

PROGRESS WITH PEACE IMPLEMENTATION AT THE POLITICAL LEVEL ³⁸

Formation of the Government of National Reconciliation

The 24 January 2003 summit at Kléber, Paris, concluded with the endorsement of the appointment of the consensus Prime Minister Elimane Seydou Diarra, a seasoned diplomat and a former Prime Minister in a previous military regime under Brig. General Robert Guei. This was not an easy choice to make. Diarra's past - as Prime Minister under coup-maker Guei - was a source of uneasiness among some of the key players involved. There was also concern over the imminent dissolution of the Government of President Gbagbo, whose Prime Minister, Pascal Affi Nguessan, was to lose his job.

The consensus Prime Minister was unable immediately to assume office in Abidjan. There were widespread public demonstrations in Abidjan against the arrangement, but he was eventually inducted into office at Yamoussoukro on 10 February 2003. The consultations on the formation of the Government of National Reconciliation were stalled over differences of views among the political leaders, in particular sharp disagreements over the allocation of the portfolios of Defence and of Internal Security to the Forces nouvelles, and the scope and terms of the delegation of the necessary executive authority to the Prime Minister, as envisaged under the Linas-Marcoussis Agreement. It was thanks to ECOWAS and its Chairman, President Kufuor of Ghana, in close cooperation with the SRSG, that the Round Table was convened in Accra from 6 to 8 March 2003. This historic Round Table defused the heightened tension over the underlying matters of discontent among the Ivorian parties.

It cleared up, as it were, the confusion over the disposition of ministerial portfolios, the decision of the Forces nouvelles to swap their preferred choice of the two portfolios of Defence and Internal Security for those of Communications and Territorial Administration (Local Government). It set up a National Security Council to oversee the interim administration of the Defence and Security portfolios and to establish a procedure for the eventual appointment of the two Ministers. It was equally necessary to dispel any rear-guard action from any quarters designed to erode the constitutional status, and the authority of President as Head of State, Commander-in-Chief of the Armed Forces and defender of the

Constitution and institutions of State. It enunciated the principles of upholding the sovereignty and territorial integrity of the State and the accession to power by democratic means.

These points of agreement reached at the Accra II Round Table are worthy of note and constant reminder because they constitute the nugget of the disagreements, the lack of mutual trust and confidence, absence of cohesion within the government, and among the political forces not used to working together. They reflect to this day grievances uttered from some quarters of the political arena in Côte d'Ivoire. Against this backdrop Accra II made possible the first successful attempt in the formation of the Government of National Reconciliation which was sworn in on 13 March 2003. It took subsequently three sessions of the Government in Yamosoukro, in the august presence of President Kufuor of Ghana, President Obansajo of Nigeria, and President Eyadema, before the Forces nouvelles agreed over objections of security risks, to take up their offices on 16 April 2003.

Programme of peace implementation

In accordance with the Linas-Marcousis Agreement and the decision of the UN Security Council, the Government of National Reconciliation presented to the National Assembly its draft Programme for the implementation of the Linas-Marcoussis Agreement. The Programme proposed mechanisms and a tentative time-table for addressing focal issues as envisaged under the Agreement. These were:

1. Code of Nationality – citizenship;
2. National identity and Status of foreign nationals;
3. Electoral system;
4. Eligibility criteria for election to the Presidency of the Republic;
5. Land Tenure system;
6. The Media; rights and freedom of the individual; rule of law and independence of the Judiciary;
7. Disarmament, Demobilization and Reintegration (DDR);

8. National economic recovery, reconstruction and social cohesion; and
9. National reconciliation.

It was envisaged that the texts of some 41 draft decrees and bills would be prepared and submitted to the National Assembly for adoption within a reasonable timeframe. As in all such cases, due to political disagreements, not to mention the bureaucratic red tape, the time-table set for implementing many of these measures has been more than elastic. The vast Programme envisages mechanisms to ensure the effective proof of Ivorian nationality consistent with applicable laws. These mechanisms include a National Commission on Naturalization to review the existing laws, study comparable legislation on the identification process in ECOWAS countries, and recommend residence permit requirements for ECOWAS nationals, as well as measures to improve the residence status of foreign nationals.

On the electoral system, the Government envisages restructuring the Independent Electoral Commission, introducing legislation to ensure a credible voters' register, addressing the question of funding for political parties, and taking measures to guarantee the independence of the judiciary in adjudicating on electoral disputes.

