

**Security Council**

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**Letter dated 3 September 2004 from the Secretary-General
addressed to the President of the Security Council**

I have the honour to refer to the Accra III Agreement on Côte d'Ivoire, which was concluded on 30 July 2004 in Accra, to the statement by the President of the Security Council of 5 August 2004 (S/PRST/2004/29) and to my letter dated 16 August 2004 concerning the monitoring of the Agreement (S/2004/667).

Please find herewith the second report of the tripartite Monitoring Group established in Accra. I should be grateful if you would bring the present letter and its annexes to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



Annex

Implementation of the Accra III Agreement

Second report of the Monitoring Group

I. Introduction

1. The present report is submitted pursuant to the Accra III Agreement which established the Tripartite Monitoring Group and requested it to submit fortnightly reports on progress in the implementation of the Agreement to the Chairman of ECOWAS, the Chairperson of the African Union and the Secretary-General of the United Nations.

II. The Peace Process – An overview

2. The first report highlighted the significant advance in the peace process by the resumption of work of the Government of National Reconciliation. The “password” at the time was the urgent and accelerated pace of the Government to reactivate its functions, including completing work on submitting to the National Assembly all pertinent texts of legislation as envisaged under the Linas-Marcoussis Agreement.

3. The period since the reconvening of the Government of National Reconciliation continues to be marked by the debate ranging from divergent interpretations of the Accra III Agreement to views on how to secure a full measure of consensus among the political forces in its implementation. Positive signals, however, may be seen in several developments, within and outside Government, involving the President, the Prime Minister, Ministers, other political actors and the defence and security forces.

4. Much focus has been given to the proceedings of the National Assembly over the texts of legislation submitted to it. These proceedings - so far on just one text of legislation relating to the Independent Electoral Commission - have been characterised by sharp political divisions threatening to escalate into a gridlock. Whatever the looming cloud of political controversy, there is, nonetheless, a silver lining to it, which may be

discerned as the persevering momentum building up to give impetus to the peace process. The military, in the words of the heads of FANCI and the armed wing of the Forces Nouvelles have, through their renewed consultations over the DDR and other matters within the Quadripartite Commission, demonstrated their determination to end the state of belligerency between the military protagonists. This has given hope for the Chairman of the National Commission on DDR, Mr. Alain Richard Donwahi, to plead with the Ivorian political actors to follow the lead example of the military:

“May the political actors follow in your footsteps by re-examining their ambitions and re-evaluating their love for our shared country.”

III. Developments in the Peace Process

The Government of National Reconciliation

5. It is self-evident that the Prime Minister has braced himself to taking full charge of his responsibilities as leader of the Government. In discussions with him, the members of the Group did not gain the impression that the Prime Minister felt constraints with the terms of his delegated powers, despite the declaration by the G7 Marcoussistes that the ambit of these powers were still inadequate. The Prime Minister has been pursuing his working consultations with the President over the work of the Government, although the President has taken a short vacation break and has ordered a recess for the Ministers. On their return, the Ministers are under injunction to address an agenda of business which will require increasing consultations and meetings to ensure accelerated implementation of the Linas-Marcoussis and Accra III Agreements, leading to DDR, extension of State authority, reunification of the country and elections in 2005.

6. At separate meetings with the Monitoring Group, the President and the Prime Minister have called for cohesion and a sense of collective responsibility within the Government of National Reconciliation. They have undertaken measures of confidence-building within the Government. The

Prime Minister has encouraged moves to improve relations especially with the Forces Nouvelles. The President has twice met with Guillaume Soro, the Secretary General of the Forces Nouvelles, when both of them reiterated their renewed commitment to work in good faith to implement the Accra III Agreement.

