

From Reaction to Permanence: Justification and Hypocrisy of Intervention in the Central African Republic (CAR)

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Abstract: Since the end of the “Cold War” (1989), military interventions have gained more grounds as a conflict resolution tool in many parts of the world affected by conflicts. Following the liberal peace theory, the United Nations, regional and sub-regional organizations play pivotal roles in promoting peace and security through intervention. Power relations among strong States determines intervention in a weak or conflict affected country like in the Central African Republic. Like every international norm, external intervention in a country is justifiable: to protect civilians against armed groups or government forces that do not respect international laws governing conflicts in order to limit or prevent crimes, provide humanitarian assistance and rebuild the conflict affected State with respect of the third pillar of the responsibility to protect. Interventions often attract criticisms from international observers as well as from national opinion leaders. Such criticisms arise due to the hypocrisy of actors who intervene with moral concerns acceptable by the international community. In reality, these moral concerns pave the way for strong States to achieve geostrategic gains. Consequently, mandates are prolonged because missions fail to achieve their objectives. Broad mandates usually gives a lot of hope but achieving them is a challenge as peacebuilding activities form the bases of preventing the recurrence of conflicts. This is further compounded by the finance problems and the presence of too many actors that carry on humanitarian and peacebuilding activities without coordination. In order to overcome challenges that follow after intervention, joint-leadership should be fostered between organizations and other intervening actors.

Key words: Permanence, Intervention, Hypocrisy, Intervention, Crimes

Introduction

Within the international system, States are competitive actors and are in a constant strive for security due to anarchy and the desire to dominate other States. Some States are weak and others strong. Consequently, strong States exhibit what is commonly called “Realpolitik” in order to achieve security even at the expense of other States. The German term Realpolitik, so central to realist thought, refers to power and power politics among States (Viotti & Kauppi, 2012:46). In a realm of anarchy, a weak State like the Central African Republic (CAR), armed groups pose a threat to peace and security. If the absence of government is associated with threat of violence so also is its presence (Waltz, 1979:103). Where political instability generates insecurity and poses a threat to international peace and security, military intervention has always served as a conflict resolution tool especially in Africa. In order to address armed conflicts, two methods are usually used: the peaceful and the coercive methods. Peaceful methods include negotiation, mediation etc and the coercive method makes use of military force as last resort. Countries like Democratic Republic of Congo, South Sudan and Sudan, Libya, and the CAR just to name few are currently experiencing military intervention with ambivalent results. Conflicts within African States are characterized by ethnic violence, civil wars, religious intolerance, high displacement of people as internally displaced persons or refugees and are protracted.

Theoretical Framework

The end of the Cold War and the triumph of liberal capitalism seemingly opened up a new space for multilateralism (MacCandless & Karbo, 2011:170). The liberal peace approach has motivated external intervention in a situation perceived as a threat to international peace and security with the Responsibility to Protect (R2P) being perceived as the duty of the international community. As David (2013:248) puts it, intervention is generally driven by two characteristics “its brutality interrupts the course of established relations between political units and it aims to change or to preserve the structure of a political authority within

a society". This is usually inscribed in a democratic peace process identified with the liberal school of thought. Intervention usually is perceived to have two stands: the liberal pacific stand and the imperialist stand. Despite the contradictions between liberal pacifism and liberal imperialism (both found in democratic practices), liberalism nevertheless does leave us with a coherent legacy on foreign affairs (Viotti & Kauppi, 2012:154). Initially, democratic peace values are rooted in the liberal peace framework. These values include economic liberalism, democracy, human rights and the rule of law represent the surest way of promoting liberal peace. While this theory is primarily about external relations between States, similar thinking informs theories of international peace and stability, which has given rise to liberal peace theory (von Billerbeck, 2017:50). If democracy, the rule of law, capitalism and human rights are universal values and systems that lead to stability and enhance the consolidation of peace in all contexts, it then follows that there is almost a moral obligation and at least a firm justification to promote them where they are absent, regardless of the nature of governance. However, there is some evidence to suggest that the international system is moving towards an 'international norm of "pro-democratic" intervention (Weiss, 2007:48) as

The evidence shows that the extension of State authority through military means and policing as well as civilian assistance has become a core function of the UN peacekeeping. The UN's large, multi-dimensional missions now frequently use (or at least project) force not merely to fend off direct attacks from spoilers, but as part of deliberate strategies to expand and secure authority of a government in contested territories (Centre for international Cooperation, 2009:10, in Seaman, 2014:86).

The liberal peace theory has a peacebuilding function. Since the publication of *An Agenda for Peace*, the Secretary-General Boutros Boutros-Ghali places democracy as a pillar for economic development and peace. Boutros Boutros-Ghali points to the importance of post-conflict peacebuilding, which he defines as; action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict (Fetherston, 1994:131). Consequently, intervention shows an increase and multidimensional nature of peacekeeping as an activity. This results from a change in the original conception of peacekeeping operations to peacebuilding functions. The nature of conflicts has changed: from inter-State to intra-State. Intra-State conflicts that characterise Africa are ethnic conflicts and religious conflicts usually motivated by the clash of cultures. These conflicts are most often driven by contestation of the authority of the State, generated by the lack of legitimacy, weak institutionalization of democracy, the lack of the rule of law, absence of a representative government and accountability.

The main limit to the liberal peace theory is that in addition of being perceived as a new form of imperialism, it also seems not to be applicable in some cultural contexts. This is so because the western approach to rebuilding a conflict prone country adopts a top-down approach rather than a bottom-top approach. This is reflected in actions aimed at stabilizing the government in place without making the population that is most affected to be part of the peace process. Secondly, peacebuilding is more of an imbalance business with the affected country. The belief that democracies do not fight each other holds only when they are dealing with a democracy. On the other hand, in their dealings with non-democratic States, imperialism is manifested through international intervention.