On the related use of eligibility for election to the Presidency, the Government intends to adopt measures to set the minimum age of candidates at 35 years and limit the tenure of office to two five-year terms. The candidates must be Ivorian citizens with either of their parents born Ivorian. This issue will be plebiscited at a referendum.

As regards the rights and freedom of the individual, the measures envisaged include the setting up of a National Human Rights Commission, and the establishment of an International Commission to investigate cases of serious violations of human rights and international humanitarian law that have occurred since the outbreak of the conflict in September 2002.

With respect to the Media, the Programme envisages measures to be implemented over time, beyond the elections of October 2005. They would include legislation to ensure freedom of the press and to strengthen media regulatory bodies, as well as measures against abuses such as calumny, hatred and xenophobia, and steps to ensure the impartiality of state-owned media.

The programme of DDR of former combatants has been formulated, drawing upon lessons drawn from the exercise in Sierra Leone. A team of experts,

commissioned by the World Bank and UNDP assisted the Government through its National Commission on DDR (NCDDR) to design the Programme. This programme has come up against obstacles in its start-up due to political objections by the political wing of the *Forces nouvelles*. They now pose several pre-conditions to the implementation, in particular its time scheduling, the passage of certain laws, the election of 2005 etc.

As part of its overall objective to implement the Linas-Marcoussis Agreement, the Government of National Reconciliation has embarked on a strategy aimed at gradually reunifying the country through the extension of State authority throughout the country, and restoring public services in the areas of the North and West under the control of the *Forces nouvelles*. This began on 22 May 2003, when the Prime Minister convened a symbolic meeting of Ministers in Bouaké, the seat of the *Forces nouvelles*. Technical assessment missions comprising officials from banking institutions and utility companies were sent to the North to restore economic and social services.

These efforts have not met with much success. In early February 2004 the Minister of Education, with the support of the international agencies such as UNESCO and UNICEF, took concrete steps to reopen schools in the areas under the control of the *Forces nouvelles*. Examinations were conducted to close the 2002-2003 academic year. These efforts are, unfortunately, being undermined through parallel measures declared and taken by the *Forces nouvelles*. Their design is to manage all these services, set up institutions and a parallel administration in a deliberate strategy to effect the increasing autonomy of the sectors under their control from the central government. Meanwhile, however, rail links have been successfully restored between Côte d'Ivoire and Burkina Faso and Mali.

As a complementary strategy, President Gbagbo and the Prime Minister have embarked on outreach diplomacy, either through meetings of ECOWAS or through special missions, to restore good relations with the neighbouring countries of Senegal, Guinea, Mali, Liberia, Ghana, Togo and Niger.

Strains in the Government of National Reconciliation

The Government of National Reconciliation enjoyed an initial brief spell of functioning from March to September 2003. On 12 September 2003, the formation of the Government was completed by the appointment of the three remaining Ministers of Defence, of Internal Security, and of Women, Family and Children. The full panoply of 42 Ministers, including the "consensus" Prime

Minister, was expected to be effectively functioning as at that date. Unfortunately this was not to be, because of the protests of the *Forces nouvelles*, who objected to the procedure of appointment adopted by the President, asserting that it was in violation of the process agreed under the Accra II Agreement. They added other grievances, primary among which were their concerns over their personal security and over the delegation of "full executive authority" to the Prime Minister, as agreed under the Marcoussis and Accra II Agreements. Consequently, from 23 September 2003 until 6 January 2004, the *Forces nouvelles* suspended their participation in the meetings of the Government and of the Council of Ministers. The suspension only ended with the intervention of some ECOWAS leaders and the decision of ECOWAS to finance the cost of reinforcing the security for the Ministers of the *Forces nouvelles*.

Meanwhile, the atmosphere of general security has been fragile, because of tensions generated by hostilities which erupted between certain militia groups and elements of FANCI, on the one side, and on the other, the military wing of the *Forces nouvelles*. There have also been tensions created by the interchange of inflammatory declarations over the commitment of political forces to the implementation of the Linas-Marcoussis Agreement.

