ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 101.376/13/fin

RESOLUTION¹

on the situation in the Central African Republic

The ACP-EU Joint Parliamentary Assembly,

- meeting in Brussels (Belgium) from 17 to 19 June 2013,
- having regard to Article 18(2) of its Rules of Procedure,
- having regard to the 1948 Universal Declaration of Human Rights, the 1966 Covenant on Civil and Political Rights and the 1979 Convention on the Elimination of all Forms of Discrimination against Women,
- having regard to Article 3 and Protocol II of the 1949 Geneva Convention, ratified by the Central African Republic (CAR), which prohibit summary execution, rape, forced recruitment and other abuses,
- having regard to the 1998 Rome Statute of the International Criminal Court (ICC), ratified by the CAR in 2001, as amended in Kampala in 2010, which defines the most serious international crimes, such as crimes against humanity and war crimes, including murder, attacks against civilian populations, torture, pillaging, sexual violence, the recruitment and use of children in armed forces and enforced disappearance, and which affirms the primary obligation of all national jurisdictions to investigate and punish, and thereby prevent, the perpetration of such crimes,
- having regard to the Optional Protocol on the Involvement of Children in Armed Conflict to the Convention on the Rights of the Child, which has been signed by the CAR,
- having regard to the African Charter of Human and Peoples’ Rights, ratified by the CAR in 1986,
- having regard to Partnership Agreement 2000/483/EC between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou (Benin) on 23 June 2000 and revised successively in 2005 and 2010,
- having regard to the Libreville Comprehensive Peace Agreement between the Government of the CAR and the Central African politico-military movements of

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 June 2013 in Brussels (Belgium).
the People’s Army for the Restoration of Democracy (APRD), of the Democratic Front for the People of the CAR (FDPC) and of the Union of Democratic Forces for Unity (UFDR) of 21 June 2008,

- having regard to the Final Communiqué of the Extraordinary Summit of the Heads of State and Government of the Economic Community of Central African States (ECCAS), held in N’Djamena (Chad) on 21 December 2012,

- having regard to the statement of 21 December 2012 by the European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva, on the new outbreak of conflict in the CAR,

- having regard to the Libreville (Gabon) Agreement of 11 January 2013 on the resolution of the politico-military crisis in the CAR, signed under the aegis of the Heads of State and Government of the Economic Community of Central African States (ECCAS), which sets out the conditions for ending the crisis in the CAR,

- having regard to the resolution of the European Parliament of 17 January 2013 on the situation in the Central African Republic¹,

- having regard to UN Security Council Resolution 2088(2013) of 24 January 2013, and to the UN Security Council declarations on the CAR,

- having regard to the statements by UN Secretary-General Ban Ki-moon, by the spokesperson of the UN Secretary-General and by the UN envoy in the CAR on the political situation in the CAR and on the deterioration in the security and humanitarian situation,

- having regard to the declaration and decisions of the African Union (AU) on the situation in the CAR,

- having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on the situation in the CAR,

- having regard to the statement of 16 April 2013 by the UN High Commissioner for Human Rights, Navanethem Pillay, in which she called for an end to the violence and for the restoration of the rule of law in the country,

- having regard to the extraordinary summits of the Heads of State and Government of the Economic Community of Central African States (ECCAS), held in N’Djamena (Chad) on 3 April 2013 and 18 April 2013, and to their decisions to establish a National Transitional Council (CNT) with legislative and constituent powers and adopt a roadmap for the transition process in the CAR,

- having regard to the resolution on the coup in the CAR adopted by the National Congress of the Dominican Republic on 25 April 2013, which condemns the coup, refuses to recognise the actions carried out by the Seleka rebel coalition and calls on the ICC and all the relevant states, including the CAR, to investigate and bring to court the international crimes which continue to be committed in the context of the coup,

- having regard to the meeting of the International Contact Group of 3 May 2013 in Brazzaville (Republic of the Congo), which validated the roadmap for the transition and set up a Special Fund to assist the CAR,

- having regard to the various factions making up the Seleka coalition, namely the Convention of Patriots for Justice and Peace (CPJP), the Union of Democratic Forces for Unity (UFDR), the Democratic Front for the People of the CAR (FDPC), the Kodro Salute Patriotic Convention (CPSK) and the Alliance for the Renaissance and the Refoundation (ARR),

A. whereas clashes took place between the Seleka rebel movement and the Government between December 2012 and March 2013 owing to the failure by President François Bozizé to honour the commitments undertaken in 2008 in the Libreville Comprehensive Peace Agreement;

B. whereas a peace agreement was signed between the Government of President Bozizé and the rebels and other protagonists on 11 January 2013 in Libreville (Gabon), which provided for a ceasefire and the establishment of a transitional Government of National Unity in which opposition figures were given key posts;

