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لجنة حقوق الإنسان
الدورة الحادية والستون
البند ٦ من جدول الأعمال المؤقت

العنصرية والتمييز العنصري وكره الأجانب وجميع أشكال التمييز

تقرير السيد دودو دين، المقرر الخاص المعني بالأشكال المعاصرة للعنصرية
والتمييز العنصري وكره الأجانب وما يتصل بذلك من تعصب

إضافة

البعثة التي أوفدت إلى كوت ديفوار*

* يعمم موجز هذا التقرير بجميع اللغات الرسمية. ويرد نص التقرير نفسه، المرفق بهذه الوثيقة، باللغتين الإنكليزية والفرنسية.

موجز

أُوفد المقرر الخاص المعني بالأشكال المعاصرة للعنصرية والتمييز العنصري وكره الأجانب وما يتصل بذلك من تعصب ببعثة إلى كوت ديفوار في الفترة من ٩ إلى ٢١ شباط/فبراير ٢٠٠٤. واستهدفت هذه البعثة محاولة تقييم الأهمية الموضوعية للعامل العرقي في الأزمة الإيفوارية، وجرت في إطار الدعم الذي تود منظمة الأمم المتحدة تقديمه لتسوية الأزمة التي ما برحت تواجهها كوت ديفوار منذ بضع سنوات.

وخلص المقرر الخاص إثر اختتام زيارته إلى أن كره الأجانب ليس من الأعراف الدارجة في كوت ديفوار، بل إن مجتمعتها نجح في إيجاد تعددية عرقية متأصلة قائمة على المساواة والتعايش، وعلى أساس القيم والآليات والممارسات المشتركة بين الثقافات التي طوّرت على مر الزمن بمجهود كافة الفئات الجماعات التي جمعت بينها على أرضه عوامل الهجرة والعلاقات الأسرية والثقافية والاقتصادية. وعلى وجه الخصوص، أحاط المقرر الخاص علماً مع الاهتمام، بعدد الأسر المتعددة الأعراق المنحدرة من زيجات مختلطة في كوت ديفوار، ويؤكد هذا، في جملة عناصر أخرى، متانة التواصل العرقي.

غير أن المقرر الخاص يرى أن المجتمع الإيفواري ينطوي على ما يشكل في نظره خاصية مشتركة بين كافة المجتمعات المتعددة الأعراق، ألا وهو وجود توتر عرقي وثقافي دائم وغير ملموس، يمكن أن يتحول إلى تعايش أو أن يكون مصدر نزاع، تبعاً للسياق السياسي والإيديولوجي والاقتصادي، بل وأيضاً، وفي التحليل النهائي، تبعاً للنظرة الأخلاقية وممارسات الزعماء السياسيين. وفي ظل هذه التوترات العرقية، خلص المقرر الخاص إلى أن كوت ديفوار، في سياق الأزمة الحالية، قد تورطت تورطاً خطيراً في ظاهرة كره الأجانب.

وحدّد المقرر الخاص المؤشرين التاليين لهذه الظاهرة، وهما: استغلال العامل العرقي سياسياً وإيديولوجياً، والانغلاق القائم على أساس الهوية العرقية والناجم عن العنف السياسي السائد حالياً والمتمثل في الخلط بين الجوانب العرقية والثقافية والدينية وفي إضفاء طابع عرقي متحامل على العلامات والرموز وعلى مظاهر التنوع الثقافي.

ونظراً إلى مدى الانشقاق الحاصل في نسيج العلاقات فيما بين الأعراق وإلى ما يستتبعه من انغلاق قائم على أساس الهوية، وإلى أثر ذلك في الأزمة السياسية التي تشهدها كوت ديفوار، قدم المقرر الخاص عدداً من التوصيات في هذا الشأن، من بينها ما يلي:

- أن تقوم السلطات على أرفع المستويات بإصدار بيان واضح يُذكر بما لقيم التسامح والتعايش والتواصل من أهمية في بناء مجتمع متعدد الأعراق والثقافات والأديان بمشاركة الجميع في كوت ديفوار، مع تأكيد العزم على عكس اتجاه ظاهرة كره الأجانب بجميع مظاهرها، بدءاً بالقمع المنهجي لكافة أعمال العنف التي تنم عن كره معلن للأجانب، ومع إيلاء أولوية عليا لإعادة

توطيد العلاقات بين مختلف الأعراق. وينبغي أن يشترك زعماء الأحزاب الرئيسية مع زعماء القوى السياسية لحكومة الائتلاف في إصدار هذا البيان؛

- وضع استراتيجية لإقامة حوار فيما بين الطوائف بناءً على تقييم دقيق لأسباب الانشقاق العرقي ومظاهره، وبإشراك كافة الطوائف على جميع مستويات المجتمع. وينبغي إرساء بنية وطنية ودائمة لإقامة حوار بين الأديان ويتم التفاوض فيه مع الطوائف المحلية باعتبارها مستقلة عن السلطة السياسية وبصرف النظر عما يخصصه لها البرلمان من موارد؛

- وبغية القضاء على ظاهرة الإفلات من العقاب التي أسفرت عنها الأزمة الحالية في البلد، وبغية إعادة ترسيخ سيادة القانون، يجب على الحكومة والقوى الجديدة، في المناطق الخاضعة لسيطرتها، أن تولي أولوية كبيرة لملاحقة المسؤولين عن أعمال العنف التي تنم عن كره الأجانب، والمسؤولين عن انتهاكات حقوق الإنسان والقانون الإنساني وإحضارهم أمام المحاكم.

