



Cote d'Ivoire's Post-Election Crisis

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Summary

Côte d'Ivoire has entered a renewed period of extreme political instability, accompanied by significant political violence, following a contested presidential election designed to cap an often forestalled peace process. The election was held under the terms of the 2007 Ouagadougou Political Agreement, the most recent in a series of partially implemented peace accords aimed at reunifying Côte d'Ivoire, which has remained largely divided between a government-controlled southern region and a rebel-controlled zone in the north since the outbreak of a civil war in 2002.

This instability directly threatens long-standing U.S. and international efforts to support a transition to peace, political stability, and democratic governance in Côte d'Ivoire, among other U.S. objectives. Indirectly at stake are broader, long-term U.S. efforts to ensure regional stability, peace, democratic and accountable state capacity-building and economic growth in West Africa, along with billions of dollars of U.S. foreign aid to achieve these ends. The United States has supported the Ivoirian peace process since the 2002 war, both diplomatically and financially, with funding appropriated by Congress. The United States supports the ongoing U.N. Operation in Côte d'Ivoire (UNOCI); funded a UNOCI predecessor, the U.N. Mission in Côte d'Ivoire; and assisted in the deployment in 2003 of a now defunct Economic Community of West African States (ECOWAS) military intervention force. Congress may be asked to consider further Côte d'Ivoire-related assistance if UNOCI is expanded or if ECOWAS mounts a new military intervention force; or to fund emergency humanitarian interventions if the political-military situation significantly deteriorates, as is likely under a range of potential scenarios.

On November 28, 2010, a presidential election runoff vote was held between the incumbent president, Laurent Gbagbo, and former Prime Minister Alassane Ouattara, the two candidates who had won the most votes in a first-round October 31, 2010 poll. Both candidates claim to have won the runoff vote and separately inaugurated themselves as president and formed rival governments. Ouattara bases his victory claim on the U.N.-certified runoff results announced by Côte d'Ivoire's Independent Electoral Commission (IEC). These show that he won the election with a 54.1% share of votes, against 45.9% for Gbagbo. The international community, including the United States, has endorsed the IEC-announced poll results as accurate and authoritative and demanded that Gbagbo accept them and cede the presidency to Ouattara. Gbagbo, however, appealed the IEC decision to the Ivoirian Constitutional Council, which reviewed and annulled it, proclaiming Gbagbo president, with 51.5% of votes against 48.6% for Ouattara. Gbagbo therefore claims to have been duly elected and refuses to hand power over to Ouattara.

The electoral standoff has caused a sharp rise in political tension and violence, resulting in many deaths and human rights abuses, and provoked attacks on U.N. peacekeepers. The international community has broadly rejected Gbagbo's electoral victory claim and endorsed Ouattara as the legally elected president, and is using diplomatic and financial efforts, personal sanctions, and a military intervention threat to pressure Gbagbo to step aside. Top U.S. officials have attempted to directly pressure Gbagbo to step down, and an existing U.S. ban on bilateral aid has been augmented with visa restrictions and financial sanctions targeting the Gbagbo Administration. As of early 2011, Ouattara and Gbagbo were each rigidly adhering to their positions, and regional mediation had produced no tangible results. Continued political volatility is likely if either Ouattara or Gbagbo prevails, and the country is likely to remain bisected in the latter case. A war, whether civil or due to external intervention, is also possible. A unity government might temporarily reduce political tension, but would likely not resolve the root causes of the crisis. If the crisis is resolved, Côte d'Ivoire is well-placed to recover politically and economically.

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Introduction and Implications for the United States

Côte d'Ivoire, a former French West African colony of 21.1 million people that is nearly as large as New Mexico and is the world's leading cocoa producer, has entered a renewed period of extreme political instability in the wake of a contested presidential election. The election was conducted under the terms of the most recent in a series of partially implemented peace agreements aimed at reunifying Côte d'Ivoire, which has remained largely divided between a government-controlled southern region and a rebel-controlled zone in the north since the outbreak of a civil war in 2002. The war, along with the political events that contributed to and followed it, is discussed Appendix B, "Background to the Crisis."

The current instability, which has been accompanied by significant political violence, threatens long-standing U.S. and international efforts to support a transition to peace, political stability, and democratic governance in Côte d'Ivoire, which are prerequisites for long-term socio-economic development in Côte d'Ivoire, another key U.S. bilateral objective. While the situation in Côte d'Ivoire does not directly affect vital U.S. national interests, the country remains an important economic hub in the region, and if the crisis were to devolve into an armed conflict, negative economic and humanitarian impacts in West Africa could be significant. Also indirectly at stake are broad, long-term U.S. efforts to ensure regional political stability, peace, democratic and accountable governance, state capacity-building, and economic growth in West Africa—along with several billion dollars worth of investments that the United States has made in the sub-region to achieve these goals.

The United States has supported the peace process in Côte d'Ivoire since 2002, both politically and financially, with funding appropriated by Congress. It aided in the 2003 deployment of the former Economic Community of West African States (ECOWAS) Mission in Côte d'Ivoire (ECOMICI), a military intervention force. It also contributed 22% of the cost of a 2003-2004 United Nations (U.N.) military monitoring and political mission, the U.N. Mission in Côte d'Ivoire (MINUCI), and continues to fund about 27% of the cost of the ongoing U.N. Operation in Côte d'Ivoire (UNOCI), a multi-faceted peacekeeping mission that succeeded MINUCI.

In response to the expansion of UNOCI authorized by the U.N. Security Council on January 19, 2011, Congress may be asked to appropriate increased levels of funding for the operation. Similarly, if ECOWAS mounts a new military intervention—which the organization has contingently planned, but deferred for the time being—the Administration may request Congressional appropriations to support such an action, as past administrations have for several previous ECOWAS interventions. Lastly, if a renewed armed conflict erupts in Côte d'Ivoire, whether as a result of external intervention or civil war, Congress is likely to be asked to fund emergency humanitarian interventions to aid war-affected civilians and refugees. Under any of the scenarios outlined above, with respect to possible future efforts to consolidate peace if the crisis is resolved, Congress may consider new funding and related oversight activities—or may decide that none should be provided at all, given competing, pressing U.S. priorities. Apart from any consideration of possible crisis-related aid, Congress is likely to monitor U.S. efforts to help resolve the Ivoirian crisis because of the implications of such efforts for bilateral and regional U.S. policy goals.

Current Situation

On November 28, 2010, a presidential election runoff vote was held between the incumbent president, Laurent Gbagbo (*baag-boh*), and former Prime Minister Alassane Ouattara (*Wah-tah-rah*), the two candidates who had garnered the most votes, 38% and 32%, respectively, in a generally peaceful but long-delayed first-round presidential poll held on October 31, 2010. Both candidates claim to have won the runoff vote and separately inaugurated themselves as president and appointed cabinets, forming rival governments. Both claim to exercise national executive authority over state institutions and have taken steps to consolidate their control.

Competing Electoral Victory Claims

Ouattara bases his victory claim on the U.N.-certified runoff results announced by Côte d'Ivoire's Independent Electoral Commission (IEC). These showed that he won the election with 54.1% of votes cast, primarily by a predominantly Muslim, northern electorate, augmented by portions of the ethnic Akan-centered political base of the candidate who took third-place in the first round, Henri Konan Bédié, a former head of state. The results showed Gbagbo winning 45.9% of votes, mostly drawn from the south, notably including Krou ethnic group areas in the south-center and west, some central-east Akan areas, and southeastern Lagoon ethnic group areas. Most of the international community, including the United States, has endorsed the IEC poll results as accurate and authoritative, and demanded that Gbagbo to accept them and cede the presidency to Ouattara.¹ Gbagbo, however, appealed the IEC decision to Côte d'Ivoire's Constitutional Council—stacked with members mostly nominated by Gbagbo or his close ally, Mamadou Koulibaly, the President of the National Assembly—which reviewed and annulled it.² Citing voting irregularities, electoral violence, and a failure by the IEC to formally announce poll results within a legally-mandated three day period, the Council nullified poll results in seven northern departments and proclaimed Gbagbo president, ruling that he had received 51.5% of votes against 48.6% for Ouattara. The Council's decision allocated 2.05 million votes to Gbagbo (52,518 more votes than he had garnered during the first round), while it awarded Ouattara 1.94 million votes (544,492 fewer votes than he had won during the first round).³

Gbagbo, citing the Constitutional Council's constitutionally-prescribed decision, asserts that he is the legally elected president and has rejected international calls to step down. His victory claim has been widely rejected internationally, however, because the Special Representative of the U.N.

¹ For details, see "International Reactions" section, below. In mid-December, the U.N. Secretary-General made a statement reflecting this international consensus. He stated that "the results of the election are known. There was a clear winner. There is no other option. The efforts of Laurent Gbagbo and his supporters to retain power and flout the public will cannot be allowed to stand. I call on him to step down and allow his elected successor to assume office without further hindrance. The international community must send this message — loud and clear. Any other outcome would make a mockery of democracy and the rule of law." UNSG, "Secretary-General's Remarks at UNHQ Year-End Press Conference," December 17, 2010.

² Under the Ivorian constitution, the Constitutional Council is charged with judging the legality of national presidential and legislative nominations and elections and with determining the final results of the presidential elections, including by deciding the outcome in cases of disputes pertaining to the outcome of such elections, among other duties.

³ IEC, *Second Tour de l'Élection du Président de la République de Côte d'Ivoire, Scrutin du 28 Novembre 2010, Resultats Provisoire par Centre de Coordination*, December 2, 2010; and Conseil Constitutionnel, *Décision No CI-2010-Ep-34/03-12/CC/SG Portant Proclamation des Resultats Definitifs de l'Élection Présidentielle du 28 Novembre 2010 au Nom du Peuple de Côte d'Ivoire*, December 3, 2010.

Secretary-General's (SRSG) for Côte d'Ivoire, Choi Young-Jin—based on an independent tally process carried out entirely separately but in parallel to that undertaken by the IEC—“certified the outcome of the second round of the presidential election, as announced by the... IEC, confirming Mr. Ouattara as the winner.”⁴ SRSG Choi concluded that based on his certification, which was “conducted without regard to the methods used and result proclaimed by either the IEC or the Constitutional Council... the Ivorian people have chosen Mr. Alassane Ouattara with an irrefutable margin as the winner over Mr. Laurent Gbagbo.” Gbagbo’s claim has also been rejected because Choi, after closely examining the Constitutional Council’s proclamation negating the IEC decision “certified that ... [it] was not based on facts.”⁵

Côte d'Ivoire: Country Overview

Côte d'Ivoire, a former French West African colony of 21.1 million people that is nearly as large as New Mexico, was politically stable for most of its post-independence period. It had among the strongest economies in the region, attracted significant foreign investment, notably from France, and was a top world producer of cocoa and coffee, among other exports. It remains the world’s largest cocoa producer. Its economic success was built on pro-agricultural policies, often favorable export prices, expanding production, and the labor, in the southern cocoa belt, of migrants from its northern regions and northern neighbors. They worked cheaply in exchange for jobs, land, and farming rights in the south, where a dynamic multi-ethnic society evolved. Significant numbers of military officers were integrated into provincial civilian administration, and promotion through the ranks was reportedly dependant on political loyalty. The military played no central institutional role in domestic affairs, however, and did not threaten the ruling regime. National defense was largely entrusted to France, with which Côte d'Ivoire maintained a mutual defense pact, among other defense agreements. A transition to multi-party politics occurred late in Houphouët's tenure. These outcomes were largely the legacy of Félix Houphouët-Boigny, president from 1960 until his death in 1993. His policies emphasized social inclusion, cooperation, and reinvestment of national wealth in the economy. His semi-authoritarian-style regime was marked by stability, and although it coercively suppressed political opposition parties, a transition to multi-party politics occurred late in his tenure.

In the mid-1980s, calls for democratization, episodic social unrest, and political tensions emerged, spurred by long-term cocoa price and production declines, growing national debt, austerity measures, and decreasing access to new tree cropping land. While resource scarcities underlay these tensions, social competition increasingly began to be expressed in terms of ethnic, regional, and religious identity. The large, mostly Muslim populations of immigrant workers and northern Ivoirians resident in the south faced increasing resistance by southerners and the state to their full participation in civic life and citizenship. Houphouët-Boigny's death generated rivalries over political power and leadership succession rights, and his successor, Henri Konan Bédié, used these divisions to rally political support, making use of a xenophobic, nationalist ideology known as *Ivoirité*. It defined southerners as ‘authentic’ Ivoirians, in opposition to ‘circumstantial’ ones, i.e., northerners and immigrants. It helped fuel increasingly volatile national politics encompassing electoral competition; military, student, and labor unrest; conflict over land rights; and periodic mass protests, some violent, over economic issues. These developments also presaged subsequent political developments: the ouster of Bédié in a 1999 military coup by General Robert Guéi; the election in 2000 of Laurent Gbagbo, the current president; and a 2002 military rebellion which led to a civil war, dividing the country between a rebel-held north and a government-controlled south, and prompting a lengthy, on-going political impasse over how to reunify the country. A series of internationally-supported peace accords, the most recent signed in 2007, laid out a roadmap for disarmament, national reunification, elections leading to a return to democratic governance after years of political crisis, but all have remained only partially implemented.

The decision of the Constitutional Council was widely viewed internationally and by the Ivorian opposition as having been motivated by partisan bias. The Council’s decision was preceded by what appears to have been a coordinated effort by Gbagbo supporters to discredit selected runoff poll results before they were announced by the IEC—once it had become clear, based on partial preliminary poll results, that Gbagbo would likely not win the poll—and to disrupt or extend past the three-day deadline IEC validation of the results, creating a rationale for the Council’s review

⁴ UNOCI, “Presidential Elections,” <http://www.un.org/en/peacekeeping/missions/unoci/elections.shtml>

⁵ Y.J. Choi, U.N. SRSG, “Statement on the Second Round of the Presidential Election Held on 28 November 2010,” December 8, 2010

and rejection of the IEC's determination. On December 1, a Gbagbo-nominated IEC member, Damana Adia Pickass, seized and tore up the provisional IEC results on live television just as the IEC spokesman, Bamba Yacouba, was about to publicly announce them. The incident disrupted the workings of the IEC and reportedly caused it to miss its legal deadline for announcing the results, creating the basis for Council review.⁶

Election Process Certification by U.N. SRSG Choi

SRSG Choi was designated to serve as an independent election certifier of the presidential election by the U.N. Security Council (UNSC), in accordance with several UNSC resolutions underpinned by a request of the Ivorian signatories of the 2005 Pretoria Agreement. The latter accord was one of several partially implemented peace agreements that were incorporated by reference into the March 4, 2007 Ouagadougou Political Agreement (OPA). The electoral preparation processes that preceded and enabled the October/November presidential poll to be held were carried out in accordance with the OPA. The OPA superseded all prior peace accords, but in many instances these earlier accords remained operative because the OPA incorporated provisions by reference. A number of legal reforms relating to election administration, citizenship, and related matters were also based upon and enacted based upon provisions within these accords.

Choi, who in his certification statement declared that "the second round of the election was... generally conducted in a democratic climate," rejected what he described as the "two essential arguments" informing the Constitutional Council's decision. The first related to "the use of violence in nine departments in the North which prevented people from voting." He rejected this contention on the basis that the overall voter participation rate of 81% indicated that there was not "sufficient violence to prevent people from voting." He also noted that a UNOCI aggregation of "all the reports on violence" indicating the "intensity, frequency and location of violence" showed that "there were fewer violent acts in the North [where the Council rejected seven districts] than in the West." A mapping of election violence and electoral irregularities produced by the Ivorian media outlet Abidjan.net indicates that such incidents were more frequent in southern and western regions than in the north.

The IEC's voter participation figures bore out the assertion that the average voter participation rate was as high in northern areas at issue as in most other areas of the country, and surpassed those in several southern regions. Choi also rejected the Council's second core rationale for overturning the IEC's decision, which focused on allegations that "the tally sheets in [...some] departments ... lacked the signature of the presidential camp's representatives." He rejected this contention on the basis that he had "reviewed all the tally sheets in the concerned departments and eliminated all those which lacked the signature of President Gbagbo's representatives," and stated that the "upshot was that, even such an exercise did not alter in any significant way the outcome of the second round."⁷

The Council's decision was also viewed skeptically because it resulted in the statistically highly unlikely annulment of the 597,010 votes, a number equivalent to 10.4% of all registered voters or 13% of all votes cast during the runoff. Furthermore, all of the annulled districts were located in major population zones of in northern Côte d'Ivoire, which is considered an Ouattara electoral stronghold and is largely controlled by the northern rebel *Forces Nouvelles* (FN, or New Forces).⁸ Appendix A "Background on the Election" discusses the first and second round polls and the lengthy, highly contested peace and pre-election processes that preceded it.

⁶ Tim Cocks and Loucoumane Coulibaly, "Ivory Coast President Party Says Rebels Rigged Poll," Reuters, December 1, 2010; Scott Stearns, "Ivory Coast Electoral Commission Misses Presidential Deadline," VOA, December 1, 2010; and BBC News, "Gbagbo Ally Tears Up Ivory Coast Run-Off Results," December 1, 2010.

⁷ Choi, "Statement on the Second Round..."; Y.J. Choi, U.N. SRSG, "Statement on the Certification of the Result of the Second Round of the Presidential Election Held on 28 November 2010," December 3, 2010; IEC, *Second Tour de l'élection ...*; and Abidjan.net, "Localisation des Incidents lors du Scrutin," *Cote d'Ivoire 2010 - Elections Présidentielles*, December 5, 2010 via Carter Center communication.

⁸ CRS calculations based on Constitutional Council and IEC-reported vote numbers.

International Recognition of Ouattara Resisted by Gbagbo

SRSRG Choi's certification of the IEC-announced runoff results and the build-up of international pressure on Gbagbo to stand down has infuriated President Gbagbo and his political supporters and ratcheted up political tension and violence (see "Political Tension and Violence, below.") The Gbagbo government asserts that the international community's rejection of the Constitutional Council's decision and its efforts to force him to concede the presidency infringe on Ivorian national sovereignty and the constitutional rule of law—even though the Gbagbo government, among other signatories of the 2007 and prior peace agreements, had agreed to the United Nations' electoral certification mandate.⁹ The Gbagbo government has accused UNOCI of collaborating with the rebel FN and on December 18 demanded that UNOCI peacekeepers—along with a French force that supports UNOCI—immediately leave the country.¹⁰

On December 20, the U.N. Security Council (UNSC) rejected the demand by extending the mandate UNOCI until June 30, 2011 and authorizing a temporary plus-up of its size. A U.N. spokesman was quoted as stating that Gbagbo's call was irrelevant and without effect because he is not recognized by the United Nations, African regional organizations, or most governments as the duly elected leader of Côte d'Ivoire.¹¹ Ouattara supports a continuing UNOCI role.

UNOCI

In mid-January 2011, UNOCI had an authorized strength, through mid-2011, of 10,650 personnel, and has been temporarily supplemented by several hundred additional troops from the neighboring U.N. Mission in Liberia (UNMIL).¹² UNOCI is a multi-faceted mission. It monitors military aspects of peace accords and an arms embargo; assists with disarmament, demobilization, and reintegration of armed groups and parties to the conflict; provides support for security sector reform, humanitarian aid deliveries, the re-establishment of state administration and law and order; adherence to human rights laws; aids efforts to conduct free and fair elections and related processes of citizen identification and voter registration; and protects U.N. personnel and assets. U.N. sanctions, including diamond export and arms import embargoes and a selective travel ban and assets freeze also were imposed in order to spur the conflict resolution process.

The Gbagbo government and its supporters have taken an uncompromising stance with regard to what they see as Gbagbo's legally binding, incontrovertible electoral win. They have pursued diverse efforts to ensure that he remains president. These efforts have included attempts to ensure support among civil servants and the military by asserting control over various revenue and credit streams to ensure salary payments; attempts to eject UNOCI; violent raids on opposition strongholds; and pursuit of an international public relations campaign to promote the Gbagbo case.

⁹ Use of the term "Gbagbo government" refers to the de facto, self-defined Gbagbo-headed administration that is active alongside the similarly defined Ouattara government. The term is not used to imply that the Gbagbo administration is a de jure government, but rather that it is one of two competing entities that claim state power.

¹⁰ Television Ivoirienne, "Government Communiqué on the UN Operation in Cote d'Ivoire," December 18, 2010, via BBC Monitoring Africa; Tim Cocks, "Gbagbo Ally Accuses West of Wooing Ivorian Military," Reuters, December 12, 2010; and Marco Chown Oved, "Gbagbo Orders UN Peacekeepers to Leave Ivory Coast," AP, December 18, 2010

¹¹ UNSC, "Security Council Extends Mission in Cote d'Ivoire Until 30 June 2011, Strongly Condemns Attempts to Usurp Will of People, Urges Respect for Election Outcome," SC/10132, December 20, 2010; and VOA, "UN Spokesman: Gbagbo Not Ivory Coast President," December 18, 2010.

