

**Security Council**

Distr.: General  
17 March 2005

Original: English

---

**Letter dated 16 March 2005 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, concluded on 30 July 2004 in Accra, to the statement by the President of the Security Council on 5 August 2004 (S/PRST/2004/29) and to my previous letters transmitting to the President of the Security Council the reports of the Tripartite Monitoring Group established under the Accra III Agreement.

Please find attached the eleventh and twelfth reports of the Tripartite Monitoring Group, covering the periods from 17 January to 14 February and from 15 to 28 February 2005 (see annexes).

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 I

[Original: English]

### **Implementation of the Accra III Agreement**

#### **Eleventh report of the Tripartite Monitoring Group**

**Covering the period from 17 January to 14 February 2005**

#### **I. Introduction**

1. The present report is submitted pursuant to the Accra III Agreement of 30 July 2004, which established the Tripartite Monitoring Group and requested it to report on progress made towards the implementation of the Agreement to the Chairman of ECOWAS, the Chairperson of the African Union and the Secretary-General of the United Nations. This report covers major developments between 17 January and 14 February 2005. Unlike the previous reports, the coverage of this report has been extended to approximately a month to enable a full perspective of developments in the peace process, especially during the ECOWAS and AU Summits and the immediate follow-up of President Mbeki's mission up until mid-February 2005.

#### **II. Overview**

2. The military and security situation in the country was generally calm but still tense and fragile. There is a general feeling of unease over the apparent lack of significant progress in the peace process, the increasing incidence of crime in the cities and the large urban areas and occasional rumours of a coup d'état. The expectations over the progress in the peace process were held in abeyance as both the ECOWAS Summit (Accra, 19 January 2005) and the AU Summit (Abuja, 30-31 January 2005) agreed to await the further outcome of the Mbeki facilitation mission. The impact of the Security Council resolution 1572 (2004) remained an undercurrent in the reactions among the Ivorian political class. They maintained their contact with President Mbeki. The political actors also continued to make moves in anticipation of the elections scheduled for October 2005. There was, therefore, no end to the political campaigns launched by all the major political parties to position themselves to win electoral support. The Forces Nouvelles, on the other hand, had announced their intent to establish autonomous institutions in the north, further reinforcing the practical division of the country in two. Much emphasis continued, however, to be placed on the consultations with the Forces Nouvelles to encourage them to return to Government and to secure their political will to engage in the start-up of the DDR. In that connection, there has been some slight progress but much remains to be done.

### **III. Developments in the peace process**

#### **ECOWAS Summit (Accra, 19 January 2005) and African Union Summit (Abuja, 30-31 January 2005)**

3. These two summit events constitute a framework to assess progress being made under the auspices of President Mbeki. Both summits provided opportunities for some focus on concerns over the protracted stalemate and what appeared to be an unwillingness on the part of the Ivorian political actors to resolve the key issues in the Mbeki Plan of Action, in particular the return to the full functioning of the Government, article 35 and DDR, leading to reunification and the elections scheduled for October 2005.

4. The ECOWAS Summit reaffirmed “their confidence in the Linas-Marcoussis and Accra III Agreements as the only framework for the resolution of the crisis in the country. To this effect, they expressed support for the initiative of the Security Council and the African Union to restore peace to the country”.

5. The AU Assembly of Heads of State: welcomed the decision taken by the 23rd Meeting of the Peace and Security Council held in Libreville on 10 January 2005; commended President Thabo Mbeki for the efforts exerted on behalf of the African Union and encouraged him to continue these efforts; urged the Ivorian parties to cooperate fully with President Thabo Mbeki; requested the Security Council to coordinate closely its efforts with the African Union to facilitate the speedy resolution of the crisis in Côte d’Ivoire; expressed its satisfaction at the continued involvement in the effort aimed at resolving the crisis; and encouraged the ECOWAS countries to pursue their efforts in cooperation with the African Union.

#### **African Union Facilitation Mission**

6. President Mbeki invited the major Ivorian political leaders to Pretoria from 26 to 28 January 2005 for continuing consultations on his Action Plan. He focused principally on the issues related to the functioning of the Government of National Reconciliation, the amendment to article 35 of the Constitution and the DDR. On the basis on these consultations, he submitted his report to the AU Summit where he requested more time to continue his consultations. He also proposed that in view of the progress he was making, it would be well indicated for the Security Council to postpone the effective application of individual sanctions as had already been proposed by the AU Peace and Security Council at its Libreville meeting.

7. Following the AU Summit, President Mbeki dispatched his envoys to meet President Gbagbo, Prime Minister Seydou Diarra in Abidjan, and in particular Mr. Guillaume Soro in Bouake. These consultations were aimed at bringing the Forces Nouvelles back into government and jump-starting the programme of the DDR. Thus far, the Mbeki mission through its officials working together with UNOCI and other stakeholders, have embarked on a series of consultations with the Ivorian political leaders particularly the Forces Nouvelles on the various cluster of issues in the President Mbeki’s road map.

8. The state of the consultations are set out in the following paragraphs.

### Legislative programme

9. Attached to this report is the synoptic table indicating the status of the texts of legislation which have been laid before the National Assembly.