Annex

**REPORT OF THE SPECIAL RAPPORTEUR ON CONTEMPORARY
FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE, MR. DOUDOU DIÈNE, ON HIS
MISSION TO CÔTE D'IVOIRE FROM 9 TO 21 FEBRUARY 2004**

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Introduction

1. Pursuant to the mandate entrusted to him by the Commission on Human Rights in its resolution 2002/39, of 23 April 2002, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance conducted a mission in Côte d'Ivoire from 9 to 21 February 2004. Organized following reports of a rising tide of xenophobia in Côte d'Ivoire, this mission attempted to make an objective assessment of the role of ethnic factors in the Ivorian crisis, and fell within the context of the support the United Nations wishes to provide to efforts to resolve the crisis that has gripped Côte d'Ivoire for several years.

2. The Special Rapporteur's visit benefited from excellent practical and logistical arrangements thanks to full cooperation by the Ivorian authorities at the national and provincial levels, and to exceptional professional back-up, provided by the Special Representative of the Secretary-General and by the United Nations Mission in Côte d'Ivoire (MINUCI), notably its Human Rights Office. The openness and active cooperation of the principal political and civil society actors in the crisis were prerequisites for the credibility and objectivity of his visit.

3. During his mission, the Special Rapporteur sought to give a hearing to all the stakeholders so as to gather their views on the true role of ethnic factors in the crisis, their manifestations and the possible solutions. In this spirit, the Special Rapporteur met the country's highest officials, and in particular President Laurent Gbagbo, as well as Mr. Laurent Dona Fologo, President of the Economic and Social Council, the Prime Minister's Cabinet Director and principal colleagues, the Vice-President and several members of the National Assembly, and the President of the Independent Electoral Commission. He also met members of the Government, including the Minister for Foreign Affairs, the Minister of Justice, the Minister for National Reconciliation, the Minister for African Integration, the Minister for Internal Security and Decentralization, and the Minister of Human Rights. Wishing his visit to be seen as a contribution to the search for a lasting solution to the crisis in Côte d'Ivoire, the Special Rapporteur integrated his visit in the democratic process under way by meeting with the country's main political groups: the Ivorian Popular Front (FPI), the Forces Nouvelles, the Rassemblement des républicains (Rally of the Republicans) (RDR), the Democratic Party of Côte d'Ivoire (PDCI-RDA), the Union for Democracy and Peace in Côte d'Ivoire (UDPCI), and the Ivorian Workers' Party (PIT). He also met representatives of civil society, human rights defenders, diplomatic missions including those of Burkina Faso, Mali, South Africa, Senegal, France, the United States and the European Union, and of international and regional organizations, including United Nations agencies, the special representative of the Economic Community of West African States (ECOWAS) and the special representative of the International Organisation of la Francophonie. Given the influence of the media in situations of ethnic tension, and particularly its influence on the images, perceptions and sensibilities of the communities involved, the Special Rapporteur felt he should also meet media representatives, and in particular the new head of Radio-Télévision Ivoirienne. Lastly, his visit would not have been complete had he not met representatives of the communities themselves. In order to obtain the fullest possible understanding of the reality of Ivorian society, the Special Rapporteur travelled to the interior to meet local actors such as traditional chiefs and religious leaders, but above all to meet the victims. He therefore visited Ivorian and foreign victims in their homes - many of them of a highly makeshift nature - in the course of his tour of the provinces. As well as the economic capital, Abidjan, the Special Rapporteur also went to the political capital, Yamoussoukro, and Bouaké, Duékoué, Gagnoa and Guiglo. In view of the importance of the military dimension of the situation, the Special Rapporteur was pleased to be able to meet Brigadier General Abdoul Hafiz, of MINUCI, General Doué Mathias, Chief of Staff of the Ivorian Armed Forces (FANCI), and his staff, and the commanding officer of the French forces of Licorne, General Juana.

4. A preliminary note on the Special Rapporteur's visit (E/CN.4/2004/18/Add.4) was submitted to the Commission on Human Rights at its sixtieth session, pending finalization of this report.

I. GENERAL OVERVIEW

A. Ethno-demographic data

(1) Côte d'Ivoire covers an area of 322,462 square kilometres and has an estimated population of 15.9 million. This is a State with a highly diverse population, comprising 66 ethnic groups, which can be classified into 4 major groups: the Akan (42.1 per cent), the Mande (26.5 per cent), the Gur (17.6 per cent) and the Krou (11 per cent). There is also a high level of immigration, with government estimates putting the foreign population - originating chiefly in the neighbouring countries of Burkina Faso, Mali, Guinea, Ghana and Liberia - at more than 3 million in 1988, or nearly 26 per cent of the total population.¹ Côte d'Ivoire is West Africa's leading country for immigration and its pivotal economic position, its ethnic and cultural diversity and its tradition of immigration make it a veritable microcosm of the region. This key factor cannot be overlooked either in the assessment of the ethnic dimension of the crisis, or in the search for a lasting solution.

B. Historical and political background

6. From 1960, when it gained independence, until 1990, Côte d'Ivoire had a one-party presidential system. As President of the National Assembly, Henri Konan Bédié succeeded the country's first President, Félix Houphouët-Boigny, upon the latter's death in 1993, in accordance with the Constitution but in a political context marked by a power struggle that pitted him against Prime Minister Alassane Dramane Ouattara. President Bédié won the 1995 presidential elections, which were boycotted by some of the opposition parties, but was subsequently ousted in 1999 by a military coup that brought General Robert Guéi to power. In October 2000, Laurent Gbagbo assumed the Presidency following elections in which two of the biggest parties did not take part, and in a climate of extreme violence. In October 2001, the President organized a forum for national reconciliation to address the issues that had polarized the Ivorian people, including the questions of nationality and land ownership.

