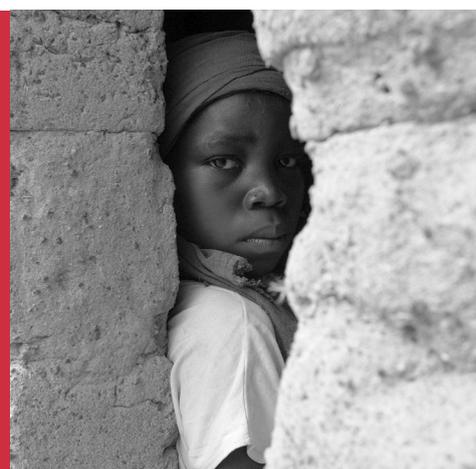


Picking up the pieces? The 'protection gap' in CAR

Veronique Barbelet



Key messages

- The conflict in the Central African Republic is yet another illustration of the limitations of international efforts to protect civilians in conflict.
- Despite the total collapse of national systems and ample warnings of an unfolding crisis in CAR, no adequate mechanism existed within the UN to link information with action, and the international protection response was slow and inadequate.
- The UN is rethinking ways to put the protection of civilians at the centre of its interventions through the Rights Up Front initiative, which compels the UN to monitor and report rights violations as a priority activity. However, simply knowing that a protection crisis is under way is not sufficient to prompt action.
- If crises such as CAR are to be mitigated in the future, Member States must put in place triggers linking early warning to early action, and ensure the capacity to operationalise the full set of tools at their disposal for preventing violations and violence against civilians and sanctioning perpetrators.

The recent crisis in the Central African Republic (CAR) is a stark reminder of the dire consequences of conflict in a state unable or unwilling to protect its people. It is also yet another sobering illustration of the limitations of international efforts to protect people in the most violent environments. Despite significant global developments in norms, laws, policies and mechanisms designed to improve the protection of civilians in conflict, this work has not

systematically translated into better protection outcomes for conflict-affected people. Based on interviews with actors involved, this HPG Policy Brief – part of a two-year research project analysing the 'protection gap' – explores the protection response in the crisis in CAR.¹ While this Policy Brief focuses on the international protection response, a

¹ For more details, see <http://www.odi.org/projects/2660-protection-civilians-humanitarian-conflict>.

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A child in the Central African Republic
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forthcoming Working Paper will look in more detail at how communities understand protection, how they protect themselves, and what they expect of the state, peacekeepers and armed groups.

Context

The latest bout of violence in CAR began at the end of 2012, when Seleka rebels overran the north and centre of the country. The following March the Seleka took the capital, Bangui; President Francois Bozize was ousted and Seleka leader Michel Djotodia installed in his place. The Seleka's systematic targeting of civilians during its march on Bangui, and the ensuing widespread impunity under Djotodia's rule, triggered a vicious cycle of revenge killings. The violence culminated in December 2013 with attacks by anti-Balaka forces on Muslims, leading to the mass exodus of the Muslim population to Chad, Cameroon and north-eastern CAR. Both the Seleka and the anti-Balaka have violated International Humanitarian Law and International Human Rights Law, including 'extrajudicial killings, enforced disappearances, arbitrary arrests and detention, torture, sexual violence against women and children, rape, recruitment and use of children and attacks against civilians'.² Despite efforts by the international community to relocate at-risk communities, many remain trapped in enclaves.

The state lacks both the physical and the institutional capacity to protect civilians and enforce justice and the rule of law. The police and the army have disintegrated, most of the judiciary has either fled or been killed and there are no secure prisons in the country. In the absence of a state capable of providing even minimal protection for civilians, the crisis in CAR demanded an international response from regional and global mechanisms. Yet for the first 12 months of the conflict little was done to address the crisis, despite ample evidence of extensive human rights violations. During those critical 12 months, vast portions of the population of CAR lived with daily violence: 640,000 people were internally displaced, 233,000 fled to neighbouring countries and an estimated 2.2 million were in need of humanitarian assistance.³ The UN estimates that between 3,000 and 6,000 people have

been killed since the beginning of the conflict, but the actual figure is almost certainly higher.⁴

The protection crisis

CAR is often called a forgotten crisis, and the chronic lack of attention the country received in the media, in diplomatic circles and from donors was a key factor in the slow response. On the ground, the international presence around the start of the crisis in December 2012 was limited to a handful of NGOs and UN agencies, a regional peacekeeping mission mustering around 2,000 troops and a UN political mission, BINUCA. Very few donors had representatives in the country, and the main foreign power with an interest in CAR, France, was already involved in the crisis in Mali and reluctant to take diplomatic or military action in CAR.

