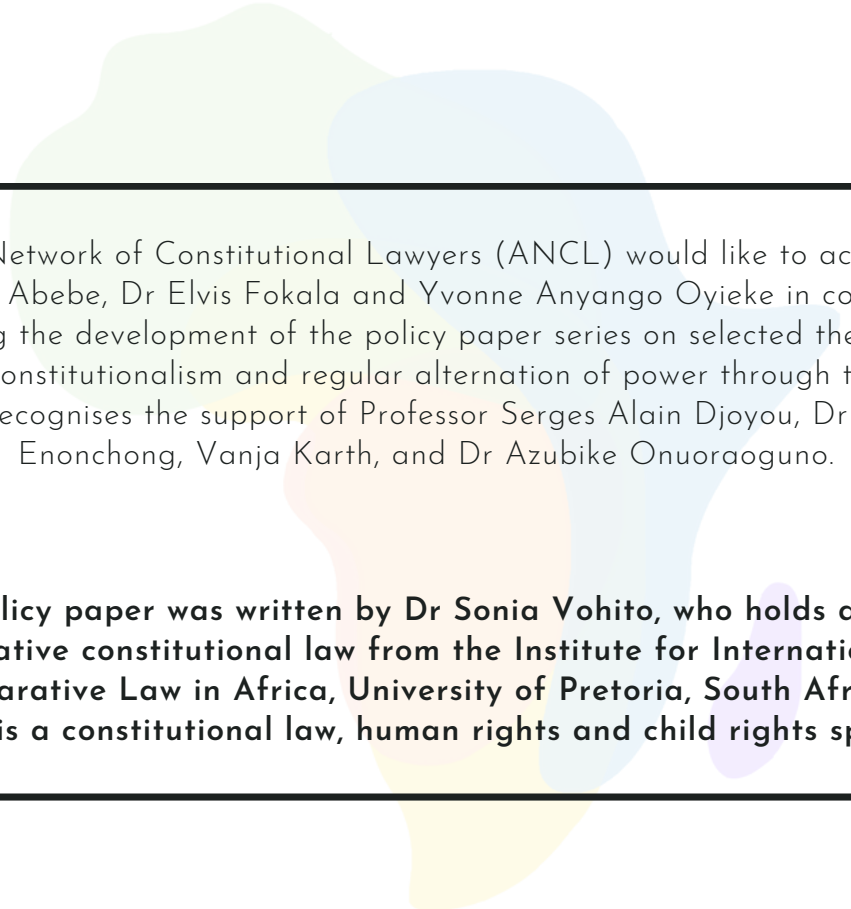


PROMOTION OF CONSTITUTIONALISM
THROUGH TERM LIMITS IN AFRICA:
LESSONS FROM THE CENTRAL AFRICAN REPUBLIC

Prepared by:



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Introduction

On 23 September 2022, the Constitutional Court of the Central African Republic (CAR) rejected as unconstitutional a series of four presidential decrees related to the establishment of a Constitution Drafting Committee and the appointment of its members. With the abrogation of the existing 2016 Constitution and the adoption of a new Constitution, President Faustin-Archange Touadera intended to bypass constitutional obstructions and review unamendable provisions of the 2016 Constitution, notably the presidential term limit. In 2020, the Constitutional Court had already rejected as unconstitutional a similar proposed constitutional amendment.

With this recent decision, it is hoped that the recurrent debate on the amendment of the presidential term under the 2016 Constitution will eventually end and that any constitutional amendment initiated in the country will take place in full compliance with the Constitution. But, compliance with the decision of the Court is not guaranteed. Indeed, the President has forcefully retired the President of the Constitutional Court alongside other judges and politicians who have sought to ensure adherence to the Constitution.

Compliance would require the concerted efforts of domestic civil society and political stakeholders, as well as vigilance and support from the African Union and the Economic Community of Central African States (ECCAS). The stakes cannot be higher. On the one hand, if the president succeeds in extending his term, there is a significant risk of insecurity and political instability. It also sets a dangerous precedent. On the other hand, compliance with the decision of the Court would ensure that CAR builds on its nascent tradition of peaceful transfer of power in the 2026 elections. It should be noted that CAR is one of the few bright spots in the 1990s wave of democratization where the incumbent president lost elections in 1993, and handed power to the new president. Interim President Catherine Samba-Panza also enabled free, fair, and credible elections and handed over power to the winner in 2016.

