

WARN POLICY BRIEF



CRISIS IN CÔTE D'IVOIRE

July 8, 2005

OCTOBER 30 PRESIDENTIAL ELECTIONS: INTRICACIES AND THREATS

Author: Takwa Z. Suifon & Emmanuel H. Bombande with field reports from Cote d'Ivoire.
Email contacts: ztakwa@yahoo.fr, Ebombande@wanep.org, wanep@wanep.org ,
Website: www.wanep.org; Tel: +233 21 221 318/388; Phone: 00234 (0)803 355 7620; +234 (0)9314 5155;
Fax: +234 (0)9314 5155. © WANEP July 2005 All Rights Reserved.

INTRODUCTION

Though the Ivorian peace process has come a long way, it remains delicate and fragile. The flagged issues of *ivorité*, marginalization, legitimacy, and xenophobia have gradually been overshadowed by two key contentions, namely: disarmament of irregular forces and elections. Meeting in Pretoria¹, South Africa, April 3-6, 2005, the protagonists of the Ivorian crisis resolved, albeit under pressure, to sink their differences and move the peace process forward. President Thabo Mbeki has braced all the odds² and remained a resolute and firm mediator thanks to the support he enjoys from the ECOWAS, AU, EU and UN, coupled with the respect and acceptability he enjoys within the protagonist circle. What has been dubbed Pretoria I outlined practical steps towards the implementation of the Marcoussis (framework) settlement and the subsequent Accra Agreements. The impasse that ensued after Pretoria I compelled President Mbeki to convene another fence mending meeting between the principal actors of the Ivorian crisis (Pretoria II) on June 28-29, 2005.

WEST AFRICA EARLY WARNING NETWORK (WARN)

The West Africa Early Warning Network (WARN) is an integral part of the West Africa Preventive Peacebuilding Program co-ordinated by the West Africa Network for Peacebuilding (WANEP). A member of the FEWER, WANEP through its WARN Program is setting the stage for a civil society-based early warning and response network in Africa.

WARN covers the entire Economic Community of West African States (ECOWAS) sub-region including Cameroon and Chad. Though our main focus has been the Mano River Basin countries of Sierra Leone, Guinea, Liberia, and Côte d'Ivoire, we are now expanding to cover the entire sub-region.

WANEP has entered into an agreement with ECOWAS through the signing of a Memorandum of Understanding (MOU) in the framework of capacity building in Conflict Prevention. One of the goals of this agreement is to interface WARN with the ECOWAS Early Warning System for the purpose of conflict prevention in West Africa.

The planned October 30th election is critical to the unfolding socio –political imbroglio in Cote d'Ivoire. This policy brief highlights the two Pretoria meetings and:

- *Attempts an assessment of the degree of compliance by the protagonists;*
- *Analyzes the key political intricacies (and intrigues) that may undermine the effective implementation of the peace agreement in the spirit of Pretoria I & II;*
- *Suggests possible scenarios between now and October 30th, 2005; and*
- *Proposes options for response to avert a possible relapse to violence.*

¹ Now re-baptized Tswane.

² Sceptical or perhaps not in favour of the choice of Mbeki as mediator, President Chirac of France insinuated during a visit to Senegal that Mbeki did not master the psychology and minds of the West African.

From Pretoria I to Pretoria II: Obstacles, Decisions, Level of Compliance

This section critically highlights the evolution from Pretoria I to Pretoria II and focuses on the issues at stake, the decisions and how the belligerents have complied with the decisions. We have pulled together the key issues and made complementary observations and remarks in view of critical elections in the horizon (**see annex attachment that follows this analysis**).

Critical Intricacies That May Undermine Effective Elections

Conducting free, fair and transparent elections in Côte d'Ivoire would be determined by the following intricate issues:

Advocates of a Constitutional Vacuum: That some key actors of the Ivorian crisis would celebrate a failure to organize elections as scheduled is not an over statement. While clamouring for elections, members of the G7 opposition coalition already went to Pretoria II with a motion for the postponement of elections. Certainly, from all indications, there is ample evidence to buttress the fear that the time is too short to organize effective polls. By dilly-dallying the disarmament, the opposition coalition against President Gbagbo (on whom all is blamed) envisages a constitutional vacuum after October 30, 2005 when the latter's mandate is supposed to end, leaving the Presidential seat "free for grabs". But the President's camp says the issue of constitutional vacuum is false as the incumbent is legally in power until he hands over to an elected President. They accuse Gbagbo's opponents of "avoiding polls" for fear of defeat.

