

The Principle of Subsidiarity

The Example of ECCAS in the Central African Crisis

- Bringing a peace process closer to the people -

A Joint ECCAS-CMI Publication



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Executive summary

The principle of subsidiarity is founded on the idea that sustainable peace is possible if conflict resolution mechanisms are led by actors who are culturally, geopolitically and/or strategically close to the crisis in question. In the African context, mediation should therefore be directly supported and, where appropriate, led by Regional Economic Communities (RECs). The recent intervention of a REC, the Economic Community of Central African States (ECCAS), in the Central African Republic (CAR) offers valuable insights on the extents and limits of the principle. It is hoped, in the words of one commentator, that development of a shared understanding of this principle “would help to minimise competition and discord among the peace-making bodies, demarcate responsibilities, expedite policy and operational harmonisation and ensure African ownership of peace initiatives.”¹

In 2012, when renewed tensions arose in CAR, ECCAS took the lead in resolving the crisis. To support ECCAS in this role, and in consultation with the African Union (AU), a mediation support team was deployed. The team consisted of experts from the Crisis Management Initiative (CMI), a Finnish non-governmental organization specializing in mediation and dialogue. Building on a fruitful collaboration, ECCAS and CMI developed a case study on the application of the principle of subsidiarity in CAR. The intention of the study was to gather lessons from the process and share best practices with policy makers, peace practitioners and international organizations. A key observation that was made is that while the secretariats of RECs are established by the region, if strengthened they will have the potential to mitigate perceptions and realities of regional state interests. For this, the provision of financial resources alone is not enough. Substantial technical support in mediation and political backstopping by all relevant actors would allow RECs to fulfil their function more strongly within the African Peace and Security Architecture (APSA).

In the African context, three different levels of relationships are found: between the United Nations (UN) and the African Union (AU); between the African

Union and various Regional Economic Communities (RECs); and to a lesser extent the United Nations and the Regional Economic Communities directly. While the UN charter does not refer to the principle of subsidiarity², within APSA the relationship between the AU and RECs is explicitly addressed in two documents: the 2002 Protocol relating to the establishment of the Peace and Security Council, and the 2008 Memorandum of Understanding on cooperation in the area of peace and security between the AU and the RECs.³ The principle’s application is often explained as follows. The first intervener should be the lowest level, i.e. the REC. If this intervention fails, the next level, the AU, would take over. Should this also fail, the ultimate level, the UN would be in charge.⁴ The reality is more complex however. Despite the fact that one actor would have the main responsibility, contributions and support from the other levels would still be expected in accordance with the principle of complementarity and comparative advantage. We indeed witnessed this in the case of CAR, where the UN and the AU increased their support to ECCAS when the crisis reached a certain degree of complexity.

Bearing in mind all of the limitations, the principle of subsidiarity was applied in the resolution efforts of the CAR crisis. In the early phases, ECCAS was able to swiftly take the lead in intervening. In doing so, it sought to balance the importance of preserving constitutional order in CAR with the reality on the ground. It did this by accommodating the AU’s concern that no unconstitutional seizure of power should be recognized. ECCAS sought to reach a compromise by ensuring that the author of the 2013 coup submitted to an election process. With the crisis reaching new degrees of complexity and gravity, the mediation was transformed into an

2 Although the UN Charter Chapter VIII describes regional arrangements for peace and security, and encourages localized agency in conflict resolution, the primacy of the UN Security Council and its decisions is affirmed.

3 By comparison, examining the principle in the European context where it also holds a significant place can provide a useful insight. According to EU law the principle of subsidiarity “aims at determining the level of intervention that is most relevant in the areas of competences shared between the EU and the EU countries.” In any case, “the EU may only intervene if it is able to act more effectively than EU countries at their respective national or local levels.” (Eur-lex, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Aai0017>, accessed 21/12/16). Therefore, intervention at the higher level is considered as the exception, whereas action at the lower level should be the rule.

4 Nathan, *ibid*, 2016.

1 Laurie Nathan, “Will the lowest be first? Subsidiarity in peacemaking in Africa”, Presentation Paper, 2016.

International Mediation consisting of the ECCAS Lead Mediator, with the AU and the UN acting as deputy mediators. All three entities agreed to implement a three-phase mediation process:

1. A Forum in Brazzaville on National Reconciliation and Political Dialogue where a cessation of hostilities agreement was adopted;
2. A consultative process/mediation education at the level of the prefectures, which was a sizable undertaking and where the ECCAS Secretariat was considerably involved;
3. A larger national level forum in Bangui, with a substantial contribution from ECCAS' side, both in planning and in facilitation.

Although peaceful elections followed the conclusion of the mediation process, the ECCAS-led efforts faced considerable difficulties. Two main obstacles were identified. First, suspicions by CAR and international actors about some of the ECCAS Member states' interests, and perceptions of bias towards some conflict parties limited the extent of ECCAS' influence. Second, there was found to be an unclear division of labour and roles among the actors of the international mediation, e.g. a duplication of tasks and disagreements on strategy, among the actors/stakeholders of the international mediation, and within ECCAS.

CMI provided assistance to ECCAS' mediation expertise through capacity building, logistical support, and human resources. CMI's contribution offers valuable lessons regarding the means by which subsidiarity can be supported. Increasing secretariats' access to expertise, and thereby their role in mediation efforts, reduces the probability of a conflict of interest without losing the benefit of proximity and legitimacy. In the CAR case however, the Secretariat had a constrained ability to shape the approach decided at the Heads of State level, and a technical imbalance with the other actors in the mediation was present.

Despite these limitations, ECCAS was still able to lend increased credibility and legitimacy to the CAR mediation, thereby improving its sustainability. Unlike at the member-state level, a REC secretariat is at times less vulnerable to perceptions of bias and conflict of interest. This was apparent in the CAR peace process. It was reported that the ECCAS

Secretariat benefited from a higher level of trust from CAR stakeholders than other international actors in the mediation. Furthermore, ECCAS' low-key approach was appreciated. By understanding local sensitivities the ECCAS Secretariat was able to positively influence the mediation process. For example, it understood the need for organizing the popular consultations. And when other actors sought to bypass this stage of the process altogether, ECCAS was insistent that it should take place. The failure of previous processes was often attributed to the lack of involvement of populations outside Bangui. ECCAS stressed that a mediation process would be in vain without the meaningful participation of populations concerned.

A special word of appreciation is due to ECCAS and CMI colleagues who served as the principal drafters and copy editors of the text: Ambassador Adolphe Nahayo, Alexis Symphorien Emvono, Ambassador Corentin Ki Doulaye, Mikko Patokallio, Gabrielle Priklopilova, and Antero Karvonen. A further word of gratitude is extended to Minister of State Marie Noëlle Koyara for her constructive response to the case study. Minister Koyara's reflection and an epilogue by Ambassador Nicolas Bwakira are included within this publication.

We hope this case study serves as a valuable contribution to the field of mediation processes design, and that it provides insights on the application of the principle of subsidiarity.

