

# Quaderns de Construcció de Pau

## Côte d'Ivoire: challenges and pending questions a year after Ougadougou

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Peacebuilding Papers (*Quaderns de Construcció de Pau*) is a publication of the School for a Culture of Peace (Escola de Cultura de Pau). Its objective is to disseminate the research conducted in this institution on peacebuilding and to bring it closer to the interested public. These research papers will follow three basic lines of work. First, they will offer academic analyses of a variety of topical issues. A second series of documents will make proposals to facilitate intervention by actors involved in the various aspects of peacebuilding. Finally, monographs will analyse current armed conflicts, situations of tension, peace processes or postwar rehabilitation processes, based on field work by researchers from the School for a Culture of Peace.

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## Glossary

AI: Amnesty International  
 APWé: Alliance Patriotique de l'ethnie Wé  
 BBC: British Broadcasting Corporation  
 CCI: Integrated Command Centre (Centre de Commandement Intégré)  
 CERAP: Centre de Recherche et d'Action pour la Paix  
 CNDDR: DDR National Commission  
 COJEP: Congres Panafricain des Jeunes Patriotes  
 DDR: Disarmament, Demobilisation and Reintegration  
 DDM: Disarmament and Dismantling of Militias  
 ECHO: European Commission Humanitarian Aid  
 ECOWAS: Economic Community of West African States  
 EU: European Union  
 FAFN: Armed Forces of the Forces Nouvelles  
 FANCI: Armed Forces of Côte d'Ivoire  
 FLGO: Front de Liberation du Grand Ouest  
 FPI: Front Populaire Ivoirien  
 FDS: Defence and Security Forces  
 GTZ: German Cooperation Agency (*Gesellschaft für Technische Zusammenarbeit*)  
 HRW: Human Rights Watch  
 ICG: International Crisis Group  
 ICRC: International Committee of the Red Cross  
 IEC: Independent Electoral Commission  
 IMF: International Monetary Fund  
 LIDHO: Ligue Ivoirienne des Droits de l'Homme  
 LIMA: Liberia Ivorian Armed Movement  
 MFA: Mouvement des Forces pour l'Avenir  
 MILOCI: Mouvement Ivoirien de Libération de l'Ouest du Côte d'Ivoire  
 MJP: Mouvement Pour la Justice et la Paix  
 MPIGO: Mouvement Populaire Ivoirienne  
 NADER: National Rural Development Agency  
 NGO: Non-governmental Organization  
 OCHA: Office for the Coordination of Humanitarian Affairs  
 OPA: Ouagadougou Peace Agreement  
 PDCI: Parti Démocratique de la Côte d'Ivoire  
 PNRRC: National Programme for Community Reintegration and Rehabilitation  
 RDR: Rassemblement des Démocrates Républicains  
 RTI: Radio Television Ivoirienne  
 UNICEF: Fondo de Naciones Unidas para la Infancia  
 UN: United Nations  
 UNDP: United Nations Development Programme  
 UNOCI: United Nations Mission in Côte d'Ivoire  
 UPRGO: Union Patriotique de Resistance du Grand Ouest  
 UTL: Université des Temps Libres  
 WB: World Bank

**SUMMARY:**

After successive failures in the implementation of peace agreements, the current context in Côte d'Ivoire seems to overcome the impasse. Some significant advances in the provisions of the Ouagadougou Political Accord (OPA), and the willingness of all actors in society to live behind the armed phase of the conflict have created a climate of confidence between the parties and pressure for progress in the peace process. Even so, the electoral process, the process of disarmament, demobilization and reintegration of combatants, and national reconciliation process, main issues covered by the peace accords, are being developed with certain deficiencies. This paper explores the progress and challenges in the three fields mentioned for the positive advance of the peace process in Côte d'Ivoire.



## Introduction

Following the signing of several peace agreements, the Ouagadougou Political Agreement (OPA) appears to be the definitive text that will enable progress to be made in the peace process in Côte d'Ivoire. This latest agreement has renewed the commitment of the Ivorian political actors and has also marked a turning point in the strategy of the international community, giving the Ivorian Government a greater say in the peace process. This new stage in the peace process also poses several questions: What factors indicate that the Ouagadougou agreement will be definitive for the implementation of the peace agreements? To what extent is it not just another "sharing out of the spoils" between the main contenders? To what extent does it address the causes and impact of the violence? What are the obstacles to the implementation of the agreements? What risks exist in respect of the reunification of the country? What role will the various political actors (National Unity Government, Forces Nouvelles, opposition parties, civil organisations, international community) play in the implementation of the agreements?

The aim of this investigation is to answer all these questions by analysing the main progress made and the challenges that remain; the opportunities but also the most significant risks in three central areas for the peace process in Côte d'Ivoire: elections, disarmament and demobilisation, and reconciliation of the population.

After placing the current situation of the country in context, this dossier will analyse the main technical and political aspects of the electoral process as a focal point of the peace process. This will be followed by a review of the programme for the disarmament, demobilisation and reintegration (DDR) of combatants, analysing its implementation and deficiencies. Finally, the main characteristics of the reconciliation process and of the remaining areas of transitional justice will be identified. These three issues are addressed in the Ouagadougou Political Agreement (OPA) and are singled out as essential points for the peace process. In accordance with the precepts of peace research, this document concludes with a proposals section in which recommendations are put forward aimed at ensuring that the peace process in Côte d'Ivoire is as solid as possible and that it enables the Ivorian population's peace needs to be fulfilled.

This report is the result of an investigation carried out in Côte d'Ivoire in March 2008 by three researchers of the Escola de Cultura de Pau (School for a Culture of Peace) (Cecile Barbeito Thonon, Albert Caramés Boada and Patricia García Amado), during which interviews were held with representatives of the Ivorian Government, Ivorian civil society and the international community. The writing up of this report, the contents of which are the exclusive responsibility of its authors, has been financed by the Spanish Agency for International Development Cooperation (AECID) and the Catalan Agency for Development Cooperation (ACCD).

## Background to the armed conflict in Côte d'Ivoire

By Patricia García Amado

The country that had been labelled "The African Miracle" following independence, thanks to the prosperity and political stability achieved under the single-party Government of Félix Houphouët-Boigny, was plunged into the hell of violence when the economic crisis smashed the foundations of a regime built on the huge profits reaped from cocoa exportation. From the second half of the 1980s a constant stream of demonstrations and protests took place demanding the liberalisation of the regime and the acceptance of political plurality. This led to the clandestine setting up of political groups such as the Front Populaire Ivoirien (FPI) and the Rassemblement des Republicains (RDR), who achieved their goal of democratic liberalisation in 1990.

Following the death of Boigny in 1993 and with the arrival in power of his right-hand man, Henri Konan Bédié, the feeling of injustice grew stronger and the division of the population along ethnic lines identified with political parties was accentuated, since the Baoulé ethnic group (to which the two heads of state that country had known at that point belonged) had been in sole control of power since 1960. During the rule of Bédié's Government, unrest also grew among the military, which until then had enjoyed important positions within the State, a privilege that was curtailed by Boigny's heir, who declared that the function of the military was not civil affairs, the administration of which now fell under the control of non-military appointments.

However, there can be no doubt that the discriminatory laws favouring those considered nationals, and the rising trend of the exaltation of "ivoirité", initiated by Bédié, sowed the seeds of future conflict. During this period the people of northern origin (generally Muslim and of ethnic groups whose main language was Dioula, shared with countries of the Upper Volta region and the Sahel – Burkina Faso, Mali, Guinea) were stereotypically perceived as foreigners, while Christian ethnic groups with a majority presence in the south were classified as true Ivoirians. This stereotype, together with the perception that the northern population groups were occupying lands that did not belong to them, sparked a wave of violence at the end of the 1990s, which the Government made no attempt to contain. Meanwhile, in urban areas, mainly in Abidjan, the number of attacks on people of northern origin and their businesses increased. The "foreigners" became scapegoats for the economic crisis affecting the country.

The modification of article 35 of the Constitution, establishing the requirement to prove the Ivorian nationality of both progenitors and to be born in the country in order to be eligible for the presidency, was an attempt by Bédié to neutralise his main rival in the 1995 elections (Alassane Dramane Ouattara, Prime Minister up to that point and of northern origin) who thus became ineligible to stand as the RDR candidate. However, beyond that, he established that persons of non-Ivorian origin would never gain access to power. Amid this situation of political and economic crisis, General Robert Güei led a coup d'état and installed a National Unity Government that was joined by the Front Populaire Ivoirien (FPI) of current President Laurent Gbagbo and by Alassane Ouattara's Rassemblement des Republicains (RDR). However, Güei did not repeal the laws supporting *ivoirité* but rather he made use of them in the next elections, from which both Ouattara and, surprisingly, Bédié, were excluded. Nonetheless, despite the massive fraud perpetrated by Güei, the 2000 elections were won by Laurent Gbagbo, who enjoyed popular support, leading to large-scale riots and demonstrations in the main cities when Güei claimed victory. The results, subsequently made public, attributed victory to Gbagbo but that did not prevent them from being contested by those who were declared ineligible to stand.

The use of violence as a means to gain power had begun in Côte d'Ivoire and the new Government, which carried out a purge of the army sectors considered close to the general behind the coup (military elites of the west of the country) and of those considered disloyal to the regime (the officers of the north), was unable to prevent a fresh attempt to topple the new President two years later. The attempted coup d'état was led by the northern rebel group Mouvement Patriotique de Côte d'Ivoire (MPCI) in September 2002. This group had formed and trained in Burkina Faso, although the level of involvement of the neighbouring Government in its training and financing remains unknown. Although its goal of overthrowing the Government was not achieved, it did take control of the north of the country and set out its main demands, consisting of the removal of Gbagbo, the modification of the constitution and the holding of inclusive elections. During the attack on the capital, the general behind the previous coup d'état, Robert Güei, was assassinated, leading to the uprising of armed opposition groups from the west, which, according to several sources, he had personally

trained and financed: the MPIGO and the MPJ, which in November of the same year occupied the main western cities, demanding that Gbagbo step down. The three groups would later decide to join forces under the name Forces Nouvelles.

### The peace agreements: from Linas-Marcoussis to Ougadougou

The short duration of the decisive stage of the armed conflict has meant that within the country it is always referred to as a "crisis" rather than a war. The fact is that months after the attempt to take the capital, the MPCJ had extended its control throughout the north, while the MPIGO and the MPJ controlled the north-western regions. This situation gave rise to the de facto division of the country, which later became institutionalised with the setting up of the so-called security zone in June 2003, patrolled by the forces of the UN, the ECOWAS and the Forces Licorne.<sup>1</sup>

Between 3<sup>rd</sup> and 4<sup>th</sup> January of the same year, the French Foreign Minister, Dominique de Villepin, announced that the Government and Forces Nouvelles had reached a ceasefire agreement and that inclusive dialogue would get underway in order to achieve peace. The peace agreement was finally signed in Linas-Marcoussis (France) on 24<sup>th</sup> February. All of the political forces took part in the negotiations, along with the armed alliance. The main points of the agreement were as follows: the indivisibility of the country, the creation of a national unity government including representatives of the armed groups, the election of a consensus prime minister, the preparation of elections, the demobilisation of combatants and the setting up of new Armed Forces which would incorporate the members of the Forces Nouvelles. Despite the fact that all those present signed the agreement, Laurent Gbagbo felt betrayed by France, which had sent forces during the coup d'état to prevent the overthrow but which then gave the democratically elected Government and the rebels the same status at the negotiating table. Likewise, the attempt to increase the executive powers of the Prime Minister at the expense of reducing those of the President was a further motive behind the campaign initiated by Laurent Gbagbo against the peace agreements once he arrived back in the country. He considered them a French imposition and that France had betrayed them. Nevertheless, the fact is that the agreements were successful in moving the battlefield from open confrontation to the political sphere. Despite some significant breaches of the ceasefire the conflict was not reopened.

The lack of political will, in respect of both the President and Forces Nouvelles, led to an impasse that delayed the long-awaited elections for years, enabling Gbagbo to remain in power amid

political stagnation. The political agreements reached subsequently for the implementation of Linas-Marcoussis (Agreements of Accra I, II and III, Pretoria) came to nothing, as did the UN Security Council Resolutions with new strategies for unblocking the process. Several analysts have pointed out that the lack of a final solution to the crisis is due to the enormous benefits to be gained from the status quo by the main actors involved. While the Government continued to benefit from its position, receiving the net income from oil and prolonging its hold on power indefinitely, the Forces Nouvelles, through its control of the main transport routes, managed to control the entire distribution process not only of raw materials such as cocoa but also of all kinds of products that needed to be exported by road to neighbouring countries.

However, the Ouagadougou Political Agreement (OPA) of 4<sup>th</sup> March 2007 brought with it a new ray of hope for a country that was sick and tired of so many broken promises and that was anxious to believe that the peace process was finally underway. The agreement reached with the mediation of the President of Burkina Faso, Blaisé Campaoré, led to the proposal by the Ivorian president, Laurent Gbagbo, to initiate direct dialogue with the Forces Nouvelles, headed by Guillaume Soro. These were the first discussions to take place exclusively between the two main actors of the armed conflict since it broke out in 2002. The result of the meeting was sanctioned by the international community through the approval of the text by the UN Security Council, which gave the go-ahead for its implementation. Since then a series of symbolic gestures have taken place between Gbagbo and Soro, who have attempted to show their fellow citizens and the rest of the world that this time peace will be possible.

<sup>1</sup> United Nations Security Council Resolution S/RES/1479 of 13/05/08, in <[http://www.un.org/Docs/sc/unsc\\_resolutions03.html](http://www.un.org/Docs/sc/unsc_resolutions03.html)>.

## Analysis of the current political situation in Côte d'Ivoire

By Patricia García Amado

### The reshaping of the political scenario following the OPA

The signing of the OPA marked the start of a period of rebalance between the political forces of Côte d'Ivoire. The offer of direct dialogue and its success enabled an initial balance to be struck, with Laurent Gbagbo and Guillaume Soro on one side and the remaining opposition parties, which had previously formed part of the G-7 alliance, on the other.<sup>2</sup> This was reflected in the new restructuring process and in the sharing out of the National Unity Government's ministries, the most strategic posts within the Executive being assigned to members of the FPI and the Forces Nouvelles. The appointment of Soro as Prime Minister confirmed the start of this new period in the history of the peace process.

Although the leaders of the main opposition parties (principally PDCI and RDR) initially criticised the OPA for a perceived lack of transparency and expressed suspicions that a secret agreement existed between Gbagbo and Soro, the risk of this attitude being interpreted as a lack of commitment to the peace process soon silenced such criticism. Furthermore, the agreement's incorporation of institutions for the control and evaluation of the progress of the process, which included representatives of both political parties (Permanent Consultation Framework and Evaluation and Monitoring Committee), also offered Ouattara and Bédié the chance to exert their influence on it. Likewise, all the political parties with parliamentary representation, along with the RDR (which boycotted the most recent legislative elections) are included in the Independent Electoral Commission, providing the opposition with an additional element for the control and supervision of the process, despite not having participated in the negotiation of the OPA.