10. President Laurent Gbagbo and the FPI have indicated that there had been enough progress on the passage of most of the laws in particular article 35 to enable an immediate implementation of the DDR programme leading to the redeployment of administration throughout the country, territorial reunification and elections in October 2005. The G-7 Marcoussistes have petitioned President Gbagbo and expressed reservations over the passage of some of the laws which, in their view, did not conform to the letter and spirit of the Linas-Marcoussis Agreement. These are:

- Legislation on the composition, organization and functions of the Independent Electoral Commission. *This in their view does not guarantee the independence of the Commission.*
- Legislation on the establishment, organization and functions of the National Human Rights Commission in Côte d'Ivoire. *This in their view excludes representatives of the signatories of the Linas-Marcoussis Agreement which stipulates explicitly that the Commission will be composed of representatives of all the political forces.*
- Legislation relating to the identification of persons. *The content introduces new requirements in the identification process which discriminate against the origins of an individual.*
- Legislation on the Ivorian Nationality Code. *This discriminates against certain persons whose interests were covered under the provisions of a previous law.*
- Legislation on the public funding of political parties and groups and electoral campaigns. *This does not make provision for transitional arrangements and thus excludes the funding of certain political parties.*
- Legislation relating to the compensation and rehabilitation of victims of war. *This does not take into account all the cases identified by the National Commission on Human Rights.*
- Legislation on the regime governing the radio and the television media. *This does not guarantee the neutrality and impartiality of this important organ of the public service.*
- Legislation relating to the establishment of the National Identification Commission. *This Commission has not been given the necessary autonomy to control the identification process nor the establishment of voters' cards.*

11. Against the above position of the G-7, the supporters of President Gbagbo point out that the G-7, for whatever reason, is playing for time with delay tactics. They state, for example, that the said G-7 parliamentarians, who are in the majority in the parliament, actually voted for some of the laws about which they are now complaining, and in some cases, abstained from voting.

12. Before receiving a copy of the G-7 petition, the Monitoring Committee has already embarked on a review of three of the texts of legislation: Nationality Code with its concomitant legislation on naturalisation and the legislation on the

Independent Electoral Commission. The Committee has delegated some members to discuss these reviews with President Gbagbo and the Speaker of the National Assembly, with the aim of exploring possible ways of accommodating any relevant changes.

### **Disarmament, demobilization and reinsertion**

13. Prime Minister Seydou Diarra visited Bouake on 5 February 2005 and discussed with the leadership of the Forces Nouvelles, key issues related to the functioning of the Government of National Reconciliation, the resumption of Forces Nouvelles' participation in the DDR process and the start-up of the DDR. On DDR, the Prime Minister indicated that he would revise the composition of the NCDDR in response to the concerns of the Forces Nouvelles over a better representation of the Forces Nouvelles within NCDDR and matters pertaining to the management of the Commission. He requested them to submit a list of some six representatives to be included in the Commission.

14. He also agreed to a request by the Forces Nouvelles to recruit their own bodyguards for their close protection in Abidjan, but, this, on the understanding that these bodyguards would come from those military elements who were formally members of FANCI and qualified under the Amnesty Law and the relevant decision of the Ministry of Defence to be reintegrated into the future restructured Armed Forces of the Republic. The technical modalities involved in these arrangements were yet to be worked out.

15. Elsewhere, on DDR, weekly meetings had been convened by UNOCI and attended by officials of NCDDR, United Nations agencies (WFP, UNHCR, UNICEF), Save The Children UK, key partners and donors (France, Japan). The objective was to exchange information, views, strategic thinking and to further coordinate action in response to the Government's needs in implementing the DDR programme. These meetings had also resulted in coordinating action to facilitate the Mbeki mission.

16. In that connection, a mission composed of President Mbeki's envoys and officials from UNOCI, the National Commission for Disarmament, Demobilization and Reinsertion (NCDDR), the World Bank, the Licorne French Forces has had discussions twice with the Forces Nouvelles (FN) in Bouaké. The meetings were attended by the Secretary-General Guillaume Soro and key members of the FN.

17. The aim of these meetings was to resume collaboration on the commencement of the DDR programme as stipulated in President Mbeki's road map. The meeting's agenda included three key issues: (a) Security of FN Ministers whilst in Abidjan; (b) Irreversibility of the ceasefire and monitoring of the Zone of confidence; and (c) the National DDR programme and related security implications during implementation.

18. Overall, these negotiation efforts have opened the way to a resumption of discussions on the DDR. The following positive developments could be highlighted:

- The FN have agreed to allow inspections of all DDR sites in the zones under their control, prior to their rehabilitation.

- The FN, with participation of the NCDDR and other partners, will discuss the National DDR programme in order to better define its flowchart and components.
- One of the critical issues which must be addressed should be the restructuring of the National Armed Forces as recommended by the Linas-Marcoussis Accord.
- In the meantime, the FN have accepted to resume collaboration with the NCDDR.
- On the security of FN Ministers in Abidjan, FN has agreed to accept the assurances given them by the Prime Minister, as indicated above.

#### **Children associated with armed forces and groups**

19. During one of the UNOCI coordination meetings, UNICEF briefed participants on their field visits to the West of the country in Man (FN-controlled) and Guiglo (Government-controlled). Following negotiations with the FN Chief of Military Staff a new framework on child soldiers' demobilization was established for the Western region. The implementation schedule was as follows: (a) from the **end of January to 12 February 2005**, the rehabilitation of one transit centre fully equipped; establishment of a joint military and civilian screening team; preparation of training material and establishment of a team of social workers; (b) **from 14 to 18 February 2005**, training of screening teams on prevention, demobilization and reintegration of former child soldiers and screening methods; (c) **from 21 February to 21 March 2005**, screening will take place in military barracks and check points in order to identify child soldiers and proceed with their demobilization. The FN military commander will be launching this process officially at the end of the screening training.