7. On 14 August 2004, in the renewed surge of political goodwill among the political forces in the Government, the Prime Minister proceeded on a symbolic visit to Korhogo in the Forces Nouvelles-controlled Northern zone of the country. His visit was prepared by all the Forces Nouvelles Ministers who preceded him to arrange an appropriate reception for him. The Prime Minister's delegation included Ministers in Government from all the political forces, including the FPI. The Prime Minister's delegation was given such a rousing welcome by the population that he even announced his intention to propose to President Gbagbo to convene a meeting of the Council of Ministers at that venue. The political significance of the Prime Minister's visit must be read into the strategy of the Government to proceed gradually to extend State authority and deploy the administration of social and public services throughout the country. In that way, the population would be made to see the benefit that would accrue to them in the new scheme of things in spite of the known political reservations of certain political actors. The Prime Minister has informed the Monitoring Group that, through the mechanism of an inter-ministerial Committee, he is currently engaged in syndicating funds to launch the Government's programme of reviving public administration, educational and medical services in the Forces Nouvelles-controlled Northern and Western zones of the country. He was seeking the support of international aid and development agencies and would look forward to the support of the Impartial forces in providing safe conduct and security to the personnel, premises and properties involved in the exercise.

8. The Prime Minister is also engaged in sorting out those grievances, which the opposition parties advanced as hampering the efficient functioning of the administration. He is currently addressing the question of the close protection as well as other issues such as lodging for the Ministers from the Forces Nouvelles. In this connection, the good offices and intervention of the Monitoring Group were sought by the Forces Nouvelles. The Group has had consultations with the Prime Minister and the Force Commander of ONUCI. The Prime Minister has made it clear that the cost of the current board and lodging arrangements at the Riviera Golf Hotel for the Forces Nouvelles cannot be sustained. Over the past year, it has slipped into an

open-ended expenditure, hence the spiralling arrears in payment to the Hotel. Like all other Ministers of the Government, they will be provided suitable official accommodation with guaranteed close protection by ONUCI. These arrangements were well on course. On consultations with the Force Commander of ONUCI, he has informed the Group of the security arrangements so far put in place and yet to be completed, as recommended under the Linas-Marcoussis Agreement, for all Ministers of the Government and political forces signatories of that Agreement. There are currently, however, some deficits in the strength of the Gendarmerie for that programme. This will be reinforced with the impending presence of the Togolese platoon in the Abidjan area. Proposals have been made by ONUCI to UN Headquarters for additional budgetary and troops provisions to meet these contingent circumstances. The Prime Minister has set a deadline of some two months (September/October 2004) to resolve these matters, which go to the heart of measures aimed at guaranteeing personal security and fostering the climate of mutual trust among the political forces.

Quadripartite Commission and Cooperation among military protagonists, Impartial forces, and the DDR process.

9. In the period since the resumption of dialogue within Government, a major development in the peace process is the work of the Quadripartite Commission and its positive implications for the DDR process. At the initiative of the ONUCI Force Commander, the Heads of FANCI, the armed wing of the Forces Nouvelles (FAFN) and of LICORNE have begun two-tier weekly meetings of the Quadripartite Commission. Weekly meetings of Heads are scheduled to endorse or review recommendations made by the weekly meetings of Chiefs of Staff. The Chairman of the National Commission on DDR is invited to participate in the discussions on DDR.

10. A positive outcome of these contacts was the meeting at Raviart, on 16 August 2004, of the Quadripartite Commission with the Force Commander of ONUCI in the chair. The meeting was attended by FANCI, FAFN, ONUCI, LICORNE and the CNDDR. Significant decisions were taken to improve the general security situation conducive to the free movement of people and goods in the country. To that end, the meeting discussed various actions to be taken in the deployment and operations of various defense and security forces, as well as the preparations for the DDR. The Raviart Communiqué announced i) the dismantling of checkpoints except maintaining two checkpoints at the entry and exit of each main township in the prefectures and sub-prefectures; ii) the removal of heavy

weaponry from an agreed distance away from the zone of confidence; iii) the implementation of practical measures to prepare for the start-up of the DDR programme scheduled for 15 October 2004.

