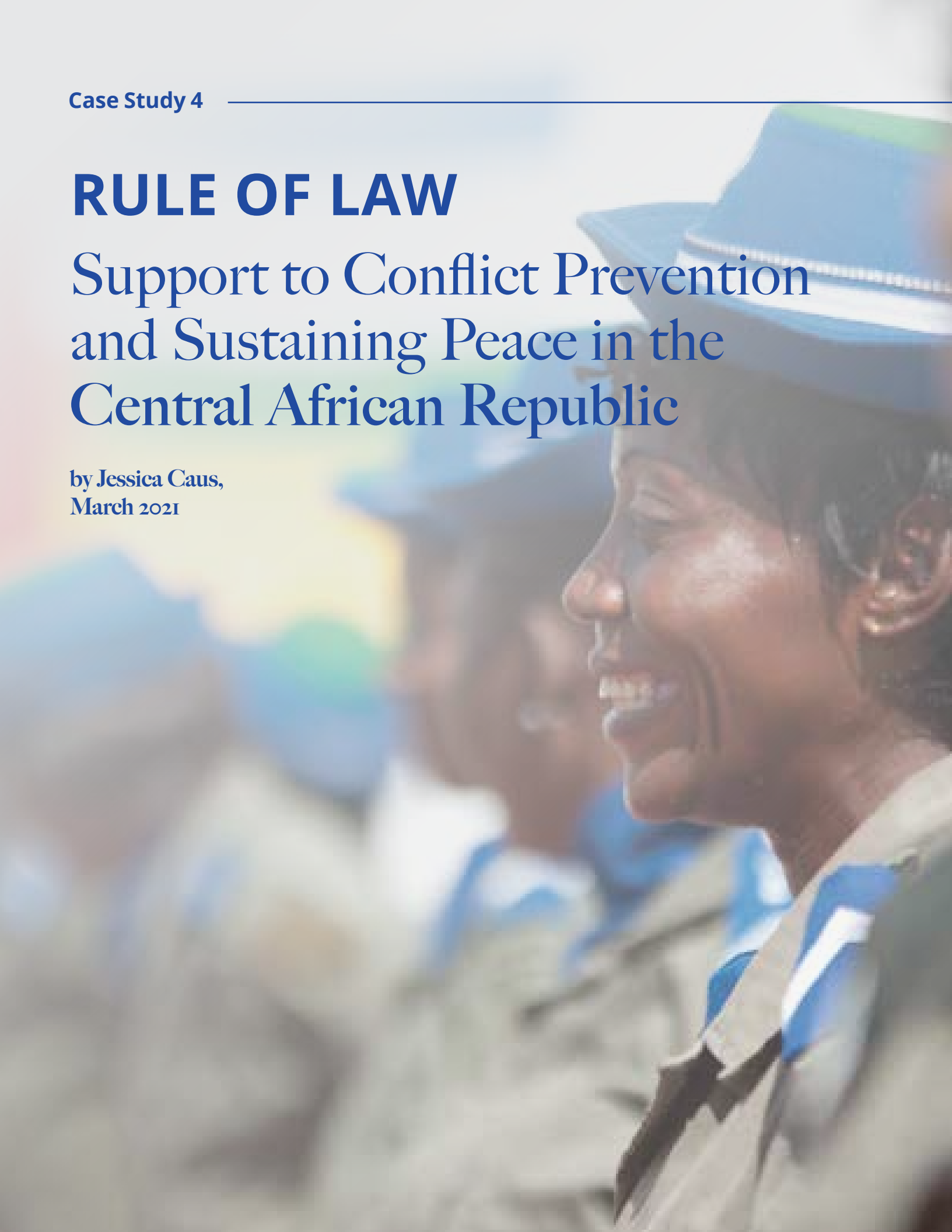


RULE OF LAW

Support to Conflict Prevention and Sustaining Peace in the Central African Republic

by Jessica Caus,
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I. Introduction

In fragile contexts and post-conflict settings, strengthening the rule of law is an important element of stabilization and recovery and a core focus of the UN. Well executed, rule of law support can contribute to short-term conflict prevention and long-term sustainable peace. With conflict prevention a central goal for the UN and a clear priority of Secretary-General António Guterres, it is vital to understand the linkages between rule of law support and reduced conflict risks in order to effectively strengthen the Sustaining Peace agenda.

This case study examines the UN's rule of law work and its impact in the Central African Republic (CAR). CAR ranks amongst the most conflict-prone and fragile settings worldwide, including extremely weak governance and rule of law capacities. In the context of the country's ongoing armed group violence since the peak

of the conflict in 2013-14, the study asks: *How has the UN's rule of law engagement contributed to lowering the risks of renewed large-scale violence in CAR?* Focusing on the period from 2014 to now, the goal is to examine current rule of law approaches and identify evidence of impact, i.e. how these approaches have contributed to conflict prevention.

The paper is based on an extensive literature review and expert interviews with researchers and UN officials both in New York and in CAR. It is structured in five parts: (1) a brief background to the conflict and the landscape of conflict risks; (2) an overview of the UN's main rule of law actors and mechanisms in CAR; (3) an analysis of specific approaches and evidence of impact; (4) mediating factors that either enable or inhibit impact; and (5) lessons and recommendations.

A note on scope and methodology

Rule of law is defined by the UN as a "principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards."¹ Traditionally, this has resulted in a focus on police, justice, and corrections as

the primary vehicles for the UN's rule of law engagement. However, we recognize that other areas of the UN's work may also contribute to the core goals of the UN's rule of law work, including efforts to combat impunity, build accountability, advance transitional justice, limit corruption, and address conflict-related sexual violence, amongst others. This project does not adopt a strict definition of rule of law but is

instead largely guided by interviews with experts in a range of field settings, asking them what they consider to be the key rule of law interventions by the UN and its partners.

In terms of the scope of these studies, it is important to highlight that this is not a comprehensive assessment of the UN's work in a given setting. It does not try to capture every rule of law programme, but instead reflects the views of experts about the most impactful, relevant, and effective rule of law interventions in the given timeframe. This expert-driven approach to cases studies is to ensure that they feed meaningful cross-cutting policy recommendations, which is the core purpose of this project.

In terms of methodology, we note that the UN's rule of law work takes place alongside the interventions of a range of actors, including

national leaders, bilateral donors, INGOs, and local organizations. While it is our goal to identify evidence of the UN's impact, the UN is often a relatively small player amongst these, supporting and coordinating rather than leading on programming. Given these limited supporting roles and the large number of other intervening factors, it can be difficult to isolate the UN's impact via its rule of law interventions. Rather than speak in direct causal terms about impact, we contextualize the UN's *contribution*, alongside the interventions of others, to the broader goals of risk reduction.² Where the precise impact is impossible to ascertain, or where the UN has not generated evidence that directly supports causal findings about impact, we rely on a broad set of expert consultations to help us identify good practice and lessons that could be applied beyond a single country context.³

2. Conflict risk landscape

The crisis in 2013

Since its independence from French colonial rule, CAR has regularly experienced non-democratic and oftentimes violent power transitions. Following a civil war from 2004-2007, a unity Government was formed under the Presidency of François Bozizé, who had seized power five years earlier.⁴ Over the next several years, rebel groups formed across CAR, tapping into longstanding grievances amongst the country's Muslim communities and widespread dissatisfaction with Bozizé's rule.

In 2012, several of these groups began openly fighting against the Central African Armed Forces (FACA), signing a peace agreement in August 2012. By early 2013, that agreement had fallen apart, and the rebel groups coalesced under the broad umbrella group Séléka. Séléka rapidly took many of the major towns in CAR, and in March 2013 succeeded in taking the capital, Bangui, installing a new Government under Michel Djotodia.⁵

While Djotodia formally disbanded Séléka, Christian/Muslim tensions remained extremely high as ex-Séléka members continued

to operate across the country, perpetrating a wide range of violent human rights abuses, and community self-defence groups calling themselves anti-Balaka (meaning "anti-machete") formed to fight ex-Séléka groups and began to target Muslim civilians for reprisals.⁶ By October 2013, a UN peacekeeping operation was authorized to support French and African Union (AU) troops already on the ground, laying the groundwork for a July 2014 ceasefire agreement between Séléka and anti-Balaka forces.⁷

After the peak of the crisis in 2013-14, the fighting has continued over the subsequent years. The conflict has resulted in the deaths of thousands of Central Africans while displacing over a million, over half of them to neighbouring countries.⁸ It further led to a humanitarian crisis, with almost half of CAR's population (that currently totals over 4.7 million) requiring humanitarian aid.⁹ The crisis arose from and exacerbated a range of interrelated risk factors, which are described briefly below as they influence the UN's rule of law work in CAR.

Ethnic and socioeconomic grievances

CAR has one of the lowest levels of human development and counts amongst the poorest countries in the world, with over 70 per cent of the population living below the

international poverty line.¹⁰ Poverty is not felt equally across CAR, as Muslim communities have historically been marginalized politically and economically, and women and girls

experience high levels of gender inequality.¹¹ The Séléka uprising was rooted in deep colonial legacies, especially the lack of development across regions outside of the capital Bangui, and the grievances within Muslim communities, which have not been adequately addressed in the peace process to date, posing a heightened risk for further clashes.¹²

State weakness

The grievances in CAR are fuelled by extremely low governance capacities and high corruption levels. CAR consistently ranks near the bottom of established State fragility and corruption indices, with governance structures and public service delivery largely absent, especially in rural areas in the north and south-east.¹³ CAR is a large country and yet it has few paved roads outside the capital, cutting off big segments of the population who have more socioeconomic and political ties with neighbouring countries than with their own.¹⁴ Extremely weak institutional capacities, in combination with high levels of corruption, lead to underserved populations and further marginalization of already vulnerable groups. The resulting scarcity has fuelled intercommunal

Ongoing insecurity and resource conflicts

State weakness offers opportunities for non-State actors to fill the power vacuum that prevails in large swathes of CAR, keeping the levels of insecurity extremely high. Armed groups have proliferated in recent years and control vast parts of CAR's territory.¹⁵ Occupying especially remote and rural areas where State authority is completely absent, these groups often terrorize local populations and commit serious abuses against civilians, including very high levels of sexual and gender-based violence.¹⁶ Women and girls also experience violence not directly related to the conflict, including domestic and intimate partner violence, which also contributes to human insecurity in CAR.¹⁷

