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Countries at the Crossroads 2010

Country Report - Cote d'Ivoire

Introduction

Since the end of the civil war that devastated Cote d'Ivoire between 2002 and 2007, the country has been relatively peaceful. Events have taken place would have been unimaginable several years ago, including the dismantling of the buffer zone dividing the country's north and south, the granting of identification papers to millions of previously disenfranchised northern residents, and the formation of a government of national unity bringing together top leaders on opposite sides of the conflict. Nevertheless, the country continues to be led by a president with an expired mandate, and the prospects for peaceful democratic development in the near future remain fragile. Distrust and corruption are defining features of the political landscape, both government and rebel forces continue to purchase arms, and youth militias intimidate and attack critics of the president. Meanwhile, general elections have been repeatedly postponed.

Cote d'Ivoire gained independence from France in 1960. That year, Felix Houphoët-Boigny was elected unopposed and became the country's first president, subsequently ruling the country in authoritarian fashion until his death in 1993, though limited multiparty politics were introduced in 1990. During the Houphoët-Boigny regime, Cote d'Ivoire, with its large-scale cocoa production, was one of the most economically prosperous countries in Africa. Following Houphoët-Boigny's death, Henry Konan Bedie ruled until December 1999, when he was overthrown in a bloodless coup by General Robert Guei. Guei governed only until 2000, when Laurent Gbagbo emerged victorious from flawed presidential elections. Gbagbo has ruled the country since, although his elected term technically expired in 2005.

The mid-1990s were characterized by a rise in nationalist discourse and conflict over the concept of *ivoirité*, or who should be considered a "true" Ivorian. Revisions to the 1995 electoral law and a new constitution that came into effect in 2000 placed limitations on citizenship and participation in elections, including restricting presidential eligibility to individuals with two Ivorian parents and no other previous nationality.^[1] Such arrangements excluded Alassane Ouattara, a Muslim opposition candidate who would have formed a formidable rival to Bedie and Gbagbo had he been permitted to run. The move contributed to growing mistrust and conflict between different social communities, particularly between the largely Christian south and east and the predominantly Muslim north, where many residents are descendants of migrants from nearby countries brought in to work in the cocoa sector. Adding to northern resentment were anti-immigration policies and the promotion of a nationalistic, xenophobic discourse by state-run media and government-affiliated youth organizations.

The 2000 elections pitted General Guei against Gbagbo, as Ouattara and Bedie were barred from participation. While Gbagbo was declared the victor, severe postelection violence broke out, with multiple attacks against "non-Ivorians," including individuals who had lived in the country for decades, causing the deaths of hundreds of civilians. The animosity continued to escalate and in 2002 erupted in an armed uprising and failed coup attempt by soldiers led by Guillaume Soro, the Roman Catholic leader of the Patriotic Movement of Cote d'Ivoire. Guei was killed in Abidjan immediately. Rebels took over the north and called for Gbagbo's removal while also clashing with southern loyalists. Northern factions and armed groups in the west united under the leadership of Soro to form the New Forces (FN). The conflict quickly evolved into a full-scale civil war as the FN took over much of the north, leaving the country divided in two. The south would subsequently be governed by Gbagbo's government, while the north remained under FN control and featured parallel military and administrative governing structures called "com zones." A buffer zone patrolled by over 12,000 French and United Nations (UN) peacekeepers was created to separate the two sides and prevent further bloodshed.

Five peace agreements were brokered between 2003 and 2007, but none took hold as the country remained deeply divided between north and south, with periodic spurts of violence between rebel and government forces. Hundreds (thousands by some counts) of Ivorians died and 750,000 were displaced, while torture, rape, and extrajudicial killings, often targeting specific ethnic groups, were widespread. The large number of immigrants in Cote d'Ivoire, reports of Liberian mercenaries participating in the fighting, and accusations that Burkina Faso was supporting rebel forces even led to fears that the conflict would spread into a regional crisis.

The Ivorian government and the FN brokered the Ouagadougou Peace Accord (OPA) in March 2007. The peace agreement put a formal end to the conflict and outlined a path forward, including the establishment of a government of national unity that would oversee democratic elections, the granting of identification cards to millions of residents, disarmament, and reestablishment of state authority throughout the entire country. In a dramatic warming of relations between the conflict's protagonists, Soro became Gbagbo's prime minister, and the two have since shared power.

Although conditions in both halves of the country have improved significantly since the signing of the OPA, the situation remains fragile and a return to armed conflict is not inconceivable. Elections have repeatedly been delayed. A culture of impunity continues to dominate the political landscape, while a proliferation of small arms fuels further rights abuses. Democratic civilian control over the security forces is weak, and parastatal armed groups frequently carry out extortion and violence against the population. Governance is hindered by incompetence and rampant corruption. Meanwhile, thousands of international troops remain stationed in Cote d'Ivoire.

In addition to political turmoil, the country has also experienced substantial economic decline over the last decade due to conflict, corruption, and fluctuating global prices for cocoa and other agricultural commodities.^[2] Economic conditions have improved slightly since the end of the conflict, but poverty and unemployment remain widespread. Government action on many urgent social and economic problems has been delayed, including an HIV/AIDS rate of around 4 percent.^[3] The country receives large amounts of international aid, though the donor community is wary of funds being siphoned off for corruption as well as the use of government resources to purchase arms despite a UN arms embargo imposed in 2004.