¹² S/RES/1962, December 20, 2010; and S/RES/1967, January 19, 2011. In this report, documents cited with the number "S/..." are U.N. Security Council (UNSC) documents; of these citations that begin with the letters "S/RES..." are UNSC resolutions. For the sake of brevity, except as otherwise noted, only the document number and date (at first continued...)

The public relations campaign has included a grassroots media outreach effort by Gbagbo supporters, who have distributed government and pro-Gbagbo press articles and blogs, in some cases promoting vitriolic rumors and conspiracy theories. The latter have included various alleged French and/or foreign mercenary-backed plans to oust Gbagbo, in some cases with putative U.S. assistance, and allegations of military collusion between the FN and UNOCI. The campaign has also employed the use of official Ivorian government websites and foreign lobbyists to make the government's case. In the United States, a short-lived, now abandoned effort by Lanny J. Davis, a Washington lobbyist and former special counsel to former President William J. Clinton, garnered substantial attention.¹³ To counter the Gbagbo camp's efforts and promote its views on various issues, the Ouattara government has hired two U.S. firms to represent its views and interests in the United States.¹⁴

Gbagbo has also pursued a series of alternative actions that might allow him to remain a key government leader if he is forced to cede the presidency. He has suggested that he might be willing to entertain a negotiated solution to the crisis and has called for Ouattara and himself to "sit down and discuss" a way out of the crisis with him.¹⁵ A key Gbagbo ally has suggested that a potential outcome of such negotiations might include a power-sharing deal, such as the formation of a government of national unity (GNU), although ECOWAS and other international interlocutors—including the United States—have rejected such an outcome. The Ouattara camp rejected the possibility of a GNU until January 10, when the Ivorian ambassador to the United Nations, an Ouattara appointee, stated that Ouattara would be willing to form a unity government that would include members of Gbagbo's Ivorian Popular Front (FPI) party, if Gbagbo agreed to step down and recognize Ouattara as the legitimately-elected leader of Côte d'Ivoire.¹⁶

Gbagbo has also invited renewed international mediation to negotiate a resolution of the crisis (see "Regional Diplomacy," below). On December 21, he addressed the Ivorian nation on TV and stated that he was "ready—respecting the constitution, Ivorian laws and the rules that we freely set for ourselves—to welcome a committee of evaluation on the post-election crisis in Ivory

(...continued)

citation) of official U.N. documents are used herein to identify such documents, which often incorporate lengthy subtitles and meeting forum data. The full text of all U.N. documents cited herein can be found online via the document symbol search box of the U.N. Official Document System, <http://documents.un.org>.

¹³ Two Davis-owned firms worked for the Gbagbo administration for a brief period in December 2010 to "present the facts and the law as to why there is substantial documentary evidence that ... Gbagbo is the duly elected president as a result of the Nov. 28 elections" and to help find "a peaceful resolution and mediation for the current conflict ... consistent with Côte d'Ivoire constitution and laws." Davis's firms produced a website, <http://www.ivorycoastelection.org>, that laid out the government's views on the election crisis. Davis quit his Cote d'Ivoire commission in late December, citing the failure of an attempt by President Obama to telephone Gbagbo (see below), Gbagbo's failure to heed Davis's advice, and Davis's inability to contact Gbagbo directly. Ben Smith, "Davis Resigns Ivory Coast Contract," *Politico*, December 29, 2010; and Helene Cooper and Eric Lichtblau, "American Lobbyists Work for Ivorian Leader," *New York Times (NYT)*, December 22, 2010.

¹⁴ They include Jefferson Waterman International and Covington & Burling LLP. The former is providing "advocacy and consulting services related to Ivorian national interests, including economic, financial, military, security, trade, investment and public relations" on behalf of Ouattara. The latter is providing "advice on international legal and policy matters related to the outcome of the recent presidential elections in Cote d'Ivoire, including the refusal of Mr. Laurent Gbagbo to leave office in accordance with the result certified by the United Nations." Since 2007, Ouattara has retained another firm, LTL Strategies, to represent his views when visiting the United States. Quotations from firms' Foreign Agents Registration Act registration statements.

¹⁵ Xinhua, "Roundup: Cote d'Ivoire's Electoral Crisis a Tough Nut To Crack," December 12, 2010. See also State Department, "Daily Press Briefing," January 4, 2011; Cooper and Lichtblau, "American Lobbyists ..."

¹⁶ Tim Cocks, "Ouattara Offers Unity Govt If Gbagbo Steps Down," Reuters, January 10, 2011, among others.

Coast.” He stated that such an assessment should be led by the African Union (AU), with the participation of the United Nations, EU, ECOWAS, the Arab League, United States, Russia, China, and “Ivoirians of goodwill.”¹⁷ The United States, along with most major governments and international organizations, rejected Gbagbo’s proposal, asserting that such an evaluation “has already been done,” by the IEC and through the U.N. certification process. In discussions with a visiting ECOWAS heads of state in late December, Gbagbo also reportedly demanded a vote recount and, were he to depart his post, a grant of amnesty for any criminal charges that he may face as a result of post-electoral human rights abuses associated with his control over state institutions and security forces and his refusal to cede the presidency.¹⁸

Political Tension and Violence

The contested election outcome has heightened political tension and sparked political violence, including numerous killings in Côte d’Ivoire, and has put the self-proclaimed Gbagbo government at odds with the U.N. Security Council (UNSC), regional organizations, and key donor governments involved in monitoring, vetting, or helping to administer the electoral process. President Gbagbo and his administration are the targets of intense and wide-ranging diplomatic, political, financial, and threatened military international pressure aimed at forcing Gbagbo to concede the election and had state power over to Ouattara (see “International Reactions,” below)

According to UNOCI, the security situation is “very tense and unpredictable;” as a result, the United Nations temporarily relocated its non-essential staff to Gambia on December 6, 2010.¹⁹ There have been limited armed clashes between security forces that support each camp—which reportedly include the bulk of the national military and police forces, in the case of Gbagbo, and the military wing of the rebel *Forces Nouvelles* in the case of Ouattara. The outer perimeter of the U.S. embassy in Abidjan was slightly damaged by “an errant rocket-propelled grenade” during one armed exchange.²⁰ There have also been a spate of extrajudicial killings, other human rights abuses by state security forces during operations to suppress public demonstrations by Ouattara supporters, as well as attacks on and abductions of Ouattara and Gbagbo partisans by groups of unidentified armed men, described as ‘death squads.’ Reports of the number of post-runoff casualties have varied widely.

Casualties and Rising Threat Level

The United Nations substantiated reports of 173 extrajudicial, summary or arbitrary executions between December 16 and December 21, and reported that it had documented “90 instances of torture and ill treatment, 471 arrests and detentions and 24 cases of enforced or involuntary disappearances” during the same period. An additional 31 deaths due to violence occurred between December 21 and January 6, although it is not clear how many were election-related;

¹⁷ Florence Villeminot, “Gbagbo Calls for International Review of Electoral Crisis,” France 24, December 22, 2010.

¹⁸ State Department, “Daily Press Briefing,” December 8, 2010 and December 22, 2010; Marco Chown Oved, “Neighbors Put Ivory Coast Military Option on Hold,” AP, December 29, 2010.

¹⁹ UNOCI, “Presidential Elections,” <http://www.un.org/en/peacekeeping/missions/unoci/elections.shtml>.

²⁰ Tim Cocks and Ange Aboa, “Ivorian Troops, Rebels Clash in Abidjan,” Reuters, December 16, 2010; Reuters, “UN Moving Nonessential Staff Out of Ivory Coast,” December 6, 2010; and State Department, “Daily Press Briefing,” December 16, 2010.

while one was, at least 14 others were due to local communal tension apparently due to non-electoral factors.

Chronology: Key Events Leading to the Current Crisis in Côte d'Ivoire

1960: Côte d'Ivoire becomes independent of France under President Felix Houphouët-Boigny, who holds power until his death in 1993. His semi-authoritarian regime creates a liberal, market-based and prosperous economy in south.

1990: Opposition parties legalized; Houphouët-Boigny wins Côte d'Ivoire's first multiparty presidential election, beating Laurent Gbagbo of the Ivoirian Popular Front (FPI).

1993: Henri Konan Bédié succeeds Houphouët-Boigny as president.

1995: Bédié re-elected in poll boycotted by opposition parties protesting candidacy restrictions and reported electoral manipulation.

1998: Constitutional changes affecting electoral laws, seen as favorable to the incumbent, passed.

1999: In July, former Prime Minister Alassane Ouattara returns home to vie against Bédié for president in 2000. His bid highlights ethnic, regional, and religious political divisions within the national polity. In December, a military pay protest turns into a coup led by Robert Guéï, ousting Bédié.

2000: Throughout year, electoral tensions rise, notably regarding national identity card distribution process, reported harassment of northerners, and presidential candidacy of Guéï. Several incidents of military restiveness occur, and use of military in domestic crime suppression leads to abuses. Constitutional changes approved by July referendum, widely boycotted in north, requiring both parents of presidential candidates be Ivoirian-born citizens.

State of emergency imposed before widely boycotted presidential election on October 22. Vote count is suspended and Guéï claims to have won the election. Gbagbo, the majority vote winner, organizes anti-Guéï protests. Guéï flees. Rival political party post-poll violence ensues, but Gbagbo's win is ratified by Supreme Court. Controversial legislative election held in late 2000, but violence over claimed political disenfranchisement forces poll suspension in north.

2001: Government, albeit criticized over its human rights and judicial records, sponsors inter-party National Reconciliation Forum.

2002: In September, a military pay and conditions-of-service mutiny by soldiers, primarily of northern origins, turns into attempted coup d'état. After clashes with loyalist forces in south, rebel units withdraw and rapidly take control of the northern half of the country. They form a political movement, later called the Forces Nouvelles, and eventually establish a basic administrative state in areas they control. Fighting decreases in late 2002 but continues into early 2003. Regional and international peace mediation ensues.

2003-2010: A series of partially implemented key peace accords, each building on elements of preceding ones, signed: the Linas-Marcoussis Agreement (2003); the Accra III Agreement (2004); the Pretoria Agreement (2005); and Ouagadougou Political Agreement (2007). Elections are repeatedly delayed due to contestation over peace process, notably regarding the sequencing of disarmament, citizen and voter identification, and elections.

An initial U.N. political and military monitoring mission created in 2003 is replaced by the U.N. Operation in Côte d'Ivoire in April 2004. A 2004 government attempt to attack north results in nine French fatalities and one U.S. citizen death, prompting a French military retaliation. Violent anti-French protests follow.

Gbagbo's electoral term ends in 2005, but under emergency constitutional powers, underpinned by international community support for the on-going peace process and the formation of a unity government, he retains power, pending elections. Electoral, disarmament, and state reunification processes proceed slowly due to political disputes. Elections are finally held in late 2010, but result in a contested outcome and the current political crisis.

On January 11, two civilians and three police officers were reported killed during a reported security force raid on the pro-Ouattara neighborhood of Abobo in Abidjan in which widespread shooting was reported, and by January 14, the total post-election deaths from violence, as reported by the United Nations totaled 247. The total number of fatalities and abuses resulting from post-electoral violence is likely higher than the total documented by the United Nations;

additional killings, detentions, and abuses were reported prior to the period covered by the U.N. assessment, and have since continued.²¹

In addition, UNOCI was attempting to investigate reports of two mass graves, one in Abidjan and one in the south-central town of Gagnoa, near Gbagbo's place of origin, but has been prevented from accessing the sites by state security forces in mufti, a "clear violation of international human rights and humanitarian law," according to the U.N. High Commissioner for Human Rights, Navi Pillay. There were unconfirmed reports of a third mass grave in the town of Daloa. The United Nations has also substantiated reports that pro-Gbagbo troops are being assisted by mercenaries from Liberia, and possibly from other countries. This is viewed as worrying because of Liberia's history of severe wartime human rights abuses and because such irregular forces might be difficult to prosecute, for varying reasons, if they were accused of crimes. A number of international diplomatic missions have evacuated personnel from Côte d'Ivoire and, in some cases, private citizens. Several governments have advised their citizens not to travel to the country and to depart it if they are there.

Citing "the deteriorating political and security situation ...and growing anti-western sentiment" the State Department warned U.S. citizens to avoid travel to Côte d'Ivoire, and on December 20, 2010 ordered the departure of all non-emergency embassy personnel and family members.²² At least 25,000 Ivoirian refugees have fled from the country's western region to neighboring Liberia, to where a further estimated 600 are fleeing daily. There are also several hundred recently arrived refugees in other neighboring countries, notably Guinea.²³

Such developments have fueled fears of a return to armed conflict, following a period of increasing post-war normalcy in daily life in much of the country—albeit punctuated by occasional political violence and tensions related to the long, drawn-out peace and elections process, as well as human rights abuses tied to the lack of political stability. The prospect of renewed armed conflict has also been spurred by repeated calls by Ouattara aides for Gbagbo to be removed from office by force, and by a December 24 threat by the Economic Community of West African States (ECOWAS) to undertake such an action. While the regional body later deferred military intervention, pending further negotiation, as of mid-January 2011, the proposal remained the focus of active military planning (see section entitled "Threat of Military Intervention to Oust Gbagbo").²⁴

²¹ See also, U.N. News Service (UNNS), "Côte d'Ivoire: UN Human Rights Council Strongly Condemns Post-Electoral Abuses," December 23, 2010; U.N. Office of High Commissioner for Human Rights (OHCHR), "Côte d'Ivoire: UN Experts Deeply Concerned with Gross Human Rights Violations Which May Amount to Crimes Against Humanity," December 31, 2010; UNNS, "UN Seeks to Boost Peacekeeping Troops as Côte D'Ivoire Crisis Continues," January 6, 2011; Adam Nossiter, "Ivory Coast Forces Crack Down on Opposition," *NYT*, January 11, 2011, among others.

²² These include the United States, Canada, France, Germany, Belgium, Sweden, Nigeria, and Portugal. State Department, "Travel Warning Cote d'Ivoire," December 19, 2010.

²³ UNNS, "Ivorian Refugees Arrive in Liberia and Guinea Amid Election Dispute—UN," December 10, 2010; Stephanie Nebehay and Tim Cocks, "Toll in Ivory Coast Rises to 247 Dead - U.N.," Reuters, January 14, 2011; and Marco Chown Oved, "Ivory Coast Opposition Wants Gbagbo Gone by Force," AP, December 22, 2010, among others.

²⁴ BBC News, "UN Chief Warns Situation in Ivory Coast Could Become 'Critical'," December 22, 2010; Marco Chown Oved, "Ivory Coast Opposition Wants Gbagbo Gone by Force," AP, December 22, 2010; Agence France Presse (AFP), "Military Intervention in ICoast Ruled Out Now: Cape Verde," December 29, 2010; ECOWAS, "Extraordinary Session of the Authority of Heads of State and Government on Cote d'Ivoire," December 24, 2010.

Control of Information

In addition to asserting its case internationally and by suppressing anti-Gbagbo demonstrations, the Gbagbo administration has sought to control the flow of information reaching the Ivorian population. On December 2, after the IEC's announcement of Ouattara's electoral win, the National Council of Audiovisual Communication (CNCA), which regulates media broadcasting, banned coverage of the Ivorian political crises by foreign radio and TV channels in the country, as well as the U.N.-run ONUCI FM. It also jammed selected radio broadcasts, including ONUCI FM. It enacted the TV ban by ordering the local affiliate of the French satellite TV services provider Canal+ to suspend targeted transmissions, and Canal+ complied with the order. SMS cell phone text messaging services were also suspended after the runoff. The two main TV stations, both state-owned, have also been broadcasting content favorable to Gbagbo and critical of UNOCI, and certain foreign governments, such as those of France and the United States.

Contention over control of media has involved violence in some cases. One of the most notorious post-elections human rights abuse cases involved a December 16 attempt by a mass of pro-Ouattara demonstrators to take over Radiodiffusion Télévision Ivoirienne (RTI), the state media broadcaster, which has been broadcasting stridently pro-Gbagbo messages since the election. The crowd's action was violently suppressed by security forces, which opened fire on the crowd, killing an estimated 20 or more persons and injuring many more.²⁵ RTI has also been the target of attempts to hinder broadcasts; in late December, its TV signal was not available in some areas of the country, and was dropped from satellite rebroadcast in the West Africa sub-region.²⁶

There have also been raids on numerous opposition-affiliated newspapers and printing presses, and at least nine foreign journalists have been detained during the post-electoral period. Journalists have also faced coercive threats and beating by security forces. Some of the Gbagbo government's actions have since been partially reversed; some opposition newspapers are publishing, and some formerly jammed banned radio stations are now broadcasting successfully.²⁷

Threats to International Mandates and Accountability

The increasing tension and a rise in anti-UNOCI sentiment, which has taken the form of public demonstrations spurred by pro-Gbagbo media and party militants, has resulted in several physical attacks on UNOCI peacekeepers and has hindered their movement. In several cases, such actions have been aimed at interfering with UNOCI protection of the Ouattara government, which is residing under UNOCI protection in the Golf Hotel in Abidjan. Such actions prompted U.N. Secretary-General (UNSG) Ban Ki-moon to warn that

any attack on UN forces will be an attack on the international community and those responsible for these actions will be held accountable. Any continued actions obstructing and constricting UN operations are similarly unacceptable. UNOCI will fulfill its mandate and will continue to monitor and document any human rights violations, incitement to hatred and

²⁵ Human Rights Watch (HRW), "Côte d'Ivoire: Pro-Gbagbo Forces Abducting Opponents," December 23, 2010.

²⁶ Marco Chown Oved, "Ivory Coast State TV Signal Cut Off In Some Areas," Associated Press (AP), December 23, 2010; and RSF, "State TV Signal No Longer Being Carried by Intelsat," December 25, 2010.

²⁷ Television Ivoirienne, "Government Communiqué..."; UNNS, "Côte d'Ivoire: UN Demands End To New Hostile Campaign From Defeated President," January 5, 2011; Committee to Protect Journalists (CPJ), "Election in Dispute, Ivory Coast Bans News Broadcasts," December 3, 2010; Media Foundation for West Africa, "Cote d'Ivoire ALERT: Media Regulator Bans Foreign Media From Covering Political Crises," December 7, 2010; Reporters Sans Frontiers (RSF)/International Freedom of Expression eXchange network (IFEX), "Local and International Media Hit By Battle Between Rival Camps For Control of News," December 17, 2010; Open Source Center, "Cote d'Ivoire—Ivoriens Able To Access Media Despite Ban," December 9, 2010; RSF/IFEX, "Pro-Ouattara Newspapers Back On Newsstands in Abidjan," December 21, 2010; and RSF, "Ivorian Media Fuel Anti-French Hostility," December 4, 2010.

violence, or attacks on UN peacekeepers. There will be consequences for those who have perpetrated or orchestrated any such actions or do so in the future.²⁸

The threat also prompted a UNSC augmentation of UNOCI in early 2011 (see text box entitled “UNOCI,” above). In late December, the U.N. High Commissioner for Human Rights, Navi Pillay, stating that “no longer can heads of State, and other actors ...commit atrocious violations and get away with it,” wrote to Gbagbo “reminding him of his duty under international law to refrain from committing, ordering, inciting, instigating or standing by in tacit approval of rights violations.” Similar letters were sent to the heads of key Ivorian security services.²⁹ The International Criminal Court (ICC) Prosecutor is reportedly monitoring violence against civilians and against UNOCI peacekeepers, as well as speech advocating or resulting in mass violence, and has threatened to prosecute those who, under international law, abet or cause violence.³⁰ He specifically cited Charles Blé Goudé as an example of a person whose public speech might, if warranted, potentially be prosecuted. Blé Goudé is a leader of some of Gbagbo’s most militant supporters.³¹

In response to the rising danger faced by UNOCI peacekeepers, including a threat by Blé Goudé to attack the Golf Hotel, Ban—reiterating a December 17 statement—warned that “UNOCI is authorized to use all necessary means to protect” its personnel, Ouattara government officials, and other civilians at the hotel. He said an attack on it “could provoke widespread violence that could reignite civil war.”³²

International Reactions

Much of the international community—with one exception and some qualification among African governments—has rejected Gbagbo’s claim of electoral victory and endorsed Ouattara as the legally elected president of Côte d’Ivoire.³³ In response to Gbagbo’s refusal to cede the

²⁸ U.N., “Statement Attributable to the Spokesperson for the Secretary-General on the Situation in Côte d’Ivoire,” December 18, 2010.

²⁹ UNNS, “Any Attack...”

³⁰ ICC, “Statement by ICC Prosecutor Luis Moreno-Ocampo on the situation in Côte d’Ivoire,” December 21, 2010; see also HRW, “Côte d’Ivoire: Pro-Gbagbo Forces Abducting...”

³¹ Blé Goudé, Gbagbo’s nominee as Minister of Youth and Employment, heads the Young Patriots, a youth organization that has in the past undertaken militia-like actions and engaged in protests, some violent, and attacks. He is one of three persons who in 2004 were made subject to U.N. travel restrictions and asset freezes. He is accused by the U.N. of “repeated public statements advocating violence against United Nations installations and personnel, and against foreigners; direction of and participation in acts of violence by street militias, including beatings, rapes and extrajudicial killings; intimidation of the United Nations, the International Working Group (IWG), the political opposition and independent press; sabotage of international radio stations; obstacle to the action of the IWG, ... UNOCI, the French Forces and to the peace process.” Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d’Ivoire, “List of Individuals Subject to Paragraphs 9 and 11 of Resolution 1572 (2004) and Paragraph 4 of Resolution 1643 (2005),” n.d.