One year on from the signing of the OPA, it is important to analyse the possible changes that have taken place in the strategies of the political parties, the armed alliance and civil society, forecasting their respective postures in respect of the upcoming presidential elections, along with the most important agreements and disagreements that have taken place during this period. An analysis must also be made of the role of the international community during the process, which has oscillated between a position

of force and behind-the-scenes work, in order to understand its current *modus operandi*.

#### The presidential field: Laurent Gbagbo, the FPI and the Jeunes Patriotes.

Laurent Gbagbo, whose direct dialogue initiative led to the signing of the OPA, has been able to maintain his position and interests within the Ivorian political set-up. Since the crisis broke out in Côte d'Ivoire his relationship with rebel forces, opposition groups and the international community (especially France) has swung from blaming these three actors for the armed conflict, thus considering them enemies of the country, to requesting their full collaboration as an essential component for achieving peace. The President has remained impassive before all attempts by international institutions, in the form of UN Security Council resolutions, to reduce his executive powers as a means of unblocking the peace process.<sup>3</sup> The man who was considered by several analysts to be one of the main obstacles to resolving the conflict has become the driving force behind its solution. The OPA has placed the process back in the hands of the Ivorian actors, reducing the scope of action of the UN or at least lowering its profile, which until that point had been one of strong leadership. It is clear that the achievement of this goal has satisfied Gbagbo's expectations but it could prove to be a double-edged sword: in the event of proving themselves incapable of fully implementing the OPA, Soro and Gbagbo will be singled out as the guilty parties in the failure and will not be able to blame the international community for their own shortcomings on this occasion.

As for his party, the FPI has always been a strategically significant element in the role played by the President. On several occasions Gbagbo has resorted to using the discourse of his closest collaborators (including his wife Simone Gbagbo and the President of the party, Pascal Affi N'Guessan) to spread the most inflammatory messages, ensuring that his image of being receptive to dialogue and peace remains spotless. However, the influence of such figures on the decisions taken by the President

2 The G-7 is an alliance of the main opposition parties: PDCI, RDR, UPDCI y MFA; together with the three armed groups that make up the Forces Nouvelles: MFIGO, MPCI and MPJ.

3 On several occasions Gbagbo has been reluctant to accept the implementation of population identification processes, refusing to allow them to be carried out until the demobilisation of rebel combatants takes place. Furthermore, he has refused to comply with the stipulations of the peace agreement, including the transfer of some of his executive powers to the Prime Minister.

is not to be underestimated, especially that of the First Lady, who is known for her aggressive anti-French stance and who was accused in a UN report of participating in the setting-up of death squads and in the financing of paramilitary groups during the armed conflict.<sup>4</sup> Meanwhile, N'Guessan's latest declarations, warning that his party will not allow elections to go ahead until the Forces Nouvelles have been fully disarmed and demobilised,<sup>5</sup> are aimed at displaying the inflexibility of the party's hardest wing. Although different currents exist within the FPI, it is unlikely that internal squabbles will come to light before the elections, which means that the party will probably present itself as a unified organisation in a show of support for its leader, Laurent Gbagbo.

Last of all we carry out an analysis of the role that the Jeunes Patriotes might play in the peace process. This group is a sort of pro-government militia that for years supported President Gbagbo, promoting the use of violence, when not exercising it directly, to attack members of the opposition or expel from the country United Nations representatives or the few French nationals who remained in Côte d'Ivoire after the onset of the crisis. It continues to harass opposition leaders and their followers. These activities led the Security Council to impose sanctions on its most noteworthy members, Charles Blé Goudé and Eugène Djué,<sup>6</sup> in 2006. However, in May 2007, two months after the OPA was signed, its main leader, Charles Blé Goudé, was appointed Ambassador for Peace, entrusted with spreading the message of reconciliation throughout the Ivorian territory. In this respect, the inflammatory language and violent acts of the Jeunes Patriotes have been considerably reduced, as has the financing that the group received from the FPI.<sup>7</sup> Despite the imposed sanctions, the group of experts monitoring their application has reported that the Ivorian Government's hesitation to set a minimum amount of accessible funds for the sanctioned parties complicates investigation work and the freezing of the so-called patriots' accounts, as stipulated by the imposed sanctions. Furthermore, the lack of information in the customs stations of the region's countries on persons who do not have permission to leave the country makes it difficult to implement the sanctions fully.

4 "Ivory Coast First Lady leads death squads, report alleged" – Washington Post, 29<sup>th</sup> January 2005.

5 "Désaccords sur l'Accord" – Fraternité Matin, 2<sup>nd</sup> February 2008.

6 Ban on travelling outside the national territory and freezing of foreign bank accounts by virtue of resolution 1572 of the UN Security Council in 2004. S/RES/1727 (2006).

7 The group's leader, Blé Goudé, earns substantial profits through his communication company Leaders Team Associated, winning several contracts for the coverage of events, awarded by the President's circle and by the business sector close to Gbagbo. Information quoted in Jeune Afrique on 30<sup>th</sup> March 2008.

### The Prime Minister's Office and Forces Nouvelles: many outlooks and a single leadership.

The appointment of Guillaume Soro as Prime Minister is not merely a symbolic act through which Gbagbo acknowledges his former enemy but also represents the will to share responsibility for the future of the peace process. In this respect, Soro's areas of competence are crucial for the implementation of the agreements, particularly with regard to the demobilisation of the armed groups (both Forces Nouvelles and the Militias) and the identification process (deciding upon the technical operator and undertaking the financing of the process). Furthermore, with the restructuring of the Government that occurred through the OPA, the Forces Nouvelles became responsible for extremely important ministries such as Justice, Solidarity and War Victims, and Trade, as well as holding the vice-presidency of the Independent Electoral Commission (IEC).

Despite taking office as Prime Minister, Soro is barred from standing as a candidate in the upcoming presidential elections. This is firstly because the Ouagadougou agreement stipulates this condition and, secondly, because he does not meet the minimum age requirement set forth in the constitution for standing as a candidate. This leaves the door open to hypotheses about what strategy Soro will follow to retain his power to influence the country's future. In declarations to the press he has confirmed that the Forces Nouvelles as an organisation will not support any of the candidates and will remain neutral, which does not preclude the possibility of any of its members positioning themselves personally in favour of one party or another. The Prime Minister continues to deny rumours regarding the existence of an agreement to replace Gbagbo at the head of the FPI after the next term of office and the possibility of the Forces Nouvelles becoming a political party. Likewise, he has pointed to his good relationship with the Ouattara's RDR but has ruled out taking part in his campaign. Soro realises that he must bide his time if he wishes to lead the country.

Another aspect to take into account is that the Forces Nouvelles is not a monolithic organisation. Made up of an alliance between the MPC, the MPIGO and the MJP, it encompasses different outlooks, political objectives that sometimes clash and leaders who are not always on the best of terms with each other. The assassination attempt on the Prime Minister on 29<sup>th</sup> June 2007 in Bouake showed that not everybody agrees with the power distribution established by the OPA and that serious internal disagreements may take place if the regional heads of the rebel alliance do not feel

sufficiently well rewarded during the peace process. On more than one occasion Soro has been accused of authorising internal purges within the Forces Nouvelles (specifically of the MPCFI movement), in order to remove supporters of other noteworthy dissident leaders such as Ibrahim Coulibaly.<sup>8</sup> On 27<sup>th</sup> and 28<sup>th</sup> December 2007 several arrests and summary executions took place within the ranks of the Forces Nouvelles in Bouake, including the execution of a senior officer who was accused of collaborating in the assassination attempt on Soro, acting under Coulibaly's orders. Of the 27 people who disappeared on those two days only five institutions have been found. Since then actions have been repeated within the rebel ranks to place leaders close to Soro in positions of control.<sup>9</sup> Furthermore, many sectors of the rebel alliance are mistrustful of Soro, aware as they are of his past, and criticise the concessions that he has made to Gbagbo as excessive.<sup>10</sup>

Another possible source of tension could be the redeployment of civil administration throughout the territory, with the consequent recovery of the collection of taxes and customs levies by the central Government, which would deprive the Forces Nouvelles of one of its main funding sources in the areas under its control. Although the Government has announced the return of sub-prefects to their posts in the rebel zone, several information sources state that the scarce resources available to sub-prefects means that it is almost impossible for them to fulfil their functions and in many cases they have returned to the capital. Furthermore, until the DDR programmes are fully implemented and FAFN (Forces Armées des Forces Nouvelles) members receive their compensation (or salaries if they rejoin the armed forces) it is unlikely that they will cease resorting to extortion as a means of survival.

### **The role of the opposition parties: between cooperation and rivalry.**

The signing of the OPA created a new scenario with the formation of a new National Unity Government and the tangible possibility of presidential elections being held. In this new scenario the main political parties, PDCI and RDR, have been committed

<sup>8</sup> Ibrahim Coulibaly defines himself as the father of the Ivorian rebellion and accuses Soro of having usurped his position of leadership within the Forces Nouvelles. In March 2008 a trial took place in his absence in France in which he was accused of an alleged attempt to finance a new coup d'état in his country. He remained in exile in Benin until 2008 when the host country withdrew his right to asylum on considering that he was attempting to destabilise the peace process in Côte d'Ivoire. It is possible that he is currently residing in Belgium.

<sup>9</sup> Abidjan.net – Après la révocation de Koné Zakaria / Wattao neutralise la révolte de Séguéla : Une riposte se prépare à Vavoua et à Mankono. 20<sup>th</sup> May 2008. Jeune Afrique – Retour au calme à Séguéla après le limogeage du chef rebelle. 20<sup>th</sup> May 2008.

<sup>10</sup> Guillaume Soro was leader of the students' union FECSI (1995 – 1998), akin to the FPI and which later would form part of the "Patriot" group with his successor, Charles Blé Goudé (1999 – 2001).

to striking a balance whereby they support the implementation of the agreements and fulfil their duties within the Executive, while not losing sight of their goal of attaining the presidency. This approach has involved both criticising and supporting Gbagbo. In April 2008 the parties approved a code of conduct after the elections were set for 30<sup>th</sup> November of that year. This code included a commitment to respect the results and to use the legally stipulated mechanisms for solving any discrepancies, as well as to avoid violence and make a commitment to fair elections.

#### *- Parti Démocratique de la Côte d'Ivoire (PDCI)*

Led by Henri Konan Bédié (President of the country between 1993 and 1999, and successor of the first President after the country's independence, Félix Houphouët-Boigny) is one of the main political leaders who aspire to become president. His main support is in the south but also in some regions in the east of the country, where he is from, especially amongst the Akan populations (Baoulé, Agni, etc.). During his term in office he was the driving force behind the policies that promoted *ivoirité*, which earned him the enmity of the electorate in the north and that of a large section of the military institutions who saw their political power weakened, including General Robert Guéi, who led the coup d'état that toppled Bédié in 1999. Within his party there are several dissenting voices that question his suitability as head of the PDCI.

He was initially critical of the OPA and insisted that there was a secret pact between its two signatories, as well as considering the agreement a failure a few months after it was signed and making public his disagreements with the Prime Minister and President, questioning the government's legitimacy. Several analysts have pointed out that the chances of achieving a victory are limited and that for the PDCI it would actually be more important to gain positions in Parliament through the legislative elections.

Until now, the Independent Electoral Commission has opposed holding the presidential and legislative elections together, despite the fact that the National Assembly has not operated legitimately since 2005 and that a greater distribution of power among all the political groups may contribute to making the country more stable as it continues to work towards achieving peace.

#### *- Rassemblement des Démocrates Républicains (RDR)*

Led by the prime minister of Houphouët-Boigny's last government, Alassane Dramane Ouattara, the RDR represents the aspirations of the population in the north, which hopes to obtain its share of

power within the country's political set-up. Given that he was prevented from standing for the last two presidential elections (due to the fact that the electoral code made it a requirement to prove the Ivorian ancestry of the progenitors of any future president), the fact that nobody has openly opposed Ouattara's candidature for 2008 is a symbol of the will of all the groups to end the crisis. Nevertheless, the votes of the northern population will not be enough for him to achieve his objective, which means that he must carry out an intense campaign based on his solid reputation as an economist.<sup>11</sup> On more than one occasion Ouattara has expressed a wish to have the support of the Forces Nouvelles for his campaign, thus presenting himself as the political bastion of the north. However, his candidature has also been questioned internally. Like the PDCI, the RDR aspires to control part of Parliament in order to operate as a counterweight power in the event of not obtaining the presidency.

#### Civil society organizations: between partisanship and inaction

Civil society as such has largely been kept out of the peace process and the agreement signed in Ouagadougou was no exception since it is not considered that any of its representatives would be present in the meetings of the Permanent Consultation Framework or the Evaluation and Monitoring Committee in order to assess its implementation.

Generally speaking, civil organisations in Côte d'Ivoire have always been linked to political parties. As such, their criteria and independence on putting forward proposals has always been questioned. The almost total lack of organised independent movements makes it difficult for civil society to act as a counterweight to political power. Nonetheless, we can identify proposals, such as the one formulated by the LIDHO (Ivorian League for Human Rights), which, bringing together more than 150 Ivorian organisations, drafted a letter on behalf of civil society in February 2008 with the purpose of increasing the capacity of influence of all the movements.

#### The role of the international community and the dilemma between leading and supporting the peace process

Since the start of the crisis the international community has veered between playing a role of leadership in the process and taking a back seat of support and certification, which some deem too weak. The Ouagadougou agreement showed the will of the Ivorian political class to marginalise international

institutions and take full control of the process. Far from constituting a handicap, this situation actually gave the international community a new opportunity to influence the process from behind the scenes, thus preventing it from being blamed for the failure of the new initiative in the event of it not prospering.

In fact, the Ouagadougou agreement was a reaction to United Nations Security Council Resolution 1721, which aimed to give the Prime Minister (at that time Charles Konan Banny) greater executive powers, thus reducing those of the President.<sup>12</sup> Gbagbo saw the drawing up of this resolution as interference in the country's sovereignty and an attempt to modify the constitution, and soon after invited Soro to enter into direct dialogue.

As such, the international actors, especially UNOCI, have focused their post-OPA strategies on monitoring the process and supporting the initiatives of the agreement's signatories for its implementation. International financial organisations, such as the World Bank, stood firm before the Ivorian Government in deciding which aspects of the process they were willing or unwilling to finance, thus indicating the greater or lesser backing deserved by the handling of certain strategies for ending the crisis. Meanwhile, the new agreement came as a relief to France, particularly in respect of the disappearance of the security zone, which enabled it to reduce its number of forces in the area, although it continued to support the UN peacekeeping forces.<sup>13</sup> Through subsequent resolutions of the Security Council it was agreed to maintain the Sanctions Committee and the Group of Experts for the follow-up of the arms embargo and sanctions. However, the International Work Group and the Special Representative for the Elections were dissolved. These two positions would be replaced by an International Consultation Institution that will take part in the meetings of the Evaluation and Accompaniment Committee created by the OPA, while the Special Representative of the Secretary General will undertake the task of certifying the electoral process, for which a support cell within the operation was created.<sup>14</sup>

<sup>12</sup> The resolution states that "The Prime Minister 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 and decree laws; he must also have the necessary authority over the Defence and Security Forces of Côte d'Ivoire".