CAR's volatile security environment also has a regional dimension, being fuelled by porous borders that allow for a relatively unhindered flow of mercenaries and weapons to and from neighbouring countries. Small arms trafficking

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FIGURE 1: Map of the Central African Republic



Source: Central Intelligence Agency, published by University of Texas Libraries

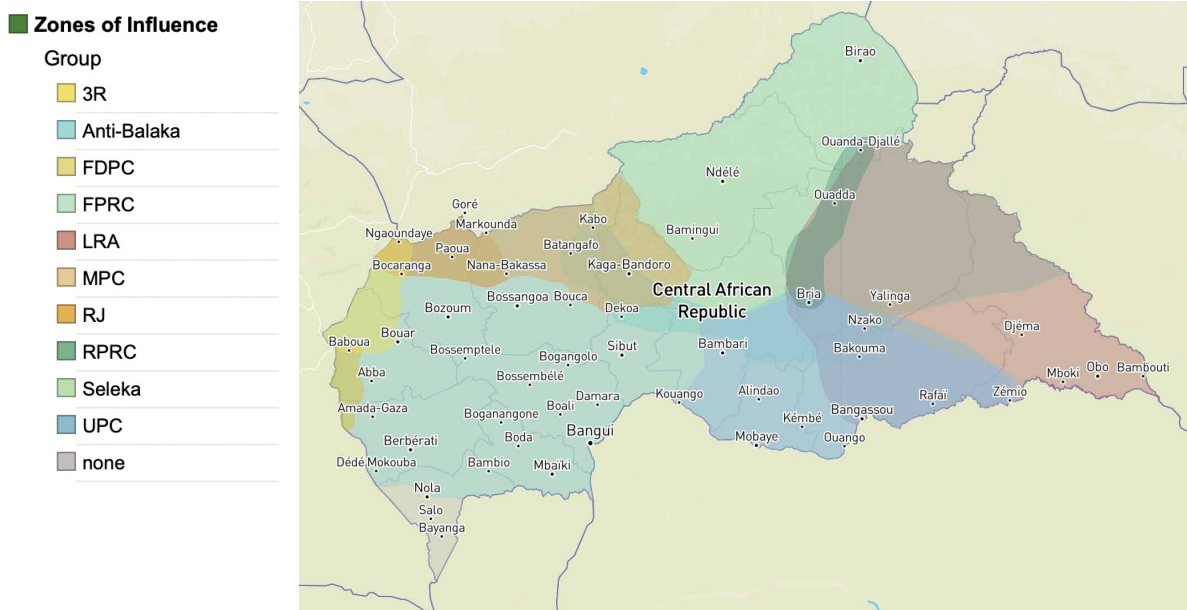
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tensions that, when they escalate, have often formed a vicious cycle where State weakness leads to indignation and armed conflict, which in turn further destroys government institutions and infrastructure.

is flourishing in the region, often trickling down from Libya.¹⁸ Equally, illicit networks smuggling gold and diamonds add another element of organized crime – and heightened conflict risk, as competition over CAR's vast natural resources is one of the main drivers of armament and violence in-country.¹⁹

Increased armament and tensions over resource access have also exacerbated conflicts between farmers and herders in CAR. Pastoralists follow seasonal transhumance patterns, moving their cattle in the dry season to areas largely dominated by farmers. The two communities have increasingly been clashing over access to land and water resources or destroyed crops resulting from the cattle movement.²⁰

FIGURE 3: Zones of Influence in the Central African Republic



Source: Interactive webmap of CAR, IPIS

Absence of rule of law capacities and issues of impunity

While institutional capacity in CAR has always been very weak, the violence of 2013-2014 led to a further collapse of public order and the rule of law (or what was left of it). Most Central African prisons and court buildings (including criminal records) were destroyed in the fighting, but even before that they were largely lacking sufficiently trained staff. The presence of any form of police or gendarmerie, meanwhile, barely extended beyond the capital Bangui. In this context, the perpetrators of serious international crimes and human rights violations have gone unpunished for years.²¹ Near-total impunity for serious crimes has emboldened perpetrators and has eroded the population's already low trust in the justice system and the State overall.²² Contrary to the previous peace agreement, the 2019 Political Agreement for Peace and Reconciliation in the Central African Republic (APPR-CAR) between the Government and 14 armed groups does

address the issue of impunity as one of the main priorities, even though the incorporation of armed group representatives with very poor human rights records into the new Government has been viewed by some as risking "more impunity as a price for peace."²³

Rule of law deficits are linked to poverty, corruption, economic and political instability, and continuing conflict.²⁴ Over the course of the deployment of the UN's current mission in CAR, it has therefore prioritized the extension of State institutional authority, in particular in the areas of security, justice, and policing, with a clear mandate to help fight impunity for serious crimes and support the country's transitional justice processes. Improving the justice capacities of the State aligns with popular opinion, where over 60 per cent of the population see justice and holding perpetrators accountable as a key prerequisite for sustainable peace.²⁵

3. Main UN rule of law actors and mechanisms in CAR

Building on this context, this section lays out the overall structure of the UN's rule of law involvement and

mandates, as various UN actors in CAR are active in the rule of law area.

MINUSCA

Subsuming the existing BINUCA and AU-led MISCA missions, the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) – the largest UN operation in CAR ever – was deployed in 2014 in the context of a total collapse of public order. State institutions, including court buildings and prisons, had been destroyed in the conflict, and violence between armed groups and against civilians was extraordinarily high. To contribute to a basic stabilization of the setting, the Mission was mandated with, *inter alia*, the protection of civilians, support to the peace process, and support to the extension of State authority.²⁶ MINUSCA also has a broad mandate on the rule of law and key related areas such as human rights, transitional justice and reconciliation, originating from the assessment that stabilizing the security situation required addressing impunity and bolstering confidence in the justice system.²⁷ The Mission's rule of law work largely focuses on support for CAR's justice, internal security forces (i.e. police and gendarmerie), and corrections systems, including within the UN's joint work (see box).

In the justice sector, MINUSCA has been mandated over the years to provide technical assistance to the national judiciary, help reinforce its independence, build its capacities, enhance its effectiveness, and help authorities identify, investigate and prosecute perpetrators of crimes under international law and other serious human rights violations. MINUSCA is also mandated to support and coordinate international assistance to build the capacities of the criminal justice system within the framework of the UN Global Focal Point on the Rule of Law. The Mission has further been mandated to support the operationalization and functioning of CAR's Special Criminal Court (see below), including providing security for its staff and for victims and witnesses. Additionally, MINUSCA's mandate includes monitoring human rights violations and strengthening the relevant national institutions in that area.

In the corrections and security sectors, MINUSCA is mandated to enhance the effectiveness and accountability of the police and penitentiary system with the support of the UN Country Team. This has included recruiting, training, and mentoring prison guards, police, and gendarmerie officers, and vetting national security actors in line with the UN Human Rights

Due Diligence Policy. MINUSCA's over 2,000 police officers have played an important role in the protection of civilians, and their mandate has been further underpinned by the special feature of Urgent Temporary Measures (UTMs), allowing the Mission to arrest and detain alleged criminals where CAR authorities are not present or operational and request MINUSCA's help.²⁸

UNDP

Next to MINUSCA, UNDP is a key international partner in CAR and, together with the Mission, the main partner in implementing the UN's joint rule of law assistance, where it manages the joint programmes and funds, including the support for the Special Criminal Court (see box).²⁹ UNDP's field staff working on rule of law

amounts to roughly 20.³⁰ UNDP's rule of law support focuses on longer-term development and people-centred approaches, including access to justice, transitional justice and trust-building in the justice and security sectors (for specific approaches, see the impact analysis in section 4).³¹



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Joint work under the GFP umbrella

In CAR, the bulk of project-based rule of law work of UN entities is done jointly, in the spirit of the Global Focal Point for the Rule of Law (GFP). This arrangement, co-led by the Department of Peace Operations (DPO) and UNDP, supports coordinated rule of law delivery by the UN in different crisis settings. In CAR, UN entities – including MINUSCA, UNDP, UN Women, UNODC, and the multi-entity UN Team of Experts on the Rule of Law and Sexual Violence in Conflict – have often collaborated on rule of law assistance, from the political to the technical and operational level. This is facilitated through two main joint programmes:

1. UN joint rule of law programme

The “Joint Project to Support the Fight Against Human Rights Violations and the Revival of Justice in CAR” was the UN’s main project-based rule of law engagement in CAR from 2014-2019. Its second iteration, the “Joint Project to Support the Restoration of the Rule of Law and the Reform of the Justice and Security Sectors in CAR” builds on its results, partnerships and lessons learned, and will run until 2023. While being a standalone initiative, the joint rule of law project serves as an umbrella and a strategic planning and funding mechanism that subsumes other, separate projects, allowing for integration as the same partners usually work on multiple initiatives. MINUSCA and UNDP serve as the core implementing partners, with support from other UN entities on certain sub-projects. The overarching goal is to help restore CAR’s rule of law institutions and support national reconciliation with a view to building lasting peace through various efforts:

- Supporting security and justice sector reforms, including through policy and legal reform;
- Capacity-building and support to recruitment, training and deployment of police, gendarmerie and corrections personnel as well as magistrates and lawyers;
- Strengthening CAR’s justice sector in the fight against impunity, including for serious human rights violations and sexual violence (e.g. through a specialized police unit);
- Supporting the establishment of transitional justice as well as truth-seeking and reconciliation mechanisms to work complementarily with judicial mechanisms;
- Facilitating citizens’ access to justice, etc.

For specific approaches see the impact analysis in section 4.

