

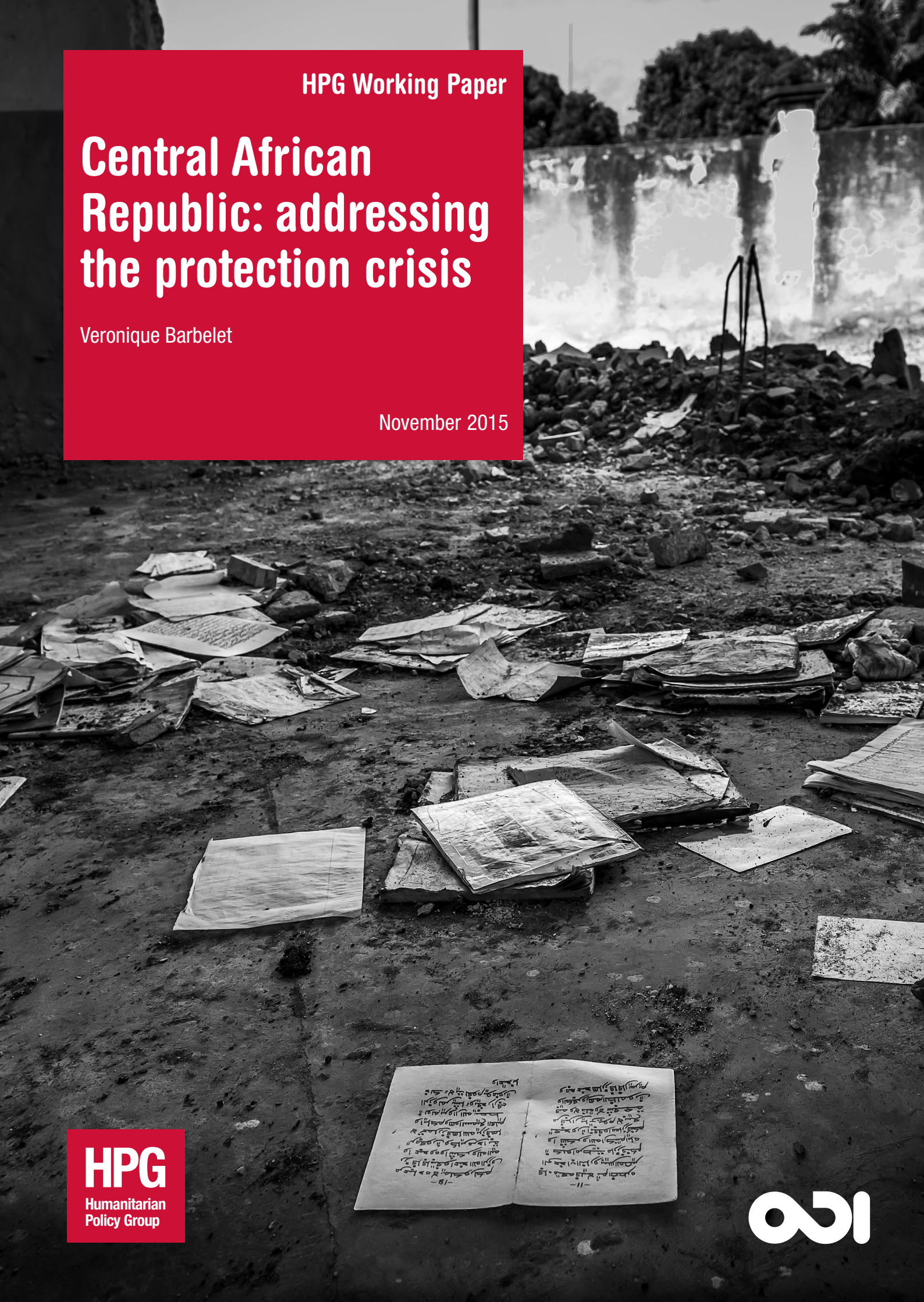
HPG Working Paper

Central African Republic: addressing the protection crisis

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About the author

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1 Introduction

The protection crisis in the Central African Republic (CAR) highlights yet again the gap between norms and policies for the protection of civilians and the ongoing failure – by governments and by the instruments of the international community – to provide effective protection on the ground for civilians at acute risk (Jackson, 2014). The latest round of violence in the country has left thousands dead and several million displaced. Civilians have been systematically targeted and their property looted and destroyed. The government has no capacity to safeguard its people, who have instead looked to a range of non-state actors – armed groups, churches and mosques and peacekeeping and humanitarian organisations – for what little protection they can find. The failure of protection in CAR is fundamentally a consequence of a lack of compliance with international humanitarian law (IHL) and international human rights law (IHRL) by parties to the conflict. This failure has been compounded by the near-complete inability of the state to fulfil its responsibilities to protect civilians on its territory, and the inadequate political, military and humanitarian response of the international community.

This HPG Working Paper is part of a larger research project looking at the discrepancy between normative developments in the protection of civilians and improvements in protection outcomes for civilians affected by conflict.¹ It analyses how affected communities in CAR perceived protection threats, the strategies they used to mitigate them and their

expectations of various actors in protection. The protection sector has adopted a community-based approach in its policy and practice, but it is unclear whether this has enabled protection actors to respond adequately to the perceptions and expectations of affected communities. The research includes the views and perceptions of humanitarian workers, experts and analysts on CAR, peacekeepers and political actors, including the political wing of the UN. It argues that at least part of the failure of protection can be attributed to the delay in triggering the full set of mechanisms and responses at the global level that could have contributed to the protection of civilians. In part too it stems from a failure to meet the perceptions and expectations of affected people, and support what they themselves were doing to enhance their own protection.

The analysis in this paper is based on a review of the literature on the crisis in CAR, as well as interviews with a wide range of actors involved in the response, at headquarters and in the country, including peacekeepers, humanitarian actors and UN staff; focus group discussions with affected communities in Bangui and Batangafo; and interviews with local actors, including community leaders and religious figures. The paper focuses on the second phase of the conflict, from December 2013, and the last interviews and focus group discussions were completed in March 2015. The second phase of the conflict was chosen because it coincided with a more robust response by humanitarian actors and peacekeeping forces. Key issues in the international response during the earlier phase of the conflict are analysed in a separate HPG Policy Brief (Barbelet, 2015).

¹ For more on the research project and related publications, see <http://www.odi.org/projects/2660-protection-civilians-humanitarian-conflict>.

2 Humanitarian needs, protection threats and the international response

CAR has experienced multiple coups since independence from France in 1960. State institutions are weak, and government presence outside the capital, Bangui, is limited. In 2014 the country ranked 185th out of 187 on the UN Development Programme (UNDP)'s Human Development Index; two-thirds of the population live in poverty and a third are chronically food insecure.² CAR's geographical position makes it vulnerable to political instability and conflict in its neighbours, as well as incursions by armed groups from Chad, Sudan and the Democratic Republic of Congo (DRC). Parts of the country suffer constant insecurity, especially in the north, where there is ongoing conflict between pastoralists (Peuls) and farmers, militia activity by groups from Chad and Darfur and general banditry and crime. Large diamond mines in the north are a significant factor in fuelling this violence.