This policy-oriented paper provides context and background and identifies key lessons learned from this constitutional reform process. It also makes policy recommendations on ways to promote and protect presidential term limits in CAR that may be replicated in other African countries.

Background: Consensus around term limits

Since its independence in 1960, the CAR has witnessed several episodes of socio-political instability, violent conflicts, and humanitarian crises. To date, the country has adopted five different constitutions and experienced five different regimes, which included a period of constitutional monarchy, with three *coups d'état*. In 2012, following a period of acute political tension between then President François Bozizé, the political opposition and the Séléka armed group,ⁱ a period of political transition was agreed to in Libreville, Gabon,ⁱⁱ under the auspices of the ECCAS. Signed in January 2013, the Libreville Agreement defined the modalities for power sharing (e.g. government of national unity) as well as the country's electoral timetable. In March 2013, President François Bozizé was deposed by the Séléka rebel forces and Séléka leader Michel Djotodia proclaimed himself President. Djotodia suspended the 2004 Constitution and dissolved both the National Assembly and the Government. With the support of the UN, a transition roadmapⁱⁱⁱ was established for the country by the African Union^{iv} and ECCAS. The roadmap recommended the adoption of a new Constitution through a constitutional referendum before presidential and legislative elections, which were scheduled for 2015. It set the transition period to 18 months but did not refer to presidential term limits.^v

A National Transitional Council (also known under its French acronym as *Conseil National de Transition* (CNT) representing the country's stakeholders ("*forces vives*") was formed and a Transitional Constitutional Charter was adopted. It was promulgated by President Djotodia on 18 July 2013. The CNT was a non-elected temporary legislative body formed with a view to organize and facilitate the transition to constitutional democracy and secure the rule of law, most notably through the development and adoption of a draft constitution. On 10 January 2014, Djotodia resigned at an ECCAS heads of state meeting and on 20 January 2014, the CNT elected Catherine Samba-Panza as the President of the Transitional Government. She was mainly tasked with overseeing the drafting and adoption of a new constitution.

The constitution drafting took place in 2014 with the assistance of CAR and international experts and the draft was adopted during the CNT plenary session in February 2015. In March 2015, the draft was submitted to the Transitional Government, for its opinion and amendments. The draft including the Government's amendments was subsequently

discussed in July 2015 during a national consultation workshop involving 200 participants, jointly organized by the CNT and the Government, with support from UN agencies. During this national consultation workshop, the Transitional Government highlighted key aspects to be included in the final draft of the Constitution including the unamendable status of presidential term limits.^{vi} In addition to consultations held by the Transitional Government, there were a series of consultations initiated by external partners and local CSOs, local authorities, religious and traditional leaders. The results of the debates were submitted to the CNT.

The preliminary draft Constitution resulting from the national workshop was submitted to the Constitutional Court for its opinion. Parallel to this process, the Bangui Forum on National Reconciliation was held in May 2015.^{vii} It involved more than 600 participants from all regions of the country and from different communities, religious backgrounds and ethnicities, including the diaspora and refugees.^{viii} The participants discussed four themes in plenary debates and working groups: peace and security; governance; justice and reconciliation; and economic and social development but did not discuss the draft Constitution and the entrenchment of presidential term limits.^{ix}

In December 2015, the CAR Constitution^x was adopted with the support of 93% of voters in a referendum marked by a low voter turnout (30%), and violent incidents as the country was still divided between armed groups.^{xi} This raised questions about the participatory, inclusive, and deliberative approach of the constitution-making process in the country.^{xii} One of the most notable features of the Constitution was the adoption of two five-year presidential term limits in Article 35. The constitution included the term limit as part of the unamendable provisions of the constitution in Article 153. It also required elected presidents to take an oath, including a promise to never exercise their powers to revise the number and the duration of their mandate in Article 38. It was the first time that a Central African constitution specifically entrenched provisions that prohibited the amendment of the presidential term limits.^{xiii} This may be due to the fact that in 2012, former President Bozizé was rumored to plan on amending the 2004 Constitution to seek a third presidential term. This, in part, contributed to division within the national army and political leadership and subsequently led to the political crisis and *coup d'état* in 2013.^{xiv} The entrenchment of 'constitutional locks' in relation to the presidential term limits illustrated the desire of CAR citizens and constitution makers'

to prevent a phenomenon of presidents-for-life.

