

CÔTE D'IVOIRE: IS WAR THE ONLY OPTION?

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CÔTE D'IVOIRE: IS WAR THE ONLY OPTION?

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Côte d'Ivoire is on the verge of a new civil war between the army loyal to the defiant Laurent Gbagbo, who refuses to acknowledge he lost the November 2010 presidential election, and the "Forces nouvelles" (FN), the ex-insurgency now supporting the winner, Alassane Ouattara. The vote should have ended eight years of crisis, but Gbagbo, staged a constitutional coup and resorted to violence to keep power. The result is a serious threat to peace, security and stability in all West Africa. The African community should not be influenced by the support that Gbagbo enjoys from a part of the population that has been frightened by the ultra-nationalist propaganda and threats of chaos of a militant minority. It must act decisively, not least to defend the principle of democratic elections, but key countries show signs of dangerous disunity. Any proposal to endorse Gbagbo's presidency, even temporarily, would be a mistake. His departure is needed to halt a return to war.

The November election was intended as the culmination of a painstaking peace process that began after the September 2002 rebellion and was endorsed by many agreements, the latest being the Ouagadougou Political Agreement (OPA) of March 2007. Gbagbo, like all other candidates, took part in the election on the basis of a series of compromises reached on all aspects of organisation and security.

There is no doubt Ouattara won the run-off. The candidate of the Union of Houphouëtists for Democracy and Peace (Rassemblement des Houphouëtistes pour la démocratie et la paix, RHDP) had a greater than 350,000-vote margin over Gbagbo's The Presidential Majority (La majorité présidentielle, LMP) in a credible election certified by the UN, as provided for in the agreement Gbagbo himself signed in 2005 and that several UN Security Council resolutions confirmed. In an attempt to reverse the result, however, the Constitutional Council – the country's highest court but entirely controlled by the Gbagbo camp – claimed to have discovered widespread violence and fraud – largely imaginary – in seven departments of the northern and central regions where Gbagbo had received less than 10 per cent of the votes in the first round. It thus cancelled more than 660,000 second-round votes, enough to raise his total from 45.5 per cent to 51.4 per cent.

To secure its hold on power, the regime has accompanied brazen manipulation of state institutions with a strategy of terror designed to brutally stifle any challenge from the coalition supporting Ouattara. According to the UN, the human toll already exceeds 300 dead, in addition to dozens of rapes and an unknown number of abductions and disappearances by security forces.

Gbagbo's power grab was clearly premeditated. He declared a curfew on the eve of the run-off, a forerunner of the lockdown on Abidjan, the centre of power; recalled from the northern and central regions for no reason before the voting ended 1,500 soldiers whom he had deployed by decree to maintain electoral security; and obstructed the work of the independent electoral commission (Commission électorale indépendante, CEI). Having campaigned on the slogan "we win or we win", he and his inner circle had no intention of relinquishing the presidency, regardless of the vote count. Driven by a political mysticism that blends nationalist discourse, virility and religiosity, Gbagbo is relying primarily on blackmail and targeted violence against civilians perceived as Ouattara supporters to remain president, even if his authority is unlikely to extend beyond the country's southern third.

The international community needs to realise that the illegitimate president is prepared to fight to the end, even if it means throwing Côte d'Ivoire into anarchy and economic disaster. If he succeeds, he will take with him all hope of good neighbourly relations, stability and economic progress in West Africa. Apart from the need to respect the will of Ivorians, the stakes include the security and well being of millions in the region and whether peaceful, democratic transfer of power is to be safeguarded on a continent where eleven elections are scheduled in 2011. Neither Gbagbo's obsession with power nor Ouattara's presidential ambition can justify the potential costs. But while the one made a decision that was accompanied by a campaign of terror he knew would bring his country to the brink of civil war, the other won a fair election with the support of a political and social coalition that is more representative of the country's diversity.

The African Union (AU) panel of five heads of state – representing each region of the continent – seeks a peaceful solution to the crisis but is in dangerous disagreement. The AU, the Economic Community of West African States (ECOWAS) and the UN have all recognised Ouattara as president-elect and asked Gbagbo to leave. South Africa, supported by Angola, however, has put forward power-sharing proposals that are dangerous because they contradict the original African consensus. Their positions on a crisis whose complexity they appear not to have fully grasped are compromising their credibility on the continent and beyond and undermining trust between ECOWAS and the AU. Gbagbo is the undisputed sole architect of Côte d'Ivoire's desperate situation. That and the need to achieve the installation of Ouattara must be the fundamental starting points of the search for a successful strategy and implementing tactics.

The most likely scenario in the coming months is armed conflict involving massive violence against civilians, Ivorian and foreign alike, that could provoke unilateral military intervention by neighbours, starting with Burkina Faso. It is ECOWAS territory, not southern Africa, that faces a serious threat. The regional organisation must reclaim the responsibility for political and military management of the crisis, with unequivocal AU and UN support. Meanwhile, Ouattara should take the initiative to launch a dialogue between RHDP and LMP (but without the irreconcilable Gbagbo), with a view to achieving a reconciliation agreement and a transitional unity government that he would head as the democratically elected president.

RECOMMENDATIONS

To President-elect Alassane Ouattara:

1. Propose an agreement for unity and national reconciliation that, with Ivorian Civil Society Convention (*Convention de la société civile ivoirienne, CSCCI*) involvement, would lead to:
 - a) a pact between the RHDP and LMP to manage the country until the legislative elections, possibly including vice-presidents from both movements;
 - b) a moderate-sized High Council for National Reconciliation of individuals, including women and civil society representatives, who have had no involvement in partisan politics for five years and no record of human rights abuse for ten years; and
 - c) a transitional government of national unity, as proposed by the High Council, with you as president.

To outgoing President Laurent Gbagbo:

2. Accept electoral defeat, step down and do not oppose an LMP-RHDP dialogue for an agreement that could also guarantee you a dignified exit and personal safety.

To Prime Minister and Defence Minister Guillaume Soro:

3. Instruct the Forces nouvelles to respect the ceasefire throughout the country.

To former President Henri Konan Bédié, member of the RHDP:

4. Reaffirm full support for President Ouattara and participate in the negotiation of a political agreement for national reconciliation.

To the Chief of General Staff of the Army (FDS-CI), the Chief of Staff and Commanders of the Forces nouvelles (FAFN) and Commanders of All Other Military Forces:

5. Recall they will be held responsible for serious crimes committed by their forces, including crimes against humanity, war crimes and other violations of international law.

To the Prosecutor of the International Criminal Court:

6. Remind all Ivorian parties, including commanders of the FDS-CI, militia leaders and commanders of the Forces nouvelles that they will be liable for acts committed by persons placed under their authority or acting upon their messages of hate and violence.

To the UN Security Council and Member States:

7. Fully support the UN Operation in Côte d'Ivoire (UNOCI); encourage it to fulfil its mandate by all necessary means and urge France's Licorne force to fully support UNOCI.
8. Ask the UN panel of experts on Côte d'Ivoire to give the sanctions committee a new list of Ivorians who should be subject to individual sanctions, as well as the names of individuals and legal entities providing financial support to the Gbagbo regime since December 2010.
9. Request the Secretariat to immediately begin talks with political and military authorities of ECOWAS regarding deployment of an ECOWAS-led military mission.
10. Refrain from positions not supportive of African action to resolve the crisis and protect civilians.

To the French Government:

11. Respond positively and promptly to any UNOCI requests for military support in accordance with Force Licorne's Security Council mandate.

To the Special Representative of the UN Secretary-General in Côte d'Ivoire:

12. Have UNOCI and Licorne secure a place outside Abidjan and Forces nouvelles-controlled areas to host peace talks between RHDP, LMP and civil society representatives.
13. Ensure that UNOCI, within its means, tolerates no obstruction to its movement and does not hesitate to use proportionate force to protect civilians under imminent violent threat.
14. Arrange preventive deployment of armed patrols in the communities most vulnerable to serious human rights abuses by any military or militia forces, whether in city neighbourhoods, villages or areas held in the west by the Forces nouvelles.
15. Strengthen UNOCI's capacity for information gathering, and analysis as well as documentation of human rights violations, including by taking security measures to restore freedom of movement of UNOCI officers in charge of the human rights division.

To the African Union Peace and Security Council (PSC):

16. Adopt individual sanctions targeting individuals associated with Gbagbo's illegitimate regime and fully support all ECOWAS decisions, including sending a military mission.

To the Economic Community of West African States (ECOWAS):

17. Deploy rapidly a military mission with a mandate to help UNOCI protect civilians; help create a safe environment for a process to end the crisis and implement a reconciliation and national unity agreement; intervene immediately in case of hostilities to prevent regional contagion; and block maritime access to Abidjan and San Pedro to prevent delivery of weapons and ammunition in violation of the current embargo.

To ECOWAS Member States:

18. Announce that members of the unrecognised Gbagbo government and his entourage are persona non grata in their territory and break all economic and financial ties with public or semi-public companies, particularly in the oil and energy sectors, controlled by that regime.

To the Government of Liberia and the UN Mission in Liberia (UNMIL):

19. Provide surveillance of the border with Côte d'Ivoire to ensure the safety of refugees and prevent the passage of mercenaries and weapons.

To the Governments of Liberia, Guinea, Mali, Burkina Faso and Ghana, the UN Office for the Coordination of Humanitarian Affairs (OCHA) and Relevant UN agencies:

20. Update contingency plans and be prepared to accommodate massive refugee flows.

To the European Union and the U.S.:

21. Maintain their sanctions regimes against natural and legal persons connected to the illegitimate Gbagbo government until he yields power.

Dakar/Brussels, 3 March 2011

CÔTE D'IVOIRE: IS WAR THE ONLY OPTION?

I. INTRODUCTION

Côte d'Ivoire has not held a presidential election since October 2000, when Laurent Gbagbo came to power through a ballot organised by the military junta. The candidates of two of the country's three major parties¹ were excluded from the election, which was immediately followed by serious violence. Ten years later, on 31 October 2010, the successful first round of the presidential election brought an immense sense of relief. The televised debate on 25 November between the outgoing president Laurent Gbagbo and his opponent Alassane Ouattara, the two candidates qualifying for the second round, reassured many Ivorians, three days before polling day.² Right from the official opening of the campaign for the run-off, the situation took a predictably aggressive turn.

The campaign organisers of the two candidates increasingly resorted to verbal attacks, while each side accused the other of being "fathers of the rebellion", "criminals" or "killers" and any initial restraint gave way to mutual demonisation, particularly by the Gbagbo camp.³ The more serious issue was that the increase in verbal aggression was accompanied by violent clashes between militants of both camps in several parts of the country. On 25 November, when Gbagbo and Ouattara presented their programs to the public, election violence had already led to several deaths. The two men kept their composure after initial moments of tension and nervousness. Smiling, they both promised to respect the verdict of the ballot box and congratulate the winner, while maintaining that they were absolutely certain of victory.

The electoral campaign was notable, first because of the appearance of huge posters of the two candidates, and

second, for the professionalism of the political communicators working for each side, and third, for the abundance of money in a country that has been in poor economic health for over a decade. However, as already highlighted by the latest Crisis Group report, the campaign was also characterised by the worst of political practices: SMS messages inciting hatred, local showings of films on atrocities committed during the civil war and renewed questioning of Ouattara's nationality by the "genuine" Ivorian, Gbagbo.⁴ Although the supporters of both candidates were responsible for hardening the tone of the campaign, it was the Gbagbo camp that openly sought to focus the debate on the alleged but never proven complicity between Alassane Ouattara and the rebels who took up arms in September 2002 as he tried to turn the second round into a referendum on the rebellion.⁵

Despite the courteousness displayed in the presidential debate, Gbagbo made a surprise announcement that same evening. Citing the violence that had punctuated the final days of the campaign, the outgoing president announced a curfew throughout the country starting on 27 November, the eve of polling day. Gbagbo did not consult his opponent, the prime minister, Guillaume Soro, or the CEI before taking what was a rather extraordinary and sinister decision. Although Ouattara responded in measured tones on television, the announcement of the curfew provoked angry demonstrations on 27 November in the Abidjan commune of Abobo, one of Ouattara's strongholds in the economic capital. The security forces intervened leaving five dead and many injured.⁶

Increased tensions were a direct result of the announcement of the curfew on 27 November. Blaise Compaoré, president of Burkina Faso and facilitator of the Ouagadougou Political Agreement (OPA), made an emergency visit to Abidjan. One of his objectives was to persuade Gbagbo to renounce imposing a curfew. After promising Compaoré and Ouattara to consider this request, Gbagbo

¹ The Democratic Party of Côte d'Ivoire (Parti démocratique de Côte d'Ivoire – PDCI), former single party under Félix Houphouët-Boigny and the Republican Rally (Rassemblement des républicains – RDR) created after a split in the PDCI. In 2000, former president Henri Konan Bédié led the PDCI while former prime minister Alassane Ouattara led the RDR. The two men were barred from standing in the presidential election.

² Crisis Group observations, Abidjan, 21-29 November 2010.

³ See Crisis Group Africa Briefing N°77, *Côte d'Ivoire: Finally Escaping the Crisis?*, 25 November 2010.

⁴ Ibid.

⁵ See Crisis Group article, Gilles Yabi, "Moi ou le chaos, stratégie suicidaire pour la Côte d'Ivoire", www.afrik.com, 4 February 2011.

⁶ "Présidentielle en Côte d'Ivoire: violence à la veille du scrutin", www.rfi.fr, 27 November 2010.

maintained the curfew anyway.⁷ Despite the tense climate during the days leading up to the poll, polling day itself on 28 November generally passed by without serious incident. Hundreds of observers and journalists attest to this fact. The prefects, all appointed by president Gbagbo, said the same in their reports.⁸ As during the first round, there were some incidents in several parts of the country.⁹ The first results were announced on the night of 28 November.¹⁰ They gave the advantage to Ouattara, who benefited from the transfer of votes from Henri Konan Bédié, his ally and leader of the Côte d'Ivoire Democratic Party (*Parti démocratique de Côte d'Ivoire* – PDCI).¹¹ This trend was confirmed on Monday 29 November.

On the morning of Tuesday 30 November, technicians at the state television station *Radio télévision ivoirienne* (RTI) dismantled the studio installed in the CEI offices in Abidjan. It was from this studio that the election results were to be announced. The journalists present were asked to leave the building without any explanation while security forces deployed in front. Then in the afternoon, as the CEI spokesman, Bamba Yacouba, prepared to announce the first results, one of President Gbagbo's representatives on the CEI snatched the sheets of results from him and tore them up.¹² At the same time, the party of the outgoing president denounced massive fraud in the north, accompanied by systematic violence that allegedly prevented electors from voting freely.¹³

⁷ As he cast his vote on 28 November 2010, Gbagbo said he was the only person able to impose and lift a curfew. He made this statement in response to Ouattara's announcement, on the morning of 28 November, that the curfew had been lifted following Blaise Compaoré's visit. During the evening of 27 November and until midday on 28 November, confusion reigned as to whether the curfew had been lifted or not. Crisis Group interviews, Abidjan, 21-29 November 2010.

⁸ See the explanations in Section II.A about voting in the central and northern zones.

⁹ The press release issued by the Ivorian Civil Society Convention (CSCI) about the organisation's final report of its Electoral Observation Mission on the Presidential Election, dated 24 February 2011, noted "isolated killings, beatings, destruction of goods, abduction of ballot boxes and people being prevented from voting at Dignago (Fromager), Garango (Marahoué), Niboua (Haut Sassandra), Korhogo (Savanes), Daoukro (Nzi Comoé), Vongoué (18 Montagnes)".

¹⁰ Crisis Group telephone interviews, journalists and local politicians, 29 November 2010.

¹¹ He came third in the first round with 25 per cent of the vote.

¹² This was Damana Pickas, who had already made a name for himself when, as leader of the Ivorian Patriotic Youth Front (*Jeunesse du Front populaire ivoirien* – JFPI), he was a member of the group of pro-Gbagbo militants that invaded RTI premises and evicted its director on 4 November 2004.

