

Update on the situation in CAR and the operations of MOUACA

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Tomorrow (31 October), the African Union (AU) Peace and Security Council (PSC) is expected to convene its 1116th session to receive updates on the situation in the Central Africa Republic (CAR) and operations of the AU Military Observer Mission in CAR (MOUACA).

Following opening remarks of the Permanent Representative of the Kingdom of Morocco to the AU and Chairperson of the PSC for the month, H.E. Ambassador Mohammed Arrouchi, AU Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye is expected to deliver a statement. Special Representative of the AU Commission Chairperson (SRCC) for CAR, Bertino Matias Matondo will also brief Council. Representative of CAR, as the concerned country, and representative of the Democratic Republic of Congo (DRC), as Chair of Economic Community of East African States (ECCAS) are also expected to make statements.

The last time Council met to assess the situation in CAR and operations of MOUACA was at its 1093rd session convened on 25 July 2022. Having deliberated on developments in relation to the political, security and humanitarian situations in the country including implementation of peace processes and status of operations of MOUACA, Council underscored key action points at the session, including for the AU Commission to report back to it before the end of October 2022, on issues relating to financial support and continuation of activities of MOUACA, based on consultations with relevant actors. Tomorrow's

session serves to follow up on this and other decisions of the 1093rd meeting.

CAR's political climate largely remains tense and charged with contentions between the government, opposition political parties and armed groups intensifying. Despite the convening of a republican dialogue launched by President Touadera in March 2022 with the hopes of resolving some of the existing differences in CAR's political processes and peace and reconciliation efforts, the dialogue seems to have created additional controversies while failing to outline concrete proposals that can advance prompt national reconciliation, consolidation of peace and economic recovery for CAR. The dialogue which involved 450 participants and ended with over 600 recommendations – majority of which are identical to those adopted at the 2015 Bangui Forum but apparently remain unimplemented – demonstrated the extent to which absence of adequate structures and serious commitment for implementation contributes to the continuation of CAR's crisis.

In addition, the dialogue was conducted in the absence of key opponents and rebel armed groups. The Democratic Opposition Coalition (COD-2020), an alliance of political opposition groups which has been very vocal in contesting the conditions under which the controversial elections of December 2020 took place, was among the political groups that boycotted the dialogue. Despite various stakeholders' position that involving armed groups in the dialogue would be essential, the government stood its ground that these groups excluded themselves from the national reconciliation process when they took up arms. As a result, armed actors including the Coalition of Patriots for Change (CPC), were not part of the dialogue.

Aside from lack of inclusivity, there were also suspicions on the side of opposition groups that the republican dialogue would be used to advance the ruling party's agenda of

constitutional amendment with the purpose of securing another term in office for the incumbent President. Proving these suspicions correct, a proposal for constitutional amendment was made at the dialogue, although the proposal was reportedly withdrawn before the final adoption of the recommendations. Regardless, a constitutional referendum to bring amendments to CAR's constitution was announced on 12 August 2022 by President Touadera, an initiative proposed by the National Assembly's presidential majority. This was followed by rampant opposition group protests while the government also organised public demonstrations in support of amending the constitution.

Among other points, the proposed constitutional amendment included the removal of presidential term limits; modification of the composition of the Constitutional Court as to allow membership to Heads of State; and prohibition of dual citizenship for presidential candidates. On 23 September 2022, the CAR Constitutional Court blocked the constitutional referendum process through the adoption of a decision that nullifies a series of presidential decrees that aimed to establish a constitution drafting committee. On 25 October, President Touadera fired the Head of the Constitutional Court citing a 2017 Regulation to the effect of declaring the judge to be subject to "definitive preclusion" from office. The president's move has been labelled by oppositions as a "constitutional coup" intended to extend his term in office. A critical point to reflect on for PSC members with regards to these developments is that further to impeding progress in CAR's national reconciliation and peace consolidation processes, they also entail new challenges including a possible coup which will further complicate the existing situation.