Risk of Violence during Electoral Campaign: Signals from Guitrozon and Petit Duékoué in western Côte d'Ivoire where a deadly attack by assailants³ resulted in scores of deaths is a clear signal that the electoral campaign, if not properly regulated (in terms of message, strategy, and style) may trigger violent and uncontrolled conflict. Moreover, a poll that is not judged transparent and acceptable could result in a repeat of the 2000 street revolt that finally tumbled General Robert Guei and paved the way for President Gbagbo's ascension to power. Vengeance and acrimony is still rife and elections may provide a springboard for renewed violence and tribal/ethnic rivalries.

Burkina and Other Foreign Voters: Since the years of Houphouët Boigny, foreigners/settlers from neighbouring countries have been used to beef up votes during elections. Driven by the zeal to win the elections 'at all cost', Ivorian politicians may stop at nothing to 'tap on' the Burkina and other West African nationals for political gains. This may aggravate the already tense settler-indigene crisis and risks resuscitating xenophobia. This would however be less a threat if the identification process proceeds effectively. More so, if the Government of Burkina Faso proceed to register its Diaspora population⁴ in view of the November 2005 Presidential elections, the risk of 'using

³ Analysts and newspaper reports say the attack was masterminded by former rebels who had all along sought for strategies to delay the DDR process until the threshold of President Gbagbo's mandate-31st October. By so doing, and with the conviction that the President's supporters were going to unleash a wave of reprisal attacks, the peace process was to be pronounced dead and the former rebels belief that President Gbagbo and his Youth Patriots were not out for peace was to be vindicated. This view, however, seems subjective as another version says that the attackers were disgruntled pro-government former Liberian fighters who might not have been settled by their 'employers'. ONOCI has distanced itself from this second version that was crediting the document to the UN Mission.

⁴The Burkina population in Cote d'Ivoire according to most write ups at the wake of the post September 19 crisis is about 4 million, most of them of voting age. These people cannot be denied the right to vote in Cote d'Ivoire and even in their own country. TOCIN, a civil society organization in Burkina Faso has suggested that these Diaspora votes be included in the Burkina Faso electoral list in view of up-coming elections.

foreign votes' may be minimised and/or managed.

Financial Burden of DDR and Elections: Perhaps one of the greatest obstacles yet to be overcome is the financial implication of the DDR process as well as the elections. The money is still to be raised and there is the fear that this may hamper the smooth functioning of these critical processes. France, a key stakeholder in the crisis is facing a lot of economic and political embarrassment back home. The DDR does not only face financial constraints but rebel leaders are increasingly becoming hostages of their resenting rank and file who were promised heavens but now have to lay down arms.

Other issues include a lack of knowledge of real number of militias and thus inability to determine their level of armament; risk of urban rebellion; mutual suspicion and insincerity of belligerents. An observation worth highlighting is the fact that there seems to be points of divergence between the AU⁵ and UN (or rather France) on Cote d'Ivoire. The AU Libreville pronouncement on Cote d'Ivoire made no mention of the French *Operations Licorne* forces, and as if to retort, the subsequent UN Security Council Resolution repeatedly spelt out 'ONOCI and the French *Licorne* impartial forces'.

Possible Scenarios

Between now and October 30, 2005, the following scenarios can be envisaged.

Best Case Scenario: Free, transparent and violent-free elections hold. All parties accept the verdict of the polls and a legitimately elected leader emerges. The winner dumps the winner-take-all ideology and forms a government of national unity aimed at reconciling the Ivorian nation torn apart by hatred and self destruction. Cote d'Ivoire once again regains its rightful and respectful place in the comity of nations as the economic hub of West Africa as the international community pours in huge reconstruction funds.

Middle Case Scenario: The refusal or delay to disarm on time results in an inability to strictly follow the time table for disarmament and hence elections do not take place on October 30. However, the ability of the chief mediator, President Thabo Mbeki, to keep the belligerents talking and meeting results in a new arrangement that include a new date. Adequate preparation and more sensitization to attenuate the tension on the ground is made.

Worst Case Scenario 1: Irregular forces refuse to completely disarm as militia and former rebels prevaricate on who has to disarm first, and when to do so. International pressure and the imperative of an UN exit strategy, induces the organization of a 'failed electoral process.' Electoral campaign marred by violence and counter violence soon degenerates into open confrontation between rival parties and ethnic groups.