Accountability and Public Voice – 2.39

Since 2005, Cote d'Ivoire has been ruled by an unelected government and legislature whose term has expired. Although the 2007 OPA has improved governance, reduced violence, and enabled the registration of millions of new voters, most leading actors across the political spectrum display more concern for their personal well-being than to democratic institutions and governance. As elections have been repeatedly delayed, impatience and frustration have grown among the citizenry.

Cote d'Ivoire's constitution provides for direct election of the president and the 225-member, unicameral National Assembly to five-year terms. The most recent presidential and parliamentary elections were held in 2000. Although the constitutional mandate for both the president and parliament expired in 2005, elections originally scheduled for that October have been repeatedly postponed due to ongoing political violence and delays in implementation of the OPA, including necessary voter registration and disarmament of combatants on both sides. *[Editor's note: Since the time of writing, the November 2009 elections have been postponed to 2010.]*

There are four key political forces in Cote d'Ivoire, each viewed as linked to a given region and associated with a particular leader, with the relationships between the dominant figures dating back to the 1980s. Laurent Gbagbo is the most powerful individual, having served as president since 2000 and established a network of loyalists throughout state institutions. Although Gbagbo's mandate expired in 2005, he remains in his position pending new elections. His affiliated Ivorian Popular Front (FPI) draws its support mainly from western and southwestern Cote d'Ivoire and acted as the primary opposition party during the Houphoët-Boigny period. It holds 96 seats in the National Assembly based on the results of the 2000 legislative polls.

Henri Konan Bedie, who served as president from 1993 to 1999, heads the largest party in parliament, the Democratic Party of Cote d'Ivoire (PDCI), which had been the ruling party under Houphoët-Boigny and draws support from the center and east. It holds 98 parliamentary seats. Both the FPI and PDCI are linked to majority-Christian regions.

Alassane Ouattara, a northern Muslim, served as prime minister under Houphoët-Boigny from 1990 to 1993 before losing a power struggle with Bedie following the longtime leader's death. He left the country and worked at the International Monetary Fund (IMF), having been barred from competing in presidential elections because of controversy over whether his parents were native Ivorians. Ouattara heads the Rally of Republicans (RDR) party, which draws support from the largely Muslim north. The RDR mostly boycotted the 2000 election and holds only five seats in the current legislative assembly. The RDR and PDCI have allied in hopes of ousting Gbagbo in the upcoming election. Gbagbo, Bedie, and Ouattara are the leading candidates in the polls.

Meanwhile, Guillaume Soro, who has served as Gbagbo's prime minister since 2007, has sought to maintain an air of neutrality while cautiously pushing forward the steps needed to hold elections. As the leader of a military movement, it remains unclear whether Soro will seek to fully transform the FN into a political party or emphasize the role of its political wing, known as the MCPJ. Such a party could potentially pull northern votes from the RDR. The greater challenge facing Soro in recent years has been trying to keep his movement unified, as he has faced criticism—and possibly an assassination attempt—from within his own camp after joining forces with Gbagbo, contributing to a growing threat of intra-FN conflict.

While there has been little opportunity for the effective rotation of power among different political parties due to the absence of elections, recent conditions point to trouble for Gbagbo. A September 2009 Gallup poll revealed that 52 percent of interviewees disapproved of the president's job performance. The poll confirmed residual differences between the north and south: a majority in the south approved of the president, while a majority of northerners disapproved.^[4] Some observers have cited Gbagbo's low approval ratings and fear of losing power as a reason for the government's slow implementation—and in some cases, his personal obstruction—of the electoral preparations.^[5]

Both the OPA and practical reality require that a number of conditions be met prior to balloting, including the distribution of identity cards, the creation of an electoral registry, the reintegration of rebel forces into the army, the disarming of other rebel groups, and the restoration of political administration in the north. Although significant progress was made on some of these measures in 2008 and 2009, the conditions are far from being fully satisfied.^[6]

The voter identification process made significant strides, although it greatly exceeded the deadlines laid out in the OPA. According to the UN envoy in Cote d'Ivoire, 6.5 million people had been registered to vote by July 2009.^[7] While over 500,000 people were issued new birth certificates in order to establish voter eligibility. Candidates began campaigning in 2009, as both Bedie and Ouattara traveled the country speaking at generally peaceful rallies. Nonetheless, the government's significant control over official media outlets has hindered equal campaigning opportunities for all candidates. Opposition supporters' repeated accusations of unbalanced airtime allotment by official television stations were confirmed by the UN in July 2009.^[8]

Progress on disarmament and the reassertion of government control over the north has been less encouraging. Ex-rebels began to disarm in 2008, but the process has languished and both sides reportedly maintain sizable forces and continue to accumulate weapons from abroad, keeping violence as an option should the election results be deemed unacceptable.^[9] Although the formal north-south division has been abolished, state authority has yet to extend throughout the country. In a symbolic ceremony in Bouake in May 2009, the "com zones" transferred administrative power to government-appointed prefects. However, it remains unclear how much authority the rebel commanders have relinquished in practice, particularly as orders from Soro and other FN leaders are sometimes disobeyed. This mix of cooperation and resistance has led to uneven implementation. In addition, many FN commanders continue to retain their own militias for the purposes of protection and extortion.^[10] While some civil servants were deployed to posts in the north along with appointed prefects, their effectiveness has been hindered by a severe lack of funding; many have returned to the south because of poor living and working conditions.^[11]

