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UNION AFRICAINE
UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Tel.: (251-1) 513 822 Fax : (251-1) 519 321
Email: oau-ews@telecom.net.et

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

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I. INTRODUCTION

1. At the Summit held in Abuja, Nigeria, on 14 November 2004, at the initiative of President Olusegun Obasanjo, Current Chairperson of the African Union, the African Heads of State in attendance requested the convening of a meeting of the Peace and Security Council (PSC) on the situation in Côte d'Ivoire at the level of Heads of State and Government. Subsequently, the 20th PSC session, held in Addis Ababa on 15 November 2004, at Permanent Representatives' level endorsed the proposal of the envisaged PSC meeting.

2. The present report reviews developments in the situation in Côte d'Ivoire, including the most recent developments in the peace process and the mediation efforts undertaken by President Thabo Mbeki within the framework of the mandate entrusted to him by the AU.

II. THE LINAS-MARCOUSSIS AGREEMENT AND ITS IMPLEMENTATION

3. Since the outbreak of the crisis in Côte d'Ivoire on 19 September 2002, the efforts deployed by ECOWAS, AU, UN and the rest of the international community have made it possible to record significant progress. The signing in Bouaké, on 10 October 2002 of the Agreement on cessation of hostilities and the acceptance of dialogue between the Government and the rebels; the Declarations of the Ivorian Government and the Côte d'Ivoire Patriotic Movement (MPCI) on the delivery of humanitarian aid in the occupied zones and the immediate release of all civilian and military prisoners, signed on 1 November 2002; the opening of the Lomé negotiations, as well as the Linas-Marcoussis Agreement of 24 January 2003 and Accra II Agreement of 7 March 2003, are all measures which show the hard-earned progress made in the peace process in Côte d'Ivoire.

4. The Linas-Marcoussis Agreement reaffirms the need to preserve the territorial integrity of Côte d'Ivoire and the respect of its institutions, re-establish the authority of the State and guarantee the principle of democratic accession to and exercise of power. It takes into account the major concerns of the Ivorian parties involved in the quest for peace, by

indicating, among other things, a number of reforms to be implemented before the holding of general elections in October 2005. These reforms address various areas such as the amnesty granted to all the warring factions, eligibility for the Office of President of the Republic, the conditions for obtaining Ivorian citizenship, the identification of populations, the rural land tenure system, the composition of the Independent Electoral Commission (CEI), as well as the elaboration and realization of the Disarmament, Demobilization and Reintegration (DDR) programme.

5. Following the difficulties encountered in the implementation of the Linas-Marcoussis Agreement, the Agreement signed on 7 March 2003, within the framework of the Accra Round Table on Côte d'Ivoire facilitated the resolution of crucial issues relating to the actual formation of the National Reconciliation Government with the allocation to the Ivorian Peoples' Front (President Laurent Gbagbo's party) of ten ministerial portfolios instead of the seven provided for by the Kléber Summit held on 25 January 2003, that is immediately after the signing of the Linas-Marcoussis Agreement and the delegation of powers to Prime Minister Seydou Diarra. It was also during these negotiations that the New Forces relinquished the Ministries of the Interior and Defence, allocated at Kléber, and accepted the allocation of two Ministries of State to MPCI, namely the Ministry of Territorial Administration and the Ministry of Communication. On that occasion, a number of measures were agreed upon, including the immediate establishment of a 15-member National Security Council; as well as respect for the choice made by the political forces with regard to their representatives in the Government.

6. As part of the consolidation of this momentum, the National Armed Forces of Côte d'Ivoire (FANCI) and the armed forces of the New Forces (FAFN) signed in Abidjan on 3 May 2003 an Agreement on a comprehensive ceasefire and complete and definitive cessation of hostilities throughout the territory. This Agreement paved the way for the deployment of FANCI and FAFN elements in the West of the country to stabilize the situation along the Ivorian-Liberian border, under the supervision of neutral forces, that is, ECOWAS troops and those of *Operation Licorne*; create a Zone of Confidence managed by the quadripartite command headquarters in Bouaké, stretching across the country from West to East and located between the North held by the FAFN and the South controlled by the FANCI; facilitate the movement of persons and goods in some sectors controlled by the former rebels; dismantle a number of «check points» and determine the locations for the

regrouping of forces present: eight locations were selected by the FANCI and nine by the FAFN.