2. Joint support for the Special Criminal Court

Under the GFP umbrella, since 2016 the UN has also been supporting the operationalization and functioning of CAR's Special Criminal Court (SCC). The SCC was established by law in 2015 to investigate and prosecute serious human rights violations committed since 2003. It became operational in 2018 and is a national court with both national and international judicial staff, having special jurisdiction over violations of international humanitarian law and human rights, notably war crimes, genocide, and crimes against humanity. Uniquely, the SCC is working alongside the International Criminal Court in CAR, marking the first time that the ICC and a hybrid tribunal are investigating simultaneously in the same country. Most of the funding for the UN's joint support project comes from programmatic funds of MINUSCA, which co-leads the project together with UNDP (with other/previous engagement of UN Volunteers and UNODC). The project, currently in its second iteration, was set up to support the SCC's operationalization, and from there its investigations and trials. The joint support, but also individual contributions from UN entities have included a range of activities:

- Outreach for and recruitment of all international magistrates and international technical experts to support the work of the Court;
- Fundraising for the project to support the operations of the Court;
- Extensive outreach campaigns on the Court and its jurisdiction and objectives;
- Physical support (helping renovate the building and related infrastructure and equipment);
- Providing security for the court building and staff;
- Legislative advice including in relation to the Organic Law on the Court, the Rules of Procedure and Evidence and internal Standard Operating Procedures for the Court;
- Support in the creation of strategies for investigation and prosecution, witness and victim assistance and protection;
- Capacity-building of justice actors (training judicial personnel and a special unit of judicial police).

See also the impact analysis in section 4.

UN Team of Experts on the Rule of Law and Sexual Violence in Conflict

Co-led by DPO, OHCHR, UNDP, and the Office of the Special Representative of the Secretary-General on the Rule of Law and Sexual Violence in Conflict (OSRSG-SVC), the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict regularly deploys experts to settings experiencing high rates of conflict, and it often plays an understated but important role in strengthening criminal accountability for conflict-related sexual violence. Active in CAR since 2012, the Team seeks to strengthen CAR's law enforcement and the judicial response to conflict-related sexual violence crimes. Over the past several years, it has been providing

capacity-building support and technical advice to the national judiciary and the SCC (including input to the law on the creation of the SCC).³² Together with UNDP and MINUSCA, in 2015 the Team helped establish and operationalize a specialized police unit mandated to investigate sexual violence – the *Unité Mixte d'Intervention Rapide et de Répression des violences sexuelles faites aux femmes et aux enfants* (UMIRR).³³ In late 2019, the Team deployed a full-time expert to MINUSCA's Justice and Corrections Section, for strengthened support to fight impunity for sexual crimes.³⁴

Donor and government forums

In New York, specific support for and exchange about the rule of law in CAR happens through the Reference Group on the Rule of Law and the Fight Against Impunity in CAR.³⁵ Chaired by Morocco, this group of 16 UN Member States meets approximately twice a year to discuss the situation in CAR and mobilize resources. GFP partners in New York and Bangui as well as national partners brief the group about the progress of the SCC and highlight the needs in the field to garner the necessary political, financial, and technical support for rule of law initiatives.³⁶ In addition, the CAR Configuration of the Peacebuilding Commission has placed the rule of law in CAR as one of its key peacebuilding priorities and also convenes Member States of the Configuration in New York at both Ambassador and expert levels for briefings from UN rule of law personnel and national justice sector representatives, to exchange on

progress and needs of the rule of law sector in CAR. This informs the advice of the Peacebuilding Commission to the Security Council as part of the dialogue between the two around the mandate of MINUSCA.

In CAR itself, coordination amongst donors, implementing partners, and national authorities takes place through various arrangements. For instance, the Ministry of Justice, different UN partners and bilateral donors, as well as other stakeholders in the judiciary, civil society and the Bar association regularly convene to bolster the implementation of CAR's newly established national justice sector policy. Other forums for international partners, convened once a month by MINUSCA, allow for further coordination on justice and security sector-related matters, such as support to CAR's police and gendarmerie.³⁷

4. Rule of law impact

Reviving the justice system and fighting impunity

CAR has a long history of violent conflict, accompanied by gross human rights violations and conflict-related sexual violence, all of which culminated during the large-scale violence of 2013-2014, but which have also continued thereafter. Open fighting for several years reduced an already weak set of governing institutions still further, leaving few if any State capacities beyond the capital Bangui. Unable to apprehend or hold to account the vast majority of human rights violators, the Central African authorities have suffered from very low public confidence, a resurgence in armed group activity, and a country-wide problem with impunity. Rights-holders – victims and survivors of crimes and human rights violations – have little access to justice.

In this context, the UN has helped the national authorities rebuild the criminal justice chain and enhance access to justice, providing technical and operational support to the Ministry of Justice, for the renewal of the policy and legal framework, training judges and other actors, and supporting CAR in relaunching criminal trials while also increasing the population's access to these services, e.g. through legal aid initiatives.³⁸ The UN's and other external partners' work has also included an enormous amount of physical restoration, construction and other infrastructural work to rebuild adequate and operational police, justice and corrections

institutions. According to the experts interviewed, MINUSCA's role was integral to help the Central African authorities identify priorities, coordinate with international partners, and establish security conditions conducive for the redeployment of judicial personnel and infrastructures. These approaches have achieved some notable results, such as:

- With UN support, the Government undertook a broad consultative process with national and international partners to develop and adopt the first National Justice Sector Policy (2020-2024), which sets the strategic direction for justice reform in CAR, including on the independence and accountability of the judicial system. MINUSCA and UNDP are playing a key role in facilitating its implementation.
- The UN helped to re-establish two of the three Courts of Appeal – Bangui in 2015 and Bouar in 2017 (which have not been functioning for years). The courts have jurisdiction for trying serious crimes, i.e. those punishable by ten or more years of imprisonment. Ten criminal sessions have been held since, during which 460 individuals were sentenced for various crimes. In 2016, for the first time since the 2013 crisis, court sessions

in the first instance courts were held in various regions in CAR, initially only focusing on civil cases and in recent years also first instance criminal cases. The UN played an instrumental role in providing logistical and financial support to judges and court personnel to convene mobile court sessions as a confidence-building measure where the security situation did not allow for permanent deployment of judges or where infrastructure was insufficient to support the permanent reopening of courts. In addition to providing access to justice to people living in areas where courts had not been functioning for many years, this initiative was seen as a first step in building public confidence in the judiciary and State institutions in general and potentially contributing to the acceptance of the redeployment of rule of law and other State institutions to these areas as part of broader stabilization efforts.

- As of December 2020, 19 of 27 courts were functioning again; 17 of them are holding regular criminal hearings.
- Between 2017 and 2019, MINUSCA supported over 220 redeployments of magistrates and 12 temporary assignments to the regions (and, in the wake of the electoral violence in December 2020, facilitated the return of many magistrates to Bangui).
- Having resumed operations, the Courts of Appeal have been able to contribute to the fight against impunity with UN support by completing high-profile cases for serious crimes, including by members of armed groups. For example, in early 2018, the Court in Bangui for the first time convicted someone for conflict-related crimes – General Andjilo, an anti-Balaka warlord who received a life sentence. Equally, in early 2020, the Court heard two cases involving attacks against peacekeepers, including the so-called Bangassou trial that led to the conviction of five anti-Balaka leaders for war crimes and crimes against humanity – the first ever conviction for crimes under international law in CAR.

- More than 14,000 people received legal aid services through nine legal clinics run by female lawyers, including more than 3,000 survivors of sexual and gender-based violence (SGBV).³⁹

While it can be difficult to pinpoint the precise impact of these activities, there are a number of indications that suggest the UN's anti-impunity work has helped reduce some risks in CAR. In particular, by rebuilding the judiciary in several places, Central African authorities have been able to remove some dangerous actors from the conflict arena and process them through trials. Interviewees consulted in this study consistently pointed to these judicial improvements as part of the reason CAR has not witnessed the levels of violence of the 2013-2014 period.⁴⁰ More symbolically, too, the high-profile trials have sent a signal to armed actors that they may have severe penalties for human rights violations.

MINUSCA and the UN Country Team have played an essential role in restoring the basic functioning of the criminal justice system and law and order in Bangui and other parts of the country where there had been a complete vacuum following the 2013 crisis. Importantly, the population has significantly increased its confidence in the judicial system, with numbers of Central Africans who trust the national justice system more than doubling since late 2017.⁴¹ At some moments, a single trial has appeared to trigger a jump in confidence, such as the war crime session against General Andjilo mentioned above. As with most criminal court sessions in CAR, this trial was broadcast in full on the radio, generating national publicity and widespread awareness. Immediately following that trial, public surveys indicated a significant increase in public confidence in the judiciary.⁴² This is relevant also for the broader political process, where a large majority of citizens believe justice and accountability for past crimes are integral to lasting peace.⁴³

However, interviewees also pointed to major room for improvement for rule of law impact in CAR. The number of actual trials pales in comparison to the thousands of serious human rights violations reported by reputable organizations and is also evidenced by the high rates of pre-trial detentions, which are well over 80 per cent in most prisons across the country.⁴⁴

Moreover, the focus on crimes committed during the most recent conflict has meant that longstanding grievances related to earlier time periods have been neglected, potentially angering some populations.⁴⁵

Also, the UN's focus has been on supporting the criminal justice system, while an equally important conflict prevention area is underrepresented in the approaches of UN and other international partners: that of land rights.⁴⁶

Particularly in recent years, increasing violence between pastoralists and sedentary farming communities has been the source of much of CAR's instability, with relatively few resources available to resolve conflicts at a local level. In fact, several interviewees suggested that the UN's top-down approach to justice might have missed some inexpensive, impactful work on local training and support to legal assistance also beyond the issue of land rights.⁴⁷

Operationalizing the Special Criminal Court

The SCC was established with a mandate to investigate and prosecute violations of international human rights law and international humanitarian law. As a hybrid tribunal, it is formally integrated into the national judiciary and operates in complementarity with the ICC and national ordinary courts. A substantial part of the UN's efforts to strengthen CAR's judiciary has focused on the operationalization and functioning of the SCC. The UN, under the lead of MINUSCA, has in essence driven the political, policy and legal elements necessary to operationalize the SCC and has also helped set up the Court's building, related infrastructure, and equipment, provided legislative advice, and engaged in outreach campaigns to sensitize the population to the Court's existence and mandate. Broadly, the UN contributed to:⁴⁸

- The domestic law on the SCC, the Rules of Procedure and Evidence, the strategies for investigation and prosecution (informed by a milestone UN mapping of human rights violations from 2003-2015),⁴⁹ and a strategy for victim and witness protection;
- The establishment of the investigative organs, a Special Police Unit, and a Special Lawyers Unit; the Special Prosecutor and most national and international magistrates have been sworn in;
- As of 2019, the SCC had received 60 complaints; as of this writing, ten preliminary investigations have been opened, nine cases are before the judges, and 12 individuals are currently in pre-trial detention.