¹³ Fraud is a constant theme of the speeches of FPI leaders at each stage of the crisis: during the operations of the mobile

On Thursday 2 December, in the Golf Hotel¹⁴ and under protection of the UN Operation in Côte d'Ivoire (UNOCI), the CEI president announced the provisional results, giving Ouattara victory. Meanwhile, the president of the Constitutional Council, Paul Yao N'Dré, claimed that the CEI had failed to announce the results within the statutory period. That evening, RTI played the biased role that it has always played during periods of tension in the Ivorian crisis. Acting as though there had been an attempted coup, an army spokesman announced the closure of the country's borders while another communiqué announced the suspension of international broadcast media. On Friday 3 December, the Constitutional Council cancelled more than 660,000 votes and proclaimed Laurent Gbagbo winner of the election with 51.4 per cent of the vote.¹⁵ On Saturday 4 December, Gbagbo was sworn in as head of state while Ouattara signed a written oath as President of the Republic. He reappointed Guillaume Soro to the post of prime minister. Gbagbo named the academic Gilbert Marie Aké N'Gbo, not known to be a political actor, as head of his government.

Since December, the international community has often expressed its support for Ouattara and called on Laurent Gbagbo to step down but this has had no significant effect and there is a complete stalemate. The post-electoral impasse began a new phase of the Ivorian crisis. After the peaceful period that followed the signature of the OPA, political violence returned to Côte d'Ivoire with a vengeance. In less than three months, at least 300 people were killed, according to UNOCI, and this is only the confirmed death toll.¹⁶ More than 35,000 Ivorians have fled to Liberia.¹⁷ The disputed election results have given this violence a new dimension: the outgoing president has moved on from a strategy of street violence to one of terror in order to stay in power.

courts, then during the establishment of the electoral roll. Part of Ivorian public opinion is all the more receptive to the argument of fraud because of the government-controlled media's constant accusations made over several years. The extent of organised fraud by the opposition is often exaggerated by members of the presidential majority. For example, a senior FPI leader told Crisis Group that Mali "had factories for making false Ivorian identity cards". Crisis Group interview, FPI leader, Abidjan, 13 January 2009.

¹⁴ This hotel, which is under the protection of the UNOCI blue helmets, has for several years housed the representatives of the Forces Nouvelles (FN) in the government of national reconciliation and is considered to be the headquarters of the FN's political wing in Abidjan.

¹⁵ See Section II.A below.

¹⁶ "Crise ivoirienne: près de 300 morts depuis la mi-décembre, d'après l'ONU", Agence France-Presse, 10 February 2011.

¹⁷ On 15 February 2011, the United Nations High Commissioner for Refugees calculated there were 36,318 Ivorian refugees in Liberia.

This report analyses the post-electoral crisis, discusses the arguments put forward by the Ivorian parties, looks at the balance of forces, identifies the possible short term scenarios, civil war being the most likely, and makes recommendations to prevent Côte d'Ivoire from sinking into an armed conflict and a state of anarchy that could destabilise the whole of West Africa.

II. DECIPHERING A DISASTER

A. WHO WON? THE ELECTORATE'S VERDICT AND THE CONSTITUTIONAL COUNCIL'S CHOICE

Is there any doubt about who won the election? Do the provisional results announced on 2 December by the president of the CEI reflect the will of the electorate? Did the announcement of the provisional results by the CEI after the statutory deadline of three days render these results null and void? Did the CEI president's announcement of the provisional results, in the absence of the institution's central commissioners in a hotel housing Ouattara's allies, change the accuracy of these results? Did the figures calculated on the basis of the official reports of voting figures at polling stations not provide credible results? To what extent did the outbreak of violence in several locations during 28 November affect the final result? Did the incidents recorded at some polling stations justify the Constitutional Council's decision to cancel all the votes cast in some departments? Can the Council cancel the votes of 664,405 electors (16 per cent of all votes cast) in certain departments and then announce a victor without convening a new election?

This long list of questions has been the subject of interminable debate since Laurent Gbagbo was sworn in as the re-elected president while the Special Representative of the UN Secretary-General, mandated by the Security Council to certify the electoral process, confirmed the CEI results giving Ouattara a large majority. The legal debate begun by the leaders of the "Presidential Majority" (*Majorité présidentielle* – LMP), the coalition supporting Gbagbo, focused partly on a denunciation of the provisional results announced by the CEI and partly on the definitive character of the Constitutional Council's decision of 3 December announcing Gbagbo's re-election. The CEI was given the task of organising, supervising and managing all electoral operations. The CEI is composed of 31 members, including 20 from the political parties and the FN (four members representing the LMP, which was therefore in a minority). The CEI's central commission deliberated on all electoral issues. According to the electoral code, the central commission is responsible for announcing "provisional results at the national level ... in the presence of representatives of the candidates".¹⁸

¹⁸ The new article 59 of the electoral code, as set out in regulation n°2008-133 of 14 April 2008 introducing amendments to the electoral code for the elections to end the crisis, Presidency of the Republic.

The jurists of the Gbagbo camp claimed that the president of the CEI did not respect “the conditions of form and period regarding the announcement of the provisional results”.¹⁹ They claimed that the CEI had to announce the provisional results within three days and that “this deadline is imperative and not indicative”.²⁰ In fact, the electoral code simply says that “the Independent Electoral Commission shall present the Constitutional Council, the Special Representative of the United Nations Secretary-General in Côte d’Ivoire and the Special Representative of the Facilitator with a copy of the polling stations’ reports, accompanied by supporting documents during the three days following the ballot”.²¹

The code also states that any complaints made by election candidates and any supporting documentation supplied should be forwarded to the Constitutional Council “during the three days following the closure of the ballot”²² and that the Council shall “rule within seven days of receiving the reports”.²³ Gbagbo’s jurists argue that “due to the lack of consensus, the CEI was unable to publish the results within the period specified by law; the CEI was to publish the results by midnight on the evening of 1 December 2010”.²⁴ The electoral code does not say that the deadline is “imperative” and that failure to comply would be enough to cancel results announced after this period.²⁵

Gbagbo’s other legal argument is that the announcement of the provisional results did not take the required form, ie, “in the presence of representatives of the candidates”. The memorandum provided to Crisis Group states that “on the afternoon of 2 December, in the absence of the central commissioners, the president of the CEI, Mister Youssouf Bakayoko, announced to the French press, ‘the provisional results of the presidential election’, at the Golf Hotel, which is, moreover, the headquarters of the candidate Alassane Dramane Ouattara”.²⁶ While there is no doubt that the announcement was made in unusual and inappropriate conditions, the absence of other members of the central commission and the venue for the announcement were not sufficient grounds on which to declare the provisional results null and void. The LMP said nothing

about the moral and physical pressure placed on the president and other members of the CEI, the expulsion by Ivorian security forces of the national and international media from the CEI offices, and attempts by Gbagbo’s representatives on the CEI to prevent the announcement of the provisional results.²⁷

Another argument put forward by the LMP is that the central commission’s decisions should have been taken by consensus in accordance with the CEI’s internal rules and that “any voting results may not be published if they have not been unanimously validated by members of the central commission”.²⁸ This reasoning implies that it would be sufficient for a candidate’s representatives to reject the results in regions where their candidate has lost to prevent the CEI from ever announcing the national results.

Despite the bad faith in which Gbagbo’s inadmissible legal arguments were put forward in an attempt to disqualify the CEI, the president of the Constitutional Council, Paul Yao N’Dré personally intervened on 2 December to say that the commission had not announced the provisional results within the “legal period” and that it was therefore stripped of its powers on the matter.²⁹ He asked the CEI to hand over the reports to the Constitutional Council so that it could announce the definitive results after examination of the petitions presented by the candidates. Within 24 hours, the Council had claimed to have examined more than 20,000 reports and deliberated on five petitions presented by Gbagbo requesting cancellation of the run-off results in the departments of Bouaké, Korhogo, Boundiali, Dabakala, Ferkessédougou, Katiola, Béoumi and Sakassou “because of serious irregularities that undermined the integrity of the ballot”.³⁰

Even if we accept that the CEI announced the results outside the appropriate period and that there were therefore never any official provisional results, the Constitutional Council based its rulings on the same polling station reports used by the CEI, UNOCI and the Burkina Faso facilitator, who all regarded Ouattara as the winner. The Constitutional Council’s announcement that Gbagbo had won was based only on the decision to cancel the results in the departments of Bouaké, Korhogo, Ferkessédougou, Katiola,

¹⁹ “Mémoire sur le second tour de l’élection présidentielle en Côte d’Ivoire”, 5 December 2010, prepared by the legal unit of the Presidency of the Republic and provided to Crisis Group during a Crisis Group mission in January 2011.

²⁰ Ibid.

²¹ New article 59 of the Electoral Code.

²² New article 60 of the Electoral Code.

²³ New article 61 of the Electoral Code.

²⁴ “Mémoire sur le second tour”, op. cit.

²⁵ Several observers noted that the CEI had not communicated the provisional results of the first round within the three-day deadline, but nobody had denounced this. Crisis Group interviews, Abidjan, 25-30 January 2011.

²⁶ “Mémoire sur le second tour”, op. cit.

²⁷ Crisis Group interviews, diplomats and election observers, Abidjan, 25-30 January 2011.

²⁸ Crisis Group interviews, sources close to President Gbagbo, Abidjan; and “Mémoire sur le second tour”, op. cit.

²⁹ Statement by the President of the Constitutional Council, broadcast on RTI, 2 December 2010.

³⁰ Decision N°CI-2010-EP-34/03-12/CC/SG announcing the definitive results of the presidential election of 28 November 2010, Constitutional Council, Abidjan, 3 December 2010. See Appendix C.

Boundiali, Dabakala and Séguéla.³¹ This clearly poses two questions: were there serious, systematic and massive irregularities at the polling stations in seven departments, all located in the centre and north of the country, areas controlled by the FN and electoral strongholds of Ouattara? If the answer is yes, does the Constitutional Council have the power to cancel the results in the seven departments (664,405 votes – 16 per cent of the country's voters) and declare the final result without the electorate being asked to vote again?

Nothing in the text of this decision (see Appendix C) proves there were irregularities and generalised violence in the named departments. The Constitutional Council did not determine the number of polling stations where each type of irregularity occurred in each department and satisfied itself with noting that, "these irregularities included ballot box stuffing, the transport of official reports by unauthorised persons, electors prevented from voting, inflation of the number of votes cast" and deciding "it is appropriate to cancel the results in these various departments".³² Even if, against all the evidence and against all the official reports submitted by the prefects of the regions concerned³³ and against all the statements made by credible electoral observers,³⁴ were to accept the hypothesis that the vio-

lence and irregularities in these seven departments justified cancelling their results, the Council had only one option: cancel the results of the run-off and call another election.

In fact, the new article 64 of the Ivorian Electoral Code is not in the least ambiguous:

If the Constitutional Council notes serious irregularities that undermine the integrity of the poll and affect the final result, it shall cancel the election and notify its decision to the Independent Electoral Commission, which will inform the Special Representative of the United Nations Secretary-General and the Special Representative of the Facilitator. The Council of Ministers shall decree the date of the new election on a proposal of the Independent Electoral Commission. The ballot shall take place no later than 45 days after the date of the Constitutional Council's decision.³⁵

Cancellation of the results of seven departments located in the Savanes, Bandama Valley and Worodougou regions, where Gbagbo only obtained 6.5, 9.4 and 6.94 per cent of the votes respectively in the first round, manifestly affected the results of the election as a whole because Gbagbo's majority, as announced by the Constitutional Council, was 115,865.³⁶ There was therefore no legal basis on which to proclaim Laurent Gbagbo the winner without a re-run of the election. Despite the cancellation of more than 660,000 votes in the departments where the outgoing president had been clearly beaten by his opponent in the first round, Gbagbo only obtained 51.45 per cent of the votes according to the Constitutional Council's decision. The Council, chaired by Paul Yao N'Dré, simply picked Gbagbo as president.³⁷

³¹ The Constitutional Council did not cancel the results in Béoumi and Sakassou as requested by Gbagbo but decided on its own account to cancel the results in Séguéla on the grounds that "examination of the official reports revealed serious irregularities both during polling and vote counting in Séguéla department", *ibid.*

³² *Ibid.*

³³ "Rapport circonstancié relatif au déroulement des élections présidentielles du 2ème tour" from the Prefect of Bandama Valley Region, the Prefect of Bouaké Department to the Minister of the Interior, 1 December 2010; "Rapport circonstancié portant sur le deuxième tour du scrutin présidentiel tenu le 28 November 2010", from the Prefect of Worodougou Region, the Prefect of Séguéla Department to the Minister of the Interior, 2 December 2010; "Analyse du déroulement du scrutin du 28 November 2010", from the Prefect of the Savanes Region, prefect of the Korhogo Department to the Minister of the Interior, 30 November 2010. Crisis Group obtained a copy of these reports, which detail the incidents observed in their respective regions on polling day. None of these documents report serious and generalised incidents in the seven departments that had their results cancelled by the Constitutional Council. It should be remembered that the prefects are the state's most senior representatives in the regions and that they were appointed by President Gbagbo.

³⁴ The electoral observation mission organised by the Ivorian Civil Society Convention (*Convention de la société civile ivoirienne* – CSCI) deployed 1,100 national observers during the run-off. These observers visited 7,700 (38 per cent) polling stations. The mission's preliminary report notes the absence of generalised incidents in one part of the country and the clear victory of Alassane Ouattara on the basis of a sample taken at

polling stations observed by the mission. The Gbagbo camp chose to repeatedly broadcast on state television statements made by four African civil society observation missions that have no reputation in the field of electoral observation.

³⁵ New article 64 of the Electoral Code.

³⁶ According to the run-off results announced by the Constitutional Council, Laurent Gbagbo received 2,054,537 votes against 1,938,672 votes for Alassane Ouattara, respectively 51.45 per cent and 48.55 per cent of votes cast (3,993,209).

³⁷ According to one source heard by Crisis Group, only three of the seven members of the Constitutional Council took the decision announcing Gbagbo as president-elect. These were the President of the Constitutional Council, Paul Yao N'Dré, and councillors Timothée Ahoua N'guetta and Joséphine Suzanne Touré. Crisis Group has been unable to corroborate this information from a second source. The Council's decision was signed by Paul Yao N'Dré and the Council's General Secretary, Kouadiané Gbassi. Crisis Group interview, Abidjan, 30 January 2011. Paul Yao N'Dré is a former leader of the presidential party and a long-time colleague of Gbagbo's.

B. A CONSTITUTIONAL AND MILITARY COUP

When you ask those close to Gbagbo whether they find it acceptable to cancel the votes of more than 660,000 people in regions regarded as opposition strongholds at the conclusion of an election that was supposed to end the country's long political and military crisis, the response is simple and definitive: "it is the Constitutional Council's responsibility to announce the definitive election results and the Council declared Gbagbo to be the winner. One can agree or disagree with a court judgement, but appeals against Constitutional Council decisions are not allowed".³⁸ Different members of the LMP make the same astonishing comparisons, leaving the impression that they are following instructions from Gbagbo's inner circle:

It is like a game of football. When a player scores a goal, the referee decides whether it is valid or not. No-one can appeal against his decision. If it is later found that the goal not given by the referee was in fact valid, you don't replay the match.³⁹

The message is clear: even if Gbagbo lost the election and the Constitutional Council "made a mistake" by declaring him the winner, its decision is final. To compare an organised presidential election in a country that has come through a civil war and eight years of an arduous peace process to a football match is audacious to say the least. There is still an argument, however, that the Constitutional Court's decision is binding even if made in the utmost bad faith.