The latest round of violence began at the end of 2012, when Seleka rebels overran the north and centre of the country.³ This led to large-scale displacement and the collapse of government authority and presence. The Seleka embarked on a scorched earth campaign as it moved down from the north-east towards the capital, Bangui, pillaging villages, burning houses and raping and killing civilians. Bangui was taken in March; President Francois Bozize was ousted and Seleka leader Michel Djotodia – CAR's first Muslim president – was installed in his place. The Seleka's systematic targeting of civilians during its advance on Bangui, and the ensuing widespread impunity as Djotodia lost control of his militia, triggered a vicious cycle of revenge

killings, culminating in December 2013 with attacks on Muslims by the anti-Seleka group the anti-Balaka – the Seleka is often seen as linked to CAR's Muslim minority – leading to the mass exodus of Muslims to Chad, Cameroon and north-eastern CAR.⁴ This mass departure was in part facilitated by the repatriation of third-country nationals, notably Chadians who were evacuated by the Chadian army. Djotodia stepped down in January 2014, and a transition government led by former Bangui mayor Catherine Samba-Penza took power. Despite regional and international support, Samba-Penza's government has faced growing violence from the anti-Balaka and continued violent confrontations between the anti-Balaka and the Seleka.⁵

The crisis has directly affected an estimated 2.7 million people, more than half of CAR's population.⁶ In January 2015 there were over 400,000 refugees in Chad, Cameroon and DRC, and another 400,000 displaced within the country. Estimates of the number of civilians killed range from 2,000 to more than 5,000; an estimated 80% of the Muslim population of Bangui has left the city or been killed. Human rights violations have included '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'.⁷ One notable feature of the crisis has been the emergence of enclaves of people unable to leave a particular location

2 See <http://www.undp.org> and UNDP (2014).

3 The Seleka (often referred to as the ex-Seleka following its dissolution by Djotodia in September 2013) refers to a coalition of armed groups from the north-east of CAR formed to oppose Bozize's regime. This group is often seen as linked to CAR's Muslim minority. It is alleged to have used mercenaries from Chad and Sudan during its offensive between December 2012 and March 2013.

4 CAR has a majority Christian or animist population, with a significant Muslim minority.

5 The UN Panel of Experts defines the anti-Balaka as 'myriad different militias that either identify themselves part of the movement or are or were associated to it by default' (UN, 2014a). The Panel identifies four main groups: the 'Coordination Nationale des Libérateurs du Peuple Centrafricain', the 'Anti-Balakas from the south', various local armed militias and a fourth group comprising gendarmes and FACA members of Baya origin.

6 UN OCHA figures as of July 2015. See <http://www.unocha.org/car>.

7 UN Security Council Resolution 2121, 10 October 2013.

(mosques, churches, sometimes entire neighbourhoods) under threat of attack. In early 2014, it was estimated that up to 52,000 people were confined in 21 enclaves around the country (Global Protection Cluster, 2014).

Interviewees for this study identified the main threats people faced as a lack of physical protection and restricted freedom of movement. Attacks on civilians have mainly been carried out by armed men thought to belong to the Seleka and anti-Balaka, though some attacks appear motivated by personal grievance or retaliation, and some groups declaring themselves as belonging to the Seleka or anti-Balaka are not recognised by them. Peuls have been accused of attacking civilians at the behest of the Seleka, and the Peuls and Seleka have collaborated for protection and survival. Non-Muslims were the Seleka's main target. Local authorities, judges and the police were attacked, alongside forced taxation, racketeering and arbitrary arrests, detention and killings. Humanitarian agencies were also targeted, and their compounds systematically attacked and looted. Initially the anti-Balaka mainly targeted Muslims, but as the conflict evolved during 2014 they increasingly turned against non-Muslims for extortion. The Lord's Resistance Army (LRA), a Ugandan armed group operating in CAR, has also been accused of attacking civilians, kidnapping and recruiting children and engaging in sexual violence.

2.1 The international response

When the crisis began, the international presence in CAR was limited to an 800-strong Economic Community of Central African States (ECCAS) peacekeeping deployment, MICOPAX, and a UN political (civilian) mission, BINUCA, with a mandate to consolidate peace, foster national reconciliation, strengthen democratic institutions and promote human rights.^{8,9} Neither MICOPAX nor BINUCA was equipped or mandated to respond to an active conflict.¹⁰ The humanitarian presence was also limited, and lacked the staff, funding and expertise to respond to a large-scale humanitarian crisis. Many

8 Security Council, Statement by the President of the Security Council, S/PRST/2009/5, 7 April 2009.

9 For more on how the international response evolved in 2013, see Barbelet (2015).

10 BINUCA's mandate was updated and strengthened through UN Security Council Resolution 2121 in October 2013. The mission ended in April 2014.

UN operational agencies decided to pull out of CAR following the Seleka coup in March 2013, and by December 2013 there were only 47 humanitarian organisations in the country (OCHA, 2014). Lack of staff and funding and security challenges were repeatedly mentioned in interviews as major obstacles in responding to the crisis. Globally, the humanitarian system was struggling to respond to multiple large-scale emergencies in Syria, the Philippines and South Sudan.

By December 2013, as concerns grew that CAR faced a potential genocide (UN, 2013), the international community finally took the necessary steps, opening the way for a UN peacekeeping force and designating the humanitarian crisis a Level 3 Emergency. Resolution 2127, adopted on 5 December, authorised an African Union peacekeeping force, the International Support Mission to the Central African Republic (MISCA), with 6,000 armed personnel, supported by a French military deployment, Operation Sangaris. Sangaris and MISCA embarked on a disarmament campaign focused on the Seleka, seen at the time as the main armed group in the conflict, in late December 2013 and early January 2014. A European Union force, EUFOR, was deployed to support MISCA and Sangaris, providing an additional 800 military personnel and police, and in April 2014 Resolution 2149 established the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), mandated to deploy 10,000 military personnel and 1,800 police.

Humanitarian assistance also increased. The Level 3 activation in December 2013 triggered 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. It also provided for a 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.

Human rights mechanisms were also brought into play. Following a fact-finding mission by the High Commissioner for Human Rights, which reported 'grav[e] and intens[e] human rights violations' and a 'persistent and prevailing legal and security vacuum' (HRC, 2013a), the Human Rights Council appointed an independent expert in September 2013 to monitor and make recommendations on the human rights situation in CAR (HRC, 2013b). Resolution 2127 established a commission of inquiry to investigate

Box 1: Main actors

Seleka or ex-Seleka	A coalition of armed groups from the north-east of CAR formed to oppose the Bozize regime. In rural areas the Seleka were associated with armed Peuls	
Anti-Balaka	Started life as a self-defence militia, but now refers to various groups that either identify themselves as part of the anti-Balaka movement or are or were associated with it by default. Some members of the national army, the FACA, and the national Gendarmerie have allegedly participated	
Lord's Resistance Army	A Ugandan armed group with a long presence in CAR, as well as in the DRC and South Sudan. Operates mainly on the border with DRC and South Sudan	
MICOPAX	Central African regional force deployed in 2010 to consolidate peace after 2011 elections	Ended deployment in December 2014
BINUCA	Civilian (not military) UN political mission deployed to consolidate peace	Ended April 2014
MISCA	African Union peacekeeping force deployed in December 2013	Ended September 2014
Sangaris	A 2,000-strong French force deployed to support MISCA under UN Security Council Resolution 2127 (December 2013)	Started deployment in December 2013
EUFOR	An 800-strong police and army force from the European Union deployed in Bangui in early 2014 to support Sangaris and MISCA	Started deployment in February 2014
MINUSCA	A 12,000-strong UN peacekeeping force mandated by UN Security Council 2149 (April 2014)	Started deployment in September 2014

'reports of violations of international humanitarian law, international human rights law and abuses of human rights in CAR by all parties since 1 January 2013', and called for an increase in human rights monitors deployed in CAR by the Office of the High Commissioner for Human Rights (OHCHR). The Resolution also imposed

sanctions, including an arms embargo and targeted travel bans and asset freezes. The following February, the International Criminal Court (ICC) opened a preliminary investigation into potential war crimes, justifying the investigation in light of reports of 'extreme brutality by various groups' (BBC, 2014).