As the Court became operational in 2018, it is very early in the lifespan of the SCC to make definitive claims about its impact in CAR. As of the writing of this report, preliminary investigations were underway, but no trials had yet begun (they will commence in 2021 in accordance with the phased operationalization approach). Interviewees highlighted that the Court represents an important symbol of accountability and is playing an important role in investigating cases dating back to 2003, but also serious crimes under international law that continue to be perpetrated in violation of the political agreement. That said, popular support for the SCC (or knowledge of its existence) may be mixed. According to a population survey conducted early 2020 of over 5,200 Central Africans in twelve prefectures and the capital city of Bangui, more Central Africans wish to see perpetrators tried in ordinary criminal courts (49 per cent) than in the SCC (40 per cent), while 10 per cent prefer trials in the ICC. Public trust in the SCC has slightly decreased from 53 per cent in late 2018 to 45 per cent in early 2020, which may be partly due to its long lead time.⁵⁰

The SCC has also suffered from massive underfunding, despite the relatively inexpensive hybrid model. The aspirational budget of the Court is approximately USD 13 million per annum. However, annual funding for the Court has not exceeded approximately USD 8 million per annum to date, approximately half of which is drawn from MINUSCA's budget through programmatic funds, with the remainder coming from the EU and other donors.⁵¹ This has impacted the operationalization of the various organs of the Court, in particular

functions such as court administration, victim and witness protection, outreach, and records management. The lack of a multi-year source of funds has left the SCC in a precarious position, and rather modest pay packages pose difficulties in attracting international magistrates.⁵² At the same time, however, the costs of the Court dwarf those of CAR's judicial system, which only has USD 2 million as its annual budget.⁵³ While the sustainability of the national budget to the judiciary remains challenging, interviewees pointed out that this imbalance in funding may contribute to a perception that the UN

has not allocated its resources towards the most impactful role the judiciary could play, for example via trials in national ordinary courts.⁵⁴ Some experts, however, pointed to the substantial resources that the UN has also dedicated to the support for the ordinary courts to investigate and prosecute serious crimes, and highlighted the unique role and mandate of the SCC to conduct in-depth and complex investigations into large-scale atrocities perpetrated in CAR over many years with thousands of civilian victims in a manner that the Courts of Appeal would not be able to do.⁵⁵

Strengthening internal security forces

Alongside judicial support, the UN has focused on strengthening CAR's security sector, which remains one of the most poorly developed in the world. With funding from the US and the UN Peacebuilding Fund (PBF), and increasingly with CAR State budget, over the past seven years UNDP, MINUSCA, and other entities have led a number of initiatives to build the capacity of Central African police and gendarmerie,⁵⁶ including:

- Rehabilitating police commissariats and brigades in Bangui and other cities such as Bouar, Bambari, Bangassou, Berberati, Sibut, Bocaranga, Batangafo, Bozoum and Bouca;
- Rehabilitating the police and gendarmerie schools and Judicial Police Units;
- Helping fund police and gendarmerie salaries from 2014-2017 and vetting officers in line with the UN Human Rights Due Diligence Policy; and since 2017, helping fund arrears of police and gendarmerie salaries related to their retirement plan to support the renewal of the internal security forces;
- Supporting the recruitment, training, and deployment of 2,300 internal security forces over the last three years;
- Enhancing the professionalization and inclusivity of the police (introducing regional quotas and gender targets; literacy and numeracy tests in the

recruitment process; human rights trainings)

- Supporting the design and implementation of a community-oriented policing policy, with special emphasis on the implementation of the PK5 community-oriented policing project that allowed the restoration of State authority in the 3rd Arrondissement in Bangui and declared it a free weapon zone;
- Establishing and supporting UMIRR, a specialized police unit for rapid response to and prevention of sexual violence (see section on Gender Justice).⁵⁷

MINUSCA's police component also works alongside national authorities to provide security in Bangui and other towns across CAR. A notable and unique feature of MINUSCA's mandate in this regard is the mandate on Urgent Temporary Measures (UTM), enabling the Mission to arrest and detain individuals suspected of crimes where national authorities are not operational and request the Mission's help.⁵⁸ Between 2014 and 2020, over 500 individuals were arrested by MINUSCA forces under UTMs and handed over to national authorities.

MINUSCA's broad rule of law mandate, especially including the UTMs, equips the Mission with a considerable scope of action and resources, supporting collaboration with national authorities and taking actions on its own in the criminal justice realm. Uniquely, in the case of a security incident, MINUSCA can open its own

investigative file, document the facts of the case, temporarily detain suspects, and then support the arrest and investigation.⁵⁹ In a setting of deep shortfalls in policing capacity amongst national actors, the UN's mandate to take forward the first steps in the penal chain is seen as crucial in combating violent crimes and armed group activity.⁶⁰ In the past few years, MINUSCA has made several high-profile arrests, capturing a number of high-level/upper hierarchy armed group members.⁶¹

MINUSCA's ability to "take people off the streets" was cited by several interviewees as clear evidence of reducing risks in some parts of the country. While there remain a large number of violations of the peace process, the establishment of a weapons-free zone in the north-east of the country has largely held, with support from MINUSCA, leading to a drop in violence.⁶² The high-profile arrests of several armed group members have sent a

public message, and violence and crime levels in Bangui have remained relatively stable.⁶³ A concrete moment of prevention and de-escalation impact occurred in mid-2017 in Bria, a town in the east of the country that experienced an outbreak of violence between anti-Balaka and ex-Séléka factions that displaced tens of thousands of civilians. MINUSCA's support to national authorities reportedly had a significantly de-escalating effect as it helped arrest and detain fighters and prevent the situation from spinning out of control.⁶⁴

However, despite some indications of strengthened internal security forces, the violence in CAR, including against civilians, has continued at high levels. Armed groups have proven resilient, maintaining control over vast parts of the territory. The number of active groups has also increased over the years (which may, however, be in part related to splintering and therefore possibly not a conclusive metric).⁶⁵

Restoring the corrections system

Before MINUSCA arrived in CAR, many prisons were destroyed, the remaining ones barely functioning, and the number of escapes was extremely high due to a lack of capacity. Part of the UN's core support was thus the restoration of and improvements to corrections buildings, including in Bangui, Bambari, Ngaragba, Bossembele, Bossangoa, Berberati, and Mbaïki.⁶⁶ In 2015, a mass prison break from a Bangui prison (600-700 people) prompted MINUSCA's corrections unit to shift its way of working from a traditional UN monitoring and mentoring approach to one that builds capacity from the ground up, demilitarizing the prison system and training civilian guards to ensure a basic functioning of corrections and security in the prisons, with notable results:⁶⁷

- Since 2014, the number of functioning prisons under State control rose from three to 13; the total detention capacity was increased to over 1,000.
- Over 100 civilian guards were trained on prison management and security.
- Early 2020, 20 new civilian guards, including five women, were introduced.

- Another 300 new penitentiary staff were recruited, half of which are currently in training while the other half are deployed in prisons across CAR for internships.
- MINUSCA has been supporting the implementation of the Government's 2019 strategy on the demilitarization of the prison system, and the implementation of new procedural rules and a code of conduct for prison personnel.

This approach, along with MINUSCA's rapid intervention teams and 24/7 presence at some prisons, visibly helped prevent further large-scale escapes and other incidents. The number of escapes has dropped dramatically over the last years, from hundreds a year to only a very limited few over the 2018-2020 period.⁶⁸ Security within prisons was also improved significantly, reducing the numbers of mutinies and violence from 3.7 incidents per 100 detainees in 2016 to none in 2020 (until election-related unrest led to cases at two prisons in December 2020). According to a UN official, CAR "now has moderately secure prisons," compared to several years ago.⁶⁹ According to UN experts in

CAR, UN engagement has helped to improve prison conditions significantly, and the drastic reduction in escapes is clearly connected to the prevention of crimes that could or would have occurred had inmates continued to escape at the rates of the period around 2015. The corrections support is especially crucial given that MINUSCA

is continuously improving its track record regarding high-profile arrests of armed groups members. Preventing the escape of high-profile detainees and sex offenders is crucial to curb their possibilities for further offence, and is a task that the Mission has proven successful in handling.⁷⁰

Transitional justice

To support the priorities on national reconciliation outlined in the 2019 peace agreement (and in circulation since the 2015 Bangui Forum), with PBF funding the UN has recently started a project supporting CAR's transitional justice and the establishment of a justice and truth commission – the *Commission Vérité, Justice, Réconciliation et Réparations* (CVJRR). Within this project, together with several State and civil society partners, UNDP, MINUSCA, and UN Women collaborate to improve the population's access to justice, providing legal aid to victims of human rights violations, including sexual and gender-based violence. Concretely, the UN has been setting up legal counselling centres in different areas of CAR and providing psychosocial support for victims of SGBV and other crimes, while also creating referral mechanisms for such cases. This way, as of early 2020, over 14,000 people have received legal aid services, including more than 3,000 SGBV survivors.⁷¹ Furthermore, plans are in the works to train hundreds of judicial personnel on issues around gender mainstreaming and transitional justice.

With regard to the creation of a justice and truth commission, the UN has been a member of the Steering Committee for its establishment and supported the drafting of the law for the CVJRR that was promulgated in April 2020. At the time of this writing, the UN is also involved in the selection of the eleven Commissioners of the CVJRR. Once they are selected, MINUSCA and UNDP will roll out their technical and operational support to the commission. Additionally, the UN is launching a study detailing modalities and options for reparations in CAR to support the work of the CVJRR and the establishment of a trust fund for reparations (as stipulated in the peace agreement).⁷²

Given the fairly recent roll-out of the project as of this writing, aiming for a robust and evidence-based impact assessment would be premature. However, it is safe to say that strengthening transitional justice mechanisms addresses a big need of the Central African population. Over 60 per cent of people are against any form of amnesty for perpetrators and 91 per cent say it is important to unveil the truth about the crimes committed during the 2013 crisis.⁷³ The UN's support for the justice and truth commission and the victim-centred approaches help address these needs and present further strides in the fight against impunity and towards a more sustainable peace in CAR.