³² U.N., “Statement Attributable to the Spokesperson...” SRSO Choi also stated of UNOCI that “we are heavily armed and present and preparing ourselves... They will be defeated, they will be repulsed. There is no doubt about this.” See UNNS, “Any Attack...”; and Christophe Koffi, “Ivory Coast Youth Leader Urges Assault on Gbagbo Rival’s HQ,” AFP, December 29, 2010.

³³ Gambia reportedly has recognized the legality of Gbagbo’s election and opposes a possible ECOWAS military intervention. Ugandan President Yoweri Museveni has called for an investigation of the poll process and rejects the validity of international recognition of Ouattara and its dismissal of Gbagbo’s claimed win. South African President Jacob Zuma has stated that he believes that poll discrepancies marred the vote, and supports AU mediation efforts to (continued...)

presidency to his rival, the international community is pursuing a range of coordinated and bilateral efforts aimed at forcing him to abide by the results of the election. These include diplomatic isolation and non-recognition of the Gbagbo government; personal travel and financial sanctions against members of the regime; constriction of credit and access to state financial assets; and the threat of military action to enforce the electoral outcome.

International Multilateral and Bilateral Responses

On December 7, 2010, the regional body ECOWAS, endorsing the IEC-announced poll results as certified SRSNG Choi, recognized Ouattara as President-elect of Côte d'Ivoire and called on Gbagbo to abide by the results "and to yield power without delay," and suspended Côte d'Ivoire's participation in the organization "until further notice."³⁴ On December 9, the African Union (AU) Peace and Security Council (PSC)—which typically defer to sub-regional bodies' decisions regarding events in their jurisdictions—endorsed the December 7 ECOWAS decision on Côte d'Ivoire and suspended the participation of the country "in all AU activities, until such a time [as] the democratically-elected President effectively assumes State power."³⁵

The UNSC, in turn, endorsed the decisions of ECOQAS and the AU. On December 8, a day after a UNSC meeting in which the Council heard the report of SRSNG Choi on the election,³⁶ the UNSC released a press statement on Côte d'Ivoire in which Council members, "in view of" the ECOWAS endorsement of "Ouattara as President-elect," called on "all stakeholders to respect the outcome of the election."³⁷ Following a December 18 statement by a U.N. Peacekeeping Operations Department spokesman denying Gbagbo's status as president and the U.N. Security Council's implicit recognition his status on December 20, on December 23, the 192 member states of the United Nations officially recognized Ouattara as the legal president of the country. Acting through a consensus vote, the U.N. General Assembly accepted Ouattara's election by formally recognizing a team of diplomats sent by Ouattara to be the country's official

(...continued)

end the crisis, although his government has urged Gbagbo to abide by an ECOWAS communiqué recognizing Ouattara as President-elect and calling on Gbagbo "to yield power without delay." Angola, traditionally seen as a strong Gbagbo ally, supports a negotiated end to the crisis, opposes regional military intervention, and has not recognized an official election winner. This footnote draws from multiple press reports and government statements.

³⁴ ECOWAS, "Final Communiqué," ECW/CEG/ABJ/EXT/FR. /Rev. 2, December 7, 2010.

³⁵ AU PSC, "Communiqué," PSC/PR/COMM.1(CCLII), December 9, 2010.

³⁶ At the meeting, the U.S. Permanent Representative to the United Nations (USUN) Susan E. Rice, acting as UNSC president, stated that "the participation of the representative of Côte d'Ivoire in this meeting without objection is not intended to be viewed and should not be understood as an acknowledgment of the legitimacy of his Government." Russia objected to the assertion. S/PV.6437, December 7, 2010; AFP, "Russia 'Quibbling' Over UN I.Coast Statement: US," December 7, 2010; and UNSC, "Opposition Man's Win 'Irrefutable', Top United Nations Official in Côte d'Ivoire," SC/10102, December 7, 2010.

³⁷ UNSC, "Security Council Press Statement on Côte d'Ivoire," SC/10105, December 8, 2010. Issuance of the December 8 statement, which did not reference a direct UNSC decision explicitly endorsing Ouattara's election, came after "five days of intense negotiations to come to a unified position on the outcome of the elections" attributed to "Security Council member Russia's refusal to interfere in domestic elections." Russia reportedly "blocked a proposed statement saying the United Nations had exceeded its mandate by calling Ouattara the winner of the November 28 runoff vote." VOA, "UN Security Council Recognizes Ouattara As Ivory Coast President-Elect," December 8, 2010; and AFP, "Russia 'Quibbling'..."

representatives. The new Ivorian U.N. ambassador is Youssouf Bamba, a veteran diplomat, who officially took up his post on December 29.³⁸

Several governments that recognize the election as president of Ouattara have also bilaterally dropped recognition of the Gbagbo government; Ouattara has written to at least 20 governments requesting such an action. On December 27, as pro-Ouattara protesters occupied the Ivorian embassy in Paris, the French government stated that it had “taken note” of Ouattara’s dismissal of the Gbagbo-designated ambassador to France, and pledged to recognize an envoy named by Ouattara. The French government also reportedly “grounded a plane belonging to Gbagbo at an airport in France in response to a request by” Ouattara.³⁹ Canada, the United Kingdom (UK), Belgium, and several other EU countries have also announced that they would only accept ambassadors named by Ouattara.⁴⁰

The Gbagbo government has attempted to retaliate against some governments that have dropped recognition of his government and rejected his envoys by doing the same in return. It has declared the British, Canadian, and French ambassadors *persona non-grata* and asked them to leave the country. Canada and France responded by saying the request was without merit as Canada does not recognize Gbagbo as president, while the UK ambassador was not immediately affected, as he is regionally based, in Accra, Ghana.⁴¹

Regional Diplomacy

The AU and ECOWAS, which have both held several high-level meetings to address the crisis, have sponsored several diplomatic delegations aimed at diffusing tensions and convincing Gbagbo to respect the results of the election and cede the presidency. On December 4, the same day on which Gbagbo and Ouattara each inaugurated themselves, the chair of African Union Commission, Jean Ping, requested that former South African President Thabo Mbeki travel to Abidjan to mediate a peaceful outcome to the dispute between the two men. Mbeki—a principal behind the signing of the 2005 Pretoria Agreement, an antecedent to the OPA of 2007—flew to Côte d'Ivoire the next day and was permitted to land, even though the country’s borders were closed due to post-electoral violence. He met SRSO Choi and the two election rivals separately, but failed to change the stance of either man and left the country after making a generic call for peace and democracy, but without issuing a major statement.⁴²

³⁸ On December 20, the Security Council urged universal recognition of “Ouattara as President-elect of Côte d'Ivoire and representative of the freely expressed voice of the Ivorian people...in view of ECOWAS and African Union’s recognition ...[and] as proclaimed” by the IEC. The General Assembly’s action—which by default rescinded the credentials of Gbagbo’s U.N. Ambassador, Alcide Djedje, a Gbagbo advisor and his newly selected foreign minister—was opposed *ex post facto* by Namibia and Nigeria on technical grounds. They cited a need to study the resolution at issue, a report by the U.N. Credentials Committee. Djedje and his staff had previously departed New York, reportedly taking with themselves the Ivorian U.N. mission’s computer hard drives. AP, “UN Recognizes Ouattara as Ivory Coast President and Accepts Credentials of His UN Ambassador,” December 23, 2010, among others.

³⁹ AFP, “France to Recognise Ouattara’s I.Coast Ambassador: Official,” December 27, 2010; and Thibault Malterre, “Gbagbo Rivals Take Over Ivory Coast’s Paris Embassy,” AFP, December 27, 2010.

⁴⁰ State Department, “Daily Press Briefing,” December 29, 2010; Martin Vogl. “WAfrica bank Head Resigns Over Ivory Coast,” AP, January 22, 2010; and AFP, “Canada No Longer Recognizes ICoast Envoy,” December 29, 2010.

⁴¹ Rukmini Callimachi, “Official: Ivorian Government Expelling British and Canadian Ambassadors,” AP, January 6, 2011; Rukmini Callimachi, “Official: Ivorian Government Expelling British and Canadian Ambassadors,” AP, January 6, 2011; and U.S. Embassy-Abidjan, “Daily Press Review,” December 29, 2010.

⁴² Al Jazeera, “Mbeki Fails to End Ivorian Crisis,” December 6, 2010, among others.

On December 18, AU Commission (AUC) chairman Jean Ping, AU Peace and Security Council Chair Ramtane Lamamra, and ECOWAS Commission President Gbeho met with Gbagbo to reiterate the AU and ECOWAS position that the two organizations recognize Ouattara as president-elect, and that Gbagbo should immediately hand over power to Ouattara in order to prevent renewed conflict and loss of life. They also offered to help resettle Gbagbo outside of Côte d'Ivoire.⁴³ In late December and early January 2011, ECOWAS dispatched two heads of state delegations, discussed below (see "Threat of Military Intervention to Oust Gbagbo") to deliver a joint ECOWAS ultimatum to Gbagbo demanding that he step down or be forced out by military means. The second delegation was joined by Kenyan Prime Minister Raila Odinga, the premier of a country that underwent its own divisive, violent election in 2007, which was resolved by an often contentious power-sharing agreement. Odinga was appointed by the AUC's Jean Ping to monitor and help negotiate an end to the crisis on December 27, following Mbeki's fruitless mission. Odinga had previously taken a forceful line in demanding that Gbagbo—whose electoral claims he termed a "rape of democracy"—"be forced out, even if it means by military force." Odinga had also called for the AU to "develop teeth" instead of "sitting and lamenting all the time," or risk becoming "irrelevant."⁴⁴

Odinga again traveled to Abidjan on January 17 for consultations which he described as being aimed at negotiating talks between the two electoral rivals, a possibility that an Ouattara aide rejected unless Gbagbo agrees to cede power. His visit was followed by a consultative visit by the AU chairman, Malawian President Bingu wa Mutharika.⁴⁵

U.N. Sanctions

On October 15, 2010, the UNSC adopted Resolution 1946, renewing an arms embargo on Côte d'Ivoire, targeted financial assets freeze and travel restrictions first authorized under UNSC Resolution 1572 of November 15, 2004, and a ban on the import of rough diamonds from Côte d'Ivoire, first authorized under UNSC Resolution 1643 of December 15, 2005.⁴⁶ On January 6, 2011, USUN Permanent Representative Rice stated that, following the imposition of targeted U.S. and EU sanctions on Gbagbo and associates of his regime, "to the extent that [...the political situation] remains stalled, I think we are obliged to look at whether it [the U.N. sanctions regime] needs to be augmented and invigorated."⁴⁷

European Union Sanctions

On October 29, 2010, in accordance with the UNSC Resolution 1946, the EU renewed an arms embargo on Côte d'Ivoire, targeted financial assets freeze and travel restrictions, and ban on the

⁴³ AFP, "ECOWAS Sends Letter..."; State Department, "Daily Press Briefing," December 17, 2010; RFI, "France, US, EU Put Financial Squeeze on Gbagbo," December 19, 2010; and AFP, "African Union Mediator Arrives in Ivory Coast," December 17, 2010.

⁴⁴ AFP, "Kenya PM Says I.Coast's Gbagbo Should Be Forcibly Removed," December 17, 2010; and AFP, "Kenya's Odinga Named AU Lead Monitor on I. Coast Crisis," December 27, 2010.

⁴⁵ Ange Aboa, "Ivory Coast Mediator Hints at Talks Between Rivals," Reuters, January 17, 2011; and Emmanuel Peuchot, "AU Chief Meets Ivory Coast Presidential Rivals," AFP, January 25, 2011.

⁴⁶ S/RES/1572, November 15, 2004; S/RES/1643, December 15, 2005; and S/RES/1946, October 15, 2010.

⁴⁷ USUN, "Remarks by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, to Members of the UN Press on Sudan and Cote d'Ivoire," January 6, 2011.

import of rough diamonds from Côte d'Ivoire.⁴⁸ On December 22, 2010, the Council of the European Union adopted a decision imposing a visa ban “on former president Laurent Gbagbo and 18 other individuals.” On December 31, it extended the ban on an additional 59 “persons who are obstructing the peace process in Côte d'Ivoire and are jeopardising the proper outcome of the electoral process.”⁴⁹ On January 14, amending its October 29, 2010 decision, the EU Council imposed an asset freeze on “85 individuals that refuse to place themselves under the authority of the democratically elected president, as well as of 11 entities that are supporting the illegitimate administration of Laurent Gbagbo” and also imposed a visa ban on the 85 individuals. The entities targeted reportedly include Côte d'Ivoire's two main ports, which play a key role in enabling the export of cocoa, a key source of revenue for the Gbagbo government, and the order prevents them from new financial dealings EU-registered vessels. The sanctions could shut down the national oil refinery, which may be unable to buy crude to supply its operations.⁵⁰

International Financial Institutions: Constriction of State Finance

Several multilateral financial institutions, in light of growing international recognition of the Ouattara presidency, have taken steps to halt the flow of credit and official assistance to the Gbagbo regime, in part to remove his ability to maintain the loyalty of the military and civil service by paying their salaries.

On December 6, the African Development Bank (AfDB) and the World Bank jointly stated that they “support the efforts being made by the African Union and the international partners to bring this crisis... to a quick and peaceful resolution.”⁵¹ On December 22, 2010 the World Bank reported that it had “currently stopped lending and disbursing funds to the Ivory Coast” and closed its office in Côte d'Ivoire. The statement also said that both the World Bank and the AfDB “have supported ECOWAS and the African Union in sending the message to President Gbagbo that he lost the elections and he needs to step down.”⁵² As of January 10, the AfDB had not issued any further public statements on the Ivorian crisis since issuing the joint statement with the World Bank, but U.S. Treasury officials who liaise with the World Bank and AfDB reported to CRS that the AfDB “has stopped processing new operations or disbursing funds on existing projects.”⁵³

As of January 10, 2011, the International Monetary Fund (IMF) had not publicly issued any post-electoral notices pertaining to decisions on whether it is currently working with either the self-asserted Gbagbo or Ouattara government, or regarding any change in the status of its relations

⁴⁸ S/RES/1572; S/RES/1643; and S/RES/1946.

⁴⁹ Council of the European Union, “Cote d'Ivoire: Council Adopts Visa Ban List,” 18206/10, December 22, 2010, and “Cote d'Ivoire: Council Extends Visa Ban List,” 18261/10, December 31, 2010.

⁵⁰ Council of the European Union, “Cote d'Ivoire: Council Adopts Assets Freeze and Designates Additional Persons and Entities Subject to Restrictive Measures,” 5361/11, January 14, 2011. See also Reuters, “EU Ships Banned From Deals With Ivory Coast Ports,” January 17, 2011; and Reuters, “I.Coast State Oil Firm Sees EU Sanctions Hurting,” January 21, 2011.

⁵¹ AfDB, “Joint World Bank – African Development Bank Statement on the Situation in Côte d'Ivoire,” December 5, 2010.

⁵² World Bank, “World Bank Statement on Côte d'Ivoire,” 2011/278/AFR, December 22, 2010.

⁵³ U.S. Treasury officials also noted that Cote d'Ivoire hosts the AfDB's permanent headquarters, which the AfDB vacated in 2003 when civil war began. The AfDB is now temporarily located in Tunis, Tunisia. They also observed that that, technically, the World Bank and AfDB have suspended ongoing and new funding to Côte d'Ivoire, rather than formally or permanently terminated activities, as might be connoted by the term “stopped,” as used in the World Bank's December 22 statement. U.S. Treasury, January 10, 2011 response to a CRS inquiry.

with Côte d'Ivoire, as the IMF had not formally polled its members regarding these issues, which is the procedure through which it makes such determinations. However, a U.S. Treasury official informed CRS that as of the same date, the IMF was engaging with neither government.⁵⁴

On December 23, the West African Economic and Monetary Union (UEMOA), the supervisory body of the Central Bank of West African States (BCEAO), a regional central bank, recognized Ouattara as the legitimately-elected president of Côte d'Ivoire, and gave him authority over UEMOA-related activities and BCEAO transactions.⁵⁵ UEMOA member countries use a common currency, the West African Communauté Financière de l'Afrique (CFA) *franc*. The CFA is backed by the BCEAO, pegged to the Euro and is supported indirectly by the French treasury. The effect of this action is unclear; on December 23, the Associated Press reported that

several banks in downtown Abidjan posted notices in their windows saying that they would not be cashing civil servant paychecks because they hadn't received a guarantee from the government that they would be reimbursed. Lines of impatient civil servants formed outside the banks, but just after noon the notices were removed and one by one people started receiving their money.⁵⁶

In late January 2011, the Gbagbo government was reportedly able to successfully make its second monthly post-election state salary disbursement. Gbagbo officials have also reported that they had access to funding sources, which reportedly include customs, tax, cocoa, and oil revenues, to pay government salaries, and have reportedly strongly pressured banks, commodity traders, and other businesses to ensure funding flows, in the form of credit and other payments, to the Gbagbo government. In mid-January 2011, the Ouattara camp complained that, despite the BCEAO's recognition of Ouattara as the legitimate president, the bank was continuing to channel cash to the Gbagbo government, as some news reports had previously suggested. Such charges have been denied by the BCEAO. The Ouattara camp has been attempting to cut funding to Gbagbo in several ways. On January 10, the Ouattara government issued a list of "16 Ivorian treasury, banking and cocoa officials it wants sanctioned for backing" Gbagbo.⁵⁷ The head of BCEAO, a reported Gbagbo ally, resigned on January 22 after being accused of not cooperating with Ouattara, and on January 24, Ouattara issued a one-month ban on cocoa exports. It is not clear whether he will be able to enforce the ban, but on January 24, the Obama Administration announced its support for it.⁵⁸

⁵⁴ U.S. Treasury response to CRS inquiry, January 10, 2011.

⁵⁵ West African Economic and Monetary Union (UEMOA), Communiqué de Presse de la Session Extraordinaire du Conseil des Ministres de l'UEMOA, December 23, 2010.

⁵⁶ Marco Chown Oved, "Ivory Coast's Gbagbo Loses Access to State Funds," AP, December 24, 2010.

⁵⁷ The Ouattara list reportedly included "the head of the cocoa regulating body Gilbert Ako, the head of the local branch of the West African central bank, Denis N'Gbe, four treasury officials and local directors of several other banks, including Ecobank Cote D'Ivoire and Standard Chartered," and the national oil refinery director was also on the list. Reuters, "Ouattara Urges Sanctions on Ivorian Finance Officials," January 10, 2011. See also Adam Nossiter, "Cut Off, Ivory Coast Chief Is Scraping for Cash," *NYT*, January 17, 2011 and Tim Cocks, "Ivory Coast Strife Draws in W.Africa Central Bank," Reuters, January 14, 2011.

⁵⁸ The ban spurred a one-day 4% price rise in cocoa futures, but at present it is seen as having a limited short-term impact on cocoa supplies. Purchases contracted prior to January 23 can be shipped, the ban went into effect after the annual peak export period, and buyers reportedly increased purchases prior to the ban given on-going Ivorian political volatility, but a sustained ban is seen as likely to prompt higher prices. Black market exports to Ghana may rise moderately if sellers cannot guarantee formal export sales through the main ports. In early 2011, large buyers were wary of uncertain legal environment relating to cocoa exports, and had an incentive to comply with the ban in order to avoid future negative relations with Ouattara, should he formally assume power. One of the largest U.S. buyers of (continued...)