3 Responding to the protection crisis in CAR: the state, armed groups and faith-based actors

Civilians interviewed for this study had high expectations of the role of local actors in their protection. Although they felt that this should be the responsibility of the state, and at an early stage in the crisis civilians called for protection by the national police, the state's inability to provide protection forced people to turn to armed groups instead. Religious actors – Muslim and Christian – played a critical role as first responders, including contributing to the protection of civilians.

3.1 The state

The international global normative framework gives the state ultimate responsibility for protecting civilians. Civilians interviewed during this research agreed with this, and people felt that the state apparatus should protect its people effectively. However, this was a function the CAR state was unable to perform. Limited state presence outside Bangui has been a chronic problem since independence, leading to a proliferation of self-defence militias, armed groups and bandits, particularly in the north-east. The recent conflict is a stark demonstration of the dire consequences of this lack of capacity, as civilians have largely been left to fend for themselves. The police and army, inadequate even before the latest crisis, completely disintegrated following the 2013 coup. The state also lacks the institutional capacity to enforce justice and the rule of law. Most judges and lawyers have left the country or have been targeted by the Seleka as part of its efforts to undermine the official authorities during and after the coup. The country has no secure prisons. Widespread impunity is impossible to tackle when the legal chain, already fragile, has been so thoroughly broken.

There was a strong sense among interviewees that rearming the national army (the FACA) and redeploying the police, instead of deploying peacekeepers, was the answer to the protection threats people faced. However,

there were allegations that both the army and the police had participated in anti-Balaka attacks on Muslims in Bangui. Some observers have claimed that the well-organised military operation against Bangui in December 2013 was the work of professional soldiers, not a loose coalition of self-defence groups. This alleged involvement with the anti-Balaka may have been in retaliation for targeted attacks against the FACA and the police following the Seleka coup in March 2013. In February 2014, FACA officers lynched a Muslim thought to be part of the Seleka. The involvement of members of the army and the police in the anti-Balaka movement makes re-establishing these forces challenging in the absence of a process to ensure that individuals involved in violations of humanitarian or human rights law are no longer part of these forces, and that the FACA and police are adequately trained to protect civilians.

While humanitarian actors interviewed for this research were generally understanding of the state's lack of capacity for protection, opinion was divided regarding the transitional government's political engagement with the issue. Some felt that Samba-Penza's government had taken a strong position that every citizen should be safe, including Muslims; others were concerned at what they perceived as a lack of political will to engage with the issue, and suggested that there was no evidence of the government supporting stronger efforts to protect civilians. Certainly, public statements by the transitional government have not reflected the reality humanitarian actors have observed on the ground. There was little concrete evidence of efforts by humanitarian actors to advocate with the government on this issue.

3.2 Armed groups

Civilians perceived protection threats and sources of protection in terms of the community they came

from and the dynamics of the conflict, and identified armed groups as both a source of threat and a source of protection.¹¹ The Seleka's relationship with its constituency evolved during the conflict, from a predatory force, including against its own community, towards a more protective role with the rise of the anti-Balaka. The trajectory taken by the anti-Balaka appears to have been in the opposite direction: beginning life as a community-based self-defence militia, before evolving into a more predatory constellation of groups.

Muslims felt that the anti-Balaka was responsible for direct attacks on their communities in Bangui and Batangafo, the two sites researched for this study, and described the main threats as killing, mutilation of bodies, sexual violence, kidnapping, torture and looting, including the torching of houses, shops and mosques and the burning of copies of the Koran. One interviewee from the Muslim PK5 neighbourhood of Bangui described the mutilation of 63 men, women and children sheltering in a mosque during the anti-Balaka attack in December 2013, with arms, noses, ears and sexual organs cut off. The same interviewee reported that PK5 had since been attacked 57 times by anti-Balakas.

Non-Muslims – Christians and animists – felt that the protection threats they faced came primarily from the Seleka. They reported similar protection threats as Muslim respondents, including killings, sexual violence including rape, kidnapping and torture. According to communities interviewed, the Seleka have targeted former members of the police and the armed forces and individuals in positions of authority, such as judges and neighbourhood chiefs. In Batangafo, non-Muslims also reported being attacked by Peuls nomads, whom they considered part of the Seleka. Peuls were accused of attacking people as they farmed their fields and setting fire to their homes.

Both Muslim and non-Muslim populations also reported being exposed to protection threats from the armed groups associated with their own communities. Following their arrival in Bangui in March 2013, the Seleka looted Muslim shops and extorted money for protection and taxes. Muslims who had collaborated

11 Human Rights Watch and Amnesty International have monitored and reported on the various human rights violations facing civilians in CAR. This section focuses on the way civilians perceived and described these threats during the course of the research.

with Bozize were detained or killed, and the Seleka has extorted payments from Muslims at checkpoints in Batangafo. Similarly, the anti-Balaka has demanded payments from non-Muslims at checkpoints, and the presence of anti-Balaka in displacement sites is seen as a source of violence within the camps, as well as prompting attacks on these sites by the Seleka. There have also been reports of arbitrary arrests and detentions and summary executions of people accused of witchcraft, especially older members of the community (witchcraft is a significant part of life for non-Muslims).

The fact that affected communities interviewed for this research perceived armed groups both as a source of protection and as a source of threat has important implications for the strategies and interventions employed by the international community. For example, while disarmament has an obvious protective outcome by reducing the availability of weapons that can be used against civilians, disarmament efforts by MISCA and Sangaris in January 2014 only targeted the Seleka, leading to the belief that peacekeepers were supporting the anti-Balaka against Muslims. It also ignored the growing power of the anti-Balaka at the time and inadvertently left Muslims more vulnerable, resulting in 'targeted attacks against them by anti-Balakas and mobs of civilians' (Global Centre for the Responsibility to Protect, 2014).¹² Focus group discussions with Muslims from the PK5 enclave¹³ in Bangui interviewed for this research revealed that the Seleka were fulfilling a protection role that international peacekeeping forces could not, and concluded that protection from the Seleka was more effective than that provided by international forces. Interviewees highlighted the role that the Seleka played during the violence in Bangui in December 2013 in protecting Muslim neighbourhoods. They also described how the Seleka trained young people and women in how to protect themselves. Focus group discussions repeatedly mentioned security and protective measures, including arming communities with guns, Kalashnikovs, knives, machetes and grenades.

12 In January 2014 Human Rights Watch warned that, by disarming the Seleka, the French 'ran the risk of giving a military advantage to the anti-Balaka', enabling them to 'acquire the military superiority necessary to conduct ethnic cleansing of Muslims'. Hallen Oen (2014).

13 The PK5 neighbourhood of Bangui hosted a large Muslim displaced population. Insecurity and the anti-Balaka presence meant that people were unable to move in and out of the area.