However, armed groups in CAR hold, and have in some cases managed to increase, their political influence, which hampers a coherent fight against impunity of all perpetrators. The 2019 peace agreement was a crucial step towards peace in CAR. However, the inclusion of some armed group leaders into the Government has led to a perception of *de facto* impunity for those leaders, corroding the nation's trust in the credibility of anti-impunity efforts and people's demands for justice.⁷⁴ Their inclusion may also incentivize further violence, signalling to other conflict parties that political clout can defend from consequences. This poses a dilemma: the incorporation of armed group members, potentially responsible of serious crimes or human rights violations, into official positions of State authority suggests that (their) impunity in the immediate term was seen as a necessary price for peace in CAR, whereas it is exactly that impunity that can have reverse and destabilizing effects, undermining public trust and incentivizing violent actors. A strong transitional justice approach in the context of the political process could reconcile this dilemma.

Gender justice

Throughout the country's violent history, and also in contexts unrelated to the armed conflict, the issue of sexual and gender-based violence (SGBV) has been widespread in CAR and continues to befall vast numbers of Central Africans to this day. UN partners, in their efforts to support the fight against impunity, have concentrated a notable part of their resources and political advocacy towards strengthening accountability for sexual crimes.⁷⁵ A result of these efforts was the 2015 creation of a special police unit to investigate gender-based violence, known as UMIRR.⁷⁶ MINUSCA, UNDP, the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict and other entities supported the operationalization of this unit, including rehabilitating the physical infrastructure and guiding the establishment of the UMIRR.⁷⁷ The UN has trained officers on investigative techniques around such crimes, set up psychosocial assistance for victims, and built out mechanisms to ease the referral of cases from the police unit to prosecutors.⁷⁸ The expert recently deployed to CAR by the Team of Experts has been providing mentoring and other technical support services to the unit, while also advising CAR's judiciary on matters related to the investigation and prosecution of SGBV.⁷⁹

In terms of impact, interviewees consistently rated UN support to the special police unit UMIRR as an important milestone in tackling SGBV.⁸⁰ As of this writing, according to a UN official, over 1,000 investigations into SGBV allegations have been completed – a number that on the one hand pales in comparison to the actual rates of violence (a quarter of Central Africans know someone who has been sexually assaulted). On the other hand, however, these numbers still signify an improvement in a country where people usually have not been prone to lodging complaints about such crimes to national authorities, either because of stigma or simply because they did not know where to go.⁸¹ The work of UMIRR is seen as a successful step in strengthening the outset of the criminal chain, signalling to potential or future perpetrators that their actions will have consequences and creating a deterrence effect.

Sexual abuse by UN peacekeepers

Sexual violence in conflict continues to be a widespread issue in CAR, perpetrated by almost all conflict parties. Since MINUSCA deployed in 2014, a series of allegations of rape and other forms of sexual exploitation abuse (SEA), including of children, by UN peacekeepers has cast a shadow on the Mission and called into question UN's ability to prevent and respond to violations. The UN was heavily criticized for failing to follow up on many allegations of SEA despite compelling evidence, first in relation to abuse committed in 2014 by French and West African forces, while later news reports referring to leaked UN inquiries suggest that many other cases were also never taken up. The UN has since tried to establish more transparency and accountability, expelling 120 Congolese troops in 2016 after investigations into sexual abuse allegations and identifying 41 more suspects from Burundi and Gabon. The responsibility to investigate and prosecute UN peacekeepers lies with the troop or police-contributing country.

Major room for improvement, however, lies in the uptake of cases by the justice system. As of this writing, apparently none of the cases investigated by UMIRR have been adjudicated, highlighting once again the capacity limitations in CAR's judiciary and the chronic underinvestment in the sector by partners. Given how weak the Central African system was when the UN first started its rule of law support, the yardstick for measuring impact might need to be recalibrated here, according to a UN official: "At least the victims are now turning to the State to seek a response – this is the beginning of rule of law and indeed a big achievement in the CAR setting." In their efforts to strengthen the criminal chain

further and advocate for addressing pending SGBV cases, UN partners in 2019 have supported the Bangui Court of Appeal to have a criminal session primarily focused on sexual violence cases, resulting in 22 cases being put on the

Court's docket.⁸² In light of the continuously high number of sexual crimes, the progress on accountability has started, but there is still a long way to go for actual violence reduction impact.⁸³



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5. Enabling and inhibiting factors

The previous section analysed a number of rule of law programmes and approaches of the UN over the past years, focusing on their conflict prevention impact. This section

explores what factors might have enabled, impeded, or otherwise influenced such impact, ranging from the contextual conditions in CAR to factors more in the UN's control.

Insecurity and State weakness

Across all interviews, the continuously high insecurity in CAR was ranked as the number one factor impeding the UN's rule of law work and impact. MINUSCA contributed to a relative stabilizing of the setting beginning in 2014 – as one UN official put it, “without MINUSCA, the Central African Republic would be much worse off.”⁸⁴ Yet, armed groups have proliferated in recent years. The peace agreement of 2019 is viewed by many as fragile; the rates of violence remain high and atrocious human rights abuses are far from over.⁸⁵ Persisting violence erodes already fragile State institutions and leads to setbacks across all UN stabilization and recovery efforts – including rule of law work, which hinges on a minimum standard of functioning institutions and governance.

Because of the violence and the weakness of the State, the level on

which the UN could base its rule of law programming in CAR was very low compared to other, more stable settings. The collapse of public order meant that, first, basic infrastructure such as court buildings, prisons, or police stations had to be rebuilt before any more substantial rule of law support could even begin. Low education rates in CAR and a population decimated in the conflict either by death or displacement further limited human resources and national capacity, which has struggled at times to fully absorb the initiatives introduced by the UN.⁸⁶ CAR's State weakness and lack of capacity has curbed impact to some extent, given that the UN first needed to establish a basic functioning of judicial and security services and that true, tangible impact towards fighting impunity and preventing conflict also hinges on the steps that follow *from there*.

Security Council dynamics

Assessments suggest that with regard to Central Africa, the Permanent Five members of the Security Council do have a basic consensus and share common interests that allowed for the Mission's robust mandate, including on rule of law.⁸⁷ This relative unity has been the key precondition for the UN's broad and ambitious role in CAR. However, generally rising tensions

amongst Security Council members also begin to extend to the CAR agenda, as illustrated by some discord between Council members in 2019 during the renewal of the sanction's regime mandate.⁸⁸ For the Mission to retain its broad scope – and from there its chances for impact – in CAR, constructive cooperation in the Council is a necessary condition.

Robust mission mandate and capacities

Many interviewees saw MINUSCA's robust rule of law mandate and capacities as well as its political and good office support as key determinants of impact, as they allowed for approaches that meaningfully support national authorities in their fight against impunity. Particularly, the special feature of UTMs by which the Mission can arrest and detain perpetrators has proven impactful in strengthening the first links of the penal chain, taking criminals and armed group members off the streets and deterring others from committing more violence. "Most missions don't have that kind of mandate and resources, so this is really an asset for the UN as a whole," one expert suggested.

Others, however, cautioned against unduly high expectations of a mission and raised the question of how broad rule of law mandates should really be. Given that rule of law support and the related institution-building are long-term endeavours, they normally exceed the lifespan of a mission, suggesting the need for other partners to step in sooner, and with more resources of their own. However, in practice, partners are most likely operating with close to the maximum amount of resources that they are able to muster from donors, especially in the early years following the deployment of a peacekeeping mission when bilateral funds for UN Country Team or other partners are often available due to the profile of that particular country context at the time. Moreover, Country Team partners have also been able to utilize programmatic funds from mission budgets to advance mandated

tasks in coordination with mission rule of law capacities. While managing expectations about what a mission can deliver is important, Security Council members are usually generally aware of what can be expected from each mission due to regular political dialogue with the mission and the Secretariat and reporting from the Secretary-General. Broadly written mandate language may actually benefit missions in some instances, allowing them to pivot support in areas that are crucial to peace and security and the broader political process as the context on the ground evolves.

The multidimensional resources available to the Mission and the empowerment that comes from being free from donor-driven interventions have enabled MINUSCA in partnership with others to support national authorities to re-establish the basic foundations of the justice sector and the criminal justice system, where there had been an almost complete vacuum in 2014. While an argument can be made that too much reliance on the Mission, either by the UN or by CAR itself, can hamper or even reverse conflict prevention impact when a mission leaves and its initiatives are not absorbed by the State or UN partners, and eventually dry up. This problem is not, however, unique to the rule of law sector and is at the heart of the Secretary-General's new approach to early transition planning in peacekeeping settings.

Relationships with government actors

A key factor enabling impactful rule of law support by the UN has been its relations with national actors. MINUSCA has big political leverage in CAR and many contacts in the Government, as does UNDP, who can rely on good relations with government counterparts.⁸⁹ UN officials in CAR generally reported that national authorities are very open to discuss and cooperate on rule of law initiatives and joint planning, which is, of course, a key requirement for any rule of law engagement and the related impact to materialize.

However, many interviewees added some nuance: while a general openness on the part of the Government does exist, if or how this translates into actual results is another question.⁹⁰ Corruption levels in CAR remain high and governance capacities low, often limiting true buy-in and commitment of national partners – and thereby curtailing the possibilities for a nationally-owned and sustainable fight against impunity and conflict prevention impact. Another challenge remains the low level of women’s participation in the Government – demonstrating that the Government is not representative of the population in CAR.⁹¹

Joint work

As described throughout this study, the bulk of the UN’s project-based rule of law support in CAR happens in collaboration, via the GFP arrangement. Experts credited this joint approach with increased credibility and efficiency of the UN. UN partners benefit from co-location of resources and staff, as the joint rule of law programme serves as a single funding mechanism and allows staff to work on various projects under a single umbrella. Not only does this streamline the interaction with government actors, for whom this means having one UN counterpart instead of staff from various UN agencies, funds, and programmes.⁹² It also produces synergies as, for instance, UNDP and MINUSCA can benefit from their complementary strengths, political leverage and expertise. As

one UN official in CAR put it: “GFP partners work very well together, and we get a lot done.”⁹³

The degree of collaboration, however, not only hinges on programming and mission structures (such as the placement of MINUSCA’s justice and corrections sections under the Deputy Special Representative of the Secretary-General/ Resident Coordinator/Humanitarian Coordinator which enabled synergies with the UN Country Team and particularly UNDP), but also on the personalities and priorities of UN leadership in-country. Some interviewees suggested that, to some extent, siloed approaches still persist within and across UN entities in CAR, presenting some opportunity costs for rule of law cooperation and impact.