20. In the Government-controlled area, several agencies and government institutions (Ministry of Solidarity; Ministry of Justice; NCDDR) involved in child protection will constitute a joint "front" aimed at reducing and possibly stopping the involvement of children in the various irregular armed and non-armed groups (militia, local defence groups). It is envisaged that advocacy campaigns will take place at different levels, including national entities such as the Ministries of Defence and of Internal Security; and at the regional level, such as local authorities and communities. In order to finalize the advocacy strategy, the institutions involved will hold a two-day workshop. Agencies involved include UNICEF, Save-the-Children UK, Save-the-Children Sweden, International Rescue Committee, UNHCR, OCHA and UNOCI. A field visit to Guiglo will take place before the end of February with the aim of discussing these issues with local authorities and the Defence and Security Forces.

#### **Armed groups and militias**

21. The NCDDR had resumed discussions with the armed militias in the Western region of Guiglo. These contacts were interrupted after the events of November 2004. The main armed group concerned is the Front de Liberation du Grand-Ouest (FLGO) with an estimated 7000 combatants. The discussions pertained to their cantonment and eventually their disarmament. FLGO had recently reiterated its commitment to DDR, which could be explained by the Front's difficulties in

sustaining itself as a movement trying to avoid disintegration into small and rival groups.

#### **IV. Conclusion**

22. In spite of considerable pessimism engendered by the continued recalcitrance of some key actors in the Ivorian political drama, it is however discernible that the peace process is under way, albeit sluggishly. The significant and hopeful sign, at this stage, has been the close consultations, which President Mbeki's mission has begun to generate between President Gbagbo, the Prime Minister and other major stakeholders, on the way forward. If this momentum is sustained, it should be possible to see the return of the Forces Nouvelles to government and hopefully some movement in the start-up of the DDR. As time is clearly of the essence, vis-à-vis the crucial elections of October 2005, all international hands should now be on deck to secure this objective.

*(Signed on behalf of the Group)* Ambassador Raph **Uwechue**  
Chairman

14 February 2005

### Synoptic table

#### Status of progress of legislative texts envisaged under the Linas-Marcoussis Agreement

Legislation	Adopted by the Government	Submitted to the National Assembly	Adopted in Committee	Passed by the National Assembly	Promulgated
1) Legislation on the amendment to Article 35 of the Constitution of 1 August 2004	Yes	Yes	Yes	Yes 17/12/04	No
2) Legislation on the Ivorian Nationality Code as amended by Law No 72-852 of 21 December 1972	Yes	Yes	Yes	Yes 17/12/04	Yes 30/12/04*
3) Legislation on the amendment to article 26 of the Land tenure regime	Yes	Yes	Yes	Yes 28/07/04	Yes 30/12/04*
4) Legislation on the establishment, organization and functions of the National Human Rights Commission in Côte d'Ivoire	Yes	Yes	Yes	Yes 03/04/04	Yes 30/12/04*
5) Legislation relating to the disclosure of the personal assets of the Head of State	Yes	Yes	Yes	Yes 28/07/04	Yes 30/12/04*
6) Legislation on the public funding of political parties and groups and electoral campaigns	Yes	Yes	Yes	Yes 28/07/04	Yes 30/12/04*
7) Legislation authorizing 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 27/07/04	Yes 30/12/04*

\* Journal Officiel spécial N° 2 du 30 décembre 2004

Legislation	Adopted by the Government	Submitted to the National Assembly	Adopted in Committee	Passed by the National Assembly	Promulgated
8) Legislation authorizing 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 06/08/03	Yes 30/12/04*
10) Legislation relating to the Identification of persons and Residence of foreign nationals in Cote d'Ivoire	Yes	Yes	No	Yes 23/04/04	Yes 30/12/04*
11) Legislation on the composition, organization and functions of the Independent Electoral Commission	Yes	Yes	Yes	Yes 09/12/04	Yes 30/12/04*
12) Legislation setting the regime governing the Radio and Television media	Yes	Yes	Yes	Yes 09/12/04	No
13) Legislation on the regime governing the Press	Yes	Yes	Yes	Yes 09/12/04	Yes 30/12/04*
14) Legislation on the Status of the opposition parties	No	No	No	No	No
15) Legislation on the disclosure of the personal assets of elected personalities	No	No	No	No	No
16) Legislation against illegal enrichment	No	No	No	No	No
17) Legislation on naturalization	Yes	Yes	Yes	Yes 17/12/04	Yes 30/12/04*
18) Legislation on the organization of the referendum	Yes	Yes	Yes	No	No
19) Legislation relating to the Compensation and rehabilitation of victims of war	Yes	Yes	Yes		

## DECREES

Draft decree	Adopted by the Government
1) Decree on the establishment, organization, 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

---

## Annex II

[Original: English]

### **Implementation of the Accra III Agreement**

#### **Twelfth report of the Tripartite Monitoring Group**

**Covering the period from 15 to 28 February 2005**

#### **I. Introduction**

1. The present report is prepared pursuant to the Accra III Agreement of 30 July 2004, which established the Tripartite Monitoring Group with a mandate to follow the progress made towards the implementation of the Agreement and to submit fortnightly reports on major developments in the peace process in Côte d'Ivoire. This twelfth report covers the period from 15 to 28 February 2005.