The 30th of November 2016,

Libreville,

Ambassador Baudouin Hamuli Kabarhuza,
Director of Political Affairs and
of the Early Warning Mechanism
of Central Africa (MARAC),
Economic Community of Central African States
(ECCAS)

Helsinki,

Mr. Itonde A. Kakoma,
Head of Sub-Saharan Africa,
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1. Introduction

The African Peace and Security Architecture (ASPA) is at the core of efforts to increase sustainable peace and security in Africa. One of the key building blocks for APSA is a close relationship with Regional Economic Communities (REC) and Regional Mechanisms.

The principle of subsidiarity is one of the central concepts underlying APSA. Subsidiarity is grounded in the idea that sustainable peace is best achieved when conflict resolution mechanisms are driven by those actors who are most affected by and closest to the conflict. However, the application of subsidiarity in practice has resulted in mixed experiences. It is not always clear how the principle should address conflicts of interest between competing organizations and states. Indeed, in many cases different actors have for their own interests advanced competing interpretations of subsidiarity.

This occasional friction surrounding the application of subsidiarity is to some extent inevitable, even if undesirable. Given the diverse nature of the “ecosystem” of international actors – states, regional, international organizations, private and non-state actors in the field of conflict and mediation, it is unlikely that this tension can be fully resolved. Nonetheless, there may be valuable lessons to be learned about how to better advance the application of the principle of subsidiarity, and about how to improve coordination and cooperation in mediation. This review examines one particular case of subsidiarity in practice in the Central African Republic (CAR) mediation process (2012-2015). In June 2014, in agreement with the African Union (AU), ECCAS and CMI have established a mechanism to support the Mediation. The AU/CMI/ECCAS partnership is a rare combination of efforts that demonstrates some of the major challenges and opportunities for future improvement involved in the application of subsidiarity. This review aims to capture lessons learned from this experience so as to increase understanding of the potentials and limits of the principle of subsidiarity.

This review has been jointly conducted by CMI and ECCAS, and is based on a close examination

of academic literature, research, as well as other primary mission reports and documents.⁵

To complement this material, interviews were conducted with key stakeholders involved in the CAR mediation processes.

2. Subsidiarity in principle

Subsidiarity has been long recognized as a principle for organizing divisions of labour. By one definition, subsidiarity is the principle that a central authority should have a subsidiary function in carrying out only those tasks that cannot be done effectively at a more immediate or local level.⁶

Historically subsidiarity has been applied to organize relations between central and local authorities, but increasingly the principle has also been applied in international politics to govern relations between international organizations that have overlapping membership.

In theory at least, the benefits of subsidiarity are clear. The advantages most commonly mentioned are:

- **Better local awareness:** local actors are said to be more aware of nuances and the underlying issues of a situation. With better analysis and understanding, their role can be more fitting to the task at hand.
- **More interest in the outcome:** due to proximity, local actors have more to potentially gain or lose in the outcome. Local actors are more interested in seeing sustainable and effective outcomes than a more distant actor might be.
- **Greater flexibility and adaptability:** all these factors are likely to come together to give local actors a more adaptable approach to the issue at hand, in that they can more quickly respond to changes on the ground.
- **Greater legitimacy:** actors that are closer are viewed as more legitimate than distant actors. Previous relationships and closeness thus

⁵ This review was done between April and September 2016, and involved 16 interviews of ECCAS, CMI, AU staff, as well as other individuals who have closely observed the CAR peace process. The review was further amended in a validation workshop involving ECCAS and CMI staff in September 2016.

⁶ Definition taken from the Oxford English Dictionary online.

also reflect positively on the ability of local individuals and bodies to act.

- **Sustainability of peace processes:** lastly, due to all of the above, the meaningful involvement of a sub-regional actor will increase the likelihood of a sustainable peace process.

However, there are also potential flaws and limits to the application of subsidiarity:

- **Limited capacities:** typically, smaller organizations have fewer resources, and may be less able to act than larger, international organizations. Institutional weakness can be an obstacle to effective interventions. In the worst case, weak interventions can even worsen conflicts that they seek to resolve.
- **Conflicts of interest:** there are few guarantees that there will not be conflicts of interest between states and/or organizations. This can be particularly problematic if one state seeks to co-opt mediation efforts to further its own interests over internationally recognized principles.
- **Bias:** being close to actors does not always translate into fairness. A lack of objectivity sometimes means that outcomes can be biased in favour of incumbents or other elites, to the detriment of inclusive and non-partisan solutions. At times, this can create conflict between international/regional best practices and local sentiments.

As a principle, subsidiarity assists in determining ways to organize the division of labour in overlapping or asymmetric hierarchies. In and of itself, subsidiarity is not enough to do so. Instead, it is often linked to several other, mutually supportive principles. For instance, within APSA, subsidiarity is linked to the notions of complementarity and comparative advantage. These come together to support the effective implementation of overall architecture.⁷ The underlying elements of the idea of subsidiarity revolve around the relative effectiveness of more immediate levels, but also around organizing relations between different levels involved in processes. As such, the effective implementation of the principle also involves linking to these mutually

reinforcing notions, as opposed to notions of centralization.

The underlying elements of the idea of subsidiarity revolve around the relative effectiveness of more immediate levels, but also around organizing relations between different levels involved in processes.

In the African context, subsidiarity as a principle involves three different levels of actors: between the United Nations (UN) and the African Union (AU); between the African Union and various Regional Economic Communities (RECs); and to a lesser extent the United Nations and the Regional Economic Communities directly.

All three organizations have a distinct and valid legal basis for acting in the realm of peace and security among their member states, and present different views of how subsidiarity operates. UN Charter Chapter VIII describes regional arrangements for peace and security, and encourages localized agency in conflict resolution. However, the Charter is also insistent in reaffirming the primacy of the UN Security Council and of its decisions over any potential alternative. The Security Council and General Assembly have frequently endorsed the role of regional organizations in conflict resolution.⁸

The relationship between the AU and RECs is based on two key documents: the 2002 Protocol related to the establishment of the Peace and Security Council, and the 2008 Memorandum of Understanding on cooperation in the area of peace and security between the AU and the RECs. The 2002 Protocol seeks to position RECs more clearly as a part of hierarchical arrangement for peace and security, with the AU having primacy, while at the same time encouraging cooperation and harmonization of activities. The 2008 MoU sought to elaborate on this relationship, and more explicitly describes subsidiarity as an operational principle. Admittedly, the wider framework of AU-REC relations is still under development, and each iteration of reviews has improved the possibilities for cooperation and coordination between the organizations.

7 Another example is the EU, which links subsidiarity to the principles of conferral and proportionality within its own decision-making processes.

8 For instance, UNSCR 2167 (2014), UNSCR 2033 (2012), and UNGA A/RES/67/302. The Brahimi Report (2000) also endorsed supporting regional actors in peacekeeping and building.

The application of subsidiarity has not been seamless in practice. The UN Security Council consistently reserves the right for primacy, but in practice does encourage proactive regional roles. The AU strongly advocates and supports subsidiary in relation to the UN, but is less enthusiastic on the subsidiarity of RECs.⁹ RECs generally strongly advocate subsidiarity, but given their limited resources they must at times rely on greater external support. This reflects the fact that subsidiarity on a conceptual level has gained traction, but the mechanisms, modalities and even experience in applying it are still lagging behind. There is a great deal of trial and error in its application, and a diversity of experiences. This is especially so when looking at how political and military components of peacekeeping missions function. To some extent it can be said that no two cases where subsidiarity has been applied have been alike.