7. The current crisis erupted on 19 September 2002, with simultaneous attacks on military installations in Abidjan, Bouaké and Korhogo, a military operation that was viewed as an attempted coup d'état supported by foreign elements and countries and which led to widespread harassment and xenophobic violence against people considered to be "foreigners". According to reports, some 20,000 people were made homeless in Abidjan following the destruction of dwellings, settlements and shanty towns housing many immigrant workers from neighbouring countries.

8. After several attempts at mediation, notably by the Economic Community of West African States (ECOWAS), a ceasefire was agreed to permit negotiations to take place. A round table held at Linas-Marcoussis, under French auspices, culminated in the signing of the Linas-Marcoussis Agreement on 23 January 2003. The Agreement provides for the establishment of a government of national reconciliation and includes an annex containing a programme for dealing with the issues at the root of the crisis, namely the question of citizenship, eligibility to the Presidency, the incitement to hatred and xenophobia by the media, voter registration, the independence of the justice system with respect to electoral disputes and the implementation of a new land tenure regime. A committee was also set up to monitor the implementation of the Agreement.

C. Economic situation

9. For the first 20 years following independence, Côte d'Ivoire enjoyed steady economic growth. However, the collapse of world markets in its major export commodities, most notably cocoa, triggered an economic crisis in the 1980s.

10. According to the information gathered by the Special Rapporteur, the conflict in Côte d'Ivoire deeply undermined the economic growth observed in the first three quarters of 2002. The agricultural sector, the mainstay of the country's economy, was particularly hard hit by the crisis. Prices also rose sharply in areas under the control of the rebel movements.

11. The regional dimension of the crisis has also been apparent in the economic sphere: the political upheaval had direct and immediate repercussions on the economies of all the West African countries, since Côte d'Ivoire accounts for 40 per cent of the gross domestic product of the West African Economic and Monetary Union (WAEMU). Hardest hit have been Burkina Faso and Mali, between 70 and 80 per cent of whose external trade in the region is carried out with or via Côte d'Ivoire. In addition, the crisis has prompted large numbers of workers from these countries to return home, which has had a significant impact on the movement of people and goods, as well as on monetary flows.

D. Human rights background

1. Legislative framework

12. The 2 August 2002 Constitution gives great prominence to the protection of human rights and public freedoms. The preamble recognizes Côte d'Ivoire's ethnic, cultural and religious diversity and proclaims the Ivorian people "persuaded that unity with respect for diversity will ensure economic progress and social well-being". The principle of the equality of persons is established in article 2 of the Constitution.

13. Under article 87 of the Constitution, international treaties or agreements take precedence over domestic law. Under article 86, in the event of a conflict between a provision of international law and the Constitution, the Constitution must be revised before the agreement in question can be ratified.

14. Côte d'Ivoire has ratified the main international human rights conventions, namely the International Covenant on Civil and Political Rights (1992), the International Covenant on Economic, Social and Cultural Rights (1992), the African Charter on Human and Peoples' Rights (1992), the International Convention on the Elimination of All Forms of Racial Discrimination (1973), the Convention on the Elimination of All Forms of Discrimination against Women (1995), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987), and the Convention on the Rights of the Child (1991). Côte d'Ivoire has signed but not yet ratified the Rome Statute of the International Criminal Court. At the regional level, it has ratified the African Charter on Human and Peoples' Rights and signed the statute establishing the African Court of Human and Peoples' Rights.

15. As to Côte d'Ivoire's obligations towards the bodies responsible for monitoring implementation of the conventions it has ratified, it is required to submit reports to the Committee against Torture, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child (second periodic report). Côte d'Ivoire submitted a report to the Committee on the Elimination of Racial Discrimination in 2002.

16. Although Côte d'Ivoire hosts more immigrants than any other country in the subregion, it has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

2. Situation of human rights: observations and allegations

17. Since the beginning of the crisis, Côte d'Ivoire has found itself in a highly unstable situation characterized by insecurity and violence, one which not only clearly holds back progress in the peace process but also has a major impact on the enjoyment of human rights in the country. According to reports, hundreds of people were killed in the hostilities that broke out in September 2002 and several have allegedly died since the end of the war, in some cases as a result of the inter-ethnic violence that has affected a number of regions, including the west of the country. According to some estimates mentioned in the report on the fact-finding mission headed by the Deputy High Commissioner for Human Rights, for example, between 1,000 and 2,000 people were killed in the conflict, the majority of them as a result of summary executions carried out by all sides in the conflict.² By way of illustration, in November 2003, several ethnic clashes near the town of Duékoué resulted in the deaths of an unconfirmed number of civilians.³ There are also reports that, since December 2002, some of the local populace have fled following a series of attacks in the region around Bangolo, Guiglo, Toulépleu and Bloléquin.

18. From the information provided to the Special Rapporteur by various actors and observers, including MINUCI and members of civil society, it is clear that many serious human rights violations continue to be committed in Côte d'Ivoire. There are many reports of harassment, summary and arbitrary executions, arbitrary arrests and detentions, torture, unlawful house searches and extortion.⁴ In the Government-controlled zone, the great majority of the victims of these violations are allegedly from the north or from neighbouring countries such as Burkina Faso. The Special Rapporteur was also told that urban militias and armed gangs attack and harass civilian groups whom they perceive to be close to the opposition parties, particularly in the capital; and that human rights defenders are also regularly subjected to harassment and persecution when they attempt to speak out in public on human rights violations around the country.