This state of affairs necessitated the visit of a Special UN Security Council Mission to Côte d'Ivoire in June/July 2003 to assess the situation and advise on how to reinvigorate the peace process. The mission conveyed a firm message calling on all Ivorian parties to the peace process to demonstrate renewed commitment to the full and unconditional implementation of the Linas-Marcoussis Agreement. The mission also drew attention to the wider repercussions of the conflict in the sub-region and the need for a mechanism of cooperation to develop a regional strategy to address cross-border issues such as the flow of arms, use of mercenaries and child soldiers, refugees and displaced persons, humanitarian assistance, DDR, pandemics such as HIV/AIDS, and effective and cost efficient pooling of assets and logistics among the three contiguous UN Peace-keeping Operations in Sierra Leone, Liberia and Côte d'Ivoire.³⁹

The National Assembly is a key player and focal institution in the implementation of the Linas Marcoussis Agreement. Its proceedings reflect the pace of political developments. It is obviously the arena for political actors to play out their divergent positions. In its current state the National Assembly does not reflect fully the political spectrum: Its 223 deputies represent FPI, PDCI, UDPCI, UDCY and other independent groups calling themselves the Solidarity Group. There are no deputies belonging to the RDR, nor the *Forces nouvelles*.

The return on 6 January 2004 of the Forces nouvelles Ministers to the Government gave hope that with the full government in place, work will proceed to complete consideration of the relevant draft texts of legislation as required under the Linas-Marcoussis Agreement. The President had instructed the Prime Minister to schedule additional meetings of the Council of Ministers to enable the texts to be approved and laid before the National Assembly. At the request of the President, the first extraordinary session of the Assembly convened to consider some of the draft texts relating to the identification of people and the residence status of foreigners; the establishment of the new Independent Electoral Commission; and the establishment of the National Commission on Human Rights. Later, the texts on Land Reform and others such as the financing of political parties, regulatory regimes for media, Press freedom and the financial independence of media were also tabled. However, among the several significant texts yet to be laid before the Assembly figure those on the Nationality Code, the amendment to Article 35 of the Constitution on the eligibility criteria to the Presidency.

Meanwhile, the activities of militias and youth groups disruptive of law and order re-emerged.⁴⁰ These groups were involved in protests to obstruct the Minister of Justice in her administration of the judicial service under her purview. Her threats to resign from her post proved effective in securing official intervention to restrain the disruptive activities of these groups. However, the long-standing grievances of the opposition parties, once championed by the Forces nouvelles, have been resuscitated under the leadership of PDCI.

The proximate cause was over the claim by the PDCI for their Minister of Economic Infrastructure to exercise his official discretion to appoint the Managing Director of the Independent Port Authority. Added to this, were the complaints by the opposition parties in government over impediments in the way of the smooth functioning of the Government of National Reconciliation and of their own performance of duties. These complaints led to the decision of the PDCI, on 3 March 2004, to instruct its Ministers to suspend their participation in the meetings of the Government and of the Council of Ministers. The decision was supported by 6 other opposition parties (RDR, Forces nouvelles, UDPCI and MFA).

In consultations immediately following this, the Group of 7 or the Coalition of *Marcoussistes* sprang into existence in the weekend of 6 to 7 March 2004. The Group thereafter galvanized itself in solidarity to withdraw from government thus deepening the impasse in the government and the rift between them and President Gbagbo together with his FPI party. A Memorandum of grievances prepared by the *Marcoussistes* was formally submitted to President Gbagbo and the Prime Minister.

In the face of this serious setback to the peace process, there was no end to the continuing flurry of diplomatic interventions and mediatory initiatives launched to urge President Gbagbo and the Ivorian parties to defuse the political tension. President Chirac of France, the Secretary General of the UN, President Kufuor, Chairman of the ECOWAS and other ECOWAS leaders proffered advice and their good offices in their attempt to bring about a solution to the crisis. The SRSG and the Monitoring Committee took leading initiatives to impress on all the parties, the need to remain in government and resume dialogue in order to resolve their differences and put the peace process back on track.

All these mediatory demarches proved of no avail in dissuading the *Marcoussistes* from organizing the 25 March demonstrations, which resulted in clashes with the security forces that led to the death of many people. The impasse had reached critical and tragic proportions, and there could be no heeding appeals for the return of the *Marcoussistes* to government and the recourse to dialogue and negotiations to redress outstanding grievances. After due consultations, the Secretary General appealed to President Gbagbo to take the initiative to undertake measures aimed at bringing all parties to the negotiating table. Among the other measures he recommended taking were the annulment of the decree banning demonstrations; recognizing the civil liberties of citizens; an international inquiry into the events of 25 March 2004; and offer of compensation to victims of the tragedy.