In the face of the BCEAO move, pro-Gbagbo activists have advocated that Côte d'Ivoire drop as its currency the CFA, and adopt a new national currency, reportedly dubbed the MIR, the French acronym for "Ivorian currency of the resistance." In part, the move would be a symbolic strike at France, which the Gbagbo regime and its supporters have accused of various acts of sabotage aimed at ousting Gbagbo from power. The CFA is the currency of UEMOA countries, which is backed by the BCEAO, pegged to the Euro, and supported indirectly by the French treasury.⁵⁹

On December 31, Côte d'Ivoire technically defaulted on a sovereign bond repayment, reportedly because the Ouattara government claimed that the state lacks funds to make the payment and because the Gbagbo government did not make payment. The debt at issue was a \$29 million initial "coupon" payment on an outstanding \$2.3 billion Eurobond issue. However, the issue gives Côte d'Ivoire a 30-day grace period, preventing it from falling into sovereign debt default status until February 1, and on January 11, the Gbagbo government pledged to make the coupon payment by February 1.⁶⁰ Further access to international bond markets for either a Gbagbo or an Ouattara government, however, may prove difficult because the national debt was reportedly twice previously restructured due to past defaults.⁶¹

One observer has proposed a measure to prevent the Gbagbo regime from seeking further alternative sources of credit on the private market. Todd Moss of the Center for Global Development (CGD), a former State Department African affairs official, has suggested that the African Union, publicly backed by major donor governments, issue a "declaration of non-transferability" regarding new loans to the Gbagbo regime. Such a declaration would assert that such loans "would be considered illegitimate and invalid" and thus not subject to repayment by the Ouattara government.⁶²

Threat of Military Intervention to Oust Gbagbo

Meeting on December 24, ECOWAS heads of state, after determining that Gbagbo had not heeded their December 7 demand that he cede the presidency, decided to "make an ultimate gesture to Mr. Gbagbo by urging him to make a peaceful exit." They dispatched a delegation made up of the presidents from Sierra Leone, Cape Verde and Benin to deliver an ultimatum reiterating the ECOWAS's demand and offer to escort him into exile abroad. "In the event that Mr. Gbagbo fails to heed this immutable demand," they further decided, ECOWAS "would be left

(...continued)

Ivoirian cocoa, Cargill, immediately suspended purchases, but another, Archer Daniels Midland, had not announced a decision as of January 25. Activists are pressuring large international cocoa buyers to heed the ban. Martin Vogl. "WAfrica bank Head Resigns Over Ivory Coast," AP, January 22, 2010; State Department, "Daily Press Briefing," January 24, 2011; and Caroline Henshaw, "Ivory Coast Cocoa Export Ban Brings Price Spike," *Wall Street Journal Online*, January 25, 2011, among others.

⁵⁹ Honore Koua, "Isolation Drives Country to Contemplate Dumping the CFA Franc," *The East African*, January 3, 2011; Selay Marius Kouassi, "I. Coast Contemplate New Currency," *AfricaNews*, January 3, 2011; and APANEWS, "Cote d'Ivoire Announces Plans to Introduce New Currency," December 30, 2010.

⁶⁰ Reuters, "Ivory Coast Gbagbo Ministry Confirms Bond Pledge," January 11, 2011.

⁶¹ Clare Connaghan, "Debt Default Looms for Ivory Coast," *Wall Street Journal*, January 7, 2011 Aljazeera.net, "Plan to Force Out Gbagbo 'Ready'," December 31, 2010, via BBC Monitoring Africa; and Mark Bohlund, "Côte d'Ivoire Misses Coupon Payment, Sovereign Default Looming," *IHS Global Insight Daily Analysis*, January 5, 2011.

⁶² Todd Moss, "How the International Bond Market Might Influence Côte d'Ivoire," *CGD*, December 29, 2010.

with no alternative but to take other measures, including the use of legitimate force, to achieve the goals of the Ivorian people.”⁶³

The delegation met with Gbagbo and Ouattara on December 28, but Gbagbo did not meet the ECOWAS demand for him to step down. He reportedly demanded a vote recount and an amnesty, were he to cede the presidency. After the delegation departed Côte d'Ivoire, ECOWAS leaders decided to defer immediate military intervention in favor of further negotiation, but regional military leaders met to plan and coordinate a possible deployment, as the heads of state had mandated.⁶⁴ The same delegation, joined by Kenyan Prime Minister Raila Odinga, the designated AU mediator, and ECOWAS President Gbeho, met with Ouattara and Gbagbo on January 3, and again demanded that Gbagbo cede power; emphasized that power-sharing deal was not feasible; and offered to provide amnesty to Gbagbo if he stepped down. No apparent headway resulted. The talks were described by an anonymous diplomat as “failure No. 2,” although Gbagbo “agreed to negotiate a peaceful end to the crisis without any preconditions” and pledged that he would lift a blockade of the hotel where the Ouattara government is housed under armed UNOCI and FN protection. As of late January, he had fulfilled neither pledge.⁶⁵

Prior to the departure of the second delegation, a Nigerian defense spokesman, speaking on December 31, stated that ECOWAS military chiefs from several member countries had “prepared plans to ‘forcefully take over power’ from” Gbagbo using a grouping of troops called the ECOWAS standby force, said to consist of 6,500 troops, if diplomatic efforts to pressure him to cede the presidency fail. A further logistics meeting was held in mid-January 2011 in Mali to “finalize when troops would be deployed and how long they could remain in the country.” The chiefs of staff were also slated to travel to Bouaké, in north-central Côte d'Ivoire, a possible intervention staging point. Ghana, however, later declined to participate in a potential intervention, citing an overburden of international peacekeeping deployments in other regions. Nigeria is also thought to have domestic security concerns of its own that might preclude it from contributing forces. On December 31, the United Kingdom announced that it would politically support use of force by ECOWAS in the UNSC, but did not offer or commit any troops for such a purpose. The UK has also prepared military contingency plans with the French, but the objective of such plans, which may pertain to evacuations of foreign citizens, has not been described publicly.⁶⁶

It is not clear how an ECOWAS intervention would operate, particularly in relation to the UNOCI and French forces that are already present on the ground. The Ouattara camp has called for a special forces commando operation to rapidly remove Gbagbo quickly, which it asserts can be done “without much damage” because “Gbagbo’s location can be quickly identified by a team of

⁶³ ECOWAS, “Extraordinary Session...,” December 24, 2010.

⁶⁴ Marco Chown Oved, “Delegation Leaves Ivory Coast Without Gbagbo,” AP, December 28, 2010; and Oved, “Neighbors Put...”; and AFP, “Military Intervention in ICoast Ruled Out Now: Cape Verde,” December 29, 2010.

⁶⁵ AU-ECOWAS, “Joint AU-ECOWAS mission to Cote d'Ivoire Communique,” January 4, 2011 via African Press Organization. Limited access to the hotel has prompted UNOCI to resupply the hotel by helicopter. Adam Nossiter, “Ivory Coast Leader’s Rival Remains Under Blockade,” *NYT*, January 6, 2011; UNSC, Security Council Press Statement on Situation in Côte d'Ivoire,” SC/10149, January 10, 2011; and Al Jazeera, “Kenya PM Warns of Cote d'Ivoire War,” January 7, 2011.

⁶⁶ Aljazeera.net, “Plan to Force...” See also Tim Castle, “UK Says Would Back Force to Oust I.Coast’s Gbagbo,” Reuters, December 31, 2010; Ola Awoniyi, “W.African Defence Chiefs Plan I.Coast Intervention,” AFP, December 29, 2010; Francis Kokutse, “Ghana President Says ‘No’ to Troops in Ivory Coast,” January 7, 2011; and AFP, “Ouattara: West Africa ready to intervene in I.Coast,” January 19, 2011, among others.

elite troops because he 'is essentially at his residence or at the presidential palace'. The possible danger to civilian lives resulting from such an operation could be substantial, however, given the large population that supported Gbagbo's election, the militancy of a core of Gbagbo's support base and the presence of a large, highly ethnically and regionally mixed civilian population in Abidjan. Key Gbagbo supporters have stated that they would respond in kind to any attempt to attempt to oust Gbagbo by force of arms, and that such an attempt would spark a war.⁶⁷

France's Military Presence in Côte d'Ivoire

France has been active in the Ivorian peace process since the start of the 2002 conflict. France's Operation Licorne, formed in October 2002, was initially made up of French forces already present in Côte d'Ivoire under long-standing bilateral mutual protection military accords. The force's initial mission was to protect French citizens and interests in Côte d'Ivoire. It also aided other foreign nationals, including Americans, many of whom French forces evacuated from the country in late 2002. In December 2002, the French force began to act as a "blockade" force between the north-south line dividing the national army and rebel fighters in western Côte d'Ivoire. In February 2003, Operation Licorne was authorized by the U.N. Security Council (per Resolution 1464), along with a now-defunct ECOWAS force later known as ECOMICI, to guarantee the security and freedom of movement of their personnel, protect civilians facing immediate threats, as feasible.

Operation Licorne helped suppress an attempted Ivorian government resumption of the armed conflict in November 2004 after the air force, attempting to target FN positions, attacked a French post in Bouaké, in northern Côte d'Ivoire, resulting in nine French deaths and the killing of a U.S. civilian. The French retaliated by bombing the Ivorian air force, destroying almost all of it. Licorne was also involved in protecting French citizens and property during violent riots that targeted UNOCI and French troops and civilians after the attempted resumption of conflict.

Licorne, which at its largest size included 4,000 personnel, currently consists of 900 soldiers based in Abidjan. Licorne conducts patrols in Abidjan, some with UNOCI forces, and provides technical support, primarily maintenance, to UNOCI. It is also mandated with protecting a reported 15,000 French citizens resident in Côte d'Ivoire. The Licorne force includes mechanized infantry, military police trained in riot control, engineers, and a special forces detachment. It operates eight helicopters and is backed by *Operation Corymbe*, a standing contingent French naval presence in the Gulf of Guinea comprised of an amphibious helicopter carrier equipped with a 50-bed hospital, and can be reinforced on as-needed basis by French standby forces based in Gabon and Senegal.⁶⁸

A further effort to drive home ECOWAS's demand to Gbagbo was delivered by Nigeria's former military head and President Olusegun Obasanjo on January 8. His presence, given his reputation as a forceful, uncompromising interlocutor, was interpreted as underlining the putative seriousness of ECOWAS's threat. An Ouattara aide was quoted as stating that "In diplomacy you can say things very nicely. Or you can say it by being mean. He is here to say it in the mean way." Despite such perceptions, no breakthroughs were reported as a result of Obasanjo's trip.⁶⁹

U.S. Diplomatic and Policy Responses

U.S. Stance

On December 3, 2010, President Obama publicly congratulated Ouattara on his electoral victory, and stated that the IEC, "credible and accredited observers, and the United Nations have all

⁶⁷ Rukmini Callimachi, "Ivory Coast Election Winner Wants Rival Ousted," AP, January 6, 2011; and Radio France Internationale (RFI), "We Are Ready to Resist, Says Gbagbo Party Leader," January 8, 2011.

⁶⁸ Government of France, email to CRS December 23, 2010, and information provided in February 2004 and December 2005; S/2010/600; and S/2004/962, December 9, 2004.

⁶⁹ Rukmini Callimachi, "Nigeria's Obasanjo Meets with Ivory Coast Rivals," AP, January 9, 2011, among others.

confirmed this result and attested to its credibility.” He urged “all parties, including incumbent President Laurent Gbagbo, to acknowledge and respect ... the will of the electorate.” He also said that the “international community will hold those who act to thwart the democratic process ... accountable for their actions.” His statement mirrored a similar one delivered a day earlier by a National Security Council (NSC) spokesman.⁷⁰

Other U.S. officials made similar statements. On December 7, U.S. Permanent Representative to the United Nations (USUN) Susan E. Rice said that ECOWAS’s “very strong, very clear determination that Alassane Ouattara is the duly elected president of Côte d’Ivoire,” which she stated is “very consistent with the American position,” adding the “reality, the fact, [is] that Ouattara has been elected.”⁷¹ On December 9 U.S. Assistant Secretary of State for African Affairs Johnnie Carson stated that it is “the determination of the U.S. government to do everything we can to ensure that... the legitimately elected president of Côte d’Ivoire, Alassane Ouattara, is allowed to take office.”⁷² On December 23 Secretary of State Hillary Rodham Clinton stated that “President Alassane Dramane Ouattara is the legitimately elected and internationally recognized leader of Côte d’Ivoire.”⁷³

Notwithstanding such statements, as of January 5, 2011, the United States had not yet legally recognized the government of President Ouattara. A key reason for this was that the self-declared Gbagbo government had not conceded the election and was continuing to exercise authority over state institutions and to undertake actions for which the United States may want to hold Gbagbo and state officials under his executive authority legally accountable.⁷⁴ Such actions might include the issuance of command and control directives to elements of the state security forces, some of which have reportedly committed post-election human rights abuses, or the inappropriately partisan or private use or abuse of fiscal or other state resources.

The United States has, however, recognized President Ouattara's recall of Gbagbo's designated ambassador to the United States, Yao Charles Koffi, and recognized as the charge d'affaires of the Côte d'Ivoire embassy in the United States, Kouame Christophe Kouakou, the former Deputy Chief of Mission of the Ivoirian embassy under Koffi. From the U.S. perspective, Koffi’s status as ambassador was formally terminated on December 30, although efforts to achieve this end began in mid-December, when Ouattara’s undertook his recall. The United States has also announced its

⁷⁰ White House, “Statement by the President on the Election Results in Cote d’Ivoire,” December 3, 2010; and White House, “Statement by NSC Spokesman Mike Hammer on the elections in Côte d’Ivoire,” December 2, 2010.

⁷¹ USUN, “Remarks by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, Before a Security Council Meeting on the Situation in Cote d’Ivoire,” December 7, 2010

⁷² Charles W. Corey, “U.S. Wants Era of Bad Elections in Africa to End,” *America.gov*, December 9, 2010. Also, on December 6, 2010, U.S. Deputy Assistant Secretary for African Affairs William Fitzgerald stated that the “United States government applauds and congratulates Alassane Ouattara on his victory.” *America.gov*, “Podcast on the 2010 Presidential Elections in Côte d’Ivoire,” December 6, 2010.

⁷³ State Department, “Remarks/Special Session of the Human Rights Council on the Situation in Cote d’Ivoire,” December 23, 2010.

⁷⁴ On January 4, 2011, a State Department spokesman stated that Gbagbo “is responsible for what has occurred in Cote d’Ivoire over the past few weeks,” and on January 5 added that “We decry the violence that has resulted in deaths and injuries of citizens of Cote d’Ivoire. We believe they’re politically motivated. We believe that the Government of President Gbagbo is fully responsible.” State Department, “Daily Press Briefing,” January 4, 2011 and January 4, 2011; and CRS discussion with State Department official, January 5, 2011.

intention to recognize a full ambassador named by Ouattara, in accordance with diplomatic protocol.⁷⁵

A Congressional Reaction

On December 7, Donald M. Payne, then the Chairman of the Subcommittee on Africa and Global Health of the House Committee on Foreign Affairs (111th Congress), stated that

President Gbagbo has served his country through the turmoil of the last 10 years, including through a failed coup attempt on his own administration in 2002. And despite the seemingly insurmountable challenges that have faced his country, and the criticism he has often received from the West, he managed to prevent Côte d'Ivoire from plunging into a violent civil war. In the wake of President Gbagbo's latest success—a reportedly free and fair election—I commend him for his service and sacrifice and encourage him, in the manner befitting of a statesman, to peacefully transfer power to President-elect Ouattara.

He also expressed deep concern “over the reports of the deadly attack against the opposition headquarters committed by paramilitary forces, and of violent outbursts between supporters of the ruling Ivorian Popular Front (FPI) and the opposition Rally of the Republicans (RDR).” He urged Gbagbo “to immediately rein in his security forces and all paramilitary groups to prevent further bloodshed and suffering at the hands of the Ivorian people,” and stated that “it is absolutely critical at this juncture that the rule of law, suspension of violence, and the will of the people be upheld to prevent a major crisis.”⁷⁶

Presidential and Other High-Level Efforts to Pressure Gbagbo to Step Down

The United States has attempted to directly communicate with Gbagbo to urge him to abide by the results of the election and cede power to Ouattara, with little success. President Obama reportedly tried to telephone Gbagbo twice in December, the first time prior to Gbagbo's self-inauguration and the second about ten days later, but his calls were refused.⁷⁷ After the first call, on December 5 he reportedly sent a letter to Gbagbo outlining the U.S. position regarding Ouattara's election.⁷⁸ In the letter, reportedly sent on or about December 10, he invited Gbagbo to the White House “for discussions ... on ways to advance democracy and development in Côte d'Ivoire and West Africa” should Gbagbo cede power. Gbagbo reportedly received but did not respond to the letter, which also stated that President Obama “would support efforts to isolate Gbagbo and hold him to account if he refused to step down.”⁷⁹ A second, “more detailed” letter was sent to Gbagbo sent by Secretary of State Clinton, reportedly suggested that “Gbagbo could move to the United States or receive a position in an international or regional institution if he left peacefully.”⁸⁰

⁷⁵ State Department, “Daily Press Briefing,” December 29, 2010; and State Department information provided to CRS.

⁷⁶ HFAC, “Congressman Donald Payne Calls on Gbagbo to Respect the Will of the Ivorian People,” December 8, 2010.

⁷⁷ Lanny J. Davis, a former Gbagbo Washington lobbyist, claimed to have been instrumental in attempting to arrange a call between Gbagbo and Obama. Smith, “Davis Resigns...”; and Cooper and Lichtblau, “American Lobbyists ...”

⁷⁸ Eric Lipton and Sheryl Gay Stolberg, “In Ivory Coast, Bid to Ease Out Defiant Leader,” *NYT*, December 31, 2010; Shiner, “Obama Joins African Leaders...”; Julie Pace, “With Personal and Political Motivation, Obama...”; and VOA, “Clinton: Ivorian President Should Yield Power to Successor,” December 9, 2010.

⁷⁹ Shiner, “Obama Joins African Leaders in Pressing Gbagbo...”; and Reuters, “Obama Dangled White House Visit to Ease Ivorian Row,” December 9, 2010.

⁸⁰ Mary Beth Sheridan, “U.S. Imposes Sanctions to Press Ivory Coast Leader to Step Aside,” *Washington Post*, January 9, 2011.

These efforts appear to be part of a U.S.-supported international strategy to provide Gbagbo with a “soft landing,” a euphemism for voluntary exile under international pressure.⁸¹ “Similar inducements” to those outlined in President Obama and Secretary Clinton’s letters were reportedly proffered by France and other African countries.⁸² A letter from Nigerian President Goodluck Jonathan, acting for ECOWAS, that was given to Gbagbo on December 17 reportedly contained an offer of asylum by an unnamed African country.⁸³

The effort has been portrayed by U.S. officials not as an outright offer to Gbagbo of asylum in the United States, but as a proffer of assistance to help arrange exile, with the condition—a measure meant to pressure him to accept the proposal—that if Gbagbo agrees to step down, he must do soon. The effort was also qualified by a second condition designed to motivate Gbagbo to help prevent any further human rights abuses. Any potential additional abuses by forces under his control, or other acts for which Gbagbo might be held accountable under international justice mechanisms, might lead to the offer being withdrawn; the proposal gives Gbagbo a “window of opportunity” to act in accordance with international demands, but a finite one defined by events on the ground.⁸⁴

No publicly-stated decision has been announced on whether the United States—which provides limited security sector assistance to ECOWAS, in part focused on its stand-by force, and funds a military advisor who is based at ECOWAS’s military headquarters—would support an ECOWAS military intervention in Côte d’Ivoire. However, an ECOWAS delegation that was sent to the United States to consult with U.S. and U.N. officials, reportedly including with respect to possible external support for an ECOWAS military intervention, met with a U.S. national security official on January 27.⁸⁵

U.S. Visa Restrictions

On December 21, in order to pressure Gbagbo to cede power, the United States imposed travel restrictions on members of Laurent Gbagbo’s regime and “other individuals who support policies or actions that undermine the democratic process and reconciliation efforts in Côte d’Ivoire.” The restrictions reportedly target affected persons by revoking “existing visas to the United States and prohibit new visa applications from being accepted.” The list of affected persons is not public, and it is unclear whether Gbagbo himself was on the list, in part in light of President Obama’s invitation to him, or whether his cabinet members were affected. According to the State Department website *America.gov*, a State Department spokesman was quoted as stating that

⁸¹ “Soft landing” is a term that U.S. officials have in the past used to describe efforts to pressure leaders whose continued tenure, typically after periods of significant political volatility, has appeared untenable, and whose efforts to cling to power have imperiled democratic transitions or threatened to generate significant political violence or armed conflict. The term was used, for instance, to describe efforts to pressure the departure into exile of the late President Mobutu Sese Seko of Zaire or former Haitian President Jean-Bertrand Aristide, among others.

⁸² Sheridan, “U.S. Imposes Sanctions ...”

⁸³ Andrew Quinn, “Ivory Coast President Offered Exile in Africa - US,” Reuters, December 17, 2010; AFP, “ECOWAS Sends Letter to Gbagbo Calling On Him To Quit Power, December 17, 2010; and State Department, “Daily Press Briefing,” December 17, 2010.

⁸⁴ Lipton and Stolberg, “In Ivory Coast, Bid to Ease Out...”; Quinn, “Ivory Coast President Offered Exile...”; and State Department, “Daily Press Briefing,” January 4, 2011.

⁸⁵ CNN, “Groups Condemn Sexual Violence, ‘Reign of Terror’ in Ivory Coast,” January 27, 2011.