As the Constitution had not been suspended, the possibility that Gbagbo might use the Constitutional Council to engineer a "victory" even if he lost at the ballot box was a threat that weighed heavily on the electoral process right from the start.⁴⁰ Timely recourse to the Constitution has been one of Gbagbo's favourite weapons since he came to power in October 2000 following an election of very questionable democratic credentials. It has allowed him to challenge peace agreements after he has signed them, reject obligations prescribed by UN Security Council resolutions in accordance with chapter VII of the Charter, claim to be the only defender of Côte d'Ivoire's sovereignty and pretend he is leading a country with a normal institutional situation.⁴¹

On the day after the 28 November election, the outgoing president's camp found a new enemy in the United Nations Special Representative of the Secretary-General (SRSG), Choi Young-Jin. Choi is considered even by a Crisis Group interlocutor close to the presidency as "the one who created the post-electoral crisis by announcing a winner on the basis of provisional results".⁴² The Gbagbo camp believed that the UNOCI chief exceeded his Security Council mandate to certify the electoral process by certifying the provisional results announced by the CEI rather than the definitive results announced by the Constitutional Council. On 3 December, it was as if the Constitutional Council and the SRSG responsible for certification were involved in a race. But it was the president of the Council who was the first to make an announcement. He announced the cancellation of results in seven departments as well as declaring Gbagbo the winner. The UNOCI chief made an announcement a little later on the same day at the mission's offices, in the following terms:

I, as certifier of the Ivorian elections, have completed the analysis and evaluation of all the tally sheets transported by UNOCI and received from the CEI. Here is my conclusion: even if all the complaints made by the presidential camp were taken into account in terms of tally sheets, and consequently the votes, the outcome of the second round, as proclaimed by the president of the CEI on 2 December would not change, with candidate Ouattara being the winner of the presidential election in Côte d'Ivoire.⁴³

Since 3 December, Gbagbo supporters have virulently challenged the role played by the SRSG. They seemed to have only just discovered his mandate as certifier. However, the order of 14 April 2008 signed by President Gbagbo "making adjustments to the electoral code for the elections to resolve the crisis" fully incorporated the major involvement by the United Nations and the OPA facilitator at each stage of the electoral process. The revised electoral code states that the CEI must send a copy of the official reports accompanied by supporting documents to the Special Representative and the facilitator and that they should also receive a copy of any petitions sub-

³⁸ Crisis Group interview, Abidjan, 28 January 2011.

³⁹ Crisis Group interviews, sources close to Laurent Gbagbo, Abidjan, 26 and 28 January 2011.

⁴⁰ See Crisis Group Briefing, *Côte d'Ivoire: Finally Escaping the Crisis?*, op. cit.; and Crisis Group article, Richard Moncrieff, "Côte d'Ivoire: le spectre d'une élection manipulée", www.allafrica.com, 21 August 2009.

⁴¹ For many years, Crisis Group reports have highlighted this point: "The presidential camp's tactics have never changed since

the beginning of the crisis: use of the constitution as a political weapon, made easier because of his control of the Constitutional Council; 'spontaneous' violence by the 'young patriots' and other militias, and, if necessary, violence by the security forces and the 'parallel forces' against political opponents and their supposed electoral clientele". Crisis Group Africa Briefing N°40, *Côte d'Ivoire: Stepping up the Pressure*, 7 September 2006, p. 13.

⁴² Crisis Group interview, Abidjan, 28 January 2011.

⁴³ Transcript of the press briefing given by the Special Representative of the UN Secretary-General for Côte d'Ivoire, 3 December 2010, www.un.org/en/peacekeeping/missions/unoci/document/unoci_srsg_pointper cent20presse_03122010.pdf.

mitted by the candidates regarding the regularity of the ballots or vote counting.⁴⁴ Gbagbo's alliance presents the crisis as "a simple electoral dispute" in which the UN has interfered without good reason, but UNOCI was extensively involved in electoral preparations from the long search for a compromise on the creation of electoral lists to the transport of voting kits and official reports at the end of vote counting.

The UN's certification mandate has a long history. The UN initially had a High Representative of the United Nations for the Côte d'Ivoire elections (HRE), different to the office of the SRSG. The creation of the office of HRE came after a request by Ivorian politicians at the Pretoria summit of 6 April 2005. Given the major crisis of confidence between the presidential camp and the opposition and the great importance of organising credible elections in order to avoid violent clashes, the former South African president, Thabo Mbeki, then mediator in the crisis, transmitted to the UN a request for the latter's participation in the work being carried out by the CEI and the Constitutional Council.

Alassane Ouattara and Henri Konan Bédié wanted the United Nations to take complete control of organising the elections, while President Gbagbo wanted to restrict external intervention to a minimum. Former UN Secretary-General Kofi Annan did not believe that Côte d'Ivoire was a failing state incapable of organising elections, but felt that the UN should ensure the fairness of the electoral process in order to reassure candidates that the elections would be credible.⁴⁵

Security Council Resolution 1603 of 3 June 2005 created the office of HRE and set out its mandate to certify "all stages of the electoral process" and assist the CEI, the Constitutional Council and other competent bodies. Resolution 1721 (1 November 2006) strengthened the HRE's mandate by making it "the sole authority authorised to arbitrate with a view to preventing or resolving any problems or disputes related to the electoral process". On the day after signing the OPA, which resulted from a direct dialogue proposed by President Gbagbo to the FN and facilitated by President Compaoré of Burkina Faso, Gbagbo not only asked the Swiss diplomat who occupied the office of HRE to leave but also requested the removal of the office itself to protect the country's sovereignty.⁴⁶ The

Security Council granted this request in part but then transferred the certification mandate to the SRSG, chief of the peacekeeping mission. The mandate of arbitrator of disputes was given to the facilitator Blaise Compaoré who appointed Boureima Badini as his special representative in Abidjan.

Those who have not followed the electoral process in Côte d'Ivoire over the years may be surprised at the mechanism of certification, unique in the history of the UN, and which ended in an unprecedented situation: a president proclaimed elected by his country's highest jurisdiction and a president proclaimed elected by the UN and recognised by the UN, the Economic Community of West African States (ECOWAS) and the African Union (AU) on the grounds that the electorate had expressed a clear preference.⁴⁷ It was with the objective of significantly reducing the Security Council's influence over the end of the peace process and especially over the conditions under which the presidential election took place that Gbagbo began direct negotiations with the FN in December 2006 and sought reconciliation with the facilitator, Blaise Compaoré.⁴⁸ Gbagbo, Bédié, Ouattara and Soro finally went to the polls in October and November 2010 on the basis of the March 2007 OPA, additional agreements and many other tacit political compromises. UN certification was part of this compromise.⁴⁹

If the outgoing president did not want to go the polls in these conditions, he had scope to engineer a further postponement. In January and February 2010, he wanted to get rid of the President of the CEI, Robert Beugré Mambé, who he accused of preparing fraud using voting lists favourable to the opposition. Gbagbo unilaterally dissolved the CEI and the government of national reconciliation, provoking a political crisis punctuated by violence that lasted several weeks. He achieved his objective when Youssouf Bakayoko replaced Mambé as head of the CEI. Gbagbo was free to conduct his presidential campaign throughout the national territory, including the large towns in the area controlled by the FN.

⁴⁴ New articles 59 and 60 of the Electoral Code, op. cit. This exceptional interference by the United Nations and the Burkina Faso facilitator in Côte d'Ivoire's internal electoral arrangements also applied to the legislative elections that were scheduled to quickly follow the presidential election.

⁴⁵ See Crisis Group Africa Report N°127, *Côte d'Ivoire: Can the Ouagadougou Agreement Bring Peace?*, 27 June 2007.

⁴⁶ Gérard Stoudmann was HRE at that time. See *ibid.*

⁴⁷ Crisis Group has followed each stage of the peace process in Côte d'Ivoire since 2003 and published eleven reports and briefings on the Ivorian crisis since Crisis Group Africa Report N°72, *Côte d'Ivoire: The War is Not Yet Over*, 28 November 2003.

⁴⁸ See Crisis Group Report, *Côte d'Ivoire: Can the Ouagadougou Agreement Bring Peace?*, op. cit.

⁴⁹ Other elements of these compromises were the limited disarmament of the FN and the creation of a joint ex-rebel and loyalist force to ensure security during the elections. This force was coordinated by the Integrated Command Centre (Centre de commandement intégré – CCI) based in Yamoussoukro and supported by UN forces and the French Licorne forces.

On the eve of the run-off, Gbagbo ordered the deployment of 1,500 regular army soldiers to the central, northern and western zones held by the FN as part of the process of ensuring security during the elections. Nobody stopped them from deploying, nobody attacked them and, surprisingly, they did not intervene anywhere to stop the “massive” violence that the Constitutional Council used to justify its cancellation of the results in these zones. These troops were recalled to Yamoussoukro on the afternoon of 28 November, at the moment when the LMP implemented its plan to cancel a massive number of results on the pretext of systematic violence against pro-Gbagbo militants.⁵⁰ There is no doubt that there were some local incidents on polling day in the north and centre of the country. More serious incidents took place in the west in territory under government control, where RHDP supporters were targeted in both the first round of voting and the run-off.⁵¹

Gbagbo's political communication team supervised the repeated broadcast over several days of interviews filmed with victims of violence in the centre, north and west of the country.⁵² The device of showing images of dozens of injured people to give credence to the idea that part of the country was the scene of generalised violence was a simple but effective tool that Gbagbo used to communicate with Ivoirians who voted for Gbagbo and were only waiting to be persuaded that he had not lost. His complete control of Ivorian state television allowed him to combine an electoral coup with an aggressive and perfectly orchestrated communications campaign before polling day and a strategy to terrorise RHDP supporters.

Security forces loyal to President Gbagbo have been mainly responsible for the political violence since December 2010. The presidency prepared a strategy to violently repress the opposition in order to dissuade RHDP supporters from demonstrating massively in the streets. In the first hours after his electoral coup, Laurent Gbagbo wanted to prevent his opponents from using the insurrectional strategy

that he himself had used to take power in October 2000.⁵³ The gratuitous and targeted attack on a RHDP office in Abidjan on the night of 1-2 December 2010 was the first part of this strategy. Located in the Yopougon neighbourhood, this office received a nocturnal visit from members of the anti-riot brigade (BAE) and gendarmerie, who opened fire indiscriminately on those present. According to police and hospital sources, the attack left at least eight dead and dozens wounded.⁵⁴

Since then, the security forces under the control of the outgoing president have carried out many such operations in an attempt to keep a lid on protests in Abidjan. They have committed extrajudicial executions, acts of torture, rape and forced disappearances.⁵⁵ This violence first targeted mid-level RHDP officials capable of mobilising activists in the neighbourhoods and more generally against RHDP supporters and even people with family names that indicated a connection with the northern part of Côte d'Ivoire. They mainly focused on the Abidjan communes of Abobo and Anyama, where a curfew is still in force.

This strategy of promoting fear and sending a message that the Gbagbo camp was ready to do anything to stay in power was successful. The RHDP/FN alliance made only one unsuccessful attempt to organise a massive demonstration. The march on 16 December against the headquarters of RTI was bloodily repressed. The security forces opened fire on several small groups of demonstrators who were trying to converge towards a rallying point, leaving at least eleven dead.⁵⁶

The exact death toll of this murderous political repression is very difficult to establish. The presidential camp tried to hide the seriousness of the atrocities committed by the security forces. UNOCI investigators were refused access to the sites of mass graves.⁵⁷ Documents and photographs

⁵⁰ Crisis Group interview, a civil society actor with military contacts, Abidjan, 28 January 2011.

⁵¹ Crisis Group interviews, Abidjan, election observers, 25, 26 and 28 January 2011. See the CSCI press release on the final report of its Election Observation Mission, 24 February 2011. The press release noted “isolated killings, beatings and destructions of goods, abduction of ballot boxes and prevention of people voting in Dignago (Fromager), Garango (Marahoué), Niboua (Haut Sassandra), Korhogo (Savanes), Daoukro (N'zi Comoé); Vongoué (18 Montagnes)”.

⁵² These interviews, presented in the form of television reports, as well as the statements made by four election observation missions “of African civil society organisations” that have no experience or reputation in this field were also published in the form of information CDs. Four of these CDs were sent to Crisis Group.

⁵³ After the presidential election of 22 October 2000, General Robert Gueï refused to accept defeat. His opponent, Laurent Gbagbo, responded by calling his militants onto the streets. On 25 October, part of the armed forces, notably the gendarmerie, took the side of the demonstrators and General Gueï was forced to flee the presidential palace by helicopter. When the supporters of Alassane Ouattara, excluded from the election, also took to the streets to demand a new election, the bloody repression was led by the gendarmerie and the most militant FPI members.

⁵⁴ “Elections présidentielle: plusieurs morts à Yopougon dans l'attaque d'un bureau du RHDP”, www.jeuneafrique.com, 2 December 2010.

⁵⁵ See “Côte d'Ivoire: violence campaign by security forces, militias”, Human Rights Watch, 26 January 2011.

⁵⁶ “Côte d'Ivoire: au moins 11 morts et 80 blessés à Abidjan (sources concordantes)”, Agence France-Presse, 16 December 2010.

⁵⁷ “Empêchée d'enquêter sur un charnier, l'Onu confirme la présence de miliciens libériens”, [Jeune Afrique.com](http://Jeune-Afrique.com), 23 December 2010.

obtained by a press agency at four of Abidjan's nine mortuaries show that at least 113 bullet-ridden bodies have been taken there since 1 December. These bodies have still not yet been returned to their families.⁵⁸

Armed elements who remained unidentified but who were RHDP or FN allies reacted sporadically to this planned violence.⁵⁹ On 7 February 2011, two members of the BAE and two members of the Republican Guard (*Compagnies républicaines de sécurité – CRS*) were killed in clashes with armed men in the district of Abobo, where Ouattara has majority support. Two other members of the prefecture police were killed when their vehicle was hit by a rocket at a roundabout in Abobo.⁶⁰ Another attack in the same district on 22 February left a much heavier death toll: at least ten members of the special security command centre (*Centre de commandement des opérations de sécurité – CECOS*) were killed in an ambush by a group of heavily armed and unidentified men.⁶¹

The task of harassing UNOCI personnel was given to the patriotic movement militias led by men close to the presidency. The most well known of these men is Charles Blé Goudé, minister for youth in the Gbagbo government, already sanctioned by the Security Council. These provocations and attacks seek to intimidate the impartial forces and to present them to Ivorian public opinion as a biased and violent foreign occupying army. The formula is always the same: members of the "patriotic youth" attack UNOCI vehicles or block their way. If the "blue helmets" respond vigorously, the incident is quickly presented by the pro-Gbagbo media, especially state television and daily newspapers, as the spontaneous expression of the people and young Ivorians who "with their bare hands" are challenging foreign forces that the Gbagbo regime has asked to leave the country. On the university campuses that they control, some of these young people allegedly fighting with their "bare hands" are armed with pistols and AK-47 assault rifles.⁶²

Several other towns in the country have been the scene of serious violence.⁶³ In the extreme west, the country's most unstable region, clashes have taken on an extra dimension as communities have fought each other, notably in Duékoué, where at least 14 people have been killed.⁶⁴ Elsewhere, market traders have refused to serve customers with names that indicate they belong to a different ethnic group to their own; RDR supporters attacked Liberian citizens who they suspected of being mercenaries recruited by Gbagbo.⁶⁵ The current impasse, after more than a decade of crisis, is leading to a dangerous disintegration of Ivorian society.

The imposition of a curfew, the obstruction of CEI deliberations immediately after the run-off, the impatient and well-publicised entry on the scene of the President of the Constitutional Council to cancel the CEI's mandate, the sudden transformation of RTI into a pro-Gbagbo propaganda tool, the targeted repression of active Ouattara and RHDP supporters in Abobo, Anyama, Treichville and Koumassi all indicate the level of planning involved in Gbagbo's strategy to remain in power irrespective of what the voters wanted.

As Crisis Group reports have highlighted, the Gbagbo camp has always been very skilled in preparing "coups", using four key methods: selective reference to the Constitution; organised violence by the defence and security forces under the command of officers loyal to the presidency; control of the streets and intimidation of civilians by militias and groups of organised "young patriots"; and control of the RTI. The Gbagbo faction was perhaps surprised by an electoral defeat that was however predictable, or at least by the size of the majority. However, they had a plan B, which allowed them to "win" even if they lost the election.⁶⁶ Since 28 November, Gbagbo has single-mindedly pursued his goal to remain in power in Abidjan.

⁵⁸ "New proof of Ivory Coast killings", Associated Press, 15 February 2011. Crisis Group interviews also confirm the arrival of several dozen bodies at Anyama and Treichville mortuaries in Abidjan, 25 January 2011.

⁵⁹ Crisis Group interviews, Abidjan, 25 and 30 January 2011. According to these sources, the people who opened fire on police officers in Abobo were infiltrated elements of the FN.

⁶⁰ Crisis Group electronic interview, Ivorian police officer, 12 February 2010.

⁶¹ "Embuscade à Abidjan, une dizaine de gendarmes tués", Reuters, 23 February 2010.