Worst Case Scenario 2: Elections supposedly go on as planned and the outcome is judged as free and fair by the international community and observers. However, the losing party/candidate (or candidates) refuses to recognize the verdict and proclaims self as winner. The stalemate persists and Côte d'Ivoire once again glides into the abyss of

⁵ Also, the last AU Peace and Security Council communiqué of its 34th meeting held on July 3, 2005 stresses the need for all Ivorian parties "to abide by the Constitution of the country" as part of over all efforts at restoring peace (paragraph 4). In reaction, President Gbagbo expressed his satisfaction with the communiqué.

uncertainty and a climate of renewed war looms.

Options for Response

The following issues and proposed measures should be considered by policy makers:

- *Code of Conduct Pact for belligerents:* The belligerents should establish a code of conduct for election campaigns. Inflammatory statements and uncontrolled political propaganda may mar the electoral process.
- *Transparent voter list:* Only a thorough and transparent voter list would elicit the confidence of all contending parties.
- *Tackle the Crisis in western Cote d'Ivoire:* Tackling the security and humanitarian crises in western Cote d'Ivoire is an imperative. A declared state of emergency and military rule in the area has instead widened the confidence gap between the opposition and the Government.
- *Financing of DDR and Elections:* Appropriate funding of the processes of DDR and elections is a critical challenge. The source of money to finance the costly DDR and the elections is still not determined, and constitutes a major pre-occupation.
- *End to conditional disarmament:* None of the agreements made disarmament conditional. Consistent prevarication by the protagonists must be condemned and their main actors called to order.
- *Sanctions but...:* The idea of sanctions is welcome, but the history of sanctions has very little to offer in terms of achievements. How would an arms embargo for instance affect the (former) rebels when no one has officially established their supply channels? Or are the sanctions targeting only the state actors?
- *Gbagbo, Ouatarra, Bedié and Soro need help:* Because of hitherto entrenched positions and for political expediency, politicians seem to be always intransigent. This is a false perception. President Gbagbo has yielded to Mbeki's plea and given many concessions. There is the possibility that other protagonists can listen to other leaders, particularly French authorities (with close ties to the Ivorian opposition).
- *Sub-Regional Reconciliation:* Mbeki should facilitate a truly reconciliatory meeting between President Gbagbo, President Compaoré and President Lansana Conté of Guinea, without which the solution to crisis remains incomplete.⁶ Without this, durable peace is still far from within reach.
- *Diaspora vote:* Civil Society in Burkina Faso had suggested that the "over 5 million" compatriots in Côte d'Ivoire should be made to take part in national governance through the exercise of their civic voting right. Failure to do this would expose these "floating" voters to the manipulation of Ivorian politicians on all sides of the divide.

Conclusion

It is one thing to take the horse to the stream and another to make it to drink. The protagonists once again assured the international community and the suffering Ivorian masses that they are ready to make peace through the ballot, and not the barrel of the gun. Any delay in the disarmament and dismantling of militias is dragging the nation

⁶ Maitre Hermann Yaméogo, a leading Burkina Faso UNDD opposition figure and son of former President of the then Upper Volta in an open letter to President Mbeki warned that except Presidents Gbagbo and Blaise Compaoré reconcile, the peace would not hold. According to the Lawyer Yameogo, "it is in Ouaga, not in Pretoria that resides the solution to the Ivorian crisis" (source: *L'intelligent d'abidjan*, June 29, 2005). Djédjé Mady, Secretary General of PDCI opposition party in Cote d'Ivoire had also remarked that if President Gbagbo and Compaoré are locked up in a room, they would come out with a solution to the Ivorian crisis.

towards October 30 threshold and heralding more uncertainty. A constitutional vacuum would be a bad situation for its management would be more difficult than the present fragile peace process. The clamour for a transitional government (without President Gbagbo's participation as some opposition voices are saying) would even be worse. But a violent overthrow or removal of President Gbagbo, after what his supporters claim are a basket of concessions, would be suicidal. Cote d'Ivoire remains a powder keg.