There are reasonable factors behind this diversity. For instance, the overlap of legal mandates presents a confusing situation. Sovereign states are members of several independent legal entities, such as a REC (or several in some cases), other Regional Mechanism (RM), the AU and the UN. All of these claim responsibilities in the realm of peace and security. In a conflict situation all three can claim a mandate for playing a role in its resolution. A lack of clear mechanisms or methods for managing consultation and coordination adds to this confusion, and ways of operating tend to be improvised on a case-by-case basis. There have been efforts to improve the UN-AU, and AU-REC coordination via new mechanisms and agreements, but operationalization has been slow. The 2016-2020 APSA Roadmap frankly observes that there has been “limited implementation” of the 2008 MoU due to a variety of problems. These include a lack of harmonization and the lack of a shared understanding of comparative advantages.¹⁰

Reflecting on political crises in Africa, most conflicts – 85% according to one assessment – are mediated with the involvement of RECs, which strongly suggests that subsidiarity is implemented.

9 Laurie Nathan, “Will the lowest be first? Subsidiarity in peacemaking in Africa”, Presentation Paper, 2016.

10 AU, “2016-2020 African Peace and Security Architecture Roadmap,” 2015.

Reflecting on political crises in Africa, most conflicts – 85% according to one assessment¹¹ – are mediated with the involvement of RECs, which strongly suggests that subsidiarity is implemented. However, this does not note the quality of the efforts. In many cases there has been competition or suspicion between AU/UN efforts and RECs, in part over the nature of the intervention. One part of the critique falls on the ability of RECs to implement fair settlements to conflicts, as some interventions have been seen to be biased to favour one belligerent. This can reduce overall confidence in the peace process, and undercut other international efforts and leverage on conflict parties. Another, perhaps more salient criticism highlights the mixed capabilities of RECs to act.¹² Generally speaking, it has for example been noted that REC mediation units are generally greatly under-resourced compared to their UN/AU counterparts, and have less experience in designing or applying interventions. Financially, several RECs have very limited resources, or are irregularly resourced, which makes it harder to build strong structures that are capable of acting effectively.

In terms of how subsidiarity is viewed and applied as a principle in Africa, relations between the UN, AU and REC at different levels are rather dynamic. Subsidiarity is typically viewed through a top-down lens: international/regional organizations affirm and position their own action through the political space assumed by regional/sub-regional organizations in mediation processes. However, support for subsidiarity may also come from a bottom-up perspective. There are situations where RECs are unable to act, or are constrained from acting. In such cases, encouraging regional/international support from the perspective of subsidiarity may be a productive way forward.

So from certain perspectives, there may be unwillingness to rely too much on organizations whose ability to act is either unproven or in doubt. Although it is politically unfeasible and undesirable to completely sideline regional member states, at times RECs (and their secretariats in particular) may

11 Laurie Nathan, “Trends in Mediating in Africa Coups, 2000-2015,” Presentation Paper, 2016.

12 See e.g. Bjørn Møller, “The Pros and Cons of Subsidiarity: the Role of African Regional and Subregional Organisations in Ensuring Peace and Security in Africa,” DIIS Working Paper, 2005.

be given only nominal roles, with the political and technical heavy lifting being done elsewhere. This raises the challenge of practical coordination, and the need to build useful operational links beyond HQ-level liaisons.

The overlapping mandates of the UN, AU and RECs, also require constant political and technical coordination. All three levels bring different contributions to successful mediation, and need to be balanced.

Although some problems still exist, the overall value of applying subsidiarity in conflict resolution is widely recognized. For example, there are considerable limitations in practice, namely, concerns over the abilities of RECs to conduct complex mediation efforts fairly and effectively. Building increased capacity can help remedy deficiencies, but do not solve them entirely. The overlapping mandates of the UN, AU and RECs, also require constant political and technical coordination. All three levels bring different contributions to successful mediation, and need to be balanced. This was also the case in ECCAS' efforts in the resolution of the CAR crisis, where several of these limitations and benefits were on display.

3. Conflict in the Central African Republic

Since gaining independence from France in 1960, the Central African Republic (CAR) has struggled to respond to the needs of its population. The country has experienced a history of conflict between centre and periphery; conflict which has at times been driven by coercive and predatory practices adopted by ruling elites in Bangui. CAR is a religiously and ethnically diverse country, and at times this diversity has been used to manipulate and fuel conflict.

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Efforts for state building in CAR have been repeatedly undercut by periodic coups and local conflict, but also by international interventions. The republic has been described as being in a

state of "permanent rebellion,"¹³ where state weakness enables conflict, which in turn strengthens centrifugal forces. In particular, the failure of CAR leaders to implement transitional accords that ended the previous round of violence (2004-2007) has left unresolved grievances that directly led to the renewed outbreak of conflict in late 2012. The situation is further complicated through the involvement of mercenaries, mainly from neighbouring countries.

In December 2012, a predominantly Muslim rebel coalition referred to as Séléka emerged in the North-Eastern region of Vakaga. Claiming that the Central African Republican State had failed to adhere to the previous transitional agreements, Séléka rallied various groups dissatisfied with President François Bozizé. Amid international and regional pressure, government and rebel forces reached an ECCAS-sponsored agreement on a transition process in Libreville in January 2013. The process unravelled, due to a combination of insufficient monitoring mechanisms, lack of confidence of the belligerents in implementation of the accord, and Séléka's clear advantage on the ground. In March 2013 Séléka forces continued their advance, capturing the capital Bangui and forcing Bozizé into exile that month. The new administration, led by ex-Séléka leader Michel Djotodia faced difficulty in imposing its authority. Regional and international interlocutors largely rejected the seizure of power, but responded inconsistently to the new, de facto administration. Undermined by rivalries within the rebel coalition, the Djotodia government proved unable to restore the security needed to implement any transitional process. In the meantime the country's humanitarian situation worsened, amid growing sectarian violence and anarchy.

In reaction to atrocities by groups that are part of or close to the disintegrating Séléka, Christian-dominated militias, known as anti-Balakas, carried out inter-communal attacks against the country's Muslim minority. Most of those recruited into the militias were from Christian and Animist communities, as well as from members of the former governmental army, the FACA.

¹³ See, for instance, International Crisis Group, "Central African Republic: Anatomy of a Phantom State," 2007.

What followed was a three-part international process, consisting of the Brazzaville Forum, popular consultations and the Bangui Forum.

In 2014, renewed international efforts came forth to support CAR's wavering transition process. Amid pressure from ECCAS, Djotodia resigned and was eventually replaced by Catherine Samba-Panza as interim President. What followed was a three-part international process, consisting of the Brazzaville Forum, popular consultations and the Bangui Forum. Developed by ECCAS Heads of State and developed by an International Contact Group on CAR, this process sought to address the interrelated problems of administration, security, disarmament and reconciliation in CAR.

The Brazzaville Forum of July 2014, hosted by the International Mediation led by the President Denis Sassou Nguesso of Congo, focused on restoring peace and security and on taking steps towards a new transitional framework. The restoration of sufficient security was largely seen to be a precondition for progress with the overall transition. The main outcome of the Forum was an agreement to end hostilities, but consensus on other aspects was not sufficiently reached. The milestone of having a large national reconciliation forum – the Bangui Forum – was affirmed, and the need for a process of local consultations to support the Forum was recognized.