<sup>13</sup> France has been accused on several occasions of excessive interventionism. The Linas-Marcoussis peace agreement was signed under significant pressure from the French Government, which contributed to the perception of it being an imposed deal and gave currency to Gbagbo's anti-colonialist discourse.

<sup>14</sup> According to UN Security Council Resolution 1765 (16/07/2007), and on the initiative of the Evaluation and Accompaniment Committee, the International Consultation Institution is created, made up of the SRSG, the resident coordinator of the UNDP and representatives of the WB, the IMF, the EU, the AU, the African Development Bank, the ECOWAS and France.

<sup>11</sup> He was the governor of the BCEAO and occupied several positions in the IMF, although his handling of the economic crisis of the country in the 1990s, with the implementation of severe adjustment policies, seriously affected his popularity.

Despite accepting the dismantling of the security zone without putting up any resistance, the United Nations will continue to apply the arms embargo,<sup>15</sup> as well as the sanctions imposed on several Ivorian individuals for their involvement in hindering the peace process, against the wishes of the parties involved in the agreement. Furthermore, it has threatened to impose further sanctions on all those who deliberately undermine the process.

### International financial institutions

The role played by the World Bank (WB) and the International Monetary Fund (IMF) is in stark contrast to the laissez-faire approach adopted by the United Nations over the last year. They have adopted a demanding approach towards the Ivorian authorities, insisting on full transparency and accountability in order to inject new money in the country. Like the European Union (EU), the WB is committed to financing the *Audiences Foraines* process and the reconstruction of censuses, but it has refused to provide economic support for the process of creating a national census and that of creating and delivering identity documents, alleging a lack of transparency in the actions carried out to date by the Prime Minister's Office.

Once all the country's debts with the African Development Bank and the WB (112 million dollars in total) were settled in April 2008, the international institution decided to resume its collaboration with the country and reactivate its projects, which will have a total cost of 636 million dollars. However, this financial cooperation will be conditional on the setting up of control mechanisms for the management of the cocoa sector and its reform in order to prevent the funds obtained from production from being used to purchase arms (Global Witness, 2007). The government's response has been positive. Indeed, in October 2007 President Gbagbo ordered an in-depth investigation to be carried out in the light of the embezzlement accusations levelled against the institutions that manage cocoa production. The attempt to implement the same strategy of transparency with oil production (the exact number of barrels obtained per day remain unknown) has not met with the same success and several sources argue that oil may have become the country's main source of income, although it is not very clear how the ruling classes are investing the profits obtained from this sector.

A common interpretation of the peace process made by the UN and the WB is that one of the current challenges is to show the population the dividends of peace, since to date it has not perceived any kind of change in its general situation, which remains

precarious. The strategies being weighed up by the two organisations include fostering the creation of public sector jobs mainly for young people in a precarious situation,<sup>16</sup> a measure which despite its scarce sustainability would have an immediate effect on the population's life. Further priorities of the WB, shared with other agencies and institutions, include the training of qualified civil servants, the reconstruction of registers, the rolling out of the State administration and the economic reinsertion of ex-combatants.<sup>17</sup>

### Electoral process: the end of the crisis or the start of the path.

The Ouagadougou agreement established a new calendar for elections that would enable them to be held by the end of 2007. Nevertheless, as occurred with the other dates set forth in the OPA, population identification processes got underway late due to the occasional lack of funds and qualified personnel to carry them out, but also due to the long negotiations carried out to establish the *modus operandi* or the division of tasks among the institutions entrusted with their implementation.

For the financing of the electoral process the UN set up a basket fund managed by UNDP, to which donors channelled their contributions and which established priorities. As such, the international community, which on several occasions has criticised the opacity of certain processes (such as the appointment of SAGEM as the technical operator for the elections), has an additional mechanism for controlling the process and demanding greater transparency.

### Population registration and electoral census

The population identification process will be inspected by the National Commission for the Supervision of Identification and is divided into three areas of action:

#### a) *Audiences Foraines*:

First of all, the identification of over-13s who have never been registered by the Civil State. This work will be carried out through the so-called *Audiences Foraines*, which will be entrusted with ruling on the origin of each non-registered individual, based on the data provided by the individual on the origin of his/her parents.<sup>18</sup> This part of the process officially concluded on 15<sup>th</sup> May 2008 but in some departments a second round of court rulings was allowed to recover those who had not participated

<sup>16</sup> A term that encompasses all the groups in danger of being recruited for armed activity, also including ex-combatants.

<sup>17</sup> See DDR section.

<sup>18</sup> For further information on the requirements, consult <<http://www.audiencesforaines.gouv.ci/>>.

<sup>15</sup> See DDR section.

initially due to a lack of information. The latest data provided by the Government shows that more than 580,000 additional rulings on birth certificates have been issued, which once presented to the corresponding legal authorities will lead to the processing of the individual's identity document.

Main difficulties of the process:

- The lack of dissemination and information was one of the main stumbling blocks of this process, despite the efforts made by the UN through ONUCI FM to publicise the *Audiences Foraines* process and the dates on which it would take place in each part of the country.
- People must travel to their birthplace in order to appear before these courts. Considering that the country has some 700,000 internal displaced persons due to the conflict and that the free circulation of people throughout the national territory is a reality only on paper, the possibility of exercising citizenship rights remains restricted.
- Only over-13s are registered and so far no mechanism has been defined for registering younger individuals, thus prolonging the problem of the lack of birth registrations.<sup>19</sup>
- According to data presented by the Norwegian Refugee Council, there are some three million stateless people in the country who although born in Côte d'Ivoire are not entitled to be considered national since their parents are foreign, as stipulated in the conditions for gaining nationality. They are also frequently refused this right in the country of origin of their parents, since they were not born there. As such, inequality is perpetuated and the lack of access to rights of a significant section of the population is one of the main causes of the conflict.

*b) Reconstruction of registers:*

During the armed conflict many registers were looted and set on fire when the Forces Nouvelles attempted to expel government representatives from the areas under its control. Likewise, many people lost their identity documents during the crisis when they were confiscated or destroyed by the authorities with the purpose of eliminating the proof of nationality of their holders. One of the main objectives will therefore be the reconstruction of these registers. However, despite the large amount of funds earmarked for this purpose (mainly from the EU and the WB), the way in which this reconstruction will be carried out has not been stipulated, except for the setting up of reconstruction commissions in each sub-prefecture and in the Abidjan communes, which must complete

their work within four months. The estimated cost of the operation is 53.6 million euro.

*c) Ordinary identification:*

Through this process national identity documents will be given to all individuals in possession of a birth certificate, a certificate of nationality or a positive court ruling; and an identification document will be given to foreign individuals who can also provide proof of their birthplace. Furthermore, expired documents will be renewed. The population identification process will be carried out by SAGEM, the French technical operator appointed by the Prime Minister's Office and approved by the Cabinet.

Main difficulties of the process:

- The delay that the process has suffered due to the prolonged negotiations between SAGEM and the Prime Minister's Office regarding the price of the identification process, which was finally set at 119 million euro, the financing of which will depend exclusively on the Ivorian authorities. The main donors have refused to finance this operation because they believe that the process of appointing the technical operator was not sufficiently transparent and that the price of the process is in excess of previous estimates, set at four times the cost calculated by the EU.<sup>20</sup>
- The timeframe established by SAGEM in order to carry out the entire identification process (eight months), which began in May 2008, is not in line with the date established for the elections (30th November 2008), which means that the elections must be postponed even longer.
- The institution entrusted with drawing up and distributing the new documents is the National Identification Office, whose roll-out in the national territory has been wholly inadequate (the capital of the north, Bouake, does not have an office), which will seriously slow down the obtainment of documents unless other institutions are authorised to carry out this task.

### Electoral institutions and coordination

The Ouagadougou agreement stipulates that the Independent Electoral Commission (IEC) will be entrusted with driving forward the peace process, leading to the holding of elections. The Central Commission forms part of the IEC and is made up of representatives of all the political parties along with the Forces Nouvelles, with 31 members in total. This means that not only its independence but also its operating capacity are sometimes called

<sup>19</sup> Observations presented by UNICEF.

<sup>20</sup> Interview with Harborne, B.

into question. Decisions are adopted by a simple majority of the twelve members that make up the Central Commission Office within this institution. These members are the representatives of the signatories of the Linas-Marcoussis Agreement (10) plus a representative of the President's Office and another of the National Assembly.

The process has been seriously delayed since there was a year's wait from the signing of the OPA until the Cabinet approved a decree setting forth the competences of the technical operator (SAGEM) and the National Statistics Institute (NSI). These institutions are dependent on the IEC and must fulfil the same function within the electoral process: carrying out the registration of voters on the electoral roll and producing voting cards.<sup>21</sup> The decree, passed on 13<sup>th</sup> April, stipulates the competences of the two organisations. SAGEM will be entrusted with providing the technological means and directing the operation while the NSI will make its database available (the 2000 electoral roll) and will supervise SAGEM's work. In order to answer the question on why competences have been distributed in this way, it is necessary to look at who controls each of the two institutions. Despite being considered neutral, the French company SAGEM was chosen by the Prime Minister (Forces Nouvelles), while the most important positions within the NSI are occupied by members of the FPI and individuals close to Gbagbo. The two parties have thus shown that mutual mistrust remains. As such, they wish to have direct control over the composition of the electoral roll, although the IEC is entrusted with providing final approval.

The purpose is to create a single electoral roll on the basis of the last roll produced for the 2000 presidential elections. Additional voters will be added once they have presented a birth certificate or favourable legal ruling to their local electoral committees. Once the roll is created, registered voters can vote by presenting their voting card (issued by the IEC) or their identity documents, which have the same series number in order to prevent duplicate votes.

#### International supervision and monitoring institutions

The annulment of the position of High Representative of the Secretary General for the Elections in July 2007, meeting the demands of Laurent Gbagbo, who had criticised this position as interfering in the State's internal affairs, raised questions regarding the UN's capacity to carry out the observation and certification tasks of the next elections.

<sup>21</sup> According to the IEC Law passed on 21<sup>st</sup> July 2005 these tasks corresponded exclusively to the NSI. The decree on the distribution of competences was passed by the Cabinet on 13<sup>th</sup> April 2008.

The functions of the High Representative are assumed by the Special Representative of the Secretary General, who in March 2008 defined five criteria geared towards certifying the holding of the presidential elections and their result. These criteria were approved by the Evaluation and Follow-up Committee of the OPA.<sup>22</sup> Furthermore, a support cell was created to collaborate in certification work within UNOCI, through which it is hoped that information will be gathered on all possible breaches of these five criteria, thus evaluating whether the electoral process and the elections fulfil the minimum requirements to be certified as valid.

#### Pending questions: a country in need of more in-depth reforms.

The Ouagadougou Agreement therefore defined the action priorities for finding a way out of the crisis: population identification, elections, disarmament and demobilisation, and reintegration. Despite the huge significance of the decisions taken, it must be questioned to what extent they will address the main causes of the conflict in a way that prevents violence from re-erupting.

Although it is true that the issue of nationality is right at the heart of the violence, the identification process in itself, as it is currently structured, continues to leave individuals who were born in the country stranded, since due to the fact that their progenitors are foreign they are not entitled to be registered under any nationality. The structures that generate this inequality (the laws based on the concept of *ivoirité*: mainly the agricultural property law, the electoral code and the constitution) remain intact with no plans on the horizon to modify them. The resettling of displaced persons, agricultural property, citizenship rights, and the free circulation of goods and people are some of the challenges that remain to be faced in Côte d'Ivoire.

During the country's post-colonial boom years, President Félix Houphouët-Boigny declared that the land belonged to whoever worked it. As such, immigrants who came to the country, drawn by the great possibilities offered by working in the cocoa sector, were granted access to agricultural land in exchange for their work on the plantations of indigenous families<sup>23</sup> who were in urgent need of manpower since the local young people had

<sup>22</sup> The five criteria are as follows: firstly, the elections must take place in a climate of peace and non-violence; secondly, all candidates must have access to the public media on an equal footing; thirdly, the process must be inclusive, enabling all candidates to stand and all population groups to exercise their right to vote; fourthly, the electoral roll must be complete and have the approval of all political parties and civil society organisations; lastly, the vote count must take place with the participation of international observers who ensure the transparency of the process.

<sup>23</sup> This practice is known as *tutorat* and forms part of the common law obeyed in the country although it is not enshrined in any formal law.

abandoned the countryside in search of better opportunities in the city. With the crisis that began in the mid 1980s and became more acute in the 1990s, many people tried to return to their land, which was already being cultivated by the immigrant population, leading to the initial disputes, mainly in the west. Since the outbreak of conflict in 2001 a large number of people were displaced in the western part of the country by those who demanded the return of their land, leading to an escalation of the conflict between communities that considered themselves indigenous and those considered as foreign. If the OPA does not come up with a solution that enables those who were born in Côte d'Ivoire with foreign parents to recover the right to work and live on the land that they have cultivated for three or four decades, the door will remain open to conflict, not to mention the possible effects that the regulating of land ownership might have on national production.

The agricultural property law, passed in 1998, stipulates that only Ivorian nationals may have ownership of land. A period of 10 years is established to obtain a land certificate, along with an additional 3-year period to register legal ownership of the land, after which any non-registered land will become the property of the State. Foreigners may only gain access to land through leasing contracts from 2011. This application of this law has been put on hold due to the country's situation but many Ivorians are demanding its immediate application, which would have a grave effect on the descendants of immigrants who for the last 30 years have been cultivating these lands and making them productive.

### Displacement and the return of those who were displaced by the conflict

The OPA devotes very little space to the return of displaced persons, simply identifying the institution responsible for designing a help programme for voluntary return, in this case the Ministry of Solidarity and War Victims. The programme, created in 2006 but yet to be implemented, states that the beneficiaries will not only be displaced persons who decide to return but also their host communities, i.e. their places of origin.

This specification offers a glimpse of the difficulties that may be involved in reintegrating displaced persons in the places from which they were expelled by their own neighbours, mainly in the western regions. Land and ownership disputes mean that returnees are not well received and are often forced to remain in the outskirts of the communities in question, living in conditions that are sometimes below subsistence level.

There are still more than 700,000 displaced persons in the country. According to data provided by OCHA and the ICRC, many thousands of people have

begun the return process voluntarily and without institutional assistance since the signing of the OPA. However, the precarious humanitarian situation and the lack of security have made it impossible for displaced persons to recover their land and homes.