#### **II. Overview**

2. During the period under review, the tensions in the general security situation deteriorated with serious threats posed by intermittent troop movements by both belligerent forces and by skirmishes provoked by organized armed groups in the west. There have also been reports of an increasing number of ethnic clashes in the west of the country, harassment of civilians and humanitarian aid workers by military forces in the west and north, and a rise in organized crime throughout the country, particularly in Abidjan. Matters came to a head on 28 February 2005, when in the locality of Logouale in the west of Côte d'Ivoire erupted a confrontation between a pro-government militia group named MILOCI (Mouvement Ivoirien de Liberation de Côte d'Ivoire) and the impartial forces. Their mission was to "liberate the area from the control of the rebels". This violation of the Zone of Confidence led to the arrest of some 87 individuals by UNOCI troops with one UNOCI military personnel critically wounded. Some 28 others including 5 MEFN were reported dead. Details of this are given later in this report.

3. The political situation showed no marked progress. The stalemate persisted with the Forces Nouvelles refusing to return to the Government and to participate in the DDR process unless certain security arrangements were put in place. On 22 February 2004, President Gbagbo made a public statement over the role of the impartial forces in which he imputed the latter's unwillingness or inability to disarm the Forces Nouvelles and therefore called for their withdrawal from Côte d'Ivoire. In the same statement, he called the Linas-Marcoussis Agreement "a failure" and also reiterated his determination to put the amendment to Article 35 on eligibility to a referendum.

4. On the economic front, the business cycle is at its lowest point since the crisis erupted in September 2002. The events of last November have exacted yet a heavy toll on the economy: 30 per cent of small and medium enterprises have been destroyed or severely damaged or closed down, entailing some 30,000 job losses. Internal and external debt arrears amount now to more than the equivalent of one-year's fiscal revenue.

### **III. Developments in the peace process**

#### **Legislative reforms**

5. The Monitoring Committee has continued to link efforts with the Mbeki mission in the review of legislative texts which were perceived as not in conformity with the letter and spirit of the Linas-Marcoussis Agreement. Two legal experts, commissioned by President Mbeki, visited Abidjan from 20 to 23 February 2005 to exchange views and information on matters relating to the contested legislative texts.

6. The Monitoring Committee continued its review of legislative reforms taking into account the petition submitted by the G-7 on the matter. The Committee met with the Directorate of the G-7 on 24 February 2005 to discuss the state of progress in the review of certain texts of legislation and Presidential decrees. They stressed that priority should be given to putting in place all measures needed to advance the process towards the holding of free, fair and transparent elections. They appealed to the Monitoring Committee to intervene in cooperation with the Mbeki Mission to forge a national consensus on the pertinent issues under contention. They underscored the issues of the Independent Electoral Commission, the Nationality Code, Identification of Persons and the Composition of the Constitutional Council (which is vested with powers to determine eligibility of candidates, validate election results and adjudicate in electoral disputes). They also raised their concern for the personal safety of political leaders, the security of their homes and of the political party premises. All these matters have been discussed and are to be brought to the attention of the Mbeki mission, expected in Abidjan sometime in the second week of March 2005. Attached is an updated version of the matrix on the Legislative texts envisaged under the Linas-Marcoussis Agreement.

#### **Military situation**

7. During the period under review, both FANCI and military elements of Forces Nouvelles have occasionally violated the zone of confidence. On 20 February, Licorne Forces intercepted a vehicle transporting armed elements of the Forces Nouvelles in the zone of confidence. Arms were seized and one element arrested and handed over to UNOCI.

8. On 28 February 2005, an armed group attacked a Forces Nouvelles checkpoint at Logouale, north of the zone of confidence in the West of the country, after bypassing UNOCI positions in the zone of confidence. The armed group was comprised of young militants, including a few children. In the skirmishes, five elements of the Forces Nouvelles and 23 other civilians were killed. Some 87 of the young assailants were held in custody by UNOCI peacekeepers in Man for their own safety to be handed over to Government authorities to face the due process of the law. The Forces Nouvelles, who denounced this incident as another violation of the ceasefire, have asked for an inquiry and announced their decision to suspend their participation in the ongoing mediation process "in order to concentrate their efforts on the defence and security of the zones under their control and their population".

#### **Disarmament, demobilization and reinsertion**

9. In the continuing efforts to advance in the dialogue with the Forces Nouvelles on DDR, the South African mediators, UNOCI, UNDP, the World Bank and

NCDDR officials have visited DDR sites in FN-controlled areas on 25 February 2005. Out of the three sites visited, two have already been rehabilitated in 2004 and the third one has suffered serious damages following the events of last November and would need to be rebuilt. Following this mission, the Forces Nouvelles announced their intention to hold an internal seminar in Bouake to discuss their position regarding the National DDR Programme and its modalities of implementation in their zone. In addition, the National Commission on DDR, with the support of UNOCI, is considering the possibility of organizing a workshop with the Forces Nouvelles and the Defence and Security Forces, aimed at finalizing and formalizing the overall National Programme on DDR, including the component on the restructuring of the army. The Prime Minister has also agreed to revise the composition and the structure of the NCDDR after taking into account the representation of the Forces Nouvelles within the National Commission and the management of the Commission itself. Unfortunately, with the recent events of 28 February 2005 in the West and the decision of the Forces Nouvelles to suspend their participation in the ongoing mediation efforts, it is most likely that these planned activities could be delayed and thus affect the start-up of the DDR process.

10. In addition to existing political and security constraints, securing adequate funding is still of the highest essence. Out of a total estimated (revised) cost of the DDR programme of \$150 million, the World Bank has pledged about \$85 million (still to be approved by their board), other donors have provided through UNDP grants to the tune of \$12 million (France, UNDP, EU, Japan, Belgium), the Government has already disbursed \$12 million and has pledged an amount of \$20 million in 2005. The DDR budget shortfall is estimated at some \$21 million, a figure likely to increase if the Government continues to be faced with the current dire financial situation.

