

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

P.O. Box: 3243, Addis Ababa, Ethiopia, Tel.:(251-11) 551 38 22 Fax: (251-11) 551 93 21
Email: situationroom@africa-union.org, oau-ews@ethionet.et

PEACE AND SECURITY COUNCIL
73rd MEETING
16 MARCH 2007
ADDIS ABABA, ETHIOPIA

PSC/PR/2(LXXIII)
Original: French

REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN COTE D'IVOIRE

REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN CÔTE D'IVOIRE

I. INTRODUCTION

1. This report takes stock of the situation in Côte d'Ivoire for the period October 2006 to beginning of March 2007.

II. BACKGROUND TO DEVELOPMENTS IN THE SITUATION AND PEACE EFFORTS BETWEEN OCTOBER 2006 AND BEGINNING MARCH 2007

2. At its 64th meeting held in Addis Ababa at the level of Heads of State and Government on 17 October 2006, the Peace and Security Council (PSC) adopted Decision PSC/AHG/Comm.(LXIV). In that decision Council decided, inter alia, that a new period not exceeding twelve (12) months shall be established commencing from 1 November 2006 to complete the identification and registration of voters, DDR and restructuring of the defence and security forces, dismantling of the militias, restoration of State authority throughout the territory of Côte d'Ivoire and the technical preparations for elections. Council further decided that President Laurent Gbagbo shall remain Head of State until the end of the transition period and that the Prime Minister of the transition, Charles Konan Banny, shall have all the necessary powers and means to implement the disarmament programme, the identification process, the dismantling of the militias, the restoration of State authority throughout the country, electoral issues and the deployment of the administration and public services throughout the territory of Côte d'Ivoire.

3. By Resolution 1721 (2006) of 1 November 2006, the United Nations Security Council, inter alia, endorsed the decision of the PSC that President Laurent Gbagbo should remain Head of State as of 1 November 2006 for a new and final transition period not exceeding 12 months. The Security Council further endorsed the decision of the PSC to renew the mandate of the Prime Minister, Mr. Charles Konan Banny, as from 1 November 2006 for a new and final transition period not exceeding 12 months, and endorsed also the decision of the Peace and Security Council that the Prime Minister shall not be eligible to stand for the presidential elections to be organized by 31 October 2007.

4. The United Nations Security Council stressed that the Prime Minister, for the implementation of his mandate, must have all the necessary powers, and all appropriate financial, material and human resources, as well as full and unfettered authority, consistent with ECOWAS recommendations dated 6 October 2006, and must be empowered to take all necessary decisions, in all matters, within the Council of Ministers, or the Council of Government, by ordinances or decree. It also stressed that the Prime Minister, for the implementation of his mandate, must have the necessary authority over the Defence and Security Forces of Côte d'Ivoire.

III. REACTIONS OF THE IVORIAN PARTIES

5. Following the adoption of Resolution 1721 (2006), President Laurent Gbagbo addressed the Nation on 2 November 2006. On that occasion, after observing that some provisions in the draft resolution had not been retained by the United Nations Security Council, he reaffirmed that the Ivorian Constitution would be applied and that the Prime Minister would not make nominations to civilian and military posts. He added that any breaches noted in the resolution and which constitute a violation of the Constitution of Côte d'Ivoire would not be implemented. He called on Ivorians to rally around the Constitution and promised to chart with them a new course to get out of the crisis.

6. The opposition political parties in the "Rassemblement des Houphouëtistes pour la démocratie et la paix (RHDP) and the "Forces nouvelles" expressed their full support for Resolution 1721 (2006), pointing out that it took on board all the essential issues notably the identification, reform of the Armed Forces and the Security, as well as the strengthening of the powers of the Prime Minister. They also voiced their support to the Prime Minister. Nevertheless, they expressed their disappointment over the fact that President Gbagbo has been asked to remain Head of State, and that there was no mechanism to ensure full exercise of the Prime Minister's authority over the Defence and Security Forces.