In this respect, the *modus operandi* of the *Audiences Foraines*, demanding that the identification process be carried out in the applicant's birthplace, has not taken into account the needs of displaced persons. The current situation in Côte d'Ivoire, where the main transport routes are plagued by military checkpoints (both in the north and the south) that can only be passed by presenting an identity document or otherwise paying a fine for not having one (for which no receipt is given and whose amount is subject to the whim of the soldier in question), means that it is practically impossible for displaced persons without documents to present an application in their birthplace. The fact is that despite the special emphasis placed by the OPA on restoring the free circulation of goods and persons throughout the territory, the mere elimination of the security zone separating the north from the south has not been at all sufficient for restoring this freedom while the collection of fees, fines and taxes of questionable legality remains one of the chief sources of income both for the National Armed Forces of Côte d'Ivoire (FANCI) and for the Armed Forces of the Forces Nouvelles (FAFN).

Likewise, the lack of judicial institutions in the north and west of the country means that another of the OPA's goals, the rolling out of civil administration throughout the territory, remains a pending issue. Although the government announced the return of prefects and sub-prefects to their posts in most of the country, most of them have been unable to carry out their work due to the lack of resources and the reluctance of the Forces Nouvelles to return power to the civil institutions of the State. This situation has also seriously affected displaced persons who have no access to judicial proceedings for reclaiming their property, whether due to ignorance of the legislation or due to the total lack of legal institutions in their communities.

### Conclusions

**T**he holding of elections must not be seen as an end in itself, but rather as the start of a long path towards the reconstruction of the country and reconciliation. Nevertheless, the requirement that all elections be held in a free and transparent manner, and that the results be accepted by all actors (political parties, Forces Nouvelles, militias, general population) is essential for ensuring that the foundations for peacebuilding are solid. The future legitimate Government will be responsible for creating and implementing the

programme for ending the crisis once and for all, which means that it must have the support of all the political sectors, which must be committed to the reconstruction of the country, and that of the main economic and social sectors. However, above all it must have the backing of the civilian population. That is why it is necessary to create the necessary channels and mechanisms for involving the civilian population in the process, providing it with direct and reliable information on all the initiatives undertaken by its rulers in order to prevent peace from being seen as a new power-sharing deal between the powerful. In this respect, the initiatives aimed at making the dividends of peace immediately visible to the population will be crucial for ensuring its support of the process and its involvement in the successes achieved.

Stabilising the country’s economy must go hand in hand with greater transparency in the State’s accounts and the ending of the corrupt practices and clientele networks that have pervaded Ivorian

politics until now. Likewise, it is necessary for the Executive to govern for all and not just for those who have given it their vote, and certainly not only for those who share the same ethnic group. In this respect the legislative elections will be necessary in order to reflect the country’s plurality in the General Assembly but it is also essential for the political class to be fully committed to the country’s future.

Finally, achieving an inclusive agricultural law is one of the great challenges facing the next Government since the current system of property regulation (although it is yet to be implemented) could lead to new confrontations, mainly in the west, between the local ethnic groups and those considered foreign. This state of affairs means that the Government must focus on measures ranging from the widening of criteria to gain Ivorian nationality to the possibility of opening an extraordinary naturalisation process that puts an end to the exclusion of all those who despite being born in the country continue to be considered foreign.

## The Disarmament, Demobilisation and Reintegration Programme

By Albert Caramés Boada

**S**ecurity is one of the key initial issues to be tackled in the context of peacebuilding and at the start of the post-war rehabilitation stage. In this respect, one of the initial premises listed in the OPA is the need to stabilise the security situation so that it is possible to carry out the successive processes of population identification and the holding of presidential elections in order to start the process for ending the crisis. According to the agreement, this stabilisation involves reforming the security sector, which affects both the National Armed forces of Côte d'Ivoire (FANCI) and the Armed Forces of the Forces Nouvelles (FAFN) through a new process for the disarmament, demobilisation and reinsertion (DDR) of ex-combatants,<sup>24</sup> as well as a process for the disarmament and dismantling of militias (DDM) located in the west of the country.

The present section aims to provide a comprehensive analysis of the DDR process that has been carried out in Côte d'Ivoire, prior to the signing of the OPA, with the goal of identifying the main lessons that have been learnt, as well as analysing the design and development of the current programme. The section concludes with an assessment of the current process and evaluates how the reform of the security sector should be carried out.

### Background

**A**lthough the conflict ended in 2003 and the first peace agreement, the Linas-Marcoussis Agreement, was signed in the same year, the DDR programme has been postponed several times due to political disagreements between its signatories. The motives that have led to these successive postponements are explained by the fact that within this process the DDR programme was designed in conjunction with the population identification programme, making it necessary for them to be carried out in a synchronised fashion. While the FPI demanded the full disarmament of the FAFN before the elections, the Forces Nouvelles refused to hand over their weapons until ensuring that the elections fulfilled the guarantees of transparency and participation. Later on, another reason behind the standstill was the FANCI's refusal to become integrated in the same army as the FAFN.

<sup>24</sup> The DDR is the process that contributes to security and stability in contexts of post-war recovery by taking weapons away from combatants, taking combatants out of military structures and helping them to reintegrate into society socially and economically by finding them a means to live in civil society (United Nations, 2006). This programme forms part of a set of wider commitments negotiated in the peace process (justice, reform of the police system, restructuring of the Armed Forces, elections, political change, etc.). Therefore, the DDR must be one component of a wider peacebuilding strategy.

More specifically, following the Linas-Marcoussis Agreement, both the FANCI and the armed opposition groups initiated the DDR process by dismantling some checkpoints and handing over some of their heavy artillery. Nonetheless, discrepancies remain between the Government and the United Nations on the full economic cost of the programme. Following a fresh period of negotiations to break the deadlock,<sup>25</sup> discussions were suspended due to the FAFN's demand that the militias in the west of the country must disarm first in order to start the DDR process with FAFN combatants. Following this failed attempt a new schedule was drawn up, although uncertainty remained regarding how to deal with the demand to pay some 960 dollars for the reintegration of a large proportion of ex-combatants, leading to a fresh postponement.

At the end of July 2006 the pro-Government militias situated in the southwest of the country requested recognition and compensation for those who had defended the Republic, whether through assisting victims or providing logistical support, as conditions for handing over their weapons. The said process was also suspended weeks later due to the low percentage of collected weapons in respect of the number of demobilised combatants.<sup>26</sup> To date, UNOCI has identified several types of militias that together amount to some 5,600 combatants (UPRGO, FLGO, MILOCI, APWè, LIMA FS and COJEP). Their characteristics are very heterogeneous, whether due to their location in the region, the number of forces or the type of weapons used. They include certain self-defence groups that have progressively sprung up as a response to the armed conflict in Liberia, although there are also other groups whose level of weaponry and training is unknown.

Nevertheless, the initiatives that have been implemented are worthy of mention, such as the demobilisation of child soldiers. Generally speaking, given that this collective is in a situation of vulnerability, in the drawing up of peace agreements the rights of child soldiers should be recognised, based on priority demobilisation and special benefits and rights (Escola de Cultura de Pau, 2008). In the Ivorian case, through contacts with the Chief of Staff of the FANCI, General

<sup>25</sup> The DDR programme was initially scheduled to take place between 14<sup>th</sup> May and 31<sup>st</sup> July 2005.

<sup>26</sup> Up to that point 981 combatants had been demobilised but only 110 weapons and 6,795 rounds of ammunition had been handed over, with a cash payment of 970 dollars in three months for help in reintegration.

Philippe Mangou, and that of the FAFN, General Soumaïla Bakayoko, action plans were signed with the commitment to cease the enrolment of children among their ranks. Through family regrouping actions it is calculated that there were between 3,000 and 4,000 child soldiers after the end of the armed conflict, of which 2,800 were assisted in the programmes implemented by UNICEF. Of these 2,800, 1,300 came from the FAFN. Furthermore, 1,000 girls were identified.

As regards the demobilisation of child soldiers, 1,300 of them are undergoing formal schooling while a further 1,500 are receiving professional training (some 930 training in the informal sector and about 600 training in the agricultural sector), in collaboration with the National Rural development Agency (NADER). More specifically, the activities planned for this collective have included raising awareness in communities (or local awareness) regarding the protection of children and the danger represented by their presence in armed groups; the carrying out of advocacy work in respect of the Integrated Command Centre (CCI) in order for children's wishes and needs to be taken into account; the start-up of the aforementioned technical support and verification commission; economic and material support; the strengthening of local capacities (NGOs); and psycho-social, socio-professional, medical and schooling tasks.<sup>27</sup> Furthermore, in 2006, within the framework of the Child Protection Forum a Verification Committee was set up to check on the status of child soldiers. This committee was made up of representatives of UNHCR, ICRC (in an observer capacity), Save the Children, OCHA, UNOCI and UNICEF.<sup>28</sup> The identification of child soldiers in the next regroupings is not currently being ruled out, despite official declarations that no more child soldiers will be found in future demobilisations.

### Design of the current DDR process

In respect of the DDR programme, the OPA stipulated the need to follow the recommendations listed in the Linas-Marcoussis Agreement concerning the creation of a Joint Operations Plan on DDR, the implementation of a National DDR Programme and the speeding up of the process for the disarmament and dismantling of militias (DDM) located in the west of the country. In December 2007 three new political agreements were approved that complemented the stipulations of the OPA, confirming the setting up of this joint operations centre, known as the CCI. The prime minister's office is responsible for the CCI, which is commanded by the Chief of Staff of the National

Armed Forces of Côte d'Ivoire (FANCI) and that of the Forces Nouvelles (FAFN), in order to carry out disarmament and demobilisation tasks. The CCI's main objectives consist of the design of a defence and security policy, the start-up of the National DDR Programme, the training of new Defence and Security Forces (FDS) and the protection and free circulation of people throughout the national territory.

With regard to the number of participants who might be included in the programme, the estimates carried out conclude that some 35,000 FAFN forces need to be demobilised (5,000 for the new FDS, 6,000 for the National Programme for Community Reintegration and Rehabilitation [PNRRC], 20,000 for civic service and 4,000 for the police force), along with 5,000 from the former FANCI (ICG, 2008). However, several international observers state that the total number of FAFN forces was no more than 8,000 or 10,000, which means that the remaining personnel making up the aforementioned total were associates or companions of these forces but not actual combatants (ICG, 2008).

One of the key points to take into account right from the start for the implementation of a DDR programme is the identification of the participants, who receive direct assistance, and beneficiaries, who receive benefits indirectly. That is why peace agreements establish which armed groups must be demobilised although, more specifically, it is necessary to establish transparent, easily understandable and unambiguous eligibility criteria to avoid perceptions of favouritism or victimisation (Escola de Cultura de Pau, 2008). As a condition for being included in the Ivorian process, according to the stipulations of the OPA, forces must have been recruited by the FANCI or the FAFN later than 19<sup>th</sup> September 2002, the official conflict outbreak date. Neither must it be forgotten that the signatories of the OPA agreed to establish a new amnesty law encompassing the period between the outbreak of conflict and the date of the coming into force of the said agreement. The offering of an amnesty is one of the most frequent practices in DDR programmes. It is aimed at facilitating combatants' acceptance of disarmament. Nevertheless, on many occasions it fosters impunity and hinders the implementation of effective transitional justice mechanisms that punish war crimes and human rights violations committed during the conflict.<sup>29</sup>

<sup>29</sup> Transitional justice is understood as the judicial or extra-judicial processes that facilitate and enable the transition from an authoritarian regime to democracy or from a war situation to one of peace. Transitional justice seeks to establish the identity and fate of victims and those responsible for human rights violations, to establish the facts related to the said violations and to design the ways in which a society will tackle the crimes that have been committed and the need for reparation (Rettberg, 2004).

<sup>27</sup> Interview with Harborne, B.  
<sup>28</sup> Ibid.

The CCI focuses its activity on the stages of disarmament and demobilisation regarding members of both the Armed Forces and the FAFN, as well as on the process of disarmament and dismantling of militias (DDM) in the west of the country. Unlike the previously designed processes, with a very prolonged cantonment period, the aim was for these two stages to have a maximum duration of 10 days, including 7 for disarmament (involving medical and psychological checks, the identification of ex-combatants and the registration and collection of weapons) and 3 for demobilisation (basically focusing on information and guidance services for ex-combatants). The PNRRC is entrusted with drawing up the profiles of ex-combatants. This short time period, which distinguishes the DDR programme from others currently underway, is mainly based on realistic criteria: it is difficult to retain ex-combatants who ended the conflict five years earlier; moreover, in the case of the former FANCI it was a quartering process. In any case, the reintegration stage will pose the greatest challenges and is therefore scheduled to take longer.

Six regrouping centres have been set up in the area under the control of the FANCI (Abidjan, Bondoukrou, Daloa, San Pedro and Yamoussoukro), with separate zones for regrouping, disarmament and demobilisation. Meanwhile, in the north, six additional centres have been set up, of which three (Bouake, Korhogo and Man) were refurbished and handed over by UNOCI in mid-March 2008 (UNOCI, 2008). It is estimated that the regrouping of the FAFN will encompass a total of 34,678 forces and will take five and a half months in total (until mid-October 2008) in the four main identified areas: Bouake and Seguela; Katiola and Mankono; Man, Touba and Odienne; and Korhogo, Bouna and Boundiali.

For the implementation of the reintegration stage of ex-combatants who have not joined the new Armed Forces, the PNRRC was set up, also under the responsibility of the Prime Minister's Office.<sup>30</sup> This institution has the general aim of "contributing to the restoration of a climate of security and peace through assistance and the strengthening of the capacities of young ex-combatants in situations of risk and those of populations in crisis situations in order to enable them to develop" (PNRRC, 2008). The specific objectives are as follows:

- The social reinsertion and economic reintegration of demobilised combatants.
- The restoration of community infrastructures in areas affected by the conflict.
- The restoration of organisational capacities in communities affected by the war.

- The restoration of the population's production capacities.
- Access of vulnerable groups to basic economic services and social services.
- The reincorporation of minors associated with the conflict in their families and in basic education.
- The construction and consolidation of social cohesion.

The scheduled activities will be carried out through three units (the Support Unit, the Reinsertion Unit and the Community Renewal Unit) and will be distributed across 19 regional offices. Three specific project lines have been designed: social reinsertion, economic reintegration and community renewal.

**Social reinsertion**, understood as the temporary stage between demobilisation and reintegration, is based on psychological and social assistance, necessary in order to facilitate social and economic integration. The main activities of this project line include: the organisation of transit and guidance centres for a limited number of minors associated with armed groups (both regular and irregular); registration at the regional office; the provision of guidance; medical and psychological support; and resettling support, carrying out awareness raising actions through local authorities. In comparison with other DDR programmes currently being implemented, it can be observed that the activities designed for this stage are very similar to those designed for demobilisation, which means that steps must be taken to ensure that duplication is avoided. It is worth emphasising that the activities focus on the needs of ex-combatants through establishing their socioeconomic profile. The fact is that the lack of socioeconomic studies on the regions where the ex-combatants aim to reintegrate, which would serve to identify the needs of the community, may lead to new sources of insecurity and resentment among host communities (Escola de Cultura de Pau, 2008).