In February 2016, following the second round of the presidential elections and a re-run of the parliamentary elections,^{xv} former Prime Minister Faustin-Archange Touadera was elected President of CAR for a five-year term. The adoption of the 2016 Constitution coupled with the general elections represented a milestone towards the end of the CAR transition period. President Touadera is expected to complete his second and final term in 2026.

Targeting term limits

On 13 August 2022, during an address to the Nation,^{xvi} President Touadera announced his intention to initiate a process to adopt a new constitution. To justify his plans, the President cited 'popular demand' as well as a memo from the President of the National Assembly as basis for a new constitution fitting the country's social, political, and environmental circumstances. Prior to his announcement, in May 2022, a group of parliamentarians from the majority party, *Mouvement Coeurs Unis* (MCU), which is also the party of the President, submitted a Constitutional Amendment Bill to the National Assembly. The proposed constitutional amendments included the abolition of presidential term limits, the creation of the office of Vice-President, the prohibition of dual citizenship for presidential candidates, and the modification of the composition of the Constitutional Court (wherein former heads of state would become *ex officio* members). In July 2022, the Government officially endorsed the terms of the Constitutional Amendment Bill but opted to repeal the existing Constitution and write a new one. The Government clearly explained^{xvii} that the adoption of a new constitution would enable it to rewrite provisions that are deemed unamendable, including Article 153 of the Constitution which provides for the number and duration of presidential term limits.

Despite opposition from political parties and civil society groups, President Touadera signed four decrees to establish a Constitution Drafting Committee and appoint its members.^{xviii} On 26 August 2022, he signed his first decree establishing a committee responsible for drafting a new constitution for CAR (Decree no. 22.348).^{xix} The Drafting Committee was composed of fifty-three members ostensibly representing various viewpoints, appointed by their respective entities on the basis of their expertise, experience, credibility and moral integrity. The Committee included representatives of government institutions, the National Assembly, independent

constitutional bodies, political parties, civil society, academia, traditional leaders and minority groups. The Drafting Committee was mainly tasked with developing a draft constitution and related documents for submission to the President no later than three months from the date of its installation. It was mandated to conduct consultations with the people on constitutional matters.

On 12 September 2022, President Touadera signed another decree (Decree no. 22.367) confirming the appointment of members of the Constitution Drafting Committee. Another decree was signed on 14 September 2022 (Decree no. 22.372), amending the provisions of Decree no. 22.367 of 12 September 2022. On 29 August 2022, with a view to implement Decree no. 22.348 of 26 August 2022, the President's Chief of Staff addressed a circular^{xx} to the different sectors expected to compose the Drafting Committee. The Chief of Staff invited each sector to internally designate their representatives to the Committee and inform his office accordingly. In response to the circular, the representative of the Catholic Church declined^{xxi} the presidential invitation and questioned the pertinence of drafting a new constitution, especially considering the unamendable 'constitutional locks'.^{xxii} The Episcopal Conference submitted that prior to drafting a new constitution, a wider consultation would have been more appropriate to establish the necessity of engaging in such a process. Actors who opposed the presidential plan to write a new constitution, including the Episcopal Conference, civil society organizations and the CAR Bar Association, were subjected to verbal attacks and intimidation from the President's allies.

Overall, it appears that the President and his Government had planned to play a key role in the constitution drafting process. Through his decrees, the President initiated the creation of the Drafting Committee, and determined the sectors to be represented and the number of their respective representatives. Since the Drafting Committee was state funded - through the Ministry of Finance - the President was implicitly involved in the Committee's finances and the appointment of its public accountant. Crucially, the Committee was required to submit its narrative and financial report directly to the President. Pursuant to Decree no. 22.348 of 26 August 2022, the Drafting Committee was mandated to draw up and adopt its own rules of procedure, conduct public consultations on constitutional issues, prepare and submit to the President a draft Constitution and related

texts and internal reports. All of this was expected to be conducted within three months.

Questions could be asked about the quality of the work the Committee was expected to deliver, considering the ambitious constitution drafting agenda and the short timeline. Remarkably, the Decree was silent on the role of the Drafting Committee after the first draft was submitted to the President. The status and outlook of the first draft Constitution and the role of the President in this process remained unclear.