11. WFP have started discussions with the NCDDR in order to share their technical expertise and know-how on food related issues of the DDR process. IRCC in collaboration with UNICEF have started the tracing and the regrouping of child ex-combatants. They are also working on the repatriation of some foreign child ex-combatants to their home countries.

12. On 19 February 2005, there was the launching in Man of the Prevention, Demobilization and Reintegration (PDR) process of former child members of armed groups and forces in the western region of Côte d'Ivoire. UNICEF organized the ceremony in collaboration with La Maison de l'Enfance de Bouaké and the Forces Nouvelles. The main participants recalled the importance of protecting children during times of conflict, in recognition of their right to education and safety.

### **Armed groups and militias**

13. A network of patriotic organizations, student organizations and militias continued their militant activities in Abidjan with negative implications for the security situation in the capital. In view of the activities of militias and other armed groups in other major cities and with the growing risk of confrontation between these groups and the local population, the Prime Minister has established a working group composed of the FANCI Chief of Staff, the Commanders of the National Gendarmerie and Police, the President of the CNDDR, the UNOCI Force Commander and the Civilian Police Commissioner. During their first meeting on 15 February 2005, a plan of action was drafted to disband and disarm these militia

groups as part of the DDR process and in accordance with the Accra III Agreement. It has also been decided to devise a legal framework to regulate the work of private security companies.

#### **Humanitarian situation**

14. The prevailing insecurity, the political impasse, the continuous violation of human rights and the severe contraction of the economy have led to a serious and precarious humanitarian situation. More than 700,000 children are still not going to school; about 60 per cent of health infrastructures are still dysfunctional; 500,000 to 700,000 are still living as internally displaced persons (IDPs) with insufficient support and protection from local authorities and the international community. Prostitution among young women, especially the IDPs, has increased due to the high level of unemployment and poverty. Inter and intra-community tensions of nationality and ethnic origins are provoking clashes in several areas of the country, particularly in the West. In 2005, it was expected that some 500,000 to 600,000 children would attend school in the North with the support of the Government. However, since the events of last November and despite pressures from the international community, the Government says it is not able in the existing circumstances to organize exams in the rebel-controlled North and to restore schooling. The Minister for Education has clearly stated that the Government would not be involved in organizing school exams, nor would it support the new school year until the country is reunified.

#### **Acts of the Forces Nouvelles**

15. In the reporting period, the Forces Nouvelles have proceeded to create what are apparent instruments of state. A Military Council to govern areas under Forces Nouvelles control has been established. Five additional military zones have been created, to bring the total number of zones in Forces Nouvelles areas to eleven, and military commanders have been appointed for these. The Forces Nouvelles, in these acts of reorganization, have also created a Police Academy and have begun recruitment for a Police Force. A bank has also been set up, to manage finances in Bouake. These creeping and defiant moves by the Forces Nouvelles towards the "autonomization" of the zones under their control is reinforcing piecemeal the de facto partitioning of the country.

### **IV. Conclusion**

16. The recent upsurge in clashes between the militia groups and elements of the Forces Nouvelles can only lead to retarding complications in the peace process. The month of March will be a defining period, as the contentious draft law on referenda will be re-presented to the National Assembly, the Presidential decree banning all demonstrations will expire on 13 March 2005, and the current mandate of UNOCI will come for review and renewal. The African Union mandated Mbeki mission continues to make impressive and committed efforts to tackle the persisting impasse and point a realistic way forward. However, in view of the evident race against time for the elections of October 2005 and given the enormity of the tasks to be accomplished, we can only emphasize the necessity for effective solutions to be found to ensure that the elections hold as scheduled. Already, with conflicting claims as to who will hold the levers of power in the absence of the anticipated

elections, everything should be done to ensure that such an explosive eventuality does not occur.

*(Signed on behalf of the Group)* Ambassador Raph **Uwechue**  
Chairman

28 February 2005

**Evaluation de la prise de textes législatifs et réglementaires**

**Presentation par chapitre**

## **I – OBJECTIFS DE L’ACCORD DE MARCOUSSIS**

- Préserver l’Intégrité Territoriale de la Côte d’Ivoire**
- Respecter les Institutions de la Côte d’Ivoire**
- Restaurer l’Autorité de l’Etat**
- Réaliser des élections libres et transparentes**

## **II – INSTRUMENTS POUR ATTEINDRE LES OBJECTIFS DE L'ACCORD**

- Chapitre I. Nationalité, Identité, Condition des Etrangers
- Chapitre II. Régime Electoral
- Chapitre III. Eligibilité à la Présidence de la République
- Chapitre IV. Régime Foncier
- Chapitre V. Médias
- Chapitre VI. Droits et Libertés de la Personne Humaine
- Chapitre VII. Regroupement, Désarmement, Démobilisation
- Chapitre VIII. Redressement Economique et Nécessité de Cohésion Sociale