Efforts to identify and register voters have been inefficient and disorganized. Five different bodies are involved in the process, including the Independent Electoral Commission (CEI), but coordination between them has been severely lacking and at times the bodies have contradicted and competed with one another. Allegations of corruption within the CEI and other agencies have also emerged, with some observers noting that CEI officials have little incentive to expedite voter identification and enrollment and lose an additional source of income.^[12] Registration delays have also been attributed to opportunistic funding, in which the Ministry of Finance allocates resources in line with the president's political needs. Some observers suggest that Gbagbo may be hoping to force his rivals to accept an incomplete identification process in order to diminish the number of new voters in the north, where his unpopularity is highest.^[13]

Though the constitution provides for checks and balances, the judiciary is not independent and provides little oversight of the government. The National Assembly, currently functioning without a mandate, engages in little legislative activity. In recent years, key policy decisions have been made by presidential decree, often based on negotiations with the international community or other elite actors rather than popular will or public consultation. Meanwhile, various pieces of legislation await eventual approval by a newly elected parliament.

Gbagbo's complex relationships with his ministers and the international community illustrate his resolve to continue to exercise significant power. Indeed, the president's decision to engage in "direct dialogue" with Soro in 2007 has been widely interpreted as an effort to circumvent a UN-led plan that would have seen his authority weakened and greater powers transferred to the technocratic then-prime minister, Charles Konan Banny. Though Soro has gained some capacity to influence policy and on occasion taken steps to supervise implementation of the OPA, he has largely avoided actions that might cause clear confrontation with the president and in reality, Gbagbo remains at the center of power. The president is the primary decision maker and relies heavily on a close circle of consultants, including his wife.^[14] Upon becoming prime minister, Soro named a new 33-member cabinet from across the political spectrum, including members of the FPI, FN, RDR, PDCI, and members of civil society and small political parties.^[15] Such diversity is superficial, however, as in practice, opposition-affiliated ministers lack authority over their subordinates and senior bureaucrats, who are loyal primarily to Gbagbo.^[16] In general, the civil service is highly politicized and corruption is pervasive, with appointments and dismissals decided primarily based on personal relations with powerful actors—particularly the president—rather than merit.

Civic groups in Cote d'Ivoire have little influence over government policy, a dynamic that has been further reinforced since the signing of the OPA, which largely sidelined actors outside of the Gbagbo-Soro government, including opposition parties and members of civil society. The weakness of parliament means there are few formal channels for public participation or input in policy debates. Nevertheless, a wide range of civil society groups continue to operate and usually face few legal or other restrictions from the government, as they are not perceived to directly threaten presidential power. Some incidents of legal harassment have occurred, however. In January 2008, Modeste Seri, a civil society leader and vocal critic of both President Gbagbo and the FN, was detained for allegedly planning a coup against the government.^[17] He remained in prison for over a year without charge, but was finally released in May 2009.^[18]

The primary threat to human rights activists has come from non-state actors and the broader national atmosphere of intimidation and militarization. The army and FN both remain heavily armed, despite disarmament efforts, and have engaged in intimidation of their rivals' supporters. Gbagbo-loyal militias, including the Young Patriots, engage in violence against those believed to be sympathetic to the FN or RDR.^[19] Since 2002, the Student Federation of Cote d'Ivoire (FESCI), a student group whose members are known for being "staunch partisans" of President Gbagbo, has engaged in violence against journalists, opposition ministers, and human rights organizations.^[20] Impunity has been the norm in all such incidents. Despite such challenges, civic groups actively fill gaps in effective government action at the local level, such as combating violence against women, assisting ethnic reconciliation efforts, and exposing prison abuse. The Civil Society Coalition for Peace and Development in Cote d'Ivoire (COSOPCI), formed by 15 human rights, democracy, and good governance organizations, plays a vital role working with local community organizations on advocacy strategies, documentation of human rights violations, and local-level conflict resolution.^[21] The broader impact of such initiatives on key issues such as elections or disarmament has been limited, however.

The majority of news in Cote d'Ivoire is transmitted by radio. The government controls the largest radio stations (including the only one with national reach), the largest daily newspaper, and all television stations. Although over 100 independent community radio stations operate, their workers often face harassment for presenting diverse views or scrutinizing the government. There has been some improvement in press freedom since 2005, especially with the signing of the OPA, but threats from both the government and non-state actors continue to significantly constrain free expression, particularly in the south. Relatively fewer incidents of media harassment have been reported in the rebel-controlled north and the FN has generally refrained from interfering with citizens' access to progovernment radio and newspaper reporting.

The Ivorian constitution provides for freedom of the press, and when President Gbagbo assumed office in January 2000, he made a public promise that he would never imprison a politician or a journalist for expressing his or her opinion. In 2004, the parliament scrapped criminal punishment for press offenses, including libel. In practice, however, such legal changes have been routinely disregarded, as journalists continue to face defamation suits, crippling fines, and imprisonment for criticizing the president. In 2007, NGO activist Antoine Assale Tiemoko was arrested and sentenced to one year in prison after publishing an opinion piece on judicial corruption in *Le Nouveau Reveil*.^[22] In March 2009, the pro-opposition weekly *Le Repere* was convicted of "insulting" President Gbagbo, suspended for two months, and ordered to pay US\$40,000 in fines after publishing an article that detailed alleged embezzlement and human rights violations committed by President Gbagbo and the ruling party.^[23]

With widespread self-censorship and vitriolic rhetoric in both the opposition and progovernment private press, international concerns over xenophobia and hate speech in the Ivorian media remain acute, though the prevalence of such rhetoric has lessened in recent years. This is partly due to the August 2008 ban on expressions of xenophobia, racism, or tribalism. Under the new regulation, offenders face harsher sentences if problematic expressions are relayed via media outlets, during demonstrations or political rallies, or by government functionaries.^[24] Although ostensibly meant to protect victims of hate speech, international press freedom groups have raised concerns that the regulation's imprecise wording could enable the government to use it to restrict free expression.