Controlling inter-State or intra-State conflicts through military intervention, there is power asymmetry between democracies and non-democracies. This is so because in political science in general and international relations in particular, institutions are regarded – at least implicitly – as instruments promoting cooperation and peace (Deutsch et al, 1989, in Krasner, 1983: Keohane 1989; Kratochwill, 1989, in Geis et al, 2006:76). Democracies do not fight each other. They export their wars to other parts of the world to achieve economic and diplomatic gains. This is highly influenced by policies framed at the national level. Democracies have conflicting interests when they export their national policies to other territories that are less democratic. Doyle (1986:1152) asserts that, liberal States have formed a 'separate peace', but are also war-prone or aggressive toward non-liberal States and 'have also discovered liberal reasons for aggression (Tom, 2017:61).

History of Intervention in the CAR

As one prominent advocate Sebastien Mallaby, explains: 'After more than two millennia of empire, orderly societies now refuse to impose their own institutions on disordered ones. This anti-imperialist restraint is becoming harder to sustain, however, as the disorder in poor countries grows more threatening' (Kareem,

2009:4). To solve this problem, Mallaby advocates the creation of: “a new international body with ... nation-building muscle and expertise ... [that] could be deployed wherever its American-led board decided, thus replacing the ad hoc begging and arm twisting of current peacekeeping efforts’ (Kareem, 2009:4). Regarding the post-Westphalian order, external intervention in the CAR whatever its forms, is a measure to reinforce the Westphalian conception of the State. Intervention in the CAR results from political instability that generates insecurity and conflict. Post-independent interventions in the CAR by France, at first were an expression of support to the government, or an insurgent group.

In 1996, a military mutiny threatened to engage the CAR in a civil war. With the aid of France and the CAR’s neighbors, the Bangui Accord was reached between the different armed groups and the government. Difficulty arose in its implementation as the army was a party to the conflict. To meet this, France undertook to organize and lead an Inter-African Mission for the Supervision of the Bangui Accord (Mission Inter-africaine pour la Surveillance des Accords de Bangui – MISAB) composed of French troops and contingents from other Francophone States in the region (Macqueen, 2006:207). Bearing the largest burden of the mission, by the end of 1997, France started seeking an exit strategy. This entailed the withdrawal of French transport and logistical support: essential element for MISAB’s functioning. While France sought an exit strategy, it was required that the UN takes over. MISAB’s troop contributors agreed to continue under the UN umbrella. In March 1998, MISAB was transformed into the United Nations Mission in the Central African Republic (MINURCA). MINURCA was established with the mandate beginning from the 15th April 1998 and the military component of up to 1350 personnel. It was instructed to: (a) ensure the security and stability in and around the capital Bangui; (b) assist national security forces with law enforcement; (c) monitor disarmament; (d) ensure the safety and freedom of movement of the United Nations personnel; (e) assist in the training and restructuring of the national police; (f) provide advice and technical assistance during the electoral process (accessed on 10 April 2020).

Though the transition from MISAB to MINURCA was smooth, political and economic problems were not properly addressed. Being unprepared to see the mission become a permanent one, MINURCA was withdrawn in February 2000. With persistent political instability, Patassé survived a military coup. Roger Macginty argues that within the context of the international world order, it is almost inevitable that intervening actors in post-agreement societies would work within the confines of the liberal peace initiative considering the internationalized nature of conflict and war and the pervasiveness of the liberal peacebuilding and peacemaking strategies (Maiagwa & Dan Suleiman, 2016:6).

As MINURCA drew down, security in the CAR became increasingly fragile in addition to the State’s weakness. Due to this, BONUCA (United Nations Peacebuilding Office in the Central African Republic) was established in February 2000 to assist in consolidating peace and SSRs. Set up in February 2000, BONUCA was involved in a variety of activities contributing to DDR, and overall fostering of political stability and security (including police training, human rights and good governance promotion and political and technical advice) (Bryden & Scherrer, 2012:122). After the failed coup of 2002, Patassé remained beleaguered due to the opposition within the army. This pushed him to be reliant on military aid from Libya and mercenaries from Congo.

As a result of the increasing fragility of Patassé’s government, in 2002, FOMUC was created with the aim to stabilize the country in a guise to resist Bozizé’s insurgency. FOMUC (Force Multinationale en Centrafrique) was established by CEMAC (Communauté Economique des Etats d’Afrique Central) member States with the endorsement of the UNSC. It was mandated to ensure the safety of President Patassé, observe security on the border between the CAR and Chad, and to participate in the structuring of the CAR armed forces (Nasu & Rubenstein, 2015:179). FOMUC was composed of troops from Congo, Chad, and Gabon and financed by France, the EU and CEMAC. Initially, FOMUC was conceived of 200 troops. As a result of the broadening of its mandate, its troop number increased to 380. Undoubtedly, its main operational focus was to secure the President’s residence in Bangui and the national airport. The small size of the force was an advantage for Bozizé’s coup to succeed which eventually ousted Patassé in March 2003.

After the 2003 coup, Bozizé established a National Transitional Council. He equally restored the constitutional rule and organized elections in 2005 in which he was elected president. After the 2005 elections, it was expected and hoped that 2006 will be a period to consolidate peace. Unfortunately, FOMUC reduced its presence in Bangui in order to extend government authority in the troubled Northern provinces of the

country. As a result, Koffi Annan on the 30th November 2005 decided to extend BONUCA as peace conditions were perceived appropriate. Violence in the Northern region of the CAR resulted from the presence of the Union des Forces Républicaine (UFR), Armée pour la Restauration de la République et de la Démocratie (APRD), Front Démocratique du Peuple Centrafricain (FDPC), Mouvement Patriotique pour la Restauration de la République Centrafricaine (MPRC), and Lord Resistance Army (LRA). Government and FOMUC clashes with armed groups in Paoua, a Northern town led to the death of 20 civilians on 29 January 2006. As a result of the clashes, fighting intensified. Due to the increasing challenges that FOMUC faced like small size of troops, shortage of finance, problem of command, in 2008, ECCAS (Economic Community of Central African States) took over the mission and it was transformed into MICOPAX.