This failure to act is all the more notable given the abundant evidence of violence against civilians and growing humanitarian needs reported by human rights groups such as Amnesty International and Human Rights Watch and NGOs, most prominently Médecins Sans Frontières (MSF).⁵ Within the UN, the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect highlighted early signs of a possible genocide, war crimes, ethnic cleansing and crimes against humanity, and the Security Council was briefed by the Secretary-General multiple times over the course of 2013 on the situation in CAR. Based on information gathered by BINUCA, the Special Representative for the Central African Republic, the Office for the High Commissioner for Human Rights (OHCHR), the UN Children's Fund (UNICEF), the Office for the Coordination of Humanitarian Affairs (OCHA) and the Security Council's monitoring and reporting mechanisms on grave violations against children, reports by the Secretary-General in May and August noted widespread violations of human rights and rapidly rising communal tensions, and called on the Security Council to consider sanctions 'and other steps against those who have committed gross human rights violations, including sexual violence against women and children'.⁶ There was,

2 UN Security Council Resolution 2121, 10 October 2013.

3 OCHA, 'Central African Republic: Situation Report No. 4', 30 December 2013, <http://reliefweb.int>.

4 UN Security Council, Letter dated 19 December 2014 from the Secretary-General addressed to the President of the Security Council, S/2014/928, 22 December 2014.

5 See <http://www.hrw.org/news/2013/05/10/central-african-republic-rampant-abuses-after-coup>; MSF, 'Central African Republic: Abandoned to Its Fate', http://www.msf.org/sites/msf.org/files/informerca_julio201_eng.pdf.

6 UN Security Council, 'Report of the Secretary-General on the Situation in the Central African Republic', 3 May 2013, S/2013/261.

in short, no lack of critical information and advocacy on the dire situation in CAR. What was missing was a clear process – and the political will – to turn this information into timely and adequate action by the Security Council.

Although the Security Council expanded BINUCA's mandate in October 2013 to encompass support for conflict prevention, humanitarian assistance and protection, the turning point in the international response seems to have come during a special meeting of the Council in November 2013, when the Under-Secretary-General and Special Adviser on the Prevention of Genocide, Adama Dieng, stated that 'given the widespread and unchecked nature of these violations in the Central African Republic, I believe that they could constitute crimes against humanity or war crimes'.⁷ Dieng's mention of a potential genocide, which arguably carried a legal obligation for others to act, finally persuaded Member States to look at the crisis with new urgency, paving the way for UN Security Council Resolution 2127 of 5 December 2013. The resolution called for a Commission of Inquiry, the deployment of an African Union force, the International Support Mission to the Central African Republic (MISCA), supported by French troops under Operation Sangaris, an arms embargo and the establishment of a sanctions committee and a Panel of Experts.⁸ This was, however, too little too late: by December 2013, Seleka violence and the general impunity Seleka fighters enjoyed had triggered revenge attacks against Muslims. What began as disorganised ad hoc vigilante attacks eventually evolved into a relatively organised campaign of general violence, criminality and politically motivated insurgency.

Since Resolution 2127 – and after some of the most brutal violence had already played itself out – the international response to the crisis in CAR has provided a more extensive and robust framework for action, and the focus on protection has sharpened; MISCA's mandate included protection, and its replacement, the

Multi-dimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA), which became operational in mid-September 2014, also has protection as a priority task. Although these more robust deployments have contributed to a more secure environment in some areas, communal violence has continued, highlighting the enormous challenges involved in actually operationalising a Protection of Civilians mandate in a context of impunity and human rights abuse.

The humanitarian crisis

Even before the current violence, the humanitarian situation in CAR was severe, with high rates of excess mortality and disease prevalence and a virtually non-existent health system.⁹ Very few organisations were present in the country and funding for humanitarian operations fell far short of assessed needs; in April 2013, for instance, only 30% of the Consolidated Appeal had been funded.¹⁰ This already limited presence was further diminished as UN and NGO offices and warehouses were pillaged by the Seleka. The ability of the international humanitarian system to respond was also constrained by commitments to concurrent large-scale emergencies of greater strategic significance and prominence in Syria and the Philippines. The lack of French-speaking humanitarian workers made it difficult to deploy additional staff, leading to short-term rotations of 3–6 months. The lack of humanitarian resources and funding was frequently mentioned in interviews as a major operational constraint in CAR, alongside issues of security and access.

Funding and capacity only increased with the designation of the crisis as a Level 3 emergency on 11 December 2013, following an anti-Balaka attack on Bangui on 5 December that left around 1,000 people dead.¹¹ This enabled the activation of special processes, including the deployment of a Humanitarian Country Team to enhance coordination and decision-making, a Senior/Emergency Humanitarian Coordinator and the Inter-Agency Rapid Response Mechanism (IARRM) core team, with agencies committing to deploying senior and experienced staff. It also provided for a

7 UN, 'Statement of Under Secretary-General/Special Adviser on the Prevention of Genocide, Mr. Adama Dieng, on the Human Rights and Humanitarian situation in the Central African Republic', 1 November 2013, <http://www.un.org/en/preventgenocide/adviser/statements.shtml>.