“there are dozens of individuals being targeted and the list ‘will go up’ to potentially include Gbagbo’s Cabinet ministers and others who are continuing to help him remain in power.”⁸⁶

U.S. Targeted Financial Sanctions

On January 6, 2011, acting under Executive Order 13396 (EO 13396), the U.S. Treasury Department imposed targeted financial sanctions on Gbagbo; his wife, Simone Gbagbo; and senior Gbagbo associates and advisers Desire Tagro, Pascal Affi N’Guessan, and Alcide Ilahiri Djedje. The sanctions prohibit U.S. persons “from conducting financial or commercial transactions with the designated individuals” and freeze “any assets of the designees within U.S. jurisdiction.” They were imposed because of Gbagbo’s “refusal to accept the CEI’s [IEC] election results... and relinquish his authority,” aided by the other designees “directly or indirectly” were “determined to constitute a threat to the peace and national reconciliation process in Côte d’Ivoire,” which EO 13396 seeks to deter. The intention of the move was to isolate Gbagbo “and his inner circle from the world’s financial system and underscore the desire of the international community that he step down.”⁸⁷

U.S. Relations, Assistance, and Elections Support

U.S.-Ivoirian relations were traditionally cordial, but became strained after the 1999 ouster of former president Henri Konan Bédié in 1999 in a military coup by the late General Robert Guéi, and remained so during President Gbagbo’s tenure. The United States recognized Gbagbo as the de facto leader of Cote d’Ivoire, but viewed the 2000 election that brought him to power as operationally “flawed” and “marred by significant violence and irregularities,” and as illegitimate because it was organized by a government that came to power by undemocratic means.⁸⁸

Since the ouster of Bédié, Cote d’Ivoire has been subject to a restriction on bilateral aid that prohibits the use of foreign operations funds—with some exceptions for selected non-governmental organization, human welfare, and humanitarian needs programs—to a country whose democratically elected head of government is deposed by a military coup d’état.⁸⁹ The United States has also imposed personal sanctions on selected persons viewed as threatening the peace process in Côte d’Ivoire (see previous discussion of U.S. visa restrictions and financial sanctions). U.S. bilateral engagement was also reduced as a result of the 2002 conflict by the suspension and later closure of a country Peace Corps program in 2002 and 2003. After the northern rebellion in October 2002, 133 Peace Corps volunteers were evacuated by U.S. and French forces, and the program was suspended. The country office closed in May 2003.

⁸⁶ Stephen Kaufman, “U.S. Applies Travel Restrictions on Côte d’Ivoire’s Gbagbo,” *America.gov*, December 21, 2010; and State Department, “Cote d’Ivoire: Travel Restrictions,” PRN 2010/1847, December 21, 2010.

⁸⁷ Executive Order (E.O.) 13396, “Blocking Property of Certain Persons Contributing to the Conflict in Cote d’Ivoire,” was issued by former President George W. Bush on February 7, 2006, and between that date and addition of Gbagbo and associates in early 2011, designated three individuals. It was issued, in part, to implement UNSC Resolution 1572 of 2004. U.S. Treasury, “Treasury Targets Former Côte d’Ivoire President Laurent Gbagbo and Members of his Inner Circle, January 6, 2011; E.O. 13396; and U.S. Treasury, *An Overview of the Côte d’Ivoire Sanctions*, n.d.

⁸⁸ State Department, “Cote D’Ivoire,” *Country Reports on Human Rights Practices*, February 23, 2001.

⁸⁹ The aid restriction was first imposed in accordance with Section 508 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, FY2000, a component of P.L. 106-113. Similar restrictions have been imposed in each subsequent fiscal year.

The United States has repeatedly pressed the parties to the Ivorian conflict to durably and comprehensively resolve their conflict, and has attempted to foster a transition to peace and democracy by diplomatically and otherwise supporting implementation of the OPA and prior peace accords. The United States provided about \$9 million in assistance to help ECOMICI deploy in 2003 and financially and politically supports the UNOCI mission (\$81 million, FY2009 actual; \$128.6 million, FY2010 enacted; and \$135 million, FY2011 request. It has also funded limited election support activities (see text box).

Côte d'Ivoire has received limited U.S. food aid and substantial HIV/AIDS and health-related assistance (\$107 million in FY2009 and an estimated \$133 million in FY2010, with \$133 million requested in FY2011).⁹⁰ Another policy concern is trafficking in persons. The State Department reports that Côte d'Ivoire is a source, transit, and destination country for women and children trafficked for forced labor and commercial sexual exploitation. There are several U.S. anti-trafficking programs in place.

According to the State Department's FY2011 foreign operations *Congressional Budget Justification*—which was issued prior to the crisis—if Cote d'Ivoire's political situation is resolved “to such an extent that U.S. assistance can help restore stability and promote good governance,” the Administration of President Barack Obama would seek to

promote credible and peaceful elections [e.g., parliamentary or local ones], support a deep and broad nationwide reconciliation process, restore the rule of law and combat impunity, raise public awareness of the costs of corruption, expose Ivoirian youth to nontraditional ideas of civil society, help young political leaders develop new approaches and adopt better political platforms, fight trafficking in persons, stem the HIV/AIDS epidemic, and increase economic productivity.

⁹⁰ State Department, Congressional Budget Justification for Foreign Operations, FY2011.

In addition to \$133.3 million in Global Health and Child Survival (GHCS) funding mentioned above, the FY2011 State Department budget request envisions the provision of \$4.2 million in Economic Support Fund assistance for conflict mitigation and reconciliation, good governance, political competition and consensus-building and civil society support, along with \$40,000 in International Military Education and Training aid.

U.S. Democratization and Election Support

The Carter Center, the National Democratic Institute (NDI), and the National Endowment for Democracy (NED) have supported a variety of election-related activities. From 2009 through 2010, NDI supported “participatory and peaceful elections in Côte d’Ivoire by reinforcing mechanisms for mitigating election-related conflict and by assisting women leaders and activists to participate in the election process.” Some of the work focused on youth leader election conflict prevention and mitigation efforts. In May 2010, NDI also sponsored a series of training to boost female political candidacies, and in October 2010, NDI sponsored the an inter-party effort to promote a 2008 NDI-assisted inter-party code of conduct, and a ceremony in which the 14 presidential first-round candidates signed onto the code. NDI also sponsored diverse activities from 2003 to 2009 in support of national reconciliation and the reestablishment of non-violent political processes, such as training on public policy and communication skills for political parties (starting in 2003); organizational capacity building for political parties (starting in 2005); and on “the roles and responsibilities of parties in a democratic political system,” accompanied by support for an inter-party information resource center (in 2006 and 2007). In 2008, it also implemented a USAID-funded program to increase the capacity of political parties to monitor the electoral process. NDI’s activities in Côte d’Ivoire were supported by \$600,000 in NED funding in 2009, and \$550,000 from the NED in 2010.⁹¹ NDI and the International Foundation for Electoral Systems (IFES) received about \$.7 million in funding in 2007 and 2008 to support political party monitoring of the citizen identification process and voter registration (NDI), and civic education and IEC capacity building (IFES).⁹²

The Carter Center monitored, publicly reported on, and issued diverse recommendations relating to the Ivorian political process, between late 2008 and late 2010, although its election-related activities are slated to continue through March 2011. Much of its work in 2009 and 2010 focused on the citizen identification and voter registration, verification, and challenge processes. In 2010, the Center also monitored the two presidential votes, issued detailed assessments of events during and preceding polling day. These activities and subsequent ones running through March 2011 have been subsidized by \$.74 million in State Department Democracy, Human Rights, and Labor Bureau (DRL) funding.⁹³

NED, which sponsors activities and organizational capacity-building of selected non-governmental organizations, sponsored a range of election-related and political participation-focused activities in 2009 and 2010. In 2009, these included support of activities focusing on the promotion of female participation in politics, including as candidates; local conflict resolution; “peace and non-violence during the presidential elections using community radio and voter education campaigns”; youth and ex-combatants engagement in political party activities and political processes; and compliance with a media code of conduct during the presidential elections. NED also supported selected NDI activities (see above). In 2010, NED continued to support community radio non-violence and voter education campaigns and expanded female political participation, as well as women’s rights during the electoral period, trained and deployed about 1,020 national election observers, and otherwise supported increased civil society organization engagement in election monitoring. NED funding for these activities totaled about \$1.9 million.⁹⁴

⁹¹ NDI, “NDI Programs in Côte d’Ivoire,” October 18, 2010; and NDI response to CRS inquiry, October 20, 2010.

⁹² USAID response to CRS inquiry, October 18, 2010.

⁹³ Carter Center, *Waging Peace: Côte d’Ivoire*; and State Department DRL response to CRS inquiry, January 13, 2011.

⁹⁴ NED, “Côte d’Ivoire,” *Where We Work*; and NED response to CRS inquiry, October 20, 2010.

Outlook

As of mid-January 2011, both the Ouattara and Gbagbo camps were rigidly adhering to their respective positions, and mediation by regional bodies, such as ECOWAS and the AU, had yielded few concrete prospects for a peaceful resolution of the crisis. While the strength of ECOWAS's threat to intervene militarily was drawn into question by the reticence of some member states to undertake such an action, the fact that an intervention had been proposed raised the prospect that the political impasse might devolve into an armed conflict. There were also signs that the armed forces and militant supporters of each side were prepared to use force to ensure that their respective candidates maintained or gained control of state institutions, which also bodes ill for a peaceful outcome. The international community also remained wary of and was preparing for a possible uptick in conflict, given events since the election, including a spate of attacks on UNOCI peacekeepers, despite strong admonitions by top U.N. officials regarding the possible legal consequences of such actions. The UNSC has increased the size of UNOCI, and foreign governments have prepared contingency plans for the evacuation of foreign citizens from Côte d'Ivoire in the event of armed conflict and in the face of growing anti-foreigner sentiments among some sectors of the population.

Notwithstanding the possibility of war, the fact that widespread armed conflict has not erupted to date raises the possibility that the crisis might be resolved through political means. Even if such a resolution is achieved, however, Côte d'Ivoire is likely to remain tense and highly politically unstable for some time. If Gbagbo is ultimately forced to cede the presidency—as would appear to be a distinct possibility, given the extent and strength of international opposition to his continued incumbency—his supporters, nearly half of the population and, in particular, his large corps of militant supporters, are likely to remain aggrieved and to obstruct the political process. If, by contrast, Gbagbo continues to resist efforts to force him to step down, the country is likely to remain divided, politically unstable, and at an extended risk of renewed armed conflict due to resentment and feelings of disenfranchisement by supporters of Ouattara.

A power-sharing agreement could provide a temporary respite from the immediate threat of war. Such an outcome has been strongly rejected by international community, and had also been spurned by Ouattara until January 10, when he said he would be agreeable to appointing a coalition government that would include members of Gbagbo's party, but not Gbagbo himself. A power-sharing agreement, however, would likely not resolve the political and socio-economic issues that underlie the conflict, however, nor bode well for the rule of law as it relates to democratic governance in Côte d'Ivoire.

If the crisis is resolved, Côte d'Ivoire is well-positioned to undertake a successful economic recovery, and to reemerge as a regional economic hub; while the economy has suffered from some degree of lack of investment due to the uncertain political situation, the cocoa economy has performed well and the country has a fairly well developed infrastructure by regional standards. An end to the crisis would also likely boost international political and investment confidence in the West Africa as a whole.

Appendix A. Background on the Election

The Long-Stymied Peace Process

The 2010 presidential election was the main political objective of a peace process aimed at reunifying Côte d'Ivoire under a series of political-military agreements reached between 2003 and March 2007, when the most recent accord, the Ouagadougou Political Agreement (OPA) was signed. The OPA incorporated key provisions of the main preceding agreements but superseded them.⁹⁵ The election was originally slated to be held as constitutionally-prescribed, in a manner that would allow a timely transition to a new elected government at the end of President Gbagbo's initial five-year term on October 30, 2005. It was delayed at least six times, however, in some cases with the explicit concurrence of the international facilitators of the various peace agreements, and in some cases in spite of their demands, political threats, and other efforts intended to expedite fulfillment of the agreements.⁹⁶ These delays enabled Gbagbo to maintain his incumbency for five years after the termination of his electoral mandate and—according to some analysts—to significantly influence the politics of the peace process in manner that allowed him and his key allies to consolidate state power, access to resources, and shape the electoral institutional framework to work in their favor.

Article 48: President Gbagbo's "Exceptional" Authority

Despite the expiration of his electoral term in 2005, Gbagbo asserted a legal mandate to retain his post under Article 48 of the Constitution of Cote d'Ivoire, which allows the president of the Ivorian republic to take "exceptional measures"—following consultation with the National Assembly President and the Constitutional Council—when "the regular functioning of the constitutional public powers is interrupted." Gbagbo used the measure to ensure the continuity of his incumbency past his elected tenure, to enact numerous laws by decree, and to issue other types of executive orders. The same constitutional provision permitted the National Assembly to continue to function past its elected term. Gbagbo's use of Article 48 was, in some cases, viewed as helpful to the peace process, as it allowed for the enactment of legal reforms called for under the peace accords, while in others its use was opposed by his political opponents. Gbagbo was also sometimes accused of hindering accord implementation by not using his executive powers in a timely manner. In its findings on the second round poll, the Carter Center criticized the expedient political use of legal mechanisms by both sides. It stated its regret at "the tendency of political actors to use the legal framework not to resolve political differences by referring to the legal basis for decisions, but to sharpen them by ignoring it when it did not suit their agenda."⁹⁷

Key accord implementation challenges pertained to the sequence and manner in which disarmament, citizen and voter identification, voter registration, other electoral administration tasks, and various accord-prescribed legal reforms would take place; and differences over the scope of presidential authority. Controversy over these and other issues regularly prompted episodes of political volatility, mass political protests that were, at times, violent, and underpinned electoral process delays which, in turn, spurred the successive series of accords. The root causes underlying the conflict include contention over land; internal and regional migration; the nature of national identity; qualifications for citizenship; and the extent of foreign influence over Ivorian political processes; security force abuses; issues of socio-economic welfare (e.g.,

⁹⁵ The OPA was later amended four times, most recently in late 2008. The main pre-OPA accords were the Linas-Marcoussis Agreement, of 2003; the Accra III Agreement, of 2004; and the Pretoria Agreement, of 2005.

⁹⁶ External facilitators have included the United Nations Security Council, the African Union, ECOWAS, and foreign heads of state, in their capacities as accord mediators.

⁹⁷ Carter Center, "Statement of Preliminary Findings and Conclusions," November 30, 2010

power cuts and uneven access to social services); and other aggravating factors, such as corruption and crime.

Pre-Electoral Processes: Progress and Challenges

Notwithstanding such challenges, the conduct of the October 31, 2010 first round election was made possible because substantial headway was made in 2009 and 2010 toward completing OPA-required election preparation tasks, despite a number of potentially catastrophic challenges to their execution, and far less progress in attaining key non-electoral but politically critical provisions of the OPA. Failure to complete the latter-primarily disarmament, demobilization and reintegration of ex-combatants and militia members; security sector reform; and the nationwide restoration of state authority, all of which remained incomplete by polling day, notwithstanding much progress-could well have once again prevented the elections from occurring (see text box).

Identification

According to U.N. reporting, in 2009 the government and the FN, substantially aided by UNOCI, made substantial progress in completing the processes of pre-electoral citizen identification and voter registration processes. Over 6.59 million persons were legally identified and 6.38 million registered as voters, but 2.7 million of this number had to have their identification for voting purposes confirmed. Citizen identification was a prerequisite of elections and was conducted concurrently with voter registration, but was a separate objective under the OPA. The lack of identification papers for millions Ivorian and foreign populations resident in Côte d'Ivoire was a key issue underpinning the conflict and the years of subsequent political impasse. Lack of proof of national identity was common due to factors such as historical discrimination; lack of administrative capacity; lack of access of Ivorian-born, second generation immigrants to legal identification rights and processes; and destruction and poor administration of civil registers during and after the conflict. Persons eligible for inclusion on the voter roll included those entered on the 2000 election voter list and any other Ivorian citizen 18 years or older who could present proof of birth, although according to the Carter Center, "in practice, these distinctions were not applied and individuals seeking to be on the voter list did not have to demonstrate proof of nationality." This situation created the basis for disputation of the validity of entries on the voter roll, and complicated the voter registration process, turning what was initially planned as a six-week exercise into a two-year process.⁹⁸

Peace Process Again Imperiled: Voter Vetting and Electoral Disputes

Voter list vetting in November 2009 by the Independent Electoral Commission (IEC) validated a provisional voter list that included some 5.28 million registrations (dubbed the "white list"), but left an additional 1.03 million unconfirmed (the "grey list"). Challenges were later made to almost half of these, and while all but 33,476 were validated, the status of the other half remained unclear. Delays in these processes and later registration appeals, however, forced a postponement of national elections, which had been scheduled for November 29, 2009.⁹⁹ Notwithstanding the

⁹⁸ S/2010/245; S/2010/537, October 18, 2010; UNSC, "Statement on the certification of the final voters list by Choi Young-Jin, Special Representative of the Secretary-General for Côte d'Ivoire," S/2010/493, September 24, 2010; and Carter Center, "Statement of Preliminary Findings and Conclusions," November 2, 2010.

⁹⁹ S/2010/15, January 7, 2010; and Economist Intelligence Unit (EIU), *Côte d'Ivoire Country Report*, January 2010.

delay, based on voter registration progress, the validation by the Constitutional Council on November 19 of 14 of 20 aspirant presidential candidates, and an amendment to the remaining electoral timeline established under the OPA, elections were forecast to be held by late February or early March 2010.¹⁰⁰

On February 11, 2010, however, Prime Minister Soro ordered an indefinite suspension of the national voter registration contestation process following “tensions created by the process of validating the provisional voter list.” This process had sown fears in some areas that courts, at the direction of the FPI-led government, would purge opposition voters from the voter rolls.¹⁰¹ This controversy arose after the then-IEC chairman, Robert Mambé, a PDCI member, reportedly erroneously distributed 429,030 voter names to local IEC offices during what he asserted was an internal IEC voter vetting exercise. Gbagbo’s supporters claimed that the names at issue were primarily of persons of northern descent. After an Interior Ministry investigation, the Gbagbo government accused Mambé of fraudulently trying to rig the voter list on behalf of the opposition, and demanded that he resign. The opposition came to Mambé’s defense and accused the government of trying to further delay elections and extend the president’s term. Mambé rejected the claims of Gbagbo’s supporters and called for an independent UNOCI probe into the affair.¹⁰²

The situation was further inflamed when on February 11 President Gbagbo unilaterally dissolved the government, dismissed the Independent Electoral Commission (IEC), and called on Soro to quickly appoint a new government and propose “a new credible electoral commission.”¹⁰³ Gbagbo’s actions followed weeks of growing dispute between the presidency and the IEC over the Mambé controversy and Mambé’s refusal to resign, and invalidated the prior election schedule, raising questions about when the long delayed presidential election would occur. The IEC dissolution was strongly opposed by the opposition camp, which labeled it “undemocratic and unconstitutional” and tantamount to a coup d’état.¹⁰⁴ In subsequent weeks, demonstrations broke out in multiple Ivoirian cities. Some were violent, resulting in around 12 fatalities. After a mediation visit by the OPA Facilitator, President Blaise Compoare of Burkina Faso, a new IEC was appointed on February 25, and an opposition member was later chosen as its chairman.

¹⁰⁰ At the time that the candidates were approved, the election was still formally slated to be held on November 29, 2009; the fact that it was not held until nearly a year later caused some to question whether the candidature process should have been reopened. While such an outcome may have permitted greater political participation, it would almost certainly not have changed the outcome, as no candidate other than the leading three (Gbagbo, Ouattara, and Bédié) won more than 2.57% of votes cast, and all but one garnered far less than 1% of votes. In addition, reopening the candidature qualification process may further have delayed the vote by reigniting debate over candidate eligibility, which was “affected by the Linas-Marcoussis Agreement. The agreement established preferential consideration for... candidates from signing political parties or groups [who] were exempted from the demonstration of any legal requirements (such as proof of citizenship, tax payment, or health certificate) other than the personal declaration and signature of candidacy. Carter Center, “Statement...,” November 2, 2010; and S/2010/15.

¹⁰¹ Loucoumane Coulibaly, “Ivory Coast Suspends Registration of Voters,” Reuters, February 11, 2010; Loucoumane Coulibaly, “Thousands Riot Over Voter Lists in Ivory Coast Town,” Reuters, February 5, 2010; and S/2010/245.

¹⁰² EIU, *Côte d'Ivoire Country Report*, January 2010; and S/PV.6284, January 1, 2010.

¹⁰³ Although the OPA did not endow Gbagbo with the authority to dissolve the IEC, Gbagbo asserted that Article 48 of the constitution allowed him to do so. Tim Cocks and Ange Aboa, “Ivory Coast’s President Dissolves Government,” Reuters, February 12 2010

¹⁰⁴ AFP, “Ivory Coast Opposition Says Government Sacking a ‘Coup’,” February 13, 2010.

Non-Electoral Elements of the OPA: Security Reform and State Reunification Prior to the Election

Progress toward elections under the peace process created by the OPA and preceding accords had long been hindered by contestation over the sequencing of disarmament, among other matters. The Forces Nouvelles (FN), while publicly supportive of the OPA's disarmament, demobilization, and reintegration (DDR) provisions, contended that disarmament was not a prerequisite to elections. In various instances, it refused to move forward with disarmament commitments prior to progress on various election and identification accord provisions. Although a late 2008 amendment to the OPA required FN DDR two months prior to the presidential election, election delays and the lack of a specific announced poll date meant that the provision could not be enforced. The Gbagbo government, for its part, periodically refused to move forward on election-related commitments in the absence of FN disarmament. As of late May 2010, the Gbagbo government was once again "insisting on disarmament and the reunification of the country before the elections," after earlier agreeing to hold polls. In a late May 2010 report, UNSG Ban stated that "many interlocutors, including the [OPA] Facilitator, advised" that the terms of the OPA "must be tackled concomitantly in order to remove any pretexts by any of the parties for not carrying out their obligations."