Lack of resources and capacity

As evidenced by the gaping hole in SCC funding, of which only half is covered, a lack of resources counts amongst the biggest impeding factors for rule of law impact in CAR. Chronic shortfalls in funding have caused setbacks for furthering the Court’s operationalization and trials, which have yet to begin. Despite successful outreach efforts to sensitize the population to the Court’s existence and undertakings, the time lag on trials hampers progress on the fight against impunity

and the public’s trust in the justice system – important markers of impact.

In addition to funding shortfalls, and also resulting from them, is the absence of important UN partners on the ground. UNODC, for instance, was previously active in CAR through MINUSCA funding, but had to discontinue its operations due to a lack of resources. A UN official in-country identified UNODC as an important missing partner whose presence would be crucial to fill

certain mandate gaps of the Mission and work on issues that are most relevant to a holistic rule of law response, such as corruption or trafficking.⁹⁴ Not only are those issues major impediments for the UN's present rule of law support in CAR,

but illicit networks and organized crime are so intertwined with the presence and influence of armed groups, that fighting one without the other significantly impedes the prevention of conflict.

Lack of data and realistic needs assessments

Another impeding factor is a chronic lack of data to aid meaningful decision-making and programming in CAR, resulting in unclear or disparate pictures of the rule of law needs on the ground.⁹⁵ Some interviewees suggested that, for instance, the establishment of the SCC was not based on a realistic needs assessment, as it

not only exceeds the costs of the national justice budget by far, but also works in parallel to the ICC and national ordinary courts in investigating war crimes and human rights violations, posing the question whether it really matches the capacities and needs in-country.⁹⁶

COVID-19

Apart from the general effect that the COVID-19 pandemic is slowing down the implementation of UN projects in CAR and beyond, the coronavirus presents serious challenges in the fight against impunity in CAR. As for the SCC, the pandemic has delayed the arrival of additional international judges and has resulted in existing magistrates working remotely, sometimes out of country, which has disrupted or postponed hearings of victims and witnesses.⁹⁷ The pandemic particularly impacted the capacity of victims to report crimes and access justice, significantly slowed the ability of law enforcement to investigate, and of judicial authorities to prosecute and adjudicate human rights violations, including on SGBV. A potential derailing of the peace process due to the pandemic would also increase significantly the level of insecurity for women inside and outside their homes. This would, in turn, have an adverse impact on women's participation in the upcoming elections, as women will be less likely to register for voting and women candidates will not be able to campaign.

To respond to the COVID-19 crisis, MINUSCA has, first, supported national authorities to decongest overcrowded prisons to stop the spread of the virus, which helped mitigate the risks of COVID-19 but might pose additional risks as released prisoners might potentially reoffend.⁹⁸ However, the vast majority of those released, due in part to careful advocacy of the Mission, were individuals in pre-trial detention for lower-level crimes or those who had been convicted for lower-level crimes. Second, to counteract and prepare for health- and other COVID-19-related risks in CAR, the UN (in collaboration with WHO and ICRC) has been providing face masks and other personal protective equipment to detainees and prison staff throughout the country, as well as to the internal security forces and actors in the justice sector.⁹⁹ Third, bringing in the Ministry of Health and the WHO, the UN also designed a COVID-19 response and prevention plan for CAR's prisons, including further support for decongesting prisons where needed.

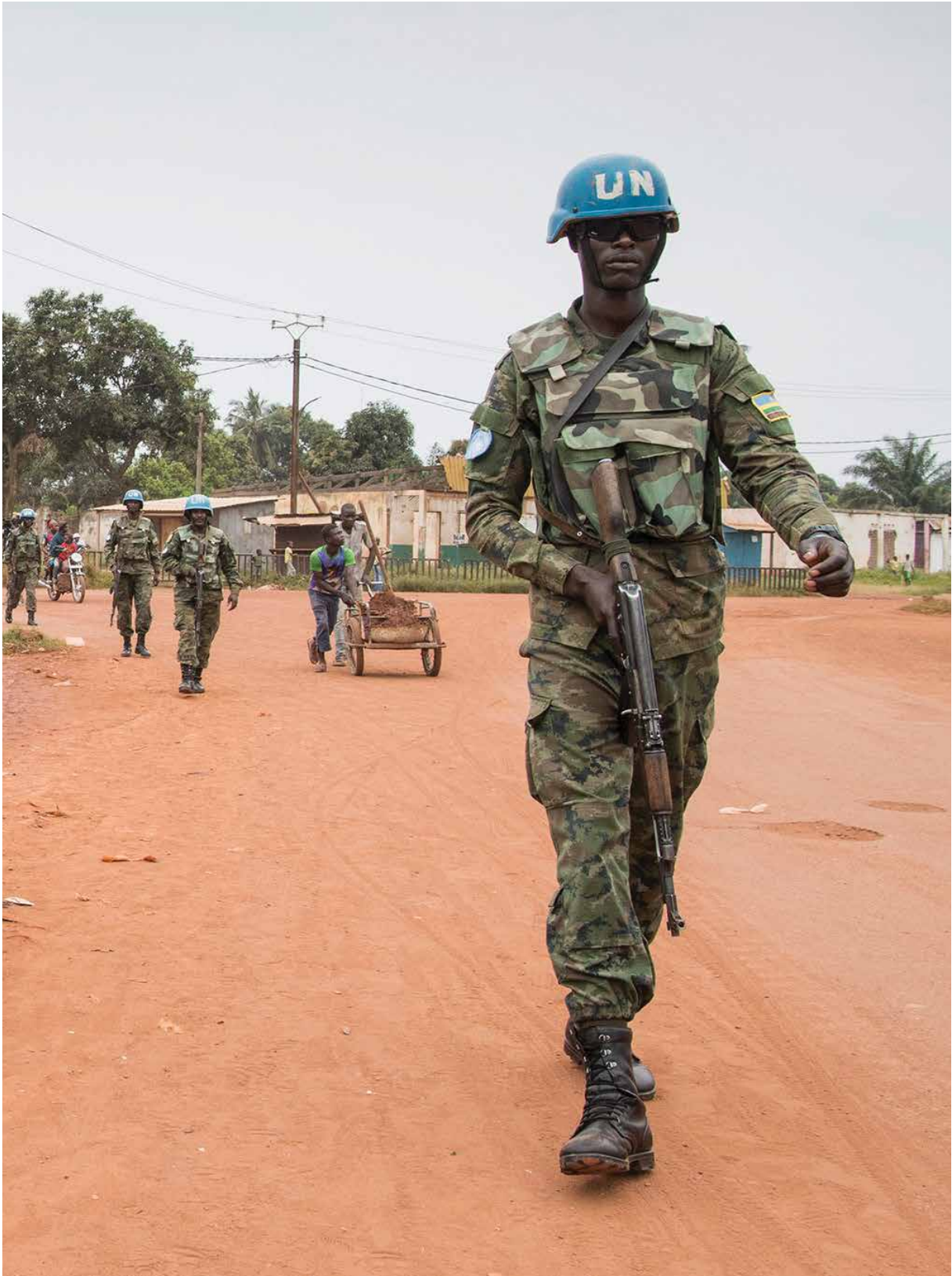
6. Lessons and recommendations

While the UN has dedicated substantial resources to several rule of law areas in CAR in recent years, its impact towards reducing conflict risks is difficult to identify with precision. In the justice sector, the UN has helped re-establish functioning courts in bigger cities, which have resumed criminal sessions and begun a more systematic fight against impunity for crimes committed in the armed conflict. Without the support of MINUSCA, it is unlikely that there would be functioning criminal justice institutions dealing with serious crimes in main population centres at this time, including Bangui and Bouar. Through its coordinated approach and sustained advocacy and technical assistance with national police, justice and corrections institutions, MINUSCA has facilitated the arrest and transfer of hundreds of individuals, including armed group members, suspected of serious crimes, allowing national institutions to at least demonstrate that the sector is somewhat operational despite the ongoing conflict. There was a widespread view that this support has helped (though in a limited way) to disincentivize perpetrators from further offence; there is also evidence that it increased the population's trust in the justice system, an important benchmark in the efforts towards sustainable peace. With regard to the SCC, shortfalls in

funding and staffing have curbed the Court's progress and impact to date. In the security and corrections sectors, the UN's recruitment and training support has contributed to increased functioning of Central African police, gendarmerie, and prisons, strengthening the country's capacity to take violent offenders off the streets and minimize prison breaks, with clear prevention effects. Furthermore, efforts to strengthen criminal accountability for SGBV have picked up pace, especially since the introduction of a special police unit. The preventive impact of UN support to transitional justice in CAR, however, has yet to materialize given its fairly recent roll-out. Overall, the UN helped initiate the first steps in the fight against impunity in CAR, which can be critical leverage in the broader context of the political process to advance a political dialogue amongst all the relevant stakeholders, while holding perpetrators of crimes and human rights violations accountable. However, given the difficult realities on the ground, there is still a long way to go to sustainably strengthen CAR's rule of law and reduce conflict risks. Deriving from this analysis and the expert interviews conducted, the following more general lessons can inform UN actors and other stakeholders in similar settings who seek to improve their rule of law interventions.