Meanwhile, **economic reintegration** aims to enable target groups to develop their capacities, as well as to carry out economic activities that enable them to earn a living. This project line is split into several action strategies: the employment reintegration of some demobilised ex-combatants, enabling them to return to their pre-conflict activities or through the promotion of self-employment activities; training in different areas and according to needs (literacy, professional training, management training, etc.); the placement of qualified demobilised persons in existing jobs; the signing of partnership agreements with existing financing systems (micro-credits, production projects, etc.); the start-up of accompaniment systems and the evaluation of demobilised beneficiaries; and support for the

<sup>30</sup> Interview with Malan, J.

creation of income-generating activities. In order to implement these measures, sector development policies must first be out in place, including the restoration of infrastructures, support for the production and commercialisation of agricultural products or support for small enterprises.

Last of all, the **community renewal** project line is designed as an urgent programme to help the communities most affected by the crisis, both in terms of ex-combatants and internal displaced persons. It aims to achieve the restoration of social infrastructures, the start-up of income-generating activities, the restoration of social cohesion and training in participative methods. The beneficiaries of this renewal process will be displaced persons returning to their regions of origin, along with the parts of the population affected by the crisis, communities that have had a higher percentage of displaced persons and the most vulnerable groups (women, minors, the disabled, widows/widowers and orphans). The aim is to employ a participative methodology in the planning of these projects, thus ensuring that the population identifies its needs on a community level.

Regardless of the adopted strategy, it is necessary to consolidate both economic reintegration (micro-credits, job creation, small enterprises, reconstruction of infrastructures, training and access to basic services) and social reintegration (reconciliation, reparation, justice and truth). Another essential aspect of community renewal projects is the empowering of the community itself so that its members feel that they are participants in the DDR programme, i.e. that they are active agents in its planning. Work groups are generally set up with this purpose in mind, which, although managed by the institutions executing the programme, play a decisive role in the community itself. In this respect it will be necessary to define what is understood by community, in this case understood as the host

collective of the aforementioned target groups, although it is also crucial to define the decision-taking process, which is very closely linked to the national reconciliation process.<sup>31</sup>

The creation of a **civic service** is planned in parallel to this, which encompasses three months' additional training in civic education and six months' professional training. This service is basically aimed at the reinsertion of the militias in the west of the country and ex-combatants who are eligible to receive this kind of training before entering the reinsertion process, due to their background and characteristics.

The DDM programme is yet to be implemented but the 981 members of the militias that have demobilised demanded an estimated compensation amount of 762 euros. In a weapons handover ceremony held in May 2007, of the 1,027 weapons that had been announced only 555 were presented, counted by UNOCI, with no identification number of any kind. The existence of the aforementioned compensation may be one of the reasons for a potential duplication of the candidates wishing to join these programmes.

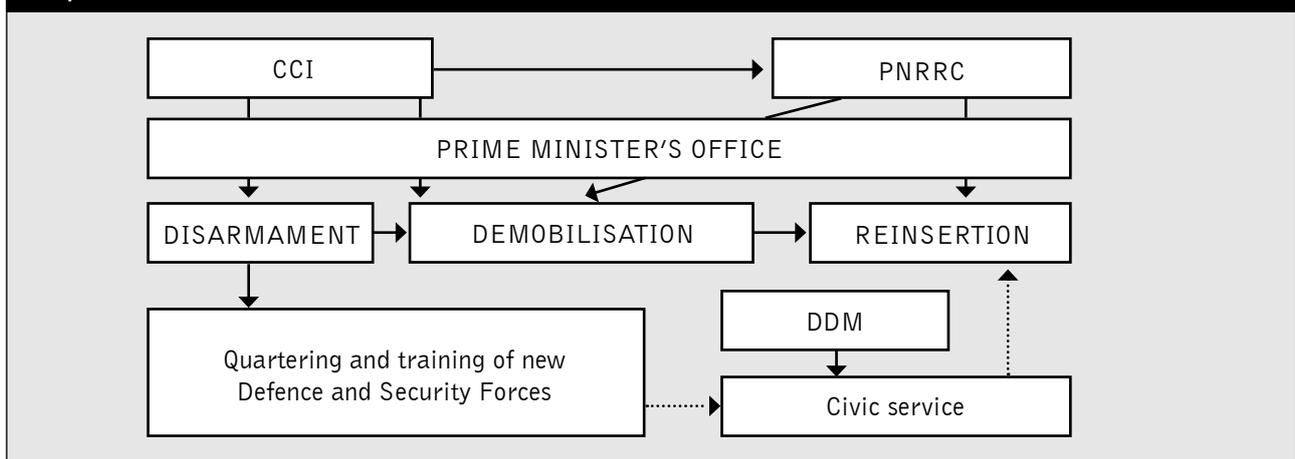
The Government has also created a work group for the restructuring and refunding of the Armed Forces, conceived of as think tank whose main goal is to produce a general plan of the organisation, composition and operation of the FDS. In short, the FANCI have undergone a quartering process while regrouping is planned for the FAFN and dismantling for the militias in the west of the country.

With regard to **international accompaniment**, both UNOCI and the Forces Licorne<sup>32</sup> collaborated in the design and implementation of the programme

<sup>31</sup> See the reconciliation section.

<sup>32</sup> Intervention force of the French Armed Forces, under the same mandate as the MINUSTAH, which is entrusted with peacekeeping duties in the country. Since 2008 it has 500 fewer troops, giving a total of 1,800.

Graph 1. DDR Process in Côte d'Ivoire



through a DDR Section. Furthermore, UNOCI leads an inter-agency coordination group, set up informally (together with the World Bank, the EU, Japan and France) to discuss the status of the process and to coordinate accompaniment work. Meanwhile, the UNDP is entrusted with certification tasks and manages funds that mainly come from the EU, Japan, Norway, Denmark and France.

## Progress of the DDR programme

Following the design of the current programme, the President, Laurent Gbagbo, and the Prime Minister, Guillaume Soro, presided over the "Flame of Peace" ceremony in mid-2007, which consisted of the symbolic destruction of weapons and served to announce the start of the disarmament process in the country. This symbolic ceremony also became a historic event, since it was the first time since 2002, the year in which armed conflict broke out, that the President had visited Bouake, in the north of the country (an area controlled by the armed opposition group FAFN in recent years) (UN, 2007).

At the end of 2007 the disarmament process seemed to get underway with two weapon destruction ceremonies, one in the north and one in the south of the country (Bouake and Tiébissou, respectively). They were designed as pilot processes of a basically symbolic nature in which a detachment from each side withdrew from the front line to cantonment points. It was also recognised that the logistics and infrastructure problems faced by the FAFN are more complex than those faced by the FANCI. As such, the belief was that the process in the north would take longer to be implemented than initially thought (BBC, 2007).

Furthermore, in respect of disarmament and demobilisation in the north (Bouake), of the 2,121 weapons presented before the ceremony only 1,606 were actually collected. It is believed that the remaining 515 weapons were recovered by the FAFN to be reused.<sup>33</sup> This incident is a clear example of something that occurs in many current DDR programmes: a certain lack of control and scarce follow-up of the final destination of the collected weapons, with the subsequent risk of them being diverted within the same region and/or towards illegal markets in the event of them not being effectively stored or even destroyed (Escola de Cultura de Pau, 2008).

Official figures estimate that 4,000 ex-combatants of the FANCI were quartered between 20<sup>th</sup> December

2007 and 25<sup>th</sup> January 2008.<sup>34</sup> However, there are doubts about the accuracy of this figure since much lower numbers of quartered forces were calculated (ICG, 2008). In this respect, following the passing of UN Security Council Resolution 1795, UNOCI is hardly responsible for any certification and validation work, which constitutes a significant reduction of its competences in respect of previous mandates. It is now restricted to validating the figures put forward by the CCI.

In early May 2008 the FAFN regrouping process got underway once again in a ceremony in Bouake, attended by 1,000 forces from the group. The soldiers who decided to abandon the armed group (100 in this case) were given an assistance package of 90,000 CFA francs (some 210 US dollars). Although with very significant differences, most programmes offer financial assistance to each ex-combatant who participates in this stage. This is a controversial strategy that some analysts support, arguing that it is easy to implement and that it speeds up the reintegration process, reduces the economic burden on host communities and reactivates the economy. Others criticise it, alleging that it fuels the arms market or other illegal activities, incites unproductive spending, fosters the presentation of "phantom" combatants or arouses feelings of resentment in the community (Escola de Cultura de Pau, 2008).

Finally, in March 2008 the signatories of the OPA met to discuss the progress made in the implementation of the agreement. With regard to disarmament and demobilisation for the FAFN and the DDM process in the west of the country, the process could only be considered as underway from mid-March when UNOCI handed over the three cantonment centres in the north. Reintegration prospects also looked none too promising given the alarming lack of funds reported by the PNRRC (the worst estimates refer to a shortfall of almost 70%) while the design of the civic service remained pending (Fraternité Matin, 2008).

In respect of the financing of the DDR, in May 2007 the World Bank approved a 40 million dollar subsidy for the economic reintegration of ex-combatants, young people associated with armed groups and other young people in situations of risk. This financing was theoretically earmarked for the Prime Minister's Office, although in November, following attempts to draw up a joint memorandum of understanding on reintegration, the aforementioned international institution pulled out of the possible agreement on detecting a certain

<sup>33</sup> In this respect, UNOCI was only able to fulfil its role of certifying the weapons to be destroyed just one day before the ceremony itself, which made the task much more difficult.

<sup>34</sup> To be exact, only UNOCI made some of the progress made in this respect public, such as the quartering of 400 soldiers in Bondoukou (northeast) or the ceremony in which a further 150 were discharged in Sassandra (southwest).

level of opacity and signs of corruption which cast doubts on the wisdom of continuing this type of funding. These disagreements referred in particular to the high economic cost of the reintegration of ex-combatants and to the potential budgetary problems that could affect State funds if the number of FANCI forces was not reduced when they were regrouped. Finally, the WB economic reintegration programme decided to focus specifically on young people considered to be in situations of risk.<sup>35</sup>

By way of conclusion, it must be pointed out that the institutions in charge of the process (CNDDR, PNDDR and PNDDR/RC) have directed their efforts in particular at awareness-raising activities, with unfulfilled promises that may also be a source of insecurity, e.g. the removal of compensation for demobilisation (World Bank; EU, 2008).

### Evaluation of the current DDR process

**T**he current evaluation of the processes underway is not especially positive since the processes in the north and west have barely got started. While the regrouping of the FANCI has officially been declared as completed, the demobilisation of just 700 of the estimated 5,000 forces has been registered. This low registration figure has been attributed to logistics problems.

Another problem that has been identified is the serious proliferation of small weapons in the country, since in the initial ceremonies of the DDR process (*Flamme de la Paix*) the weapons that were registered were in a poor state of repair while any useful ones disappeared. The uncontrolled proliferation of weapons is one of the problem issues to be tackled in the country. The need for civil society to design weapon collection processes is something that has already been considered by the UNDP (at the moment based on the idea of the "Weapons for Development" programmes that have been carried out in Liberia or Sierra Leone).

With regard to the arms embargo currently imposed on the country, President Gbagbo called on the General Assembly of the United Nations to lift it partially, given that the war has ended. A request was also made for the lifting of sanctions on three individuals, Charles Blé Goudé, Eugène Djue and Kouakou Fofie, the military chiefs of the Jeunes Patriotes and the FAFN, who are accused of threatening the peace process. This demand has been ignored to date. Finally, the Group of Experts on the Côte d'Ivoire arms embargo informed the Security Council that it had gathered sufficient information to state that members of the FANCI,

loyal to the Government, and members of the Forces Nouvelles were receiving military training outside the country. The group also expressed its concern about blocked attempts by UNOCI to carry out a fresh inspection of the facilities of the Republican Guard as part of the supervision of the arms embargo, since the Ivorian authorities repeatedly denied access to these facilities arguing that the mission did not have a mandate to carry out this inspection (UN, 2008).

As regards reintegration, a huge financial shortfall has been detected for the activities of the PNRRC programme, particularly after the aforementioned refusal of the World Bank to provide funding. Although the PNRRC itself has declared its full willingness to implement the designed projects, it is not clear that the 8,150 ex-combatants accounted for initially are the only ones to be included in the programme (figure still to be determined). Moreover, certain calculations indicated a budget deficit of about 60%.

Furthermore, the civic service process is also yet to be implemented and no candidate selection criteria have been put in place. Other problems that have been detected include the fact that the programme is managed by a military structure (CCI, entrusted with civic training for the first three months) despite being of a civil nature; that estimates on the number of ex-combatants are way below the real figure; that keeping minors in centres may generate insecurity and that it is much more recommendable to reintegrate them in their communities; the lack of socioeconomic studies; or the vagueness of promises on public, civil or military employment (World Bank; EU, 2007).

To make the process as effective as possible, projects should be decentralised and distributed among communities through a more real and detailed approach to job creation based on market needs, partnerships between the public and private sector, and the setting up of micro-enterprises. Using this approach, local authorities, represented in this case by the prefect or sub-prefect, would be involved in negotiating and managing development projects (World Bank / EU, 2007). Until now, decentralisation projects of this kind have only been carried out on a bilateral basis by the German cooperation agency GTZ throughout the country but with special emphasis in the southwest, where the pro-Government militias operate. To be more precise, projects have been carried out on crisis prevention and peace consolidation, conflict management, opportunities and job creation for the most vulnerable groups (mostly minors and women) and projects for enabling women (GTZ, 2005).

<sup>35</sup> Op. Cit. 27

Another issue that generates doubts is the interrelation between the governmental institutions entrusted with implementing the DDR process. This needs to be determined in order to avoid overlaps between their activities. Although the government argues that responsibilities have been clearly defined, the political blocking carried out by both sides, which can be seen in the delays affecting the schedule initially set forth in the OPA, has meant that the processes of the DDR programme are all at different implementation stages. This could lead to episodes of insecurity if ex-combatants are not properly looked after. The most flagrant case is the ineffectiveness of the aforementioned civic service, which could endanger the rest of the process (World Bank / EU, 2007). It would be advisable to roll out this service in a decentralised but coordinated manner, i.e. placing regional offices in the main areas where the programme is being implemented (Escola de Cultura de Pau, 2008).

Meanwhile, one of the main errors and initial difficulties for the DDR has been the attempt to initiate the process within the general framework of the peace agreement, i.e. hoping that disarmament may be effective on the basis of significant political progress. The fact that several attempts have been made to start the disarmament of the FAFN has led the process to become politicised, increasing mistrust between the parties (World Bank / EU, 2007). This reality appears even more perverse in the case of the dismantling of the militias located in the west of the country, since it has given their commanders a significant degree of responsibility, granting them greater power of decision regarding their demobilisation (World Bank; EU, 2007).

This process should advocate a review of the traditional concept of DDR since beyond the current design of the process the armed actors are still waiting to see what their reintegration possibilities are in order to disarm. The stipulations of the OPA and those of the complementary political agreements should be strictly fulfilled, subject to the certification of the international community. Alternatively, the regrouping camps could become the responsibility of the PNRRC. They could be of a civil nature in the event of the combatants handing over their weapons, thus enabling the reintegration process to get underway immediately (World Bank / EU, 2007). Furthermore, a decentralised approach could be adopted in the two regions to carry out Quick Impact Projects in the form of community pilot projects in order to gain greater visibility and strengthen capacities within communities. It is calculated that these projects would have a duration of around six and nine months.