Added to this political context, the deteriorating security situation continues to challenge implementation of the Political Agreement for Peace and Reconciliation (PAPR) in CAR. This has been apparent from the hundreds of violations of

the agreement that continue to be recorded. The most recent available data recorded by the UN presents 431 violations of the PAPR as of 01 October 2022, a substantial increase from the 374 violations recorded by the UN in the period from February to June 2022. These violations include attacks against civilians, illegal military activities, restrictions of movements and obstruction of humanitarian and State activities and were perpetrated by both armed groups and defence forces of the State. In addition to these incidents, multiple signatories to the PAPR have also been found in violation of human rights and international humanitarian law (IHL) – 402 incidents of human rights abuses and IHL violations against 1,552 victims recorded by the UN in the period between 02 June and 01 October 2022. Ensuring implementation of PAPR commitments by armed groups cannot be achieved without sufficient and sustained engagement with these actors. The republican dialogue's exclusion of armed groups has been a missed opportunity in this regard. On the other hand, the Luanda Roadmap launched by the ICGLR in September 2021 which aims among others, to ensure consultation of ICGLR Heads of States with leaders of armed groups to advance total renunciation of violence, remains to be an important framework for the realisation of commitments made in the PAPR.

The humanitarian situation in CAR also remains grave. In addition to displacement constantly fuelled by cycles of violence, CAR is also affected by occasional natural disasters that adds to the existing humanitarian toll. Out of its total population of 4.9 million people, 3.1 million are assessed by the UN as people that require humanitarian assistance. Food-insecurity is also a major challenge in CAR with 2.2 million people declared as food-insecure. As off the beginning of October 2022, internally displaced persons (IDPs) in CAR have reached a total of 484,335, a figure to which the floods of June 2022 highly contributed. In addition to displacing significant number of people, the floods which affected 176

towns and villages also destroyed more than 2,600 houses and 18,500 hectares of crops, exacerbating existing humanitarian needs.

The status of MOUACA's operations forms another important part of tomorrow's deliberations. In line with the 936th PSC Communiqué which authorises MOUACA, the mission's mandate will be expiring at the end of this month following the three-month extension at the 1093rd session of the PSC. Whether the mission's mandate will be renewed or not depends largely on the availability of funds for its continued operations, particularly the outcomes of AU Commission's engagement with the EU, in line with the communiqué of Council's 1093rd session. Having been operationalised based on funds derived from the European Peace facility (EPF), the mission's deployment was suspended on 31 July 2022, at the end date of the EPF's funding period. Possibility of extension of funds within the framework of EPF has seemed unlikely considering the level of operationalization of the mission which so far used €1,100,915 of the €9,551,897 that was granted. Indeed, discussions subsequent to the 1093rd session of the PSC did not change the funding issues of MOUACA.

On the AU's side, the reasons tabled for MOUACA's limitations in attaining its objectives and utilising its funds effectively are related to the security situation throughout CAR and the absence of sufficient and effective protection for MOUACA personnel by CAR security forces. Indeed, one of the points observed from the EU's side in deciding to freeze MOUACA's funds was also this very aspect of dangerous security situation in CAR which has made deployment of the observers outside of Bangui difficult, demonstrating the need for protection by UN forces or through expansion of MOUACA capacity to provide protection to its own personnel. It is to be recalled that in addition to monitoring and supporting the overall implementation of PAPR, MOUACA was mandated to assess

progress of the activities of the Joint Special Security Units (USMS) and contribute towards efforts in the areas of protection of civilians (PoC) and protection of resources necessary for CAR's economic recovery. In light of the realities on the ground, while MOUACA still has much to do in the areas of these mandates, unless alternative means for financing the mission are found, it may be necessary to consolidate or transfer the mandate of MOUACA into MISCA, AU's political mission in CAR.

The outcome of tomorrow's session is expected to be a Communiqué. Council may express concern over the latest political developments in the country including attempts made to manipulate constitutional term limit through amendment of the 2016 CAR Constitution and advice against any moves that will put at risk advances made in the country's peace processes. It may condemn the continued violation of the PAPR by armed groups and urge concerned groups to abide by the commitments they have entered. Council may call on the international community to redouble humanitarian efforts in CAR in light of the grave circumstances. Regarding MOUACA, Council may either decide to renew the mission's mandate or call for the transfer of its activities to the AU Mission in CAR (MISAC), depending on the recommendations of the AU Commission informed by consultations with the EU. It may also take note of the limited human and financial resource constraining effective functioning of the AU Liaison Office in Bangui and reiterate its repeated requests for the AU Commission to take all necessary measures to fully equip and capacitate the Office, in order to ensure that it effectively discharge its duties including 'support for the implementation of the 2019 Political Agreement, taking into account the role of the AU as Guarantor of this Agreement' (1011th Communiqué) and to explore all options including modalities to utilise the AU Peace Fund (979th Communiqué).