### **III – EVALUATION DE LA PRISE DE TEXTES LEGISLATIFS ET REGLEMENTAIRES**

Chapitres	Textes	Chronogramme						
		Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations		
1 - NATIONALITE, IDENTITE, CONDITIONS DES ETRANGERS	Lois (6)	1	Projet de loi modifiant et complétant la loi n° 61-415 du 14 décembre 1961 portant code de la nationalité ivoirienne telle que modifiée par la loi n° 72-852 du 21 décembre 1972	Adopté le 17 décembre 2004			Ministère d'Etat, Ministère de la Justice	Loi N° 2004-662 du 17 décembre 2004
	2	Projet de loi portant dispositions spéciales en matière de naturalisation	Adopté le 17 décembre 2004			Ministère d'Etat, Ministère de la Justice	Loi N° 2004-663 du 17 décembre 2004	
	3	Loi portant modification de la loi n°2002-03 du 3 janvier 2002 relative à l'identification des personnes et au séjour des étrangers en Côte d'ivoire et portant abrogation de la loi N° 98-448 du 4 août 1998	Adopté le 23 avril 2004			Ministère d'Etat, Ministère de l'Administration du Territoire	Loi N° 2004-303 du 03 mai 2004	
	4	Projet de loi modifiant la Loi N° 2004-303 du 03 mai 2004 portant modification de la loi n°2002-03 du 3 janvier 2002 relative à l'identification des personnes et au séjour des étrangers en Côte d'ivoire et portant abrogation de la loi N° 98-448 du 4 août 1998	Examen en commission			Ministère d'Etat, Ministère de l'Administration du Territoire	<ul style="list-style-type: none"> <li>• Adopté en CM</li> <li>• Transmis à l'Assemblée Nationale le 24/09/04</li> <li>• En examen à l'Assemblée Nationale</li> </ul>	

Chapitres	Textes	Chronogramme						
		Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations		
I - NATIONALITE, IDENTITE, CONDITIONS DES ETRANGERS	Lois (6) (suite)	5	Projet de loi autorisant le Président de la République à ratifier le protocole additionnel A/SP2/5/90 relatif à l'exécution de la troisième étape ( <i>droit d'établissement</i> ) du protocole sur la libre circulation des personnes, le droit de résidence et d'établissement, signé à Banjul le 29 mai 1990	Examen en commission			Ministère d'Etat, Ministère des Affaires Etrangères	<ul style="list-style-type: none"> <li>Adopté en CM du 26/11/03</li> <li>Transmis à l'Assemblée Nationale le 11/12/03</li> <li>En examen à l'Assemblée Nationale</li> </ul>
		6	Loi autorisant le Président de la République à ratifier le protocole additionnel A/SP1/6/89 modifiant et complétant les dispositions de l'article 7 du protocole sur la libre circulation des personnes, le droit de résidence et d'établissement, signé à Ouagadougou le 30 juin 1989.	Adopté le 27 juillet 2004			Ministère d'Etat, Ministère des Affaires Etrangères	<ul style="list-style-type: none"> <li>Loi N° 2004-411 du 14 août 2004</li> </ul>
	Décrets (11)	1	Projet de décret portant modification du décret n° 2002-331 du 13 juin 2002 portant conditions d'établissement, d'obtention et de forme de la Carte Nationale d'Identité				Ministère d'Etat, Ministère de l'Administration du Territoire	<ul style="list-style-type: none"> <li>Adopté après modif. en CM du 07/01/04</li> <li>En attente de la copie du Décret certifiée conforme par le SGG</li> </ul>
		2	Décret portant création, organisation, attributions et fonctionnement de la Commission Nationale de Supervision d'Identification (CNSI)		N° 2004-05 du 06 janv. 2004		Ministère d'Etat, Ministère de l'Administration du Territoire	
		3	Projet de décret portant nomination du Président de la Commission Nationale de Supervision d'Identification				Ministère d'Etat, Ministère de l'Administration du Territoire	<ul style="list-style-type: none"> <li>Adopté en CM du 29/01/04</li> <li>En attente de la copie du Décret certifiée conforme par le SGG</li> </ul>

Chapitres	Textes	Chronogramme					
		Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations	
<b>I - NATIONALITE, IDENTITE, CONDITIONS DES ETRANGERS</b>	<b>Décrets (11) suite</b>	4	Projet de décret portant nomination du Secrétaire Général de la Commission Nationale de Supervision de l'Identification			Ministère d'Etat, Ministère de l'Administration du Territoire	Adopté en CM du 29/01/04 En attente de la copie du Décret certifiée conforme par le SGG
		5	Projet de décret portant modification du décret n° 2001-103 du 15 février 2001 portant création de l'Office National d'Identification (ONI)			Ministère d'Etat, Ministère de l'Administration du Territoire	Adopté après modif. en CM du 15/01/04 En attente de la copie du Décret certifiée conforme par le SGG
		6	Projet de décret portant conditions d'établissement et d'obtention des titres de séjour abrogeant et remplaçant le décret n° 2002-332 du 13 juin 2002			Ministère d'Etat, Ministère de l'Administration du Territoire	En attente de l'adoption de la nouvelle loi sur l'identification
		7	Projet de décret portant modification du décret n° 2002-121 du 27 février 2002, fixant la taxe relative à la délivrance des titres de séjour			Ministère d'Etat, Ministère de l'Administration du Territoire	En attente de l'adoption de la nouvelle loi sur l'identification