## Conclusions

In conclusion, in order to improve the security situation it will be necessary to adopt a much more localised approach, with the involvement of all the responsible actors, enabling the reform of the security sector to be integrated with the reintegration of demobilised ex-combatants. It can be stated that many aspects differ from one area of the country to another, such as the level of insecurity, the actors involved, the dynamics, and the number and characteristics of ex-combatants and militiamen. Many obstacles also remain to be surmounted, mainly regarding the reform of the security sector and the ratio of weapons handed over per combatant. If a solution can be found for these two issues, the DDR must constitute one of the main pillars, if not the only one, for peacebuilding in Côte d'Ivoire. The stabilisation of the security sector and the creation of new Armed Forces that include the combatants of the armed conflict should lead to greater security and the holding of elections.

Last of all, the most important aspect that remains to be analysed is the fact that the content of the OPA is based on a restructuring of the Defence and Security Forces (FDS). This is a simplistic approach that presents certain problems: apart from the number of FAFN forces to be integrated within the new Armed Forces, the relationship between the ranks of the various factions is yet to be defined, which complicates the entire process and may be a new source of tension. It is a simplistic approach because it overlooks the number of ex-combatants who remain to be demobilised (around 20%). These groups, considered "high risk", become a potential danger for communities (World Bank; EU, 2007).

However, the approach employed so far has only focused on weapon collection when it should also be advocating a process for the overhaul and reform of the new Armed Forces, a process that is yet to be designed. A noteworthy aspect of this issue, and a clear example of the need to reform this sector, are the endless road checkpoints where extortion is par for the course. The security sector reform process must involve giving civil actors their say and designing long-term security strategies, including the budgetary demands of the sector.

## The reconciliation process and transitional justice

By Cécile Barbeito Thonon

**W**hile it is true that the armed conflict in Côte d'Ivoire has not been one of the most virulent in comparison with others of its kind, and that there is not a polarised deadlock but rather a shared willingness to return to a situation of peace, it is no less true that open wounds remain that must still be dealt with.

After analysing the impact of violence and the scope of human rights violations in the country, this section aims to describe the initiatives being implemented to foster national reconciliation, whether promoted by the State, by Ivorian civil society or by organisations of international civil society. It also aims to analyse their impact and draw lessons for peacebuilding.

### Human rights violations during and after the armed conflict

**T**he Côte d'Ivoire crisis involved many human rights violations, the extent of which varied greatly according to regions, with those in the north and west being the worst affected, along with the city of Abidjan. Human rights organisations and institutions coincide in blaming both the regular army (FANCI) and the armed opposition groups (FAFN) for the human rights violations, along with the mercenaries hired by both sides and the pro-Government militias.

#### Human rights violations of civilians

During the conflict many human rights violations of civilians took place. Human Rights Watch describes how "hundreds of civilians perceived to be supporting the northern-based rebel movement [were] harassed, assaulted, arbitrarily arrested, detained, tortured and often executed on the basis of their real or imputed ethnic, religious, and national affiliation. In the west of the country, civilians [suffered] numerous serious abuses at the hands of the rebel movement and its Liberian mercenaries, including summary executions, torture, rape, and looting of civilian property" (HRW: 2004). The French Armed forces were responsible for the death of between 20 and 60 civilians during an attack in November 2004.

The human rights violations of civilians that occurred during the conflict, along with the lack of judicial persecution of those responsible, as we will see below, mean that several years after the war has ended serious abuses continue to be committed. In 2005 UNOCI was still receiving 20 reports every

month on death threats against people residing in the north of the country. Furthermore, members of opposition parties, journalists and defenders of human rights, etc. were being harassed, intimidated and even assaulted. (HRW: 2005).

#### Human rights violations of women

Although the existing information in this respect is clearly insufficient and unreliable, we do know that the armed conflict led to a dramatic increase in sexual assaults, mainly in the western region, where some local studies calculate that two out of five women have suffered some kind of sexual assault. Documented evidence shows that both the FANCI and the opposition groups were perpetrators and that assaults have continued to be committed since the end of the conflict. Cases are also known of sexual assaults committed by UNOCI interposition forces. Human Rights Watch has documented cases of sexual violence in Côte d'Ivoire including "individual and gang rape, sexual slavery, forced incest and egregious sexual assault. Many combatants have raped women old enough to be their grandmothers, girls as young as six, pregnant women and breastfeeding mothers" (HRW: 2007).

Sexual assaults on women have caused physical and psychological harm. Many women have also been stigmatised and rejected by their communities as a result. The deterioration of the health services, especially in the northern and western regions, has also prevented women from receiving proper medical and psychological care (AI: 2007).

#### Inter-ethnic mistrust

The armed conflict has also brought about increasing ethnic polarisation. *Ivoirité* refers to persons considered Ivorian (with indigenous mother and father) as opposed to foreigners (with non-indigenous mother or father), which prevents the children of mixed couples (indigenous - non-indigenous) from being considered Ivorian. This concept became institutionalised in July 2000, when in order to stand for President of the country it became a requirement for both the candidate's mother and father to be Ivorian. This requirement was imposed in order to scupper the chances of the main opposition party's candidate (Alassane Dramane Ouattara, who was said to have a Burkinabé father). Little by little the concept gained ground in society until it became a xenophobic stance. "The criteria for being allowed an Ivorian identity became increasingly strict and

documentation of the origins of one's parents had to be provided to be allowed residential status. Having a name that signalled being of northern and in particular Burkinabé origin became increasingly stigmatising as the xenophobic *ivoirité* ideology became a weapon for political control and influence. *Ivoirité* became the criterion for participating in the distribution of increasingly scarce resources (work, property and power) and also citizenship" (Nordas: 2008).

### Use of mercenaries and child soldiers

As regards the use of unlawful combatants, under the terms established by International Humanitarian Law, during the armed conflict all the armed actors recruited child soldiers. Some of them were recruited in Liberia (HRW: 2005). Other combatants who have violated international law are the mercenaries who operated in the west of the country, mostly arriving from the armed conflict in Liberia, but also from other African countries and Europe. Both the FANCI and the opposition armed groups recruited mercenaries (or even Liberian refugees). The presence of mercenaries led to the pillaging of empty homes and, later on, the pillaging of occupied ones and, in the case of any resistance being offered, the physical abuse of their owners (HRW: 2003).

### Incitement to hatred and violence by the media

The media played a significant role in fostering a discourse of hatred among the population, both before and after the start of the armed conflict. The close relationship between the print media and the political parties, along with the broadcast blackout imposed on international radio and television outlets (RFI, BBC, TV5) by the Government at the start of the armed conflict, facilitated the polarisation of discourses (HRW: 2003). The media actually incited confrontation. The involvement of the press as an influential actor in the armed conflict also led to attacks on opposition journalists or newspaper offices, which were pillaged or burnt down.<sup>36</sup>

<sup>36</sup> In particular, *Le Patriote*, *24 Heures*, *Le Nouveau Réveil* and *Le Libéral Nouveau*.

## The process of reconciliation of Ivorian society

Given the events that occurred during the armed conflict, there could be several possible levels of reconciliation:

- Combatants / civilian population: human rights abuses by some security forces of the State and by some of the armed groups against the civilian population.
- Population sectors: southern population / northern population<sup>37</sup> or indigenous (*guéré*) / non-indigenous (*forain*) population in the west of the country.
- Ivorian population / international community (France).

The following sections will analyse which of these aspects are being tackled, who is undertaking the work and to what extent they may help or hinder the peacebuilding process.

### Elements that facilitate reconciliation

In order to carry out an effective reconciliation process it is first necessary to make an in-depth analysis of which elements may help to connect or else divide the opposing parties during the conflict.

In Côte d'Ivoire, like in other African countries, there are sacred meeting places, such as the Talking Tree (*Arbre à Palabres*). These spaces, a legacy of African tradition, fulfil the role of regulating conflicts. The Talking Trees are meeting venues, the shade of a tree, in which the village's learned men meet to discuss the important issues affecting the village. The Talking Tree fulfils three functions (Sylla: 2007). The first of these is political management, whereby the chief of the community makes decisions having taken into account the points of view of the remaining members of the community. The second function is conflict mediation and the application of common law on the basis of three conditions: that most processes

<sup>37</sup> One of the underlying causes of the conflict was the generation of stereotypes regarding the northern population, considered foreign by a large proportion of the southern population, which led to discriminatory practices that fostered violence.

Connecting Elements	Dividing Elements
<ul style="list-style-type: none"> <li>- Tribes and religions are multiple and overlapping</li> <li>- Traditional conflict resolution methods</li> <li>- Calls for peace by singers (especially after the crisis)</li> <li>- The Elephants, the national football team</li> </ul>	<ul style="list-style-type: none"> <li>- <i>Ivoirité</i>: restrictive definition of what it means to be Ivorian that excludes minorities of foreign or mixed origin (26%)</li> <li>- Discourse of hatred propagated by the media</li> </ul>

Source: Drawn up by the author based on the connecting and dividing concepts defined by Collaborative Learning Projects. *Do no harm. How aid can support peace or war.*

are resolved amicably, that there is a possibility of appealing decisions and that restorative rather than punitive justice is sought. The third function is psycho-dramatic social control, in which a witch hunter (*djina-tigui*) holds a ceremony dressed in masks and accompanied by drumming and dancing, with the entire community present, in order to single out publicly those who have committed acts of witchcraft. This ceremony shows who has behaved reprehensibly towards other members of the community, i.e. the witches, who are put into a trance during the ceremony. It thus serves as a way of controlling behaviour.

Another aspect of African culture that facilitates intercultural dialogue and reconciliation are the Alliances or Joke Kinship (*Alliances et Parentés à Plaisanterie*),<sup>38</sup> which are ways of fostering inter-ethnic relations based on teasing. By treating differences between ethnic groups with a sense of humour, these differences become less dramatic and are considered enriching. These alliances take the form of formal agreements between ethnic groups or clans and are aimed at preventing conflicts and establishing harmonious relations between them. These agreements tend to regulate the mutual non-aggression pact, mediation in conflicts, the duty of care and mutual assistance, jokes of all kinds between allies (as long as the person from the other ethnic group is always respected), etc. The peoples of Côte d'Ivoire have been signing intercultural alliances with neighbours from bordering countries since before the time of French colonialism. Alliances exist within some ethnic families (between various Akan, Gur, Krou and Mandé peoples), but also between these families (between some Akan peoples and some Krou peoples, between some Gur peoples and some Mandé peoples, etc.). (LIDHO and UTL: 2004)

There are many other traditional ways of resolving conflicts in the country, although they are very different from each other depending on the characteristics of the communities (e.g. whether they are agricultural or livestock communities). However, traditional conflict resolution forms are not used very often when another kind of established authority exists. In this case communities tend to confer competence in these matters on the existing administrative institution. In Côte d'Ivoire this reality has led to problems in regions controlled by armed groups, since these groups supposedly took over the competences of the administration but without any real capacity to resolve conflicts or impose justice, resulting in an uncontrolled situation.<sup>39</sup>

<sup>38</sup> See the document in the appendix.  
<sup>39</sup> Interview with Adou, K.

## Reconciliation policies and practices

**C**onsidering that in order for reconciliation to occur there must first be measures in place that impose justice and remember victims, we shall analyse what State policies of transitional justice have been implemented to fulfil the needs of Truth, Justice, Institutional Reform, Reparation and Reconciliation.

### Measures to establish the truth

As set forth in the Linas-Marcoussis Agreement, the Government must facilitate the setting up of an International Commission entrusted with establishing the truth, "that carries out investigations and establishes the facts throughout the national territory with the purpose of taking a census of cases of serious violations of human rights and of international humanitarian law from 19<sup>th</sup> September 2002" (art. IV – 2). The Agreement specifies some of the human rights violations that must be investigated, such as death squads or summary executions. Furthermore, the investigation of the International Commission must be able to identify the alleged responsible parties who must be brought to international criminal justice (art. IV -2.).

The following may be considered some of the most significant measures for establishing the truth:

- International Investigation Group on the atrocities committed on 23rd and 24th March 2004. The Group reached the conclusion that the slaughter of civilians had been "largely unprovoked and unnecessary in order to disperse protestors" and that a disproportionate use of force was employed, although the responsible parties have not been identified.<sup>40</sup>
- Independent International Investigation Commission: this was set up on 22nd June 2004 to investigate serious violations of human rights and of international humanitarian law committed from 19th September 2002. The Commission drew up a detailed report on the main human rights violations committed in the country and identified some of the responsible parties. The said report was delivered to the High Commissioner's Office for Human Rights in 2004 and to the Secretary General in December 2004 but three and half years later its conclusions are yet to be made public. Several human rights organisations have made

<sup>40</sup> A demonstration was held in Abidjan on these two days that had been prohibited by the Government and which led to confrontations between the security forces and the civilian population, provoking at least 25 deaths (although some sources claim more than 40) and several arrests. The protest had been organised by the main opposition groups to denounce President Gbagbo's lack of commitment to implementing the peace agreements.

repeated demands for them to be published in order to know what recommendations have been made and take measures accordingly (AI and HRW: 2007).

- National Human Rights Commission, as set forth in the Linas-Marcoussis agreement, to "safeguard the protection of rights and freedoms in Côte d'Ivoire (art. VI – 1.). Set up in January 2007, this Commission, which according to stipulations must be made up of delegates from all the parties and be presided over by a person acceptable to all the political actors, is not yet operative due to a lack of consensus.

The United Nations Human Rights Council has requested that a Commission be set up to investigate the hiring of mercenaries, but it has not been approved. Beyond the initiatives of local human rights organisations, there has been no specific initiative to investigate the scope of sexual assaults on women in the State as a whole.

In the face of such impunity, some sectors of Ivorian civil society have demanded that the facts be cleared up. This is the case of a report by the UNESCO Chair for a Culture of Peace at the University of Cocody, delivered to the Government, which has highlighted the need to recognise the human rights violations committed by the Government. However, this need has not been given official recognition.

The main conclusion in respect of measure to establish the truth is that they are clearly insufficient: Only two investigations have been carried out, of which only one has been made public, and in neither case has this led to an assumption of responsibility on the part of the perpetrators.

### Judicial prosecution

The criminal responsibility of the perpetrators of violations of human rights and of international humanitarian law is an issue that has been mentioned very little in the various peace agreements and is given even greater laxity in State legislation: far from putting in place measures for the judicial prosecution of such violations, it has established a limited amnesty.

The Linas-Marcoussis Agreement allowed for an amnesty for exiled soldiers and officers providing that they were not the authors of "serious economic offences or of serious violations of human rights and of international humanitarian law". (Art. VII – 5.). The OPA, once again, restated that the amnesty could not be applied in the case of "financial crimes, war crimes and crimes against humanity" (art. 6.3.), committed between 17<sup>th</sup> September 2000 and March 2007.