11. These consultations within the Quadripartite Commission have implications for the implementation of the DDR programme according to the time bound schedule prepared by the CNDDR and agreed under the Accra III Agreement. (A copy of the Timetable for the DDR programme is attached as enclosure 1.) So far, the Quadripartite Commission has been focusing on the first part of the timetable (1.1 to 1.4). The 4R Seminar (1.4) has just concluded in Yamoussoukro and was organised by the CNDDR from Tuesday 24 to Friday 27 August 2004. Because of the support to be provided by the Impartial forces to the DDR process, both ONUCI and LICORNE have posted liaison officers to the office of the CNDDR to maintain continuing contacts, consultations and coordination of the relevant operations envisaged under the programme.

The National Assembly and the passage of relevant texts of legislation

12. At the request of the Head of State, the National Assembly has been called into extraordinary session from 11 August to 30 September 2004. The Monitoring Group has undertaken a survey to assess the status of the implementation of the pertinent texts of legislation and decrees envisaged under the Linas-Marcoussis and Accra III Agreements. The Group proceeded on drawing up a chart outlining the status of these various legislations. A copy of this chart is attached as enclosure 2. The National Assembly has drawn up its calendar of proceedings on these texts which is reproduced as enclosure 3 to this report. It will be seen that although the Accra III Agreement in its paragraph 8 envisaged the deadline of end of August 2004 for the adoption of these legislative texts, it does not appear possible to meet this deadline for the simple reason that the extraordinary session of the National Assembly began in the second week of August and will not complete its work before 30 September 2004.

13. In the period under review in this report, the National Assembly has embarked on debating the remaining list of texts of legislation which have been prepared and submitted by the Government. The full list of some sixteen (16) texts of legislation and six (6) decrees figure in the chart under enclosure 2. It is worthy of note that the text on the amendment to Article 35 of the Constitution (eligibility criteria) has as yet not been submitted to the National Assembly although it has been adopted by the Government. This is

because that issue remains a source of political speculation over what the Head of State plans to do in accordance with Paragraph 6 of the Accra III Agreement, which envisages that "the President of the Republic shall use the powers conferred upon him by the Constitution to implement by the end of September 2004 the provisions on eligibility of the Programme of the Government of National Reconciliation annexed to the Linas-Marcoussis Agreement".

14. The Monitoring Group has been following the proceedings of the National Assembly in the last fortnight, which have focused mainly on the composition of the Independent Electoral Commission. There have been sharp divisions among the FPI parliamentary caucus on the one hand, and the PDCI, UDPCI and Solidarity caucuses on the other. The controversy is over the quota of representation on the Commission proposed by the Government to achieve parity of representation of all the ten political forces signatories of the Linas-Marcoussis Agreement. The Government's proposal of two representations per political force is in response to the Linas-Marcoussis Agreement (section II paragraph 2.b of its Annex), which calls "for achieving a better representation of the parties taking part in the Round Table within the central committee of the Independent Electoral Commission, including its Officers". In the view of the FPI, granting the three constituent movements of the Forces Nouvelles six places on the Commission would lead to an unfortunate imbalance in the representation in favour of the Forces Nouvelles. They, therefore, suggest that they should be given jointly two places as one movement. The other parliamentary caucuses would want to negotiate an agreed formula for the representation of all the relevant political forces. The debate has flared up into a major controversy, which led the opposition parliamentary caucuses to stage a walk-out in protest at the move by the FPI to proceed to a vote on the question. President Gbagbo has exercised his prerogative to stay the motion for a vote pending asking for leave to enable the Government to address the stalemate.

15. The current gridlock in the National Assembly does not augur well for some of the remaining texts of legislation yet to be considered by the Assembly, which are likely to face sharp divisions in the proceedings. Furthermore, it is expected that the National Assembly should complete the passage of "all legal reforms envisaged under the Linas-Marcoussis Agreement in accordance with its letter and spirit" at the latest by the end of September 2004. The spectre of controversy, which might well attend the National Assembly's consideration of any solution to the amendment of Article 35 of the Constitution, has already begun to haunt the imagination.

Nonetheless, judging from the overall mood of the National Assembly, there appears to be building up a momentum to advance the peace process.