Print de la mise des textes législatif et réglementaires au 27/01/2005

6

Chapitres	Textes	Chronogramme					
		Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations	
I - NATIONALITE, IDENTITE, CONDITIONS DES ETRANGERS	Décrets (11) suite	8	Projet de décret portant ratification du protocole additionnel A/SP2/5/90 relatif à l'exécution de la troisième étape (droit d'établissement) du protocole sur la libre circulation des personnes, le droit de résidence et d'établissement, signé à Banjul le 29 mai 1990			Ministère d'Etat, Ministère des Affaires Etrangères	En attente de l'adoption de la loi par l'Assemblée Nationale
		9	Projet de décret portant publication de protocole additionnel A/SP2/5/90 relatif à l'exécution de la troisième étape (droit d'établissement) du protocole sur la libre circulation des personnes, le droit de résidence et d'établissement, signé à Banjul le 29 mai 1990			Ministère d'Etat, Ministère des Affaires Etrangères	En attente de l'adoption de la loi par l'Assemblée Nationale
		10	Projet de décret portant ratification du protocole additionnel A/SP1/6/89 modifiant et complétant les dispositions de l'article 7 du protocole sur la libre circulation des personnes, le droit de résidence et d'établissement, signé à Ouagadougou le 30 juin 1989			Ministère d'Etat, Ministère des Affaires Etrangères	En attente de la promulgation de la loi
		11	Projet de décret portant publication de protocole additionnel A/SP1/6/89 modifiant et complétant les dispositions de l'article 7 du protocole sur la libre circulation des personnes, le droit de résidence et d'établissement, signé à Ouagadougou le 30 juin 1989			Ministère d'Etat, Ministère des Affaires Etrangères	En attente de la promulgation de la loi

Chapitres	Textes		Chronogramme				
			Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations
1 - NATIONALITE, IDENTITE, CONDITIONS DES ETRANGERS	Arrêtés (2)	1			Arrêté N°112/ MEMAT/ CAB Du 05 février 2004	Ministère d'Etat, Ministère de l'Administration du Territoire	
		2				Ministère d'Etat, Ministère de l'Administration du Territoire	
	Etude (1)	1				Ministère d'Etat, Ministère de l'Administration du Territoire	

Point de la mise des textes législatifs et réglementaires au 27/01/2005

Chapitres	Textes		Chronogramme					
			Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations	
II - REGIME ELECTORAL	Lois (5)	1	Projet de Loi modifiant la Loi N° 2001-634 du 9 octobre 2001 portant composition, organisation, attribution et fonctionnement de la Commission Electorale Indépendante	Adopté le 09 décembre 2004			Ministère d'Etat, Ministère de l'Administration du Territoire	Loi N° 2004-642 du 14 décembre 2004
		2	Loi relative à la déclaration de patrimoine du Président de la République	Adopté le 28 juillet 2004			Ministère d'Etat, Ministère de la Justice	Loi N° 2004-413 du 15 août 2004
		3	Loi relative au financement sur fonds publics, des partis et groupements politiques et des candidats à l'élection présidentielle, abrogeant la loi N° 99-694 du 14 décembre 1999	Adopté le 09 septembre 2004			Ministère d'Etat, Ministère de l'Administration du Territoire	Loi N° 2004-494 du 10 septembre 2004
		4	Projet de loi portant répression de l'enrichissement illicite				Ministère d'Etat, Ministère de la Justice	Reporté après premier passage en conseil des ministres
		5	Projet de loi relatif à l'indépendance de la justice et l'impartialité des médias, en matière de propagande et de contentieux électoraux				Ministère d'Etat, Ministère de la Justice	En attente des conclusions d'une étude devant être réalisée

Chapitres	Textes	Chronogramme					
		Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations	
II - REGIME ELECTORAL	Décrets (5)	1	Projets de Décret d'application de la loi relative au statut de l'opposition et au financement des partis politiques et des campagnes électorales			Ministère d'Etat, Ministère de l'Administration du Territoire	En attente du texte du Ministère
		2	Projet de Décret portant composition, organisation, et fonctionnement du Conseil National de lutte contre l'enrichissement illicite			Ministère d'Etat, Ministère de la Justice	
		3	Décret fixant les modalités d'application de la loi N° 2002-43 du 21 janvier 2002 portant statut du Corps Préfectoral		N° 2003-412 du 30 Oct. 2003	Ministère d'Etat, Ministère de l'Administration du Territoire	
		4	Projet de décret portant nomination des membres de la Commission centrale de la Commission Electorale Indépendante			Ministère d'Etat, Ministère de l'Administration du Territoire	En attente du texte du Ministère
		5	Projet de Décret d'application de la loi modificative de la loi 2001-634 dans le sens d'une meilleure représentation des parties prenantes à la table Ronde, au sein de la Commission Centrale de la Commission Electorale Indépendante, y compris au sein de son Bureau			Ministère d'Etat, Ministère de l'Administration du Territoire	En attente du texte du Ministère
	Arrêté (1)	1	Arrêté portant détermination des tâches à accomplir par les Autorités Préfectorales dans la conduite du processus électoral			Ministère d'Etat, Ministère de l'Administration du Territoire	
	Etude (1)	1	Etude sur l'indépendance de la justice et l'impartialité des médias en matière de propagande et de contentieux électoraux			Ministère d'Etat, Ministère de la Justice	

Point de la mise des textes législatifs et réglementaires au 27/01/2005

Chapitres	Textes	Chronogramme						
		Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations		
III - ELIGIBILITE A LA PRESIDENCE DE LA REPUBLIQUE	Lois (2)	1	Projet de loi portant modification de la Constitution	Adopté le 17 décembre 2004			Ministère d'Etat, Ministère de la Justice	<ul style="list-style-type: none"> <li>• Adopté par l'Assemblée Nationale</li> <li>• En attente de promulgation</li> </ul>
	2	Projet de loi organique portant organisation du référendum	Projet de loi rejeté par l'Assemblée Nationale le 23/12/04			Ministère d'Etat, Ministère de la Justice	<ul style="list-style-type: none"> <li>• Adopté par le Conseil de Ministres du 03/11/04</li> <li>• Transmis à l'Assemblée Nationale le 16/11/04</li> <li>• Rejeté par l'Assemblée Nationale le 23/12/04</li> </ul>	