Annex: Summary Tabulation, Pretoria I & II: Process/Implementation

	Key Issue/Obstacle	Decision (Pretoria I)	Level of Implementation (Pretoria II)	Observation/Expectation
1.	Common declaration of an end to the war	<ul style="list-style-type: none"> • Renouncement of all hostilities all over national territory. • Rejection of use of force as means to settle differences • Reaffirmed right of Ivorian people to peace and development • Condemned violent outbursts of Nov. 4-6, 2004 and Feb. 28, 2005 	<ul style="list-style-type: none"> • Recalled declaration of an end to war of April 6, 2005 • Pledged to take measures to re-enforce the message of an end to hostilities 	<ul style="list-style-type: none"> • Recent attacks (June 1-2, 2005) in western Cote d'Ivoire undermined this resolve. • Condemnation from international (if at all) community was lacklustre, sending wrong signals.
2.	Disarmament and Dismantling of Pro-Gbagbo Militias	<ul style="list-style-type: none"> • Immediate disarmament and dismantling of all militia and armed groups; • PM to produce a time table for implementation ; • President of Republic to designate appropriate Defence and Security forces to help implement disarmament of militias; to be assisted by impartial forces 	<ul style="list-style-type: none"> • Effective dismantling of militia yet to commence; • Process must start before August 20; • PM, Mediator and ONOCI to evaluate further assistance needed to speed up the process and meet deadline. 	<ul style="list-style-type: none"> • On CNN while on visit to US, President Gbagbo said militias were formed to counter insurgency and the day the insurgency or rebels ends, militias would disappear; "Militia is a consequence, not cause of crisis" he concluded.
3.	Disarmament, Demobilization and Re-insertion (DDR).	<ul style="list-style-type: none"> • Chiefs of Staff of regular army (FANCI) and former rebels to meet immediately and ensue implementation of DDR, assisted by experts nominated by the Mediator; • Same Chiefs of staff to recommend army reforms to based on moral integrity and republican values and submit to PM ; • Two protagonist forces convened to meeting in Bouaké, April 14, 2005. 	<ul style="list-style-type: none"> • Grave concern of no headway in DDR; • Chiefs of Staff of protagonists to meet July 7 to finalize timetable of DDR; • Three cantonment sites in north would be ready in three weeks; sites in south are since ready; Onsite receiving of combatants begins end of July, pending amendment of laws on nationality and identification 	<ul style="list-style-type: none"> • 'Conditional disarmament' as it now stands is dangerous omen and may take elections hostage; • There seems to be less pressure from int'l community on rebels as is on Gbagbo and risk of voting with Kalashnikovs is likely (as Charles Taylor did in 1996).
4.	Security within the 'New Forces' territory	<ul style="list-style-type: none"> • 600 'New Forces' soldiers would be recruited and trained to join the National Gendarmerie and Police with help of ONOCI forces; • These new recruits would be re-deployed alongside ONOCI forces; • Upon restoration of state authority nationwide, 	<ul style="list-style-type: none"> • Efforts underway to train the 600 New Force commended • Trainers are ready and identification of trainees underway. Mediator and ONOCI to further examine the supplementary assistance in this 	<ul style="list-style-type: none"> • This constitutes part of the re-insertion process • It is always exciting in peace processes to share experiences and lesson learned of rebel-turned-protector.

		recruits to finalize r training and integrated into regular police/gendarmerie forces	direction	
5.	Security of members of Government of the 'New Forces'	<ul style="list-style-type: none"> Belligerents accepted the security plan proposed by the Mediator. New Forces (NF) agreed to re-join the Government of National Reconciliation 	<ul style="list-style-type: none"> Security guards of NF already trained and Ministers could now take their seats in gov't; General plan for said security to be adopted on July 7 meeting; Specific priority to accorded presidential hopefuls-Ouatarra & Bedie, including Soro. 	<ul style="list-style-type: none"> Weakness here is that there no guarantee that beneficiaries of such an arrangement may cry wolf abusively or (un)necessarily. May result in militarized political campaigns; No guarantees against mass action
6.	Delegation of Powers to the Prime Minister (PM)	<ul style="list-style-type: none"> Need for sufficient executive powers to the PM as stressed in Marcoussis document was raised for him to accomplish his mission; President of Republic reaffirmed the PM's authority. 	<ul style="list-style-type: none"> Pretoria II did not focus on this as an issue 	
7.	Independent Electoral Commission (CEI)	<ul style="list-style-type: none"> Belligerents agreed to make modifications on the composition, organization and functions of CEI Two (2) representatives from each Marcoussis signatory and six (6) from 'New Forces' into the Central Commission of CEI; Those with voting rights include a representative of each of the Marcoussis signatories, reps of the President of the Republic and National Assembly. New amendment to be submitted to Parliament to allow parties designate their representatives to CEI 	<ul style="list-style-type: none"> All legislative laws related CEI must be adopted by July 15 and CEI must begin functioning latest July 31st; CEI as sole institution organizing elections; national statistics institute (INS) to serve under the CEI; Prompt role of UN Security Council in electoral process recognized and UN Secretary General asked to quickly nominate the elections supervisor for Cote d'Ivoire 	<ul style="list-style-type: none"> Elections are very critical to the peace process. The fear is that the zeal with which belligerents are vying for power would result in a deliberate refusal of the verdict by eventual losers and plunge the country into yet another phase of uncertainty. On the other hand, a successful process would restore the legitimacy in leadership. This may not cloud the very big unintended message that has been sent- the fact that future frustrated individuals may likely take up guns and negotiate their way to power or seek major political concessions. The issue of Diaspora votes of Burkina Faso nationals (in view of their Presidential polls in November) must be resolved before electoral list established in CI.
8.	Composition and Functions of the Central Committee of CEI	<ul style="list-style-type: none"> 12 member Central Commission: 1 rep. from each Marcoussis signatory; 1 rep. of President of Rep.; 1 Rep. from Pres. Of Nat. Ass. Mandate ends after general elections 		
9.	Organization of Elections	<ul style="list-style-type: none"> Belligerents acknowledge difficulties and sensitivities Mediator to invite UN to assist in tasks assigned the electoral commission, and constitutional council This UN intervention should be mandated with appropriate powers 		