However, on 12<sup>th</sup> April 2007, just one month after agreeing the contents of the Ouagadougou text, President Gbagbo passed an Amnesty law for "offences against the security of the State and the national Defence committed by Ivorian nationals within the territory or in exile", not applicable to "economic offences and crimes that do not represent a risk for the security of the State". As such, the State law has effectively meant extending the scope of the amnesty to include violations of human rights and of international humanitarian law. It must be pointed out that this law is in breach of international law, since according to the latter, violations of international humanitarian law, crimes against humanity, war crimes and serious violations of human rights cannot be granted amnesty.

In practice, the fact is that despite five years having passed since the end of the armed conflict, nobody alleged to have committed human rights violations has been put on trial. Yet 61 civilian and military prisoners were freed on 7<sup>th</sup> July 2007, benefiting from the amnesty.

If the State cannot offer any guarantee of justice being imposed in the country in respect of violations of human rights and of international humanitarian law, the contribution of international justice must be analysed. In 2004, the UN Security Council decided through Resolution 1572 to impose sanctions on anybody who "was known to be responsible for serious violations of human rights and of international humanitarian law in Côte d'Ivoire, on the basis of information held on this matter, [and] anybody who publicly incites hatred and violence" (UNSC: 2004). This resolution led to the imposition of sanctions on three people who were barred from leaving the country and whose bank accounts were frozen.<sup>41</sup> Some human rights organisations, such as Human Rights Watch, have criticised these measures as insufficient, since the sanctioned individuals are "medium ranks", and have condemned the fact that China and Russia have opposed the imposition of sanctions on leaders of the FPI, the party of President Gbagbo (HRW: 2007a).

Côte d'Ivoire is not a member of the International Criminal Court. Even so, under pressure from the international community, in 2003 the Government presented a declaration to the said institution accepting its jurisdiction to investigate the crimes committed since September 2002. However, despite the Government's formal acceptance of a preliminary visit to the country by the Court Prosecutor to determine whether an investigation must be opened on human rights violations, the Ivorian authorities have postponed the date in

<sup>41</sup> See section entitled The presidential field: Laurent Gbagbo, the FPI and the Jeunes Patriotes; and Evaluation of the current DDR process

order to prevent the visit from happening (Escola de Cultura de Pau: 2008).

### Institutional reform

If one of the cause of the conflict was the lack of access of one part of the country to the basic services of the State (health, education, etc.), the crisis only worsened the situation, especially in the areas controlled by the armed opposition groups. This makes it necessary for the administration to be re-established throughout the territory. The roll-out of institutions must also be carried out in such a way that it reforms the elements of the political and judicial structure that have led to or contributed to discrimination and violence. Let us examine which institutions have been reformed and what the main pending tasks are:

#### *a) The Reform of the Government*

The creation of a National Reconciliation Government on the basis of the Linas-Marcoussis Agreement means that the opposition forces have greater representation. The opposition parties are thus given greater participation in the process of emerging from the crisis until the elections are held.

#### *b) The reform of the Security Forces*

The reform of the Security Forces basically focuses on the Armed Forces. The DDR programme provides for the restructuring and incorporation of combatants of the armed opposition groups within the Regular Army. This measure may be considered positive in terms of reconciliation, in that it will integrate combatants who were formerly adversaries within the same institution. No restructuring of the Police Force has been officially planned, although both the Army and the Police receive training in International Humanitarian Law from the ICRC. Meanwhile, there are also issues related to the security sector that may complicate reconciliation. Some sectors warn that there is a process of nepotism for the Beté ethnic group in respect of police recruitment, which in practice means that unofficial prioritization is given to this ethnic group in the hiring of individuals for this security corps.<sup>42</sup> Meanwhile, and taking into account that many private security companies in the country are owned by people with very close links to the President (including his wife, Simone Ehivet Gbagbo, also of the Beté ethnic group), questions must be raised concerning the extent to which the State security forces may be considered to have reformed. Whatever the case, one policy (integration of opposition combatants in the Army, without ethnic distinctions) and the other

(promotion of the Beté ethnic group in the Police Force and investment by Government politicians in private security companies) seem contradictory.

#### *c) The reform of the judicial system*

During the armed conflict, the judicial system was practically dismantled in the north of the country, making its endemic malfunctions even more acute.<sup>43</sup> Although some progress has been made, e.g. the creation of the new Courts of Appeal (in Man, Korhogo and Abengourou) and tribunals (in Abobo, Port-Bouet and Giglo), a huge number of challenges remain. A report by UNOCI's Rule of Law section identifies the following: tackling the lack of resources (currently only 2% of the State budget is earmarked for the judicial system, a fact that highlights the precarious nature of the work of the judicial administration); strengthening the training of justice agents; ending widespread corruption; ensuring the independence of magistrates (formally independent of politics but in practice conditioned by social, administrative and political pressures); and facilitating access to justice, currently inaccessible to many due to geographical distance and the cost involved in using it (UNOCI: 2007). The reform of Justice is essential for recovering trust in the rule of law, especially in regions where the State's authority has not yet been rolled out and where the greatest impunity remains.

#### *d) The roll-out of the administration*

The roll-out of the administration is regulated in the OPA: the parties agree to restore "the institution of public services, including basic social services such as education, health, water and sanitation" throughout the country (art. IV 4.2.). The population's perception is that this roll-out is being carried out too slowly.

#### *e) The reform of the media*

The Pretoria Agreement states that Radiodiffusion-Télévision Ivoirienne (RTI) "must be used to foster unity and national reconciliation" (Pretoria, art. 11), and for this purpose the restructuring of its Board of Directors is scheduled. The Linas-Marcoussis Agreement also lists economic measures to foster the financial independence of the press (Linas-Marcoussis, art. V – 2.). Even so, public television continues to be an instrument for broadcasting the Government's actions and no independent television channels exist.

<sup>43</sup> Although not explicitly listed in the definition, the victim identification forms include the said categories.

<sup>44</sup> It is also true that the excessive division of competences in tasks such as identification (SAGEM and NSI) or reconciliation (three ministries), where all kinds of institutions represent different parties in order to carry out the same work, shows that mistrust still lingers between parties. Even so, it may be considered that the functioning of the National Reconciliation Government is an example of increasing trust.

<sup>42</sup> Interview with Gramizzi, C.

Taking into account that structural reforms involve a necessarily slow process, it can be considered that some progress has been made in reforming institutions. However, the many remaining challenges must not be ignored and the roll-out of the administration must be speeded up in a way that does not benefit certain sectors of the Ivorian population while harming others.

### Reparations to victims

The process for the reparation of victims is divided into three stages: the first of these is the identification of victims, a task undertaken by the Ministry of Solidarity and War Victims; the second is the allocation of reparations, which is the responsibility of the Ministry of National Reconciliation and Institutional Relations; and the third is the implementation of reconstruction projects, carried out by the Ministry of Reconstruction and Reinsertion.

The definition of a victim is "any physical or moral person who has suffered material or bodily harm due to the war that started on 19<sup>th</sup> September 2002" (Ministry of Solidarity and War Victims: 2008). Although the final date of the period during which a person may be classified as a war victim is not specified, the definition can be considered quite comprehensive since it encompasses displaced persons, victims of sexual violence and victims of international actors (French Army and UNOCI).<sup>45</sup> The existence of a specific category for victims of sexual violence is positive since it facilitates their identification and makes it possible to envisage the scope of the problem. Nevertheless, the Ministry acknowledges the difficulties involved in women stepping forward to report this kind of violation. Despite acknowledging the difficulty, no specific measures have been put in place to facilitate the reporting of this kind of violation.

In addition to economic reparations, the Ministry of Solidarity and War Victims plans to implement non-monetary reparations, such as the recovery of war memory, psychosocial support for victims or the provision of essential care services.

The main difficulty involved in the identification of victims is the lack of financial resources. Likewise, the Government has not released funds for reparations to victims or to fund the support programme for returning persons. Many doubts remain on the capacity to allocate sufficient funds for reparations. The Minister's own evaluation of his Ministry's work is clear: "In terms of funds, we are obliged to acknowledge the situation:

compensation, zero. Return assistance programme: zero" (Ministry of Solidarity and War Victims: 2008). This restriction is far from negligible since according to the definition of policies of the Ministry of solidarity and War Victims, financial compensation is the most important element in the reparation of victims and reparation is, in turn, the transitional justice measure on which the Government supposedly places the greatest emphasis.

The second limitation is the way in which information on victims has been gathered. The Ministry declares that it has identified 90% of victims (this is probably an overestimate since three regions still remain to complete coverage of the entire country and given that displaced persons or those with scarce economic resources find it difficult to reach stations to identify themselves as victims). Some of those involved criticise the lack of publicity given to identification campaigns in cities. This fact not only has a bearing on the number of people who have been identified but also reduces the healing effect of the identification of victims. Indeed, "the healing process occurs not through the delivery of an object (a pension, a monument or an exhumation) but through the process that takes place around it" (IDEA: 2003). If a silent victim identification campaign is carried out rather than a national campaign recognised by everybody that dignifies the victims, it loses much of its value as a reparation policy. In order for it to have real healing value, a process involving the public acknowledgement of responsibilities is required, along with the dignifying of those who have suffered violence.

A third limitation is that according to the Linas-Marcoussis Agreement, the Government's commitment to assisting victims of the conflict must be based on the report of the National Human Rights Commission (art. IV-4). Given that this Commission is not yet operative, reparations to victims depend solely on the Ministry of Solidarity and War Victims. This modification of the point agreed in the Linas-Marcoussis Agreement constitutes a loss of consensus, since the National Human rights Commission would be composed of members of all the parties while the ministry depends upon a single party.

A fourth limitation is that while the Ministry of Solidarity and Victims has not finished identifying victims, other ministries with equivalent functions are carrying out reparation actions, such as the Ministry of Reconciliation and the Ministry of Reconstruction and Reinsertion, which are defining and implementing projects in the areas that have supposedly been most affected by the armed conflict. Although the three ministries entrusted with reparations to victims argue otherwise, it

<sup>45</sup> See "Background to the Côte d'Ivoire conflict", in which the confrontation related to land ownership is described.

is difficult to avoid the accusation of a lack of coordination in their actions. This three-pronged approach contributes to compartmentalising the victim reparation process.

As has been argued above, the reparation policies have several limitations. This is a particularly serious issue since the Government has staked a lot on reparation as its main transitional justice policy, to the detriment of the recognition of truth and the application of justice through ordinary and extraordinary courts.

## Reconciliation

### *a) Reconciliation promoted by the Government*

One way of approaching reconciliation, i.e. measures to bridge divided communities, is to implement the process in three stages: peaceful coexistence (fostering the re-establishment of security and basic communication between opposing communities); trust (when each side begins to see the other with more humanity, and during which different levels of culpability can be distinguished; and effort to empathise (during which each party is sensitive to the other's pain) (IDEA: 2003). We will now analyse to what extent the reconciliation definition employed by the Ivorian Government matches this approach.

The first reconciliation measure, arising from the Linas-Marcoussis Agreement, was the setting up of a National Reconciliation Government. This brings together seven parties, amongst which ministries are shared out, with a greater share of power being awarded to the country's main political parties. Several Ivorian political actors agree that the creation of the National Reconciliation Government has contributed to improving trust among the parties and to facilitating joint governance.<sup>46</sup> This trend can be seen in the fact that Ivorian society in general is confident that the latest peace agreement, the OPA, will be respected, while it was much more sceptical about previous agreements.

The main actor entrusted with facilitating the reconciliation process is the Ministry of National Reconciliation and Institutional Relations, governed by the FPI. Its main goal is to bridge the differences between the main opposing parties (FANCI/FAFN, indigenous/non-indigenous population) mainly through assistance projects to cover the basic needs of the most affected parts of the population (especially displaced persons), awareness-raising campaigns to generate trust, and the implementation of community development projects. These projects promote the creation of

Peace and Reconciliation Committees, made up of a local president and vice-presidents from the various communities that exist in the town (such as representatives of Burkinabés or Malians, chiefs of religious communities, women, young people, etc.). Each committee meets periodically to identify causes of conflicts in the community and solve them.

The main criticism received by the Ministry of Reconciliation is related to the Peace Protocols. These agreements, defined by the Ministry as "coexistence codes" or "non-aggression pacts", regulate land ownership by inhabitants of the communities.<sup>47</sup> The Ministry argues that the Peace Protocols made available to communities are open models that must be agreed within the Reconciliation Committees and, therefore, that each community has the possibility of modifying them. However, other actors are much more critical in this respect and question whether communities truly have the possibility of refusing to sign the protocols, considering them equal to "easement agreements".<sup>48</sup> Critics argue that the Peace Protocols signed between indigenous community members and internally displaced persons as peace manifestos "do not take into account the national land law. In reality they constitute a new land and work agreement that authorises the indigenous population (the *Guéré*) to seize the goods and work of returnees" (IDMC: 2008).

Meanwhile, as far as relations with France are concerned, there are significant signs of rapprochement. Following a speech made in February 2008 by the French President, Nicolas Sarkozy, on the need to redefine relations between France and African countries in order to foster greater African sovereignty, in mid-June President Gbagbo announced that the time for Franco-Ivorian reconciliation "is getting close",<sup>49</sup> an attitude that was further confirmed by the Minister for Foreign Affairs, Bernard Kouchner, when he stated the need for a reconciliation policy.<sup>50</sup>

### *b) Reconciliation promoted by Civil Society*

The widespread rejection of armed conflict in Ivorian society has led to several symbolic peace and reconciliation demonstrations. Apart from the "Flame of Peace" ceremony organised by the Government, several peace concerts have been held (1,000 voices for peace, the peace and

47 "Laurent Gbagbo juge "proche" une réconciliation franco-ivoirienne" - AFP, 13th June 2008.

48 "Kouchner tourne "une page" avec Abidjan sans "oublier le passé"" - AFP, 15th June 2008.

49 See DDR section.

50 As Maurizio Crivellaro of the International Rescue Committee argues, the committees of learned men are not always representative of the community given that they do not include members of different communities and do not represent young people, etc.

46 Interview with Crivellaro, M.

reconciliation concert, etc.), along with a cycle tour for peace, public peace messages by well-known personalities, etc. Although it cannot be argued that these events have a significant impact on peace and reconciliation, they can be considered an indication of the population's willingness to work towards resolving the conflict.

Representatives of the country's main religions have also promoted inter-religious dialogue initiatives. A stable structure exists, the Inter-religious Commission, which meets to debate the issues most likely to generate conflict. Although its scope of action is limited it is recognised by various sectors of society as a legitimate institution.

Another interesting civil society initiative is the one promoted by the LIDHO and the UTL to raise awareness of intercultural alliances and joke kinships with the aim of recovering these traditional forms of preventing conflicts and fostering coexistence. The CERAP is also carrying out noteworthy educational work, educating young people in and for democracy, incorporating reflections on interculturalism.