- **Set realistic expectations of the mission and plan the transition carefully.** MINUSCA has a robust rule of law mandate that has evidently helped extend State authority in CAR and strengthen national institutions in the justice, security, and corrections sectors. However, some experts cautioned against expecting too much from a peacekeeping mission in this regard, given that rule of law support and the related capacity-building are longer-term endeavours that normally exceed the lifespan of a mission.¹⁰⁰ However, peacekeeping missions are not expected or designed to address longer-term rule of law endeavours. Peacekeeping missions have a clear comparative strength to provide critical support in the direct aftermath of conflict; and in active conflict contexts to support national authorities to conduct law and order operations, investigate and prosecute international crimes and other crimes that fuel conflict and re-establish a functioning penal chain and justice sector, thereby creating conditions for longer-term peacebuilding initiatives. Peacekeeping mandates should be designed with a focus on what can realistically be achieved and what is necessary to advance the protection of civilians, the broader political process and improve the security situation on the ground. Ideally, an exit strategy would be planned early on that is flexible enough or can be adapted to account for major changes in the context on the ground and that ensures the sustainability of efforts after mission drawdown.
- **It is essential to have, at the different stages of a mission's life, a strategic vision that can then be supported by programmes on what the UN aims to achieve in terms of rule of law support within the broader political process.** The capacities of the UN Country Team need to be bolstered to ensure that rule of law efforts can be absorbed and sustained after the mission exits.
- **Include work on land rights and natural resources.** While the expectations of what a mission can achieve need to be adjusted and overly long “laundry lists” of tasks are an often-cited complaint, there is still an important area underrepresented in the responses of the broader UN system: that of land rights. In CAR and many other settings, conflicts over land are amongst the main drivers of violence, and current mandating and resourcing does not enable the UN to tackle this crucial rule of law area. Access to natural resources was also cited as a key conflict driver that did not receive sufficient attention in the prevention approaches by the international community. Bolstering the UN's work around these issues would be an important element of a holistic rule of law approach.
- **Mobilize and prioritize resources.** Naturally, the areas in which the UN in CAR could register the most progress were those that had adequate funding. Support for the SCC, however, is lagging, in large part due to significant funding gaps despite the contributions of MINUSCA and other major donors such as the EU. Donor and stakeholder forums such as the CAR reference group or the Peacebuilding Commission country configurations are a good way to highlight the needs on the ground and mobilize the necessary resources. Also, where funding is limited, the resources available need to be allocated in the most impactful way, which requires careful needs and impact assessments and can also mean raising the profile of less costly, meaningful bottom-up work. The UN's tendency to measure activities rather than impact means there is often have little sense of which programmes are the most effective and deserving of the funds available.

- Bolster bottom-up and local approaches.** Several interviewees pointed to the potential of local approaches that can have a wide reach and impact, such as legal aid services and legal training. UNDP and other partners in CAR promote access to justice in their efforts to strengthen the rule of law; and also in other settings, people- and victim-centred approaches can offer helpful ways to increase people's participation and offer inclusive rule of law support. To support genuine bottom-up work, collaborating with local partners such as local chapters of INGOs or reputable civil society organizations can be a helpful way to gain a foothold on the ground and spread the reach of more grassroots-oriented work such as legal assistance or legal training. This type of cooperation can help effectively deliver on justice needs across all levels of society and leave behind more sustainable capacities.
- Include the informal justice system.** Closely intertwined with the previous point, experts raised concern that the UN in CAR and elsewhere overly focuses on supporting the statutory, formal justice system – often at the expense of informal mechanisms which, in fact, many local populations have been relying on as the sole mechanisms for conflict resolution, e.g. traditional courts at the chieftom-level. For effective rule of law support, it might be necessary for the UN to adapt its approaches (and more broadly its understanding of rule of law as such) to local practices and the realities on the ground. "Justice has to be closer to the people," one expert suggested, "and simply coming in with a top-down approach and not using the structures that are already there can really destabilize a country." A suggestion that can balance adaptive *and* supportive functions would be a design where a light, principled support mechanism is established in the centre of the justice and reconciliation architecture in-country – one that does not conduct its own activities, but that supports local ones in an advisory function, introducing measures of quality control and principles of conduct (such as impartiality, etc.).¹⁰¹
- Cooperate internally.** As this study has shown, joint work on the political, operational, and technical level can significantly enhance the UN's credibility and efficiency in rule of law initiatives. UN partners can benefit from the co-location of resources and staff and from eliminating duplicate (or even mutually hampering) interventions, to ensure a comprehensive and coherent UN approach on rule of law. This does not only pertain to joint work across a mission and the UN Country Team, but also within a mission itself and its different pillars in the justice, corrections, security, and human rights areas.
- Use gender justice as a catalyst to strengthen the fight against impunity and the rule of law.** The prioritization of the fight against impunity for SGBV, including conflict-related sexual violence crime, early on by UN partners involved in CAR has resulted in concrete results that served as catalysts to help the national authorities address traditionally underreported crimes, and contributed to the fight against impunity and the rule of law. The UN should consider implementing a similar approach in other contexts where SGBV, including conflict-related sexual violence, is widespread.



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13. Fund for Peace, *Fragile States Index 2020* (Fund for Peace: Washington DC, 2020), <https://fragilestatesindex.org/data/>; Transparency International, *Corruption Perceptions Index 2019* (Berlin: Transparency International, 2019), <https://www.transparency.org/en/cpi/2019/results/caf>; Lise Howard, *Assessing the effectiveness of the UN mission in the Central African Republic* (Oslo: Norwegian Institute of International Affairs, 2019), <https://effectivepeaceops.net/blog/assessing-the-effectiveness-of-the-un-mission-in-the-central-african-republic/>.
14. Lise Morjé Howard et al., *Assessing the Effectiveness of the United Nations Integrated Multidimensional Stabilization Mission in the Central African Republic (MINUSCA)* (Oslo: Norwegian Institute of International Affairs, 2020).
15. According to some sources, three-quarters of CAR's territory is under armed group control. Interview 28 September 2020; Amnesty International, "Central African Republic: Five years later, more efforts to be done to get special criminal court fully operational," 3 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/central-african-republic-five-years-later-more-efforts-to-be-done-scc/>.

16. Ibid.
17. According to data from 2006, 26 per cent of women aged 15-49 years reported that they had been subject to physical and/or sexual violence by a current or former intimate partner in the previous 12 months. See, UN Women, "Central African Republic," last accessed 6 August 2021, <https://data.unwomen.org/country/central-african-republic>.
18. Nicholas Marsh, "Brothers Came Back with Weapons: The Effects of Arms Proliferation from Libya," PRISM 6, 4 (2017), <https://cco.ndu.edu/News/Article/1171858/brothers-came-back-with-weapons-the-effects-of-arms-proliferation-from-libya/>.
19. Lise Howard, *Assessing the effectiveness of the UN mission in the Central African Republic* (Oslo: Norwegian Institute of International Affairs, 2019), <https://effectivepeaceops.net/blog/assessing-the-effectiveness-of-the-un-mission-in-the-central-african-republic/>; International Peace Information Service, *Central African Republic: A Conflict Mapping* (Antwerp: IPIS, 2018), <https://ipisresearch.be/publication/central-african-republic-conflict-mapping/>.
20. Lise Howard, *Assessing the effectiveness of the UN mission in the Central African Republic* (Oslo: Norwegian Institute of International Affairs, 2019), <https://effectivepeaceops.net/blog/assessing-the-effectiveness-of-the-un-mission-in-the-central-african-republic/>.
21. Bureau of International Narcotics and Law Enforcement Affairs, "Central African Republic Summary," last accessed 6 August 2021, <https://www.state.gov/bureau-of-international-narcotics-and-law-enforcement-affairs-work-by-country/central-african-republic-summary/>.
22. Lise Howard, *Assessing the effectiveness of the UN mission in the Central African Republic* (Oslo: Norwegian Institute of International Affairs, 2019), <https://effectivepeaceops.net/blog/assessing-the-effectiveness-of-the-un-mission-in-the-central-african-republic/>.
23. Lise Morjé Howard et al., *Assessing the Effectiveness of the United Nations Integrated Multidimensional Stabilization Mission in the Central African Republic (MINUSCA)* (Oslo: Norwegian Institute of International Affairs, 2020).
24. Lisa Ejelöv and Richard Zajac Sannerholm, *The UN Global Focal Point for Police, Justice and Corrections is at the Crossroads* (Sandöverken: Folke Bernadotte Academy, 2015).
25. Interview 28 September 2020; Patrick Vinck, Phuong Pham, Mychelle Balthazard, and Alain-Serge Magbe, "Central African Republic," *Peace, Justice and Security Polls* 5 (2020), http://www.peacebuildingdata.org/sites/m/pdf/CAR_Poll5_ENG.pdf.
26. MINUSCA, "Mandate," last accessed 6 August 2021, <https://minusca.unmissions.org/en/mandate>.
27. The recommendations of the Secretariat (United Nations Security Council, "Report of the Secretary-General on the Central African Republic submitted pursuant to paragraph 48 of Security Council resolution 2127 (2013)," United Nations, 3 March 2014, S/2014/142) were reflected in Security Council Resolution 2149 (2014) through a strong rule of law mandate and the introduction of the innovative provision on urgent temporary measures, which was subsequently adapted to include separate provisions on the support to the establishment of the Special Criminal Court. United Nations Security Council, "Resolution 2149, adopted by the Security Council at its 7153th meeting," United Nations, 10 April 2014, 10 April 2014, S/RES/2149.
28. Interview, 21 September 2020; United Nations Security Council, "Resolution 2499, adopted by the Security Council at its 8666th meeting," United Nations, 13 November 2019, S/RES/2499: para. 26.
29. Interview, 1 October 2020.
30. Interview, 28 September 2020.
31. Interview, 28 September 2020.
32. Interview, 14 October 2020.
33. Interviews, 8 and 14 October 2020.
34. Interview, 14 October 2020.
35. Paige Arthur et al., *Review of the Global Focal Point for Police, Justice, and Corrections* (New York: Center on International Cooperation, Folke Bernadotte Academy, and Norwegian Institute of International Affairs, 2018).
36. Interview 1 October 2020.
37. Interview, 28 September 2020.
38. Interviews, 4 and 8 September 2020.
39. As of late 2020. Internal documents [on file with authors]; Interviews, September and October 2020; UNDP, *United Nations Development Programme 2016 Global Programme Annual Report* (New York: UNDP, 2016); UNDP, *United Nations Development Programme 2017 Global Programme Annual Report* (New York: UNDP, 2017); Paige Arthur et al., *Review of the Global Focal Point for Police, Justice, and Corrections* (New York, Center on International Cooperation, Folke Bernadotte Academy, and Norwegian Institute of International Affairs, 2018); Amnesty International, *'On trial, these warlords lowered their eyes': The Central African Republic's challenging pursuit of justice* (London: Amnesty International, 2020).
40. Interview, 4 September 2020.