19. In the area of the administration of justice, the Special Rapporteur has received disturbing information. It would appear that judicial mechanisms in the zones occupied by the Forces Nouvelles have ceased to function. There are also regrettable shortcomings in the government-controlled zone. The Special Rapporteur was told that, in some regions, including Daloa, no assize court has sat for a year. There is no judicial system at all in the "zone of confidence", controlled by ECOWAS forces and Licorne. This situation fosters the climate of impunity reported by various sources, which is held to be at least partly responsible for the continuing cycle of violence and human rights violations.

20. In addition, the proliferation of weapons, armed groups and militias represents, in the Special Rapporteur's view, a real threat to the safety of persons and property and has the direct effect of militarizing Ivorian society as a whole and weakening its control mechanisms. According to reports, militias such as the Jeunes patriotes (Young Patriots), who are generally seen as pro-Government, are responsible for numerous violations, including harassment of journalists they see as close to the opposition parties. They also apparently destroy retailers' stocks of newspapers judged to be too close to the Forces Nouvelles.⁵

21. After the Special Rapporteur's visit, these reports and allegations of xenophobic violence were given substance by the violence that broke out following a march organized on 25 March 2004 by seven parties belonging to the Government of National Reconciliation, to protest against the obstacles preventing the Government from working and to urge the full and unhindered implementation of the Linas-Marcoussis Agreement. The Special Rapporteur notes in

particular that the report of the Commission of Inquiry on the events connected with the march planned for 25 March 2004 in Abidjan states that certain communities were specially targeted, including those from the north of the country or from neighbouring countries (notably Burkina Faso, Mali and Niger) who were subjected to major violations of human rights, including summary and extrajudicial execution, torture, arbitrary detention and disappearance.⁶

II. ACTION BY THE GOVERNMENT

A. The question of recognition of the existence of discrimination

22. In any society, the sine qua non for the success of credible efforts to combat xenophobia in all its forms is the objective recognition of its existence. In the case of Côte d'Ivoire, the Special Rapporteur observed a certain ambivalence on this issue on the part of the public authorities. On the one hand, the Special Rapporteur found in these meetings a more or less explicit acknowledgement that certain actions may have xenophobic implications, but these were described by some as apparently unavoidable "side effects of coexistence". Yet there was also a real reluctance, if not a refusal, on the part of the representatives of many administrations to admit that there is in fact a xenophobic tendency within Ivorian society. The Special Rapporteur believes that what he witnessed was the difficult transition between the dawning awareness of the xenophobic nature of much of the political violence and an overt admission explicitly acknowledging it. This ambivalence can also be seen in the fact that the same officials, for all their reluctance, nevertheless gave a detailed description of the measures taken by the Government in general and by their own departments in particular to react to these events by combating discrimination and xenophobia.

B. Measures taken by the Government

23. It is clear from the various meetings the Special Rapporteur had with official representatives that the Government has taken a number of steps to ensure greater enjoyment of human rights around the country and in particular to improve relations between the various communities living in Côte d'Ivoire.

24. The creation of a Ministry of Human Rights to draw up government policy on the protection of human rights and monitor its implementation is an important initiative by the Government. The Special Rapporteur had a working meeting with the Minister of Human Rights and several of her colleagues, at which the Minister provided various documents setting forth the Government's position on the issue of discrimination and xenophobia in Côte d'Ivoire. She drew attention to the symbolic significance of the creation of the Ministry, although she noted with regret the inadequacy of its resources. The Ministry has adopted various measures and introduced a number of mechanisms for verifying allegations of human rights violations, establishing a dialogue with the population at large and seeking solutions. The Special Rapporteur was told, for example, of a telephone hotline that had been set up for use by anyone who might have suffered or witnessed a human rights violation. The Special Rapporteur's visit also coincided with the Minister's presentation to the Council of Ministers of a bill on the creation of a human rights commission, as provided for in the Linas-Marcoussis Agreement. The Council of Ministers has approved the bill, which must now be submitted to the National Assembly. The Minister also mentioned that she had begun discussions with the Council of Ministers on the establishment of an inter-ministerial mechanism that would take regular soundings of the inter-ethnic situation and coordinate the work of the various governmental actors. However, no decision has yet been taken.

25. The creation of a Ministry of National Reconciliation was described by the Government as sending an important political signal in the present context in Côte d'Ivoire. The Special Rapporteur had the opportunity to meet the Minister for National Reconciliation during his visit, and was informed that a

matrix has been drawn up showing the grievances of the communities and the ways in which they would like them to be resolved. The Minister also mentioned that a seminar on compromise had been held recently. Local reconciliation committees have also been set up to gather the views and comments of minority communities to inform the Government's decision-making process.

26. According to information provided to the Special Rapporteur by the Minister for African Integration, the Council of Ministers has approved the establishment of a decentralized system of committees to receive allegations of violations against nationals of countries of the subregion.

27. The Minister for Foreign Affairs has organized a series of training seminars for the forces of law and order, on the question of minorities. A programme for the restructuring of the relevant authorities is also envisaged.

III. ALLEGATIONS

28. In the course of his visit, the Special Rapporteur received reports of violations of the right to life, arbitrary detentions and arrests, enforced disappearances, torture and inhuman or degrading treatment, violations of the freedom of expression and of movement, and attacks on property. By way of illustration, the Special Rapporteur reproduces below selected allegations which relate to his mandate.