External factors

Evidence of the geopolitical factors that may have influenced the President's intention to write a new constitution and ultimately stay in office beyond the constitutionally mandated two-term limit is difficult to establish. Unlike during the transition period in 2013-2015, when allies, international and regional actors (e.g. UN, AU, ECCAS, France) were actively involved in the country's political developments, during the recent years, the geostrategic orientations of CAR have drastically changed. In 2017, in response to recurrent tensions and insecurity across the country, the Government made use of the country's bilateral defence agreements with Russia and Rwanda to protect the territory from rebel threats.^{xxiii}

Considering that the mandate of the United Nations MINUSCA^{xxiv} is primarily limited to peacekeeping and protecting the civilian population under threat of physical violence, Rwanda^{xxv} and Russia^{xxvi} sent soldiers and instructors as well as weapons to CAR, to help counter the mounting violence from rebel forces. In 2019, Rwanda and CAR signed several bilateral agreements including defence and economic deals.^{xxvii} Rwanda is the biggest contributor of peacekeeping forces in CAR with more than two thousand soldiers and police officers.^{xxviii} Equally, in 2021, it was estimated that approximately a thousand Russian 'instructors' were operating in CAR.^{xxix} It is reported that Russia is using its bilateral agreement with CAR to expand its influence in the country in military, political and economic matters.^{xxx} The President could lean on this close relationship with Russia and Rwanda to resist any potential criticism from other external partners, including in his efforts to illegally bypass presidential term limits. These external actors also have interest in supporting continuity to preserve their deals and interests through the President.

Decision of the Constitutional Court: Enhancing Prospects for Compliance

Political parties in opposition and civil society organizations filed petitions against the presidential decrees before the Constitutional Court on the ground that the constitutional reform process was unconstitutional since it intended to review unamendable constitutional provisions. On 23 September 2022, the Constitutional Court^{xxxix} declared the four presidential decrees related to the establishment of a Constitution Drafting Committee and the appointment of its members unconstitutional. It found that there is no constitutional provision allowing the President to initiate the abrogation of the Constitution and establish a constituent body to draft a new constitution. It also ruled that only the National Assembly and the Senate (which is yet to be established) representing ‘popular sovereignty’ can initiate a referendum. The Court unequivocally held that a constitutional referendum could not be used to amend presidential term limits as it would be in violation of Article 153 (which prohibits certain constitutional amendments including the term and duration of presidential mandates). It would also be incompatible with Article 38 (articulating the exact wording of the presidential oath, which stipulates that the president will observe the Constitution and undertake to not seek to amend the term and duration of the presidential mandate). The decision was made in the context of an already strained relationship between the Constitutional Court and the government. That is because, in August 2022, following a civil society group’s petition, the Court declared unconstitutional^{xxxix} provisions of a new law sponsored by the President on making crypto a legal currency in CAR.^{xxxix} This consequently affected the Government’s global campaign to attract investors in the country.

The Court’s decision on term limits comes amid political tensions mainly in Bangui, the capital city, where there have been demonstrations and rallies led by the opposition and counter rallies by allies of the President’s party. Members of the Constitutional Court, especially its President, certain opposition leaders^{xxxix} and civil society groups were subjected to harassment and intimidation from the President’s supporters. Special Advisor to the President, Fidèle Gouandjika, was quoted as accepting the Court’s decision.^{xxxv} Even though the President did not make any official statement,^{xxxvi} On 29 September he publicly hosted a group of women demonstrating in support of a new constitution.^{xxxvii}

On 3 October 2022, during his address to parliamentarians and members of the Government and referring to the Constitutional Court decision, the President of the National Assembly called for peace and unity.^{xxxviii} Invoking the Constitution, he highlighted that the decisions of the Court were binding and not subject to appeal. On 4 October 2022, a presidential decree repealed the four decrees already annulled by the Constitutional Court. It is not clear whether these acts were coordinated. It was hoped that the political tensions and debate on constitutional reform would eventually decrease. An official and conciliatory statement from the President would have effectively symbolised the end of this unsuccessful process.

Following the Court’s decision, as the President remained silent and his supporters continued to demand a new constitution. Opposition parties and civil society groups examined ways of protecting the Court’s decision, should the President decide to bypass it. This possibility has been heightened following the President’s decrees forcing the retirement – as university professors – of the President of the Constitutional Court and the President of the National Assembly. On 24 October 2022, the President of the Constitutional Court was removed by presidential decree^{xxxix} due to her retirement as a professor of law.^{xl}

The option of initiating an impeachment procedure against President Touadera and some parliamentarians from his party was raised based on their supposed disloyalty to the country and its institutions. Article 124 of the 2016 Constitution provides that the President can be prosecuted by the High Court of Justice in the case of high treason. The Constitution enshrines a list of crimes of high treason including violation of the oath of office as well as any action contrary to the best interest of the Nation. However, the impeachment procedure is admissible only if it is supported by fifty percent of members of the National Assembly. Considering that the President’s party – and its allies – hold a majority of seats in the National Assembly, an impeachment procedure against him is very unlikely. Moreover, the High Court of Justice has not yet been established. This is mainly because the parliamentarians have not yet enacted the organic law on the establishment of the Court.^{xli} Moreover, the High Court is partly composed of Senators, but the Senate has not been established yet. Senators are elected by local elected officials, and local elections are only expected to take place in July 2023.