C. whereas, in late March 2013 the rebels complained that the Government was not complying with its obligations under the January 2013 Libreville Agreement, and whereas they took control of the capital, Bangui, on 24 March, and of the rest of the country, forcing President Bozizé to flee the country;

D. whereas on 24 March 2013 the rebel leader Michel Djotodia took power and on 26 March declared himself President of the Republic, suspended the national constitution, dissolved the National Assembly, declared a three-year period of transitional rule and vowed to run the CAR until elections in 2016;

E. whereas the ECCAS summit on 3 April 2013 established a National Transitional Council (CNT), which is representative of all the active forces in the country and intended to exercise legislative and constituent powers; whereas that summit also instructed the CNT to elect, from among its number, an interim president and two vice-presidents, the first of whom would hold the presidency of the CNT;

F. whereas free, democratic, transparent and lawful elections are to be held at the end of the 18-month transitional period, but whereas the Head of State, the Prime Minister, members of the transitional government and members of the Bureau of the CNT will not be allowed to stand;
G. whereas the ECCAS summit on 18 April 2013 in N’Djamena (Chad) adopted a roadmap for the composition and functioning of the CNT, and increased its membership to 135 to improve opposition and civil society representation;

H. whereas ECCAS decided at its summit on 18 April 2013 in N'Djamena (Chad) to quadruple the size of the Central African Multinational Force (FOMAC), increasing the number of soldiers from 500 to 2 000;

I. whereas Prime Minister Nicolas Tiangaye enjoys the support and recognition of the international community for having helped to establish a framework likely to be accepted by all and an environment conducive to bringing peace and stability to the CAR; whereas he is calling for the roadmap for the composition and functioning of the CNT, agreed at the ECCAS summit on 18 and 19 April 2013, to be respected;

J. whereas the CNT has appointed Michel Djotodia as the interim president;

K. whereas the International Contact Group meeting on 3 May 2013 in Brazzaville (Republic of the Congo) adopted the roadmap for the transition and set up a Special Fund to assist the CAR;

L. whereas the situation in the CAR continues to be extremely worrying, with serious human rights violations and international crimes being committed by armed groups, including killings, rapes – including the rape of underage girls – arbitrary detention, enforced disappearance, torture, abuse and the use and forcible or voluntary enlistment of children in armed groups; whereas sexual violence and the frequent use of rape as a weapon of war have tragic consequences and must be regarded as war crimes; whereas Prime Minister Nicolas Tiangaye has publicly condemned the violence and pillaging; whereas a commission of inquiry into the crimes has been set up; and whereas the ICC has decided to launch an investigation into allegations of crimes falling under its jurisdiction;

M. whereas, notwithstanding the gradual implementation of the security measures agreed in N'Djamena, the situation remains fragile;

N. whereas the CAR is confronted with a social and economic challenge as the public and private sectors have been pillaged and destroyed, seriously undermining the country's administration and its economic fabric and causing social turmoil;

O. whereas hospitals have also been plundered on a massive scale, creating a disastrous health situation in the country;

P. whereas, as a result of the food crisis and of past and present violence, tens of thousands of Central Africans have sought refuge in neighbouring countries or have been internally displaced; whereas the UN estimates that there are 1.5 million CAR nationals in need of humanitarian assistance, in addition to the 17 000 Congolese and Sudanese who have taken refuge in the CAR to escape the fighting in their own countries;
Q. whereas the majority of these people are in areas where they have no access to basic services, and whereas the insecurity in the country and the danger of attacks make it difficult for humanitarian organisations to provide effective aid;

R. whereas, following the seizure of power in the country by the rebels, the AU suspended the CAR on 25 March 2013 and imposed travel bans and asset freezes on insurgent leaders;

S. whereas the Permanent Council of the Francophonie decided on 8 April 2013 to suspend the CAR temporarily, pending an assessment of the undertakings made by all parties in the CAR;

T. whereas the European Union is engaged in a regular political dialogue with the CAR under the Cotonou Agreement and is the country’s main donor, providing it with development aid amounting to EUR 137 million up to 2013 under the 10th European Development Fund (EDF 2008-2013), in addition to the EUR 14.3 million provided to it in 2012 under the African Peace Facility for the MICOPAX peace-building mission;

U. whereas the European Commission, through its humanitarian aid and civil protection department (ECHO), also contributed EUR 8 million in 2012 to help people affected by conflict and displacement in the CAR, through the provision of emergency health services, food and non-food supplies, clean water and sanitation;

V. whereas the recent attacks by the LRA, in particular in the Bria region in the north-east of the country and near the diamond mines, have resulted in more than a dozen deaths;

1. Regrets the seizure of power by coup; calls for the constitutional order to be restored and calls on all parties to refrain from any acts of violence, fully to respect human rights and to restore public order, public security and stability in the country;