16. The Monitoring Group plans to enter into consultations with the parliamentary groups to explore possibilities of encouraging them to adopt a posture which would seek to put the urgency of the national peace process above partisan considerations. In this task, the Monitoring Group would coordinate the use of its good offices with those of the larger Monitoring Committee established under the Linas-Marcoussis Agreement.

IV. Conclusion

17. The overall political atmosphere in Côte d'Ivoire continues to reflect attempts by various political actors to measure what partisan gains there are for themselves in the peace process. This posture could lead to a revival of political vindications and animosities which could erode the full and unconditional commitment to the Accra III Agreement. The international community must be conscious of this trend and must use its good offices to persuade all political actors to place the national interest above partisan advantage, as was repeatedly emphasised at the Accra III Summit. In furtherance of such a move, it is advised that the Chairpersons of ECOWAS, of the African Union and the Secretary-General of the United Nations concert with other moral guarantors of the Accra III Agreement to maintain personal contacts with the major political leaders, President Laurent Gbagbo (FPI), Mr. Henri Konan Bedie (PDCI), Mr. Alassane Ouattara (RDR) and Mr. Guillaume Soro (Forces Nouvelles) in order to encourage them to stay the course of the road map to peace and national reconciliation.

On behalf of the Group,
(Signed) **Raph Uwechue**
(Chairman)

Enclosure 1

[Original: English and French]

Timetable for the DDR Programme

- 1. August 2004:**
 - 1.1 Resumption of quadripartite meetings/CTO (Cellule Technique Opérationnelle – *Technical Operations Unit*)
 - 1.2 Clarification on the status of the 4000 recruits enlisted after 19 September 2002
 - 1.3 Survey of the expectations of former combatants
 - 1.4 4R Seminar (Reintegration, Reconstruction, Rehabilitation and Reinstallation) leading to delineation of road map (last week)
- 2. September – October 2004:**
 - 2.1 Rehabilitation of all the remaining DDR^a zones
 - 6 zones phase 1 (East, Centre and West)
 - 3 zones phase 2 (South and North)
 - 2.2 Recruitment and training of personnel from UNDP, UNHCR, SITEL, CNDDR, ONUCI and security forces
 - 2.3 Availability of necessary funds for DD and the safety net
 - 2.4 Awareness campaign
 - 2.5 Identification of means of transportation for combatants from cantonment sites to DDR zones
 - 2.6 Identification and/or confirmation of cantonment sites
 - 2.7 Survey of opportunities for reintegration in DDR zones
 - 2.8 GTZ Agreement (German cooperation through UNDP) for the development of projects aimed at reintegrating 4000 youngsters in the West (2500 in areas controlled by the FN and 1500 in areas under Government control (armed militias))
- 3. October 2004:**
 - 3.1 Setting up of a Committee for demobilization, comprising signatories of the JOP (Joint Operations Plan)
 - 3.2 Start of cantonment of troops on 15 October 2004
- 4. November 2004:**
 - 4.1 Beginning of phase 1 of disarmament
- 5. December 2004:**
 - 5.1 Beginning of phase 2 of disarmament
 - 5.2 End of disarmament operations by 31 December 2004

^a NB : - There are 17 cantonment sites and 11 DDR zones
 - Two (2) DDR zones are already rehabilitated (Bouake and Yamoussoukro)
 - Handling capacity of former combatants is 300 men/day/site

**Synoptic table: status of progress of legislative texts envisaged under the
Linas-Marcoussis Agreement**

A. Legislation

Legislation	Adopted by the Government	Submitted to the National Assembly	Adopted in Committee of Assembly	Passed by the National Assembly	Promulgated
1) Legislation on the amendment to Article 35 of the Constitution	Yes	No	No	No	No
2) Legislation on the Ivorian Nationality Code as amended by Law No 72-852 of 21 December 1972	Yes	Yes ^a	No	No	No
3) Legislation on the Land tenure regime	Yes	Yes	Yes	Yes	No
4) Legislation on the National Human Rights Commission	Yes	Yes	Yes	Yes	
5) Legislation relating to the disclosure of the personal assets of the Head of State	Yes	Yes	Yes	Yes	No
6) Legislation on the public funding of political parties and electoral campaigns	Yes	Yes	No	No	No
7) Legislation authorising the President of the Republic to ratify the additional protocol A/SP1/6/89 amending and completing the provisions of article VII of the protocol, signed in Ouagadougou on 30 June 1989, concerning the free circulation of persons, the right of residence and settlement.	Yes	Yes	Yes	Yes	No

^a The President of the Republic has, by letter, requested the National Assembly to temporarily remove from its agenda the draft text of legislation on the Nationality Code.