3.3 The role of religion

With the lack of state presence even in peacetime, communities have long relied on other sources of support, including faith-based actors (priests, imams, missionaries),¹⁴ either as religious leaders or as directors of schools and health centres. Very early in the conflict, in December 2012, religious leaders from different communities came together to form the Inter-Religious Platform (IRP) to discuss and plan actions and messages aimed at reducing tension and mediating conflict. The initiative was supported by international faith-based NGOs, including CAFOD, Catholic Relief Services (CRS) and the Muslim Charities Forum. As part of the IRP, faith-based actors advocated for peace in their role as religious leaders, as well as calling for international action and the deployment of a peacekeeping mission. At the international level, the IRP was one of the advocacy efforts that led to a more robust response from UN Member States and the Security Council. International NGOs such as Médecins Sans Frontières, Human Rights Watch and Amnesty International joined the IRP in demanding stronger action in CAR by the international community. Advocacy from these actors is believed to have triggered tougher diplomatic action by the United States, and put pressure on France to take stronger action, including the deployment of the French military. This advocacy also helped start discussions within the Security Council about the possibility of a UN peacekeeping operation. Through social cohesion workshops the IRP has also created spaces for dialogue within and between communities, reaching more than 200 religious and community leaders (Neal, 2014). While these workshops have been ‘emotionally charged experiences for all participants’, they have provided ‘a foundation for dialogue and collaboration with other identify groups’ (*ibid.*).

Faith-based actors played a number of roles during the crisis: they engaged in mediation with communities and armed groups and welcomed people into their compounds and provided them with assistance, as well as continuing to play their roles as religious leaders. Affected people interviewed for this study highlighted the role of religion in managing the protection threats they faced, though this may be a reflection of all else

failing – an option of last resort, rather than an active choice. Many said that their first response in light of protection threats was to turn to God. Muslim interviewees repeatedly mentioned how religion was seen as a significant contributor to mitigating the impact of protection threats by providing moral and psychological support, and through the strong sense of community that it brought. While some cited the sanctity of religious buildings as offering protection, some protection actors interviewed also pointed to the physical protection offered by walls around churches and mosques (for the same reason people also sought shelter in schools and hospitals).

The fact that many people took refuge in churches and mosques meant that religious figures became de facto first responders. The assistance they provided included shelter, a hiding place, food, water and health services, and in one instance helping in the safe evacuation of communities at risk (HPG interviews). These actors were well-placed to warn NGOs of the potential humanitarian consequences of violence and indicate where displacement was taking place and the number of displaced and their needs, as well as engaging with armed groups and mediating between communities and armed groups. One priest explained that he had established principles governing the assistance his faith community was providing, including that everyone who needed it was helped irrespective of their religion, past actions or association with armed groups. Thanks to their proximity with affected people and their networks, religious leaders were able to reach people in need more easily and in a more proactive manner than international humanitarian organisations, including people hiding in the bush.

In Bangui, faith-based actors functioned as an early warning system by providing international humanitarian organisations with IDP numbers and needs in their sites. While they recognised the limited capacity of the humanitarian response, they also noted the initial lack of trust showed them by the UN and international NGOs, as well as the delays in their response – the first assistance from a humanitarian organisation usually arrived one to two months after the appearance of IDPs in their sites. In Bangui, interviews highlighted that, by mid-2014, IDP sites were being managed and assisted by international humanitarian organisations, and that faith-based actors had taken a step back in the response, allowing them to concentrate on their traditional roles.

¹⁴ For the purpose of this report, faith-based actors are understood as religious leaders and active members of religious institutions.

Outside Bangui, some faith-based actors – including priests, imams and missionaries – found it very difficult to get help from international organisations, including physical protection and support for evacuation from peacekeeping forces (HPG interview). One called directly on humanitarian organisations and peacekeeping forces for assistance and protection for communities at risk, but with no success. It required an international organisation to visit the site, see the high level of need there and then call relevant actors for help. In other words, in this instance the priest needed to go through another international organisation to have his appeal heard. Other criticisms of the humanitarian response included lack of consultation with local faith-based actors who had been providing assistance and talking to armed groups; recruitment of local staff on higher pay, resulting in salary inflation and making it difficult for local structures to hire qualified people; and a perception that international organisations were not delivering what was needed and were failing to increase the capacity of local communities to help themselves.

Faith-based actors have played a critical role in assisting and protecting civilians, engaging in emergency mediation with armed groups to remind them of their obligations, working with communities to reduce tensions and providing shelter, water and food for IDPs. However, when outside help was needed the humanitarian sector in some instances failed to support these existing local capacities for protection and assistance, particularly outside Bangui, where the humanitarian presence was very limited. To an extent this is understandable: humanitarian organisations have a responsibility to ensure that the actors and programmes they support are in line with humanitarian principles and target the most vulnerable impartially, including as part of the due diligence process donor reporting often requires. Without local presence and verification for needs assessment and monitoring, it is not surprising that organisations were reluctant to support faith-based actors. However, with limited capacity to respond to the crisis there

was an opportunity to access many more civilians in hard-to-reach areas. This research does not provide a clear answer as to why international organisations failed to respond to calls for help from faith-based organisations. One explanation could be a general reluctance to work with unknown, ‘less traditional’ actors that may not easily fit within some of the requirements of humanitarian organisations and their donors. Further analysis of these blockages would help in addressing these issues in future crises.

3.4 Limits and risks

While it is important to recognise the role of local actions and actors in providing protection for civilians in CAR, it is equally important to recognise their limitations and potential risks. For example, the perception that armed groups were sources of protection enhanced the legitimacy of these groups in the eyes of their communities and increased their local support. While churches and mosques played a protective role, they often had few resources in terms of shelter, food, water and sanitation and found it difficult to guard against infiltration by armed groups; on occasions gathering people together in one place increased the risk of that location being targeted. This was the case in May 2014, when the Seleka attacked the Church of Fatima in Bangui, leaving 15 people dead. In an interview with the BBC, the priest at the church said that ‘It would have been much worse if the anti-Balaka militia had not come to defend us’ (BBC, 2014b). Displacement – another protection strategy – split families, and displaced people sheltering in enclaves or taking refuge in the bush lacked access to food, water, health and other basic needs and services. Some sites were wrongly regarded as secure. For example, people moved en masse to MPoko, the IDP site next to the airport in Bangui, even though it was unsafe due to infiltration by armed groups and its precarious location between a Seleka and an anti-Balaka stronghold. Stray bullets caused a large number of deaths in the first few months of displacement.

4 Responding to the protection crisis in CAR: peacekeeping

There is a general consensus, including among affected people, that the deployment of MISCA and Sangaris averted large-scale massacres of civilians. Humanitarian workers interviewed pointed to a reduction in violence where peacekeepers were deployed, and were generally positive regarding peacekeepers' efforts to facilitate the onward movement of people trapped in enclaves. However, the small number of peacekeepers deployed meant that forces were stretched very thin, and affected people were critical of peacekeepers for failing to respond rapidly to security incidents. Although an emergency telephone number was provided to report incidents, either calls were not answered or peacekeepers arrived too late. Both affected people and humanitarian workers felt that Sangaris had been deployed to implement a political agenda – preventing the country from fracturing – rather than providing effective protection, and MISCA was criticised for deploying along the borders of its contingents' home countries, leading some to argue that troops were defending their countries' frontiers rather than protecting CAR civilians.