Violations of the right to life

29. The Special Rapporteur received various allegations of summary executions being carried out by members of the forces of law and order, individual members of militias or armed groups or others with no obvious affiliation, with no reaction on the part of the forces of law and order. Allegations of summary executions by members of the Forces Nouvelles were also transmitted to the Special Rapporteur. In Man, for example, when the town was taken by two rebel groups, the Ivorian Popular Movement of the Great West (MPIGO) and the Movement for Justice and Peace (MJP), in November 2002, a number of gendarmes were reportedly pursued and killed. When the town was retaken by the national army on 1 December, the soldiers reportedly arrested dozens of people, who subsequently disappeared.

30. On 7 October 2002, a young man in Bouaké was allegedly stopped by a group of youths on his way home and burned alive because he belonged to the Dioula ethnic group.

31. In October 2003, gendarmes came to the cemetery in Williamsville after a funeral, looking for some people. They allegedly ordered four northerners who were praying over the grave of a family member to lie down on the ground. They then apparently opened fire, killing two of them. One of the assailants has reportedly been identified as Commander Seka, who is now a presidential aide-de-camp.

32. On 5 May 2003, a girl was allegedly killed in Yamoussoukro after having been beaten and raped by members of the forces of law and order, for carrying a photograph of a rebel around with her.

Torture and inhuman or degrading treatment

33. The Special Rapporteur received several allegations of torture and ill-treatment on the part of both loyalist and rebel forces. A young man reported that he had been stopped on the Yamoussoukro-Didiévi Road on 23 October 2002. The gendarmes asked to see his papers and accused him of being an assailant. He was allegedly hit with a Kalashnikov and his collarbone broken. He was then held until 27 October, denied food and water during his detention, and tortured.

Violations of the freedom of movement

34. The majority of the allegations received by the Special Rapporteur concern violations of the freedom of movement. Representatives of civil society, members of the Forces Nouvelles and members of the Government have all attested to the proliferation of checkpoints, including in Abidjan. These checkpoints are allegedly the scene of numerous abuses, particularly extortion. According to information received, a great many of the violations are committed by the government defence and security forces against northerners or people judged to be northerners. Cases of rape have also been reported.

Violations of the freedom of expression

35. Although the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression had visited Côte d'Ivoire shortly before this Special Rapporteur (from 28 January to 5 February 2004) and has addressed this issue in more detail, this Special Rapporteur also received many allegations of violations of the freedom of expression. These came primarily from the NGOs he met, but journalists also reported violent attacks on them.

36. It emerged from these interviews that journalists in Côte d'Ivoire, and particularly those close to the opposition parties, are subjected to violence and severe pressure. On 9 September 2002, for example, uniformed police allegedly raided the offices of the Mayama press group in Abidjan, ransacking the premises, throwing tear gas canisters and leaving four people slightly injured. On 17 October 2002, the offices of Radio-Nostalgie were also ransacked.

IV. ANALYSIS AND ASSESSMENT OF THE ROLE OF ETHNIC FACTORS IN THE IVORIAN CRISIS

37. At the end of his visit, the Special Rapporteur concluded that Côte d'Ivoire has no tradition of xenophobia and that Ivorian society has developed a deep-rooted multi-ethnicity, a peaceful coexistence, based on intercultural values, mechanisms and practices forged over many years by all the communities circumstance has thrown together, whether through migration, family and cultural ties, or economics. This basic premise is borne out by the closeness of the inter-ethnic weave, as reflected in the large number of multi-ethnic families that have sprung from its mixed marriages, the rich fabric of its cultural and spiritual interaction, the mobility of the country's various ethnic groups and - an indisputable indicator of a culture of tolerance - the large number of foreigners in the country. All observers agree that mono-ethnic families constitute a minority of the Ivorian population. The Special Rapporteur was also interested to note that refugees in Côte d'Ivoire are usually taken in by host families, which facilitates their social integration. Before the outbreak of the current crisis, with political and ethnic violence flaring up in several neighbouring countries, Côte d'Ivoire hosted more refugees than any other country in the region.

38. Yet for all that, the Special Rapporteur feels Ivorian society is marked by something he believes is characteristic of all multi-ethnic societies, namely an undercurrent of ongoing ethnic and cultural tension, which can be transformed into conflict or coexistence depending on the political, ideological or economic context, but ultimately also depending on the moral outlook and practices of their leaders. Against this background of ethnic tension, then, the Special Rapporteur observed that, in the context of the current crisis, Côte d'Ivoire is deep in the throes of a dynamic of xenophobia.

39. The Special Rapporteur sees this dynamic of xenophobia as stemming from a concatenation of several factors which, if a thorough analysis is not carried out and proper solutions are not found urgently, may lead to the emergence of real xenophobia, that is, a system in which ethnic hostility

conditions one person's perception of another, moulds the deep structure of community identities, dictates individual behaviours, shapes social, economic and political relations and finds formal expression in laws and institutions. While such a system does not yet exist in Côte d'Ivoire, it is a looming threat, to be averted at all costs.

40. The Special Rapporteur has identified the following manifestations of this dynamic: the political and ideological manipulation of ethnic factors; and a gradual withdrawal into ethnic identities as a result of the current political violence, which is reflected in a conflation of ethnicity, culture and religion, and an aggressive ethnicization of signs and symbols, and of the expressions of cultural diversity.