Though journalists in Cote d'Ivoire have in recent years been safe from murder or severe physical attacks, the Ivorian government does not adequately protect journalists from violence by parastatal forces. In 2005-2006, the Young Patriots carried out a series of attacks against independent journalists, seized control of state broadcasting stations, and destroyed copies of pro-opposition papers, sometimes using threats of violence and rape against relevant staff.^[25] FESCI has also reportedly attacked media outlets over perceived unfavorable coverage. Radio France International (RFI) has been the subject of a particularly virulent nationalist campaign; the government and Ivorian National Council for Broadcast Communication have restricted RFI broadcasts for months at a time.^[26]

The government exerts significant control over state-owned media outlets. State television and radio stations and newspapers—including the highest circulation daily newspaper, *Fraternite Matin*—generally toe the government line. In November 2006, the president dissolved the board of directors of the publicly-owned radio and television authority, Radiotelevision Ivoirienne (RTI), and controlled the outlet until nominating new directors in 2009.^[27] Though the government does not directly restrict the internet, poverty and infrastructure deficits limit its usage.

Civil Liberties – 2.86

Following the outbreak of the civil war in 2002, all parties to the conflict committed severe human rights violations. Sexual violence, torture, pillaging, extrajudicial killings, and kidnappings were frequent, peaking between 2002 and 2004. Though the exact number of casualties is nearly impossible to estimate, extrapolation from several incidents in 2004 in which hundreds were killed likely indicate a death toll in the thousands.^[28] Such abuses have gradually declined, though ethnic violence and other rights violations by a range of actors continue throughout the country. Moreover, in April 2007, the president granted perpetrators amnesty, reinforcing an environment of impunity in the post-conflict era.

The conflict also led to large-scale displacement. Although some have been able to return home, the number has declined little since 2006, when 750,000 internally displaced persons (IDPs) from the north were living with families in the south, often in decrepit shantytowns.^[29] The number of IDPs still stands at an estimated 709,000.^[30]

The Ivorian government does not provide sufficient protection for its citizens against torture and other violence by state authorities or non-state actors. Though committed on a less rampant scale than prior to the OPA, torture remains a widespread phenomenon, routinely committed by government troops and rebel forces to punish detainees, extract confessions, or extort payments.^[31]

Prison conditions are abysmal, including for detained children. Hunger, overcrowding, poor sanitation, and skin diseases are common.^[32] Malnutrition is a particularly egregious problem, and the International Committee of the Red Cross warned in 2008 that beriberi, a disease linked to malnutrition and vitamin deficiency, had reached epidemic levels.^[33] The wealthy can often buy sentence reductions or marginally improved prison conditions; for others, prison breaks offer an exit route. In violation of constitutional protections, state security forces continue to carry out arbitrary arrests. Long-term detention without trial for both political and criminal detainees remains common.^[34] The FN continues to maintain its own detention centers and prisons, often in makeshift facilities such as schools or movie theaters. In several incidents in 2008, FN combatants reportedly took suspected criminals into custody and abused them, leading to accidental deaths or deliberate extrajudicial executions.^[35]

Though not at the epidemic levels of the conflict, violent action by non-state actors, primarily ex-combatants and pro-Gbagbo youth organizations, remains a serious threat to ordinary residents. A 2007 report found that the massive proliferation of weapons and the failure of combatants to disarm contributed to an increase in crime as "frustrated ex-rebels" with AK-47 rifles and rocket launchers committed armed burglaries, carjackings, and rape.^[36] The UN reported a similar dynamic, particularly in the north, as of 2009.^[37] According to Human Rights Watch, in 2008, government forces and FN rebels engaged in extortion at checkpoints and sexual abuse.^[38] In response to rising crime rates, in 2005 the Ministry of Interior formed the Security Operations Command Center (CECOS), but the agency's officers themselves have since been accused of committing extrajudicial killings and other crimes with impunity.^[39]

Contributing to the cycle of violence has been both *de jure* and *de facto* impunity for past and current abuses. Observers have expressed particular concern over an April 2007 regulation issued by President Gbagbo that granted amnesty to perpetrators of violence during the war and led to the release of detainees. Although the president assured human rights groups that the amnesty would not apply to crimes against humanity, and that "victims [would] have every opportunity to lodge their complaints,"^[40] virtually no attempt has been made to punish perpetrators of grave human rights abuses. The UN has criticized the amnesty as not complying with international law for failing to "explicitly exclude war crimes and crimes against humanity."^[41] Acts of violence from the post-conflict period have also been met with near-complete impunity.

The constitution does not guarantee a right of redress for victims of state abuse and in practice, lack of political will and capacity prevent effective remedy. Amnesty International reported that women who were sexually assaulted by state agents during the civil war have received neither compensation nor access to adequate health care.^[42] Victims of violence by progovernment militias and FN forces have similarly been denied reparations.