2. Reaffirms its support for the sovereignty, unity and territorial integrity of the CAR;

3. Notes with satisfaction that the CAR joined the Extractive Industries Transparency Initiative (EITI) in 2008; believes that the management of central Africa’s abundant natural resources should be subject to transparent controls, particularly with regard to payments made to governments by mining and exporting companies and the proportion of that revenue which is used for development programmes;

4. Notes the establishment of the National Transitional Council, its election of a Head of State, and the establishment of a transitional government; notes that the
transition will last for a period of 18 months, by the end of which constitutional legality and order must be fully restored;

5. Calls on the transitional government and the CNT to ensure respect for the rule of law and to protect the civilian population; welcomes the efforts made so far by the transitional authorities, and in particular by Prime Minister Nicolas Tiangaye, and urges the entire international community to support him and his actions though all appropriate means;

6. Welcomes the mediation efforts of the President of the Republic of the Congo and the active role of the UN, the AU, the EU, ECCAS, the Organisation internationale de la Francophonie (OIF), South Africa, Benin, France and the United States, which contributed to the signing of the Libreville Accords;

7. Calls on the VP/HR, the UN Security Council and the Peace and Security Council of the AU actively to support the implementation of the roadmap, and welcomes the security measures (grouping and cantonment, joint patrols, etc.) already taken by the Government of National Unity;

8. Supports the Government of National Unity in its desire to bring all perpetrators of crime to justice; congratulates the Government of National Unity on having established a commission of inquiry into the crimes;

9. Calls for the perpetrators of human rights violations, war crimes, crimes against humanity, sexual violence against women and the recruitment of child soldiers to be reported, identified, prosecuted and punished in accordance with national and international criminal law; points out in this regard that the situation in the CAR has already been brought before the ICC and that, under the Court’s Statute, there is no prescription for genocide, crimes against humanity or war crimes;

10. Is worried about the humanitarian situation in the country, particularly for those CAR nationals who have been displaced or have become refugees in neighbouring countries; urges all parties to respect international humanitarian law and the work of human rights defenders and journalists;

11. Welcomes the humanitarian aid provided, in particular, by the EU, the AU and the UN to the people affected by the conflict and by displacement in the CAR, and calls on those institutions and on other international and regional partners actively to support the CAR’s reconstruction and the peace-building process;

12. Welcomes the action taken by the Government of National Unity in collaboration with the World Food Programme (WFP) to provide food supplies, protection and distribution of food to displaced populations within the country; appeals urgently to the international community to provide massive financial support to enable the authorities to restore the services of the state;

13. Condemns the war crime of the use and recruitment, whether forcibly or not, of child soldiers in breach of international law; welcomes the Government’s desire to
implement, as part of the reform of the security sector, a process to re-establish the
defence and security forces; supports the Government’s willingness to select
Seleka combatants and to train them with a view to integrating them into the
armed forces of the CAR and the gendarmerie and police forces; supports action
for the disarmament, demobilisation, reintegration and repatriation of combatants
in order to guarantee security during the transition; calls for the Government to
take similar measures to provide support and redress to the victims of violence
and international crimes;

14. Welcomes the ECCAS decision to increase the number of troops of the Central
African Multinational Force (FOMAC) from 700 to 2000, and calls for the
FOMAC mandate to be exercised under the auspices of the UN;

15. Calls for international and regional operations to arrest members of the LRA to be
resumed and intensified, with the consent of the CAR, in order to bring an end to
the devastation which this criminal group has wreaked on the people of the CAR;

16. Notes that the CAR is endowed with many natural resources (uranium, crude oil,
gold, diamonds, etc.); stresses that transparency and democratic control in the
mining sector are more vital than ever for the country’s development;

17. Considers it necessary, furthermore, to address the consequences of the conflicts,
particularly by reform of the armed forces and security forces, demilitarisation,
the demobilisation and reintegration of ex-combatants, the repatriation of
refugees, the return of internally displaced persons to their homes, and the
implementation of viable development programmes;

18. Calls on all political parties and stakeholders to address the structural causes of
this recurrent crisis, and believes that decisions concerning the political, economic
and social future of the CAR, based on a peaceful and democratic transition
founded on respect for the rule of law, the separation of powers and the full
exercise of human rights and fundamental freedoms, as well as on fair access to
resources and redistribution of income, through the national budget, are for the
people of the CAR and all those who represent them;

19. Welcomes the fact that since 10 June 2013 around 40 religious leaders have been
holding discussions in Bangui aimed at preventing tension;

20. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the
Council of EU, the European Commission, the Vice-President of the Commission/
High Representative of the Union for Foreign Affairs and Security Policy, the
Secretary-General of the UN, the UN Security Council, the UN Human Rights
Council, the AU, the President of the Economic Community of Central African
States and the Organisation Internationale de la Francophonie, and to the President
of the National Transitional Council and the Government of the Central African
Republic.