7. Reacting to Resolution 1721 in a statement broadcast on both radio and television on 8 November 2006, the Prime Minister first thanked the international community for its abiding interest in the difficult situation facing his country. He said that the resolution was the outcome of the discussions and of a consensus reached and accepted by Côte d'Ivoire during the ECOWAS and AU Summits. He further said that he considered himself as a man of duty and with a mission, rather than a man of power. He reaffirmed his determination fully to assume his responsibility, to fulfill the task entrusted to him and complete the actions spelt out in the said resolution as a way out of the crisis.

IV. SUBSEQUENT DEVELOPMENTS IN THE SITUATION

8. Between 4 and 21 November 2006, the President of the Republic carried out the consultations he held alluded to in his address to the Nation. He successively met with the representatives of the various religious faiths, the youth, women, trade unions, economic operators, communities of the different regions of Côte d'Ivoire, as well as representatives of nationals of ECOWAS and of France. RHDP gave orders to its militants and sympathizers not to participate in the consultations and, instead, during the same period, organized demonstrations in support of Resolution 1721 (2006).

9. The recommendations arising from these consultations can be summed up as follows:

- Departure of the Licorne Force and elimination of the confidence zone;
- Formation of a new Government in line with the Ivorian constitution;
- Disarmament and extension of State authority throughout the territory; and

- Establishment of direct dialogue with the rebellion without an intermediary.

10. Meanwhile, while preparing for the various tasks spelt out in the roadmap and prior to their effective implementation, the Prime Minister waited for the end of the consultations initiated by the President of the Republic and the conclusions the latter might draw therefrom. The two personalities met on 23 November 2006 without being able to harmonize their positions to end the crisis.

11. On 26 November 2006, the President signed presidential decrees reinstating the Governor of the district of Abidjan, the Director General of Customs and the Director General of the Autonomous Port of Abidjan after their three month suspension by the Prime Minister following the scandal concerning the dumping of toxic waste in several sites in Abidjan. The already strained relations between the President and the Prime Minister following the adoption of resolution 1721 and their respective statements, deteriorated significantly. The Prime Minister expressed his disapproval in a Communiqué read on the Radio Télévision Ivoirienne (RTI) by the Secretary General in the Office of the Prime Minister.

12. It is worth pointing out that by 22 November 2006, the Commission of Inquiry set up by the Prime Minister to shed light on the scandal surrounding the toxic waste had submitted its report. The report implicated the three personalities referred to above and accused them of serious administrative misconduct. Reacting to the presidential decrees in a Communiqué, the Prime Minister observed that the “implementation of these decisions would no doubt constitute a major obstacle to the fight against impunity, which is the cornerstone of Government policy”. He concluded by saying “in view of the aforesaid and in order to preserve public peace and order, it is imperative to defer the implementation of the decisions”. The President considered the Communiqué seditious, pointing out that RTI Management had committed a serious mistake by allowing it to be broadcast. Consequently, he issued two decrees dismissing the RTI Director General and dissolving its Board of Directors respectively.

13. It is against this background that the International Working Group (IWG) held its first ministerial meeting following the adoption of Resolution 1721(2006). The Group noted with grave concern the delay in the implementation of the resolution and the deterioration of the political climate in Côte d’Ivoire, due essentially to the management of the serious toxic waste crisis. It encouraged the Prime Minister in his efforts to fight impunity and disapproved of the sacking of the Directors General of RTI and “Fraternité Matin”, the Government-sponsored paper, as well as the dissolution of the Boards of Directors of these companies. The Group deemed the release of the sacked officials of vital necessity. After inviting the Prime Minister to take or initiate immediate measures for the resumption of the identification process, the preparation of the elections, the disarmament, the demobilization of ex-combatants, the dismantling and disarmament of the militias, the reform of the security sector and the code of conduct for the media, the IWG recommended that the AU mediation initiate the necessary contacts as a matter of urgency to restore a conducive climate to end the crisis in Côte d’Ivoire.

14. Starting from 30 November 2006, those youth supporting the RHDP staged a demonstration aimed at paralyzing those cities of the country under government control, in reaction to the presidential decrees reinstating the Governor of the District of Abidjan and the Directors General of Customs and of the Autonomous Port of Abidjan. The demonstration, which continued until 21 December 2006, affected to various degrees some districts of Abidjan and some cities of the country. It was punctuated by violence, which was severely suppressed by the Security Forces, resulting in five dead, more than fifteen wounded and considerable damage to property.