⁶² Crisis Group interviews, civil society actor close to student groups, Abidjan, 28 January 2011.

⁶³ For example, there were clashes in Yamoussoukro on 16 December 2010 and Lakota on 12 January 2011.

⁶⁴ Death toll announced by the UN, 6 January 2011.

⁶⁵ Crisis Group telephone interviews, Ivorian citizens, December 2010.

⁶⁶ One of President Gbagbo's campaign slogans was "either we win or we win".

III. THE BALANCE OF FORCES AND POSSIBLE SCENARIOS

A. STRENGTHS AND WEAKNESSES OF THE TWO RIVALS

Winner of the 28 November 2010 election, Ouattara's main strength is the strong support from African and international organisations that have officially recognised him as president-elect. Even though some countries in Africa and the rest of the world have reservations about these decisions regarding the legitimacy of Ouattara, the fact that the General Assembly of the United Nations has accepted the credentials of the ambassador appointed by him is a powerful symbol of Gbagbo's international isolation.⁶⁷ Entrenched in a hotel that has become an enclave in the city of Abidjan, protected and supplied by UNOCI helicopters, deprived of access to the dominant mass media (RTI), cut-off from his electoral base, Ouattara has little influence over the situation inside the country, especially Abidjan, where most attention is focused and public opinion moulded.⁶⁸

The international recognition enjoyed by the president-elect is therefore double-edged because it allows Gbagbo to present himself as "the 100 per cent Côte d'Ivoire candidate" and to characterise Ouattara more than ever as the "foreign candidate" that the international community wants to impose on the country by all means possible. The media battle plays a crucial role. The most important thing is not really the dominant opinion within Ivorian society but the opinion that is able to express itself freely and without fear of being contradicted on television. That is why the Gbagbo camp made control of RTI its second priority after locking down Abidjan. The RTI premises in the commune of Cocody are protected by a safety zone and checkpoints manned by heavily armed defence and security forces.

The reason why Gbagbo is able to continue at the presidential palace and control ministerial offices is clearly the loyalty of the military and police chiefs at the head of the best equipped units. He runs no risk here. Since he came to power in October 2000 until the recent presidential election, which he knew posed dangers, Gbagbo has had the time to recruit young people from the south and west of the country, the areas where he enjoys most support, into

the army, into the gendarmerie and police and to put his faithful friends at the head of the elite units of these forces. He has had time to create special units such as CECOS and to put in place a system of mutual surveillance that makes it extremely difficult for anyone to undertake any hostile collective action from within the armed forces.⁶⁹ Among the 55,000 men and women in the defence and security forces, Gbagbo can only truly count on 10 to 20 per cent of them to take risks on his behalf.⁷⁰ This percentage could be drastically reduced in due course as economic sanctions against the regime make payment of their wages and bonuses unpredictable and as they realise they are defending a group that is going down a cul-de-sac.

The security operation to protect Gbagbo's position in Abidjan is, however, strengthened by parallel forces composed of militias organised in a multitude of groups some of which receive training and arms while others are used to intimidate people and increase the media and psychological impact of pro-Gbagbo demonstrations. The few thousand "young patriots" led by Charles Blé Goudé play an essential part in the strategy of blackmail and chaos. Their capacity to irritate Gbagbo's civilian opponents and provoke the UNOCI and Licorne forces is unquestionable but largely depends on the protection given to them by the armed forces loyal to the outgoing president. While pro-Gbagbo civilians are able to safely demonstrate whenever they want to, pro-Ouattara (or simply anti-Gbagbo) civilians are blockaded within their neighbourhoods and run the risk of being shot down by men in military uniform who are sure of their impunity the moment they try to gather – or even before – in their own homes.

Gbagbo's strengths are the weaknesses of Ouattara in the arm-wrestling contest that is currently underway. Internationally recognised as president-elect, it is difficult for Ouattara to call for a violent response to his opponent. The abortive march on the RTI showed that the RHDP coalition is unable to organise a large public demonstration to challenge the regime in Abidjan unless it is ready to suffer significant losses at the hands of the Republican Guard who will open fire at will and without warning. The political problem for Ouattara, holed up in the Golf Hotel, is also that he is in the city where Gbagbo beat him by ten points according to the official results of the first round

⁶⁷ "L'ambassadeur de Ouattara reconnu par l'ONU", United Nations information service, 24 December 2010.

⁶⁸ To counter the Gbagbo-controlled RTI and establish a minimum presence in the audiovisual media field, the RHDP launched a radio station (Liberté FM) and a television station (Télé Côte d'Ivoire) in January 2011. After a difficult start, these two media have now established a presence and allow the Ouattara government to communicate its initiatives and to make counter-propaganda.

⁶⁹ Created in 2005, CECOS includes a fixed command and fixed divisions (equipment, information, coordination, planning) and integrates, according to the need, different personnel from the defence and security forces responsible for "intervention". It is led by General Guiai Bi Poin, who reports directly to the presidency. Initially presented as a specialist unit to fight organised crime in Abidjan, CECOS has since been given political missions such as preventing and repressing demonstrations or ensuring security during the presidential election.

⁷⁰ Crisis Group interviews, diplomatic sources, Abidjan, January 2011, Paris, February 2011.

(44.36 per cent against 33.17 per cent) and beat him by a smaller margin in the run-off (51.9 per cent for Gbagbo).

In addition, some of those who voted for Ouattara in the south of the country were voting more against Gbagbo than anything else but also voted in response to Ouattara's better proposals for economic and social progress.⁷¹ Many people feel they "did their job" by voting for Ouattara on 28 November and are not ready to take physical risks to help a man who has now been at the centre of identical political controversies for twenty years.⁷² The potentially active pro-Ouattara and pro-RHDP minority in the Lagunes region around Abidjan is concentrated in particular communes (Abobo, Anyama, Koumassi, Treichville), making it relatively easy for pro-Gbagbo forces to contain them, at least until a group of armed and identified combatants emerges from Abobo and inflicts significant losses on the defence and security forces. The active minority loyal to Gbagbo remain much better organised, supervised and protected by the armed forces.

Although Ouattara does not have RHDP militias able to take control of the streets of Abidjan and march on the presidential palace in the Plateau business quarter or the presidential residence in Cocody, he cemented an alliance of convenience with the former rebels of the FN by appointing Guillaume Soro as prime minister and minister of defence.⁷³ Soro was chosen as a martial prime minister in order to counter the use of military force by Gbagbo, whose government he headed from April 2007 until the election of 28 November 2010, while remaining the political leader of the FN.⁷⁴ This Ouattara/Soro/FN alliance helps to guarantee the security of the president-elect and his government in Abidjan but it does not change the balance of military forces in the economic capital.⁷⁵ The FN is geographically distant from the Ouattara government, stationed in the centre and north of the country with strongholds in Bouaké, Korhogo, Man and Séguéla.

In addition, the ex-rebel combatants no longer have available the motivated and trained men they had available between 2003 and 2005 or the arms they would need to move south to threaten Gbagbo in his stronghold. In December 2010 and January 2011, the FN prioritised the reconstruction of their lines of defence in order to preserve the territory under their control.⁷⁶ However, there are good reasons to believe that Soro's men are in the process of preparing for war if Gbagbo does not give way in Abidjan; and to believe that it will not be hard for them to quickly equip themselves with armaments and combatants in neighbouring Burkina Faso if necessary.⁷⁷ Gbagbo's renewed aggression towards President Compaoré, who did not support his electoral coup, can only encourage Burkina Faso to participate more or less discreetly in any FN offensive. Gbagbo's behaviour during the last few months has finally convinced a number of West African governments that he represents a serious threat to the entire region's peace and security if he remains in power.⁷⁸

Gbagbo's strengths allow him to remain president, but his resistance no longer allows him to hide the reduction in his political and financial power. His isolation and the failure of the banking system, the collapse of the formal and informal economy, the death throes of essential public services, the brutal impoverishment of the majority of the population, including in Abidjan, may not benefit Ouattara but it will not benefit Gbagbo either. "Patriotism" and the "struggle for the liberation of Côte d'Ivoire and Africa" are not at all seductive arguments when the people no longer have anything to eat and have no health care while the members of the presidential circle maintain their material privileges.

Gbagbo's isolation is also national because he only controls parts of the south. The political capital Yamoussoukro is located in the region that voted massively for Ouattara in the run-off. Moreover, Gbagbo needs most of his military forces to keep Abidjan secure. The poverty of his political and economic program counts against him. His only economic program is one of substitution that in the short term risks not generating enough resources to pay the wages of the civil service and army that are indispensable to his survival.⁷⁹ He has no objective other than to remain in power in a country that is divided in two and is internationally isolated.

⁷¹ See "Moi ou le chaos, stratégie suicidaire pour la Côte d'Ivoire", *op. cit.*

⁷² Crisis Group interviews, Abidjan, 27 January 2011.

⁷³ The office of prime minister was promised to a member of Henri Konan Bédié's party, the PDCI, the main ally of Ouattara's RDR in the RHDP. This support was instrumental in Ouattara's victory in the run-off. If Ouattara succeeds in establishing his presidency, the post of prime minister will definitely be awarded to the PDCI as part of the agreement between the RHDP parties.

⁷⁴ Guillaume Soro resigned from his post as General Secretary of the FN and was replaced by Mamadou Koné but he remains the real leader.

⁷⁵ About 300 members of the FN, a figure that is difficult to confirm, and the UNOCI contingent are responsible for the security of Alassane Ouattara and his government at the Golf Hotel.

⁷⁶ Crisis Group telephone interview, FN, 20 December 2010.

⁷⁷ Crisis Group interviews, Abidjan, 29 January 2011; and telephone interviews, February 2011. See Section III.B.

⁷⁸ See Section IV.

⁷⁹ Some sources estimate the monthly wage bill for the civil service and army at between \$70 million and \$100 million. The economic sanctions against Gbagbo are beginning to have an effect, especially in the banking and cocoa sectors, which are currently paralysed.

B. THE SCOPE FOR INFLUENCE BY EXTERNAL AFRICAN ACTORS

The Ivorian question has created many important divisions across the African continent. The skill with which Gbagbo has manipulated the double argument of the anticolonial struggle and state sovereignty has brought him support from a significant number of influential African citizens and leaders. Gbagbo hopes to take advantage of these divisions to loosen the international community's grip and break the consensus established by officials of the African organisations, ECOWAS and AU, which recognise Ouattara as president-elect.

Angola is the outgoing president's most committed ally. Its diplomatic, financial and no doubt military support rests on a solid friendship between members of the Luanda and Abidjan regimes.⁸⁰ This important relationship took shape at the beginning of the 1980s between two movements, the Popular Movement for the Liberation of Angola (MPLA) and the Popular Ivorian Front, both movements with Marxist leanings and both members of the Socialist International.⁸¹ After he came to power, Laurent Gbagbo threw out the Angolan rebel movement UNITA, which had established one of its main rearguard bases in the country. The Angolan president Eduardo dos Santos was very grateful to him for that. The two countries, both of which have had to deal with a rebellion, extensively planned to sign a common defence agreement in March 2009.⁸² Angola increased its presence in the Ivorian economy when the public sector company Sonangol took a 20 per cent stake in the Ivorian Refining Company (Société ivoirienne de raffinage – SIR)⁸³ in 2009, then managed by a close friend of Gbagbo.⁸⁴

South Africa, when Jacob Zuma was president, also gave Gbagbo increasingly firm support. Since 1994, South Africa has adopted a policy of involvement in conflict resolution outside its zone of influence, from Burundi to the Democratic Republic of Congo (RDC). In this capacity, South Africa played an important role in the Ivorian crisis, notably through the mediation of Thabo Mbeki on behalf

of the AU and the signing of the Pretoria Accords in April and June 2005.⁸⁵ Despite these agreements, his mediation was strongly criticised by the FN, which felt it was too favourable towards their opponents.⁸⁶ Gbagbo has since cultivated good relations with South Africa, increasing the number of diplomatic visits to his South African interlocutors and developing the seductive argument that Côte d'Ivoire's struggle against dependence on France is at the centre of the Ivorian crisis.

By getting involved again in the Ivorian crisis, South Africa hopes to strengthen its continental leadership. This foreign policy has provided a good pretext to establish a presence in the area of influence of its main Sub-Saharan rival, Nigeria, where its economic presence is significant and growing.⁸⁷ This rivalry is also relevant to South Africa's quest for a place as a permanent African member on the United Nations Security Council. Personal relations are also important. Unlike Thabo Mbeki, Jacob Zuma has a very strong relationship with the Angolan President, Eduardo dos Santos.⁸⁸ Dos Santos exercised a significant influence on the South African president in relation to the Ivorian crisis and convinced him that his way of seeing things was the right one. Moreover, Zuma has links with Atiku Abubakar, the main rival to the Nigerian president, Goodluck Jonathan leader of the People's Democratic Party (PDP), the ruling party in Nigeria.⁸⁹

Incumbent president of ECOWAS, the Nigerian head of state leads the anti-Gbagbo front. At the instigation of Nigeria, the organisation quickly and unequivocally recognised Alassane Ouattara as president of Côte d'Ivoire and suspended the country from the regional organisation until Gbagbo steps down. However, ECOWAS members have different views on how to encourage the outgoing president to leave. Nigeria and Burkina Faso, backed by Senegal and Sierra Leone, have adopted a very firm position while the other member countries have maintained a neutral position that, in some cases, is ambiguous. Burkina Faso is Nigeria's main ally in ECOWAS on the Ivorian

⁸⁰ Angola is one of the main sources of armaments entering Côte d'Ivoire in violation of the UN embargo of 2004. Destined for the Gbagbo regime, these arms arrive at the port of Abidjan but UNOCI does not have the means to intercept them. Crisis Group interview, ambassador, Abidjan, 7 May 2009.

⁸¹ Crisis Group telephone interview, South African journalist, 22 February 2011.

⁸² "Les dessous d'un accord de défense suspect entre Gbagbo et Dos Santos", *Le nouveau réveil*, 17 March 2009.

⁸³ "Oil sanctions", *Energy Compass*, 28 January 2011.

⁸⁴ At the time it acquired its stake, Laurent Ottro Zirignon, Laurent Gbagbo's uncle, was president of SIR. His wife, the deceased Sarata Ottro Zirignon, was assistant director of the presidential cabinet.

⁸⁵ Mandated by the AU, Thabo Mbeki began his task as mediator in November 2004.

⁸⁶ Crisis Group interview, FN officer, Ouagadougou, December 2008.

⁸⁷ Especially in the market for goods of mass consumption, with brands like MTN (mobile phones), Nandos (fast food) and Game and Shoprite (wide distribution).

⁸⁸ This relationship came about during the struggle against apartheid. Head of the ANC's intelligence services, Jacob Zuma visited Luanda often in the mid-1980s during which time he made friends with the head of the MPLA. Jacob Zuma's first official visit as head of state, after his election in May 2009, was to Angola.

⁸⁹ Crisis Group interview, South African political consultant, London, December 2010; and Crisis Group telephone interview, South African journalist, 22 February 2011.

question. It is a silent but determined ally and favours a military solution if all diplomatic efforts fail to make Gbagbo respect the will of the Ivorian electorate.

Millions of Burkina Faso nationals and Ivorians of Burkina Faso origin live in Côte d'Ivoire⁹⁰ and its president, Blaise Compaoré, facilitator of the OPA in December 2010, fears that tens or hundreds of thousands of them will return to the country, which does not have the resources to receive them. In the event of conflict, an exodus of refugees could destabilise Burkina Faso and weaken his power. The Burkina Faso president could adapt to the status quo that prevailed before the election of 28 November and even with a situation as tense as the one that prevailed in the period 2002-2006. During those years Burkina Faso, or at least some of its economic, political and military actors, indirectly profited from the cross-border traffic organised by the FN rebellion in their zones. However, Compaoré also fears that if Gbagbo refuses to step down, there will be a larger conflict that might again remove any prospect of a friendship agreement between the two countries and shared prosperity.⁹¹

Senegal is the third component of the hardline alliance against Gbagbo remaining in power. President Abdoulaye Wade has never hidden his lack of empathy for his Ivorian counterparts. At the beginning of the FN rebellion, Guillaume Soro travelled on a Senegalese diplomatic passport. Ouattara made a surprise visit to President Wade just before the presidential run-off, which sparked anger among

the Abidjan authorities.⁹² It was also from Dakar that Guillaume Soro launched his "call to revolution" on 17 February 2011, when he also referred to events in Egypt and Tunisia.⁹³ Behind the position adopted by Senegal lies an interest in preserving the security and economic interests of the Senegalese diaspora in Côte d'Ivoire, threatened by the aggressive nationalism of Gbagbo and the FPI, as well as an old rivalry for the leadership of Francophone West Africa.