7. In September 2003, following the appointment by the Head of State of the Ministers of Defence and Security, in an economic, social and security context which had become worrying, the New Forces decided to suspend the participation of their Ministers in the Council of Ministers to show their disapproval of the non consensual procedure for the nomination of these two Ministers, thus blocking the functioning of the Government and the national reconciliation process. The Ministers of the New Forces returned to the Government on 6 January 2004, only to withdraw once again in March, like their colleagues from some political parties signatories to the Linas-Marcoussis Agreement, namely the Democratic Party of Côte d'Ivoire (PDCI) and the Republican Rally (RDR) following the tragic events in the aftermath of the banned demonstration of 25 March 2004.

8. This new wave of opposition led to the formation of the G7, a coalition of four political parties (PDCI, RDR, UDPCI and MFA) and three former rebel movements (MPCI, MPIGO and MJP). In the aftermath, President Gbagbo dismissed three Ministers, namely one from the political opposition (PDCI) and two from the New Forces, including the Minister of Communication, a portfolio held by its Secretary General, Mr. Guillaume Soro. It was also during this period that the Security Council, by its Resolution 1528 of 27 February 2004, authorized the deployment of the United Nations Operation in Côte d'Ivoire (ONUCI) for the duration of 12 months starting from 4 April 2004.

9. The Fifth Ordinary Session of the Executive Council held in Addis Ababa, from 25 June to 4 July 2004, considered the situation in Côte d'Ivoire. Council urged the Ivorian parties to show the necessary political will to work towards the full implementation of the Linas-Marcoussis Agreement. It called on the parties to continue the dialogue and establish conditions conducive to the effective resumption of the functioning of the Government. In this regard, Council underscored the urgent need for the implementation of the DDR programme, the adoption of all the basic texts provided for by the Linas-Marcoussis Agreement and the redeployment of the administration throughout the Ivorian territory.

10. On the sidelines of the 3rd AU Assembly held in Addis Ababa, in July 2004, a mini-summit for consultation on the Ivorian crisis was organized with a view to breaking the deadlock in the peace process. On this occasion, it was decided that a number of measures would be taken

to create the conditions for the convening in Accra of a meeting devoted to Côte d'Ivoire on 29 July 2004. Furthermore, Côte d'Ivoire, Burkina Faso and Mali undertook to hold joint commissions prior to the Accra meeting.

III. ACCRA III AGREEMENT AND ITS CONSEQUENCES

11. The high-level meeting on the situation in Côte d'Ivoire, held in Accra from 29 to 30 July 2004, marked an important phase in the national reconciliation process, firstly on account of the participation of Heads of State and representatives from other regions of the Continent and secondly because the Accra III Agreement signed on 30 July 2004 by the Ivorian parties, is the only agreement bearing the signature of President Gbagbo. This Agreement made it possible to break the deadlock in the peace process on the one hand, by the agreement in principle for the effective re-launching of government activities, with the return to the Government of the Ministers dismissed and the delegation of powers to the Prime Minister; on the other hand, the commitment by the Ivorian Head of State, on 30 September 2004, to ensure the adoption of the legislative texts provided for by the Linas-Marcoussis Agreement, and that of the New Forces to implement the disarmament, demobilization and reintegration programme by 15 October 2004, at the very latest.

12. However, a week after the Accra Summit, differences appeared in the interpretation of Paragraph 6 of the Accra III Agreement. The G7 felt that by virtue of this paragraph, the revision of Article 35 on eligibility for the Office of President of the Republic should be made without submitting the text to a referendum. President Gbagbo and his supporters for their part argued that under the terms of Article 126 of the Constitution, which was not nullified by the Linas-Marcoussis Agreement, this revision should be subject to a referendum. However, it should be noted that President Gbagbo signed two decrees, one on the reintegration of the Ministers dismissed from the Government on 18 May 2004, and the other on the delegation of powers to the Prime Minister.