Prosecutions carried out in the wake of a massive 2006 toxic waste scandal were a partial exception to the overall culture of impunity. In August 2006, a local company working with Trafigura, a Dutch petroleum trading firm, dumped chemical waste into Abidjan's main landfill, located near the city's poor neighborhoods. At least 15 people died as a result, with approximately 100,000 falling ill. In 2006, the Ivorian government released a report placing blame for the spill on Ivorian port and governmental officials and on Trafigura.^[43] In October 2008, two individuals—the head of the local firm hired to handle the waste and a shipping agent at the Port of Abidjan—were sentenced to prison, while several other suspects were acquitted. Gbagbo orchestrated a settlement in which Trafigura committed to pay compensation to thousands of Abidjan residents, apparently in exchange for immunity from prosecution.^[44] As of October 2009, it was unclear whether any funds had reached the intended recipients.

In an encouraging development, the government, with UN support, established a National Human Rights Commission in July 2008. The commission submitted its first annual report in June 2009, documenting 201 cases of human rights violations (154 of which remained pending as of December 31, 2008) and also made policy recommendations to the government. According to Human Rights Watch, however, "its capacity to fully investigate and report on serious abuses was limited by inadequate funding and support from the government."^[45]

Cote d'Ivoire serves as both a source and destination for traffic in women and children. Women, mostly girls, are trafficked from neighboring countries for domestic servitude, restaurant labor, and sexual exploitation, while young men are trafficked internally and from neighboring countries for forced agricultural labor, particularly in the cocoa sector.^[46] Although the Ivorian government's anti-trafficking efforts have improved, measures to protect and assist victims suffer from sparse resource provision.

Women in Cote d'Ivoire take an active role in politics, but are generally underrepresented; only 18 of 225 parliamentarians are women.^[47] Nevertheless, in September 2009, the country's first female presidential candidate announced her participation in the upcoming elections. Although the constitution prohibits gender discrimination, certain laws and customs place women at an economic and social disadvantage. These include the common, though technically illegal, practice of child marriage and obstacles some banks impose on women obtaining loans, including requiring a husband's permission.^[48]

Women suffered greatly from the war's violence, experiencing rape, humiliation, sexual slavery, and forced incest.^[49] Few, if any, perpetrators have been punished. Rather, according to the International Crisis Group (ICG) and Amnesty International, both government and rebel leaders authorized the use of sexual violence against women as a tool of war. Some of the worst abuses were reportedly committed in the west by armed groups that included mercenaries from neighboring Liberia.^[50] Reports in 2009 indicated that women in rural northern areas were especially vulnerable to rape as they walked to and from agricultural fields. As law enforcement agencies are perceived as ineffective, such cases are typically dealt with by local vigilantes, often resulting in bloodshed.^[51]

Violence against women and the impunity surrounding it have continued into the post-conflict period. No specific penalties apply to domestic violence, which remains rampant.^[52] Women are often shamed into not seeking assistance, as such abuse is widely perceived as a "family problem," and spousal rape is not recognized as illegal. Female genital mutilation (FGM) was made illegal and punishable by up to five years' imprisonment in 1998. However, the practice remains fairly widespread: a 2005 UNICEF study estimated that 45 percent of women aged 15 to 49 had undergone FGM, a slight increase from 1994.^[53]

Cote d'Ivoire is home to a large population of disabled persons. Since 1998, legislation has guaranteed equality for the disabled in employment, education, and training. In practice, however, discrimination remains endemic; much of the country's disabled population is unaware of its rights. HIV/AIDS sufferers are not legally protected from discrimination, but the government has prioritized addressing the country's high infection rate. In 2007, Gbagbo and Soro released the 2006-2010 National Strategic Plan, outlining a US\$577 million program aimed at "scaling up towards universal access to HIV prevention, treatment, care and support."^[54] It remains to be seen whether such a plan will be feasible to implement, particularly given the government's limited control over the north.

As one observer noted, "Cote d'Ivoire comes close to a textbook example of violent politicization of ethnicity."^[55] Ethnic and geographic divisions lay at the root of the civil war, often overlapping with religious demography, though the latter was not a key basis for violence. The country is home to over 40 different ethnic groups, including a large population (25 percent) of migrants or their descendants originating from Burkina Faso, Mali, Niger, and Lebanon, among others. For decades following Ivorian independence, intercommunal tensions were rare under the strong-handed rule of Houphouët-Boigny. Pressure began to rise after his death as subsequent governments and leaders harnessed ethnically charged rhetoric for their own political benefit. The accumulated resentment erupted into electoral violence in 2000 and civil war in 2002, as rebels called for all those born in Cote d'Ivoire to be granted citizenship, while Gbagbo loyalists targeted northerners residing in the south, who were assumed to be RDR supporters.