4.1 MISCA and Sangaris

MISCA was established by the AU's Peace and Security Council and through UN Security Council 2127 on 5 December 2013. Ten African countries contributed troops, though one, Chad, withdrew from CAR in April 2014 following repeated accusations that its troops were supporting the Seleka and firing on civilians. Deployed in December 2013, its mandate focused on the protection of civilians, the restoration of security and public order and stabilisation, the restoration of state authority, the creation of conditions conducive to the provision of humanitarian assistance, the continuation of BINUCA's disarmament, demobilisation and reintegration process and security sector reform. MISCA was deployed permanently to 12 locations in the north-west of the country (Bouar, Bozoum,

Bossangoa, Paoua, Bouca, Kaga-Bandoro, Bambari) and the south-east (Bangassou, Zemio), and in and around Bangui (Bangui, Boali), leaving a large gap in the north-east of the country except for Ndele. The force (5,079 troops and 882 police as of September 2014) embarked on a disarmament campaign before deploying small contingents to enclaves and other hot spots in Bangui and elsewhere. Via the civil–military cell (the group of organisations and individuals that coordinated action between humanitarians, peacekeepers and the French military and dialogue with armed groups), MISCA supported the delivery of humanitarian assistance through its presence in and around locations where aid was being delivered and by securing transport routes. Humanitarian organisations recognised the role that MISCA played in providing security, and therefore creating the conditions to allow the delivery of assistance. Some organisations were quick to ask for MISCA escorts, others preferred to keep a certain distance from peacekeepers' activities and one group of NGOs was strongly critical of the integrated peacekeeping operation, fearing its implications for local perceptions of the neutrality and impartiality of their assistance.

The French force Sangaris was tasked under Security Council Resolution 2127 'to take all necessary measures to support MISCA in the discharge of its mandate'. It was particularly active in disarming the Seleka in late December and early January, and deployed to safeguard areas of CAR with the objective of protecting civilians. Sangaris' offensive in the north-east of the country towards Ndele was perceived by some as a political move designed to prevent the country splitting in two. Originally deploying 2,000 troops, force strength was reduced with the deployment of EUFOR. Sangaris was deployed in Bangui, Bossangoa and Ndele.

Both MISCA and Sangaris missed the rise of the anti-Balaka and the increasing threat to civilians. They also failed to recognise the impact on Muslim minorities

of the Seleka's retreat in January 2014.¹⁵ Although in a few cases NGOs and peacekeepers developed specific geographically focused protection strategies, there was no clear overarching strategy for either deployment, and it was unclear to humanitarian actors on the ground how MISCA and Sangaris interpreted their protection mandate. MISCA deployed a Protection Adviser, facilitating dialogue between peacekeepers and the Protection Cluster, but other elements of good practice, such as developing clear rules of engagement and harm mitigation measures, were not in place.¹⁶ The Department of Peacekeeping Operations (DPKO) worked with both Sangaris and MISCA on DPKO good practices and advised the two forces on how to implement their protection mandates, but gaps remained.

Without a proper protection analysis that took account of the protective function of armed groups, the unbalanced approach to disarmament, which largely concentrated on the Seleka, not only left Muslims more vulnerable to attack but also created a strong perception among affected people that Sangaris and MISCA were not impartial or neutral; interviewees said that they did not expect peacekeepers to protect them because they perceived them as having taken an active part on one side of the conflict. Muslims claimed that French troops were supporting the anti-Balaka against the Seleka, while non-Muslims felt that the Chadian contingent in MISCA had helped the Seleka (there have been allegations that the Chadian contingent provided uniforms or protected members of the Seleka). Delays in responding to incidents and attacks further eroded trust, while the more rapid response of armed groups reinforced the view that they were better able to provide protection.

For their part, peacekeepers faced perilous situations as small contingents of ten to 20 soldiers confronted hundreds of armed men intent on killing. Although many attacks were carried out by angry mobs as part of a general atmosphere of mass criminality, peacekeepers trained to respond to political violence by identifiable armed groups were reluctant to fire on

violent crowds of civilians in densely populated urban areas (HPG interviews). The peacekeeping literature highlights the importance of deploying police rather than troops in certain contexts, including densely populated areas. Police tend to be better trained in crowd management and addressing violence in urban settings. In one incident in March 2014, a Chadian contingent responded to an anti-Balaka attack by firing in the middle of a busy street in Bangui, leaving at least ten people dead and 30 injured.

4.2 MINUSCA

MINUSCA was established in April 2014 by Security Council Resolution 2149 as a fully-fledged peacekeeping operation, replacing both BINUCA and MISCA, on 15 September 2014. The UN deployment was for 10,000 military personnel, including 240 military observers, 200 staff officers and 1,800 police personnel. MINUSCA also has a large civilian component, with 240 international civilian personnel, 123 local civilian staff and 18 UN volunteers. MINUSCA's mandate expands on MISCA's, with a strong protection of civilians component, whilst also supporting the transition process, including organising elections, facilitating humanitarian access, protecting UN staff, promoting and protecting human rights and supporting national and international justice and the rule of law, disarmament, demobilisation and reintegration and repatriation. To this a multitude of further tasks has been added, such as security sector reform, the coordination of international assistance and assisting the Committee and Panel of Experts and all relevant actions linked to the sanctions and other measures spelled out in Resolution 2127. Compared to MISCA, MINUSCA has more personnel on the ground, greater logistical capacity (helicopters, planes, etc.) and the support of its large civilian component. Affected people interviewed for this study did not distinguish between MINUSCA and its predecessor MISCA, in the main because the transition between the two deployments involved the 'rehatting' of AU troops to the UN.

MINUSCA's deployment is both an opportunity and a source of concern. It is an opportunity because MINUSCA brings with it the full set of policies and programmes developed by DPKO to operationalise PoC mandates – policies and programmes lacking in both MISCA and Sangaris. The increase in military capacity through more troops and assets is also

15 According to Amnesty International, the failure of international forces to fill the power vacuum 'allowed the anti-Balaka to move into town after town launching violence attacks on Muslims'. Hallen Oen (2014).

16 For more on good practice in operationalising protection of civilians mandates in peacekeeping operations, see Keenan and Giffen (2014).

a step forward, albeit one taken very late in the day. At the same time, however, the force's multi-dimensional mandate has raised familiar concerns within the humanitarian community.¹⁷ Interviewees felt that good working relationships on civil–military

coordination were critical for the protection of civilians, but the kind of informal relationships and dialogue required were only feasible with a smaller mission. How the mission's long to-do list is prioritised, especially its support for elections, has raised concerns among humanitarian and protection actors that crucial attention and energy will be diverted away from PoC activities.

¹⁷ See Metcalfe, Giffen and Elhawary (2011).

5 Responding to the protection crisis in CAR: humanitarian organisations

The humanitarian community in CAR faced significant operational challenges, both in delivering humanitarian aid and in playing a more active role in protection. At the outset of the crisis there were few operational agencies and NGOs in CAR.¹⁸ As the only source of incoming goods and resources in the country, agencies had been systematically attacked and looted by the Seleka to sustain its campaign. Many organisations pulled out of CAR following the March 2013 coup, and did not return until the Level 3 designation the following December. Funding levels were low and NGOs not previously operational in CAR found it difficult to meet set-up costs. In July 2013, OCHA's Consolidated Appeal Mid-Year Review identified a 70% gap in funding (OCHA, 2013). By the end of 2013, the gap was still 47%. Perhaps the most significant challenge in terms of protection was the lack of protection monitoring at the beginning of the crisis, and there was little evidence of proactive reflection on the links between the delivery of assistance and services and protective outcomes.

The Level 3 designation obliged humanitarian organisations to deploy qualified and experienced senior staff, freed up funding from the CERF and facilitated the return of UN agencies that had evacuated following the coup. Even so, the Operational Peer Review conducted in February 2014 found that inadequate funding, poor infrastructure and insecurity continued to limit efforts to respond to the crisis (UN, 2014b).¹⁹ The Review highlighted the need for humanitarian organisations to be more proactive in assessing and responding to all humanitarian needs in CAR. According to the Review, humanitarian organisations were not reaching affected

people quickly enough or at an appropriate scale. The Review called for an increase in capacity to deliver assistance quickly, as well as efforts to ensure that protection was at the centre of the humanitarian community's work. A priority of the UN response was to develop operational hubs outside Bangui to expand the humanitarian presence and enable a more rapid response to violence-induced displacement. Facilitated by these operational hubs, the number of organisations working outside Bangui increased.