This impasse raises the question of effective implementation of the Constitution through the establishment of

constitutional institutions within appropriate timelines. This situation is evidence that parliamentarians from across the political spectrum should prioritize the full implementation of the Constitution notably with the enactment of required laws, the installment of local authorities, the Senate and the High Court of Justice. The effective implementation of the existing Constitution, the adoption of an adequate legal framework and establishment of mandatory institutions may ultimately alleviate the need for adopting a new Constitution, and therefore close opportunities for abusive changes, including the term limit provisions.

- Another avenue for protecting the Constitutional Court decision is the involvement of well-respected and prominent figures such as religious and community leaders – who have been involved in peacebuilding initiatives during previous interreligious and inter-communal crises. For instance, following the Constitutional Court decision and rising tensions, Catholic cardinal Dieudonné Nzapalainga^{xliii} publicly urged all parties to comply with the Court decision and its implications. He asked that the unamendable constitutional provisions are respected.
- Civil society organizations could use the upcoming local elections to mobilize citizens and send a clear message to the Government on the need to respect the constitutional order and ensure alternation of power. The Government's compliance with the decision of the Constitutional Court should become a central discussion point during the local elections campaign. For candidates of the majority party to be elected, citizens could demand that the Government refrain from holding the constitutional referendum. However, this strategy will be applicable only during the election period, leaving the Government latitude to bypass the Constitutional Court decision at a later stage. The Government may also seek to hold a constitutional referendum along with the local elections.
- The MINUSCA, which is mandated to protect civilians and support transition processes in CAR, should also play a key role in this process. Through its role of promotion and protection of human rights and support for justice and the rule of law in CAR, MINUSCA could hold mediations between all parties and provide security support to stakeholders. For instance, following the Court decision and subsequent threats against members of the Court, MINUSCA soldiers have heightened security arrangements of the premises of the Constitutional Court and its members.^{xliiii}

- The protection of the decision of the Constitutional Court may also be ensured by CAR's partners to the Political Agreement on Peace and Reconciliation (Khartoum Agreement) which was negotiated in Khartoum, under the auspices of the African Union and ECCAS in 2019.^{xliv} Although the Khartoum Agreement specifically refers to commitments between the Government and armed groups to achieve peace and reconciliation in the country, it may constitute a mechanism for CAR's external partners to highlight the Government's obligations to ensure peace and political stability in the country.

Role of the African Union and ECCAS

At the continental level, the African Union (AU) and its mechanisms could play a leading role in the protection of presidential term limits under its mandate in the promotion of democracy through the rule of law and constitutional order. Over the years, several African constitutions have been amended or changed with a view to either lift or extend presidential term limits and remove age limits (e.g. Chad, Guinea, Republic of Congo and Rwanda).^{xlv} The AU could promote examples of countries that uphold term limits and consequently send a clear and coherent message about member states' obligations to respect the principles of constitutionalism and good governance.

The 22 September 2022 decision of the African Court on Human and Peoples' Rights^{xlvi} calling on the Government of Tunisia to establish the Constitutional Court and remove all legal and political obstacles that impede this goal, within two years is evidence that AU mechanisms can exhort states to fulfil their human rights obligations. This may empower national judicial systems to remind governments of their obligation to comply with the Constitution and with the international and regional instruments that they ratify. In this regard, in 2020, when the CAR Constitutional Court ruled that the presidential mandate is protected by a 'constitutional lock', it also invoked the provisions of the 2007 African Charter on Democracy, Elections and Governance (ACDEG) on the promotion of political stability and security.^{xlvii}