With MICOPAX (Mission for the Consolidation of Peace), ECCAS operated a multinational force Like the UN, regional and sub-regional organizations are asserting their role in preventive diplomacy to curb down the ills of conflicts in Africa. The AU which included the promotion of peace, security, democracy, and good governance as well as a common defense policy has become increasingly interventionist in both political and military matters (Mancini, eds, 2015:5). Deployed between July 2008 and December 2013, MICOPAX's mandate was to consolidate peace and security, facilitate access to humanitarian aid, provide assistance with respect to human rights, protection of civilians, secure the territory, contribute to the national reconciliation process and to facilitate the political dialogue initiated by President Bozizé. This mission ended in December 2013 when it was transformed to MISCA. Two concerns could be raised regarding MICOPAX's transformation to MISCA. Firstly, MICOPAX was unable to prevent the 2012/2013 Séléka rebellion and thus to prevent the conflict from becoming violent. This failure could be related to the mission's mandate as a peace support operation instead of an enforcement mission. Added to this, its small size of 700 troops was largely outnumbered by the Séléka rebels. Secondly, MISCA faced the problem of limited funds. As a result of shortage of funds, questioning the real ownership of MICOPAX over the operationalization makes us think that, ECCAS Member States were unable to finance the mission and it was later on transformed into MISCA (African-led International Mission to the Central African Republic). According to L4,

“The transformation of FOMUC to MICOPAX results from the inability of CEMAC member States to provide adequate funds needed to increase the number of peacekeepers under CEMAC. This inability to provide additional funds resulted from the lack of political will from CEMAC member States and their over reliance on external donors like the EU, UN and other States like France, Britain and the US” (interview, 30th March 2020).

MISCA was established by the AU's Peace and Security Council with the support of the UNSC Resolution 2121 of 5th December 2013. MISCA was mandated to contribute to (a) the protection of civilians and the restoration of security and public order through the implementation of appropriate measures; (b) the stabilization of the country and the restoration of the authority of the central government; (c) the reform and restructuring of the defense and security sector; and (d) the creation of conditions conducive to the provision of humanitarian assistance to the population in need (Report of the Secretary-General, 15 November 2013). MISCA was deployed in twelve locations: in the North-West of the country (Bozoum, Bouar, Paoua, Bossangoa, Bouca, Bambari and Kaga-Bandoro), in the South-East (Bangassou and Zemio); and around Bangui (Bangui and Boali); and in the North-East in Ndele.

Contingent forces under MISCA were criticized for being deployed along borders of its contingent home countries. This led observers and some Central Africans to think that troop contributing countries were defending their respective borders rather than protecting civilians. Equally, UNSC Resolution 2127 authorized the French force Sangari “to take all necessary measures to support MISCA in the discharge of its mandate”. Sangari was deployed in Bangui, Bossangoa and Ndele. MISCA helped in disarming the Séléka in late December with the support of Sangari forces but faced challenges regarding the process of disarmament. Being overwhelmed by the protective function and an unbalanced disarmament approach, the disarmament of the Séléka rendered Muslims vulnerable. This gave the impression that MISCA and Sangari were not neutral and impartial. While the Muslims claimed that Sangari troops were supporting the anti-Balaka, the Christian anti-Balaka perceived the Chadian contingent of MISCA as supporting the Séléka. In March 2014, a Chadian contingent responded to an anti-Balaka attack in Bangui and left ten deaths and thirty injured. Due to the lack of trust, Chadian contingents withdrew from MISCA.

Regarding MINUSCA (United Nations Multidimensional Integrated Mission in the Central African Republic), it was established by UNSC Resolution 2149 in April 2014. It took over MISCA and BINUCA on the 15th September 2014. The mandate of MINUSCA was to (a) protect civilians; (b) support for the implementation of the transition process, including efforts in favor of the extension of State authority and the preservation of territorial integrity; (c) facilitate the immediate, full, safe and unhindered delivery of humanitarian assistance; (d) to protect the United Nations and personnel installation, equipment, and goods, and ensure the security and freedom of movement of United Nations and associated personnel; (e) promotion and protection of human rights; (f) support for national and international justice and the rule of law; and (g) disarmament, demobilization, reintegration (DDR) and repatriation (DDRR). To its task, SSR (Security Sector Reforms), the coordination of international assistance as well as assisting the committee and panel of Experts and other actions linked to sanctions and other measures spelled out in Resolution 2127.

The deployment of MINUSCA is both an opportunity and a source of concern. As an opportunity, it brings logistical support and implements programs that could not be implemented by MICOPAX, MISCA and Sangari. This is noticeable with the increase in military capabilities through more troops and assets. As a concern, within the humanitarian community, it is required that coordination of humanitarian workers and military will foster the protection of civilians. Since the scope and mandate of the mission has been widened, coordination has been perceived as a challenge with other humanitarian agencies.

Justification for Intervention

The UN and its related agencies and other NGOs have been actively involved in the protection of civilians in conflict or disaster affected areas. This protection is usually associated with human rights abuses, disaster assistance and humanitarian relief. However, the protection of civilians as a specific and articulated strategy and tactical objective of the UN's re-visioning of international peacekeeping is seen as emerging in the 1990s at the same time that the UN's approach to international peacekeeping was moving towards integrated and robust missions (Bellamy and Hunt, 2015; Francis and Popovski, 2012, in Doucet, 2018:108). In order to operationalize the Protection of Civilians (PoC) in a conflict, most UNSC Resolutions reflect Resolution 1270 (1999) with regard to the Sierra Leone crisis. This Resolution specifically authorized protection to civilians under imminent threat of physical violence. Since UNSC Resolution 1270 (1999) was adopted and issued, subsequent missions have reflected a similar mandate. This is so because both States and non-State armed groups fail to respect international humanitarian law, human rights, refugee law, and domestic law. Breakey Huph identifies four PoCs: combatant PoC, Peacekeeping PoC, the Security Council PoC, and humanitarian PoC:

- **Combatant PoC:** Directed to combatants in armed conflicts, combatant PoC is the principle: "We must not harm or unduly risk to noncombatants". Dictated by the Geneva Conventions and Additional Protocols, these legal obligations constrain the actions, weapons and tactics used in armed conflicts in order to reduce the harm inflicted on civilians and wounded soldiers.