Hitherto, mostly elite actors from CAR were involved in the peace process, and this was seen to be a potential obstacle to sustainable results. To increase local ownership and provide wider input to the Bangui Forum, a process of popular consultations in CAR was started in January 2015, and took place in a surprisingly large part of the country. The consultations involved a high proportion of women and youth participation, and were positively received.

The final, much-delayed and much-anticipated Bangui Forum (May 2015) was seen as a critical step to advance the transition process on the road to elections. The Bangui Forum served as a potent symbol of national unity, and its recommendations were consolidated in a “Republican Pact”.

CAR held presidential and legislative elections in

2015-16, signalling the end of a now three-year transition period. The country still has to consolidate peace. Significant steps to this end have been taken, but international interest has waned. The following section will examine the dynamics of ECCAS' involvement in the CAR peace process in more detail.

4. Subsidiarity in Practice: ECCAS and the CAR Peace Process

ECCAS and its member states have consistently played quite a large role in efforts to stabilize CAR. ECCAS has been heavily involved in conflict resolution and peacekeeping efforts in CAR, most notably by providing a peacekeeping force – MICOPAX – in the country. At the same time, ECCAS has had to share the same space with multiple other actors involved in conflict resolution and peacekeeping in CAR.

In previous crises in CAR, there have been multiple international actors involved, and at times this has led to an unclear delineation of mandates. This complexity is well reflected in the peacekeeping missions in CAR.

2002-2008: the sub-regional multinational force (FOMUC) of the Central African Economic and Monetary Community (CEMAC). The FOMUC's initial mandate was to ensure the safety of President Ange-Felix Patassé, restructure the armed forces and monitor the work of joint patrols along the border with Chad.

July 2008- August 2013 ECCAS (MICOPAX).
August 2013- September 2014 AU (as MISCA).
Since September 2014, the UN (as MINUSCA).

While mostly the same countries have provided the bulk manpower for the missions, their formal mandate have changed multiple times over the years.

Despite the multitude of organizations and actors involved, ECCAS has had increasing success in crafting a role for itself in CAR, better defining its involvement and added value within international mediation efforts.

In addition, the EU (EUFOR RCA) and France (Sagaris) have deployed forces to CAR simultaneously under separate, but complementary mandates. In terms of purely political roles, other organizations have also been involved in initial mediation efforts in CAR. These include the OIF (Organisation Internationale pour la Francophonie), BINUCA (United Nations Integrated Peacebuilding Office in CAR), and the Organisation of Islamic Cooperation (OIC). Several states – such as France, Chad, South Africa, and Libya – have played roles in various conflict resolution efforts in CAR. Despite the multitude of organizations and actors involved, ECCAS has had increasing success in crafting a role for itself in CAR, better defining its involvement and added value within international mediation efforts.

4.1 ECCAS during the 2012 Crisis

In the early phases of mediation, ECCAS assumed the leading role through its proximity to the crisis and its existing commitment on the ground in CAR.

With the outbreak of violence in 2012, ECCAS assumed a fairly pragmatic position towards the conflict. It sought to balance the importance of preserving constitutional order in CAR with the reality of the formidable uprising challenging it. In the early phases of mediation, ECCAS assumed the leading role through its proximity to the crisis and its existing commitment on the ground in CAR. ECCAS was quicker to react than the AU or UN, because this space was not at that time contested by them. The fact that ECCAS established its own mandate under the Protocol to the Council of Peace and Security in Central Africa was not seen to be an obstacle by other actors. Subsidiarity was effectively embraced in these early phases, with ECCAS taking the lead in the effort to pre-empt and later resolve the CAR crisis.

With Séléka approaching Bangui in an emergency summit, ECCAS called for an immediate cessation of hostilities and a rebel pullback. ECCAS also sought to use MICOPAX as leverage to force both sides to the negotiating table. In doing so, ECCAS pushed the sides to agree to the Libreville Agreement in January 2013. On paper, the Libreville agreement was a workable

political settlement. It exacted necessary concessions from Bozizé and gave sufficient gains to the rebel coalition over what was envisioned to be a three-year transitional process. The agreement did not last, however. ECCAS was able to force an agreement on the sides, but was unable to ensure that both sides complied. From the perspective of ECCAS, it took a pragmatic approach to upholding its principles with the reality on the ground – of a recalcitrant Bozizé and the Séléka rebellion being on the upswing. Ultimately, this unwillingness by the parties to respect the agreement was the main reason the Agreement failed.¹⁴

Although ECCAS had a peacekeeping force on the ground, it was not in a position to contain the Séléka advance. This resulted in Séléka forces capturing Bangui in March 2013. Amid this reshuffled political situation, at the N'Djamena summit in April 2013 ECCAS sought to re-affirm its position as mediator. The summit confirmed the transitional plan outlined in Libreville, and established a transitional legislative body tasked with 1) electing a new president of the transition, 2) writing the National Charter of the Transition, and 3) approving the roadmap for the transition. The summit also created the International Contact Group for CAR, responsible for mobilizing the necessary support to the revived transition. The ICG-CAR, with a coordinating core of eight (G8-CAR),¹⁵ came to assume a leading role in shaping the CAR peace process. CAR moved from open conflict into transition, with heavy regional and international support. These early efforts and the political pressure that accompanied them did not succeed in preventing the coup. But they did establish a basis for transition after the fact.

4.2 Worsening Violence and International Response

As the crisis of early 2013 subsided, so too did international focus on CAR and its transition process. This changed with the worsening sectarian violence and growing anarchy in CAR, all of which led to increasing international anxiety. On the security

¹⁴ See for instance a critical assessment of the Libreville agreement by the International Crisis Group, "Central African Republic: Priorities of the Transition," Africa Report 203, 2013.

¹⁵ G8-CAR includes, in no particular order, the United States, France, the United Nations, Congo-Brazzaville (as mediator), the European Union, the World Bank, ECCAS, and the African Union.

front, the need for changes was also felt. MICOPAX was under-resourced and overstretched to perform the tasks assigned to it. It grew increasingly clear that it would need external support. To this end there was an effort to transform the mission into a better integrated and more capable AU peacekeeping mission. However, this did not have the desired impact. At the time institutional relations between the AU and ECCAS had already been strained by previous disagreements. For example, concerning the recognition of the seizure of power by Djotodia, a compromise between the AU and ECCAS had to be found through the creation of the National Transitional Council (NTC). This tension spilled over in the transformation of MICOPAX into the new AU MISCA operation. There were perceptions that the AU sought to assume credit for MISCA. At the same time, ECCAS had to bear the burden of resourcing the troops because promised funding for MISCA was late to arrive. This lack of resources slowed the operationalization of the mission, and overall MISCA failed to stop the violence. By late 2014 ECCAS assumed a more active approach, although at the same time CAR was looming larger on the AU and UN agenda.

In January 2014, ECCAS called a summit in N'Djamena to obtain the resignation of Djotodia. He was replaced by Catherine Samba-Panza as President of the Transition, who represented CAR civil society. This change of the CAR transitional authorities came from ECCAS, with the support of the ICG-CAR. With new authorities in CAR, it was hoped that the transition could proceed.

