue. Several African Union members suggested that the arms embargo was not preventing the access of the militias to arms and stressed the need to give further thought as to 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 had been agreed and that 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 the Central African Republic borders. The Government and the international community will have to strengthen their efforts on various fronts in order to maintain the relevance of the Agreement, in particular 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 and feel the dividends of peace. The issue of spoilers will also have to be firmly addressed.

Implementation of the National Recovery and Peacebuilding Plan

12. It is clear that the sustainability of the Agreement will ultimately depend on its ability to bring peace and development dividends to the population. This was the underlying logic behind the National Recovery and Peacebuilding Plan, and its implementation will have a critical impact on the sustainability of peace. We discussed with the Minister of Planning several developments in areas related to the Plan, such as the adoption of key frameworks for 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, in particular outside the capital, and partly due also to the complexity of the Plan, which requires strong coordination, among partners and with the Government. The Plan process also does not seem to be adequately synchronized with the implementation process for the Agreement. 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-United Nations-African Union partnership

in Birao, where the African Union and ECCAS are working with the Bank to identify what types of peace and development dividends can be made available if a peace deal is reached in coordination with the United Nations. While no concrete results have yet been achieved, this cooperation seems to be a good emerging model that could strategically contribute to the sustainability of local peace agreements if successful.

13. The Peacebuilding Commission attaches great importance to efforts to strengthen the rule of law in the Central African Republic, 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 combating impunity and justice is starting to deliver concrete results in response to the population's demand for justice, but is also 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 per cent in 2017 to 50 per cent in 2018).¹ 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 Central African Republic 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 for legal aid clinics providing justice services to the population. All of the above not only contribute to State building but also have a direct impact on the population, thereby promoting sustainable peace. Furthermore, the draft bill to establish the Commission on Truth, Justice, Reparation and Reconciliation 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 that all of the above are being supported by the United Nations, noting the \$8.5 million support from the Peacebuilding Fund allocated since 2016 to transitional justice and reform processes and the recruitment of police and gendarmerie. I have been informed that Fund support since 2016 for rule of law has been instrumental in supporting this sensitive area of work and catalytic in attracting further investments in the sector. We also note remaining funding gaps, in particular relating to justice and security priorities in advance of the elections (deployment of internal security forces; mobile courts to issue judgments so that people can register as voters or candidates) as well as to support for the struggling ordinary court system to hold further criminal sessions.

15. Challenges remain. Civil society and women's groups with whom I spoke 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, in particular in the peripheral areas. While the comprehensive nature of the 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 the Central African Republic throughout the implementation phase of the Policy, for concrete results on the ground. Delays in the establishment of

¹ See www.peacebuildingdata.org/sites/m/pdf/CAR_Poll4_Engl_Final.pdf.

the Commission on Truth, Justice, Reparation and Reconciliation have also led to complaints from some armed groups.

16. While the Special Criminal Court 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 Court, 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 Court 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 for the reinforcement of the judiciary system in its entirety.

Final observations

17. The Central African Republic is at a critical crossroads today. Despite the risks and challenges, capacity and resource gaps, and the presence of various spoilers to the Agreement, I am hopeful that sustainable peace and reconciliation remains within reach. All segments of society understand that there is no viable alternative to the Agreement and are strongly committed to its implementation. There is also strong commitment to the conduct of successful elections within constitutional timelines. However, it will require our close attention and consistent support. The reduction in violence across the Central African Republic since the signature of the Agreement 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 United Nations system continues to move towards better coordination and integration in support of the Central African Republic, both internally and with its key partners – in particular the Government, the African Union, ECCAS and the World Bank. Many lessons can be learned from the peacebuilding experience in the Central African Republic, 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 Central African Republic authorities, for 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 Agreement, so that they can benefit from peace and development dividends. Unless we all come together to support the Central African Republic and its population to move forward on these two priorities, there is a risk that the important gains of the past year will be lost.

19. Finally, I would like to reiterate the urgent needs in terms of funding for the elections. The international community cannot afford another relapse in the Central African Republic; 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 making a contribution to the UNDP basket fund, at their earliest convenience, to allow for a smooth preparation process.