13. For the duration of its extraordinary session held from 11 August to 28 September 2004, there was no real progress at the level of the National Assembly. Only one text was adopted on the financing of political parties and electoral campaigns from public funds. Therefore, out of a total of sixteen legislative texts emanating from the Linas-Marcoussis Agreement, only seven had been adopted during this period. Due to lack of progress in parliamentary debates which led to the

withdrawal of the G7 from the National Assembly, the timetable set by the Accra III Agreement could not be respected.

14. In compliance with the Accra III Agreement, the DDR process was to begin on 15 October, by which time the principal legislative reforms provided for by the Linas-Marcoussis Agreement should have been adopted and the necessary technical preparations completed. It had also been decided that the process would embrace all the paramilitary groups and militia. The preparations coordinated by the FANCI and the FAFN with the assistance of the neutral forces (ONUCI and Licorne), got off to a good start. The National Disarmament, Demobilization and Reintegration Commission (CNDDR) had indicated that 30,000 former combatants would participate in the DDR programme, namely 26,000 members of the New Forces, 3,000 child soldiers identified by UNICEF and 4,000 members of FANCI, recruited after the outbreak of the crisis in September 2002. The number of militia and paramilitary group members are yet to be determined. However, some issues still need to be considered, particularly the financing of the operation which should have been finalized before the operational phase of the DDR; stabilizing the northern zone after disarmament; the treatment of non Ivorian combatants, etc.

15. On 27 September 2004, members of the UN Security Council expressed their concern over the lack of progress in the key sectors of the national reconciliation process in Côte d'Ivoire. They particularly urged President Gbagbo to spare no effort to proceed with the revision of Article 35 of the Constitution, as he had pledged to do in Accra. They also urged the New Forces to set in motion the DDR programme, as soon as possible and unconditionally, as they had also pledged to do in Accra.

16. In order to create a new momentum and above all to foster the launching of the DDR process, President Gbagbo invited all the signatories of the Linas-Marcoussis and the Accra III Agreements, as well as the heads of the FANCI, the FAFN and the neutral forces to Yamoussoukro, on 11 October. The political wing of the New Forces turned down the invitation.

17. On 12 October, in his message to the Nation, the Ivorian Head of State dispelled any ambiguity as to the modalities of revising Article 35 of the Constitution. He specifically stated that no constitutional revision could be carried out contrary to the rules established by the basic laws which stipulate that, with regard to Article 35, the proposed revision should be voted by two-thirds of the parliamentarians and that the text

must be submitted to a referendum. He added that he would submit the proposed revision of the said article to Parliament as soon as disarmament had begun.

18. On 13 October, President Gbagbo received the signatories of the Linas-Marcoussis and the Accra III Agreements, with the exception of the New Forces, who boycotted the meeting. On that occasion, they declared that as long as the political reforms provided for by the Linas-Marcoussis Agreement were not adopted and implemented, the DDR process would not begin.

19. The divergent positions of the two camps hardened and resulted in the resurgence of tension and insecurity in the country. The resumption of the deliberations of the National Assembly since 6 October did little to move the process forward. The proposal to grant three seats to the New Forces in the CEI was rejected by the former rebels, who from Bouaké, reiterated that they should have six representatives.

20. On 25 October, the New Forces announced that they had seized a vehicle, which according to them had come from Yamoussoukro, in the zone under FANCI control, loaded with arms intended for Sergeant Ibrahim Coulibaly, known as «IB», suspected of conniving with the Government of President Gbagbo. This accusation was refuted by the spokesmen of President Gbagbo and IB. On 28 October, Guillaume Soro held a press conference during which he denounced the attack which was to be carried out on two fronts in the West. He said that disarmament could no longer be a topical issue since the war was not over. He recalled his Ministers to Bouaké for consultation and declared a curfew in the areas under his control.