15. At the same time, the Catholic Bishops of Côte d'Ivoire took some initiatives. After meeting separately with the President and the Prime Minister on 6 and 7 December respectively, they facilitated a meeting of the two on 13 December at the Presidential Palace. The objective was to get them to work hand-in-hand and in genuine collaboration. Furthermore, in keeping with the IWG recommendation, a delegation of the Mediation Group traveled to Nigeria, Niger, Burkina Faso and the Republic of Congo from 12 to 15 December to meet and brief Presidents Olusegun Obasanjo, Mamadou Tandja, Blaise Compaoré and Denis Sassou N'guesso on the situation prevailing in Côte d'Ivoire and solicit their support for the implementation of resolution 1721. On 20 December the delegation attended the ECOWAS Council of Ministers Session to brief the latter about the deadlock in the peace process in Côte d'Ivoire. The delegation requested that the ECOWAS Summit be informed of the situation and help end the crisis.

16. It is against this background that President Gbagbo once again addressed the nation on 19 December 2006 to unveil his five-point plan to end the crisis, namely:

- The establishment of direct dialogue with the rebellion with a view to the disarmament and reunification of the country;
- The elimination of the confidence zone;
- The creation of a national civic service;
- A general amnesty;
- The establishment of a programme to assist war displaced people.

17. Initially, the RHDP, as early as 20 December 2006, rejected these proposals which it described as delaying tactics designed to ignore the political opposition and disqualify ECOWAS, the AU and the Security Council. "Forces nouvelles", it was only on 1 January 2007 that the Forces nouvelles reacted to the proposal made by the Head of State regarding the direct dialogue. In his statement on the occasion of the New Year, Guillaume Soro, the Secretary General of "Forces nouvelles", said, among other things, that no one has the right to reject dialogue and consultation if the objective sought is peace. He however added that such a dialogue cannot be envisaged outside Resolution 1721 (2006). He also addressed the G7 made up of RHDP and "Forces nouvelles" and asked for an urgent consultation. At the end of their meeting of 18 January 2007, the leaders of the G7 gave the Secretary General of "Forces nouvelles" the green light to embrace the proposed direct dialogue with the Head of State and encouraged him to take part in the said dialogue in order to help break the deadlock but strictly within the confines of resolution 1721.

18. The IWG held its twelfth meeting on 12 January 2007. On that occasion, it noted that there was a total impasse and called on the Security Council to urge the current Chairpersons of ECOWAS and the AU to convene a meeting of the Ivorian political parties as soon as possible to get things moving again and revive the full implementation of Resolution 1721 and to send an ad hoc mission of the Security Council to Côte d'Ivoire to backstop the action of the African leaders in the view to support African leaders action and to secure a firm commitment from the Ivorian parties to implement Resolution 1721 in its totality. In light of the direct dialogue proposed by the Head of State, the Group reaffirmed its commitment to a permanent consultation among the Ivorian parties with a view to a comprehensive implementation of Resolution 1721.

19. In the framework of the efforts deployed by the international community, the ECOWAS Assembly of Heads of State and Government, , held in Ouagadougou on 19 January 2007, expressed its grave concern over the persistent crisis in Côte d'Ivoire. The Heads of State underscored the need to find an urgent solution to the crisis based on the immediate and concomitant launching of the identification and armed groups disarmament programmes in order to create the conditions conducive to the organization of free elections by 2007. They called on the Ivorian political forces to cooperate in the implementation of Resolution 1721 (2006). They welcomed the step taken by President Laurent Gbagbo to initiate dialogue with the Minister of State, Guillaume Soro, and invited the Current Chairperson of ECOWAS to facilitate that dialogue to give impetus to the peace process. The Assembly also decided in concert with the AU to dispatch a high level delegation to the permanent members of the Security Council to explore, in the aftermath of the dialogue, possible ways and means of ensuring a scrupulous and speedy implementation of Resolution 1721. The Assembly invited the United Nations Security Council to visit Côte d'Ivoire to give further impetus to the peace process. The 8th Ordinary Session of the AU Assembly of Heads of State and Government, held in Addis Ababa, Ethiopia from 29 to 30 January 2007, urged the Ivorian parties, with the support of ECOWAS, the AU, the United Nations and the international community, to redouble their efforts to bring to a successful conclusion the peace process on the basis of resolution 1721, through the direct dialogue proposed by President Laurent Gbagbo and backed by ECOWAS and the AU.