The exceptions were Médecins Sans Frontières (MSF) and the International Committee of the Red Cross (ICRC), both of which were able to deliver assistance and sustain access and presence thanks to the flexibility of their operational and security protocols and stable funding. MSF is not dependent on institutional (government) funding, enabling it to deploy funds rapidly as the operational situation evolved. For its part, the ICRC is independent of UN security protocols, allowing it to operate in areas where security restrictions prevent UN agencies from working. MSF was also able to sustain a presence where others could not by adapting its security protocols as conditions changed: keeping a skeleton team on site, and not pulling out entirely; understanding how the make-up of the team (local, nationals, Africans, white expatriates) could affect security and the ability to maintain a presence; and being proactive in engaging with all actors in the operational context. By contrast, one humanitarian worker highlighted how the security protocols of their organisation prevented staff from travelling to areas of need during periods of violence, when protection interventions were most needed. The UN security apparatus was criticised as weak; some humanitarian organisations said that lack of information and assessment from UNDSS meant that they did not know whether security conditions permitted access to certain areas of the country. Some NGOs were very

¹⁸ See Barbelet (2015).

¹⁹ The Level 3 Emergency protocol requires OCHA to commission an operational review of the humanitarian response to inform its strategic and operational direction.

critical of other humanitarian actors for not investing more in their own independent ability to manage security and access. Lack of access has meant that humanitarian agencies and the peacekeeping operation have been unable to assess the full extent of protection threats (HPG interview). Until December 2014, for example, agencies could not verify the number of IDPs outside of Bangui, let alone deliver aid to them.

A Rapid Response Mechanism (RRM) was established at the same time as the Level 3 designation, although it took a long time to set up and only became functional a year after the designation. Put in place by UNICEF, the RRM enables the rapid deployment of teams to assess the impact of an attack or increase in violence triggering displacement and resulting needs. The assessment informs advocacy with the humanitarian community in CAR to deploy assistance necessary to respond to the needs identified during the assessment. The RRM is working closely with the Protection Cluster to integrate the monitoring of protection threats alongside other needs. This was facilitated by the appointment of an NGO to co-lead the protection cluster, with a team dedicated to going out to sites where protection threats were thought to be high, improving the mapping of protection threats and the locations of vulnerable populations.

Another element of the overall humanitarian response that contributed to enhancing humanitarian assistance has been effective civil–military coordination (CMCoord). Managed by OCHA and staffed with skilled personnel, the CMCoord cell brought together OCHA, peacekeepers and the Protection Cluster, enabling the sharing of protection information and analysis. The cell has also been an important element in facilitating access, working at the conjunction of the UN security apparatus UNDSS, humanitarian organisations, peacekeepers and armed groups. However, with limited available peacekeeping forces focused on protecting enclaves, it is unclear how much capacity for deployment is available.

Consultations with affected communities revealed negative perceptions of humanitarian assistance, in particular that it lacked impartiality. In Bangui, non-Muslims felt humanitarian assistance favoured Muslims, while in Batangafo the reverse was the case, with Muslims believing that the non-Muslim populations were being favoured. This perception did not seem to be borne out in Bangui, where assistance was being delivered in IDP sites without

discrimination. Elsewhere, the perception that one community was preferred over the other led to looting of humanitarian assistance after delivery, including in enclaves (HPG interviews and Focus Group Discussions). In Batangafo humanitarian agencies tended to concentrate assistance on people in IDP sites and failed to recognise displaced people sheltering with host families – who largely happened to be Muslim. In Boda, assistance was implemented by humanitarian organisations on the ground in a more conflict-sensitive way, with a recognition by these organisations that simply implementing impartial assistance – i.e. solely basing assistance on needs – could do more harm by increasing tensions between communities.

5.1 Protection Cluster strategies

Given limited capacity on the ground and rapidly increasing needs, the first Protection Cluster strategy, elaborated in March 2014, focused on communities at immediate risk of being targeted by armed groups, and that were unable to relocate to escape that threat. The strategy included reinforcing the physical protection of these communities by deploying peacekeepers, the provision of humanitarian assistance to enclaves, emergency mediation and social cohesion and, as a last resort, facilitating the onward movement of these populations away from the risk. The strategy did not include systematic advocacy with armed groups on their obligations under IHL and IHRL, and inadequate material assistance led civilians to leave enclaves in search of food and other necessities. In some instances, focusing assistance on enclaves prompted attacks following distributions. By the time the strategy was in place, tensions between communities left little room for the emergency mediation and social cohesion elements of the strategy.

Facilitating the onward movement of communities at risk – also referred to as humanitarian evacuation – became the main focus of the Protection Cluster in spring 2014. In the wake of the attacks in Bangui in 2013, humanitarian actors were well aware of the risks Muslim communities faced, and evacuation was regarded as the best option to save lives and avoid mass killings. At the same time, however, the relocation of Muslims in Bangui was exactly what the anti-Balaka hoped for with their rhetoric that all Muslims were Seleka, all Seleka were foreigners from Sudan and Chad, and therefore all Muslims needed to

leave the country as they were not Central Africans. Was evacuating communities at risk giving a signal to the anti-Balaka that, if they continued attacking Muslims in Bangui, humanitarian agencies would facilitate the ethnic cleansing they sought? Despite a clear demand from civilians to be evacuated, the UN political mission, BINUCA, argued against relocation, as did the CAR government and the French Embassy, which feared that it would lead to the de facto partition of the country.

Most people fled spontaneously, or decided to leave with the help of the Chadian army as part of the repatriation of Chadian nationals, jumping on trucks or forcing their children on board if they were unable to get on themselves. Humanitarian evacuations were minimal, and some humanitarian workers interviewed criticised what they saw as a lack of organisation and planning. Explanations of the relocation process and consultations on the location of relocations did not cover all parts of the community, including women, and no protocols were in place to deal with the sick or with people needing assistance during their journey. Cash rather than food was distributed, despite the fact that people's access to markets before and during travel was limited. Against these shortcomings, peacekeepers ensured effective physical protection during the relocation, intervening on multiple occasions to prevent attacks during the journey.

Only a few thousand people were actually helped to evacuate by humanitarian agencies, and most civilians took significant risks in escaping the enclaves. With 36,000 people still in enclaves at the beginning of 2015, lack of physical protection and freedom of movement remained a grave concern. Advocacy with the government has failed to reopen the possibility of relocating these people, and assistance is sporadic due to funding and access constraints. With some people living in enclaves for more than a year, the humanitarian community should also consider how its assistance is supporting a situation in which people's freedom of movement is severely curtailed.

A second protection strategy was put in place in May 2014. Moving beyond the sole focus on communities at risk, its main objective is to reduce vulnerability to the main protection threats and reinforce the capacity of the state, local communities and humanitarian actors in terms of the protection response. Priorities include reducing vulnerability to armed violence, child protection, gender-based violence and protection

threats in and around IDP sites, increasing state capacity and ensuring that protection remains central to the humanitarian response. The strategy follows a standard protection approach, including monitoring, referral systems, capacity-building, awareness-raising and sensitisation and the provision of services and assistance, for instance income-generating activities and psychosocial services. While these all constitute good practice in protection, they do not seem to reflect the reality on the ground, where armed groups are systematically targeting civilians and freedom of movement is curtailed. The strategy proposes reactive responses to these threats with the deployment of peacekeeping forces and protection by presence, but offers little proactive engagement with perpetrators to prevent violence against civilians. The strategy also fails to take into account the perceptions, expectations and actions of affected communities.