- **Peacekeeping PoC:** It directed to Peacekeeping forces that have protection mandates, peacekeeping PoC is the principle: "Taking responsibility for peace enforcement in an area necessarily involves taking responsibility for the protection of the civilians in that area". These duties require the peacekeeping operations to ensure a reasonable level of protection from massive violence (commensurate with the operation's capacities and mandate) to local civilians.

- **Security Council PoC:** Directed to the UN Security Council (UNSC) and Secretariat, Security Council PoC is the concept that: "Where feasible, basic rights should be protected from large-scale violation." It is a very broad concept presents as a substantial but unspecified requirement to respond, through prevention, response and capacity-building, to widespread, systematic human-inflicted suffering.

- **Humanitarian PoC:** Directed to humanitarian actors such as the Red Cross, United Nations High Commissioner for Refugees (UNHCR) and Oxfam, humanitarian PoC is the concept that: Where possible, and acting within all relevant constraints, humanitarian organizations at work in a region should aim to contribute through peaceful means to the protection from violence and deprivation of local civilians." Such measures may include inter alia advocacy, visitations of prisons and camps, aid to sick, wounded or vulnerable persons, denunciation of rights violations and war crimes, ensuring a humanitarian presence and proactively

using presence to discourage attacks providing information to civilians on areas of risk and safety and so on (Francis, eds, 2013:40-1).

A typical UN PoC mandate reads the following: [The mission shall, from the adoption of this resolution, have the mandate, in this order of priority, working in close cooperation with the government [...] in order to:

- a) Ensure the protection of civilians, including humanitarian personnel under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in a conflict.
- b) Contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced.
- c) Ensure the protection of United Nations personnel, facilities, installations and equipment.
- d) Ensure the security and freedom of movement of United Nations and associated personnel.
- e) Carry out joint patrol with the national police and security forces to improve security in the event of civil disturbance (Birikorang eds, 2016:33).

In May 2015, a High-Level International Conference on the PoC drafted the Kigali Principles on the Protection of Civilians. It aims to guide and to improve the effectiveness of implementing protection mandates in a peacekeeping operation. Most important is the recurring emphasis on the need to place the protection of civilians at the center of peacekeeping architecture and “to be prepared to use force to protect civilians as necessary and consistent with the mandate (Kigali Principle 3) (Doucet, 2018:110). Within the international system, laws governing armed conflicts are specific. The CAR conflict is a non-international armed conflict. Non-international armed conflicts could be defined as: “Protracted armed confrontations occurring between governmental armed forces and the forces of one or more-armed groups, or between such groups arising on the territory of a State (party to the Geneva Conventions). The armed confrontation must reach a minimum level of intensity and the parties involved in the conflict must show a minimum of organization” (Pejic, 2011:5).

War crimes

Under the Rome Statute, a war crime involves any of the specified crimes listed in Article 8(2) when such conduct took place in the context of and was associated with an armed conflict (International Criminal Court, 2014:28). Crimes falling within the jurisdiction of the ICC like willful killing, torture, burning of homes, murder, rapes amongst others were committed by State forces and non-State armed groups (LRA, UFDR, APRD, CPJP, FDPC, the Seleka and anti-Balaka attacked the government, civilians). Based on the available information it is estimated that more than 1,200 civilians have been killed by anti-Balaka, between September 2013 and July 2014. In January and February of 2014 alone, more than 700 Muslim civilians were allegedly killed by the anti-Balaka (International Criminal Court, 2014:71). In addition, the OHCHR was informed that the premises of a number of humanitarian organizations, including hospital and medical facilities, and warehouses where the organization had stored food supplies and non-food items were reportedly looted by members of the Presidential Guard (HRW, 2013:65). The recruitment and use of children by the CPJP, such as in November 2010 in the Vakaga Prefecture (MINUSCA, UNDP eds, 2017:252-3). Acts of rape of Guma women by FACA soldiers, such as in December 2006, in Birao, as a punishment for suspected support to UFDR rebels (MINUSCA, UNDP eds, 2017:252). These crimes are not exhaustible, but however are examples of crimes committed in the CAR. Even before the conflict gained in intensity, the period that marked Bozize’s reign until his fall in 2014, security forces and other armed groups committed crimes punishable under international law.

Crimes Against Humanity

With reference to the Rome Statute, article 7 enumerates acts falling under crimes against humanity. Considering the situation of the CAR, the prohibited acts committed with reference to article 7 of the Rome Statute include: murder, deportation or forcibly transfer of population; imprisonment or other severe deprivation of physical liberty; torture; rape; sexual slavery and other forms of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religion; enforced disappearance of persons; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to the body or mental or physical health. Regarding the acts

mentioned above, they must be “committed as part of a widespread and or systematic attack directed against any civilian population with knowledge of the attack”. For example incidents between the FACA (Force Armee Centrafricaine) and the APRD constitute crimes against humanity. Such crimes include:

- From 19 August 2006 to the end of January 2007, FACA soldiers and Presidential Guards burnt down over 2,500 huts in about 30 villages around Kaga-Bandoro, Nana-Gribizi Prefecture;
- Between 30 May and 1 June 2007, continuing pattern of military operations against localities where APRD had conducted operations, Presidential Guards and FACA soldiers conducted a reprisal operation on the town of Ngaoudaye. They completely burnt down the town, razing to the ground over 450 houses, and attacked the population, killing and injuring an undetermined number of civilians. The entire population of the town consequently fled (MINUSCA, eds, 2017:261);
- After the ex-Séléka lost control of Bangui, several mass graves were found at different locations of the city. On 24 December 2013, 31 bodies were discovered in a valley at colline de Panthères. On 9 February 2014, the bodies of 13 men (some with their hands tied) were discovered in a septic put next to the residence of a Séléka officer inside a military camp known as “200 villas” in central Bangui. On the 13 February 2014, 13 bodies were found in a mass grave at camp Beal, not far from the Bataillon de Soutien et des Services military camp. The victims’ hands were tied behind their back and their bodies bore signs of torture (MINUSCA, eds, 2017:262-3).
- On 5 or 6 February 2014, the anti-Balaka attacked Guen, Mambere-Kadei Prefecture, searching for Muslim residents who were still hiding in the village. When they located them, they separated men and grown-up boys from women, young children and infants. They then took all the men and grown-up boys (at least 45) outside the village, made them lie on the ground and killed them (MINUSCA, eds, 2017:262-3).
- Child recruitment was also recorded within the ranks of the anti-Balaka. For instance on the 7 May 2014, UNICEF confirmed the presence of 53 children (46 boys and 7 girls) aged between 11 and 17 associated with anti-Balaka in Bangui’s PK10 neighborhood (NOCHA, 2014).

A Contested Genocide

Under article 6 of the Rome Statute, “genocide” means any of the following acts committed with the intent to destroy in whole or in part, a national, ethnical or religious group, as such (a) killing members of a group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group. Within the period of 2012 to 2014, hostilities intensified as Séléka movement targeted Christians. In reprisal, the anti-Balaka emerged and their acts targeted Muslims and Peulhs.

Whether or not genocide took place in the CAR, it is a matter of debate. However, signs of ethnic cleansing are identifiable. “Ethnic cleansing” although not a formal term, it is defined as a purposeful policy by an ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas (S/1994/674 May 1994 & 130). Whether the anti-Balaka leaders are pursuing a deliberate policy of ethnic cleansing or exacerbating abusive collective punishment against Muslim populations, the end result is clear: the disappearance of longstanding Muslim communities” (Accessed 21 May 2020). In towns such as Bangui, Muslim neighborhoods of PK5, PK12, Goundou, Combattant, Ngongonon, Boeing and Bahia Doumbia were targeted by anti-Balaka. During an attack in Bogangolo in western CAR in the early September, the anti-Balaka reportedly forced the nearly 20 Muslims in the village to flee, and those who refused to leave were killed, with anti-Balaka stating afterwards that Muslims “were the enemy and that they must leave” (Cinq-Mars, 2015:11).

“The United Nations Under-Secretary-General/Special Adviser on the Prevention of Genocide, Mr Adama Dieng, has issued several statements warning of a risk of mass atrocities or genocide in the Central African Republic, in the context of his mandate to provide early warning and prevention of genocide. In his statement of March 2014 Mr. Dieng assessed that “(s)uch widespread and systematic targeting of civilians based on their religion or ethnicity indicates that crimes against humanity are being committed and that the risk of genocide remains high in the Central African Republic” (International Criminal Court, 2014:79, para 219).

According to the report of the International Commission of Inquiry on the Central African Republic, genocide is farfetched. But however, it acknowledges aspects of genocide. It states that “In conclusion, the Commission does not possess sufficient evidence to enable it conclude that the attacks by the anti-Balaka forces against the Muslim population were undertaken with the intent to achieve the physical destruction of the group, either in part or in whole. But the actions taken were clearly intended to achieve the expulsion and transfer to another territory of Muslim population. In reaching this conclusion, the Commission notes that the Office of the Prosecutor of the International Criminal Court in its article 53(1) report on situation in the CAR concluded that the information available to it at the time was “inconclusive on the question of whether the alleged crimes ... were committed with the requisite intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”. The Office noted, however, that the conclusion was only provisional and was not binding for the purpose of any future investigation (UNSC, S/2014/928, 2014:99, para 461).

Humanitarian Reason and the Responsibility to Protect (R2P)

The right of intervention has always been controversial in international politics, particularly in the domain of external military intervention. As Corten noted, the term “right” or “duty” of “intervention” – to which the word “humanitarian” was added – was coined in the late 1980s by Mario Betati, Professor of International Public Law at the University of Paris II, and by the French politician Bernard Kouchner, one of the founders of the aid organization Médecin Sans Frontière (Kioko, 2003:808). He recalls that – as Kouchner put it – the issue with “the old – fashioned theory of State sovereignty, used to fend off criticism of massacres” (Kioko, 2003:808). As a result, overriding the traditional hold mark of the State, sovereignty could be trampled to protect a suffering people. In short, it is my view that the strategic goals of a humanitarian intervention should be: (1) stop the fighting; (2) stop the dying through the provision of emergency relief aid; (3) promote peace, justice, and human rights; (4) promote development and reconstruction (Diprizio, 2002:5).

In order to prevent traumatic experiences of Rwanda, Srebrenica, Darfur, Somalia and the DRC among others, the 1990s and 2000s underlined the necessity for an effective international response to prevent mass killings. Humanitarian intervention has been defined in many ways, but Vevrey introduces an adequate definition of the term in a 1992 contribution. It is “[t]he threat or use of force by a State or States abroad, for the sole purpose of preventing or putting a halt to a serious violation of fundamental human rights, in particular the right to life of persons, regardless of their nationality” (Breau, 2016:14).

Humanitarian intervention in the CAR reflects the desire of the international community not only to reduce or alleviate sufferings, but equally, to prevent or limit war crimes, ethnic cleansing, crimes against humanity and genocide. Exhibiting the characteristics of a “Quasi State”, ECCAS, the AU and the UN in the CAR meant that sovereignty had to be under looked. As argued by Cillier and Sturman (2003:3), “the concept of sovereignty on which the international system is and the OAU were founded presumes that each State has the power, authority and competence to govern its territory. For many African States, however, sovereignty is a legal fiction that is not matched by governance and administrative capacity”.