OPA implementation progress was also plagued by funding shortages, including lack of payment to former rebel members of integrated security force units created by the OPA, a situation that held the potential to impact the electoral process, since these units were charged providing election security. Other factors underlying "perennial delays in the peace process," according to Ban, included "underestimation by the parties of the time required to implement some complex tasks; lack of capacity on the part of the national implementing institutions; logistical and other resource constraints; and differences that emerged among the parties on the practical modalities for the implementation of the most sensitive tasks, such as the identification operations." He also asserted that "lack of political will... also contributed significantly to the delays." Ban reported that, as of November 23 2010, a "significant number of tasks stipulated in [OPA...] that relate to disarmament and the reunification of the country remain uncompleted, including the disarmament of former combatants of the FN and the dismantling of militia; the reunification of the Ivorian defence and security forces; the restoration of State authority throughout the country, including the redeployment of the corps préfectoral, the judiciary and the fiscal and customs administrators; and the centralization of the treasury."

While security reforms under the OPA remained substantially incomplete by polling day, increasing progress toward these goals was made in the months prior to the polls. An FN DDR process was re-initiated in four locations between June and August 2010. By late October, 3,629 FN soldiers identified for integration into the national army were cantoned—albeit not on a sustained basis, due to insufficient resources, and the number of FN command zones was also reduced from 10 to 4. DDR of former FN combatants was continuing as of November 23, 2010, when 17,601 of 23,777 combatants slated to be demobilized had undergone this process. An additional 4,000 FN soldiers were slated join the Integrated Command Centre (ICC). UNOCI reported that demobilization resulted in the collection of a limited number of weapons, most unserviceable. In September the government began to make allowances payments to 1,170 demobilized FN forces in three areas; each received \$200. The demobilization and disarmament of a further estimated non-FN 20,150 militia members remained at a standstill, following the demobilization of 17,301 militia members, in part due to demands by ex-militia groups for larger payments.

The restoration of nationwide state authority and the centralization of the treasury also remained incomplete. FN authorities "continued to levy and collect taxes and customs revenues," counter to the OPA, although some progress in training and deploying new national customs officers to FN areas was made. However, the deployment had little effect in the face of continuing FN "illegal" revenue collection. Some courts in the north that had closed during a period of unrest in February 2010 (see below) reopened in August 2010 to handle voter registration list appeals, but were operationally incapable to undertake criminal proceedings, severely curtailing access to justice.¹⁰⁵

Opposition parties then agreed to join a new government, and political tensions eased. Processes leading up to the production of a final electoral list (which Gbagbo supporters later repeatedly asserted needed to be "disinfected" to remove northern names, with which they claimed it was

¹⁰⁵ UNSG quotes from S/2010/245, May 20, 2010 and S/2010/600, November 23, 2010. On the issues discussed in this textbox, see also Institute for Security Studies, *Peace and Security Council Report*, December 2010, AFP, "Ivory Coast's Ex-Rebels Vow To Disarm Before Vote," March 15, 2010; and AFP, "Ivory Coast President's Camp Says Peace Process in Danger," March 23, 2010.

“infested”),¹⁰⁶ to be followed by the production and distribution of identity and voters’ cards, began in March.

On March 17, at a U.N. Security Council meeting following renewed opposition demands for an election, the Ivoirian delegate stated that the 429,030 voters at issue in the Mambé controversy had to be stricken from the voter list, which he said would then have to be audited over a one-two month period. In addition, citing a series of attacks on state and FPI facilities in FN-controlled areas, he stated that a free vote could not be held in a “bisected territory” beset by an “atmosphere of intimidation,” and insisted that full national reunification and complete disarmament of the FN rebels take place prior to elections.¹⁰⁷ This stance prompted the opposition to accuse the government of again attempting to delay voting. In early May there were renewed tensions after the opposition, rejecting alleged interruptions to the electoral process and to prolonged electoral list vetting appeals procedures, called for an expedited election and announced a protest march. It was later postponed, however, due to fears that it would spur violence.¹⁰⁸

2010: Electoral Processes Progress Apace

In May 2010, work toward finalization of the voter rolls, based on a late April agreement between parties to the OPA, began anew with a resumption of the appeals process of “grey list” entries. It was undertaken by 415 local electoral commissions and completed in June, and resulted in the addition of 496,738 persons to the “white list,” creating a 5.78 million person voter roll. This list, in turn, was subjected to a further appeals process involving the public display of voter sheets in early August, which resulted in 30,293 requests for the removal of provisional voters from the roll, and local court hearings on these petitions subsequently commenced. These hearings were controversial, in light of allegations that elements of Gbagbo's FPI had requested the removal of large numbers of names from the rolls, and sparked clashes among party militants in some areas, as well as the suspension of some court proceedings due to disputes over hearing procedures.

This process, which resulted in the deletion of 1,273 entries and the addition of 7,418 new ones, ended in late August. A separate verification process focusing on 1.79 million “white list” entries, ran to the parallel public court-based appeals process between June and early August. It resulted in the temporary removal from the provisional voters list of 55,000 persons “for whom no civil registry records could be found” or whose voter identification data did not match the civil registry. It was decided that their cases would be adjudicated after the election. After consultations between the main political parties, a final voters list of 5.73 million persons was announced, and on September 9 President Gbagbo ordered by decree that national identity cards to be issued to the listed persons. In accordance with the OPA and U.N. Security Council Resolution 1826 July 2008, among others, SRSB Choi certified the final voters list.¹⁰⁹

Positive momentum toward finalizing the voter rolls was accompanied by progress in setting out an election timeline. On August 5, Prime Minister Soro announced that, as proposed by the IEC, a first round of presidential elections would be held on October 31, 2010, and a presidential decree

¹⁰⁶ UNOCI, “Press Review for Monday, 8 February 2010”; and U.S. Embassy (Abidjan), “Côte d’Ivoire: American Embassy’s National Daily Press Review,” August 19, 2010.

¹⁰⁷ S/PV.6284; and Patrick Worsnip, “UN Council Demands Ivory Coast Hold Elections Soon,” Reuters, March 17, 2010.

¹⁰⁸ S/2010/245.

¹⁰⁹ S/2010/537 and S/2010/493.

was signed enacting the date in law. In late August, the IEC announced a schedule for completing outstanding elections preparation tasks, and attention turned to completing them. Key tasks included:

the distribution of 11,658,719 identity and voters cards; the establishment of the electoral map of 10,179 polling sites and 20,073 polling stations; the identification, recruitment and training of 66,000 polling staff; the coordination of electoral observers; the transportation of the electoral material; the establishment of a results tally centre; and the provision of security for the election.¹¹⁰

The two month timeline for accomplishing these tasks was tight and—given Côte d'Ivoire's lengthy history of technical and political delays regarding accomplishment of election administration tasks—the potential risk of further electoral delays or operational failures, especially in remote areas, was high. In general, however, the remaining electoral process progressed smoothly, with the exception of one significant controversy. On October 21, the IEC announced plans to manually tabulate polling station results, rather than do so electronically, as previously planned, after some IEC members and opposition candidates asserted that the electronic tabulation contractor, SILS Technology, might be biased due to the close ties of a company official to Gbagbo's FPI party. After consultations between Choi, the representative of the OPA Facilitator, and the IEC spurred by worries that manual tabulation would likely delay vote counting past the legally required three-day deadline, the IEC agreed to implement the original electronic tabulation plan. However, this process was subjected to oversight by a committee of experts.¹¹¹

Final preparations for poll day—which were the responsibility of the IEC but, as with significant portions of earlier tasks, were substantially carried out by UNOCI—were not completed until just prior to polling.¹¹² The joint distribution of voter and national identity cards by the IEC and the National Identification Office (ONI) began on October 6. These materials were transported by UNOCI to individual polling stations. By October 19, 83% of voter cards had been distributed in the commercial capital, Abidjan, but only 40% had been distributed in other areas of the country.¹¹³ Distribution of ballot boxes and other polling materials took place between October 8 and 11 October, and sensitive electoral materials—ballot papers, indelible ink, and electoral documents—began on October 23.

A two-day training of the 66,000 polling station workers took place in the final four days prior to the vote; most poll workers received their training less than 48 hours prior to the start of

¹¹⁰ S/2010/537.

¹¹¹ It was made up of made up of representatives of the Prime Minister, the IEC, the OPA facilitator, a Swiss technical advisory contractor, Crypto AG, and UNOCI. S/2010/600; U.S. Embassy Abidjan, "National Daily Press Review," October 25, 2010; VOA, "Ivory Coast PM Tries to Ease Concern Over Vote Count," October 26, 2010; and Xinhua, "Cote d'Ivoire to Set Up "Committee Of Experts" to Monitor Election Tally," October 25, 2010.

¹¹² UNOCI provided extensive technical and logistical assistance to the IEC and other national institutions to support the identification and electoral processes. This included transport of electoral materials and registration agents; refurbishment of identification and voter registration centers; training judges and registration agents. Election administration funding to the government was provided primarily by the European Union and the U.N. Development Program. S/2010/245; and UNOCI, "Presidential Elections in Côte d'Ivoire," [Fact Sheet], October 25, 2010.

¹¹³ A deadline on collection of cards, delivery of which had been delayed in some places due to administrative inefficiencies, was extended by the IEC; voters were allowed to obtain their cards on polling day. Tim Cocks, "Ivory Coast Says Election Preparations on Schedule," Reuters, October 21, 2010; S/2010/600; and Carter Center, "Statement....," November 2, 2010.

polling.¹¹⁴ According to the Carter Center, limited voter education outreach posters and similar information tools were produced by the IEC, but in practice, voter education was largely delegated by the IEC to “external actors including civil society, political parties, and the international community,” and on polling day, little information on voting procedures was reportedly available to voters.¹¹⁵ During the run-up to polling, UNOCI’s public service radio station, covering 75% the national territory, broadcast “continuous information on the electoral process in five national languages” and gave “equal broadcast time to all candidates for campaign statements.”¹¹⁶ The limited scope of voter education, and the distribution of public education appears to have been reflected in national variations in the incidence of invalid balloting, which ranged from 2.34% in Abidjan to much higher levels in the remote, social services-poor north, such as 8.58% in the northeastern Zanzan region.¹¹⁷

Election Security

Election security—given the importance of the poll to the peace process and threats by militia and other elements to disrupt the electoral process—was a key challenge. The OPA had provided for the creation of an entity known as the Integrated Command Centre (ICC), to be comprised of 8,000 mixed gendarmerie brigades and police units made up of jointly deployed government and FN force members. Under the OPA, the ICC was to be responsible for providing security during the elections. ICC units had few resources and limited operational capacities, however, and only slightly more than 1,000 men, about two-thirds from the government side and about a third from the FN, had been assigned to the ICC by prior to the election. In addition, the FN elements were not receiving salaries, unlike their government counterparts, creating morale problems.

While responsibility for elections security formally remained a responsibility of national authorities—and while the FN and the government deployed an additional 5,300 police and gendarmes to the ICC at the last minute, on October 30, (2,500 and 2,800, respectively)—in light of the ICC’s limited capacity, UNOCI played a major role in providing security for the elections process. UNOCI’s efforts were aided by the U.N.-sanctioned French Operation Licorne military force. To help ensure a secure election, on September 29, the UNSC passed Resolution 1942, authorizing a six-month, 500-person plus-up of UNOCI’s military and police strength, bringing the total force size from 8,650 to 9,150.¹¹⁸

Election Campaign

The two-week official electoral campaign, which was extensively preceded by technically prohibited informal campaigning, began on October 15. The leading contenders, Gbagbo, Ouattara, and Henri Konan Bédié, a former head of state, campaigned nationwide, while the remaining 11 lesser candidates focused their campaigns in their political base areas. The campaign was generally peaceful, with some limited exceptions involving “isolated acts of

¹¹⁴ S/2010/600; Carter Center, “Statement...,” November 2, 2010; and UN Integrated Regional Information Networks, “Countdown to Deadlock,” December 10, 2010.

¹¹⁵ Carter Center, “Statement...,” November 2, 2010.

¹¹⁶ UNOCI, “Presidential Elections...”

¹¹⁷ Carter Center, “Statement...,” November 2, 2010.

¹¹⁸ S/2010/600; S/2010/245; S/2010/537; and UNOCI, “Presidential Elections...”

violence, provocation and vandalism, including tearing down campaign posters” and clashes between party militants in several towns.¹¹⁹ Political tensions also arose as a result of a sometimes provocative media environment and as a result of heated rhetoric by party supporters. UNOCI reported that while access to state media remained uneven, and that “some opposition candidates... denounced alleged unequal media coverage of the candidates by State-controlled media, candidates’ access to State media significantly improved during the official electoral campaign, in comparison to the preceding period.”¹²⁰

The ruling FPI also reportedly claimed that it lacked access to FN-controlled media in the northern part of the country, notably to the FN-controlled television station *TV Notre Patrie*. A regional think tank reported that “it is clear that prior to the campaigning period some candidates particularly the incumbent, used their advantageous positions in using public media to reach supporters.”¹²¹ Several high-level foreign delegations toured the country during the campaign period to monitor the campaign and urge Ivoirians to conduct a peaceful election.¹²² Political parties generally appeared to observe a political party code of good conduct that 40 parties had signed in 2008.¹²³ Prior to the first round, members of the Houphouetist Rally for Democracy and Peace (RHDP) coalition, which includes the Bédié’s Democratic Party of Cote d'Ivoire (PDCI) and Ouattara’s Rally of the Republicans (RDR) and two other parties, mutually pledged to jointly support whichever of their two leading candidates eventually stood against Gbagbo in the event of a run-off vote.

The First and Second Round Polls

First Round

Voting during the first round vote on October 31—which featured a historically high 83.7% voter participation rate, with 4.84 million voters out of 5.78 million registered going to the polls—was generally peaceful. Polling was observed by a 14-member civil society observer group, the Civil Society Coalition for Peace and Democratic Development in Côte d'Ivoire (COSOPCI) and some affiliated organizations, such as the Convention of Civil Society of Côte d'Ivoire (CSCI). It was also monitored by international observers, including the Carter Center and the European Union.¹²⁴

¹¹⁹ Carter Center, “Statement...,” November 2, 2010.

¹²⁰ S/2010/600.

¹²¹ Institute for Security Studies, *Peace and Security Council Report*, December 2010.

¹²² S/2010/600. In its findings on the first round electoral campaign, the Carter Center, similarly, stated its regret that “throughout the period before the official opening of the campaign, the candidate for the presidential majority dominated National Television (RTI), whereas Art. 30 of the Electoral Code stipulates that “parties and candidates have equitable access to state media from the date of publication of the provisional list until polling.” Carter Center, “Statement...,” November 2, 2010.

¹²³ The code, signed by the political parties in April 2008, was the product of an inter-party consultation undertaken by the U.S. National Democratic Institute, technically supported by UNOCI and the CEI. NDI, “Côte d'Ivoire: NDI Helps Political Parties Agree to Code of Conduct,” April 29, 2008; and Carter Center, “Statement...,” November 2, 2010.

¹²⁴ Other international delegations included those of ECOWAS, the African Union, the Organisation Internationale de la Francophonie (OIF), the Southern African Development Community (SADC), the African Caribbean and Pacific Group of States (ACP), and official bilateral delegations from the United States and Japan; all foreign embassies were accredited by the CEI and many observed both rounds. UNOCI, “Presidential Elections...”; S/2010/600; and email from NED official, December 30, 2010.

Polling generally proceeded smoothly, in part due to the use of a single ballot and a scheme in which each polling station served a maximum of 400 voters, although it was reportedly marred, in some cases by technical failures.¹²⁵ The vote tallying process reportedly took place transparently and in accordance with applicable regulations. It proceeded slowly in some instances, however, due to lack of transportation, some failures of the electronic tabulation transmission system, and the refusal of some polling staff to transmit official results prior to receiving stipend payments. There were a very limited, statistically insignificant number of tallying irregularities reported, and in some instances, observers were illicitly barred from monitoring vote counting.¹²⁶

Results

The three top vote-earning candidates were:

- Gbagbo, of the Ivorian Popular Front (FPI), running as the candidate of the Presidential Majority (LMP) coalition, who won, 756,504 votes, or a 38.04% vote share;
- Ouattara, of the Rally of the Republicans (RDR), who won 1,481,091 votes, or a 32.07% share; and
- Bédié, of the Democratic Party of Côte d'Ivoire (PDCI), who garnered 1,165,532 votes, or a 25.24% share.

The next highest vote-earner was Mabri Toikeusse Albert, of the Union for Democracy and Peace in Côte d'Ivoire (UDPCI), who won 2.57% of votes cast. No other candidate won more than a 0.37% vote share. Since no candidate won an absolute majority of votes cast (i.e. over 50% of votes, as required by the Ivorian electoral code), a second round was required.¹²⁷

The IEC released initial partial results on November 2, and on November 3, Bédié's PDCI party asserted that there had been irregularities and non-transparency in tallying, resulting in inaccurate results. It called for the IEC to stop issuing provisional results and requested a vote recount. On November 4, IEC released complete provisional results.¹²⁸ The PDCI's demand of a recount, underpinned by protest demonstrations by PDCI supporters, was joined by the UDPCI party on November 4 and on November 6 by the RHDP coalition, which alleged that "serious irregularities" had occurred during the first round. The Constitutional Council reportedly claimed, counter to the assertions of opposition applicants, that no appeals were filed within the legal time frame. It effectively dismissed all allegations of irregularities by certifying the IEC's announced provisional results. After having assessed the entire first round election process, SRSO Choi certified the Constitutional Council-vetted first round results on November 12.¹²⁹

¹²⁵ These included the late arrival or the absence of selected polling station staff; late delivery of polling materials; and a widespread failure to observe polling procedures such as the securing of polling boxes with numbered ties, the recording of tie seal numbers used, and checks of voters' fingers for indelible ink (i.e., proof of previous voting).

¹²⁶ S/2010/600; Carter Center, "Statement . . .," November 2, 2010; Convention of Civil Society of Côte d'Ivoire, *Enseignements a Tirer du Premier Tour de l'Election Presidentielle, Appel aux Electeurs et aux Candidats pour le Second Tour*, November 9, 2010; and COSOPCI, et al., *Communiqué Preliminaire sur les Elections Presidentielles du 31 Octobre 2010 en Cote d'Ivoire*, November 1, 2010, among others.

¹²⁷ IEC, *Election du President de la Republique, Scrutin du 31 Octobre 2010, Resultats Provisoires par Region et par Departement*, November 3, 2010; and Abidjan.net, "Informations sur les Candidats," *Elections Présidentielles 2010*.

¹²⁸ VOA, "Ivory Coast Opposition Candidate Ouattara Call for Recount," November 6, 2010.

¹²⁹ The allegations of irregularities were reportedly based on a disparity between the total number of polling stations (continued...)

Contesting Electoral Disputes: Procedural Lacunae

The Carter Center contends that there exists a “weakness in the legal provisions for election complaints [which] gives candidates only three days following the close of polls to submit their petition. In the event that the IEC uses all three days to announce preliminary results, candidates may be left with little or no time to assess the results should they wish to submit a complaint about irregularities in the results process”—a circumstance that occurred, with dire consequences, during the second round. In addition, the Center observed, the electoral system provides little guidance on how possible electoral irregularities are to be resolved—a shortcoming that also negatively affected assessments of the legitimacy of the Constitutional Council’s decision-making after the runoff poll. The Carter Center observed that “though the constitution assigns the Constitutional Council the authority to proclaim final official results, neither the constitution nor the electoral law provides any definitional guidance on the nature of irregularities or how the Council may consider them in the event that it annuls an election result. Constitutional Council decisions are final and not subject to appeal.”¹³⁰

Second Round

The Constitutional Council initially scheduled the runoff vote for November 21, counter to standing IEC plans for it to be held on November 28, but on November 9, Prime Minister Soro announced that the cabinet had decided that due to technical and logistical challenges, the second round would be held as originally planned by the IEC. President Gbagbo fixed the date in law by decree. On November 10, the IEC scheduled the second round electoral campaign between November 20 and 26. On November 7, Bédié called for his supporters to vote for Ouattara in the second round, as per the RHDP coalition’s pre-electoral agreement, and on November 10, Ouattara publicly promised to form a union government with Bédié if he won the runoff. In a later debate he also pledged to appoint FPI ministers. In the second round, Gbagbo, running as the candidate of the Presidential Majority (LMP) coalition, ran against Ouattara, who ran as the candidate of the RHDP.