In April 2014, the UN took a stronger direct role through an authorized peacekeeping mission, MINUSCA. In tandem, ECCAS adjusted its approach. In June, at an extraordinary summit in Malabo, ECCAS appointed Dennis Sassou Nguesso, President of the Republic of Congo, as the ECCAS mediator, with a view to supporting the expansion of the CAR mediation process.

The mediation was transformed into an International Mediation consisting of the ECCAS Lead Mediator, the AU and the UN acting as deputy mediators.

The form of this renewed international approach

would be laid out at an ICG-CAR summit on 7 July 2014 in Addis Ababa. The mediation was transformed into an International Mediation consisting of the ECCAS Lead Mediator, the AU and the UN acting as deputy mediators. The ECCAS Secretariat was given the role of Rapporteur.¹⁶ Moreover, the ICG agreed on the outlines of what would eventually become a three-phase mediation process:

1. A forum in Brazzaville on National Reconciliation and Political Dialogue, with the main aims being an agreement to end the hostilities, bring about disarmament of armed groups, and to create a new framework for the transition.
2. A consultative process/mediation education on the level of the prefectures.
3. A larger national level forum in Bangui.

4.3 The Brazzaville Forum (21-23 July 2014)

The Brazzaville Forum was a key milestone in the rebooted CAR peace process, and it involved several positive changes from the previous framework. There was a greater effort to include more CAR participation in the process, and more technical expertise – in both substance and quality assurance – to support the negotiations in the various working groups. ECCAS' secretariat was also explicitly tasked to be the rapporteur for the process. This was a positive step in institutionalizing the regional actor's involvement. In this regard, CMI's deployment of technical experts played a positive role in complementing ECCAS' capacities. It must be noted that the fact that the ICG-CAR supported (despite some potential misgivings) ECCAS as the main mediator was important in avoiding further complication and duplication of efforts as international attention to the CAR crisis grew.

CMI supported ECCAS during the Forum of Brazzaville in three ways: through mediation expertise, capacity-Building of the Secretariat, and logistical and human resources assistance. Mainly, CMI supported ECCAS in drafting quality reports, with special attention to using adequate legal terms and concepts as well as in ensuring that appropriate documentation reached

¹⁶ Conclusions of the 5th Meeting of the International Contact Group on the Central Africa Republic (ICG-CAR), 8 July 2014.

the parties during the negotiations. This support was reportedly greatly appreciated by ECCAS.

The main results of the Brazzaville Forum were the adoption of an agreement on a cessation of hostilities and clear support by CAR actors for transferring the next steps of the peace process to CAR. However, the Forum was not able to achieve all it set out to accomplish, because the other working groups were unable to reach their conclusions. Although as mentioned the selection of CAR participants was more inclusive than the 2013 Libreville Agreement, the legitimacy of some of the representatives to speak and sign on behalf of the different parties to the conflict was questioned. In addition, the absence of other parties also posed problems. This had further consequences for the cessation of hostilities agreement, as the signatories did not seem to be able to control actors on the ground. The other difficulties were largely due to the overly ambitious schedule – essentially the Forum was arranged with less than a month's notice – and task list for the Forum. But these difficulties also partly reflected the coordination problems between the actors involved, i.e. CAR authorities, ECCAS, the AU and the UN, and a lack of a clear and concerted mediation strategy.

There was also a lack of clarity about the working relationship between the ECCAS Secretariat and the Lead Mediator.

There was also a lack of clarity about the working relationship between the ECCAS Secretariat and the Lead Mediator. It would appear that the Lead Mediator had set up his own team to support his work. This uncertainty in the division of labour meant that in the end ECCAS acted as Rapporteur. It is unclear whether this was intentional or not. Though understandable, it greatly limited the ability for forward planning. However, ECCAS gained valuable experience in mediation through the process.

4.4 Popular Consultations and the Bangui Forum

The ECCAS Secretariat played a significant and important role in the second phase of the process, the popular consultations. It was reported that some actors, including CAR authorities, wished to bypass this phase altogether and organize the Bangui Forum

directly, as understandably there was a desire to proceed to elections as soon as possible. However, the ECCAS Secretariat argued, with the support of the platform of CAR religious leaders, that the views of the CAR population had to be collected so as to inform the Bangui Forum and make the process more inclusive. The failure of previous peace processes was often blamed on the lack of involvement of populations outside Bangui. The Popular Consultations were held in almost all of the national territory and in the countries hosting refugees in Central Africa, namely Cameroon, Congo-Brazzaville, the Democratic Republic of Congo, and Chad.

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The delegates from Bangui visited most of the 16 prefectures (provinces) of the country to listen to the populations' grievances and gather their proposals for restoration of peace and stability in the country.

The design and implementation of the consultations was a major undertaking in which the ECCAS Secretariat was considerably involved. With support from CMI, ECCAS was able to dispatch experts to CAR's countryside to act as facilitators for the process. This positive role of ECCAS was however realized with the support of outside experts and logistical support. Without it, ECCAS would not have had such a visible role in this regard. In contrast to the Bangui Forum, there were fewer actors involved in the organization and conduct of the popular consultations. This also allowed for clearer responsibilities, and a more effective deployment of resources for positive inputs to the overall peace process.

The Bangui National Forum was held in the Central African capital from 4 to 11 May 2015. The technical preparations for the Bangui Forum benefitted from earlier phases and experiences gathered by the national and international community. However, the process suffered multiple delays due to bottlenecks and capacity shortcomings, but due also to the fact that numerous international, regional and local actors involved in the process sought to exert control over it.

From the beginning of the international mediation, ECCAS struggled to affirm its role regarding the other international actors. This stemmed from the available human and financial resources. This grew more apparent as the peace process advanced. ECCAS' representative office in Bangui faced a mismatch between the resources at its disposal and the formal role it had. However, despite the limitation of resources, and primarily due to the strong networking skills of personalities involved as well as external expert support, ECCAS created meaningful working relationships and cohesiveness with the other actors of the process, and with the CAR authorities.

In terms of subsidiarity, this experience highlights the need to build effective working relationships, but also the need to form complementary niches to avoid overlaps and confusion.

As a result, despite the scarce resources at its disposal ECCAS was able to meaningfully contribute to the Bangui Forum. Even with external support, this was a challenging environment for ECCAS, made more difficult by the lack of coordination between the Secretariat and the Office of the Mediator. In terms of subsidiarity, this experience highlights the need to build effective working relationships, but also the need to form complementary niches to avoid overlaps and confusion.

5. Assessing Subsidiarity in the CAR

Peace Process

5.1 Internal Dynamics

A defining feature of ECCAS's perceived and actual involvement has been the role of its leading member states. Some external observers have also noted that inter-state rivalry can limit the field of action of ECCAS, as states could use the mandate of ECCAS to advance their own interests. For example, some other actors in CAR had the perception that Chad had a preference for the Seleka. This limited the collective influence of ECCAS. Occasionally, the CAR authorities attempted to create competition between

the Presidency of ECCAS and the Mediation.

Proximity to the conflict combined with a highly personalized approach to mediation can result in Member States, and Heads of States in particular, playing a large role in determining the ECCAS approach to mediation.