With implementation of the peace accord and the registration of voters underway throughout the country, millions of individuals from traditionally excluded groups in the north have been granted electoral rights. Nevertheless, tensions remain and the Young Patriots have attempted to forcibly disrupt registration, using ethno-regional criteria.^[56] In addition, many northerners, especially those with last names indicating ancestry from neighboring countries, continue to face pervasive discrimination and often accuse the authorities of assuming they are rebels based solely on their origin.^[57]

The constitution provides for freedom of religion. The government generally respects religious rights and does not interfere in religious practice and organization. Any new religious organization must go through a substantial registration process, but there have been no recent reports of any group being denied registration. Though the government generally respects religious freedom, religious affiliations have often been associated with ethnic and geographic divisions. Many ethnic northerners are Muslim, and as a result, the government targeted Muslims as suspected rebels and rebel sympathizers during the height of the conflict. This situation has improved in recent years, however. Muslims are similarly underrepresented in the civil service and complain of inadequate or biased state media coverage of Muslim affairs.^[58]

Freedom of assembly and association are both guaranteed by the constitution, and laws protect the rights of both public and private sector workers to form unions. Historically, President Gbagbo has enjoyed a friendly relationship with unions; indeed, his persecution at the hands of the Houphouët-Boigny regime was partially a result of his union activities. Occasionally, unions are able to affect policy. In July 2008, taxi and other transportation workers led a strike to protest rising fuel costs. Officials met with the strikers, and the government ultimately lowered the salaries of ministers and state-owned enterprise managers in order to reduce the price of fuel.^[59] In other instances, however, the government has interfered in union activities. In addition, the authorities have used excessive force against demonstrating workers. In January 2008, police violently suppressed a protest organized by the workers' collective at the port where the Trafigra waste entered the country.^[60]

The constitution protects the right of free assembly, but demonstrations in Abidjan and elsewhere are limited. Security forces used violence against protesters on several occasions in recent years. In February 2008, police used teargas to disperse female demonstrators marching in Abidjan to protest a month-long cutoff of drinking water for the city's residents. In April 2008, police in Abidjan forcibly dispersed a protest related to rising food costs, causing one death and 10 injuries.^[61] Despite the violence, the government responded to the demonstrators' demands and slashed taxes on key food imports.^[62]

Rule of Law – 2.44

Following the outbreak of civil war and the country's division into two separately governed units, the judicial system in the rebel-held north was decimated. Professional court staff fled south, replaced by rebel-appointed volunteers taking on the roles of prosecutors, judge, and jury with little regard for due process.^[63] In the south, the formal judicial system remained in place, but was marred by extensive corruption and political interference. Although judges began returning to the north in 2009, access to the impartial administration of justice and an end to impunity remain beyond the reach of most Ivorians.

The Ivorian legal system is based primarily on French law and includes three tiers. The Ivorian judiciary consists of nine first instance courts and three appeals courts, with the Supreme Court at the highest level.^[64] In addition, a High Court of Justice is empowered to judge members of the government for crimes committed during their tenure, as well as to judge the president on any charge of treason. A Constitutional Council may rule on the constitutionality of laws, as well as arbitrate electoral disputes.^[65]

Despite constitutional guarantees of judicial independence, the administration of justice is highly vulnerable to executive and military influence. Although judges in the south enjoy greater autonomy in civil and criminal cases, they generally follow the government line on politically sensitive or national security cases. This is largely due to a lack of security of tenure and a politicized appointment process. Under the Statute of Magistrates, the president appoints judges based on recommendations by the minister of justice and in accordance with the opinion of the High Council of the Judiciary, a body headed by the president and otherwise comprised primarily of senior judges. While the law guarantees tenure for judges and requires their consent to enable appointment to new positions, in practice, removals and relocations have been carried out by ministerial decree.^[66]

Judges in Cote d'Ivoire are generally well-trained and enjoy higher salaries than their colleagues in the civil service. Nevertheless, remuneration is still low, making judges susceptible to bribery. This contributes to rampant corruption in the judicial system, as well as inequality before the law: wealthy defendants and plaintiffs are more likely to win cases than their less affluent counterparts. The impact of such practices on public confidence in the judiciary has been far-reaching. In 2007, the UN Mission in Cote d'Ivoire reported that "people have come to believe, even though fortunately it's not always the case, that it is impossible to get a favorable decision without handing over money."^[67]

Access to justice in the north remains limited despite important progress towards establishing a court system since the signing of the peace accords. In early 2009, judges, prosecutors, and clerks began to be redeployed to the north for the first time in seven years. Nevertheless, inadequate resources and persistent delays in the provision of key personnel have rendered many northern courts still ineffective. Even in areas where judicial personnel were present as of mid-2009, the re-established courts primarily handled administrative affairs, while criminal cases generally go unprosecuted.^[68] Court officials have also reportedly encountered resistance from rebel soldiers reluctant to surrender authority.^[69]

Urban areas in the south are generally governed through civil law. Customary law continues to prevail in rural areas, though its influence has gradually declined with expansion of the formal court system. Under customary law, domestic disputes and minor land questions are often resolved through extended debate.

Legislation provides criminal defendants with a range of due process guarantees. In practice, however, such provisions—including the presumption of innocence—are not consistently respected and higher courts are reported to rarely overturn verdicts.^[70] Suspects, even children, are often held for long periods without trial and denied access to family members or lawyers.^[71] Observers widely acknowledge that fair trials are rare and that bribes or other favors are more likely to influence verdicts than the facts of a case. Social or familial ties are also known to influence the outcome of cases, while instances of sexual favors being exchanged for particular decisions have also been reported.^[72] Public officials and ruling party actors are rarely prosecuted for abuse of power or other wrongdoing.