The Carter Center reported that, as in the first round campaign, technically prohibited informal campaigning occurred prior to the official campaign period. The campaign also featured, for the first time ever in Côte d’Ivoire, a live debate that was broadcast nationally on November 25. The debate, a two hour and fifteen minute forum, was wide-ranging and substantive. Both candidates used the occasion to appeal for a peaceful democratic election and use of non-violence to achieve political ends. The first half focused primarily on differences between the two candidates’ views of the Ivorian conflict, the stalled peace process, and the election of 2000, in which Gbagbo came to power. The latter portion highlighted policy differences between the two rivals and their respective policy agendas, focusing on such issues as deficiencies in the judicial system and state structure, military reform, and economic and social services policy. Notably, Ouattara pledged to establish a truth and reconciliation commission if elected.¹³¹

(...continued)

(20,073) and tally sheets transmitted (19,854), which was reportedly an artifact of the merging of some adjacent polling stations, the cancellation of some tally sheets, and the siting of some polling stations overseas. There was also a discrepancy of 58,770 voters between the number of registered on the final voters list and the number cited in the provisional results, which was reportedly an artifact of security and electoral personnel having voted at their polling duty stations, rather than their registered station, which caused some polling stations to produce tallies listing more votes than registered voters. S/2010/600.

¹³⁰ Carter Center, “Statement...,” November 2, 2010.

¹³¹ Abidjan Television Ivoirienne Chaîne Une, “Ivorian Runoff Candidates Discuss Political Programs in TV Debate - Full Version,” via the Open Source Center, November 25, 2010.

Despite the substantive tone of the debate and the two candidates' appeals for peace and national reconciliation, the Carter Center reported that the runoff poll took place

against the background of a tense and often negative campaign. Long-standing disputes about national identity issues and land ownership were ... inflamed by negative political rhetoric and fueled by a partisan media. Sporadic incidents of violence, including several deaths, occurred in the days preceding the election and on election day itself.”

It also stated that “the run-off climate quickly degenerated with widespread communication strategies based essentially on negative portrayals of the opposing camp and the use of politically affiliated newspapers to spread rumors.”¹³²

Clashes between opposed youth party militants occurred in several places in the days leading up to the poll, and at least seven people were reported killed in political violence in Abidjan on the day before the vote, while at least two were killed in northern Côte d'Ivoire on polling day.¹³³ According to SRSO Choi, during the second round, state-controlled media, as in the first round, provided “unbalanced” coverage before and after the official electoral campaign, but “generally guaranteed equal access to the two presidential candidates” during the campaign. He also noted that “major political parties[...]...newspapers... enjoyed complete freedom of press before, during and after the election.”¹³⁴

In light of the rising tension associated with the runoff vote, the government and the FN deployed 4,000 troops to join the integrated command center prior to the vote. Plans called for an additional 1,500 government soldiers to be deployed to FN-controlled areas, to be accompanied by 500 FN soldiers, while 1,500 FN troops would deploy to government-held areas and be joined by 500 government troops. President Gbagbo also imposed a curfew after 11 PM on the day of the poll to ensure the security of ballot box returns and freedom of movement for the security forces.¹³⁵

The Carter Center and other vote-monitoring groups reported that substantial improvements in poll worker training and administration were made in support of the runoff poll, and that logistics in support of the polling improved compared to those provided during the first round. The Carter Center also reported that while “voting and counting operations were largely well-conducted by polling station officials,” many of the same deficiencies relating to the supply and distribution of election materials that occurred during the first poll were reiterated during the runoff. The Carter mission also reported that an IEC order that tabulation results be publicly displayed at local precincts was applied in only about half of the locations it monitored.

¹³² The Center reported that “on the eve of the campaign, Laurent Gbagbo’s spokesman set an early tone, naming Alassane Ouattara as the instigator of the 1999 coup and 2002 armed forces rebellion. Similar messages had begun to circulate earlier by SMS and by the screening in several areas of the country of a controversial, and later forbidden, movie depicting crimes committed during the war ostensibly by Ouattara. The opposition was not exempt from negative tactics, as both campaigns resorted to name-calling and party supporters from both sides were involved in acts of violence and intimidation, in some cases, aimed at election observers.” Carter Center, “Statement of Preliminary Findings and Conclusions,” November 30, 2010. See also “Barrister Affoussy Bamba: ‘Films of Hatred,’ New Forces Indignant!” [New Forces Statement, November 18, 2010], Cajon Abidjan.net, via Open Source Center, November 2-21, 2010; VOA, “Supporters of Ivory Coast Candidates Clash,” November 19, 2010, among other press reports on runoff tensions.

¹³³ Multiple Reuters, AP, and AFP reports, November 23-29, 2010.

¹³⁴ Choi,, “Statement on the Certification ...”

¹³⁵ VOA, “Ivory Coast to Bolster Security for Presidential Run-Off ,” November 22, 2010; and Scott Stearns, “Ivory Coast’s President Imposes Election Curfew,” VOA, November 26, 2010.

According to the United Nations, voting reportedly generally proceeded peacefully and transparently, was “generally conducted in a democratic climate;” featured a voter turnout of 81.1%—nearly as high as that during the first round. There reportedly were, however, “some incidents, which were at times violent;” “isolated disruptions,” including electoral violence; and irregularities in a small minority of polling places.¹³⁶ The Carter Center, like the European Union (EU) observation mission, also reported witnessing acts of “potential voter intimidation in some five percent of the polling stations visited a higher level than was reported for the first round, and perhaps a reflection of the hardened tactics of the run-off campaign.” Similarly, its findings stated that it had received but not witnessed “serious election day irregularities occurred after the close of polling stations [reported to include]... cases of efforts to obstruct the physical transfer of ballot boxes and results, the destruction of election materials, and the theft of ballot boxes.”¹³⁷

A Contested Runoff

On the runoff polling day, the Gbagbo and Ouattara camps accused one other of orchestrating electoral irregularities, voter intimidation, or actions aimed at blocking voters from accessing polls. Some complaints of this nature were confirmed by European Union election observers.¹³⁸ This outcome was not surprising, even though the vast majority of polling had occurred without problems. The possibility that the election would be controversial had long been predicted by analysts, given the longstanding difficulties encountered in conducting a poll, the use of the slogan “we win or we win” by Gbagbo supporters, and pre-election statements by supporters of Gbagbo and Ouattara that they would never accept a win by their rival.¹³⁹

Many observers believed that Gbagbo would not have agreed to allow voting to occur unless he felt assured of a win, for example, on the basis that he felt that the opposition would not remain united during a runoff vote; because he believed that electoral institutions and legal process were structured in his favor; and a belief the international community, in a desire for an end to the Ivoirian crisis, might accept some flaws in the polling process. If this analysis is correct, the current crisis suggests that he miscalculated regarding multiple factors: strong electoral opposition to his continued incumbency; the strength of international support for the OPA and the role of U.N. certification vis-à-vis Ivoirian legal processes (i.e., the role of the Constitutional Council); and the unwillingness of the international community—to date—to alter the election outcome through a negotiated resolution to the crisis, despite the threat of political violence.¹⁴⁰

An early indication that the vote would, in fact, be legally contested emerged the day after polling, when Gbagbo’s campaign manager announced plans to contest the results in at least three heavily pro-Ouattara districts in the north.¹⁴¹ On December 1, the Gbagbo campaign formally

¹³⁶ Choi, “Statement on the Certification ...”; see also BBC Monitoring Africa, “Cote d’Ivoire: Ex-rebels Secure Voting in Abidjan,” transcript of Television Ivoirienne broadcast on November 28, 2010, among other reports.

¹³⁷ Carter Center, “Statement of Preliminary Findings and Conclusions,” November 30, 2010.

¹³⁸ Mission d’Observation Electorale en Côte d’Ivoire Union Europeenne [EUEOM], “Un Second Tour Sous Tension,” [preliminary statement on runoff], November 3, 2010, and other EUEOM statements.

¹³⁹ Adam Nossiter, “Ensclosed in the Presidency, With No Budging in Ivory Coast,” *NYT*, December 26, 2010. See also Roland Lloyd Parry, “Two Killed in Fresh I.Coast Election Violence,” *AFP*, November 28, 2010; and Reuters, “Candidates Charge Voter Intimidation in Ivory Coast Vote,” *NYT*, November 29, 2010.

¹⁴⁰ Nossiter, “Ensclosed...;” and Jennifer G. Cooke, *The Election Crisis in Côte d’Ivoire*, Center for Strategic and International Studies, December 7, 2010, among others.

¹⁴¹ Pascal Affi N’Guessan, Gbagbo’s campaign manager, was quoted as stating that “according to figures in our (continued...)”

filed five applications for the annulment of the second round of balloting in eight northern departments “because of serious irregularities in the integrity of the poll.” These related primarily to allegations of the absence of LMP representatives at the polls, including through acts of kidnapping or physical obstruction; ballot stuffing; transport of ballot tally sheets by unauthorized persons; establishment of impediments to voting; a lack of voting booths and of guaranteed secret suffrage; and the misattribution of unearned or fictitious votes to Ouattara. The Constitutional Council then reviewed the results and on December 3 overturned the findings of the IEC, as discussed above, and proclaimed Gbagbo winner of the election.¹⁴²

(...continued)

possession, Laurent Gbagbo cannot lose this election.” The Ouattara camp’s equally strong opposite stance was suggested by an Ouattara lawyer, Chrysostome Blessy, who stated that Gbagbo “cannot win, even by cheating.” Roland Lloyd Parry, “Ivory Coast Fears Fresh Violence as Vote Results Roll In,” AFP, November 30, 2010; see also Reuters, “Ivory Coast’s Gbagbo Rejects Results in 3 Regions,” November 29, 2010.

¹⁴² Conseil Constitutionnel, Decision No CI-2010-Ep-34/03-12/CC/SG...

Appendix B. Background to the Crisis

Historical Background

As discussed in the body of this report (see textbox “Côte d'Ivoire: Country Overview”), in the mid-1980s, demands for increased democratization, periodic social unrest, and political tensions emerged. Long-term cocoa price and production declines, growing national debt, austerity measures, and pressures on land, in particular new tree cropping land for cocoa, which contributed to a gradual economic decline in Côte d'Ivoire, helped foster these political dynamics. While economic decline underpinned these tensions, social competition increasingly began to be expressed through ethnic, regional, and religious identity. The large, mostly Muslim populations of immigrant workers and northern Ivoirians resident in the south faced increasing resistance by southern ethnic groups and the state to their full participation in national civic life and rights to citizenship. These developments set the stage for subsequent political developments and contributed to the 2002 rebellion and the years of political impasse that followed.

Bédié Administration

Houphouët, who died in December 1993, was immediately succeeded by the president of parliament, Henri Konan Bédié. He declared himself president, in accordance with provisions in the 1990 constitution, even though then-Prime Minister Alassane Dramane Ouattara—a former World Bank economist who had held his post since it was created in 1990—was widely seen as Houphouët’s designated successor. Ouattara initially contested Bédié’s succession claim, but resigned as prime minister after the French government accepted the claim and left the country, taking up a position as Deputy Managing Director of the International Monetary Fund. He remained a key political figure, however. In mid-1994 Ouattara supporters—predominantly northern Muslims, intellectuals, and young professionals, and defectors from the reformist wing of the ruling Democratic Party of Côte d'Ivoire (PDCI)—formed a new political party, the Republican Rally (RDR) that became a vehicle for Ouattara’s later return to Ivoirian electoral politics in 1995. Employing his influence over Houphouët’s PDCI, Bédié began to consolidate his own power base, in part by replacing Ouattara allies with loyalists, and by assuming the PDCI chairmanship in 1994.

Bédié emphasized the close linkages and sources of continuity between his government and the system he had inherited from Houphouët, but many observers saw him as a considerably less effective leader than Houphouët. Bédié also ushered in a transformation of Ivoirian politics that helped spur the later division of the country. Increasingly, Bédié was accused by critics of blaming immigrants for many of the country’s problems, and of fueling public anti-immigrant sentiments. He used these divisions to rally political support, making use of a nationalist ideology known as *Ivoirité*. It defined southerners as ‘authentic’ Ivoirians, in opposition to ‘circumstantial’ ones, i.e., northerners and immigrants, and helped initiate the later evolution of ultra-nationalist, xenophobic political views among some in the south. It also helped fuel increasingly volatile national politics encompassing electoral competition; military, student, and labor unrest; conflict over land and residency rights; and periodic mass protests, some violent, over economic and other issues.

The 1995 Election, Candidate Eligibility, and the Nationality Issue

The Bédié government again increased its power after presidential elections in October 1995, which were held under a controversial electoral law passed by the PDCI-dominated parliament just prior to the elections, prompting several mass demonstrations calling for electoral transparency. Bédié won 95% of the vote, but the electoral process and outcome was vocally protested by opposition parties, on the grounds that the electoral law had been specifically engineered to exclude Ouattara. The electoral law barred persons lacking “pure” Ivoirian parentage and those who had resided abroad during the previous five years from standing as electoral candidates. Ouattara was disqualified from standing in the poll because he had resided in the United States while working for the IMF from December 1993, and was of alleged mixed Burkinabe-Ivoirian descent. The opposition FPI presidential candidate Laurent Gbagbo, for his part, withdrew from the race, alleging that the electoral process was subject to extensive state manipulation. Despite continuing ire over the presidential election, the political environment became less volatile after peaceful legislative elections in November that drew cross-party participation. The PDCI won a decisive victory, taking 149 of the 175 seats; the remaining ones were split between the FPI (9) and the RDR (14). The vote showed distinct ethno-regional divisions in voting patterns, with the RDR gaining and the PDCI losing support in the north, while Gbagbo’s FPI predominated in the central-west region and the PDCI in urban areas and in central and western parts of the country.

Bédié continued to pursue efforts to consolidate his power. In January 1996, the cabinet was shuffled; military General Robert Guéï, who had previously been relieved of his military command post after being appointed Minister of Employment and Civil Service in October 1995, was made Minister of Sports. In May 1996, following news reports that there had been a coup attempt planned by restive soldiers in mid-1995, the army leadership was shaken up. Guéï was demoted to a minor administrative post because the planned coup was attributed to elements under his former command. The latter part of Bédié’s tenure was beset by accusations of human rights abuses associated with security force crackdowns on the opposition; student protests; economic pressures; and accusations of corruption by domestic critics and donor governments.

In 1998, the National Assembly passed a series of constitutional changes viewed as highly favorable to the incumbent. They increased executive control of elections, extended the presidential term of office, and codified in the constitution nationalities laws defining political candidacy requirements. Candidates were required to be Ivoirian by birth, parentage, and to have lived continuously in Côte d’Ivoire for ten years prior to running.

Ouattara and the Nationality Issue

The 1998 constitutional changes set the stage for political confrontations and conflict in later years. In late 1998, at the funeral of Djeny Kobina, the RDR's founder, Ouattara called for a change in the electoral nationality laws and announced his intention to run as a presidential candidate in then-upcoming elections in 2000. In August 1999, Ouattara, who had returned to the country in July and secured a certificate confirming his Ivoirian descent, was nominated as the RDR presidential candidate. His nomination prompted a public confrontation between the RDR and the Bédié government. The latter announced its non-acceptance of Ouattara's claim of nationality, and claimed that it regarded Ouattara as a person of Burkinabe descent, ineligible to hold public office, and vowed to halt possible protests on his behalf. Clashes between police and Ouattara supporters followed a late September judicial police investigation of Ouattara's citizenship claim.

In October, a court invalidated Ouattara's nationality certificate, prompting violent protests and detentions of RDR supporters and several key leaders. In November, the government banned public demonstrations. In December, an arrest warrant was issued for Ouattara while he was away from the country in France, where he had been vocally denouncing the government's actions. The government alleged that he had "forged" his national identity papers. As political unrest over the Bédié-Ouattara rivalry and the nationality issue grew, the Bédié government faced increasing opposition from diverse social groups, and became the subject of vocal public criticism over a series of corruption scandals, on related to the alleged misappropriation of European Union health sector assistance funds. In the latter half of 1999, popular dissatisfaction with the government grew, in the form of ongoing labor protests related to public sector wage arrears, salary demands, and criticism of labor policies, student unrest, and military unrest over conditions of service.

Military Coup of December 1999

Pressures on the Bédié government came to a head when disgruntled soldiers mutinied over pay and living conditions, commandeering public buildings and firing into the air. The government quickly promised to meet their demands, but the mutineers then altered their position, demanding that General Robert Guéï be awarded his former Chief of Staff post, from which he had been removed by Bédié after refusing to crack down on protesters. Guéï, who had a history of strained relations with Bédié, had served as former Chief of Staff from 1990 until 1995 and had founded a rapid commando intervention force that was reportedly at the center of the mutiny, then stepped in as a "spokesman" for the soldiers on the second day of the mutiny, December 24. He announced that the mutineers would establish a National Committee of Public Salvation (CNSP), and that the parliament, government, the Constitutional Council and the Supreme Court were dissolved.

Guéï promised to maintain respect for democracy, eradicate government corruption, re-appropriate funds seized in corrupt dealings, rewrite the Constitution, and hold transparent elections within a year. Bédié, who at first sought refuge in the French embassy, fled to France after a sojourn in Togo. After negotiations, all major political parties, including Bédié's PDCI, agreed to support the "transitional" CNSP junta, which was established in early 2000. It established a 27-member Consultative Commission on Constitutional and Electoral Matters, composed of representatives of the main political parties, civil society and labor organizations, and religious institutions. This entity drafted proposals for a new constitution and electoral code, which it presented in March 2000 in anticipation of a later referendum on these proposals.

Guéï's Leadership

As junta leader, Guéï was initially seen as a pro-Ouattara, partly due to Bédié's opposition to Ouattara. Many Ivoirians nursed hopes that the Guéï's administration would bridge the growing ethno-regional divisions in the country and usher in a rapid transition to transparent constitutional civilian rule. Guéï's hoped-for collegial and consensual leadership, however, developed into a

governing style based on top-down commands and a public rhetoric focused on discipline and order. Personal political ambition also came to define his leadership. He made public statements replete with grandiose patriotic rhetoric and flattering self-representations, casting himself as the redeemer of common citizens' aspirations against the machinations of corrupt politicians, leading some to label him a narcissist. His leadership increasingly came to be seen as motivated by the goal of eliminating perceived rivals in the military, weakening the RDR and the potential for a strong Ouattara candidacy, and getting himself elected into office. In April 2000 he created a political party, the Rassemblement pour le Consensus National (Rally for National Consensus) that was expected to support his candidacy.

The Guéi government began a program to issue national identity cards to citizens and resident permits to foreigners, as a prerequisite for voter registration ahead of elections. The issue was considered sensitive because it was seen as providing a potential means for the state to exclude native-born Ivoirians of northern origins and the Ivoirian-born children of immigrants from participating in the political process. It also would enable officials to formally differentiate between Ivoirians and non-Ivoirians, a point of controversy because ID checks of persons of perceived northern origins and foreign West African economic migrants were reportedly often used to threaten such persons with deportation, refusal of employment, residence, or land rights.

The rule of law also suffered in other ways. In response to public protests against rising crime, the military undertook to arrest criminals directly, especially targeting organized gangs in Abidjan. The use of military forces to enforce civilian criminal law, however, reportedly prompted some members of the military to themselves engage in acts of banditry and highway robbery. Extortion and harassment reportedly became common at military roadblocks. Military indiscipline was not limited to soldiers' public conduct. In March 2000, soldiers mutinied over salary demands; officers were taken hostage and one base commander was killed.¹⁴³ In July, troops mutinied over non-payment of \$9,000 allotments that they claimed they had been promised by Guéi after the coup of the previous December. Soldiers looted, stole vehicles and weapons, and paralyzed commerce and public services in Abidjan and the secondary cities of Bouaké and Korhogo. The uprising was violently crushed by the gendarmerie following imposition of a curfew and after the negotiation of a far lower allotment payment. Only a fraction of the promised payment was subsequently made, due to government insolvency, and over 50 of hundreds of mutineers were court marshaled. Urban infrastructure damage due to the rebellion was extensive.

Key Political Developments in 2000

In July 2000, constitutional changes were approved by an 87% margin in a referendum that featured a 57% voter participation rate. While northerners voted strongly (68%) against the changes, a widespread boycott of the vote in the north meant that voter turnout in that region was low. The provisions required that both parents of presidential candidates be Ivoirian-born citizens; previously only one parent had been required to be of Ivoirian birth. Also in July, an RDR party event was halted by security forces and an RDR demonstration in support of French statements cautioning against the exclusion of candidates was broken up. As the year proceeded, harassment of Muslims and northerners by security officials reportedly increased. In August, Guéi launched a failed bid to become the PDCI presidential candidate, and he later announced plans to run as a "people's candidate." Later in August, RDR supporters and their opponents clashed after security

¹⁴³ Nicholas Phythian, "Ivoirian Coup Left Legacy of Army Insubordination," Reuters, March 30, 2000.

forces halted an RDR demonstration, and elections slated for September were postponed until October.