Legislation	Adopted by the Government	Submitted to the National Assembly	Adopted in Committee of Assembly	Passed by the National Assembly	Promulgated
8) Legislation authorising the President of the Republic to ratify the additional protocol A/SP2/5/90 relating to the implementation of the third step (right of settlement) of the protocol concerning the free circulation of persons, the right of residence and settlement, signed in Banjul on 29 May 1990	Yes	Yes	Yes	No	No
9) Legislation on Amnesty	Yes	Yes	Yes	Yes	Yes
10) Legislation on Identification and Residence of foreign nationals	Yes	Yes	Yes	Yes	No
11) Legislation on the establishment, organization and functions of the Independent Electoral Commission	Yes	Yes	No	No	No
12) Legislation on the regime governing the Radio and Television media	No	No	No	No	No
13) Legislation on the regime governing the Press	No	No	No	No	No
14) Legislation on the Status of the opposition parties	No	No	No	No	No
15) Legislation on the disclosure of the personal assets of political leaders	No	No	No	No	No
16) Legislation on illegal personal enrichment	No	No	No	No	No

Draft decree		Adopted by the Government
1) Decree on the establishment, organisation, functions of the National Identification Commission	Yes on 6 January 2004	
2) Decree on the acquisition and format of the National identity card	Yes on 7 January 2004	
3) Decree relating to the amendment of the decree on the establishment of the National Identification Office	Yes in January 2004	
4) Decree relating to the appointment of the Chairman of the National Identification Commission	Yes on 29 January 2004	
5) Decree relating to the appointment of the Secretary-General of the National Identification Commission	Yes on 29 January 2004	
6) Decree relating to the establishment of the Inter-ministerial Commission on the Media and its technical Secretariat	Yes on 19 August 2003	

Enclosure 3

[Original: English and French]

Extraordinary session of the National Assembly from 11 August to 30 September 2004: major texts to be considered

- 1. Legislation modifying the Independent Electoral Commission**
 - a. Wednesday, 18 and Thursday, 19 August: Committee session
 - b. Wednesday, 1 September: adoption of the report of the Committee
 - c. Tuesday, 7 September: plenary session to adopt legislation
- 2. Legislation relating to the public funding of political parties**
 - a. Friday, 20 August: Committee session
 - b. Wednesday, 1 September: adoption of the report of the Committee
 - c. Tuesday, 7 September: plenary session to adopt legislation
- 3. Legislation on the Ivorian Nationality Code**
 - a. Monday, 23 and Tuesday, 24 August: Committee session
 - b. Wednesday, 1 September: adoption of the report of the Committee
 - c. Wednesday, 8 September: plenary session to adopt legislation
- 4. Legislation on illegal personal enrichment**
 - a. Monday, 13 and Tuesday, 14 September: Committee session
 - b. Wednesday, 22 September: adoption of the report of the Committee
 - c. Monday, 27 September: plenary session to adopt legislation
- 5. Legislation on regime governing radio and television media**
 - a. Wednesday, 15 to Friday, 17 September: Committee session
 - b. Wednesday, 22 September: adoption of the report of the Committee
 - c. Tuesday, 28 September: plenary session to adopt legislation
- 6. Draft legislation on regime governing the Press**
 - a. Wednesday, 15 to Friday, 17 September: Committee session
 - b. Wednesday, 22 September: adoption of the report of the Committee
 - c. Tuesday, 28 September: plenary session to adopt legislation