Despite some progress in recent years, security sector reform, including the establishment of democratic civilian control over the armed forces, disarmament of militias, and integration of rebel troops into the military, remains a serious challenge. In the north, in particular, the government has yet to fully establish a monopoly over the use of force, though the country was technically reunified in 2008. Efforts to create joint security forces comprised of former combatants on both sides—such as an 8,000-strong Integrated Command Center—have met with limited success, due largely to a lack of funding and adequately trained FN fighters. Although the UN documented an increase in the number of rebels joining the reintegration program in 2009 compared to the previous year, only a small percentage have been allocated new civilian roles.^[73] Meanwhile, according to the ICG, 20,000 progovernment militiamen had not been disarmed as of mid-2009.^[74] While rebels have been reluctant to hand over their weapons, the government has been equally hesitant to provide the financial support promised to each former combatant under the peace accord. Together, these factors sparked riots in June 2008 in the northern city of Bouake by ex-rebels demanding the promised funds.^[75]

In addition to sexual and physical violence, Ivorian security forces have engaged in large-scale extortion. At roadblocks across the country, security forces and rebel combatants solicit bribes from drivers, especially if they lack proper identification papers, and sometimes use force against those who refuse. In 2008 the World Bank estimated the funds collected annually by security forces at between US\$173.6 and US\$456 million for passenger transportation, and US\$54.8 and US\$68.5 million for the transportation of goods.^[76] While impunity is the norm for such actions, in isolated instances, members of the security forces have been held accountable. In October 2008, Amnesty International reported that a member of a security agency who shot and killed a bus driver after he refused to make a payment at a checkpoint was convicted of the murder and given a three-year sentence.^[77]

Although Article 15 of the constitution protects the right to property, in practice, the system of land ownership is confused, poorly documented, and weakly enforced, contributing to a growing number of violent incidents surrounding property disputes. Customary law governs usage of at least 70 percent of land, according to official estimates, as it has for decades. Legislation passed in 1998 enables conversion from customary law to formal title deeds, but implementation has been repeatedly delayed, with the first certificate only expected in mid-2009. In addition, under the 1998 law, indigenous Ivorian citizens were granted the right to own rural land, while non-citizens received only long-term leases or rental agreements, contributing to some of the tensions that sparked the civil war.

The conflict further complicated the situation, as hundreds of thousands were driven from their property. In the post-conflict period, many IDPs trying to return home have found others living on their land. Moreover, the conflict upset the customary procedures for tracking land ownership, as customary chiefs with knowledge of local transactions were among those displaced.^[78] In the face of such complexities, the government amended the 1998 law in September 2008 to allow non-Ivorians who had acquired full ownership prior to 1998 to retain their titles. As more residents have obtained citizenship in the run-up to elections, the practical impact of the law's discriminatory framing has also been reduced. Nonetheless, observers have raised concerns about impartial, transparent implementation of the law. In the meantime, the number of violent land disputes has continued to rise. Between June and September 2008, for example, unrelated disputes in the south, east, and Abidjan turned violent, resulting in at least 17 deaths and 30 wounded.^[79] Such violence is aggravated by the judicial system's inability to effectively resolve disputes.

Anticorruption and Transparency – 2.02

Corruption remains rampant in Cote d'Ivoire and has increased since 2002, although the government has taken some measures in recent years to increase transparency, strengthen auditing bodies, and prosecute corrupt officials in the cocoa sector. The country ranked 154th out of 180 countries in Transparency International's 2009 Corruption Perceptions Index.^[80] A lack of effective and independent oversight, opacity in the use of revenue from key sectors such as cocoa and oil, a general atmosphere of impunity, and extensive extortion by armed actors have fueled both petty and grand corruption. In addition, in the north, the FN has progressively established a parallel tax system, including registration and export taxes on cocoa, which has funded the armed movement and enriched individual "com zone" commanders.^[81]

Beginning in mid-2008, the Gbagbo-Soro administration embarked on a more aggressive anticorruption campaign that has included prosecutions of former allies and members of the president's own party. Under pressure from international donors, the government has also taken initial steps to improve the budget process and oversight of state-owned enterprises. At the same time, it is widely speculated that a fear of losing access to revenue from rich natural resources, such as cocoa and oil, has contributed to the government's stalled implementation of the voter identification and disarmament process. This fear has also contributed to some FN commanders' reluctance to transfer full administration of the north back to the government.

Pervasive red tape and registration requirements are key factors contributing to widespread corruption. Checkpoints throughout the country have become a central avenue for police officers to extract bribes from drivers. Lack of training, low salaries, and inefficiency in the judiciary and civil service renders these two sectors especially vulnerable to corruption. With the economic decline that accompanied the conflict, corruption further increased in all levels of the public administration.