Mediation in the context of Central Africa is often shaped at the level of heads of state. Understandably, questions of personality accordingly affect the style and content of the resulting mediation efforts. This has also been the case with ECCAS and the CAR peace process historically. Proximity to the conflict combined with a highly personalized approach to mediation can result in Member States, and Heads of States in particular, playing a large role in determining the ECCAS approach to mediation. In turn, this has meant that the ECCAS' Secretariat's role is somewhat limited. To some extent, the Secretariat is viewed as the implementer of an approach, with a limited ability to shape what is decided upon by Heads of State.

As it was, the development of a stronger ECCAS secretariat was held back by insufficient, and inconsistent funding, a relatively small staff, and capacity bottlenecks. Part and parcel of the difficulty of institutionalization is that member states tend to loan their own resources for any major ECCAS foray (as was the case of the International Mediation in CAR) and withdraw them as soon as it is over. Currently, the Secretariat is unable to serve as an institution that would contain or limit rivalries among member states, or is bureaucratically strong enough to autonomously implement political decisions made by ECCAS heads without constant political support. This is coupled with the fact that mediation is relatively new to the Secretariat, and is developing constantly. This more political approach co-exists with a more military-security focused approach towards mediation and peacekeeping. Regarding the case of CAR in particular, the SG was further weakened by institutional fatigue, meaning that certain member states were resisting an ECCAS intervention in CAR due to weariness towards the country's constant return to crisis and reignited cycles of violence over many decades.

The representation of the Mediator in Bangui, was

largely seen to work independently of the ECCAS Secretariat. External observers and stakeholders reported that there was confusion on their respective roles, which seemed at times to overlap and compete. There were difficulties in getting the two to cooperate and share resources. This hampered ECCAS' own efforts to play a proactive role in the process. Although the initial suspicions and resistance to cooperation were eventually overcome, a clear division of tasks, or the merging of both offices, from the start would have lessened confusion.

In terms of subsidiarity, the dynamics within ECCAS do attest to some of the benefits and challenges typically attributed to the concept. In terms of challenges, the lack of sustainable resources was a considerable limiting factor for ECCAS' ambition, especially in the latter stages of the CAR process. Through the seconding of experts or provision of resources it is possible to remedy this. But from a longer-term perspective it is advisable to improve the capacities of the Secretariat. In the case of CAR and ECCAS, closeness to the conflict was a double-edged sword. Lengthier experience, exposure and interest in the conflict in CAR give it a longevity and credibility that is hard to match. Yet it comes with a cost, since ECCAS is also viewed through past decisions. ECCAS was able to react quickly to the deterioration in 2012-2013, but for many it was difficult to see the body as a disinterested actor. As such, although closeness to the conflict can potentially ease communication with conflict parties, it is a delicate balance that requires constant attention lest it become counterproductive.

5.2 Dynamics with other Actors

In the early phases of the CAR crisis, ECCAS was able to quickly fulfil a leading role in the mediation effort. This is a sign of the comparative advantage of regional actors. As international engagement and attention towards the CAR crisis grew, ECCAS also faced considerable competition from and overlap with other actors.

In the early phases of the CAR crisis, ECCAS was able to quickly fulfil a leading role in the mediation effort. This is a sign of the comparative advantage of regional actors. As international engagement and

attention towards the CAR crisis grew, ECCAS also faced considerable competition from and overlap with other actors. Subsidiarity was not a formal governing principle in the CAR process, but rather a sense that all relevant actors need to be involved. Creating effective mechanisms for coordination, cooperation and defining comparative advantages and niches was the key issue in inter-actor dynamics in the CAR process.

At times ECCAS faced delicate relations with some of its partners. Due to its proximity to the CAR conflict and interests of various member states in the conflict's outcome, ECCAS as an organization is more keenly interested in shaping the overall CAR peace process. Despite political improvements, institutional relations with the AU remained tense, with both having quite an inflexible view of the other. AU officials were critical of ECCAS' capacity, and doubtful of its ability to forge a solid outcome. Conversely, ECCAS officials saw the AU as seeking to co-opt a process and exclude ECCAS from the process it has been active in creating. Occasional misunderstandings and miscommunication, in particular over the MICOPAX/MISCA transition, raised doubts, but these were greatly lessened by overall well-functioning working relations between the institutions, especially in the field. However, even at the institutional level, ECCAS and the AU demonstrated an exemplary capacity to cooperate in the aftermath of the Coup d'Etat by Djotodja. ECCAS, faced with the AU's refusal to recognize an unconstitutionally formed government, succeeded in taking the AU's views on board. The compromise found was that Djotodja would be elected by the NTC.

At times ECCAS and its international partners did not prioritize in a similar fashion between security and politics.

Working relations with the UN and the ICG-CAR knew also ups and downs despite constant communication. The greatest lapses in this regard stemmed from different approaches. Adopting a security-first approach leads to a distinctly different prioritization from a political approach. At times ECCAS and its international partners did not prioritize in a similar fashion between security and politics. In practice, the strengthened international role in peacekeeping on the ground already gave

internationals a larger role in ensuring security. It logically followed that this would be accompanied by efforts to shape the political outcome.

CAR authorities reportedly showed a higher level of trust in the ECCAS Representation in Bangui than in the other international actors involved in the process.

The perception of ECCAS being a partisan organization in the resolution of the CAR conflict also affected how subsidiarity was adopted. Already during but especially after the Brazzaville Forum, relations between ECCAS and the NTC were at times difficult, as the Council sought to assume a greater role. Some observers reported that the CAR authorities were seeking to play different interests against each other. For instance, it was suspected that they were seeking to replace ECCAS with the International Conference on the Great Lakes Region (ICGLR) taking advantage of the fact that Angola presided the International Conference at the time. However, as ECCAS' role moved away from Head of State level to more technical, this suspicion became less justified. CAR authorities reportedly showed a higher level of trust in the ECCAS Representation in Bangui than in the other international actors involved in the process. In this case, suspicion towards international actors and the positive attributes of closeness worked to ECCAS' advantage.

Perhaps the greatest challenge in this sense was in clearly defining ECCAS' comparative advantage in the mediation effort. Different levels of international, regional and local actors were involved in the CAR process, all of which can and wished to contribute to its success. For effective cooperation it is necessary to define separate focuses, and clear responsibilities. ECCAS did have advantages to offer – in particular, a longer term interest in the outcome, understanding of the actors, and fluent relations with the local actors – but due to a lack of institutional resources and capacities, ECCAS may have had a harder time to define its role as the peace process moved to Bangui.

All in all, subsidiarity was a governing principle in the CAR peace process, although it was not formally recognized as such. Especially in the early phases of the conflict, ECCAS' relatively rapid reaction,

was better received and abler to act than some other regional actors. However, as the transition lagged and conflict deepened, it reflects the difficulties faced by RECs in conducting complex mediation efforts if not supported by other regional or international actors. The revamped process from mid-2014 onwards reflected an improved balance between UN/AU/REC, which involved and sought to empower local actors in their transition process. In CAR, although a technical imbalance did emerge which limited ECCAS' role to contribute, the political balance between these three levels operated well despite occasional difficulties.