A. Manipulation of ethnic factors for political and ideological purposes

41. Ethnic factors in Ivorian society have for many years - and increasingly - been subject to political manipulation. In Côte d'Ivoire as elsewhere in Africa, the colonial Power frequently exploited ethnic differences to divide and rule, or else, using anthropology and ethnology, ethnicized groups and communities whose relationships had been regulated by traditional values and cultural practices for jointly dealing with ethnic tensions. Economic imperatives such as labour-force mobility did not respond to any desire to promote a genuine, interactive coexistence that might have fostered a national consciousness as opposed to the colonial policy of assimilation. Later, President Houphouët-Boigny found the implicit tensions within Ivorian society relatively manageable and was able to maintain a generally quiescent inter-ethnic coexistence. However, his approach to ethnic tensions, a mix of traditionalist pragmatism, political opportunism and the use of corruption and repression, within a non-democratic, one-party system, did nothing to neutralize the threat of conflict those tensions posed in any deep or lasting way. During his reign, Côte d'Ivoire was the scene of both xenophobic violence targeting foreign groups and political repression directed against particular Ivorian ethnic groups and their leaders.

42. This tendency finally took political expression in 1990, with the introduction of a multiparty system in which ethnic tension became a decisive political factor. In the forced transition from a paternalistic single-party system to a democratic multiparty one, in the context of multi-ethnic Côte d'Ivoire, it was only too tempting to play the ethnic card in the political manoeuvring, i.e., in the absence of any debate on ideas or substantive platforms, to resort to ethnic considerations to build up a militant political base for the conquest of power. In this context, "*ivoirité*", or Ivorianness, became the conceptual basis for the construction of an ideology of political manipulation of the ethnic factor.

B. "*Ivoirité*": ethnicity as ideology

43. According to some of the key political figures active in the political arena of the time, whom the Special Rapporteur met, and including Laurent Dona Fologo, the current President of the Economic and Social Council, the term *ivoirité* had originally been used to meet the need for a cultural rallying cry and was coined by President Léopold Sédar Senghor of Senegal during a visit to Côte d'Ivoire in the 1970s. In the view of the Minister of Human Rights, however, the notion dates back to 1974 and derives from the poet Niangoran Porquet's concept of "*griotique*".⁷ Over and above the term's intellectual pedigree, which would certainly make a worthwhile historical research project, its political application can be traced back, on the one hand, to its use in public statements in 1994 during the campaign for the presidential elections to be held the following year, and on the other, to its deliberate use in political and media discussion to demonstrate the illegitimacy of the nationality - and thus the candidacy - of Alassane Drahmane Ouattara, President Houphouët-Boigny's former Prime Minister. The notion of *ivoirité* was revived again later by General Guéi before the 2000 elections. In the context of rising ethnic tensions, the concept has

been given an ethnicist slant, profoundly influencing political discourse and insidiously reshaping inter-ethnic perceptions. At base, the concept of *ivoirité* has had a deep and lasting effect on the development of the dynamic of xenophobia in Côte d'Ivoire. For ordinary people, its central place in the political and media debate has given it a dual thrust: for some it is an instrument for reinforcing identity, others interpret it as a term of exclusion. In one semantic development from this idea of *ivoirité*, the population has been graded, as it were, into "ethnic Ivorians" and "temporary Ivorians" and a notion of degree introduced (100 per cent, 50 per cent or 30 per cent Ivorian).

C. Political expressions of the dynamic of xenophobia

44. Political, institutional and administrative practice, on just the basic issues that constantly recur in the Ivorian crisis - residence permits, nationality, rural property and eligibility for the presidency - have lent substance and legitimacy to the dynamic of xenophobia.

Residence permits

45. The introduction of a residence permit for non-nationals in 1991, with no credible effort to provide the groups concerned with explanations or information, and in the context of political competition, was inevitably seen as the first legal manifestation of the political manipulation of ethnic factors. Non-nationals, in particular those from the subregion, had until then been made welcome and even encouraged to settle in Côte d'Ivoire with no formalities whatsoever. The Special Rapporteur was told that, in the process of weeding the electoral registers following the introduction of the residence permit, some Ivorians felt they were being marginalized. This was particularly the case for those from the border regions near Guinea, Mali and Burkina Faso, many of whose family names are identical to those of nationals of those countries. The political context of ethnic tension and the administrative handling of the introduction of the residence permit left these groups with a deep-seated sense of exclusion.

Nationality

46. In a multiparty system, nationality is a decisive issue insofar as it determines individual eligibility to take part in elections. Côte d'Ivoire adopted *jus sanguinis* in 1972, which means that anyone who is born to Ivorian parents, marries an Ivorian, is adopted by an Ivorian or obtains Ivorian nationality by naturalization is or becomes Ivorian. According to information provided to the Special Rapporteur, identity cards issued since 1995 have been regarded with a degree of suspicion, partly because in some cases they were allegedly given to foreign nationals for purely electoral purposes. In a situation where migrants' right to vote and their electoral allegiances become a key factor in a political contest, possession of an identity card can no longer be seen as proof of nationality, and this opens the door to abuse and creates deep divisions within Ivorian society. The Special Rapporteur is particularly concerned at a clause in the Ivorian nationality certificate issued by the courts, which states that, while there is a presumption of birth in Côte d'Ivoire, the court must "establish the place of birth of the applicant's parent or parents where [the court] has reason to believe, for example on the basis of the names given on the applicant's birth certificate, that the parents are foreign".⁸ Names made out to be suspect in this way will in times of real crisis become names judged to be criminal, an important indicator of a dynamic of xenophobia.