21. The Councils of Ministers that had already been boycotted by the Ivorian Peoples' Front (FPI), which had called for the resignation of the Prime Minister, were thereafter also boycotted by the New Forces. It was in this climate of extreme tension that the «Young Patriots», a group loyal to President Gbagbo vandalized the headquarters of the opposition newspaper, the property of some opposition leaders and destroyed the transmitters of international media broadcasting in Côte d'Ivoire, while in the rebel zone there was a succession of demonstrations against Gbagbo and the DDR. The non-adoption by the National Assembly of the political reforms provided for under the Linas-Marcoussis Agreement and the non-implementation of the DDR programme led once again to a deadlock in the national reconciliation process.

IV. RECENT DEVELOPMENTS IN THE SITUATION

22. On 4 and 5 November 2004, the Ivorian army launched air raids said to be «targeted and limited» against the cities of Bouaké, Korhogo, Vavoua, Séguéla and Man held by the New Forces, thus violating the ceasefire. These air strikes, which continued until 6 November over Bouaké, hit the French positions, causing nine deaths, including an American civilian, and thirty-eight wounded in their ranks. In retaliation, the *Licorne Force* destroyed aircraft of the Ivorian air force on the ground. This provoked, from 6 to 9 November 2004, a wave of anti-French demonstrations in Abidjan, where French interests were singled out and Western, particularly French citizens, were attacked. The majority of the Westerners, who assembled in the 43rd Infantry Marine Battalion at Port Bouet, were repatriated to France and other destinations.

23. According to the spokesman of the National Reconciliation Government, the events of 6,7,8 and 9 November 2004 pitting the Ivorian demonstrators against the *Licorne Force* resulted in 63 dead and 1,300 injured. On the other hand, the New Forces stated in a declaration published on 14 December 2004, that 87 civilians were killed in the Northern zone as a result of the raid.

24. Deeply concerned by the resumption of hostilities, on 4 November 2004, I called on the Ivorian parties to exercise restraint. I urged them to abandon all recourse to a military option and engage in the implementation of the Accra III Agreement. At the same time, I remained in close contact with President Olusegun Obasanjo of Nigeria, Chairperson of the African Union, in order to seek, in concert with the countries of the region, the best ways and means of ending the crisis.

25. On 6 November 2004, the Security Council condemned the attack against the French forces in Bouaké, as well as any attempt by any of the parties to deploy forces in the Zone of Confidence. It called for the immediate cessation of all military operations conducted by the Ivorian parties and the full implementation of the Ceasefire Agreement of 3 May 2003. The Council confirmed that the French Forces and ONUCI were authorized to use all necessary means to fully discharge their mandate, in compliance with Resolution 1528 (2004) of 27 February 2004. It also confirmed that ONUCI is authorized to prevent any hostile action, particularly within the Zone of Confidence.

26. For his part, President Olusegun Obasanjo held consultations with the AU Commission and Mr. Nana Addo Akufo-Addo, Ghanaian Foreign Affairs Minister, representing President John Kufuor, Chairman of ECOWAS, in Otta, Nigeria on 6 November 2004. The meeting expressed its deep concern at this escalation which was at variance with the national reconciliation process provided for under the Linas-Marcoussis and the Accra III Agreements. The meeting called for the immediate cessation of hostilities; it also decided to establish a High-Level Commission to assist in seeking a political solution and in addition, requested the United Nations to change the mandate and rules of engagement of their forces in Côte d'Ivoire to enable them to prevent cases of violence. As part of the follow-up on the decision adopted on this occasion, President Thabo Mbeki of South Africa was mandated by the current Chairperson to undertake an urgent mission to Côte d'Ivoire, in consultation with the African Union Commission, with a view to promoting a political solution.