As the election drew nearer, public security deteriorated. Harassment of immigrants by security forces reportedly increased. In September, the High Council of Imams (CSI) and National Islamic Council (CNI) warned that unfair restrictions on electoral eligibility would result in social unrest. They also condemned official harassment of northerners and Muslims, and later called for a boycott of the election, after Ouattara was excluded. During pre-poll voter registration, nationality documentation restrictions prevented many northerners from registering as new voters. On September 18, an attack on Guéï's residence was suppressed. The attack, a putative attempted putsch and assassination by members of the military and his own presidential guard, was suspected by some observers to be have been mounted by Guéï himself as a pretext to purge the military of perceived opponents and undercut political opposition to his candidacy. After the incident, a state of emergency was declared and political meetings were banned, and a number of predominantly northern soldiers were arrested; some were reportedly summarily executed, while others reportedly were tortured.

In October, the Supreme Court, headed by Tia Kone, a former personal legal advisor to Guéï, declared 14 of 19 prospective presidential candidates ineligible to run, including six PDCI candidates. Included among them was Bédié and the PDCI's official presidential nominee, Emile Bombet, due to embezzlement allegations in both cases, and Ouattara. Only Guéï and the FPI's Gbagbo, along with three minor candidates, were allowed to run. Guéï opponents claimed that the Supreme Court should also have banned Guéï's candidacy because military law required him to resign from the military six months prior to the election. Guéï had not met that requirement, and when a newspaper reporter raised the question in an article, the reporter was beaten by the presidential guard. A similar legal question was raised in relation to the candidacy of Gbagbo, whose status as a state employee may have made him technically ineligible to run.

October 2000 Election

After further electoral controversies, including a suspension of U.S. and European Union (EU) election aid and a call by the RDR and PDCI for an election boycott, polling was held on October 22. Extensive violence, which revealed how deep-seated ethno-regional and religious divisions had become, followed the poll. On October 23, the FPI, claiming that the election had been rigged by Guéï and that Gbagbo had won, initiated large street protests, which were joined by elements of the security forces. In the face of Gbagbo's claim to victory, Ouattara and the RDR demanded that the election be re-run. This demand prompted clashes between FPI and RDR supporters, resulting in hundreds of deaths and thousands of injuries. Gbagbo's victory was ratified days later by the Supreme Court, which awarded him 53% of the vote. The clashes quickly took on an ethnic and religious tone; Muslim neighborhoods, seen as hotbeds of RDR support, were attacked by FPI supporters, and several mosques were damaged or destroyed, as was a church in retaliation. Many members of the security forces joined in these attacks, and were later accused of human rights abuses after 57 bodies were later discovered in Yopougon, an area outside Abidjan. All of the victims, later identified as northern Muslims, had been shot at close range. At least 18 bodies were also pulled from the lagoon surrounding Abidjan soon after the FPI-RDR clashes. Some of these victims were reported to have been Gbagbo supporters fired upon by members of the presidential guard as they marched on the presidential compound. Some were reportedly forced to jump off bridges, where many drowned. Less extensive incidents of election unrest also occurred in several secondary cities.

Gbagbo's Rise to Power: Analysis

Many analyses of the 2000 election and the political developments preceding it interpreted Gbagbo's win as a reflection of Guéi's weaknesses as a leader who had come to power by circumstance, when restive troops agreed to accept his leadership, and who was subsequently blinded by a magnanimous self-view. According to such views, Guéi was not politically astute, and did not understand the import of the political events taking place around him—especially the rhetoric and actions of Gbagbo, whom he initially appeared to view as an ally against Ouattara and the RDR. Guéi was reportedly convinced that he was the subject of machinations by northerners aiming to grab power at his expense, and later by the FPI and the PDCI and their core southern ethnic constituencies. Early in his tenure Guéi had initiated a purge of northerners in the military, and later ended the participation of the RDR in the CNSP junta, while the FPI and the PDCI were more fully incorporated into the CNSP, while the number of public political attacks on Ouattara on the basis of his citizenship grew. These developments appeared to strengthen Gbagbo's hand, leaving him as the most prominent national civilian candidate for president following the October 7 Supreme Court decision barring 14 of 19 candidates.

Some news reports suggested that Gbagbo and Guéi had agreed on a deal in which Gbagbo would become president of parliament if he lost. Guéi's weak political base, however, allowed Gbagbo to win the poll, in the wake of which Guéi reportedly claimed to have been double-crossed by Gbagbo. Analysis of the election and the preceding 10 months of junta rule, however, suggests that Guéi likely underestimated Gbagbo's political ambition and his prowess as a political operator and orchestrator of political pressure through mass protest action. While the participation of Gbagbo's FPI in the CNSP junta may have suggested to Guéi that Gbagbo was an ally, Gbagbo, a former union activist, had been a key leader of large cross-party coalition street protests against the government that had been instrumental in moving Côte d'Ivoire toward a multi-party system. Under his leadership, the FPI had been one of the first opposition parties to organize against Houphouët, against whom Gbagbo ran in the 1990, winning 18% of the vote. Similarly, the FPI's coalition with RDR in 1995 to protest the structuring of the electoral system in favor of the ruling party showed him to be a shrewd but expedient political deal maker who was willing to make and break alliances to meet his political goals.

Gbagbo's win in 2000 can also be attributed to his skill as a political strategist. The FPI was well organized during the October 2000 election, and was the only major party to run a candidate. The FPI deployed monitors at many polling places, and was able to accurately track vote returns prior to the release of official results, giving legitimacy to its claim to have won around 60% of the vote, despite electoral irregularities—including the abduction of the country's chief electoral officer during the vote tabulation. Gbagbo appeared to anticipate the Guéi junta's attempt to manipulate the election results, and when Guéi tried to claim victory, Gbagbo was able to counter his actions, cite poll evidence allowing him to represent himself as the legitimate election winner, and then rapidly mount forceful street protests to support his claims, ultimately causing the junta to fall. His party's domination of the course of post-election events, before other opposition parties could do the same, allowed Gbagbo to claim victory and then capitalize upon it as a *fait accompli*. The RDR and the PDCI could do little except either accept an offer by Gbagbo for them to join his government—or to reject it and risk being frozen out of power. The RDR, the party of Ouattara, Gbagbo's most prominent rival, eventually accepted Gbagbo's election, but did not agree to join the government, in contrast to the other two main parties, the PDCI and the PIT.

While Gbagbo was able to accede to the presidency, his win can be attributed mainly to popular resentment toward and repudiation of the Guéi junta, rather than overwhelming political support for himself, and as a product of a flawed electoral process of which he was the chance beneficiary. The election was widely seen as illegitimate in light of the pre-poll prohibition on the candidacy of 14 of 19 presidential contenders—including the two major parties, representing an estimated 75% of the electorate in previous elections—in response to which large portions of the electorate boycotted the poll. Only 35% of the total electorate reportedly voted, which implied that Gbagbo's 53% electoral margin win effectively meant that he was elected with the support of only about 19% of the total national electorate. In addition, the pre-election process had been replete with a variety of problems, including technically flawed electoral preparation failures, extensive harassment of RDR supporters, and disenfranchisement of voters through voter registration barriers and administrative inefficiencies, and polling day was marred by violence and reports that soldiers had forced civilians to mark ballot papers in favor of Guéi. As a result of the thinness of his electoral mandate and because the 2000 election was widely viewed as having been manipulated by the Guéi junta and plagued by pre-poll and polling day irregularities, the legitimacy of Gbagbo's election was arguably open to question from the day he was elected.

Gbagbo Government Takes Power

The new government faced a number of immediate tasks that required Gbagbo to rapidly transition from being an opposition leader whose legitimacy derived from his position as an outsider and popular street activist to becoming a national leader capable of integrating the diverse and conflicting interests of a divided nation. First, the government had to launch a credible investigation into responsibility for the deaths during the elections—especially the cases of summary mass execution.¹⁴⁴ Its other most important immediate task was to hold a free and fair legislative election, and to prove that the FPI was not a minority party, as its detractors claimed, while the former ruling party, the PDCI, was under pressure to demonstrate that it remained a viable party.

The legislative election was held with decidedly mixed success, primarily related to Ouattara's disqualification as a parliamentary candidate by the Supreme Court, on the basis that his nationality certificate was technically invalid. Ouattara's RDR boycotted the polls, rejecting what it called the Gbagbo's "sham reconciliation process," and mounted protests. The RDR's actions had a significant effect. In Abidjan, large and violent RDR protests were held. In the north, prefectures and constabulary stations were attacked, and the vote was widely boycotted. Ouattara's disqualification prompted international concern over the poll's validity, and major international organizations and donor governments did not deploy election monitoring missions. Despite such obstacles, voting went smoothly nationwide, except in the north, where elections could be held in only four of 32 electoral districts, due to attacks on election equipment and the subjection of election officials to intimidation. In the south, by contrast, voting was peaceful but the turnout rate was low, at about 34%. A by-election was held in the north in January 2001. While calls by the RDR for another boycott resulted in very high abstention rate (about 87%), the poll went forward peacefully, in part due to close supervision and heavy security, despite being held in a tense atmosphere one week after an attempted coup.

Despite rising political tensions and social cleavages, in 2001 and 2002 there were signs that Côte d'Ivoire was beginning to make limited progress toward national reconciliation and political compromise. In late 2001, a National Reconciliation Forum, in which all of the major parties, constituencies, and key leaders participated, was organized by the government. It focused on barriers toward national unity, governance, civil-military relations, immigration, and ethno-regional and religious divisions.

September 2002 Rebellion

Guarded optimism by many over the country's prospects was undermined on September 19, 2002, when a military rebellion quickly turned into an attempted coup d'état against the government while Gbagbo was on an official visit to Italy. The rebels, made up of units of aggrieved soldiers, predominantly of northern ethnic origins, were opposed by loyalist units, predominantly southern in their ethnic makeup.¹⁴⁵ Although a military takeover of the key

¹⁴⁴ This it did with mixed success. Although the government steadily increased its estimates of deaths, launched inquiries into these human rights abuses, and welcomed foreign inquiries into such issues, several of these inquiries faltered, and issued no substantive findings. In addition, when eight gendarmes were tried by a military tribunal for the Yopougon killings, they were acquitted due to lack of evidence and because intimidated witnesses refused to testify in the proceedings. Human Rights Watch, *The New Racism: The Politics of Ethnicity in Côte d'Ivoire*, August 28, 2001.

¹⁴⁵ The rebellion was initially reported to be motivated by military pay grievances and working conditions. In particular, a group of about 750 rank-and-file soldiers, who had been recruited by Guéï, were reportedly concerned over (continued...)

government institutions and facilities was prevented by loyalist forces, the insurrection rapidly broadened an existing national fissure between north and south. During the initial uprising, Guéï was killed under unclear circumstances.

After clashes with loyalists near the commercial capital, Abidjan, and elsewhere, the rebel units gradually withdrew to the central city of Bouaké and from there rapidly took control of over half of the country. They then formed a political organization called the Patriotic Movement of Côte d'Ivoire (MPCI, after the French), and began to articulate a political agenda and lay out demands, and reportedly appointed provincial governors. The MPCI took control of local administration in northern rebel-held territory, and civil and commercial life reportedly resumed a relatively routine character after being disrupted by population shifts and displacements. The provision of social services, however, sharply declined under rebel administration, and never recovered fully.

Periodic, sometimes fierce fighting ensued, as the government unsuccessfully attempted to retake towns along the north-south dividing line. The MPCI also allied itself with two small rebel groups in western Côte d'Ivoire. The groups, which reportedly included many Liberians and Sierra Leonean combatants, announced their existence in November 2002 by seizing several towns in the west. In late 2002, early 2003, and periodically since, the west has been the scene of armed clashes over territory; communal violence related to immigrants' land and residency rights; and criminal armed violence. International peacekeepers also clashed with the western rebels in the first several years after the rebellion.

Peace Mediation

The country remained divided and often tense in the years after the uprising, but military conflict generally subsided after 2002, with some notable exceptions (e.g., periodic but localized armed conflict in the west; occasional ceasefire line provocations; and a brief resumption of warfare in late 2004). International conflict mediation efforts, notably by ECOWAS, began soon after the rebellion, but made little progress until early 2003, when a French-brokered peace accord, the Linas-Marcoussis Accord (LMA), was signed. It allowed Gbagbo to remain in power, but provided for the creation of an interim government of national reconciliation (GNR) under a "consensus" prime minister. The LMA charged the GNR with preparing for presidential elections in 2005 and reforming the armed forces with external aid to ensure ethnic and regional balance in the military. It required the disarming of all armed forces, the expulsion of foreign mercenaries, and the creation of an international LMA monitoring group. An LMA annex set out a roadmap for resolving key issues underlying the crisis. It called for reform of electoral candidacy and citizenship eligibility rules, the electoral system, and land tenure and press laws; creation of a human rights abuse panel; and freedom of movement and post-war economic recovery planning.

(...continued)

their anticipated dismissal by Gbagbo. This group of soldiers, known as the *zinzin* (crazy ones) and the *bahéfoué* (sorcerers), had previously staged several protests. Several rebel leaders were members of a more politically motivated, generally pro-Ouattara group of army officers who had deserted and taken refuge in Burkina Faso after being accused of treasonous intents by Guéï. The northern rebels appeared to enjoy substantial popular support, and were joined by volunteers and by traditional hunter-warriors known as *dozo*.

No War, No Peace

The LMA was immediately opposed—vocally and with violence, including assaults on French-owned businesses and homes—by partisans of Gbagbo's FPI party and elements of the military and government. They asserted that it ceded too much power and made too many other concessions to the rebels. Gbagbo, under pressure to repudiate the LMA, indicated that he had signed it reluctantly under intense foreign pressure. These and later remarks hindered implementation of the LMA, which was later amended by a series of internationally mediated accords, though its basic provisions remained a keystone of most of these later agreements.

Factors Underlying the Rebellion

According to many analysts, the 2002 rebellion was initiated as a military protest over working conditions, pay, and manpower reductions, but turned into a coup d'état by dissatisfied elements in the military. It is possible, however, that the rebellion's organizers planned to oust the Gbagbo government and simply used military terms-of-service grievances as a subterfuge to disguise their real intentions. Even after having seized control of much of the north, however, the rebels appeared to lack a political justification for their actions, suggesting that the political dimensions of their efforts first crystallized after they had taken control. On the other hand, the rebels' ability to mount a rapid, coordinated, nationwide military action suggests that significant planning may have preceded the rebellion.

While the origins of the rebellion continue to be debated, once it had occurred, it provided a vehicle for the expression of grievances and political demands associated with or spurred by a wide range of interdependent and long-standing phenomena. These include:

- Long-term economic decline related to decreasing commodity prices for Côte d'Ivoire's key export commodities, cocoa and coffee (despite later price increases);
- Cocoa production problems, including aging tree stocks, declining access to new crop land, a continuing need for reinvestment in the sector; corruption in the cocoa parastatal sector; and a restructuring of the cocoa marketing system, which was liberalized in 1999;¹⁴⁶
- Ethno-regional competition and conflict related to diverse factors, including shrinking access to arable land, farming and residence rights, competition over employment opportunities, especially in the southern cocoa belt—both between Ivoirians and foreigners, and between native Ivoirian groups.¹⁴⁷ Such conflicts generated rising ethnic chauvinism and widened the currency of populist, xenophobic political rhetoric and support for activities carried out by militant nationalists;
- Military interference in civilian affairs and governance;
- Public corruption;
- National political leadership rivalries, in some cases reportedly aggravated by inter-personal hostilities;
- Long-term struggles over democratization, rights of political participation and expression, and conflict over national identity and rights of citizenship;
- Periodic labor and military protests related to salary payment arrears and working conditions; and
- Student unrest related to a variety of factors, such as student assistance, democratization, and electoral politics.

Although influenced by multiple factors, one of the primary grievances cited by those in the rebel north was their marginalization within and exclusion from the political process, most notably in relation to the repeated denial of candidate eligibility rights to Ouattara, the most prominent politician of northern ethnic origins. Although the rebels asserted that they were fighting for the rights of all Ivoirians—and not on behalf of northerners vis-à-vis southerners or Ouattara specifically—Ouattara's repeated exclusion had long fueled northerners' political grievances and sense of disenfranchisement, and was a key factor underpinning the rebellion's durability.

From early 2003 through early 2007, the two sides endeavored to implement the provisions of the LMA and subsequent peace agreements by pursuing a range of political and legal reform processes and reaching various agreements to achieve military and militia disarmament and demobilization. Focal issues included the sequence and manner in which disarmament, voter registration, citizen identification, and elections would take place; the content of proposed laws aimed at implementing the key provisions of the LMA and other agreements, and the manner in

¹⁴⁶ Daniel Balint-Kurti, "IMF Mission Favors Raising Ivoirian Cocoa Export Tax," Dow Jones Commodities Service, August 16, 2002.

¹⁴⁷ There are long-standing conflicts, for instance, between local Bété farmers and Baoulé cocoa farmers who gradually moved west and cleared new forest areas to plant new cocoa crops after exhausting soil resources in their home areas. Similarly, tensions between the between the Bété of the southwest—Gbagbo's ethnic group—and the Yacouba, the ethnic group of former military leader general Robert Guéi, increased after the rebellion.

which they would be enacted; and differences over the scope and exercise of presidential authority.

These efforts were overseen and sometimes led by two consensus prime ministers. The first was Seydou Diarra, appointed in 2003 after the LMA was signed. Charles Konan Banny succeeded Diarra in December 2005 after a crisis over delayed national elections and an internationally-endorsed, non-electoral extension of Gbagbo's tenure in office for a year. During this period, notably under Banny's tenure, talks and other cooperative efforts between the opposed parties sometimes resulted in significant progress toward the key goals set forth in the various peace accords. Such progress was, however, often interspersed with and undercut by political backtracking and obstructionism by one or both parties, political gridlock, and frequent accusations by one or both sides charging their opponent with undermining progress toward peace, often spurred by incendiary political rhetoric and partisan journalism. Similarly, mediation efforts by external governments or U.N. officials, while sometimes nominally successful, were often criticized by one or both sides as being biased.

Armed conflict briefly flared on several occasions, most notably in November 2004, when a government attempt to attack the north was repulsed by French and U.N. troops. This effort included an air attack on a French base (see text box "France's Military Presence in Côte d'Ivoire" in body of report). Mass protests, sometimes including violent mob actions, subsequently periodically punctuated the conflict. The political division of the country also led to breakdowns in law and order, frequent impunity for security officials accused of human rights abuses and other crimes, and a rise in corruption.

Due to the weak rule of law, local officials on both sides of the conflict reportedly gained access to and at times diverted official revenues. Such funding sources have taken the form of official taxes and fees and illicit, extortion-based payments, from such sources as domestic and international trade in goods, travelers, state-controlled firms; agricultural commodity sales, notably in the key cocoa sector; and illicit diamond exports. Access to such revenue streams was long seen as undermining political support for a quick resolution of the conflict.

International Peacekeeping Role

The international community supported the LMA and later subsidiary agreements, notably through resolutions by the U.N. Security Council. The Council first endorsed the LMA in early 2003, when it authorized two peacekeeping force deployments, one French and one by the Economic Community of West African States (ECOWAS), dubbed ECOMICI. They were charged with helping to implement the LMA and a May 2003 ceasefire accord; resolving the conflict; guaranteeing their own security and freedom of movement; and protecting civilians. In May 2003, after fighting in the west, the Security Council created a U.N. Mission in Côte d'Ivoire (MINUCI), a political and military monitoring mission. In early 2004, the Security Council authorized the U.N. Operation in Côte d'Ivoire (UNOCI), which took over MINUCI's mandate and incorporated the ECOMICI forces in April 2004; see textbox entitled "UNOCI" for more information on the mission.

Peace Process of 2007

A new peace accord, the Ouagadougou Agreement, was signed in March 2007 after opposition party-backed talks mediated by Burkina Faso's president between President Gbagbo and FN

leader Guillaume Soro. The accord was preceded in 2006 by halting progress toward citizen identification; voter registration; disarmament; and some other elements of the peace process, but also by marked tension over these processes and between President Gbagbo and Prime Minister Banny in the wake of an imported toxic waste dumping scandal. Such tension also arose over the two leaders' conflicting claims regarding their peace process implementation decision-making powers, notably after the U.N. Security Council passed Resolution 1721, which recognized Banny's broad power to implement the peace process, but did not, according to Gbagbo's interpretation, reduce Gbagbo's constitutional authorities.

The 2007 accord superseded but incorporated all earlier agreements. Under its provisions, FN leader Guillaume Soro became foreign minister. The accord also renewed and amended processes for conducting citizen identification, voter registration, elections (but mandated no election deadline), and provided for the formation of a new transitional government; laid out procedures for disarmament and a merging of the FN and the government military-security structures; created a youth civic service, a political party code of conduct, and an accord monitoring organ made up of the leaders of the top political parties; re-established state structures and authority nation-wide; and requested the lifting of U.N. sanctions and a reduced role for international peacekeepers, who were to be gradually replaced in certain areas by the newly merged security forces. While many of the accord's provisions were fulfilled, most notably the conduct of the 2010 presidential election, many key elements remain significantly unimplemented. International reaction to the accord was generally positive but cautionary. While welcome as an Ivorian solution to an Ivorian conflict, it gave substantial leeway to presidential authority, which was viewed as potentially leading to contention over accord implementation, especially since it reduced the international political and military role in the peace process, provided no sanctions for implementation failures, and empowered only the four leading political parties.

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