In defining sovereignty in term of responsibility rather than right (Deng, 1995:249; Deng, 2010:353-370), this principle takes a clear stance on the ostensible dilemma between respecting State sovereignty and intervening in the domestic affairs of a State in order to prevent or stop the occurrence of gross human rights violation (Fiot & Koops, 2015:5). Under the legal framework of the AU, noticeably there is a paradigm shift when it comes to intervention. The shift from non-interference or non-intervention to “non-indifference” increasingly reflects AU intervention in Africa. Acting under MICOPAX, ECCAS intervened while MISCA under the AU sought for continental measures to address the CAR conflict. Until 2014, the UN through MINUSCA took over MISCA. Resolutions 2121 (2013), 2127 (2013), 2134 (2014) and 2149 (2014) reiterated that violations of international humanitarian law may amount to crimes under the Rome Statute and that the “armed conflict and crisis in the Central African Republic pose a serious threat to the stability of the Central African Republic and the Central African region” or that the “situation in the Central African Republic constitutes a threat to international peace and security in the region (International Criminal Court, 2014:40-1).

While humanitarian intervention is perceived to be two-fold: to limit or alleviate human suffering or to foster Western interests, the plight of war victims is greater. However, the CAR conflict portrays its peak with

high presence of peacekeeping forces. As such, the role of international intervention on humanitarian grounds is questionable. As Robert Jackson wrote in the wake of NATO's bombing of Kosovo:

“The debate on humanitarian intervention is not a debate between those who are concerned about human rights and those who are indifferent or callous about human suffering. ... States who are in a position to pursue and preserve international justice have the responsibility to do that when-ever and wherever possible. But they have a fundamental responsibility not to sacrifice or even jeopardize other fundamental values in the attempt ... the stability of the international society, especially the unity of great powers, is more important, indeed far more important, than majority rights and humanitarian protections” (ICISS, 2001:133).

Therefore, intervention on humanitarian grounds in the CAR also necessitated the protection of civilians (PoC). Forceful intervention for humanitarian purposes in the past has been problematic. This has always been challenged by State sovereignty and non-interference in the internal affairs of a sovereign State. To overcome these problems, the “Responsibility to Protect” (R2P) emerged as a norm to ensure that a State's misconduct or atrocities could be prevented or limited towards its citizenry. The R2P focuses on intervention by the international community to stop or pre-empt the commission of genocide, crimes against humanity, war crimes or ethnic cleansing (Kabau, 2012:53). In the final report of the ICISS presented to Kofi Anan on 18th December 2001, an emerging principle the key recommendation in the report is that:

“Where a population is suffering serious harm, as a result of internal war, insurgency, repression or State failure, and the State in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect” (ICISS, 2001:XI). The ICISS report states important elements of the R2P, these are:

- a) The responsibility to prevent: to address both the root causes and direct causes of internal conflict and other man-made crisis putting populations at risk.
- b) The responsibility to react: to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.
- c) The responsibility to rebuild: to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert (ICISS, 2001:XI).

From the above, enforcement action is authorized in order to protect the civilian population. The first step is that a State or a group of States should attempt to obtain Security Council authorization for the use of force for humanitarian purposes by means of a draft resolution, and should that fail, a Uniting for Peace resolution should be introduced into the General Assembly as the secondary body for the maintenance of peace and security (Breau, 2016:18). With little or no resistance, external intervention encountered no challenge from Bozizé's government to Djotodia's government onwards. As outlined in the 2011 Secretary-General's Report on the role of regional and sub-regional organizations in implementing the RtoP, “[f]ostering more effective global – regional collaboration is a key plank of [the] strategy for realizing the promise embodied in the responsibility to protect” (United Nations, 2011a:2, in Fiot and Koops, :2015:59).

Even though the R2P is a universal principle, its application requires taking into consideration context. As such cultural and institutional differences from region to region matter. The focus on regional organizations as solution to the challenges of implementing the RtoP is in part attributed to the increase “actorness” of regional organizations, their improving capacities and local legitimacy they provide to interventions (Hettne & Soderbaum, 2006, in Fiot & Koops, 2015:59). The increase in actorness of regional and sub-regional organizations in operationalizing the R2P is consistent with article 52(1), (2), (3), and 53 (1) of the UN Charter. As to article 53(1), enforcement could be undertaken by regional or sub-regional arrangements with UNSC consent. As a result, the hierarchy of UN, regional and sub-regional bodies is maintained. In theory, the model of cooperation with regional organizations sees the Security Council authorizing an operation and then, either as part of that authorization or in a separate decision, asking a regional arrangement to undertake the authorized task (Boulden, 2003:15).

The primacy of the UNSC on peace and security matters is enshrined in the UN Charter. As the then UN Secretary-General indicated in the “Agenda for Peace”, under the Charter, the Security Council has had and will continue to have the primary responsibility for maintaining peace and security, but regional action as a matter of decentralization, delegation and cooperation with the United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus and democratization of international affairs (An Agenda for Peace, S/24111, 17 June 1992, para 64). Thus, the Secretary-General says: “We should not, however, draw the conclusion that such responsibilities can henceforth be delegated solely to regional organizations, either in Africa or elsewhere. Delegation does not represent a panacea for difficult problems facing peacekeeping” (Boulden, 2003:21). While all these organizations commit their membership to the maintenance of international peace and security, their capacity to resolve crises (both within their own region and elsewhere) varies considerably, as do their respective interests, ambitions and agendas (Hofman & Sonke, 2012:134). This is limited by capabilities when regional or sub-regional organizations undertake short, or long-term peacekeeping operations. The CAR example illustrates a situation where ECCAS and the AU (MICOPAX and MISCA) after intervening were challenged by rising violence with limited capabilities.