Eligibility for the presidency

47. Under article 35 of the 2002 Constitution, to be eligible to stand for the presidency, candidates must be Ivorian-born, of Ivorian-born parents. It was on the basis of this provision, one whose adoption had given rise to much discussion among Ivorians, that the Supreme Court rejected

the candidacies of 14 political figures who failed to meet the new conditions during the 2002 presidential elections. The rule effectively heightened the feeling of exclusion experienced by a large section of the Ivorian population, who believe they are being denied their democratic right to participate in public life in their country. The rule, which conveniently barred certain candidates from a political contest already vitiated by heightened ethnic sensitivities, quickly became the main political element of the Ivorian crisis.

Rural land tenure

48. The law governing rural land ownership dates from 1998 and stipulates that only the State, public authorities and Ivorian nationals may own such land.⁹ This Act represented a departure from the policy of President Houphouët-Boigny, according to which “whoever tills the land owns the land”, engendering feelings of injustice and exclusion among non-Ivorian owners, some of whom had been cultivating their lands for several generations. The legislation means that non-Ivorians may no longer purchase rural land or hand it down to their heirs. Thus the legal and political exclusion resulting from the laws on nationality and eligibility for the presidency would appear to be compounded by economic exclusion.

War: a boost for the dynamic of xenophobia

49. War broke out in Côte d’Ivoire in September 2002, pitting government troops against several rebel movements, which later combined to form the Forces Nouvelles now occupying the north of the country. Exact figures for civilian deaths in the clashes are hard to come by, but reliable estimates put them at between 1,000 and 2,000.¹⁰

50. The outbreak of war in a context so dominated by this heightening of ethnic sensitivities by ideological, political, legal and administrative means helped push the dynamic of xenophobia into a higher gear. Representing as it did a shift from words to action, the war paved the way for pent-up feelings of frustration, fear and exclusion to spill over into acts of violence and other clearly xenophobic behaviours, some committed by the forces of law and order, the police, the armed forces and gendarmerie, or paramilitary groups, others by rebel groups. The next stage was that the various political rivals, appealing now to ethnic rather than democratic legitimacy, began acting and speaking in such a way as to effectively take the population hostage, giving the groups and communities whose interests they claimed to be defending the impression that they had no choice but to go along with their proposals and give them, if not their active support, at least a degree of approval.

D. Ethnic isolationism

51. The extent of this dynamic of xenophobia is reflected, in the Special Rapporteur’s view, in a process of a withdrawal into ethnic isolationism, which he noted in meetings with community leaders and with Ivorian and foreign victims. This tendency makes itself felt in the life in the interpretation given to cultural signs such as ethnic names, styles of dress or jokes, all symbols and expressions of the rich cultural diversity of a multi-ethnic society in times of peaceful coexistence, but stigmata of a hostile identity in times of war. Checkpoints along the roads, commonly the scene of xenophobic violence, have come to epitomize such group scapegoating at the everyday level. Thus the shift in perceptions within Ivorian society has wrought a change in the meaning of long-established cultural practices that had always been a part of the inter-ethnic weave. Feelings of insecurity or fear and particularly the perception that those responsible for acts of violence, such as the members of the security services, go unpunished, foster such ethnic isolationism and the dynamic of xenophobia.

E. The conflation of ethnicity, culture and religion

52. Côte d'Ivoire is a multireligious country made up principally of animists, Christians and Muslims. Although the north is usually portrayed as mainly Muslim and the south as Christian, Côte d'Ivoire has for a great many years benefited from a rich mix of coexisting faiths. Thus while the majority in the north are indeed the mainly Muslim northern Mande, there are also Gur, who are basically Christians or animists. To the west live the southern Mande, who include Christians (some of them Yacouba and some Gouro), animists (Yacouba, Gouro and Krou) and Muslims (chiefly Yacouba). The east of the country is inhabited mainly by Akan, for the most part animists or Christians, while to the south live Krou, Lagunaires and Akan, again mainly animists or Christians.

53. However, during his visit, the Special Rapporteur found that withdrawal into a core identity had given rise to a tendency to conflate ethnicity and religion, a particularly dangerous shift. Thus it emerges from reports received that northerners, foreigners and those who oppose the President are being termed Muslims. Some of the media have fanned the hatred of certain sections of the population for Muslim communities, who have apparently been accused of wishing to "incinerate Côte d'Ivoire". The Special Rapporteur has received reports of a proliferation of Islamophobic acts such as damage to places of worship, the destruction of Muslims' property, as well as violence and torture and even summary executions of members of the Muslim faith. Several imams have allegedly been murdered.

54. At the same time the Special Rapporteur has noted, particularly in his meetings with religious leaders, whether singly or in groups, an incipient awareness of the extreme sensitivity of religious factors and their crucial role in the rebuilding of coexistence in Côte d'Ivoire.