Sierra Leone promised to provide "100 to 120 men", in the event of ECOWAS military intervention in Côte d'Ivoire.⁹⁴ The Sierra Leone president, Ernest Bai Koroma, is involved in ECOWAS mediation efforts in Côte d'Ivoire⁹⁵ and intends to show his attachment to democratic values by supporting Alassane Ouattara's victory at the polls.⁹⁶

The other countries of the Mano River Union have displayed prudent neutrality. Despite the good relations he has had with Gbagbo for a long time, the new president of Guinea, Alpha Condé, wants to concentrate on the immense challenges that face him at the beginning of his own mandate. Liberia, whose president Ellen Johnson Sirleaf, runs for re-election in October 2011, wants to remain as far away as possible from a conflict that directly threatens Liberia's stability. It naturally fears the waves of refugees that could flee from Côte d'Ivoire and that have already been crossing the border in their thousands during the last two months.

Three countries display a more ambiguous neutrality; Ghana, Togo and Benin have not disassociated themselves from ECOWAS by openly taking a position favourable to the LMP candidate. However, they continue to regularly welcome members of Gbagbo's government and entourage,⁹⁷ who use their airports to travel to countries where they are still welcome.⁹⁸ Ghana, whose president, John Atta-Mills, has cordial relations with Gbagbo, was the

⁹⁰ The number of Burkina Faso nationals resident in Côte d'Ivoire is unknown. The last accurate figure available is from the 1998 census, which put the number at 2,238,548. See Christian Bouquet, *Géopolitique de la Côte d'Ivoire* (Paris, 2005), p. 177.

⁹¹ Burkina Faso cannot remain neutral in the Ivorian crisis. The two countries are historically, politically and economically intertwined. From 1933 to 1947, Côte d'Ivoire and much of what is now Burkina Faso were united under the French colonial administration as Haute-Côte. Burkinabe manpower made a major contribution to the Ivorian economic miracle and also to the development of Burkina Faso, which profited from the remittances from its diaspora. Many Burkinabe managers and politicians were educated in Côte d'Ivoire. This is why one dimension of the Ivorian crisis takes the form of a confrontation between Laurent Gbagbo and Blaise Compaoré. This confrontation originates in Gbagbo's declared intention to perpetuate the policy of "Ivoirité", which has resulted since 1999 in pogroms against the people of Burkina and the return of a significant number of Burkinabe refugees to their country of origin. In order to avoid a repetition of such events, Burkinabe diplomats went on several missions to Côte d'Ivoire in 2001 and at the beginning of 2002. However, Gbagbo did not soften his stance. Compaoré then offered the FN a rearguard base before, during and after the attempted putsch of 19 September 2002. See Crisis Group Reports, *Côte d'Ivoire: The War is Not Yet Over*, op. cit.; and *Côte d'Ivoire: Can the Ouagadougou Agreement Bring Peace?*, op. cit.

⁹² "Visite controversée de Ouattara à Dakar, Madické Niang donne la version du Sénégal", *Walfadjri*, 8 November 2010.

⁹³ "Guillaume Soro, hier, à Dakar: 'C'est Gbagbo qui a créé cette situation de chaos'", *Nord-Sud*, 18 February 2011.

⁹⁴ "Freetown prête à envoyer un contingent en cas d'intervention", Agence France-Presse, 28 January 2011.

⁹⁵ He was in the group of heads of state mandated by ECOWAS, along with President Thomas Yayi Boni of Benin and President Pedro Pires of the Cape Verde Islands, which went on a mediation mission to Abidjan on 28 December 2010.

⁹⁶ Crisis Group interview, UN official and Sierra Leone specialist, Dakar, 21 February 2011.

⁹⁷ The presence in Cotonou of Simone Gbagbo, the outgoing president's wife and a political fighter in his inner circle, was noted in December 2010. Crisis Group interviews, Cotonou, December 2010.

⁹⁸ Crisis Group telephone interview, Ivorian economic actor, February 2011.

first to publicly state that he would not participate in an ECOWAS military mission against Côte d'Ivoire, thereby reducing the impact of this threat. A neighbour of Côte d'Ivoire and geographically very close to Abidjan, and with hundreds of thousands of its citizens in that country, Ghana has reason to fear reprisals from the Gbagbo regime and rough treatment from its neighbour if it came to open war. Gambia, whose president is the eccentric Yahya Jammeh, has openly declared its support for Gbagbo but this does not have very much significance.

These variations in the positions of ECOWAS member states are nothing in comparison to those that are evident within the African Union. The establishment of a panel of heads of state to find a solution to the Ivorian question showed the profound difference between South Africa and Nigeria and the AU Peace and Security Council's inability to prevent these differences from calling into question its initial position favourable to the exit of Gbagbo. By appointing a panel that included heads of state with opposing positions, the AU hoped to create a balance and move towards a consensus.⁹⁹

The result was the exact opposite. The appointment of the panel had two effects. It froze the diplomatic situation, giving Gbagbo time and weakening ECOWAS, which lost its grip on a crisis that falls within its remit. The circumstances in which the panel carried out its mission to Côte d'Ivoire on 21 and 22 February 2011 only served to exacerbate the tension between the AU and ECOWAS. The heads of state travelled to Abidjan without the West African representative Blaise Compaoré and without the president of the ECOWAS Commission, James Victor Gbeho.¹⁰⁰ ECOWAS signalled its disagreement in a very critical communiqué issued on 22 February.¹⁰¹ Com-

paoré's absence gave Zuma the freedom to put forward his own views, presumably favourable to the outgoing president.

Before the panel had announced any official decision, the South African vice-minister of foreign affairs, Ibrahim Ibrahim, told the press on 22 February that the panel envisaged a power-sharing formula or the organisation of a new election.¹⁰² An official representative of Gbagbo made this same proposal, almost word for word, at a conference organised by the EU in Paris a month previously.¹⁰³ Power-sharing would involve rotating power with a 24 month period for each of the "two presidents". This formula, which was used in Burundi with a certain amount of success,¹⁰⁴ is a very bad idea in the case of Côte d'Ivoire. Burundi used this power-sharing arrangement to manage a transition towards elections. However, Côte d'Ivoire has already been through a long peace process with a government of national reconciliation and has organised a credible election with a turnout above 80 per cent over the two rounds. Nothing could justify proceeding as though 5.7 million Ivorians had not gone to the polls on 28 November throughout the country to consciously make a choice about the future of their country.

C. SOMBRE PROSPECTS

1. Deterioration, division and decline

It is very unlikely to imagine a compromise being achieved in a "direct dialogue" between an "outgoing" president who refuses to leave and a president-elect who refuses to renounce the victory he won at the ballot box. Laurent Gbagbo has gone too far to back down after three months of resisting pressure from all sides, rejecting all offers of a dignified departure proposed by a long list of African heads of state and defying the rest of the world. He will continue to use the argument that he has been legally proclaimed president by the Constitutional Council to reject any compromise that would involve him giving up the presidency. For both men, everything is negotiable except

⁹⁹ At its summit on 30-31 January 2011 in Addis-Ababa, the AU announced a high level panel to Côte d'Ivoire, composed of five heads of state representing Africa's five regions: Mohamed Ould Abdel Aziz of Mauritania, Jacob Zuma of South Africa, Idriss Déby Itno of Chad, Jakaya Kikwete of Tanzania and Blaise Compaoré of Burkina Faso. The AU gave the delegation one month to make "binding" decisions. These decisions were due to be announced on 28 February 2011 but the delegation will now only make an announcement after a new meeting in Nouakchott (Mauritania) on 4 March 2011, and perhaps very much later than that.

¹⁰⁰ On 20 January 2011, a thousand "young patriots" took up position at Felix Houphouët-Boigny Airport in Abidjan and challenged the Burkina president to come to Côte d'Ivoire. In an official communiqué, Burkina Faso stated that the security of Blaise Compaoré was no longer assured and that he had therefore cancelled his visit. James Victor Gbeho eventually joined the AU mission on 23 January 2011, after three of the members of the delegation had already left Côte d'Ivoire.

¹⁰¹ "The absence of the ECOWAS delegation on the African Union high-level panel mission to Côte d'Ivoire", ECOWAS press release, Abuja, 21 February 2011.

¹⁰² "Le panel de l'UA propose partage du pouvoir ou un nouveau scrutin", Agence France-Presse; and Crisis Group, telephone interview, BBC journalist, 22 February 2011.

¹⁰³ "Côte d'Ivoire: quelle sortie de crise?", conference organised by the European Union's Institute of Strategic Studies, Paris, 25 January 2011.

¹⁰⁴ In November 2003, the South Africans brokered a power-sharing agreement in Burundi, involving an eighteen-month period as president for Pierre Buyoya (Tutsi) and the same for Domitien Ndayizeye (Hutu). Jacob Zuma was very involved in the Burundi negotiations. This alternation was partly respected. Buyoya left office at the end of his term as agreed. He tried to stay but was surprised to meet resistance in his own camp and eventually decided against the idea.

for the office of President of the Republic, which is tantamount to saying that nothing is negotiable. The financial strangling of the Ivorian economy is underway but no one can say how long the regime can survive and what remaining cards it has left to play. One could criticise all those in Gbagbo's inner circle for everything except for their capacity to innovate and take the initiative.

For Gbagbo, every day he remains president is a minor victory and increases the chance he will remain president for several more months. He is not looking any further than the short term. As long as he remains in this position, he can hope that internal or external events will change the context in his favour. The more time goes by, the more he can count on the international community relaxing its pressure in the light of its concern for other crises such as those that have been shaking North Africa in the last two months.¹⁰⁵ The immediate family, political and military circle of the outgoing president encourages him to proceed in accordance with his suicidal logic and maintains a mystical view of remaining in power and carrying out "God's plan".¹⁰⁶ The Gbagbo camp is now openly using religion to mobilise the Christian masses.¹⁰⁷ At a time when economic sanctions are starting to seriously affect daily life, faith in the sacred nature of his fight may make the most convinced of his supporters accept the need for collective suffering in the face of the problems caused by the "Devil", personified by Ouattara, and the "foreigners" that support him.

Meanwhile, Alassane Ouattara will probably never renounce a victory that he has been awaiting for fifteen years by accepting another position that is not head of state. Although he had no doubt stopped believing he would ever be president in recent years, he no longer has any doubt that he has the ability to run the country, backed by the support of the PDCI and a few other parties and strengthened by the popular legitimacy obtained at the ballot box. Any agreement along the lines of the Kenyan compromise would be seen by militants and FN allies alike as treason.

The bloody battle between Ouattara's fierce partisans and Gbagbo's repressive machine is now too advanced for a rapprochement. The RHDP and the FN no longer have the slightest trust in the outgoing president and are convinced he will never respect any new political agreement that does not guarantee him the reality of executive power.¹⁰⁸ If a political agreement must be found, it can only be on the basis of excluding Laurent Gbagbo. In these conditions, the mission of the AU panel of heads of state that is due to announce binding decisions to resolve the crisis in March 2011 has only a remote chance of success.¹⁰⁹

In such a scenario, the two rivals will remain in their respective secure areas and will gamble on their opponent becoming exhausted, against a background of regular clashes between RHDP militants and security forces loyal to Gbagbo and an emergency situation with a long-term and permanent or recurrent curfew. These clashes will continue to take place in the economic capital, Abidjan and in the west of the country, especially around Duékoué, as well as in several disputed towns in the centre, centre-west and east of the country (Yamoussoukro, Lakota, Divo, Abengourou, Agnibilékrou). At worst, the situation will deteriorate into an undeclared civil war and at best into a lasting division of Côte d'Ivoire into the south (one-third) and centre-north (two-thirds) with two phantom states, disorganised and separated by a new defiant front line. Murderous and rampant violence will gradually accentuate the antagonism that flows through Ivorian society and will make a return to peaceful coexistence between different communities particularly difficult.

2. Civil war

The situation between war and peace that has prevailed since the November 2004 offensive against the FN and even more after the signing of the OPA in 2007 was made possible by the different actors' skill in leaving the door open to compromise and alternating phases of tension and appeasement. Laurent Gbagbo's resort to unilateralism in December 2010 broke this capacity for compromise. The status quo (deterioration scenario) presents serious inconveniences for both protagonists. Laurent Gbagbo feels the stranglehold of economic sanctions tighten around him and is aware that it may persuade close civilian and military allies to desert him in order not to lose everything. The president-elect, Alassane Ouattara, who until now has

¹⁰⁵ Crisis Group interview, Ivorian economic actor, February 2011.

¹⁰⁶ At a meeting in Abidjan on 15 January 2011, Simone Gbagbo declared: "It is God who gave us victory", France 24, 16 January 2011. Since the post-electoral crisis began, many Ivorians have used their blogs and Facebook pages to add a religious dimension to Gbagbo's political battle.

¹⁰⁷ Bibles are sometimes distributed at rallies of support for Gbagbo organised by the "young patriots" movements, for example at a meeting called in support of the defence and security forces, in the presence of the Army Chief of Staff, General Philippe Mangou. *Reporters* programme broadcast by the television channel France 24 on 4 February 2011.

¹⁰⁸ Crisis Group telephone interview, FN officer, 20 December 2010.

¹⁰⁹ The AU's mediation has not ended the violence. On the same day as the group of experts arrived in Abidjan to prepare the ground for the presidential panel, security forces and RHDP militants clashed in Abobo. See "Abidjan: trois corps découvrent au lendemain d'affrontements", Agence France-Presse, 8 February 2011.

been only a virtual president, sees his electoral victory fade as time passes by while he remains entrenched in an enclave totally dependent on UNOCI helicopters for his safety and supplies. Each camp is inevitably tempted to take a dangerous initiative to break this deadlock.

Laurent Gbagbo could mobilise his civilian troops, “the young patriots who fight with their bare hands” against the Golf Hotel, which is solidly protected by UNOCI soldiers. However, he knows full well that they will be unable to take control of the hotel. The objective would be to create a difficult situation for UNOCI and provoke it into opening fire with live ammunition on Ivorian “civilians” to give a new emotional dimension to the propaganda reports broadcast on RTI and unleash a mini-war in Abidjan. This scenario would precipitate mediation initiatives from external actors frightened by the prospect of a full-blown civil war in one of Africa’s biggest and most cosmopolitan cities. Throughout the years of crisis, Gbagbo has shown he is a tactician who does not hesitate to risk everything in an attempt to abruptly change the situation and win time. It is reasonable to think that he will not stand idly by waiting for financial strangulation or risk an internal coup or popular insurrection before taking the initiative.

Meanwhile, Ouattara and even more clearly, Soro, are manifestly willing to resort to force in response to the force used unreservedly by the occupant of the presidential palace. Ouattara has a few hundred FN troops available in Abidjan and a few thousand in the central, northern and western zones. The security forces will spread out, with the elite units equipped with heavy artillery and commanded by officers close to Gbagbo remaining in the centre of Abidjan. In such circumstances, the use of force to try to remove Gbagbo will trigger a civil war. Such a war could well take place in Abidjan as well as on the Tiébissou front, which blocks the way to the political capital Yamoussoukro, then Bouaké¹¹⁰ and the western front.