20. Within the context of the direct dialogue, Mr. Desiré Tagro, Special Envoy of President Gbagbo, accompanied by Mr. Djibril Bassole, Minister of State, Minister of Security of Burkina Faso, went to Bouake on 30 January 2007 to establish a first direct contact with "Forces nouvelles". At the end of the working session he had with his hosts, the emissary of the Ivorian Head of State said: "the fight is over; it is time to hug one another and leave the ring". For his part, the representative of the President of Burkina Faso, after hailing the historic role played by the previous mediations, praised the willingness of the various parties to talk to each other, to hold out their hands to one another and to build peace. Mr. Guillaume Soro said that "Forces nouvelles" is most willing to hold discussions within the framework of Resolution 1721, adding that with the arrival of Mr. Tagro in a formerly besieged area, a taboo has been broken. He paid tribute to President Gbagbo for his commitment to discuss with them and thereby pave the way for peace and reconciliation in Côte d'Ivoire.

21. At its 11th meeting held on 31 January 2007, the Mediation Group took stock of its visit to Bouake at the invitation of "Forces nouvelles" for an update on the modalities of the direct dialogue. The Group was given the assurance that the dialogue in question forms part of the implementation of Resolution 1721. In this connection, the Group decided to observe carefully the progress of the direct dialogue and to continue to monitor, together with the Prime Minister, the implementation of the resolution. It was informed of the ongoing consultations with the French Group SAGEM as the private operator for the identification process.

22. On 4 February 2007, the delegations of the presidential camp and of "Forces nouvelles" arrived in Ouagadougou and entered into the active phase of the direct dialogue the following day, i.e. 5 February. The same day, Prime Minister Charles Konan Banny received the officials of the local and international media to share with them his understanding of the Ivorian crisis which he is mandated to bring to a conclusion. On that occasion, he proposed to the parties involved in the direct dialogue that "the last impediments to a more rapid progress be removed by allowing, in addition to the new provision raising the number of jurisdictions to 208, the enactment of an ordinance which will extend the powers of the judges as regards the issuance of certificate of nationality in areas under their jurisdictions".

23. The Ouagadougou direct dialogue between the presidential camp and the Forces Nouvelles, which started on 5 February 2007 and were facilitated by President Blaise Compaoré, was conducted with great discretion. The facilitator conducted separate consultations with each of the two delegations as well as some personalities of the international community, notably the interim head of ONUCI, the High Representative for Elections in Côte d'Ivoire and the commanders of ONUCI and Licorne forces. He also consulted the leadership of RDR and of PDCI-RDA.

24. It is against this background that the members of the Security Council heard the end of mission report of Mr. Pierre Schori, Special Representative of the outgoing Secretary General and took note of the report in which ECOWAS noted the stalemate in the peace process. The Council expressed its grave concern over the delay in the implementation of the ECOWAS decisions, which were endorsed by the AU Peace and Security Council and the UN Security Council in its Resolution 1721 (2006). The members of the Council welcomed the commitment of President Laurent Gbagbo and the Secretary General of "Forces nouvelles" to dialogue in order to move the peace process forward, with the support of all the Ivorian parties. They encouraged President Blaise Compaoré to facilitate the rapid conclusion of an agreement. They pointed out that this dialogue must form part of the implementation of resolution 1721 (2006). The members of the Council emphasized that the existence of neutral and impartial official media and the immediate and simultaneous launching of a citizens identification programme and armed groups identification programme are a sine qua non for the organization of free, fair and credible elections by 31 October 2007.