Some humanitarian workers and protection officers interviewed felt that this second protection strategy marked a move away from humanitarian evacuation to focus on de-enclaving communities at risk through the use of emergency mediation and social cohesion, though this is not clear from the strategy itself. While emergency mediation is mentioned in the strategy, there is no strategic objective linked to de-enclaving communities and no link between social cohesion and the protection of communities at risk. Some NGO members of the Protection Cluster have used emergency mediation and social cohesion to reduce violence and threats against or between communities and to enable communities at risk to relocate, and a number of NGOs came together to form a social cohesion working group in Bangui. Opinion within the group was divided as to whether emergency mediation and social cohesion was a strategic protection intervention or a peacebuilding intervention with protection outcomes.

Emergency mediation is implemented when attacks on enclaves are either imminent or ongoing. It is carried out by trained humanitarian workers acting as neutral third parties to facilitate mediation or dialogue processes. In that sense it differs from humanitarian negotiations, where humanitarian organisations are stakeholders in a negotiation process seeking access or behaviour change. Emergency mediation uses various techniques, including premediation, multistakeholder dialogue, direct mediation and shuttle mediation (going back and forth between communities or armed groups). Dialogue platforms are set up involving civil society

Table 2: Emergency mediation and social cohesion

Emergency mediation	Social cohesion
<p>Immediate physical protection of civilians through the prevention and reduction of violence and the promotion of freedom of movement, access to basic rights and return</p> <p>Actions that allow communities in conflict and violence to promote their rights and set up their own protective environment through dialogue</p> <p>Actions that engage with perpetrators of violence in non-violent and non-threatening ways, while respecting civilians' right to protection</p> <p>Actions to address and resolve information and perception issues fuelling conflict</p> <p>Actions that enable a holistic response to protection issues by involving multiple stakeholders (local, international) in locally tailored and community-driven protection action plans</p> <p>Humanitarian organisation acts as a third party supporting mediation and dialogue</p> <p>Training provided as a preparation for dialogue</p>	<p>Medium- to longer-term actions to reactivate links between communities by changing behaviours and mindsets</p> <p>Support social cohesion committees at the neighbourhood and village level</p> <p>Training on analysis and conflict management</p> <p>Humanitarian organisations help set up social cohesion committees and provide training</p>

groups, armed groups, local authorities, local leaders (peace committees, committees of the wise), local traders, women's groups, religious leaders, national and international forces and humanitarian actors, leading to locally tailored, community-driven action plans. Ideally, participants in these platforms receive training on conflict and conflict management as a preparation for dialogue. Training is also provided to armed elements participating in dialogue processes.

While these dialogue platforms have been set up in emergency contexts to promote protection of civilians in the short term, they also have longer-term effects, including on governance (where civil society becomes part of the decision-making process). They are also instrumental in longer-term social cohesion approaches, which seek to rebuild communities affected by conflict and find negotiated solutions to enable people to live together in the long term. Where communities in conflict are not ready to meet directly, these dialogue platforms start by bringing together one community to listen to and discuss grievances separately, before moving on to inter-communal meetings.

Dialogue platforms have also been used to address issues between international forces and communities (involving MISCA in Boda and MISCA, EUFOR and Sangaris in PK5), between international forces

and armed groups (in Boda, PK5 and Berberati) and between NGOs and communities (in Ndélé and Boda), as well as to manage rumours, provide information and address perception problems. A locally tailored protection of civilians plan was established in Boda through these dialogue platforms, enabling the return of national authorities and forces and helping to identify points of contact and rapprochement between communities in Boda, Berberati and Batangafo.²⁰

Some humanitarian actors have been reluctant to adopt this approach because it requires engaging closely with armed groups. However, such engagement is precisely what has been missing from the humanitarian response to the protection crisis in CAR. This lack of engagement partly stems from the fact that humanitarian workers in the deep field often lack the requisite skills, and may be unwilling to take the risks associated with engaging with armed groups.

²⁰ Danish Refugee Council (2014) *Rapport d'Evaluation: activités de facilitation de dialogue/médiation et de cohésion sociale à Boda*. The evaluation was part of a training event and involved a limited number of stakeholders. It highlighted some anecdotal evidence but was not systematic enough to be able to provide a strong evidence base. For instance, other elements were recognised as having contributed to a wider protective environment, including the presence of MINUSCA and communities' own protection efforts.

Aside from a handful of organisations, humanitarian engagement with armed groups in CAR seldom went beyond access negotiations conducted through a civil-military coordination team led by OCHA, with the participation of peacekeeping forces and the Protection Cluster. Human rights activists and monitors, including Human Rights Watch, directly engaged with armed groups regarding violations, and very locally this led to some demobilisation of children.

Emergency mediation and social cohesion have opened the way to closer engagement with armed groups, and have proactively prevented and reduced violence and protect civilians. This contrasts with the standard approach of monitoring, referral systems and services to victims, which deal only with the consequences of violations. For instance, in Batangafo the presence of anti-Balakas at an IDP site made it a Seleka target. Social cohesion committees set up as part of an emergency mediation and social cohesion initiative allowed the community, OCHA and the anti-Balakas to communicate and address the threat the anti-Balakas presented. Although the link between emergency mediation and social cohesion and better protection outcomes is difficult to measure, consultations with affected people threw up some anecdotal evidence. In PK5 communities reported being able to leave the enclave following the start of emergency mediation and social cohesion efforts. This work also seems to have addressed the poor relationship between the community and peacekeeping forces, especially among younger members, and enabled more assistance to reach them. An evaluation of the Danish Refugee Council's work in Boda found that affected communities felt that emergency mediation and social cohesion had reduced tensions and strengthened protection.²¹ Some also felt that DRC's emergency mediation and social cohesion efforts had helped in improving freedom of movement, reinforcing communal relations and managing rumours (DRC, 2014).

Community-based protection has become a widely adopted concept within the global policy and practice agenda of humanitarian organisations. However, it is unclear how protection strategies in CAR took this principle forward in their design and implementation beyond consultations with communities and their leaders. There appears to have been little analysis of

existing protection mechanisms and the perceptions and expectations of affected people to inform protection strategies.

5.2 Physical protection and protection by presence

Humanitarian agencies cannot provide physical protection against armed groups. Agencies can potentially provide this through being present, but most humanitarian staff interviewed for this research felt that this was not effective in CAR – a view supported by the numerous attacks on humanitarian workers and compounds during the conflict. However, people who had sought refuge in and around humanitarian compounds in Batangafo explained that the presence of white expatriates who could witness atrocities could potentially make armed groups more reluctant to attack civilians. One interviewee said that the Protection Cluster reported fewer violations where NGOs were present. Displaced people also congregated near peacekeeping bases and compounds, including Bangui airport, suggesting that they felt that the presence of peacekeepers had a protective effect.

5.3 Human rights and other global mechanisms

A number of global mechanisms were deployed to respond to the protection crisis in CAR. Advocacy by NGOs such as Médecins Sans Frontières, Amnesty International, Human Rights Watch and the Central African Inter-Religious Platform was a factor in ensuring that the international community was deploying all the tools at its disposal. Unfortunately, several were deployed late in the conflict. Although often not as visible on the ground as peacekeepers and humanitarian responses, these mechanisms are nonetheless part of the overall response to protection threats. The early warning and assessment functions of the Special Adviser on the Prevention of Genocide²² played a critical role in

21 Emergency mediation and social cohesion are part of a wider protection portfolio for DRC and do not constitute the only protection activities conducted in CAR by DRC.