10	Composition of the Administrative Board of the National Radio Television (RTI)	<ul style="list-style-type: none"> • RTI must be used as instrument for national reconciliation; • Broadcast should cover the national territory with immediate effect; • Immediate rescinding of decrees nos. 2004-678 & 2005-01 • Min. of State (Soro Guillaume) in collaboration with PM to propose names to Board of Admin. of RTI 	<ul style="list-style-type: none"> • President Gbagbo to issue new decree restoring the dissolved RTI Board of Admin. • Measures to give all parties access to state media; improved quality of programmes 	<ul style="list-style-type: none"> • Information is power and he who controls it controls the power; • It would be challenging in electoral moment to see how this equity is guaranteed. • It may turn the RTI into a propaganda battle ground that may end up inciting the masses.
11	Re-Submission of Marcoussis Texts to the National Assembly	<ul style="list-style-type: none"> • Ministers concerned to re-submit draft texts to N.A. • Signatories of Accord plead with NA to adopt laws latest April ending. • Financing of political parties not represented in NA to be considered. 	<ul style="list-style-type: none"> • By July 15, NA must adopt all relevant laws (CEI, financing if political parties, nationality, identification, human rights commission, written press and audio-visual press) in conformity with Pretoria decisions; • Polit. Parties with elected councillors would be financed; • Mediator mandated to take exceptional measures to compel the Head of State to use decrees if not complied 	<ul style="list-style-type: none"> • National Assembly has become a primary stakeholder in Ivorian crisis but still left out of high level talks. • The FPI led National Assembly argues that they are not rubber stamps; that the right to amend laws is constitutionally theirs.
12	Eligibility to Presidency of Republic	<ul style="list-style-type: none"> • Concerning Article 35 on eligibility, Mediator to consult on matter and communicate later; • Belligerents asked to enter into rapprochement in pre- and post electoral period 	<ul style="list-style-type: none"> • Recognized that President Gbagbo's use of Art. 48 on April 26th announcement easing Article 35 was a very significant step towards peace. • Future use of Art. 48 must be endorsed by all Pretoria signatories 	<ul style="list-style-type: none"> • Gbagbo supporters say this largesse has not been replicated or paid back by his opponents who continue to ask for more concessions. • Reconciliation is give and take and both sides must make tangible concessions
13	Interpretation of the Accord	<ul style="list-style-type: none"> • In case of doubtful or deliberate (mis) interpretation of accord, Mediator has a final say 	<ul style="list-style-type: none"> • For elections to hold as planned, Mediator asked to play a more active role in implementation 	<ul style="list-style-type: none"> • Ivorian belligerents had become champions of deliberate misinterpretation.
14	Sanctions	<ul style="list-style-type: none"> • Belligerents warned that the Africa Union (as is the UN in its Resolution 1572 of 15 November 2004) stands ready to slam sanctions on any party that refuses to implement or attempts to block or delay the process. 	<ul style="list-style-type: none"> • Besides sanctions, 'close associates' of belligerents should play positive behind the curtain roles. 	

Source: Final Communiqués, Pretoria I and II, AU Peace and Security Council Communiqué (July 3, 2005) on Cote d'Ivoire. Translation and observations on Pretoria documents are ours.