41. Internal documents of file with authors; Patrick Vinck, Phuong Pham, Mychelle Balthazard, and Alain-Serge Magbe, "Central African Republic," *Peace, Justice and Security Polls 5* (2020).
42. Interview, 28 September 2020; Patrick Vinck, Phuong Pham, Mychelle Balthazard, and Alain-Serge Magbe, "Central African Republic," *Peace, Justice and Security Polls 5* (2020).
43. Ibid.
44. Internal document [on file with author]; Human Rights Watch, "Central African Republic," *World Report 2020* (New York: Human Rights Watch, 2020), <https://www.hrw.org/world-report/2020/country-chapters/central-african-republic>.
45. Interview, 16 September 2020.
46. Interview, 4 September 2020.
47. Interview, 29 September 2020.
48. Internal document [on file with author].
49. MINUSCA, UNDP, OHCHRO, and SRSR for Sexual Violence in Conflict, *Report of the Mapping Project documenting serious violations of international human rights law and international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015* (New York: United Nations, 2017).
50. Interview, 28 September 2020; Patrick Vinck, Phuong Pham, Mychelle Balthazard, and Alain-Serge Magbe, "Central African Republic," *Peace, Justice and Security Polls 5* (2020).
51. Interview, 8 September 2020.
52. Interview, 29 September 2020; Paige Arthur et al., *Review of the Global Focal Point for Police, Justice, and Corrections* (New York: Center on International Cooperation, Folke Bernadotte Academy, and Norwegian Institute of International Affairs, 2018).
53. Estimation in 2018. Interview, 29 September 2020.
54. Interview, 29 September 2020.
55. Moreover, some suggested that the very existence of the Court and the commitment of the national authorities and the international community to its success is a clear indicator that the crimes that occurred in CAR warrant an extraordinary response in order to contribute to the transitional justice process and the fight against impunity for the people of CAR. In this regard, some consider that the Court will have a lasting legacy in CAR in terms of truth telling and accountability and also capacity-building of the range of national magistrates and court personnel working alongside international counterparts and in complementarity with the ICC and the ordinary courts. The national staff and magistrates working at the SCC will likely be absorbed into other courts following the completion of the Court's work bringing valuable experience and expertise to the national system well beyond the lifespan of the Court. Following the political agreement in 2019, the Court has also played an important role in responding to violations of the agreement that also constitute serious crimes by opening investigations in coordination with the Courts of Appeal.
56. In line with the implementation of the Internal Security Forces capacity-building and development plan adopted in 2016.
57. Internal documents [on file with author]; Interviews, 8 and 21 September 2020; UNDP, *United Nations Development Programme 2017 Global Programme Annual Report* (New York: UNDP, 2017).
58. MINUSCA is mandated to "urgently and actively adopt, within the limits of its capacities and areas of deployment, at the formal request of the CAR authorities and in areas where national security forces are not present or operational, urgent temporary measures on an exceptional basis, without creating a precedent and without prejudice to the agreed principles of peacekeeping operations, which are limited in scope, time-bound and consistent with the objectives set out in paragraphs 31 and 32 (e), to arrest and detain in order to maintain basic law and order and fight impunity and to pay particular attention in this regard to those engaging in or providing support for acts that undermine the peace, stability or security of the CAR." United Nations Security Council, "Resolution 2552, adopted by the Security Council at its 8776th meeting," United Nations, 12 November 2020, S/RES/2552.
59. Interview, 16 September 2020.
60. Interview, 16 September 2020.
61. Interviews, 16 and 21 September 2020.
62. United Nations Security Council, "Central African Republic: Report of the Secretary-General," United Nations, 12 October 2020, S/2020/994: para 101.
63. Patrick Vinck, Phuong Pham, Mychelle Balthazard, and Alain-Serge Magbe, "Central African Republic," *Peace, Justice and Security Polls 5* (2020); Impact Initiatives, "After Years of Violence Bangui is on the Path to Recovery," 30 July 2019, <https://www.impact-initiatives.org/what-we-do/news/after-years-of-violence-bangui-is-on-the-path-to-recovery-guided-by-data/>.
64. Interview, 4 September 2020.
65. Lise Morjé Howard et al., *Assessing the Effectiveness of the United Nations Integrated Multidimensional Stabilization Mission in the Central African Republic (MINUSCA)* (Oslo: Norwegian Institute of International Affairs, 2020).

66. Internal document [on file with author].
67. With US funding through the UNDP/MINUSCA rule of law programme. Interviews, 4 September and 9 October 2020; Internal document [on file with author].
68. Internal document [on file with author]; Interview, 9 October 2020.
69. Interview, 9 October 2020.
70. Interview, 16 September 2020.
71. Internal document [on file with author].
72. Interviews, 7 October and 16 November 2020.
73. Internal document [on file with author].
74. Lise Morjé Howard et al., *Assessing the Effectiveness of the United Nations Integrated Multidimensional Stabilization Mission in the Central African Republic (MINUSCA)* (Oslo: Norwegian Institute of International Affairs, 2020).
75. In 2012, the United Nations signed two Joint Communiqués to strengthen the prevention and response to CRSV with the Government of CAR and with the Disarmament, Demobilization and Reintegration Steering Committee of CAR. This engagement was renewed in 2019 when a new Joint Communiqué on the prevention and fight against CRSV was signed with the United Nations during the visit of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) to CAR in 2019. United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, "Communiqués," last accessed 6 August 2021, <https://www.un.org/sexualviolenceinconflict/digital-library/joint-communiques/>.
76. The creation of this unit was one of the main commitments in the Joint Communiqué on the prevention and protection against conflict-related sexual violence, which the national authorities signed in 2012 with the UN. See, United Nations and Government of the Central African Republic, "Joint Communiqué," 12 December 2012, https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2012/12/joint-communicue/with-the-government-of-the-central-african-republic/CAR-Communiqués_JC_2012.pdf. A new Joint Communiqué was signed in May 2019 between the United Nations and the national authorities to strengthen protection, service delivery and accountability for SGBV crimes (see in particular the section on justice, which includes references to legislation, reparation, UMIRR, etc.). See United Nations and Government of the Central African Republic, "Communiqué conjoint," 31 May 2019, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/joint-communicue/joint-communicue-of-the-central-african-republic-and-the-united-nations-on-prevention-and-response-to-crsv/20190531-Joint-Communiqué-of-Govt-of-CAR-and-UN.pdf>.
77. Interviews, 8 and 14 October 2020.
78. Interview, 8 October 2020; Paige Arthur et al., *Review of the Global Focal Point for Police, Justice, and Corrections* (New York: Center on International Cooperation, Folke Bernadotte Academy, and Norwegian Institute of International Affairs, 2018).
79. Interview, 14 October 2020.
80. Interview, 8 and 14 October 2020.
81. Interview, 8 October 2020; Patrick Vinck, Phuong Pham, Mychelle Balthazard, and Alain-Serge Magbe, "Central African Republic," *Peace, Justice and Security Polls* 5 (2020).
82. United Nations, "Team of Experts on Rule of Law and Sexual Violence in Conflict," 3 May 2020, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/05/2pager2020SPREAD.pdf>.
83. See also paragraphs 20-23 of the Secretary-General's annual report on CRSV: United Nations Security Council, "Conflict-related sexual violence: Report of the Secretary-General," United Nations, 3 June 2020, S/2020/487, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/06/2019-REPORT-OF-THE-SECRETARY-GENERAL-ON-CRSV-ENGLISH.pdf>.
84. Interview, 4 September 2020.
85. Amnesty International, "Central African Republic: Five years later, more efforts to be done to get special criminal court fully operational," 3 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/central-african-republic-five-years-later-more-efforts-to-be-done-scc/>.
86. Interview, 9 October 2020.
87. Lise Morjé Howard et al., *Assessing the Effectiveness of the United Nations Integrated Multidimensional Stabilization Mission in the Central African Republic (MINUSCA)* (Oslo: Norwegian Institute of International Affairs, 2020).
88. Security Council Report, "February 2019 Monthly Forecast. Central African Republic," 31 January 2019, <https://www.securitycouncilreport.org/monthly-forecast/2019-02/central-african-republic.php>.
89. Interview, 28 September 2020.
90. Interviews, 9 and 14 October 2020.
91. As of 2018, women made up only 14 per cent of ministers, 8.5 per cent of the National Assembly, 8.3 per cent of the High Court of Justice, 22 per cent of the national Economic and Social Council, 17.3 per cent of the civil service and 9 per cent of prefects and sub-prefects. See, United Nations Security Council, "Letter dated 5 December 2018 from the Permanent Representatives of Peru, Sweden and the United Kingdom of Great Britain and Northern Ireland to the

United Nations addressed to the Secretary-General," United Nations, 6 December 2018, https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2018_1087.pdf.

92. Interview 1 October 2020; Lisa Ejelöv and Richard Zajac Sannerholm, *The UN Global Focal Point for Police, Justice and Corrections is at the Crossroads* (Sandöverken: Folke Bernadotte Academy, 2015).
93. Interview, 28 September 2020.
94. Interview, 9 October 2020.
95. UNDP, *Draft country programme document for the Central African Republic (2018-2021)* (New York: UNDP, 2017).
96. Others note that the Special Criminal Court was a specific request of the transitional authorities in CAR, who understood that the massive scale of war crimes and crimes against humanity to which the civilian population had been subject to since 2003, required a comprehensive criminal justice response with appropriate visibility and resources as part of a broader approach to transitional justice in the country and to ultimately reduce the threat of further violence by prosecuting the architects of that violence. They note that the SCC is designed to act in full complementarity with the ICC and with the ordinary courts in CAR and that it is clear, given the complexities and massive scale of the crimes committed in CAR, that solely relying on the ordinary courts in CAR to address such crimes in a manner that captures the scope and gravity of the suffering of victims would not be sufficient. Donors unlikely would have committed the level of resources that the SCC has been able to mobilize given its unique character and mandate. There is no evidence to suggest that such resources would have been made available to other elements of the national justice sector, bearing in mind that the Court is a national court in any event. Moreover, no other peacekeeping mission has received the level of programmatic funds for judicial support that MINUSCA has, evidencing the catalytic effect of the Court as a vehicle for attracting additional resources, rather than diverting resources from other parts of the justice sector.
97. Interview, 4 September 2020.
98. Interview, 4 September 2020.
99. Interview, 16 November 2020; Asako Okai and Alexandre Zouev, "Rule of law and sustaining peace in times of COVID-19," UNDP, 26 June 2020, <https://www.undp.org/content/undp/en/home/blog/2020/conflict-prevention-and-peace-in-times-of-covid-19.html>.
100. Interview, 4 September 2020.
101. Interview, 20 November 2020. However, it is important to note that informal mechanisms can be inadequate to address serious international crimes and human rights violations, especially cases of SGBV, including conflict-related sexual violence. See, United Nations, *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence* (New York: United Nations, 2020), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/06/2020.08-UN-CRSV-Handbook.pdf>.