Chapitres	Textes		Chronogramme					
			Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations	
IV – REGIME FONCIER	Loi (1)	1	Loi portant amendement de l'article 26 de la loi n° 98-750 du 23 décembre 1998 relative au Domaine foncier Rural	Adopté le 28 juillet 2004			Ministère d'Etat, Ministère de l'Agriculture	• Loi N° 2004-412 du 14 août 2004
	Arrêté (1)	1	Arrêté portant organisation de la Commission Foncière Rurale			N°55 du 11 juillet 2003	Ministère d'Etat, Ministère de l'Agriculture	
	Etude (1)	1	Etude de la stratégie de communication relative à une campagne d'explication auprès des populations rurales de manière à aller effectivement dans le sens d'une véritable sécurisation foncière				Ministère d'Etat, Ministère de l'Agriculture	Phase de sélection du Cabinet

Chapitres	Textes		Chronogramme					
			Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations	
V - MEDIAS	Loi (2)	1	Projet de loi portant régime juridique de la presse	Adopté le 09/12/04			Ministère d'Etat, Ministère de la Communication	Loi N° 2004-643 du 14 décembre 2004
		2	Projet de loi portant régime juridique de la communication audiovisuelle	Adopté le 09/12/04			Ministère d'Etat, Ministère de la Communication	Loi N° 2004-644 du 14 décembre 2004
	Arrêté (1)	1	Arrêté portant Création, Organisation et Fonctionnement du Comité de Pilotage des Reformes du Secteur des Médias (CPRM)			N° 64 du 19 août 2003	Ministère d'Etat, Ministère de la Communication	
	Etudes (6)	1	Etude portant sur les modalités de consolidation de l'Agence Ivoirienne de Presse (AIP)				Ministère d'Etat, Ministère de la Communication	Volet juridique finalisé Volet opérationnel et technique à renforcer
		2	Etude portant sur les modalités de consolidation du Groupe Fraternité Matin				Ministère d'Etat, Ministère de la Communication	Etude finalisée
		3	Etude portant sur les modalités de consolidation de la Radiodiffusion Télévision Ivoirienne (RTI)				Ministère d'Etat, Ministère de la Communication	Etude finalisée
		4	Etude pour la mise en place d'une architecture nationale de formation des journalistes				Ministère d'Etat, Ministère de la Communication	Etude finalisée
		5	Etude pour l'élaboration et l'adoption d'un régime économique des médias				Ministère d'Etat, Ministère de la Communication	A finaliser pour fin novembre
		6	Etude pour l'identification des types et des modalités de fonctionnement des fonds				Ministère d'Etat, Ministère de la Communication	Etude finalisée

Chapitres	Textes		Chronogramme					
			Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations	
VI - DROITS ET LIBERTE DE LA PERSONNE HUMAINE	Lois (3)	1	Loi portant création, organisation et fonctionnement de la Commission Nationale des Droits de l'Homme (CNDH)	Adopté le 23 avril 2004			Ministère des Droits de l'Homme	Loi N° 2004-302 du 03 mai 2004
		2	Projet de loi portant création, organisation, attributions et fonctionnement de la Commission Nationale d'Identification, d'Indemnisation, de Réhabilitation et de Réinsertion des Victimes de la Guerre, des Déplacés et Exilés				Ministère des Victimes de Guerre, des déplacés et exilés	<ul style="list-style-type: none"> <li>Adopté en conseil des Ministre</li> <li>Transmis à l'Assemblée Nationale le 29/11/04</li> </ul>
		3	Projet de loi de ratification du Traité de Rome portant création de la Cour Pénale Internationale				Ministère d'Etat, Ministère des Affaires Etrangères	En attente de l'avis du Conseil Constitutionnel sur la conformité ou la non conformité du Traité à la Constitution
	Décrets (1)	1	Projet de décret portant nomination des membres de la CNDH				Ministère des Droits de l'Homme	En attente du texte du ministère

Chapitres	Textes		Chronogramme					
			Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations	
VII -REGROUPEMENT, DESARMEMENT, DEMOBILISATION	Lois (2)	1	Loi portant amnistie	Adoptée le 06 août 2003			Ministère d'Etat, Ministère de la Justice	Loi N° 2003-309 du 08 août 2003
		2	Projet de Loi portant programmation militaire				Ministère de la Défense	

Chapitres	Textes		Chronogramme					
			Adoption par l'Assemblée Nationale	Signature du Décret	Signature de l'Arrêté	Ministère	Observations	
VIII - REDRESSEMENT ECONOMIQUE ET NECESSITE DE COHESION SOCIALE	Décret (1)	1	Décret portant modification du décret N° 2002-445 du 16 septembre 2002 relatif à la création, aux attributions et à l'organisation du Comité de Pilotage des Réformes Economiques et Structurelles				Ministère d'Etat, Ministère de l'Economie et des Finances	
	Arrêtés (2)	1	Arrêté portant nomination des membres du secrétariat Général aux Réformes Economiques et Structurelles				Ministère d'Etat, Ministère de l'Economie et des Finances	
		2	Arrêté à la signature du Premier Ministre portant création, attribution, organisation et fonctionnement du Comité Interministériel de Reconstruction Economique et de l'Insertion Sociale				Ministère d'Etat, Ministère de l'Economie et des Finances	