¹¹⁰ Alassane Ouattara could start by falling back on two important towns: Bouaké and Yamoussoukro. The first option would be the easiest as Bouaké is the stronghold of Guillaume Soro’s FN. However, this option is politically delicate for Ouattara, who will be even more marked as the man from the north of the country and because it would signal the secession of the central, northern and western zones. He might also encounter problems coexisting with the FN commanders, who will not necessarily be willing to submit to the president-elect’s authority. To withdraw to Yamoussoukro would be politically less damaging. As a stronghold of the PDCI, his main political ally, and as Côte d’Ivoire’s political capital and fief of the nation’s founding father, Félix Houphouët-Boigny, Yamoussoukro is a hugely symbolic location. However, in order for Ouattara to install himself in Yamoussoukro, he would need his military allies to establish control of it, which would put the town in a desperate position

As explained above, there are serious doubts about the capacity and willingness of the majority of the security forces to go to war to defend Gbagbo even if they are also not necessarily ready to fight at the side of their former enemies, the ex-rebels of the FN. The greatest risk involved in any FN military initiative is that it may unleash a campaign of reprisals by pro-Gbagbo militias and the more implacable pro-Gbagbo soldiers, gendarmes and police officers against Ivorian and foreign civilian communities suspected of supporting Ouattara and identified solely on the basis of their cultural, geographic or religious identity or their area of residence. FN combatants also committed serious crimes during and after the military clashes in 2000 and 2003 and would once again represent a serious threat to the security of communities presumed to support Gbagbo. In any case, such a civil war would have incalculable and lasting consequences on the country and the whole region.

3. A social crisis and popular insurrection with unpredictable political consequences

And, during this time, the people are trapped between a rock and a hard place and are suffering. And, during this time, the people are dying. And, during this time, companies, factories, traders and hotels are closing all around us. And, during this time, unemployment is increasing extremely quickly. And, during this time, schools are closing or are only operating part-time. And, during this time, epidemics such as cholera and yellow fever are spreading. And, during this time, hospitals are no longer receiving the necessary subsidies. And, during this time, poverty is at a record high. And, during this time, many Ivorians are fleeing to neighbouring countries. And, during this time, human rights are taking a beating.¹¹¹

This extract from an article published in an Ivorian daily newspaper on 3 February 2011 is testimony to the deterioration of living conditions in the country. The economic and social situation continued to seriously deteriorate during February. The price of basic goods has increased, there are shortages of cooking gas and hospital services are in a critical condition. Laurent Gbagbo’s continuance in power is synonymous with the collapse of the formal economy, the second largest economy in West Africa. The economic sanctions requested by Alassane Ouattara have had a tangible effect, especially those implemented by international actors. EU sanctions have had the effect of

because, after Abidjan, the defence of Yamoussoukro is a priority for the security forces loyal to the outgoing president.

¹¹¹ Marie-Laure Ayé, “Crise postélectorale / Ouattara-Gbagbo, Qui est vraiment prêt à se sacrifier pour prouver son amour pour la mère patrie et les Ivoiriens?”, *L’Intelligent d’Abidjan*, 3 February 2011.

massively diverting commercial shipping away from the two Ivorian ports of Abidjan and San Pedro, causing a chain reaction in all economic sectors that depend on foreign trade.

A proportion of cocoa exports was halted in response to Ouattara's appeal, threatening the Gbagbo regime's main source of revenue.¹¹² The second official source of revenue is tax on enterprises.¹¹³ Ouattara's call for a tax strike has certainly not been widely observed, partly because of the physical threats against enterprises that might consider such fiscal disobedience.¹¹⁴ However, as the big companies with majority foreign capital close their doors and their managers leave the country, fiscal receipts can only fall drastically. At the end of January 2010, the General Confederation of Côte d'Ivoire Enterprises (Confédération générale des entreprises de Côte d'Ivoire – CGECI) announced a 30-50 per cent fall in sales for industrial companies, 30 per cent for insurance companies and 70 per cent for construction firms.¹¹⁵ The banking sector has collapsed, paralysed by the transfer of the national agency of the Central Bank of West African States (BCEAO) from Abidjan to Dakar.¹¹⁶ The most important commercial banks have closed down one after the other overnight,

causing a crisis of liquidity and generating panic among savers.¹¹⁷

As its finances fade away, the regime will increasingly have to find money by illegal and coercive methods. It has already started down this path by requisitioning the offices of the BCEAO national agency and taking control of the subsidiaries of international banking groups. The discreet aid from its foreign allies is clearly not extendable or sufficient.¹¹⁸ The regime will also expose itself to increasingly acute social discontent and run the risk of seeing some of its supporters, both military and administrative, disassociate themselves from the government if they are no longer getting paid.¹¹⁹ The Gbagbo government is already gradually diverting a proportion of civil service salaries and will be forced to take more every month.¹²⁰ However, there is no guarantee that the unpredictable reaction of the Abidjan people, people who have the capacity to go out on the streets in their tens of thousands, will march against Gbagbo's residence in Cocody or the presidential palace in Plateau that he still occupies. The Gbagbo-controlled media spreads the word that Ouattara is the one responsible for the economic collapse. The establishment of RHDP radio and television stations has so far proved incapable of countering the power of the media controlled by Gbagbo.¹²¹

Unlike some of their counterparts in other West African countries, Ivorian civil servants have never experienced long periods of non-payment of their wages. Whatever

¹¹² The money collected by the Gbagbo camp in January 2011 mainly came from taxes on cocoa exports and private companies. "Côte d'Ivoire: Guerre économique", *Jeune Afrique*, 6 February 2011. Following Alassane Ouattara's appeal, the four biggest operators in the cocoa industry (Cargill, ADM, Barry Callebaut and Armajaro), halted their activities. See "Qui va récolter le Jackpot du Cacao?", *La lettre du continent*, 10 February 2011.

¹¹³ There is no credible data available on oil revenues, even if it is an important part of the Ivorian economy.

¹¹⁴ "Cut off, Ivory Coast chief is pressing for cash", *The New York Times*, 17 January 2011.

¹¹⁵ The Ivorian government can no longer pay its external creditors. "Côte d'Ivoire defaults on interest", Bloomberg, 2 February 2011.

¹¹⁶ On 24 December 2010, at the request of Alassane Ouattara, the Council of Ministers of the Economic Community of West African States (ECOWAS) asked the governor of the BCEAO to only recognise the Ouattara government as signatory to the Ivorian state accounts with the BCEAO. Close to Laurent Gbagbo, the governor of this institution, which manages the CFA franc, the common currency of eight West African countries, did not respect this decision. He was forced to resign on January 2011, under pressure from ECOWAS heads of state. On 26 January, his replacement decided to close all BCEAO agencies in Côte d'Ivoire on the morrow of the Gbagbo government's decision to "requisition" them. Cut off from their central bank, Ivorian private banks found it technically impossible to operate.

¹¹⁷ The banks in question are BICICI, a subsidiary of BNP Paribas; SGCI, a subsidiary of Société Générale; Standard Chartered; Citibank and Banque Atlantique. BICICI and SGCI together represented more than 50 per cent of the country's banking activity. In the days that followed, other banks ceased operations. By 23 February, eleven of the eighteen banks operating in Côte d'Ivoire had suspended operations on the grounds of security and the impossibility of complying with banking rules and regulations. To date, the requisition of several banks announced by the Gbagbo government on 17 February 2011 had not allowed it to place the banking system back on an operational footing.

¹¹⁸ Angola has given several tens of millions of dollars to Côte d'Ivoire since the start of the crisis. Crisis Group interviews, consultant and senior Ivorian economic official, December 2010 and February 2011.

¹¹⁹ The state currently employs more than 104,000 civil servants and 55,000 military personnel, gendarmes, police officers, customs officers and forest rangers. See "Gbagbo en difficultés financières, l'économie affectée", Agence France-Presse, 4 February 2011.

¹²⁰ Crisis Group telephone interviews, February 2011.

¹²¹ A sign of the crucial role of the media, the RTI's transmitter in Abobo was attacked by an "invisible" pro-RHDP commando unit on 27 February, causing an interruption of broadcasts to Abidjan. See "Attaques des rebelles sur Abobo: l'émetteur sac-cagé, Abidjan privé de télé", *Notre Voie*, 28 February 2011.

their political affiliation, they are not prepared for the prospect of brutal impoverishment. Throughout all these years of political crisis and even during times of military confrontation, the Gbagbo government always paid the wages, perfectly aware of the immediate threat to his power of taking away the small pleasures that keep Ivorians happy. Salaries are not only crucial for the civil servants themselves and their extended families. They irrigate every sector of the economy, including all the informal economic activities that allow hundreds of thousands of families to earn a living. It is not certain that religious faith alone would be enough to make most of them accept the need to make unprecedented sacrifices, either to keep Gbagbo in power or to install Ouattara in the presidency.¹²²

Although it is impossible to know how long it will take for general discontent to take the form of social revolt and then popular insurrection, such an outcome is inevitable if economic sanctions are solidly maintained and if the civil war has not already started. The political and security consequences of such an insurrection are largely uncertain. They could sweep away Gbagbo and also Ouattara if demonstrators target the Golf Hotel, or both of them. The “neither Gbagbo nor Ouattara” solution to the crisis is evoked by many Ivorians from different social classes. Many people are “tired” of the competition for power between the two men and even between the three men, if one includes Henri Konan Bédié, who came third in the first round.

In the absence of a more varied political choice at the presidential election, some Ivorians would be delighted with the simultaneous neutralisation of Gbagbo and Ouattara by a social revolt. Except that, in the current situation, it is difficult to imagine a relatively happy outcome to a “Tunisian style” revolution. The disintegration of society and rapid decline of all its institutions, especially those of the security forces, make the hypothesis of a potentially long period of anarchy characterised by every type of violence a more likely consequence of a popular insurrection than that of a firm and orderly assumption of power by disciplined soldiers anxious to avoid the disintegration of Côte d'Ivoire.

IV. TO PREVENT THE DISINTEGRATION OF CÔTE D'IVOIRE

A. A CHANGE OF ATTITUDE IS REQUIRED AT UNOCI

UNOCI's current mandate,¹²³ as defined by Security Council Resolution 1962, includes the protection of civilians in immediate danger of physical violence and within the mission's capacities and zones of deployment. Although it is understood that the primary responsibility for protecting civilians lies with the Ivorian political authorities and security forces, the reality is that parts of the Ivorian defence and security forces, especially elements of the Republican Guard, CECOS, BAE and the CRS, as well as armed and unarmed civilians commit serious violations of human rights, including the right to life, with impunity. These days, a civilian can be killed in broad daylight in the middle of Abidjan in the presence of “uniformed” personnel without anyone intervening.

UNOCI's mission is not to replace the Ivorian police forces and it will never have the resources to do this. However, the mission must reconstitute its initial civilian workforce as quickly as possible, especially those employees able to gather precise information about threats to the security of civilians throughout the country. The zones where armed militias are stationed must come under particular surveillance: the areas around the university cities of Yopougon, Abobo and Cocody in Abidjan and also Bingerville, Zambakro, Agnibilekrou, Abengourou and San Pedro. The capacity to obtain information is essential for UNOCI to effectively protect civilians by the preventive deployment of armed patrols. There is no doubt that such deployments, notably in Abobo in February saved lives by dissuading the security forces from committing atrocities against civilians, particularly after armed elements had opened fire on police officers in Abobo for the first time on 11 January.¹²⁴

UNOCI must first ensure its own security, especially of civilian employees, and restore their freedom of movement so they are able to verify information on serious human rights violations in the field. “UNOCI is not here to count the dead”, said one official who believed that the mission should “do more to protect civilians”.¹²⁵ However, the fact is that since the campaign of repression against

¹²² RHDP's successive calls for a general strike have met little response. Abidjan is no different to the rule in West Africa. Strikes, other than sector-level, are not generally adhered to in all the major cities, where the informal sector dominates and it is very difficult for most people without a fixed income or savings to completely stop work.

¹²³ On 19 November 2010, UNOCI had 7,757 military personnel, 896 police officers and 433 civilian police staff, making a total of 9,086 military and police personnel. The countries contributing the most number of troops and police are Bangladesh, Pakistan and Jordan.

¹²⁴ Crisis Group interviews, UNOCI, Abidjan, 25 and 26 January 2011.

¹²⁵ Crisis Group interview, UNOCI, Abidjan, 25 January 2011.

RHDP supporters began in Abobo, Anyama, Koumassi, Treichville and elsewhere, bodies are found on rubbish tips or taken directly to overflowing mortuaries, while UNOCI's human rights division officials have not been able to go into the field to see the bodies and gather and verify information. Outside Abidjan, including in the west, which is repeatedly the scene of human rights violations, UNOCI workers are also confined to their offices for security reasons and can only gather information by telephone.¹²⁶ Threats by the Gbagbo camp, obstructions by elements of the defence and security forces and provocations by the "young patriots" mean that UNOCI is not even able to count the dead.

UNOCI must radically change its attitude towards removing the obstacles to the displacement of its military and civilian officials. Gbagbo will increasingly use groups of "young patriots" led by Charles Blé Goudé and presented as "unarmed" to block UNOCI movements with the objective of getting the UN force to overreact, using any incidents for propaganda purposes on RTI and demanding that the mission leaves the country. The head of the mission has given some indication of firmness and a willingness to increase patrols to prevent atrocities against civilians, especially in the communes targeted by the government in Abidjan.¹²⁷ These are encouraging signs.

From now on, UNOCI must accept the risks associated with confronting the open hostility of the army, police and gendarmerie units most connected to the presidency and the militias. The mission must not hesitate to use measured, proportionate and non-lethal force to ensure its freedom of movement, which is indispensable for fulfilling its mandate.

At a time when clashes of a military nature are becoming increasingly frequent in Abidjan and the west and when Charles Blé Goudé is publicly launching appeals to prevent the circulation of UNOCI personnel, the Security Council must give its complete support to the mission and to UNOCI's use of all the means necessary to fulfil its mandate.¹²⁸ It must also give its political support to the French Licorne force and reiterate that this force has received a mandate to provide military support to UNOCI if the latter requests it to do so.

The French government must commit itself to responding positively and promptly to any requests for support from UNOCI through the general secretariat and to not make

the protection and evacuation of its citizens and other foreign residents in Côte d'Ivoire the sole priority of the Licorne troops.

The permanent and non-permanent members of the Security Council have a crucial role to play in the coming months to stop the clashes and serious violence or risk abandoning Côte d'Ivoire to all-out war. The strategic interests and ideological muscle-flexing of member countries must not take precedence over the search for peace and security in West Africa. Russia, China and South Africa in particular must abstain from taking positions that do not promote unanimity on the Security Council. The latter, through its sanctions committee, should ask the group of experts on Côte d'Ivoire to propose an updated list of Ivorians who should be targeted with individual sanctions, examine the sources of finance used by the Gbagbo regime since December 2010 and submit to the committee the names of natural and legal personalities who are financing a non-recognised government.

Finally, the Security Council must ask the Secretary-General to immediately begin discussions with the ECOWAS Commission about preparing and coordinating the deployment of an ECOWAS military mission.¹²⁹

There are only two options for UNOCI: stay in Côte d'Ivoire and protect its people from an increasingly bloody campaign of terror or yield to the Gbagbo camp's blackmail and leave at a moment when the country is on the verge of war and anarchy. The Secretary-General must raise the awareness of the countries contributing troops about the reality of the risks run by their soldiers. There has certainly been a heightened threat since the post-electoral crisis began, but the "young patriots" are not like the Somali combatants and are not as ready to die for Gbagbo as they claim on their placards. One of the pillars of the outgoing president's strategy consists of making people believe that the determination of these thousands of young people is greater than it really is.

The civilian and military staff will be in greater danger if the mission gives the impression it is renouncing the fulfilment of its mandate and giving in to intimidation. The countries contributing troops and police officers to UNOCI should encourage their contingents to strictly observe the rules of engagement and to avoid a restrictive interpretation of their current mandate. Any sign of weakness or hesitation risks exposing them even further to aggression and humiliation and exposing the mission to failure.

¹²⁶ Crisis Group interviews, UNOCI, Abidjan, 25, 26 and 29 January 2011.

¹²⁷ Crisis Group interviews, UNOCI, Abidjan, 25 January 2011.

¹²⁸ "Pour soutien permanent aux rebelles Blé Goudé aux Ivoiriens: 'Empêchez l'Onuci de circuler à Abidjan'", *Le Nouveau Courrier*, 25 February 2011.

¹²⁹ See Section IV.D.

Although the human death toll of the last three months of crisis is already unacceptable, it could assume frightening proportions in the coming weeks, as Abidjan sinks into anarchy and the prospect of a return to military confrontation becomes clearer. Repeated incidents during which security forces loyal to the outgoing president have come under attack from heavy artillery in the heart of the city presages an urban guerrilla war that could last a long time. It will be almost impossible to protect civilians in the context of clashes between two heavily armed groups in densely populated neighbourhoods with narrow streets.