22 The Special Adviser on the Prevention of Genocide was set up in 2001 under Security Council Resolution 1366, and the first appointment was made in 2004. It was reinforced by the appointment of a Special Adviser on the Responsibility to Protect following the 2005 World Summit.

raising the alarm within the UN. The Special Adviser provides briefings to the Secretariat of the Secretary-General, 'acting as a mechanism of early warning to the Secretary-General, and through him to the Security Council, by bringing to their attention situations that could potentially result in genocide' (Office of the Special Advisor on the Prevention of Genocide, undated). Interviews for this research confirmed that this system had fulfilled its intended function by highlighting early signs of possible genocide, war crimes, ethnic cleansing and crimes against humanity.²³

The Security Council was briefed multiple times by the Secretary-General on the situation in CAR. On 3 May 2013, the 'Report of the Secretary-General on the situation in the Central African Republic' noted that the Secretariat 'had briefed the Security Council seven times' since December 2012 (UN Security Council, 2013a). The Report highlighted the 'widespread and grave violations of human rights' in CAR, and pointed to rapidly increasing communal divisions. The Secretary-General provided another report on 5 August 2013 highlighting continuous and widespread human rights violations (UN Security Council, 2013b). These Reports highlighted the role played by a range of actors, including BINUCA, the Special Representative for the Central African Republic, OHCHR, UNICEF, OCHA and the Security Council monitoring and reporting mechanism on violations against children, in monitoring and providing information to the Secretary-General and the Security Council. In November 2013, almost a year into the conflict, a special meeting of the Security Council, the Arria Formula, became the catalyst for a more robust protection response as further evidence demonstrated the potential for the conflict to escalate, possibly into ethnic cleansing and genocide. This ultimately opened the way for Resolution 2127 in December 2013 and the establishment of MINUSCA the following April.

As the UN rethinks ways to put the protection of rights and civilians at the centre of its interventions

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23 For more analysis on this, see Barbelet (2015).

Box 2: Rights up Front

Action 1: Integrating human rights into the lifeblood of the UN so all staff understand their own and the Organization's human rights obligations.

Action 2: Providing Member States with candid information with respect to peoples at risk, or subject to, serious violations of human rights or humanitarian law.

Action 3: Ensuring coherent strategies of action on the ground and leveraging the UN System's capacities to respond in a concerted manner.

Action 4: Clarifying and streamlining procedures at Headquarters to enhance communication with the field and facilitate early, coordinated action.

Action 5: Strengthening the UN's human rights capacity, particularly through better coordination of its human rights entities.

Action 6: Developing a common UN system for information management on serious violations of human rights and humanitarian law.²⁴

through the Rights Up Front initiative, the protection crisis in CAR raises several issues with the initiative's focus. Based on a critical review of the UN's engagement in the conflict in Sri Lanka (UN, 2012), Rights up Front 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.²⁵ These actions are intended to improve the ability of UN agencies, funds and programmes to 'examine and respond to threat of serious violations of international human rights and humanitarian law and by that identify actions needed to prevent mass atrocities and armed conflict'. The 'systemic failure' of the UN in Sri Lanka was in part blamed on the lack of information on violations of human rights and humanitarian law reaching decision-makers in New York, including Member States of the Security Council. As such, the Rights up Front initiative is intended to provide clarity and focus to enable UN agencies, programmes and funds

24 See <https://undg.org/home/guidance-policies/country-programming-principles/human-rights/rights-up-front-initiative>.

25 *Ibid*.

to monitor serious violations, and inform Member States about them. However, as the case of CAR amply shows, having the right information available at the right time is no guarantee of timely action. Resolution 2127 brought in a number of other mechanisms, including a sanctions regime linked to violations of IHL and IHRL. This, coupled with the

opening of a preliminary investigation by the ICC into war crimes and crimes against humanity, has in effect increased the accountability risks armed groups and other political forces in CAR face should they violate IHL and IHRL. However, there is little evidence that these moves have had an impact on behaviour.

Conclusion

The failure of protection in CAR is first and foremost the result of the inability, and arguably at times the unwillingness, of the state to meet its responsibility to protect civilians, alongside systematic violations of international human rights and humanitarian law by armed groups. The international community in turn failed to address this protection gap on three levels: global, operational and in respect of the perceptions, expectations and actions of affected people.

This paper identifies three factors explaining the discrepancy between global normative developments in protection and the reality for civilians caught up in conflict. All three were at work in the response to the protection crisis in CAR. At the global level, a protection gap resulted from the failure to implement the normative frameworks, tools and mechanisms to address the protection of civilians early enough in the crisis. At the operational level, a protection gap resulted from challenges in implementing protection tools in CAR. With respect to affected people, a protection gap resulted from the discrepancy between the perceptions, expectations and actions of affected communities regarding their protection and the interventions of external actors.

The late and inadequate response of the international community in 2013 led to the first protection gap. The full range of available tools – meaningful funding of the humanitarian response, deploying a UN peacekeeping operation with a strong protection of civilians mandate, implementing a sanctions regime and using human rights mechanisms to monitor violations of IHL and IHRL – was introduced too late. Early warning through UN monitoring systems, such as the Office of the Special Adviser for the Prevention of Genocide and the Special Adviser on the Responsibility to Protect, raised the alarm, but the Security Council failed to take adequate, early action ahead of the attacks in Bangui in December 2013, despite advocacy by human rights organisations, MSF and the Inter-Religious Platform, which played a critical role in exerting additional pressure. Although the UN has committed to improving its monitoring of and response to human rights abuses through the Rights up Front initiative,

if nothing else the CAR case shows once again the critical importance of political action by the Security Council (Barbelet, 2015).

CAR demonstrates the persistent challenges in operationalising a protection of civilians mandate in peacekeeping operations, and reinforces the importance of harmonising the interpretation and implementation of mandates between multilateral and bilateral forces deployed to the same context. For humanitarian organisations, protection activities still tend to follow a standard pattern, and lack a strategic focus and the kind of holistic analysis that could highlight the multiplicity of interventions by different protection actors, including affected people themselves. Although affected people identified lack of physical protection and freedom of movement as the main protection threats, humanitarian actors prioritised standard activities such as GBV referral systems and child-friendly spaces. These activities remain critical in an overall protection strategy, but with limited funding and capacity on the ground the humanitarian effort could have been more strategic and innovative in analysing and understanding how best to contribute to the protection of civilians. Increased attention on emergency mediation and social cohesion work is one example of how strategic analysis can lead to better programming and more effective preventive efforts to mitigate protection threats. The Protection Cluster has a critical role to play in coordinating between multiple protection actors, including peacekeepers, and analysing and drafting strategies to inform and direct a robust protection response.

Moving away from ‘doing protection’ to supporting mechanisms that actually contribute to the protection of civilians opens the way for a more holistic approach to what is a highly complex problem. Understanding how and when to combine multiple approaches from the global to the local level is the only way to reduce the protection gap. The Protection Cluster could lead on developing this holistic strategy by bringing together the tools and mechanisms of humanitarians, peacekeepers, donors, diplomats, the Security Council and human rights

actors in ways that respond to protection crises such as the one in CAR. Protection threats need to be addressed from all angles, from global accountability mechanisms such as the ICC to local emergency

mediation and engagement with armed groups and the state, linking protection to assistance and an understanding of the perceptions, expectations and actions of affected populations.

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