In the international system, subsidiarity is reversed with hierarchy as to who should intervene in a conflict. With the current nature of the international system, subsidiarity in the CAR conflict showed that at the lowest level, CEMAC’s and ECCAS’s intervention right. At the regional level, the R2P was transferred to the AU (MISCA) and later on to the UN (MINUSCA). As a result, subsidiarity converges with hierarchy in fostering the R2P in the CAR. However, hierarchy and subsidiarity are challenged by the monopolization of responsibility and resource scarcity. Yet, predicting a demise of the R2P on this basis would miss a crucial element although not explicitly infusing much of the current thinking on how to avert the worst in the Central African Republic; a sign perhaps that far from being irrelevant, R2P has gone mainstream (accessed on 27 May 2020).

State Interest

Understanding external threat to a State requires an understanding of the stakes of an event. As such, the stakes could be advantageous or disadvantageous when security is concerned. Being advantageous, it means a State turns an unfavorable security situation to its advantage. On the other hand, a stake is disadvantageous when it negatively affects a country. As Schweller (2006:6) argues,

“States assess and adapt to changes in their external environment as a result of their peculiar domestic structures and political situation. More specifically, complex political processes act as transmission belts that channel, mediate and (re)direct policy changes in relative power. Hence States often react differently to similar system pressures and opportunities and their response may be less motivated by systemic level factors than domestic factors (Griffiths, 2007:16).

Humanitarian claim always cloaks the pursuit for national self-interest. This therefore means that the vital interest of a State (security) forms the basis for State intervention. The contention here is that States will not intervene for primary humanitarian reasons because they are always motivated by considerations of national self-interest (Wheeler, 2003:30). Having set out the moral justification for any such action, Teson argues that:

“The intervenors must also employ means that are consistent with humanitarian purpose. But unless other motivations have resulted in further oppression by intervenors ... they do not necessarily count against the morality of the intervention ... the true is whether the intervention has put an end to human rights deprivations. That is sufficient to meet the requirement of disinterestedness, even if there are other, non-humanitarian reasons behind intervention” (Wheeler, 2003:38).

Intervention in the CAR like many other countries in Africa could be perceived as “collective individualism”. This means that States though they are bound by moral obligations, State interest in terms of security determines their action. For instance, Chad attempted to play a hegemonic role and intended to secure and prevent insecurity or prevent rebels who usually use refugees as a means to escape a battle or seek refuge. The successive African-led intervention in CAR also illustrate what Welz and Meyer (2014) call “interference of particular interest” on the part of one or more of the countries intervening (Welz & Meyer, 2014). While

observing other CEMAC or ECCAS States on the play-ground of political instability in the CAR, it could be argued that in order to protect respective national borders, their involvement in the CAR conflict only reflects a participation in a sub-regional peace effort.

Sometimes, external intervention may exacerbate a conflict. Worse, Morgenthau (1973) argues that some States may even come to the aid of the initial aggressor, spreading the conflict further (Shirkey, 2012:19). Chad's position or role in the CAR conflict simply is an expression of State interest. Often advanced, Chad has been supporting rebel groups in the CAR since 2000. As James Kewir argues, for example, the activities of the late Libyan leader Muammar Ghaddafi, and the fear of Sudanese – backed Chadian rebels finding safe passage through the CAR en route to attacking Chad, influenced Chad to support the emergence of CAR rebellions which it saw as a strategy of protecting national interest (accessed, 11 June 2020). This support can be attributed, in part, to Chad's bid to deter any CAR government from providing a safe haven for Chadian rebels within its territory, and to protect President Deby's business in the CAR (accessed 11 June 2020). Apart from security stakes, geostrategic stakes are high. A number of oil fields are located on both sides of the border, and Chad does not want its production- which almost quintupled its GDP between 2002 and 2004 – disrupted (Dobbins, 2019:55). According to L6,

“The exploitation of petroleum in the Northern part of the CAR will reduce Chad's untapped petroleum. Since Chad is on a slope and the Northern region of the CAR is a valley, Chad will be on a deficit. Apart from Chad's security interest to defend its national borders from armed groups, its stakes on the exploitation of petroleum in the northern part of the CAR is at its detriment. This is the reason why Deby influenced Bozizé's ousting in favor of Djotodia who was to ensure that this never happens. In case the present President makes any concession on petroleum exploitation in this zone, there will be a high risk of conflict between Chad and the CAR even though it is already politically unstable” (Interview, 24th June 2020).

Regarding a non-member of CEMAC or ECCAS like South Africa, it is argued that she had business concessions with the Bozizé government. These business concessions permitted the South African and the CAR government to sign a Memorandum of Understanding in 2007. This MoU permitted the South African forces to provide security to support Bozizé's regime. The presence of South Africa's military in the CAR brought some doubts regarding its military presence. There were allegations and much speculation that the South African intervention in the CAR was to protect private South African business interests that were closely linked to the presidency (Vrey & Esterhuysen, 2016:14). The key question is not only whether South African military presence in the CAR was legitimate but, rather, whether it was morally defensible in view of South Africa's apparent support for an illegitimate regime in order to protect what seemed to be economic interests with strong links to powerful domestic political networks (Vrey & Esterhuysen, 2016:14).

Regarding France, economic, political and diplomatic relations characterizes Francafrigue with an antecedent of colonial and post-colonial history. French military presence in Africa is backed by the “colonial pact”. There are two types of French military presence abroad; Opex and pre-positional forces.

- Opex are military missions that initially aim to maintain peace. 45% of Opex troops are deployed in Africa.

- Pre-positioned forces are deployed permanently outside the metropolitan France. Today, France has four permanent bases in Africa; Djibouti, Senegal, Gabon and Ivory Coast, all being former colonies. These colonies have a strategic role, is to protect France and its economic interests as well as intervene quickly when necessary (Korkmaz, 2019:9).