Sub-regional instruments are also essential in promoting democracy, constitutionalism and good governance. For instance, the Economic Community of West African States (ECOWAS) adopted in 2001 a Protocol on Democracy and Good Governance, which enshrines key constitutional principles, including the separation of power and the independence of the judiciary. Not all ECOWAS states have upheld presidential term limits and ECOWAS has not

imposed any sanctions on them. However, the impact of the ECOWAS Protocol cannot be underestimated. For instance, the ECOWAS Court has issued judgments related to its members' constitutional matters.^{xlviii}

While ECCAS does not have a similar instrument, it could rely on the ACDEG and broader principles of constitutionalism and the rule of law to urge Touadera to respect the decision of the Constitutional Court. In support of President Touadera's third term agenda, parliamentarians from his party used the experience of neighbouring countries on term limits violation to defend CAR's constitutional reform. It is therefore important that sub regional standards on human rights and democracy are developed and promoted so that such human rights and governance shortcomings do not become the norm. This is particularly critical in view of the potentially destabilizing consequences of evading term limits in CAR, which will affect the entire region, which is already reeling under tremendous insecurity. In the long term, ECCAS should consider the development of a similar instrument to ECOWAS as a critical asset for the promotion of constitutionalism in the sub-region.

Insights and Lessons from CAR's experience

If implemented, the Court decision could set a groundbreaking example of constitutional democracy in the Central African Region and beyond. Very few apex courts in Africa have successfully opposed presidential ambitions to extend their stay in office. The only prominent case where courts in Africa rejected amendments to extend term limits was in Niger in 2009. Interestingly, the protections to ensure the autonomy of the Constitutional Court of CAR were designed along the lines of the Constitutional Court of Niger under the country's 2010 Constitution. From a broader perspective, several lessons could be drawn from CAR's experience to thwart the unrestricted presidential terms trend in Africa.

- A key aspect in the CAR case is that political parties, civil society and individuals have direct access to the Constitutional Court - pursuant to Article 98 of the 2016 Constitution. The President's decrees were systematically challenged in Court and, in return, supporters of the President filed their own petitions. To some extent, this contributed to diffusing tensions and averting further violence since all parties were awaiting the Court's decision. Similarly, this consolidated the Constitutional Court's position as a key player in promoting constitutionalism and peace in the country.

- An independent judiciary is essential in protecting presidential term limits. While the primary responsibility of ensuring respect for fundamental constitutional values remains with the people and political stakeholders, independent judges can also render justice on all issues of substantial legal and constitutional importance fairly and impartially without undue influence or fear of reprisal, especially where their composition is not dominated by presidents or their political allies.^{xlix} Unlike in most African Francophone countries,^l in CAR, six of the nine members of the Constitutional Court, are designated by their peers including law professors, attorneys, and magistrates.^{li} It is therefore not surprising that the proposed constitutional reform aimed to allow former heads of state to become *ex officio* members of the Constitutional Court. Without political interference, it is expected that independent judges will adopt rights-sensitive approaches in interpreting the constitution and protect the constitutional order.

Some of the key lessons from the CAR experience include:

- The absence of express constitutional provisions regulating the making of new constitutions, in addition to 'amendments' or 'revisions' exposes the constitutional framework, including unamendable provisions, to abuse by unscrupulous leaders. Constitution makers would be well advised to clearly indicate that amendment or revision procedures apply even to the making of new constitutions or provide specific procedures and rules within which new constitutions may be made. The absence of such clarity can expose courts and judges who seek to protect the letter and spirit of constitutionalism and peaceful alternation of power to political attacks.
- The 2016 Constitution of CAR provides that members of the Constitutional Court cannot be removed, and that they cannot be arrested or prosecuted without the Court's approval. To avoid manipulation and intimidation from politicians, the Constitution (or any Statute regulating the Constitutional Court) should equally specify that members of the Constitutional Court cannot be forced to retire, based on flimsy grounds that the CAR Government used to force the retirement of the President of the Court. In this way, the Government will not be able to opportunistically alter the composition of the Constitutional Court through the retirement process.
- The express empowerment of the Constitutional Court of CAR to review proposed constitutional reforms has also legitimized its involvement in those processes and would make it legally difficult for the President and his supporters to simply bypass the decision. Nevertheless,

this is no guarantee that the CAR President will not go ahead with the referendum. The Court's decision of the Court provides grounds for the AU, ECCAS, and other international actors to warn against violating term limits.

- The establishment of a powerful constitutional court whose composition does not give a dominant voice to the executive and political actors also offers better hopes for defending the constitution and the principles of constitutionalism.
- The accessibility of constitutional courts whereby ordinary citizens and concerned organizations can challenge the validity of proposed constitutional amendments also enhances the chances of effective checks on presidential powers and may also remind political organs to respect the wishes of the public expressed in the constitution.