#### c) Reconciliation promoted by international actors

UNOCI reconciliation programme: Initially perceived with suspicion, or even opposition on the part of many Ivorian actors (especially the pro-Government sectors who viewed exterior intervention as interference), the United Nations Operation in Côte d'Ivoire has gradually gained the trust of the population. UNOCI plays a constructive reconciliation role aimed at four types of actors:

- Journalists: as has been mentioned above, the media incited hatred and violence prior to and during the armed conflict. UNOCI has fulfilled the role of controlling the media and denouncing incitement to hatred, while at the same time training journalists in conciliatory journalism, e.g. how to cover the elections, etc.
- Women: the main objective of the project with women is to foster their empowerment. For this purpose regular meetings are held to discuss issues concerning women and peace, particularly women's contribution to the peace process.
- Traditional chiefs: the work carried out in this case is aimed at encouraging traditional chiefs to use their legitimacy to launch peace messages. For this purpose periodical meetings are held in which the nature of their roles is discussed and how they can fulfil them in their respective communities.

- Secondary school students: UNOCI has visited one school per town in the Abidjan region and is currently visiting schools in the main towns of the country to explain its work and inform students of the necessary steps that remain pending for the peace process. It selects one male and one female student in each school to promote a culture of peace in the school.

UNOCI's main communication instrument is the radio station ONUCI FM, the only station that broadcasts throughout the State, reaching 80% of the population. Its programme schedule includes educational broadcasts, such as *Woro Woro tour*, a series set in shared taxis that shows how to approach situations of conflict in a non-violent manner, or *Passerelle*, which describes traditional forms of conflict resolution, etc. ONUCI FM is third most popular station in the country in terms of listener numbers.

The actions carried out by UNOCI to foster reconciliation have had some tangible results, such as the softening of the media's discourse or the commitment made by traditional chiefs to spread messages of peace. It has also held events with the support of well-known personalities who are committed to reconciliation, such as Alpha Blondy (who for a few months served as an UNOCI Peace Ambassador) or the footballer Didier Drogba, member of the national team, the Elephants. The main pending challenge that it faces is how to implement its successes on a structural level, in order to guarantee the sustainability of its actions once the UN operation leaves the country.

International NGOs: Some reconciliation projects promoted by international NGOs also associate assisting returnees with the creation of Peace Committees (community methods for resolving conflicts). This is the case of the Return and Reintegration of Displaced Persons projects promoted by the International Rescue Committee in the west of the country, which provide Peace Committees with the necessary skills to resolve conflicts on a constructive level within the community. These committees, often an alternative to the committees of learned men, serve to regulate minor conflicts in the community. The ultimate goal is for the Peace Committees to acquire the capacity to solve all kinds of conflicts, including those concerning land, a deep-rooted cause of conflict in the west of the country, as the influx of returning displaced persons increases. Although the increasing number of returnees may saturate the conflict management capacity of the committees, they are proving to be an effective instrument for regulating coexistence.

The tasks carried out in the field of reconciliation are manifold, although they share the feature of being implemented on a community level. Not even the Government, which could have been the most suitable institution for implementing such actions on a State level, has committed itself to undertaking a reconciliation process throughout society. One of the Government's measures, that of promoting the Peace Protocols, is highly questionable and may lead to tension in the future between the indigenous and non-indigenous population. Indeed, the Peace Protocols not only fail to resolve one of the main causes of the conflict but also turn it into a structural problem, codifying it through written agreements within communities.

## Conclusions

**T**he analysis of reconciliation and transitional justice policies in Côte d'Ivoire leads to the conclusion that they are insufficient. The measures aimed at reconciliation between combatants and the civilian population, based almost exclusively on economic reparations, are insufficiently funded. This undermines the degree of justice and reconciliation required by the incidents that have taken place in this context. It must be taken into account that the failure to give priority to Justice, fostering the impunity of the perpetrators of human rights violations, is extremely serious, not only in respect of the incidents that occurred during the armed conflict but also in terms of the current situation. As for reconciliation between the indigenous population and the non-indigenous population, it must be highlighted that the underlying causes of conflict are not being addressed and issues such as land ownership and the right to work are actually being further complicated. The fact that sensitive issues such as Justice and land regulation have not been properly tackled can be interpreted in several

ways: on the one hand it might be considered prudent to avoid dealing with such thorny issues until the elections are held, but on the other hand it means postponing *sine die* two issues of crucial importance for the population and the consolidation of peace. Meanwhile, the division of reconciliation tasks between ministries governed by different parties does not facilitate their implementation and it is not difficult to spot inconsistencies between the activities of one ministry and another. As regards Franco-Ivorian reconciliation, basically involving the two governments, not only does it auger the resumption of diplomatic relations but also opens the door to a considerable transformation of the relations between the two countries.

With the exception of reconciliation policies, all the others (concerning truth, justice, reform and reparations, etc.) have been tackled using a top-down approach, ignoring the possibility of contributions by the civilian population. This fact may be considered a waste of resources since several local civil society organisations have shown themselves to be capable of taking the initiative and being committed to conflict resolution. It can also be observed that the approach to the reconciliation process has been economic rather than judicial or social. The repeated mention of the term "social cohesion" is symptomatic of a commitment to the social reconstruction of the country through the reconstruction of infrastructures, understood as reparations to the most affected communities. However, this commitment depends on there being sufficient funds to finance the said reparations, which does not appear to be the case. Without funds, the Government's reparation-based reconciliation policy may well fall short.

Overall, it can be argued that its impact on reconciliation is still limited, although it must not be forgotten that processes involving the transformation of relations do require time.

## Conclusions and recommendations

**H**aving made an in-depth analysis of the peace process in Côte d'Ivoire from several perspectives, the conclusion can be drawn that it is slowly making progress but not without a great many difficulties in its implementation that must be dealt with.

The most positive aspects of the peace process include the improvement of the security situation; the greater trust among political actors and their increasing collaboration within the Government; the trust and willingness shown by the population to turn over a new leaf and create new constructive relationships; the moderation of the discourse of hate; and the community focus of most of the projects, making it possible to reconstruct the social fabric.

On the other hand, the issues that may represent the greatest obstacles to peace are: land ownership lawsuits and the need for a just and inclusive agricultural property law; the impunity enjoyed by the main human rights violators and the subsequent healing difficulties for the part of the population most affected by the armed conflict; the lack of funds for DDR programmes, for the roll-out and training of the technical institutions of the administration and for victim reparations; the high degree of corruption of the political class; and the lack of an international strategy for the country beyond the presidential elections.

For the first time since the crisis broke out, the Ouagadougou Agreement seems to symbolise real willingness on the part of the Ivorian political actors to implement the peace process effectively. Turning this initial impetus into the definitive point of no return on the basis of the successes achieved so far will depend on the perseverance of the constructive and critical attitude of the entire political class but also on civil society's capacity to play a part in demanding responsibilities, in insisting on the fulfilment of deadlines and in avoiding any exaltation of hatred. It is crucial for all the political actors to make peace their central objective and show their capacity to trust and collaborate for the purpose of pooling efforts and optimising results.

The holding of elections must not be seen as an end in itself, but rather as the start of a long path towards the reconstruction of the country and reconciliation. Nevertheless, the requirement that all elections be held in a free and transparent manner, and that the results be accepted by all actors (political parties, Forces Nouvelles, militias, general population) is essential for ensuring that the foundations for peacebuilding are solid. The future legitimate

Government will be responsible for creating and implementing the programme for ending the crisis once and for all, which means that it must have the support of all the political sectors, which must be committed to the reconstruction of the country, and that of the main economic and social sectors. However, above all it must have the backing of the civilian population. That is why it is necessary to create the necessary channels and mechanisms for involving the civilian population in the process, providing it with direct and reliable information on all the initiatives undertaken by its rulers in order to prevent peace from being seen as a new power-sharing deal between the powerful. In this respect, the initiatives aimed at making the dividends of peace immediately visible to the population will be crucial for ensuring its support of the process and its involvement in the successes achieved.

Stabilising the country's economy must go hand in hand with greater transparency in the State's accounts and the ending of the corrupt practices and clientele networks that have pervaded Ivorian politics until now. It is necessary for the Executive to govern for all and not just for those who have given it their vote, and certainly not only for those who share the same ethnic group. In this respect the legislative elections will be necessary in order to reflect the country's plurality in the General Assembly but it is also essential for the political class to be fully committed to the country's future.

Achieving an inclusive agricultural law is one of the great challenges facing the next Government since the current system of property regulation (although it is yet to be implemented) could lead to new confrontations, mainly in the west, between the local ethnic groups and those considered foreign. This state of affairs means that the Government must focus on measures ranging from the widening of criteria to gain Ivorian nationality to the possibility of opening an extraordinary naturalisation process that puts an end to the exclusion of all those who despite being born in the country continue to be considered foreign.

Once the elections have been held it remains to be seen to what extent civil society is willing to demand responsibilities for the human rights violations committed during the conflict. Until now, demands to investigate the serious human rights violations that took place during the Ivorian crisis have been on a small scale and have enjoyed little public repercussion. Furthermore, the extension of the amnesty period set forth in the OPA, which was subsequently turned into a decree, runs the risk of allowing a large number of crimes to go unpunished, enabling their perpetrators to get off scot-free. It is debatable whether the real and long-lasting

reconciliation of a society is possible if exemptions and guilty parties have not even been singled out.

Beyond the human right to have a nationality and the possibility of obtaining an identity document, one of the great challenges that remains to be faced in the future of Côte d'Ivoire is the full implementation of the rule of law, whereby all citizens feel protected by and duty-bound to the law. Identity documents must entitle their holders, whether national or foreign, to exercise their rights as citizens.

#### Recommendations concerning the political situation

- Both the political class and civil society must retain a critical and constructive attitude in order to demand that the established deadlines are fulfilled and that all incitement to hatred is avoided. All the key political, economic and social sectors must be involved in rebuilding the country.
- The Ivorian political actors and the international community must recognise that the presidential elections do not mark the end but rather the start of the peace process. The commitment of one and all is required following the elections to consolidate the process and support progress. The trust of donors will be crucial in this respect.
- The political class has a responsibility to make peace its central objective and show its capacity to trust and collaborate for the purpose of pooling efforts and optimising results. It must also ensure that all the initiatives undertaken are made public to avoid peace being seen as a new distribution of power among the powerful.
- The Government must make an effort to achieve greater transparency in its accounts and eliminate the corrupt practices and clientele networks that have pervaded Ivorian politics until now.
- Civil society must undertake a more active role in demanding responsibilities. For this purpose the necessary channels and mechanisms must be created to involve the civilian population in the process.
- It is necessary to tackle some of the underlying causes of the conflict that are being kept out of the political debate due to the focus on the holding of elections:
- An inclusive agricultural law.
- The widening of criteria to obtain Ivorian nationality, or the opening of an extraordinary naturalisation process. Identity documents must entitle their holders, whether national or foreign, to exercise their rights as citizens.

#### Recommendations concerning the DDR:

- A review must be carried out of the current design of the process since the armed actors are still waiting to see what their reintegration possibilities are in order to disarm. A commitment must be made to the strict fulfilment of what has been agreed, subject to the certification of the international community.
- There must be a diversification of reintegration projects to generate greater visibility in communities through a more real and detailed approach to market needs for the creation of jobs, the setting up of partnerships between the public and private sectors and the establishment of micro-enterprises and production projects.
- Projects should be decentralised to carry out Quick Impact Projects in the form of community pilot projects in order to gain greater visibility and strengthen capacities within communities. It is calculated that these projects would have a duration of around six and nine months.
- A much more localised approach should be adopted, with the involvement of all the responsible parties, which enables the reform of the security sector to be integrated with the reinsertion of demobilised combatants, given that many aspects differ from one area to another: level of insecurity; actors and dynamics; and the number and characteristics of ex-combatants.
- Stability must be sought in security, along with the creation of new Armed Forces that integrate the opposing parties of the armed conflict in order to contribute to stabilisation and peacebuilding throughout the country. For the purposes of this process it is necessary to take into account the role and vision of civil society so that long-term security strategies can be designed.

#### Recommendations concerning reconciliation and transitional justice:

- Truth: It is necessary to promote the National Human Rights Commission and, at the same time, grant access to the Prosecutor of the International Criminal Court to investigate human rights violations. The United Nations Security Council must make public its investigations on responsibilities regarding serious human rights violations so that the Government can take appropriate measures.
- Justice: The amnesty law of 12th April 2007 must be repealed since it fails to meet international human rights standards and does not comply with international humanitarian

- law. The perpetrators of these kinds of crimes must be put on trial.
- Institutional reform: institutional reform must be speeded up, in particular the judicial system. Administrative appointments must be based on merit rather than the community to which candidates belong.
  - Reparation: It is essential to allocate funds for the reparation of victims of the armed conflict. The excuse of a lack of funds is unacceptable for a Government accused of not declaring huge oil-based profits and represents a lack of respect towards the dignity of victims.
  - Reconciliation: reconciliation measures must be based on resolving the causes of the armed conflict. The Peace Protocols must be annulled since they do not comply with the State land ownership law. Meanwhile, mechanisms must be put in place to resolve conflicts concerning ownership and the right to cultivate land. At the same time, the roll-out of the administration in the north of the country must be ensured. The concept of *Ivoirité* must be replaced by that of citizenship, whereby all those who were born in the country have the same entitlements.



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## School for a Culture of Peace

The *Escola de Cultura de Pau* (School of Peace Culture) was established in 1999 with the aim of organizing academic activities, research and intervention related to peace culture, analysis, prevention and transformation of conflicts, education for peace, disarmament and the promotion of human rights.

The school is mainly financed by the Catalan government, via the Catalan Agency for Cooperation and Development. It also receives support from the Spanish Agency for International Cooperation and Development (AECID), the Catalan International Peace Institute (ICIP), the Norwegian Foreign Ministry, local authorities, foundations and other bodies. Its director is Vicenç Fisas, who is also UNESCO Professor of Peace and Human Rights at the Universitat Autònoma de Barcelona.

In accordance with this mission and these objectives, the school focuses its work on the following areas:

- **Intervention in conflicts**, to facilitate dialogue between the protagonists.
- Academic activities such as a **postgraduate diploma on peace culture** (which entails 230 hours of study with an average of 60 students per course in 10 courses) and the elective topics "peace culture and conflict management", and "educating for peace in conflicts".
- **Awareness** initiatives related to peace culture in Catalan and Spanish society through various educational activities.
- **Analysis and** daily monitoring of international events, regarding **armed conflicts, situations of tension, humanitarian crisis and gender** (Conflicts and Peace-building Program).
  - Monitoring and analysis of different countries undergoing peace processes or formal negotiations, or countries which are in an exploratory phase of negotiations (Peace Process Program).
  - Analysis of different themes linked to **disarmament**, with special attention given to the processes of Disarmament Demobilization and Reintegration (DDR) of ex-combatants (Disarmament Program).
  - Monitoring and analysis of peace-building in postwar contexts (Postwar Rehabilitation Program).
  - Monitoring of the international situation regarding human rights and, in particular, the mechanisms of transitional justice, the social responsibility of business and the impact of multinationals in conflict contexts (Human Rights Program).
- The promotion and development of the understanding, the values and the capacity for **peace education** (Peace Education Program).
- Analysis of the **contribution made by music and the arts** to peace-building (Art and Peace Program).

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