8 UN Security Council Resolution 2127, 5 December 2013. The US Ambassador to the UN played a critical role in supporting Resolution 2127 through the US policy on mass atrocities and genocide. Remarks by Ambassador Samantha Power, US Permanent Representative to the United Nations, at a Security Council Stakeout on the Central African Republic, 5 December 2013, <http://usun.state.gov/briefing/statements/218372.htm>.

9 MSF, 'Central African Republic: A State of Silent Crisis', 13 December 2011.

10 OCHA 'Central African Republic Consolidated Appeal Mid-year Review', 2013.

11 OHCHR, 'Civilians Deliberately Targeted in Large-scale Killings in Central African Republic', 17 January 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/Civiliansdeliberatelytargetedinlarge-scalekillingsinCAR.aspx>.

strategic statement laying out priorities and a common strategic approach, and the release of a Central Emergency Response Fund (CERF) allocation of between \$10m and \$20m. The Level 3 designation was also critical in bringing operational agencies back to CAR: by November 2014, 105 humanitarian organisations were operating in CAR, including 68 in the Protection Cluster, against 47 prior to the Level 3 designation (19 in the Protection Cluster). Requested funding rose to \$555m, \$337m of which was met. Although still under-funded, the shortfall for protection narrowed from 71% to 53%.¹²

Despite more generous allocations and the activation of systems and processes to strengthen the response, scaling up the humanitarian presence was challenging and start-up costs were high. Organisations interviewed for this research mentioned how overstretched their capacity was and how difficult it was to design an appropriate humanitarian response to the crisis given the lack of a long-term presence in CAR. New organisations in CAR favoured setting up interventions in Bangui: at the end of 2014, only 41 humanitarian organisations had a presence outside the capital.¹³ While this means that there is at least some humanitarian presence in all CAR's provinces, it is very limited in the north-east and not all humanitarian sectors are covered throughout the country.

A two-pronged approach will continue to be needed to address and prevent violence and to respond to humanitarian needs in CAR. As the conflict becomes more protracted, there is a danger that attention will drift away, as it has done in the past. CAR will continue to require the focus of the international community to respond to the humanitarian crisis and the ever-changing conflict, and most importantly to rebuild the state and address the underlying causes of fragility.

Conclusion

The protection crisis in CAR – or more particularly the international (non-) response to it in the critical first

12 months – is emblematic of many of the challenges involved in protecting people from intentional violence and abuse in conflict. All the elements were there: rampant militia groups with no respect for humanitarian or human rights law; a collapsed state unable to impose order or prosecute perpetrators; an over-stretched, woefully inadequate peacekeeping presence; and scarce humanitarian capacity, that became scarcer still as agencies pulled out in the wake of the March coup. There were opportunities to intervene earlier and more robustly, notably after the coup, and a range of tools and mechanisms were available to the international community. And yet, despite abundant evidence to attest to the unfolding crisis, there was no concerted global action until December 2013, a full 12 months after the crisis began.

In the light of a similar, if not more egregious, failure of protection in the last phase of the Sri Lankan civil war, there are welcome indications that the UN is rethinking ways to put the protection of civilians at the centre of its interventions through the Rights Up Front initiative. This aims to 'place the protection of human rights and of people at the heart of UN strategies and operational activities' through a six-point action plan designed to help the organisation to 'examine and respond to threats of serious violations of international human rights and humanitarian law and by that identify actions needed to prevent mass atrocities and armed conflict'.¹⁴ The initiative aims to bring clarity and focus to how UN agencies, programmes and funds monitor abuses and inform Member States when serious violations occur. By putting protection crises squarely on the international agenda, the initiative is a step in the right direction as it compels the UN to monitor rights violations on the ground as a priority activity and report that information back to decision-makers in New York. However, if CAR tells us anything it is that simply knowing that a protection crisis is under way is not sufficient in itself to mobilise remedial action. At the heart of the problem is the interest and political will of Member States within the Security Council to create mechanisms and triggers linking early warning to early action. This should include using the full set of tools for preventing violations and violence against civilians, and sanctioning perpetrators. In the meantime, humanitarian actors will be left to pick up the pieces.

11 OHCHR, 'Civilians Deliberately Targeted in Large-scale Killings in Central African Republic', 17 January 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/Civiliansdeliberatelytargetedinlarge-scalekillingsinCAR.aspx>.

12 OCHA, 'Central African Republic Consolidated Appeal'.

13 OCHA, 'Who Has a Sub-office/base Where with Covered Sectors', 8 December 2014, <http://reliefweb.int>.

14 'Rights Up Front', May 2014, <http://www.undg.org/docs/13405/Rights%20up%20Front%20-%20May%202014.pdf>.