25. On 12 February 2007, President Gbagbo officially opened a four day seminar at the Grand Bassam West Africa Industrial Institute to give the broad outlines of the national civic service, the fourth component of the proposals to end the crisis which he tabled before his fellow citizens on 19 December 2006. The seminar brought together political, administrative and military authorities, as well as youth training and integration structures, technical training and financial institutions. He has reflected on ways and means integrating 40,000 youths in vocational life.

26. It was in this atmosphere of anxious anticipation of the imminent results of the Ouagadougou direct dialogue that the IWG held its 13th ministerial meeting on 2 March 2007. After listening to the report of the Minister of State Yousouf Ouedraogo, Representative of the current Chair of ECOWAS on the progress made in the direct dialogue, the Group commended President Blaise Compaoré of Burkina Faso for his untiring facilitation efforts. The Group urged him to continue his efforts to reach an agreement that could give new impetus to the peace process in Côte d'Ivoire in fulfillment of the expectations of the Ivorian people. The Group also considered the preoccupying issue of the Ivorian state media (RTI) and observed that since the decrees of 26 November 2006, the impartiality of RTI and *Fraternité Matin* as well as fair access of the different political forces to these media could no longer be guaranteed as stipulated in the Pretoria Accords. It recalled that the independence and impartiality of state media were indispensable to the holding of free, transparent and fair elections and that they were a necessity if the electoral campaign was to conform to international norms.

27. The direct dialogue, began on 5 February 2007, culminated in the signing, on 4 March 2007, of the Ouagadougou political Agreement between the President of the Republic, Laurent Gbagbo, and the Secretary General of the Forces Nouvelles, Guillaume Kigbafori Soro, with the facilitation of President Blaise Compaoré, President of Burkina Faso and current Chair of ECOWAS. This Agreement (herein annexed) contains principally the following decisions:

a) On the identification of the general population

- Public hearings shall be launched across the entire national territory as soon as the new Government identified in the Agreement is in place; these exceptional operations of public hearings shall last for three months and issue only declaratory judgments in place of birth certificates;
- Civil status registries lost or destroyed in some civil status centres shall be reconstituted;
- After the public hearings, the Independent Electoral Commission (IEC) shall, on the basis of the year 2000 electoral list, conduct an electoral census; all Ivorians of at least eighteen years old who have a birth certificate or a declaratory judgment shall be eligible to register on the electoral list;

- All citizens who enroll on the electoral list shall be issued a receipt bearing their unique identification number which shall be required to issue them a voter's card and the new national identity card;
- After the validation of the electoral list by the IEC, a decree issue by the Council of Ministers shall authorize the issuance of the new national identity card to all those who appear on the final electoral list; the final list shall serve as the common database for issuing the new national identity cards and the voter's card;
- The making and issuance of the new identity cards shall be the task of the Office National d'identification (ONI), under the supervision of the National Identification Supervisory Commission (Commission nationale de supervision de l'identification (CNSI)); as for the identification operation, the Government shall launch a tender, with the agreement of the two parties, for a technical operator appointed by decree taken in the Council of Ministers.

b) On the electoral process:

- registration on the electoral list shall be done by the Institut national de la statistique (INS) and the technical operator designated by Government for the identification; the two operators shall carry out their functions under the supervision of the IEC;
- under the authority of the IEC, the INS and the technical operator designated by Government shall work jointly to establish voters' cards; a decree taken in the Council of Ministers shall spell out the details of this collaboration.

c) On the defence and security forces:

- A special mechanism for the restructuring and re-establishment of the Army shall be adopted by ordinance to set the general framework of organization, composition and functioning of the new Forces of Defence and Security;
- an integrated Command centre tasked with unifying opposing combat forces and implementing restructuring measures of the Forces of Defence and Security of Côte d'Ivoire shall be created; the Centre shall adopt its organigramme and shall be placed under the joint command of the Chief of General Staff of the FANCI forces and the Chief of Staff of FAFN; it shall be equally composed of officers appointed by the two Chiefs of Staff;
- within the shortest time possible, the disarmament of opposing combat forces shall be undertaken, in accordance with the recommendations of the Linas-Marcoussis Accords and in accordance with modalities provided in different military agreements;