Although private companies comprise the core of the economy, several important state companies continue to exist, including in the lucrative oil sector, and are not sufficiently regulated to minimize opportunities for corruption. In 2008, the government embarked on efforts to improve monitoring of public enterprises, though progress has been slow and significant restructuring postponed. Additional staff was allocated to the General Finance Inspectorate (IGF) and the Participations and Privatization Directorate, tasked with overseeing public companies. Some initial IGF

reports were publicly available, while other audits were underway as of mid-2009.^[82]

Cote d'Ivoire's cocoa crop accounts for nearly 40 percent of global production, and provides approximately US\$1.4 billion in revenue every year. The cocoa industry employs approximately 40 percent of the country's population, with the majority grown in the south and approximately 10 percent in the north. It has historically been plagued by mismanagement, a lack of transparency, and corruption, with significant funds diverted towards arms purchases. Global Witness estimated in 2007 that US\$118 million worth of cocoa revenue was used to finance both sides of the civil war.^[83] Measures to liberalize pricing taken in 1999 under pressure from international financial institutions have not improved the situation, but have rather created a complex network of overlapping and equally opaque agencies, while failing to improve farmers' incomes.^[84]

In recent years, the government has adopted some measures ostensibly aimed at improving management of cocoa revenue, though their actual impact remains to be seen.^[85] An official probe into the disappearance of cocoa tax revenue intended for reinvestment in the sector led to the arrests of 23 senior cocoa-related officials in June 2008 on embezzlement and corruption charges. While all of the individuals under investigation, including a former Gbagbo campaign manager, were subsequently fired, observers noted that the highest-level officials responsible for the scandal—those from the *Coffee and Cocoa Regulation Authority* (ARCC)—escaped prosecution.^[86] In September 2008, a temporary management committee replaced the four bodies that had previously administered the coffee and cocoa industries.^[87] A Reform Committee was also established to explore a new framework for managing the sector. Among the steps proposed was the re-establishment of a centralized state-run organization, the Stabilization Fund, which would fix prices paid to farmers on a yearly basis, similar to the pre-1999 arrangement. Whether such a revival of state involvement in the sector will generate greater accountability remains to be seen, however, and will largely depend on the independence and transparency of any new body compared to the previous entities, which were dominated by political appointees. In a positive development, the government announced its endorsement of the Extractive Industries Transparency Initiative (EITI) principles in May 2006. Cote d'Ivoire was accepted as a candidate country by the initiative's board three months after the government, civil society, and industry officials launched the EITI National Committee in February 2008.^[88]

In addition to the arrests in the cocoa sector, several other prosecutions for corruption have taken place in recent years, including one involving the president's secretary,^[89] but evidence is lacking to conclude that this marks a fundamental shift in the incentive system that perpetuates widespread graft in Cote d'Ivoire. Prosecutions of powerful actors remain few and far between, with personal connections trumping the need for accountability. This was exemplified by President Gbagbo's attempt to reinstall top officials involved in the 2006 toxic waste dumping incident after Prime Minister Banny had fired them.^[90] As of November 2009, there were credible concerns that an Abidjan resident with official backing was seeking to take full control over compensation funds from Trafigura, while shortchanging the victims.^[91]

In other areas, the government has taken initial steps to establish effective review of revenues and oversight of budget expenditures. As an indication of the backlog accumulated in these areas, only in 2008 and 2009 did the government submit the draft budget execution laws for the years 2005, 2006, and 2007 to the Audit Chamber.^[92] The gradual redeployment of government administration in the north and west enabled some restoration of tax and customs collection in those areas. Nevertheless, the reach of the General Directorate of Taxes (DGI) and the General Directorate of Customs (DGD) remained limited in the north as of mid-2009. During 2009, the government also worked on drafting a law on unlawful enrichment, a code of ethics for senior public officials, and a more general National Plan for Good Governance and Fight Against Corruption; these were scheduled to be adopted in early 2010.

Though corruption is widely acknowledged in Ivorian society, news coverage of the issue is limited and colored by an atmosphere of intimidation and self-censorship. Whistleblowers are not adequately protected and unconfirmed reports have emerged of individuals within the cocoa sector facing violence or threats should they expose irregularities. The 2004 disappearance of Guy-Andre Kieffer, a French-Canadian freelance journalist who was investigating allegations of cocoa-related corruption, reportedly sharpened fears among those who might investigate or expose malfeasance. According to the Committee to Protect Journalists, Kieffer's acquaintances have accused both the French and Ivorian governments of hampering the work of a French investigating judge for political reasons.^[93]

The government has taken some steps towards enabling greater transparency. In June 2008, the government for the first time published details on revenues and expenditures from cocoa sector levies from 2006 to 2008. Although the move was widely applauded, concerns remain that as long as private sector companies do not publish corresponding figures on payments made to the authorities, it remains impossible to verify the official numbers.^[94]

The constitution requires the National Assembly to approve the budget, but its oversight role has been extremely limited since its mandate ended in 2005. According to the World Bank, "to implement the 2006 budget, the President issued an ordinance which allows the prime minister not to present the 2006 economic program to the National Assembly at this time."^[95] As a result, the budget has been criticized as "unrealistic and nontransparent."^[96] Following international criticism, in the second half of 2007 the government began making budget execution statements publicly available each quarter.^[97] Preparations are underway for more detailed medium-term expenditure reporting, though completion of the initial phase is only expected for the 2011 budget.^[98]

Though the government's procurement methods still lack transparency, the IMF has reported some progress in this area. In August 2009, a new public procurement code was adopted, though as of mid-2009, the independent regulatory authority tasked with implementing the new system had yet to be put into place. At the same time, according to the Economist Intelligence Unit, the Gbagbo administration had been involved in a number of problematic dealings including "the award of public funds to support ventures by obscure or unknown local and foreign companies, along with opaque privatization deals."^[99]

Cote d'Ivoire receives substantial financial assistance from international donors. However, a lack of budgetary transparency and persistent graft has caused some donors to hesitate in their provision of additional funds. The IMF has therefore encouraged greater transparency in order to restore the confidence of donors and private sector actors.^[100]

Author

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