

THE POLITICAL SITUATION IN COTE D'IVOIRE

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For some months now. Cote d'Ivoire has been subjected to severe criticisms by the International Community. Following the steps of a section of the national press, the international press continues to echo the criticisms of that press by embarking on a systematic media lynching.

The reasons for these criticisms are as many as they are diverse, but to limit ourselves to the essential ones, we shall mention any old how: xenophobia, tribalism, exclusion, discrimination, rivalry, and even inter-ethnic and religious struggle, persecution of Northerners and Muslims, and excesses in identification. Some even maintain, without the least touch of irony, that the Government of President Laurent GBAGBO, recently formed after elections, planned, organized, and carried out a genocide — that of Muslims from the North. Pushing their idea to its logical end, these people foresaw inter-ethnic war and announced the implosion of Cote d'Ivoire and the entire sub-region.

Eminent personalities, inter-governmental and non-governmental organizations, as well as Western media took positions in the debate by taking into consideration only the viewpoints expressed by the international press, particularly the views expressed by the Radio France International [RFI] and the British Broadcasting Corporation [BBC], without bothering to listen to the other side of the story (*andi altemm pertem*) or look for other sources other than that of the Western press based in Cote d'Ivoire. It would be interesting to point out in this connection that some organizations began condemning Cote d'Ivoire and its Government even before sending an investigation team on the spot.

Thus the trial of Cote d'Ivoire opened even before investigations were carried out.

But what really happened?

This question, which is a matter of facts as well as of law, relate to three basic facts: The constitutional referendum, the general elections, and the issue of human rights.

I - THE CONSTITUTIONAL REFERENDUM

The Constitution of 1 August 2000, adopted through a referendum on 22 and 23 July, is the main target of vicious criticisms directed against Cote d'Ivoire. Therefore, we intend to examine the grievances expressed, question ourselves on the pertinence of the arguments advanced, and finally wonder about the lack of comprehension of the democratic achievements.

A - Grievances expressed

Three series of grievances were expressed against the Constitution, relating respectively to provisions called into question, to their consequences, and to their implementation.

1 — Provisions called into question are contained in Article 35 of the Constitution. These provisions refer essentially to two conditions of eligibility pertaining to the citizenship of the candidate to presidential election.

The first provision is thus stipulated:

"He shall be Ivorian by birth, born of father and mother who are themselves Ivorians by birth."

Concerning the second condition, the provision recommends:

"He must never have availed himself of any other citizenship."

In the first case, the problem posed resides in the choice of the coordinating conjunction. In this particular case Cote d'Ivoire is being blamed for retaining the conjunction «AND» rather than the «OR».

The candidate to the presidential election, who should be an Ivorian by birth, should have both his mother and father themselves Ivorian by birth.

In the second case, which constitutes an independent condition of eligibility, distinct from the first one, the Constitution seeks to further restrict the access to the conditions of eligibility.

2 - The consequences, which, in the opinion of the detractors of Cote d'Ivoire, resulting out these cases, are essentially two in number, moreover closely linked.

The first is the consecration or the confirmation of the concept of Ivorian identity [Ivoirite]. At this stage the debate becomes less easy because neither the originators (the Bedie Government), nor our detractors give the concept any precise notion, content, and any definition. However, the essential thing these detractors talk about is that the Constitution is discriminatory and exclusionist. Thus in Cote d'Ivoire, there are said to be at least two category of citizens. Ivorians whose mother and father are themselves Ivorians are supposed to be citizens in the full sense of the term, while the others are second-class nationals.

The second consequence is tantamount to the pure and simple elimination of the "most important", the "most competent" of the candidates in the person of Mr. Alassane Dramane Ouattara from the presidential race. The tatter's chances are said to have been affected and reduced by the two obstacles at the same time: the coordinating conjunction and availing oneself of another citizenship.

3. - The implementation of the Constitution under the provisions called to question have seriously been blamed on us.

The argument used is quite simple. Since the Constitution is bad because it is an "exclusionist" one, we have to avoid implementing it. The non-implementation of our Fundamental Law is necessary and is even more justified because the Northern Muslims feel excluded and therefore there are risks of inter-ethnic and religious clashes. Therefore, they did not fail to propose that a "political compromise" concluded between the military junta and leaders of the various political parties should be substituted to Constitution. It was within this context that some heads of state from various countries and leaders of intergovernmental organizations recommended that all candidates to the presidential election, without any exception, should be allowed to run without taking into account relevant provisions of the Fundamental Law. Our refusal was badly interpreted and did not go down well.

What then does one think of all the arguments put forward?

B - The pertinence of the arguments

The grievances expressed against our Constitution are in no way justified, and the arguments presented to support them lack any relevance, at least for three reasons.

1. - First of all, what is striking in the entire approach undertaken is that **the Ivorian people do not deserve any consideration**. Scarcely have the Ivorian people given unto themselves a new Fundamental Law than that law was put into question. Furthermore, added to this, the international community wants to substitute it with a special convention concluded exclusively between the military junta and the main political parties.

It would be pertinent to point out that foreign interventions, more especially those coming from Western powers and African States, are not free from reproach. Therefore, while appreciating these interventions at their true value, one cannot help but ask questions on two things.