On 2 December, the Deputy Prosecutor of the International Criminal Court (ICC) emphasised that “all acts of violence will be monitored and meticulously and closely studied by the Office to determine whether crimes falling under the jurisdiction of the Court have been committed and justify an investigation”.¹³⁰ Côte d'Ivoire is not a state party to the ICC, but the Court has jurisdiction over the situation in Côte d'Ivoire by virtue of a statement submitted by the Ivorian government on 1 October 2003, in which it accepted the Court's jurisdiction as from 19 September 2002.¹³¹

*At a moment when civil war seems to be resuming, the prosecutor's office at the ICC should once again remind all Ivorian parties and officers of the defence and security forces, especially those in the Republican Guard and the CECOS, but also the military commanders of the FN about their individual responsibilities if crimes under international justice are committed by their men, especially acts that could be described as crimes against humanity or as war crimes in the event of military hostilities being resumed.*¹³²

¹³⁰ Statement by the ICC Deputy Prosecutor on the situation in Côte d'Ivoire, Fatou Bensouda, 2 December 2010, Prosecutor's Office at the International Criminal Court (ICC), The Hague.

¹³¹ ICC website, www.icc-cpi.int.

¹³² The fact that General Bruno Blé Dogbo, commander of the Republican Guard replied promptly to what was effectively an ultimatum from the UN High Commissioner for Human Rights, Navi Pillay, indicates that senior Ivorian military officers are sensitive to this type of message, even if they pretend not to be. See “Cote d'Ivoire: La responsable des droits de l'homme de l'ONU rappelle aux autorités leurs obligations de protéger les civils”, Office of the United Nations Commissioner for Human Rights, 31 December 2010; and “Tentative d'intimidation des Officiers supérieurs de l'Armée, les vérités du Général Dogbo au Haut Commissaire aux Droits de l'Homme de l'ONU”, *Le Nouveau Courrier*, 11 January 2011.

B. MAINTAIN SANCTIONS AND BUILD A UNITED AFRICAN FRONT

The sanctions against the regime of Laurent Gbagbo adopted at the beginning of December are beginning to bear fruit. The outgoing president is isolated, entrenched in Abidjan and increasingly forced to take illegal and irrational decisions to survive politically. It is the economic sanctions that are having the most impact. Despite some external sources of financial support and the funds it no doubt accumulated before the post-electoral crisis, the Gbagbo regime will find it increasingly difficult to maintain the two pillars on which its power is based: the administration and the army. Sanctions must be maintained until Gbagbo goes. West African organisations and the international community in general must keep the noose as tight as it is today.

However, the sanctions have been mainly imposed by the European Union (EU) and the United States, with the exception of the very firm decisions taken by ECOWAS, the political authority of the BCEAO. The African countries must increase Laurent Gbagbo's isolation. West African countries, whose political and economic stability is directly threatened by the Gbagbo camp's brinkmanship, are the most concerned. Ghana, Benin and Togo have taken a weak and indecisive position from the very start of the crisis.

ECOWAS documents do not provide for the adoption of sanctions against individuals such as freezing assets and prohibiting access to countries but member states must publicly announce that members of Gbagbo's unrecognised government and other members of his entourage are not welcome on their territory. ECOWAS member countries must end all economic ties with public sector companies that are still under Gbagbo's control, especially in the oil and energy sectors. They should find alternative solutions until the outgoing president steps down.

In cooperation with the United Nations Mission in Liberia (UNMIL), Liberia should increase its efforts to protect its long border with Côte d'Ivoire and reduce as far as possible the passage of mercenaries, the presence of which has been reported in Abidjan. In December 2010, President Ellen Johnson Sirleaf asked her fellow citizens to avoid getting involved in the Ivorian crisis.¹³³ She should now act and prioritise this concern. Liberia and UNMIL have all the more interest and reasons to carefully monitor the border with Côte d'Ivoire given that general elections are scheduled for October 2011. All the governments of Côte

¹³³ “Au jour le jour Johnson Sirleaf confirme la présence de mercenaires en Côte d'Ivoire”, *Le Patriote*, 23 December 2010. In February, the president said that the presence of Liberian mercenaries in Côte d'Ivoire had not been confirmed.

d'Ivoire's neighbours (Liberia, Guinea, Mali, Burkina Faso and Ghana) as well as the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and relevant UN agencies must also update their contingency plans and prepare to receive massive population flows fleeing from violence, war and long-term instability in Côte d'Ivoire.

At the continental level, the AU should adopt a courageous and unambiguous position. Its authority, credibility and the role it wants to play in future crises on the continent are all at stake. A lack of firmness towards Gbagbo now will create a kind of jurisprudence that will prevent it from any serious opposition to other coups tomorrow. For the moment, the position taken by Angola and South Africa, more or less openly favourable to the outgoing president is creating divisions within the AU as well as tensions with ECOWAS. The AU must encourage its members to increase the isolation of the regime in Abidjan, especially by adopting sanctions against individuals and supporting all economic sanctions against the regime.

In the context of the initiative to establish a panel of AU heads of state and taking into account that the security situation in Côte d'Ivoire directly threatens the West African region, the AU Peace and Security Council must from now on give its full support to all decision taken by ECOWAS rather than promoting dangerous divisions within the African community.

C. PROPOSE AN AGREEMENT ON RECONCILIATION WITHOUT GBAGBO

Alassane Ouattara won the presidential election because he was able to maintain the support of a coalition of parties that are well established everywhere in the country and because 54 per cent of voters believed he was a better option than the outgoing president. Since the second round, Gbagbo's allies have relaunched their political strategy seeking to demonise their opponent, who has become the political icon of most Ivorians with roots in the north as well as the symbol of a Côte d'Ivoire economically open to the region and the world.

In the long political battle for presidential power that has taken place since the death of Félix Houphouët-Boigny in 1993, Alassane Ouattara has shown as much resilience and determination as his main rivals, Henri Konan Bédié, Robert Guéi and Laurent Gbagbo. Like all these politicians, he is not exempt from any responsibility for the collective failure of the country. However, Ouattara clearly won and the coalition he led has a good chance of restoring stability and peace to the country, as long as it can navigate through this extremely delicate crisis imposed on it by the losing candidate and then quickly introduce institutional reforms to depersonalise the political game.

In the current critical phase, it is essential that former president Henri Konan Bédié, who came third in the first round with 25 per cent of the votes and is Ouattara's main political ally and based alongside him at the Golf Hotel, reaffirms his total support for the president-elect and plays a full role in negotiating a political agreement to promote national reconciliation.

Gbagbo is doing everything possible to imprint on Ivorian and non-Ivorian minds the idea that Ouattara will never be able to govern Côte d'Ivoire peacefully. The strategy of terror implemented by elements of the security forces; the recruitment of militias and their stationing in several locations; the agitation of the young accomplices of the Minister of Youth, Blé Goudé, who say they are "ready to die" to defend the sovereignty personified by Gbagbo; and the decisions that are undermining the Ivorian and regional economies are all part of a strategy of blackmail and chaos to oppose Ouattara if he is installed in power. This strategy has been partly effective. Doubt is increasingly evident even in the minds of Ivorians who voted for Ouattara and know that Gbagbo's continuance in power means at best the division and disintegration *sine die* of the country and at worst a guaranteed return to war.

It might seem surreal to formulate a proposal to end the crisis (see the box) by a political agreement that would include the LMP but exclude Gbagbo, given that there is virtually no chance that the latter will change his position, while the president-elect is subjected to a blockade in his hotel in Abidjan, and while the security forces and the FN have begun to confront each other directly. However, it is imperative to create a new forum for dialogue between Ivorians, a forum that is not reserved only for single political actors and that will further isolate Gbagbo. There are not many moderates in the outgoing president's civilian and military entourage capable of accepting a final political offer, but even the most courageous must be beginning to reflect on their own personal future and that of their families in Côte d'Ivoire after they have lost the battle.

Before or after the trial of strength, Ivorian political actors on all sides must renegotiate the conditions for institutional normalisation and peaceful coexistence. The only question posed today is to know whether Côte d'Ivoire can spare itself a civil war and some hundreds or thousands of additional deaths before finding a compromise that will include all political sensibilities and its pluralist society in managing the country at the local, regional and national levels.

During this period of transition that will end after the legislative elections have taken place, an exceptional formula for government could be adopted, consisting of an executive led by President Ouattara assisted by two vice-presidents representing respectively the RHDP and the LMP.

Leaving aside the Gbagbo problem and his hold on other LMP leaders, the first obstacle to such a scheme is deciding how to select members of the High Council. The formula must emerge from discussions between Ivorians themselves. To make possible a discussion between representatives of the RHDP, LMP and the CSCI, ECOWAS and the United Nations must provide political support for the initiative and establish the necessary security conditions. Considering the multiplication of acts of violence and direct clashes between the former belligerent forces, UNOCI and the Force Licorne ought to take responsibility for making safe a place outside both Abidjan and the areas controlled by the FN where peace talks can take place.

An Accord for unity, national reconciliation and a transitional government

To counter Gbagbo's strategy, it is imperative that Ouattara agrees to go further in trying to reach a political agreement with his opponents. To reduce the risk of the president-elect being unable to control all the levers of power in the coming months and to give him a chance to halt the disintegration of Ivorian society, the RDHP must propose to the LMP an accord on unity and national reconciliation, through the mediation of the Ivorian Civil Society Convention (CSCI), a large group of professional bodies, trade unions and faith-based organisations.

The accord on unity and national reconciliation could take the form of an agreement between the RHDP and the LMP to govern the country together until legislative elections can be organised, a date for which had not yet been fixed, and to create a High Council for National Reconciliation, small in size and composed exclusively of civilian and military personalities who have not been engaged in partisan political activities for the last five years and who are not suspected of human rights violations over the last ten years. Half of this transitional High Council should be composed of women known for their involvement in civil society. One of the Council's immediate tasks will be to submit to President Ouattara proposals for the structure and composition of a transitional government of national unity, including proposals as to who should occupy the posts of the minister of defence and the minister of interior.

D. DEPLOY AN ECOWAS MILITARY MISSION

There is no guarantee that sanctions, international isolation and a new political proposal by Ouattara to the LMP will be enough to neutralise the outgoing president, who has now perhaps crossed the barriers of rationality. If economic sanctions make his position dangerously fragile, it can be expected that he will take an initiative that has every chance of being violent and simultaneously targeting UNOCI and the Ouattara camp. His objective will be to create a crisis within the crisis, to panic the international

community and reach a new peak of blackmail, chaos, massacres and war. Even if UNOCI prepares itself for this eventuality and even if it has the resources to face up to it, the dynamics within the Security Council and the possible hesitation of the countries contributing troops are not reassuring. It was already difficult for the Secretary-General to obtain Security Council authorisation to deploy the additional 2,000 soldiers requested by the chief of the mission in January.¹³⁴ It will be much more complicated to request a change in the mandate to give the mission a more offensive role in the event of a serious deterioration in the situation.

The scenarios identified in the previous section leave no doubt about the seriousness of the threat represented by the situation in Côte d'Ivoire for security and peace in West Africa. The Gbagbo camp's message to the ECOWAS countries is implicitly this: "if you do not leave us alone, the anarchy, violence and economic bankruptcy that will follow in Côte d'Ivoire will not spare either the hundreds of thousands of your compatriots living in our country, or your own national economies, which are much weaker than ours, which is the biggest economy in Francophone West Africa".

Ivorian state television has not hesitated to display a map of Côte d'Ivoire showing the numbers of immigrants from neighbouring countries, the main target being Burkina Faso, whose president, Blaise Compaoré, became public enemy number one of the "patriots" supporting Gbagbo the day after the run-off.¹³⁵ The decisions to requisition the national agency of the BCEAO, replace the regional commission with an Ivorian bank, the moral and physical pressure placed on financial institutions and enterprises and the repeated threats to take Côte d'Ivoire out of the West African Economic and Monetary Union (WAEMU) and the CFA franc zone are all testimony to the willingness of Gbagbo's political and economic advisers to make ECOWAS and the WAEMU pay dearly for recognising Ouattara as the legitimate president.

The West African economies, especially those of Burkina Faso and Mali, both closely integrated with the Ivorian economy and that of Liberia, which is receiving a flow of refugees at a time when it is very fragile and when elections are scheduled for this year, have already been significantly affected by the current situation. Accounting for between 30 and 40 per cent of WAEMU production and generating much greater financial and monetary flows than those of the seven other member states of this

¹³⁴ Reinforcements were authorised by Security Council Resolution 1967 of 19 January 2011. Russia was the most reluctant to agree to UNOCI's request for reinforcements.

¹³⁵ Opinions expressed by RTI viewers gathered in Abidjan, January 2011.

organisation, there is no doubt that Côte d'Ivoire is essential to regional economic stability and consequently to its political stability and security.

It is precisely for this reason that ECOWAS must not give in to the Gbagbo camp's blackmail. The physical and economic security of the citizens of its member states living in Côte d'Ivoire will never be guaranteed by a government that manipulates information so crudely, that alternates the language of solidarity with its "sister countries" with threats and invective, and that stations militias in districts of towns and villages to make credible its threat to collectively punish its internal and external enemies. ECOWAS runs the risk of being seriously and permanently weakened by the resumption of civil war in Côte d'Ivoire or by the long-term disintegration of its most important state. It is up to ECOWAS to regain leadership of the political and military management of the crisis.

ECOWAS's public threat of military intervention "as a last resort" has been taken seriously by the Gbagbo camp, which did not expect such a strong and immediate reaction to its electoral coup. For several weeks, the outgoing president worked hard to assess the credibility of the West African military option and to make sure that it would be removed from the range of options open to the international community.¹³⁶ The blackmail of targeted violence against foreign nationals in the event of an armed intervention by ECOWAS is part of this strategy of dissuasion. The humanitarian risks associated with a military intervention by ECOWAS's standby force in a city like Abidjan would unquestionably be high.

No country in the region has a strong desire to send soldiers into a possible Ivorian quagmire where the enemy will not necessarily be a conventional one but rather militias and mercenaries who might take vengeance against defenceless Ivorian civilians and foreigners. The most faithful forces of Gbagbo are more effective in the repression of reputedly hostile civilians than waging war against other armed forces.

However, ECOWAS must decide to deploy a military mission. The objective will not necessarily be to make the outgoing president step down in the short term but to allow the regional community to work with UNOCI to protect all Côte d'Ivoire residents in the very likely eventuality of an outbreak of massive violence, use its immediate military capability to support the decisions that may be taken by ECOWAS in response to a changing situation in the coming months and help President Ouattara and his government to ensure his authority over all security forces and control all of the country. Whether Gbagbo leaves the presidential palace in the

coming weeks or not, Côte d'Ivoire will remain exposed for at least a year to a significant risk of an attempted coup and even armed rebellion in parts of the country.

Reunification of the army and security forces will be an enormous challenge as will the protection of the population against a serious increase in insecurity stemming from the abundance of arms in circulation and the idleness of a few thousand young men who will lose their modest incomes when Gbagbo's militias are disbanded. An ECOWAS military mission, which will in no way replace UNOCI, will significantly increase the chances of ensuring peace in the country. The very rapid deterioration of the security situation calls for ECOWAS to take an immediate decision. Military deployments could initially seek to block access to the ports of Abidjan and San Pedro to prevent the delivery of arms to the outgoing president's Republican Guard.

The post-electoral crisis in Côte d'Ivoire is already undermining the credibility of both ECOWAS and the AU at a time when the latter is striving to improve its peace and security system. This system relies first on existing mechanisms in the regional economic communities, the most structured of which is ECOWAS. The African standby force also relies on the standby forces in each of the regional communities. ECOWAS is also the most advanced in this respect. With regard to diplomatic initiatives, when a crisis breaks out in the region, the impetus must come from the regional community, which, if necessary, turns to the AU Peace and Security Council for political support. The tension that has appeared between ECOWAS member states led by Nigeria and Burkina Faso on the one hand and the southern African states of South Africa and Angola on the other could have serious consequences for future cooperation between regional organisations and the AU.

ECOWAS has been active in the Côte d'Ivoire peace process since the start of the rebellion in September 2002 and it sent a military mission to the country before the Security Council decided to deploy a peacekeeping mission there in 2004. At a moment when the country is once again on the brink of a civil war that could provoke military intervention by neighbouring countries, the AU Peace and Security Council must give full support to ECOWAS and send a military mission to Côte d'Ivoire.