6. Supporting Subsidiarity: Lessons

Learned

Mediating the CAR Conflict was a more complex undertaking than usual. This difficulty stems from the nature of the conflict and the ecosystem of international and sub-regional interests and actors involved. The geographical location of CAR, and its difficult history, and multiple potential sources of instability have created a complex conflict. The conflict involves a very atomistic and personalized array of armed groups, of whom the motivations and allegiances, if any, are very difficult to determine in an anarchic environment often characterized by the absence of a centralized authority.

In conflict resolution also, the number of actors who seek to play a role is growing, and it creates its own challenges managing relations, conflicts of interest, and in creating positive, lasting impact.

CAR may be an outlier, but not by much: complexity is increasingly the norm of conflict and conflict resolution today. Phenomena such as the breakdown of state authority, proliferation of armed groups, humanitarian crises, cross-border spillover are present in multiple conflicts today from Syria to Myanmar. In conflict resolution also, the number of actors who seek to play a role is growing, and it creates its own challenges managing relations, conflicts of interest, and in creating positive, lasting impact.

Subsidiarity becomes then an important tool in how to manage these relations, and effective resolution of the underlying crises. ECCAS' role in the CAR peace process suggests some lessons on the application of subsidiarity that can be used in future experiences:

ECCAS, through its intervention in CAR, has shown that it has buy-in from its member states and can effectively affect peace and security outcomes.

- ECCAS convinced transitional CAR leaders to step down and has designed a roadmap with increased inclusivity as compared to previous CAR peace processes. It is unlikely this could have been achieved as easily by other organizations.
- Despite shortcomings, the institution will play a role in potential future conflicts in its area of membership. Consistently avoiding or undercutting it, does not help. The focus should be on supporting its positive development.

Subsidiarity cannot be reduced to a simple question of hierarchy.

- While it may be tempting to view subsidiarity purely as a question of which single actor is most suitable for a particular role, it does not reflect the needs of mediation in complex conflicts.
- ECCAS alone, the AU alone, or the UN alone would not have performed in the best possible manner in the CAR case. The application of subsidiarity should focus on finding the best balance between local awareness and sensitivities, and wider resources and expertise pools, applied together.
- Complementarity and comparative advantage are mutually reinforcing principles in the application of subsidiarity.

International and regional support to a sub-regional organization's mediation efforts does not necessarily undermine the principle of subsidiarity

- Actors guard their own "areas," but sometimes outside support is necessary.
- Given the complexity of the CAR crisis,

the supportive intervention of the UN (international level) and the AU (regional level) to ECCAS could be seen as necessary. In the end, cooperation between the actors from the different levels worked well to reach the objective, namely the organization of elections, which should put an end to the Transition.

- Coordination between the different levels and actors must be increased so as to develop a common mediation strategy and a division of labour from the beginning of the process. This will help to avoid delays and bottlenecks, as were sometimes observed in this case.
- The sheer number of actors must not be seen as a problem in itself. It is the coordination between the different actors that must be put to use.

The partnership of ECCAS and CMI on the AU's recommendation is a positive example of a regional organization's support to the principle of subsidiarity.

- This support enabled ECCAS to receive targeted help, while at the same time facilitating a transfer of capacities between CMI's senior experts and ECCAS staff.
- When supporting a sub-regional organization, actors should seek to ensure that they avoid the potential undesirable effects of assistance. For example, attention should be focused on preserving roles and avoiding the undermining or weakening of the actor being supported.
- There should be special attention on the sustainability of support. For example, to avoid possible policy missteps it is essential that some politically sensitive functions not be seconded to private organizations.

Discrete engagement can support effective interventions

- ECCAS' discrete presence on the ground could be seen as a key characteristic that enabled it to meaningfully engage with the CAR parties and to navigate through a shuttle diplomacy approach in the

- complexity of the CAR environment.
- By contrast, CAR parties and other international stakeholders have described the significant presence of the UN as overwhelming and at times unhelpful.

Investing in the institution is necessary, because the potential disadvantages of sub-regional organizations' intervention in conflict decrease when the supra-national component is strengthened.

- Member States should rely on the ECCAS secretariat when fulfilling an ECCAS mandate. Leaning on their own institutions (embassy, representations or envoys) instead of the Secretariat could possibly lead to confusion, as well as to unnecessary duplication and overlapping of work.
- A sub-regional organization's secretariat will be less vulnerable to allegations of bias or conflict of interest than member states' representations or envoys.
- International liaisons should deal with a sub-regional organization's secretariat, not only with member states.

ECCAS' intervention in CAR demonstrates how the advantages of applying the principle of subsidiarity, e.g. local awareness, can outweigh the disadvantages, e.g. capacity challenges.

- ECCAS' intervention in CAR showcases how a sub-regional organization can further a sustainable peace process by an increased understanding of sensitivities at stake. For example, to avoid repeating the mistakes made in previous peace processes ECCAS understood the importance of involving populations outside Bangui.
- Learning while doing can be a sensible approach to increasing a sub-regional organization's capacities.

7. Conclusion

It is quite common to note that contemporary conflicts are typically marked by their complexity. But it is less often noted that complexity is also increasingly a feature of conflict resolution. There are many approaches to addressing complexity in the field of conflict resolution, and subsidiarity is one such approach.

Africa has one of the more institutionally developed forms of enhancing peace and security on the continent, through APSA, and the close networks between the AU and sub-regional organizations. Subsidiarity is also a fundamental aspect of the effective operation of this network, but one that is still being strengthened in operation. The case of ECCAS' role in the CAR peace process is one example of how subsidiarity can play out in peace process. There are many benefits to having those organizations closest to the conflict being involved in its resolution, especially in terms of credibility and understanding of local sensitivities and context. These all play a role in the sustainability of a peace process. This can be seen in the role of ECCAS in several of the key milestones and processes, including the Brazzaville and Bangui Forums.

This is not to say that there were no shortcomings. The often-noted concern of overlapping mandates, competition and lack of coordination were also present in the CAR case. In a similar vein, RECs lack the established resources or in-house capacities on par with larger international organizations. However, this lack should not be used as an excuse to exclude actors, but rather as inspiration to find better ways to cooperate, define divisions of labour, and ways to build capacity of RECs. In this, the cooperation between ECCAS and CMI presents one model of how to enable RECs to play a more active role, and develop their own capacities in this field.

The Principle of Subsidiarity:

The Example of ECCAS in the Central

African Crisis

A Response by a Central African Personality

Marie-Noëlle Koyara has held several ministerial positions (advancement of women and social action, agriculture, public works, national defence) in the Central African Republic (CAR) and was a representative of CAR in the United Nations Food and Agriculture Organisation. She has agreed to provide a response from a Central African perspective to the present case study.

General outline

The subject of the present case study is well chosen and pertinent. It objectively raises the particularly sensitive and topical problem of the role of subregional institutions in urgent responses to situations in states that are party to those institutions. It questions the way in which the results of subregional action can be capitalised upon by other institutions in order to maximise resources, avoid loss of time and energy, and contradictions. I submit here two formal and substantial suggestions. First, it seems difficult to separate from each other the description of the conflict in CAR, the crisis of 2012, the escalation of violence, and the interventions of ECCAS. It is all these events taken together that helps us better understand the different interventions of ECCAS in relation to the reality on the ground in CAR. Second, the popular consultations and the Bangui forum should be studied separately of each other. Even though these two activities had the same objective, there are important points and lessons to be learnt from each stage. As such, the study would benefit from separate analyses of these two processes.