Conclusion and recommendations

CAR's political and institutional fragility reflects its long history of misrule.^{lii} For the past decade, the country has been positioned at the near bottom of the UN Human Rights Development Index. The adoption of the 2016 Constitution, the return to relative political stability, the somewhat containment of armed groups, and the apparent Government commitment to peace and reconciliation through 'Republican Dialogues' and peace agreements have restored nationwide confidence in the country's socioeconomic prospects. In recent years, the Constitutional Court's decisions have proven to be effective and conciliatory, consequently generating hopes for the establishment of constitutionalism and a peaceful alternation of powers in CAR. It is hoped that the political crisis between the Government and the Constitutional Court – which led to the dismissal of the President of the Constitutional Court – will not affect the Court's role in protecting the rule of law, the constitutional order and peace in the country.

- In this regard, domestic stakeholders should coalesce around a coalition of democrats to support the decision of the Constitutional Court.
- The AU and ECCAS should support constitutionalism, including by putting CAR on the agenda and leaning on President Touadera to respect the decision of the Court. CAR offers the AU in particular a unique opportunity to protect term limits. Unlike in other cases, where courts have often approved constitutional tampering of term limits, making it difficult for the AU to intervene, the decision of the Constitutional Court of CAR presents the

AU with the legitimacy to engage proactively to enable peaceful alternation of power.

- Stakeholders in CAR should also work toward establishing the necessary incentives to nudge incumbents to respect term limits. Notably, the country should consider revamping the retirement benefits and privileges of former presidents to allow them to live a dignified life after office, regardless of their involvement in the country's political affairs. The current law of 2020 establishing the system of pensions and other benefits granted to former presidents, requires former presidents to remain politically 'neutral' to access their benefits. In this regard, any former president who expresses the desire to return to the political scene by standing as a candidate in any election will lose all the benefits granted to him.
- This stringent provision may deter incumbent presidents from relinquishing power should they wish to remain involved in the political affairs of the country at the end of their term.