¹³⁶ Crisis Group interviews, Abidjan, 24-30 January 2011.

V. CONCLUSION

The actions of Laurent Gbagbo and an active, organised and determined minority of Ivorians who only believe in democracy when their leader is in power mean that Côte d'Ivoire has almost no chance of coming out of its long and violent crisis during 2011, a year that could have been one of political, institutional and economic reconstruction of the country. The outgoing president had a chance to prove wrong all those who have long been convinced that he would never agree to give up power if he lost an election. He decided to remain as president and begin a new battle against his opponents in the RHDP who won the election, against civilian populations suspected of supporting Ouattara, against the UN peacekeeping mission, against ECOWAS, against WAEMU, against the entire international community and against all those who are preventing him from carrying out what he considers to be a divine mission for the "liberation" of Côte d'Ivoire.

Since 28 November 2010, the resources deployed by the Gbagbo faction leave no margin for doubt as to the serious threat he represents for peace and security not only in Côte d'Ivoire but also the whole of West Africa. If he succeeds in hanging on to power in Abidjan for another few months, this will only increase the number of meaningless deaths, provoke the exceptional criminalisation of the economy and state, guarantee a long-lasting division of the country between the south and the centre-north and destroy all hopes for shared economic progress in this part of Africa. It is a price that is too high to pay.

The men and women that form the hardcore will not abandon the battle until they have used up all their resources and imagination. It is necessary to isolate the most radical of them but offer an olive branch as quickly as possible to the Gbagbo allies who are beginning to realise that the logic being followed by their chief leads to a war at the end of which Côte d'Ivoire will be weaker and more exposed to external influence than ever before. The priority now is to avoid the worst short-term scenario, that is a war with heavy artillery in Abidjan, while avoiding the worst medium-term scenario, that is the lasting disintegration of Côte d'Ivoire along the Somali model. This report proposes a strategy for emergency implementation.

Dakar/Brussels, 3 March 2011

APPENDIX A

MAP OF CÔTE D'IVOIRE



APPENDIX B

LIST OF ABBREVIATIONS

AU	African Union
BAE	<i>Brigade anti-émeutes</i> , Anti-Riot Brigade
BCEAO	<i>Banque centrale des Etats d'Afrique de l'Ouest</i> , Central Bank of West African States
CCI	<i>Centre de commandement intégré</i> , Integrated Command Centre
CECOS	<i>Centre de commandement des opérations de sécurité</i> , Special Security Command
CEI	<i>Commission électorale indépendante</i> , Independent Electoral Commission
CGECI	<i>Confédération générale des entreprises en Côte d'Ivoire</i> , General Confederation of Côte d'Ivoire Enterprises
CRS	<i>Compagnies républicaines de sécurité</i> , Republican security forces, part of the national police
CSCI	<i>Convention de la société civile ivoirienne</i> , Ivorian Civil Society Convention
ECOWAS	Economic Community of West African States
EU	European Union
FAFN	<i>Forces armées des Forces nouvelles</i> , Armed Forces of the New Forces, military wing of the former rebel group
FN	<i>Forces nouvelles</i> , New Forces, ex-armed rebellion
FPI	<i>Front populaire ivoirien</i> , Ivorian Popular Front, party created by Laurent Gbagbo in 1982
HRE	<i>Haut Représentant des Nations unies pour les élections</i> , High Representative of the United Nations for the Côte d'Ivoire elections
ICC	International Criminal Court
JFPI	<i>Jeunesse du Front populaire ivoirien</i> , Ivorian Patriotic Youth Front
LMP	<i>La Majorité Présidentielle</i> , The Presidential Majority, the coalition supporting Laurent Gbagbo
MPLA	Popular Movement for the Liberation of Angola
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OPA	Ouagadougou Political Agreement
PDCI	<i>Parti démocratique de Côte d'Ivoire</i> , Côte d'Ivoire Democratic Party, former single party created by Félix Houphouët-Boigny in 1946
RDR	<i>Rassemblement des républicains</i> , Republican Rally, Alassane Ouattara's party, a split from the PDCI in 1994
RHDP	<i>Rassemblement des houphouétistes pour la démocratie et la paix</i> , Union of Houphouetists for Democracy and Peace, coalition supporting Alassane Ouattara in the run-off for the presidential election and led by the RDR and the PDCI
RTI	<i>Radio télévision ivoirienne</i> , Ivorian Radio and Television
SIR	<i>Société Ivoirienne de raffinage</i> , Ivorian Refining Company
SRSG	United Nations Special Representative of the Secretary-General for Côte d'Ivoire
UEMOA	Economic and Monetary Union of West Africa
UN	United Nations
UNMIL	United Nations Mission in Liberia
UNOCI	United Nations Operation in Côte d'Ivoire

APPENDIX C

DECISION OF THE CONSTITUTIONAL COUNCIL OF CÔTE D'IVOIRE

DECISION N°CI-2010-EP-34/03-12/CC/SG
FOR THE PROCLAMATION OF FINAL RESULT OF THE PRESIDENTIAL
ELECTION OF 28 NOVEMBER 2010

**ON BEHALF OF THE PEOPLE OF CÔTE D'IVOIRE,
THE CONSTITUTIONAL COUNCIL**

Considering the law n°2000-513 of August 1st 2000 of the Constitution of the Republic of Côte d'Ivoire;
Considering the law n°2000-514 of the August 1st 2000 electoral code;
Considering the Organic Law n°2001-303 of June 5th 2001 determining the organisation and the operation of the Constitutional Council;
Considering the decision n°2005-01/PR of May 5th 2005 relating to the exceptional designation of candidates for the presidential election of October 2005;
Considering the decision n°2008-15/PR of April 14th 2008 bearing special modalities of adjustment to the electoral code;
Considering the ordinance n°2008-133 of April 14th 2008 bearing adjustments to the electoral code;
Considering the decree n°2010-207 of August 5th 2010 convening the electoral college of the Republic of Côte d'Ivoire for the election of the President of the Republic;
Considering the decree n°2010-282 of October 12th 2010 fixing the duration of the electoral campaign for the election of the President of the Republic;
Considering the decisions of the Constitutional Council n°CI-2009- EP/028/1911/CC/SG of November 19th 2009, CI-2010-EP-32/06-11/CC/SG of 6 November 2010; CI-2010-EP-33/08-11/CC/SG of November 8th 2010 and CI-2010-EP-34/03-12/CC/SG of December 2nd 2010;
Considering the official reports of the examination of the vote and other parts annexed there, transmitted by the Independent Electoral Commission (CEI) and delivered by the Secretary General of the Constitutional Council on November 30th and December 1st 2010;
Considering the requests of Mr GBAGBO Laurent recorded by the Secretariat of the Constitutional Council on December 1st 2010;
Affirming, ladies and gentlemen, advisors, in their reports;

Considering that under the terms of articles 32 and 94 of the Constitution, the Constitutional Council which controls the regularity of the operations of the election of the President of the Republic, rules on the disputes relating to the proclamation of the final results;

Considering that article 60 of the Electoral Code, amended by Ordinance n°2008-133 of April 14th 2008 bearing adjustments to the Electoral Code, laid out: "Every candidate running for the office of President of the Republic can present, by written request addressed to the Chairman of the Constitutional Council, a complaint concerning the regularity

of the vote or its recount. The request as well as evidence of the request must be deposited within the three (3) days which follow the closure of the vote";

Considering that on the date of December 1st 2010, Mr. GBAGBO Laurent, candidate for the office of President of the Republic introduced to the president of the Constitutional Council five requests for the cancellation of the second round of the vote in the departments of BOUAKÉ, KORHOGO, BOUNDIALI, DABAKALA, FERKESSEDOUGOU, KATIOLA, BEOUMI, and SAKASSOU because of serious irregularities which would have sullied the sincerity of the poll;

Considering that the requests were made and deposited within the forms and the times consistent with the law; it is necessary to declare them admissible;

Considering that to the support of his requests, the candidate GBAGBO Laurent exposes that during the second round of the presidential election on November 28th 2010 which he took part in, certain irregularities intervened;

Thus, he denounces grave irregularities likely to sully the sincerity and affect the regularity of the vote in the known departments indicated.

These irregularities include:

- The absence of his representatives and delegates at the polling stations;
- Ballot stuffing;
- Transportation of official reports by unauthorised persons;
- The prevention of voters to exercise their constitutional right;
- Lack of voting booths;
- Increase of the votes cast;

On the complaint regarding the absence of his representatives and delegates:

Considering that the Electoral Code as amended by Ordinance n°2008-133 of April 14th 2008 bearing adjustments to the Electoral Code envisages in Article 35 that each polling station should include two representatives of each candidate;

Article 38 of the Code adds that any candidate has the right, through one of his delegates, to control all voting operations, examination of ballots and calculation of the votes at the

premises where these operations are carried out, and to require the registration in the official reports, of all the observations, protests or disputes on the aforementioned operations;

In this case, the complainant explains that his representatives and delegates at the polling stations had been expelled or prevented from having access to the polls and sometimes they were kidnapped, their mandates and electoral documents destroyed;

Thus his representatives and delegates were not able to supervise neither the conduct of voting nor the counting of ballots;

He states that these actions were observed at various locations in the *Vallée du Bandama*, particularly in Bouaké (Koko-Bamoro, Ahougnassou, Belleville) and in the *Région de Savanes*, particularly in the department of Korhogo district and prefecture as evidenced by the report of the Chief of the Integrated Command Centre (CCI) and the various exploits of hearing added to the file;

It follows that the absence of representatives and delegates due to abuse constitutes a serious irregularity likely to sully the sincerity of the poll, and thus justifies the cancellation of the polls in the departments mentioned above;

On the complaint regarding the stuffing of ballot boxes:

Considering that the applicant supports that in the village of Konanprikro, the ballot boxes were filled by a score of people before being transported to the headquarters of the local CEI;

That in the polling stations of Alloko-Yaokro, the local chairpersons had allowed non-registered people to vote for absentee voters;

Considering that it appears from the combined reading of Articles 5 and 34 of the Electoral Code as amended by Ordinance n° 2008-133 of April 14th 2008 bearing adjustments to the Electoral Code that a “qualified elector is proven by the registration on the voters list” and that “no person shall be eligible to vote if not listed on the electoral roll”; It follows that such practices, as confirmed by the reports of the hearing dated November 29th 2010 are sufficiently serious facts and likely to distort the results of the poll;

On the complaint regarding the transportation of the official reports by unauthorized persons:

Considering that the complainant argues that the official reports of the polling stations of Alloko-Yaokro were carried by elements of the *Forces Nouvelles*;

Considering that the investigations carried out showed that the transportation of ballot boxes by the elements of the *Forces Nouvelles* were widespread during the poll of November 28th, 2010, in violation of Article 58 of the Electoral Code as amended by Ordinance n°2008-133 of April 14th 2008 bearing adjustments to the Electoral Code according to which each Chair of the polling station shall forward copies of the official reports to the electoral commission;

It results from it that such practices have led to the manipulation of electoral documents;

On the prevention of votes:

Considering that the applicant mentions that many of his voters were prevented from voting and others were constrained, under threat of arms, to vote for the candidate of the RDR;

That in support of his request, the applicant produces testimonies and official reports of hearings of the victims who could not exercise their constitutional right to vote;

Considering that Article 33 of the Constitution provides for freedom to vote;

Considering that acts of such gravity undermine the freedom of expression to vote and distort the poll;

On the complaint alleging absence of voting booths:

Considering that the applicant argues that in Nabromandougou, the ballot box was installed in the open air and that the vote took place in full sight of everyone, thus violating the principle of the secrecy of the vote;

Considering that the secrecy of the vote is a principle proclaimed by the Constitution in Article 33 and that the Electoral Code as amended by Ordinance n°2008-133 of April 14th 2008 bearing adjustments to the Electoral Code shown in Article 36 by granting each polling station one or more voting booths, which aims at preserving privacy for each voter, in all conscience for the candidate of his choice;

Considering that the lack of polling booths constitutes a substantial defect likely to sully the regularities of the election;

On the complaint of the increase in votes cast:

Considering that the candidate GBAGBO Laurent had an increase of votes against the profit of the candidate OUATTARA Alassane, and placed on file a record of official counting of votes of the Regional Electoral Commission of Bouaké;

In effect the review of official reports and the crossing of the figures reveal that the number of votes obtained by the candidate OUATTARA Alassane in the *Vallée de Bandama* totalled 244,471 votes;

That actually, the candidate OUATTARA Alassane has obtained only 149,598 votes, claiming by fraud, with the complicity of the Regional Electoral Commission 94,873 illegal additional votes;

That such a typical act is of a clear intention to disguise the truth and seriously violates the sincerity of the poll throughout the Region of the *Vallée de Bandama*;

Considering that the total of various complaints were corroborated by testimony from national and international observers who were deployed in central and northern areas of the country, during the election on November 28th, 2010, and by investigations ordered by the Constitutional Council with different constitutional organs of the State, both civil and military;

That these actions show well enough that in several polling stations in some regions of the country, voting was not conducted in conditions of freedom, equality and confidentiality as prescribed by the Constitution in its Article 32 and in compliance with the electoral laws;

Thus, the electoral process that took place in these various zones were violated by obvious irregularities likely to hinder the sincerity of the polls and to affect the results at the polling stations where they were noted;

These irregularities were noted more particularly in the departments of Bouaké, Katiola Dabakala in the region of the *Vallée de Bandama* and in the departments of Korhogo and Ferkessedougou and Boundiali in the *Région des Savanes*;

Thus, it is appropriate to cancel the results in these various departments;

Considering, moreover, that the review of the official reports made it possible to raise serious irregularities which occurred during both the voting process and the counting of ballots in the department of Seguela;

That indeed, the great majority of the official reports resulting from the polling stations in this department do not comprise of the signature of the representative of the candidate of the Presidential Majority (LMP);

That, even when this such signature exists, it is different for the same person, depending on whether it is on the official report or tally sheet or counting of votes;

That furthermore, it results from NGO reports and observers accredited by the Independent Electoral Commission, that acts of violence were perpetrated on representatives of the candidate of the presidential majority and the population itself, thus they could neither exercise their right to vote or ensure the representation of their candidate, as prescribed by law;

It follows that these irregularities must result in the cancellation of the results of the poll in the department of Séguéla;

Considering that after the adjustment made after the cancellations, the election results of November 28th 2010 arise as follows:

Registered voters: **5,725,721**

Voters: 4,081,765

Turnout: 71.28 per cent

Invalid votes: 88,556

Votes cast: 3,993,209

Obtained:

Candidate Votes Percentage

– Mr. GBAGBO Laurent: 2,054,537 representing
51.45 per cent

– Mr. OUATTARA Alassane: 1,938,672 representing
48.55 per cent

Considering that in accordance to Article 44 paragraph 3 of the Electoral Code, amended by Ordinance n°2008-133 of April 14th 2008 bearing adjustments to the Electoral Code, the election of the President of the Republic is acquired in a majority of the votes cast;

DECIDES:

Article 1: The requests of the candidate GBAGBO Laurent are admissible but partially founded;

Article 2: The results of the poll in the departments of Bouaké, Korhogo, Ferkessedougou, Katiola, Boundiali, Dabakala, Séguéla, are cancelled;

Article 3: Mr. GBAGBO Laurent is proclaimed elected President of the Republic of Côte d'Ivoire;

Article 4: The present decision will be posted, published in the Official Gazette of the Republic of Côte d'Ivoire and notified to the interested parties.

Deliberated by the Constitutional Council in its session of December 3rd 2010.

Attended by:

Mr YAO-N'DRE Paul: Chairperson

Mr Timothy AHOUA N'GUETTA: Adviser

Mr DALIGOU Monoko Jacques Andre: Adviser

Mr WALE Ekpo Bruno: Adviser

Madame Hortense KOUASSI Angora, Epse SESS: Adviser

Mr. Felix TANO Kouakou: Adviser

Mrs. Josephine TOURE Suzanne Epse Ebah: Adviser

Assisted by the Secretary General of the Constitutional Council, who signed with the President.

The Secretary General

GBASSI Kouadiané

The President

YAO N'DRE Paul