As a follow-up to his initiative, the Secretary General dispatched Mr. Jean-Marie Guehenno, Under-Secretary General for Peace-keeping Operations, to lead a high-level delegation comprised of representatives of three of the Permanent Members of the Security Council (USA, UK and France), the Executive Secretary of ECOWAS, and the representative of the African Union. The objective of the mission was to talk to all Ivorian parties and to encourage them to assume their collective and individual responsibility for implementing the Linas-Marcoussis Agreement and to put the peace process back on track by demonstrating their reciprocal commitment to the effective implementation of the mandate of UNOCI. The mission conveyed a firm message to all in consonance with the expectations of the UN and the international community. There was an undercurrent message that the international community was getting impatient with any adverse actions by any party to undermine the peace process.

In a Presidential statement, the Security Council subsequently urged all Ivorian parties to show commitment to the application of the Linas-Marcoussis Agreement failing which the Security Council would advise itself on what measures it could take against such recalcitrant party.

The message has produced ripples among the political class and public in Côte d'Ivoire. Various parties have been allowed to organize activities and demonstrations with safe conduct guaranteed by the FANCI and supported by the impartial forces of UNOCI and LICORNE. The UN International Commission of Inquiry has been to Côte d'Ivoire and completed its mission. These developments have somewhat provided a stimulus for the active initiatives currently being undertaken behind-the-scenes by the President and the Prime Minister to revive the peace process. These initiatives are aimed at bringing together all parties in the government for negotiations over the pending grievances. The good offices of certain ECOWAS leaders will also be summoned to provide political encouragement and blessing to the process.

Unfortunately, the "leak" of the report of the UN International Commission of Inquiry has somewhat "muddied the waters" as it were. The findings in the report have provided grounds for mudslinging in the political arena. This has not augured well for the prospects of a resumption of dialogue and a return of the *Marcoussistes* to government.

The Role of the Monitoring Committee

The Monitoring Committee was a product of the Linas-Marcoussis Agreement. The ten-member Committee comprises representatives of the following: The UN SGRC, Prof. Albert Tevoedjre as Chair; a representative of France; a representative of the USA (nominally representing the G8); the Presidency of the EU; the European Commission; ECOWAS; the African Union; the International Organization of Francophonie; the World Bank; and the IMF. In attendance at the meetings, as technical advisors, are the Force Commanders of Licorne and UNOCI.

The complex interplay of political actors, punctuated by sharp differences of positions and the concomitant impasse, has provided "grist to the mill" of the Monitoring Committee. The Committee oversees the implementation of the Linas-Marcoussis Agreement. The committee ordinarily meets once a week; but it often meets in special or informal sessions because of the persistent eruptions of misunderstandings, boycott of government and other actions which disrupt the general political and security situation. Their meetings are confidential and follow the Chatham House rule - i.e. non-attributable statements and positions. Members prefer to bring to bear on the work of the Committee their individual leverages in their continuing contacts with all political actors - from the President, Prime Minister, through to leaders and groups of political forces and members of civil society. They exchange ideas, decide on the courses of action desirable to

assist in mediating any issues and divergences among political forces. Their consultations follow the road-map delineated in the Linas-Marcoussis Agreement. They are open to receiving representations concerning grievances from all political forces. Most of the grievances reveal differences of interpretation of the terms, letter and spirit of the Linas-Marcoussis Agreement. The Committee offers explanations or mediates differences of views, as appropriate.

The overall thrust of the Committee's efforts is intended to promote mutual trust and confidence among all political actors. The Committee keeps under review its method of work. It has delineated a tentative programme work in order to ensure its oversight of the implementation of the Linas-Marcoussis Agreement. This involves a ten-point agenda or cluster of issues:

1. Analysis of the political tasks arising from the mandate of UNOCI (e.g. from implementation of DDR through to steady progress in the peace process leading to the 2005 elections, economic reconstruction and national reconciliation);
2. The implementation of the DDR Programme, in particular the time-table of operations by the military;
3. The draft texts of legislation and decrees laid before the National Assembly, notably among them the Amendment to Article 35 of the Constitution: eligibility criteria for election to the Presidency; the Nationality Code; Financing of Political Parties; the Media, Press freedom; and financial independence of the media;
4. The difficult issues relating to the Identification process, in particular the methodology, structure and progress of its administration;
5. Reunification of the country; extension and deployment of the administration and services throughout the country;
6. Institutional questions, in particular the reconstitution of the Independent Electoral Commission, the National Office of Identification and the Constitutional Court;
7. National coverage to be given by State-owned media; the Television and Radio Service;
8. Equal access of all political forces to public media;

9. Security arrangements to protect leaders of political parties and candidates for Presidential elections; and
10. Detailed measures outlining the stages of national reconstruction.

The weight of the political leverage wielded by the Monitoring Committee rests on the collective co-operation between the representatives of the international community and international institutions.