27. On 7 November 2004, in a press release, I expressed serious concern over the deterioration of the situation in Côte d'Ivoire. I condemned the attacks led by government forces against various communities in the North of the country, including those against the French forces of Operation Licorne. I also condemned the prevailing violence in Abidjan, including the destruction of the property of opposition leaders and the media, the attacks against foreign nationals and their property, particularly French citizens and their property. In addition, I expressed my support for the Declaration of the President of the UN Security Council of 6 November 2004. I was particularly gratified by the decision to change the rules of engagement of ONUCI, as requested by the AU/ECOWAS consultative meeting held in Otta.

28. The Peace and Security Council, meeting in its Nineteenth Session on 8 November 2004, expressed its deep concern at the deterioration of the situation in Côte d'Ivoire. It endorsed the Declaration of 6 November 2004, issued in Otta, and my Communiqué of 7 November 2004. The Council urged the Government of Côte d'Ivoire and all the parties concerned to exercise maximum restraint, maintain peace and ensure the security and protection of persons and property. The Council further urged the Ivorian parties to embark on the course of dialogue and negotiation based on the Linas-Marcoussis and Accra III Agreements. The Council requested the latter to cooperate fully with ONUCI and the Licorne Force to maintain peace and security in the country. In this regard, the Council welcomed the decision of the UN Security Council to strengthen the mandate of ONUCI. It also expressed its support for the

decision taken by the Chairperson of the AU, following the consultations in Otta, to mandate President Thabo Mbeki of South Africa to undertake an urgent mission, in consultation with the Chairperson of the AU Commission, with a view to promoting a political solution.

29. At the invitation of President Olusegun Obasanjo, a Summit of African Heads of State and Government took place in Abuja, on 14 November 2004. After noting the report of President Thabo Mbeki on his efforts, the Summit reaffirmed that the Linas-Marcoussis and Accra III Agreements remained the only credible option for a lasting solution to the crisis in Côte d'Ivoire. The Summit expressed its support for the proposed resolution under discussion at the Security Council with a view to imposing, among other things, an embargo on the sale of arms to all parties in Côte d'Ivoire. In addition, the Summit requested that a meeting of the Peace and Security Council be rapidly convened at the level of Heads of State and Government. At its 20th session held on 15 November 2004, the Peace and Security Council expressed its satisfaction at the convening of the Summit of African Heads of State and Government in Abuja and endorsed the decisions taken on that occasion.

30. On 15 November 2004, the Security Council adopted Resolution 1572(2004). This resolution imposes an immediate embargo on arms and all related material against Côte d'Ivoire for a thirteen-month period, as well as conditional measures for a period of twelve months against persons who pose a threat to the peace and reconciliation process in Côte d'Ivoire, namely those who obstruct the implementation of the Linas-Marcoussis and Accra III Agreements, any person who is recognized as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire on the basis of information thereon, and any person who publicly incites hatred and violence.

31. The Head of State took cognisance of the Security Council Resolution. The opposition welcomed it and was of the opinion that the resolution could have been taken earlier. In his statement to the Nation on 7 November, President Gbagbo appealed for calm and unity. Since then, daily life has returned to normal although the overall situation remains precarious.

32. The two meetings of the Council of Ministers held on 18 and 25 November 2004 were devoted to the consideration and adoption of the last text of the Linas-Marcoussis Agreement relating to the compensation of war victims, as well as the modalities and conditions for the resumption of government and economic activities in the country.

Although the first meeting was attended by 23 Ministers, 31 participated in the second Council. However, the Ministers of the New Forces complied with the call for a boycott and were absent from the two meetings. In reaction to this situation and to make up for the absence of Ministers from the Council meetings, President Gbagbo proceeded to appoint interim ministers, mainly from the FPI.

33. My Special Representative continued to preside over the Accra III Follow-up Committee and Monitoring Group, and maintained close contacts with the different Ivorian parties. Within this context he was received, *inter alia*, by the Prime Minister on 3 November and the President of the Republic on 22 November, with a view breaking the politico-legal deadlock this country is experiencing.