V. RECOMMENDATIONS

55. **In view of the extent of the split in the inter-ethnic fabric, the ethnic isolationism it is generating and its central role in the political crisis in Côte d'Ivoire, the Special Rapporteur recommends that the authorities at the highest level broadcast a clear message reaffirming the values of tolerance, coexistence and interaction in the collective effort to build a multi-ethnic, multicultural and multireligious society in Côte d'Ivoire, and the central role of this inter-ethnic dynamic in the building of the country's plural identity and prosperity; and acknowledging the threat of a division along ethnic lines posed by the dynamic of xenophobia set in motion by the current political crisis. Such a message should also convey the authorities' determination to combat this dynamic in all its forms, beginning with the systematic punishment of all acts of proven xenophobic violence and the urgent rebuilding of inter-ethnic relations. A joint declaration along these lines should be made by the leaders of the main political parties and forces in the governing coalition.**

56. **Any lasting political solution to the crisis facing Côte d'Ivoire should be accompanied by a democratically-prepared programme to repair the inter-ethnic weave of society. This programme should be a long-term project, prepared in consultation with all the actors of Ivorian society, and should be the linchpin of the process of rebuilding an egalitarian, democratic and interactive multiculturalism. It should take stock of and recognize the experience gained through tradition, in particular the cultural values, practices and mechanisms developed by Côte d'Ivoire's various communities as they have learned to live together. In this context, it is essential to encourage the various communities, through education and information, to learn about each other and about the depths of their interaction both in terms of history, traditions and values and in terms of the role it has played in building the Ivorian nation. The inter-ethnic dimension should above all be made**

the cornerstone of a radical education reform. School curricula should be revised in the light of the challenges thrown up by the crisis, with an emphasis on intercultural and human rights education. Civil servants and law-enforcement officials should receive human rights training with an emphasis on intercultural values, respect for diversity and pluralism, and respect for and protection of minorities.

57. A democratically and ethnically balanced independent commission should be set up to promote and strengthen inter-community relations, with the power and means to promote and strengthen inter-community relations. It should be established by Parliament and have the legal authority and the budgetary resources to enable it to intervene in the operation of the principal State administrations. It should report to Parliament, submitting recommendations, on an annual basis.

58. Given the media's ability to profoundly influence perceptions, images and behaviours in inter-ethnic and inter-community relations, and thus to strengthen or undermine those relations, as the Ivorian crisis has shown, it is recommended that the media should establish its own body to promote inter-ethnic dialogue.

59. A strategy for inter-community dialogue should be worked out on the basis of a close analysis of the lines and characteristics of the inter-ethnic split, and through an inter-community process at all levels of society. A permanent national mechanism for interreligious dialogue should also be set up, with local branches, politically independent and with adequate resources provided by Parliament.

60. An effort of memory is also an essential component of the national catharsis, partly in order to establish the historical truth concerning acts of xenophobic violence and partly to ensure that the record is not written by outsiders. It will be for the main political actors to determine, in a democratic manner and in the context of a political resolution of the crisis, the nature of the exercise and the methods and structure to be adopted, along the lines of South Africa's Truth and Reconciliation Commission.

61. The need to rebuild community coexistence should be the guiding principle in reviewing the political issues at the heart of the crisis, such as rural land tenure, nationality and eligibility for high office, and in finding lasting solutions.

62. The key components and structures of the apparatus of State should reflect the multi-ethnic and multicultural nature of Ivorian society. A positive discrimination plan should be worked out in a democratic manner and incorporated into the programme to rebuild multiculturalism in Côte d'Ivoire.

63. The regional dimension, which has loomed large in the history of inter-ethnic relations in Côte d'Ivoire, as well as in the evolution of the current political crisis, must also be taken into account when seeking a lasting reconstruction of the inter-ethnic fabric of Ivorian society. All countries of the region, under the aegis of the Economic Community of West African States, should work together to discuss and prepare a joint programme to promote intercultural dialogue and cultural pluralism within the region and to reinforce multiculturalism. The aim should be to ensure that population movements, cross-border family relationships and cultural and ethnic ties cease to be open to manipulation for political ends or the basis of identity polarization, and instead become key elements of economic integration and cultural development, for example through the promotion of intercultural tourism that highlights the prodigious artistic vitality of the peoples of the region and the richness of their common heritage, both tangible and intangible.

64. In order to root out the culture of impunity that has sprung up as a result of the crisis and to reassert the rule of law, the Government and the Forces Nouvelles, in the areas under their control, should give a high priority to the prosecution and trial of those responsible for acts of xenophobic violence and violations of human rights and humanitarian law.

65. Arrangements to establish a national human rights commission, as provided for in the Linas-Marcoussis Agreement, should be speeded up.

66. Côte d'Ivoire should give a high priority to ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

67. In its next reports to the human rights treaty-monitoring bodies, in particular the Committee on the Elimination of Racial Discrimination, Côte d'Ivoire should give prominence to the question of the threat of xenophobia and to the state of inter-ethnic relations following the deterioration observed during the current crisis.

Notes

¹ Information extracted from comments by the Ministry of Human Rights, communicated to the Special Rapporteur and dated 20 February 2004 (179/MDH/DPROM/KD/CAB-00, p. 3).

² Report of an urgent human rights mission to Côte d'Ivoire, 24 January 2003 (S/2003/90), p. 13.

³ Report of the Secretary-General on the United Nations Mission in Côte d'Ivoire submitted pursuant to Security Council resolution 1514 (2003) of 13 November 2003, 6 January 2004 (S/2004/3), p. 4.

⁴ See, inter alia, the report of an urgent human rights mission to Côte d'Ivoire (note 2, above), p. 19.

⁵ Ibid., p. 21.

⁶ Report of the Commission of Inquiry on the events connected with the march planned for 25 March 2004 in Abidjan, 13 May 2004 (S/2004/384), annex, p. 10.

⁷ Information extracted from comments by the Ministry of Human Rights (see note 1, above), p. 6.

⁸ The Special Rapporteur has a copy of a nationality certificate issued on 12 March 2002 in Seguela.

⁹ Rural Land Act of 23 December 1998, No. 98-750, art. 1.

¹⁰ Report of an urgent human rights mission to Côte d'Ivoire, 24 January 2003 (see note 2 above), p. 13.