- ⁱ A group of rebel factions from several militant political movements.
- ⁱⁱ [2013 Libreville Agreement](#) (accessed 3 November 2022).
- ⁱⁱⁱ Adopted during the fourth Extraordinary Summit of the ECCAS Heads of State and Government held in Ndjamena, Chad on 18 April 2013. The road map was endorsed by Resolutions 2134 (2014), 2149 (2014) of the UN Security Council, adopted respectively on 28 January 2014 and 10 April 2014.
- ^{iv} The African-led International Support Mission to the Central African Republic (MISCA, French acronym for *Mission internationale de soutien à la Centrafrique sous conduite africaine*) was an African Union peacekeeping mission to the CAR, established in December 2013 by the UN Resolution 2127 to stabilise the country amid ongoing political unrest following the 2013 coup d'état.
- ^v The fourth Extraordinary Summit of Heads of State and Government of ECCAS held in Ndjamena, Chad on 18 April 2013 entrusted with, among other things, the task of drafting a new Constitution for adoption through a referendum.
- ^{vi} ["Le projet de Constitution centrafricaine encore sur la table du CNT"](#) *Radio Ndeke Luka*, 3 July 2015 (accessed 10 November 2022)
- ^{vii} The Bangui Forum was preceded by a series of consultations involving 19,232 interviewees across the country. The result of the consultations was compiled in a report which informed the thematic discussions of the Bangui Forum. (see R Sullivan 'Central African Republic's Bangui Forum in ["National Dialogues in Peacebuilding and Transitions: Creativity and adaptive thinking, E Murray and S Stigant ed."](#), UC Institute of Peace (2021) (accessed 10 November 2022).
- ^{viii} [Report of the Secretary-General on the situation in the Central African Republic](#), 29 July 2015, S/2015/576 (accessed 13 November 2022).
- ^{ix} The Bangui Forum recommended the postponement of the parliamentary elections to June and July 2015 and the presidential elections to August 2015. The recommendation was endorsed by ECCAS (see R Sullivan 'Central African Republic's Bangui Forum in ["National Dialogues in Peacebuilding and Transitions: Creativity and adaptive thinking, E Murray and S Stigant ed."](#), US Institute of Peace (2021) (accessed 10 November 2022).
- ^x Constitution of 30 March 2016.
- ^{xi} In response to the violations committed by the Séléka combatants, self-defence groups known as the "anti-Balaka" retaliated, leading to an escalation of violence across the country.
- ^{xii} E Murray and F Mangan ["The 2015-2016 CAR Elections, A look back"](#), US Institute of Peace (2017) – 10 October 2022).
- ^{xiii} For instance, Article 24 of the CAR Constitution of 27 December 2004 provides that the duration of the mandate of the President of the Republic is of five years. The mandate is renewable one time.
- ^{xiv} "Agreements signed today in Libreville to halt recent rebellion in Central African Republic, provide map for political transition, security Council told", [Meetings Coverage UN Security Council](#), 11 January 2013, (accessed on 10 November 2022).
- ^{xv} A re-run of the legislative elections was ordered by the Constitutional Court due to significant irregularities.
- ^{xvi} ["Centrafrique: Message à la Nation du président Touadera à l'occasion des 62 ans d'indépendance"](#), *Oubangui Medias*, 12 August 2022, (accessed 10 October 2022)
- ^{xvii} [Centrafrique: le gouvernement, favorable à la révision de la Constitution](#), *Radio Ndeke Luka*, 26 July 2022, (accessed 10 October 2022)
- ^{xviii} Decree No. 22.348 of 26 August 2022; Decree No. 22.367 of 12 September 2022; Decree No. 22.372 of 14 September 2022 and Decree No. 22.378 of 15 September 2022.
- ^{xix} ["Centrafrique: Décret portant création du Comité de Rédaction de la nouvelle Constitution"](#), *Oubangui Medias*, 29 August 2022 (accessed 10 October 2022)
- ^{xx} Circular no. 0031/PR/DIRCAB/22 of 29 August 2022.
- ^{xxi} ["Centrafrique: l'épiscopat décline l'invitation à faire partie du comité chargé de réviser la constitution"](#), *Vatican News*, 14 September 2022, (accessed 4 December 2022).
- ^{xxii} See Decision of CAR Constitutional Court of 5 June 2020.
- ^{xxiii} The UN Security Council had imposed an arms embargo on CAR in 2013 - UN Security Council Resolution 2127.
- ^{xxiv} United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic.
- ^{xxv} ["Rwanda deploys force protection troop to Central African Republic"](#), Rwanda Ministry of Defence Updates, 20 December 2020 (accessed 11 November 2022).
- ^{xxvi} ["Rwanda bolsters force in CAR as rebels 'held back'"](#), *BBC news*, 21 December 2020 (accessed 11 November 2022).
- ^{xxvii} ["Rwanda, C. African Republic ink defense, economic deals"](#), *aa.com*, 15 October 2019 (accessed 11 November 2022).
- ^{xxviii} ["Rwanda, C. African Republic ink defense, economic deals"](#), *aa.com*, 15 October 2019 (accessed 11 November 2022).
- ^{xxix} ["Central African Republic: Abuses by Russia-Linked Forces"](#), *Human Rights Watch*, 3 May 2022 (accessed 11 November 2022).
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- ^{xxxiii} ["Central African Republic top court blocks purchase with new cryptocurrency"](#), *Reuters*, 29 August 2022 (accessed 11 November 2022).
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- ^{xxxvii} ["Centrafrique: Mobilisation des femmes devant le Palais de la Renaissance pour demander la réécriture d'une nouvelle constitution"](#), *Oubangui Medias*, 30 September 2022 (accessed 11 November 2022).
- ^{xxxviii} Opening address for the National Assembly's Second Ordinary Session.
- ^{xxxix} [Decree No. 22.454](#) of 24 October 2022, (accessed 13 November 2022).
- ^{xl} Since the President of the Constitutional Court had retired as a professor of law (i.e. eligibility criteria to become member of the Constitutional Court), the Government argued that she could no longer be a member of the Court, citing "definitive impediment". Also see "Central African Republic: Independence of judges and institutions key to stability and transitional process, says UN expert", *OHCHR press release*, 4 November 2022,
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- ^{xliiii} [Application No. 017/2021 Belgheith v. Republic of Tunisia](#), (accessed 11 November 2022).
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- ^l For instance, see Côte d'Ivoire, Gabon, Senegal.
- ^{li} The other three members are respectively appointed by the President of the Republic, the President of the National Assembly and the President of the Senate.
- ^{lii} World Bank Group *Central African Republic Economic Update: Breaking the cycle of conflict and instability* (2018) v.