V. THE EFFECTS OF PRESIDENT THABO MBEKI'S MEDIATION

34. President Thabo Mbeki held consultation with the Ivorian parties in Pretoria and in Côte d'Ivoire, which he visited on two occasions. The Mediator brought his interlocutors to an agreement on a minimum programme that could rapidly break the deadlock and revive the peace process. This programme provides mainly for the finalization of the adoption of legislative texts; the launching and implementation of the DDR until its completion; the effective resumption of government activities, with the assurance of the security of members of the Government and the establishment of conditions conducive to peace, stability and security for the population as a whole and property, as well as the restoration of social services and the redeployment of the administration throughout the national territory.

35. The Mediator also proposed the strengthening of the Follow-Up Committee through the presence, within the Committee of an eminent personality who could have easy and immediate access to the Ivorian Head of State, senior officials of the United Nations, the African Union, ECOWAS, etc. He felt that, in doing so, this organ could play an anticipatory role that could avert possible deadlocks.

36. Following the promises made by its President to the South African Head of State, the National Assembly adopted the principal legal texts provided for under the Linas-Marcoussis Agreement. Indeed, on 17 December, the parliamentarians adopted the draft laws pertaining to citizenship and naturalization, as well as the revised version of Article 35 of the Constitution on the conditions for eligibility to the Office of President of the Republic. Once the National Assembly has adopted the

laws on the identification and compensation of war victims, the legal component of the political reforms recommended under the Linas-Marcoussis Agreement will be completed.

37. The new provisions of Article 35 stipulate that a candidate for the Office of President of the Republic must be of Ivorian nationality, born of a father **OR** mother of Ivorian origin, and no longer of father **AND** mother of Ivorian origin. This text was adopted by the required two-thirds majority, by 179 votes in favour, 19 against, 2 abstentions and 3 invalid votes. The amendment explicitly mentioning the obligation to organize a referendum added in the Commission by the FPI was repealed.

38. The text on the Independent Electoral Commission (CEI) was also adopted by 106 votes in favour and 83 against, following its endorsement on 30 November by the General and Institutional Affairs Commission. It allocates 2 representatives for each political party and 3 for the New Forces, subject to the effective implementation of the disarmament process. The New Forces who were demanding 6 at the ratio of 2 per movement (MPCI, MPIGO, MJP) challenged this distribution as well as their non-inclusion in the CEI Central Bureau.

39. At its extraordinary session of 20 December 2004, the Parliament considered and adopted at the level of the Institutional Commission, the draft law on the modalities of organizing a referendum.

VI. OBSERVATIONS

40. The persistence of the crisis has exacted a heavy toll on the economy of Côte d'Ivoire. It is recognized that unemployment among the youth has increased in Côte d'Ivoire. According to authorized sources, there was a 9% fall in the country's GDP in 2004. The humanitarian situation also deteriorated, resulting in thousands of displaced persons and refugees. Water and power cuts – although supplies have now been restored - in the zones controlled by the New Forces have particularly affected health centres. The crisis has also greatly disrupted the educational system. The human rights situation in Côte d'Ivoire is still a source of concern. To put it clearly, the situation in Côte d'Ivoire remains a source of serious concern and is precarious.

41. However, already the intervention of President Mbeki, with the support of the international community has paved the way for some significant progress to be made. The situation on ground has improved and the parties now appear to be willing to find a solution to the crisis.

Furthermore, as at 20 December 2004, the 16 legislative texts constituting the backbone of the Linas-Marcoussis Agreement were fully considered and adopted by the National Assembly. Moreover, the impact of these positive developments could be compromised by the controversy arising from the submission or otherwise to a referendum of the revised text of Article 35 of the Constitution.

42. It is clear that the primary responsibility for restoring peace and promoting reconciliation in Côte d'Ivoire is incumbent firstly, and above all, on the Ivorian parties who have the imperative obligation to respect the agreements they concluded. The AU initiative, which was welcomed by the Ivorian parties, could lead to full and sustained cooperation by all parties.

43. At the time of finalizing this report, President Thabo Mbeki was continuing his consultations with all the Ivorian leaders. The conclusions and recommendations to be submitted by President Mbeki will serve as guidelines for the deliberations and decisions of the PSC.