France signed eight secretive defense accords with Cameroon, the CAR, Comoros, Djibouti, Gabon, Cote D'Ivoire, Senegal and Togo (accessed 11 June 2020). This implies that French cooperation with her former colonies seeks to preserve and protect French interest in Africa. According to General Francois de Vassière, 1998 marks the evolution in international cooperation as the French government as the two ministries of cooperation and ministry of foreign affairs were merged to form one ministry. This reform led to the creation of a directorate of military cooperation and defense with military cooperation being one of the aspects of with the aim of putting aside the notion of the French “Pre-carré” or “zone of influence”. France on its own part respects the accords signed and wishes to develop relations with other partners on the African continent. C'est une question dont nous avons souvent débattu avec nos collègues des pays Africain francophone: «Nous sommes vos vrais amis et le soutien que vous apportez à d'autres partenaires se fait à notre détriment», nous

disent-ils (Bangoura, 2003 :224). This could be interpreted differently as to mean that “while francophone African States are trying to diversify their cooperation with other non-African States, French interest is being threatened as the same African leaders do not respect the accords signed”.

Like Cote d’Ivoire and Mali where the French intervened, French intervention in the CAR reflects less its Opex military mission. However, its pre-position forces under Sangari aims at protecting French interests. According to L5, “*the French intervention in the CAR is a two-fold: firstly, it is argued that French intervention in the CAR is to help reconcile parties in the conflict; secondly, even though French intervention in the CAR is a mix feeling, they are often accused of exploiting the country’s natural resources, but this needs to be proven*” (Interview 26 August 2020). According to L8, *France has been involved in the Central African conflict since its beginning. It has generally not tolerated leaders who threatened its foothold on the CAR’s resources* (Interview, 05/05/2021). With a continuum of intervention, the CAR government is unable to address both humanitarian and security issues. As Alice Loundou writes, “L’Etat a failli dans ses taches. Il n’a ni préservé la paix, ni amélioré le bien-être de ses citoyens. Ce que l’état ne peut achever doit être confié à d’autres acteurs, moins impliqués politiquement, plus disposé à coopérer (Mvelle, 2007 :278).

Challenges

Lack of Clarity of Mandates

In order to expected positive results from a peacekeeping operation, its mandate should be sufficiently clear on the ground. Though the nature of conflicts have changed (inter to intra-State), the scope of peacekeeping was also broadened to include peace enforcement and peacebuilding. These activities heavily compound UN activities in the CAR. While peacekeeping is undertaken with the consent of the host State and parties to the conflict, enforcement is often undertaken to compel or coerce. Regarding peacebuilding, its activities are geared towards socio-economic and political reconstruction of a country affected by conflict. Pouligni (1999) argues ‘in most countries where intervention takes place, a peace process coincides with a double political process of democratization and peacebuilding’, this means the UN becomes involved in reconstituting the entire fabric of a State (Seaman, 2016:152).

Financial Problems

During the 1990s, peacekeeping increasingly became a desired tool for conflict resolution. This resulted from the changing nature of conflicts (from inter to intra-State) and the mediating factor of violence. With the so called “peace dividend”, the availability of funding to undertake a medium of long-term peacekeeping operation is influenced by the will of TCCs to provide troops, equip and maintain them on the field. In the past, when the financial burden and limitations of peacekeeping were less well known, the UN’s choice of where to get involved responded to a greater variety of factors (Jett, 1993:37). As the Secretary-General has noted, neither he nor the Security Council “has the capacity to deploy, direct, command and control operations for this purpose, except perhaps on a very limited scale” (Jett, 1993:36). He added that “it would be folly to attempt to do so at the present time when the Organization is resource starved and hard pressed” (Jett, 1993:36). Apart from undertaking a wide range of activities tilted towards the third pillar of the R2P (responsibility to rebuild), the UN is overwhelmed by other missions. Currently, MINUSCA adds to already existing UN peacekeeping missions existing in Africa and other parts of the world. This makes it impossible for UN resources to concentrate its resources for to address the CAR conflict.

Too Many Cooks

From a military perspective, the concept of “civil military cooperation” or CIMIC frequently portrayed as mechanism that can unlock synergies between the politico-military and humanitarian aspects of an intervention (Aoi & de Coning, 2007:109). While intervention in a conflict affected country is necessary to alleviate suffering through synergies, coordination has become more complex. To address a multifaceted conflict, multidimensional PKOs utilizes civilian expertise in non-military activities. Aside from the protection of civilians, supporting political process, monitoring human rights, disarming and reintegration of ex-combatants and extending the role State authority requires civilian components. Beyond in-mission coordination, challenges prompted the UN to develop what is referred to as “integrated approach”. It aims to put in place coherent strategies to achieve common goals among organizations. While it recognizes the

multidimensional nature of peacekeeping operations and seek to harmonize activities to address political, humanitarian, development, human rights, the role of law, and activities falling under peacebuilding, coordination with other States and actors usually poses a problem. This results from clash of interest among actors.

Conclusion and Recommendation

In addressing conflicts on the African continent and other parts of the world, there is a necessity to examine which approach suit a particular conflict. This is important for the fact that before a conflict escalates, the latent and emergence stages should be kept under control in order to prevent conflicting parties from hurting each other (stalemate). Conflict resolution both peaceful and coercive action should be properly organized. The military aspect should be emphasized on to permit peacekeepers use a reasonable amount of force on non-compliant parties in order to secure an agreement. Enforcement action with authorization from the UN at the early stage of a conflict could help in limiting certain crimes. With respect to the CAR conflict, from CEMAC, ECCAS, AU and the UN that intervened, a lack of joint-leadership showed an impediment in carrying out activities related to peacemaking, peacekeeping and peacebuilding. Though the AU has a leadership problem, it should seek for a joint leadership with other actors for any intervention.

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