Analysis

The strengths of the subregional approach

I am completely in agreement with the fact that RECs should be first in line in case of problems in member

states (political, military, economic and natural crises, etc). These subregional organisations have the advantage of proximity, knowledge of the ground and thus of the realities. They also are characterised by their flexibility, their long-term involvement in the process, and by their family ties on different sides of the borders (experiences in Mali, in Burundi, in the DRC, etc. where the RECs have not been involved are edifying).

I also think that the profile, experience, and discretion of ECCAS have played an important role in the results obtained. This mission was effectively carried out with very limited means. It should also be noted that the experiences and results of ECCAS have not always been taken into account by the other missions, or by other subregional and international institutions.

Points to be improved

ECCAS's approach did have certain limitations:

- The initiatives were each time taken at the summit level, and sometimes in a personalised way. The populations of the countries were not kept informed or were not informed enough, even though it was they who would suffer the consequences.
- The military approach was preferred instead of or alongside a multi-dimensional durable one based on dialogue, communication, and development.
- The ECCAS summit in Libreville was too politicised, and important actors such as the youth, women and civil society were not part of the negotiations (it was the youth who had taken up arms). Also, there were contradictions in the decisions: for example, the coup d'état of Mr. Dotodjia was condemned but at the same time institutions were put in place that recognised his authority.

Certain organisations and actors also wanted to be implicated in the crisis without referring to ECCAS' experiences. They did not always help.

General reflections on the role of subregional organisations in CAR

CAR is a member of several subregional organisations, the objectives of which can sometimes be different or the same. We note a weakness in coordination, synergy of action, and in following up. Follow-up would allow CAR to fully participate and to make use of these institutions. It is important that each country, including CAR, can take into account the programmes of subregional organisations in their national programme, include them in their national budgets, and make sure they coordinate with them and that there is a follow-up.

In this way, any initiative at the subregional level should be integrated or at least coordinated with ECCAS, for an improved complementarity, better use of resources, and harmonisation of approaches so as to increase the likelihood of creating lasting results. The State and the population at large must be part of the negotiations and of the decisions of subregional organisations. This important dynamic of member States requires the mobilization of resources and other necessary means.

For this to occur, the most promising path would be to follow the example of the European Union. In the EU, the various humanitarian and development programmes and reform of the security sector are well coordinated and are complementary, whatever the financial source.

Aspects of the CAR peace process requiring further analysis

I submit here four points that could be studied in more detail in the future. First, the popular consultations, the first of this type, allowed the people to give their views on the political situation of the country. There was a desire for a return of peace before the elections would be organised. The opposite happened, and from this lessons must now be learned.

Second, the DDRR (Demobilisation, Disarmament, Reinsertion and Repatriation) agreement that was concluded during the Bangui Forum would also benefit from more detailed analysis. In the long term, what assessment can be drawn from this

agreement? Did the Committee that was put in place to follow up the Forum really accomplish its mission?

What is the extent of the impact of this Committee on finding solutions for a return to total peace?

Third, it would be useful to examine how the Committee following the Forum of Brazzaville functioned, and to consider the lessons to be learnt from its irregularities. These irregularities contributed to complicating the relations between the belligerents and certain international organisations. They also had an effect on the results obtained by ECCAS after the Brazzaville Forum.

Finally, since CAR is a country that has for the last twenty years been subjected to recurrent crises, it would be very useful to have an analysis of matters relating to governance and management. The weak participation of the political parties in managing the country should also be studied.

Minister Marie Noëlle Koyara

Former Minister for the Advancement of Women and Social Action

Former Minister of State for Agriculture

Former Minister of State for Public Works

Former Minister of State for National Defence

EPILOGUE

The complexities of the AU-REC relationship: the application of the principle of subsidiarity

The relationship between Regional Economical Communities (RECs) and the African Union (AU) has been acknowledged as an important element of the African Peace and Security Architecture (APSA), and as one that needs to be improved. A legal framework was developed to this effect. Article 16 of the Protocol (2002) establishing the Peace and Security Protocol (PSC) recognizes RECs and their mechanism for conflict prevention and resolution.

The relationship is further defined by the 2008 Memorandum of Understanding (MoU). In practice this formal framework calls for regular interactions between the AU and RECs in the areas of peace and security, which among other factors affects the degree to which subsidiarity is applied and exercised. As the case study has noted, there are still issues that need to be addressed. Below we provide examples of challenges found in other parts of Africa.

While the MoU has been signed between the AU Commission (AUC) and the secretariats of RECs and not between the member states of these organizations, it does not give clear “guidance on the nature of their relationship”.¹⁷ This poses some serious challenges for institutional interaction and policy coordination, such as rivalry over competence, negative impact on the peace process itself, issues regarding the deployment of peacekeeping forces, and differences in analysis.

First, rivalries over competence may arise between the continental organization and the RECs. This was apparent during the Mali crisis, when the AUC challenged ECOWAS’ leadership to handle the crisis. The continental organisation argued that as the crisis affected the south of Libya, which is an area outside ECOWAS, it was to be considered within the AU’s sphere of competence.

Second, the Mali Crisis also reveals that the absence of a coordinating mechanism between the AU and a REC can negatively affect the implementation of a peace process. According to Dersso, “The disconnect between the AUC and ECOWAS allowed slow and perverted process towards the restoration of constitutional rule in Mali and undermined the emergence of effective political leadership in Bamako that could engage in negotiations and other actions for ending the crisis in the north.”¹⁸

Third, disagreement, disunity and lack of common purpose were witnessed in the deployment and operation of peacekeeping and intervention forces. Again in Mali, as underlined by Kasaija Phillip Apuuli:

17 Kasaija Phillip Apuuli, “Whither the Notion of ‘African Solutions to African problems’. The African Union and the Mali Crisis (2012-2013)”, Mediation Arguments - CMA.

18 Ibid.

“the head of the mission represented the AU and the deputy represented the ECOWAS”, this affected negatively the chain of command, which is critical in a military intervention.”¹⁹ The December 2015 AU/ PSC decision to send a protection force to Burundi (Maprobu) without sufficient consultation and coordination with the EAC and the UNSC (United Nations Security Council) is another example of a disconnect between the AU and other actors.²⁰

Fourth, there is a lack of coordination at the level of analysis, as seen in recent attempts. Often there appears to be no common understanding of the issues at hand, since RECs, the AU, and the rest of the international community take different and uncoordinated initiatives.²¹

Although there are several similarities in challenges between the peace process in the Central African Republic and the aforementioned cases both in terms of internal dynamics and relationships with other actors, this case study has noted some encouraging aspects. These include the constructive role played by ECCAS and generally good collaboration among international, regional and national actors in the international mediation process. The aforementioned problems are on the radar for improvement, however. Overall, it is clear that there are positive elements that can be fostered while seeking to mitigate the challenges.

Johannesburg, the 30th of November 2016

Ambassador Nicolas Bwakira

CMI Senior Advisor
Former AU Special Representative for Somalia

19 Ibid.

20 See “The African Union and the Burundi Crisis: Ambition versus Reality.” And Crisis Group Africa Briefing no. 122, dated 28 September 2016.

21 Crisis Group Africa Briefing no. 122, dated 28 September 2016.