- the civic service, intended to cater for all Ivorian Youth and their training for employment, will also welcome all youths who have acquainted themselves with the use of arms in war, so that they too may be trained for future civil or military employment.

d) On the restoration of State authority and redeployment of the administration

- The redeployment of the administration and public services shall be done by all the ministries concerned, under the authority of the Prime Minister, as soon as the confidence zone and observation posts are dismantled;
- the appointment of the heads of major administrative services shall be done after consultation between the two parties;
- police Forces and the Gendarmerie, including the 600 elements from the Pretoria Agreement, shall be charged with ensuring the security of the prefectoral corps and the deployed technical services.

e) On the institutional framework of execution

- The two Parties to the Dialogue have agreed to put in place a new institutional framework for execution; the transitional Government shall work in the spirit of permanent concertation, complementarity and open to other Ivorian political forces.

f) On national reconciliation measures, peace, security and free movement of persons and goods

- The two parties have agreed to request the United Nations Security Council to lift the embargo on arms within a period of three months after the organization of presidential elections and an immediate special authorization to import light arms necessary for the maintenance of order and public security, under the control of the Integrated Command Centre;
- The two parties agree to request the Impartial Forces to gradually dismantle the confidence zone;
- they have also agreed to adopt, by ordinance, a new amnesty law; to seize the African Union, by the intermediary of ECOWAS, to request the United Nations Security Council to lift with immediate effect, the individual sanctions imposed on the actors in the Ivorian crisis; to put in place a programme of aid to displaced returnees of the war and commit themselves to good conduct.

g) On the follow-up mechanism and concertation

- The parties agree to establish a permanent concertation framework (CPC) and an Evaluation and Support Committee (CEA); the CPC, the watchdog and permanent dialogue organ, is made of the President of the Republic, Laurent Gbagbo, the Secretary General of the Forces Nouvelles, Mr. Guillaume K. Soro, the President of RDR, Mr. Alassane Dramane Ouattara, the President of PDCI, Mr. Henri Konan Bédié, and the current Chair of ECOWAS as Facilitator, Mr. Blaise Compaoré;
- the CEA, charged with the periodic evaluation of the implementation of the Agreement and of making all practical proposals to assist the execution of the Agreement, is made of the Facilitator or his Representative (Chair) and three representatives for each of the two signatory parties (Members); the two parties shall, by common consent, enlarge the CEA to include other members of the Ivorian political class; the Facilitator shall call upon any other observer, country and international organizations or inter-African representative that he may deem necessary; the CEA shall meet at least once a month in ordinary session and, as need be, in extraordinary session convened by its Chair; the CEA shall report to the CPC on the implementation of the Agreement and keep the Special Representative of the Secretary General of the United Nations informed.

h) Miscellaneous and final provisions

- The parties undertake to submit to the arbitration of the Facilitator in case of differences in interpretation or the implementation of the Agreement;
- the parties agree to request additional African troops to participate in the Peace mission of the Impartial Forces in Côte d'Ivoire;
- the timetable attached to the Agreement is part and parcel of the Agreement;
- the parties agree to request the Facilitator, to seize, by the intermediary of the African Union Commission, the United Nations Security Council to endorse the Agreement.

28. The timetable annexed to the Agreement provides for an execution time of 10 months for all the operations with especially five weeks, after the signing of the Agreement, for the formation of a Government. The dismantling of the militia, combatant groups, redeployment of the administration and the relaunching of public hearings will start two weeks after the formation of the said Government while registration on the electoral list and identification will start one month after the beginning of public hearings.

V. **OBSERVATION**

29. The Ouagadougou political Agreement was welcomed by the Ivorian populations and by all the Ivorian political parties. It offers a palpable opportunity to end the crisis and thus it is incumbent upon the African Union to lend its weight to it, especially in the provisions of the Agreement where its support is solicited.

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Peace and Security Collection

2007

Report of the Chairperson of the Commission on the Situation in Cote d'Ivoire

African Union Commission

Peace and Security

<http://archives.au.int/handle/123456789/2163>

Downloaded from African Union Common Repository