First, why did they wait until the Ivorian people decide on their Constitution before coming to put into question the decision made? Would it not have been better to intervene before the adoption of the Constitution?

Secondly, why did the OAU Committee of Ten bluntly shove aside the Yamoussoukro Accord, concluded with the military junta and the main political parties, which conforms to and is under the purview of the Constitution, and wanted to substitute it with another one that infringes the said law in its relevant provisions?

Is this not a great contempt for the sovereign people of Cote d'Ivoire to be refused and denied the right to freely determine their own political status by virtue of their fundamental and inalienable right to self-determination? One is even more surprised that

while admitting to the regularity of the voting process during the referendum, they envisaged to set aside the decision adopted by the Ivorian people by a majority of over 86 percent. Did the Ivorian people show any sign of immaturity? What mistake did they make to deserve such a treatment?

Whatever the case may be, our coming out of the crisis enables us to draw at least two lessons closely linked. First of all, the Ivorian people insist on scrupulously respecting their Constitution. The eloquent sign of this is the peaceful protest march that General Guei tried to exploit in his own favor and which brought about his defeat, because he was so sure that he was going to win the presidential election. Also, these people have also demonstrated their strong and unequivocal attachment to the peaceful devolution of power through the polls. What constitute the other no less eloquent proof are his heroic fight of 24 and 25 October 2000 to foil the electoral holdup by the military junta and the general disapproval displayed against the attempted coup d'etat that took place in the night of 7 to 8 January 2001.

2. - Next, the **provisions called to question can be explained** within the Ivorian socio-political context.

It is in no way our intention to justify the discrimination instituted for the presidential race, but try to look for the causes likely to explain it.

In this regard, the desire to preserve the presidential post is a reflection of a sentiment deeper than it appears. This sentiment is incontestably imposed by the people on their representatives. In fact, how can one explain it otherwise that the discriminating clause could survive the transition and then the Second Republic?. Of course, the BEDIE Government was the initiator of the clause, but it so poorly handled it by diluting it with its theory of Ivoirite, and right from the very first debate at the «Constitution sub-committee», the issue came up on the agenda and the discriminatory clause imposed itself with an overwhelming majority. General Robert Guei, who wanted to put an end to this issue by getting rid of it once and for all, had to quickly change his mind. In fact, the leader of the military junta had used his authority to substitute the AND with OR before undertaking a nationwide campaign to explain the draft Constitution to the Ivorian people. Out of the 18 regions visited, 16 called for the return of the AND to the Constitution. The Ivorian people finally made their decision in this regard. The first government of the Second Republic had no choice but to respect the wish of the people.

From the preceding, one must resolve to admit that such is the position of the Ivorian people at this present stage of their historic development. Several factors intermingling and combining can explain such an attitude. Among these, the high rate of immigration and its attendant consequences, and, the crisis through which many African countries are currently passing occupy an important place. These factors, undoubtedly led our country to a reflex of self-protection. It is clearly indicated that the singular post of President of

the Republic must be protected by voting to it only the people with certain intrinsic qualities, of which citizenship is only one element.

This is the place to stigmatize the attitude of our detractors who tend to isolate citizenship from its context and ignore the other eligibility conditions consecrated by Article 35 of the Constitution. This provision also provides that candidates to the presidential election should be of good moral standards and high probity, and that he should declare his assets and justify their source.

The citizenship condition should, therefore, be placed in its general context of searching for rigor and transparency. Therefore, the criticism tending to infer that the citizenship condition is directed against Mr. Alassane Dramane Ouattara is unacceptable.

This criticism is even more inadmissible that the person concerned himself has never stopped claiming that he fulfills all the conditions prescribed by the Constitution. Are our detractors more Catholic than the Pope or would they like us believe that their protege does not fulfill the conditions demanded but we should make special concessions for him by setting aside the pertinent provisions of the Constitution? In the last case, it would be difficult for one to otherwise understand the discrepancy between the utterances of the protege claiming his Ivorian citizenship as stipulated under the Constitution, and his protectors' relentlessness in wanting to set aside the same provisions to enable him to run for elections.

Finally, **discriminatory clauses appear in many Constitutions** all over the world.

Obviously, comparisons are odious, but it is difficult to understand the criticisms to which Cote d'Ivoire has been subjected when one knows that condition of citizenship remains a major obstacle in most Constitutions around the world and particularly those in Africa. The most typical example is provided by the American Constitution which, having admitted birthplace right, excludes certain American citizens from the race to the White House. Famous politicians have been the resigned victims, and there, nobody has ever spoken of exclusion.

Other Constitutions are as restrictive, if not more restrictive than ours. We shall mention a few cases as examples:

The Senegalese Constitution of 7 March 1963, amended on 2 March 1998, subtly stipulates in its Article 23 that candidates to the Presidency of the Republic "should be exclusively of Senegalese citizenship."

The Burkinabe Constitution of 11 June 1991, amended on 27 January 1997, is more explicit when it stipulates in its Article 38: "Any candidate to the office of the

President of Burkina Faso should be Burkinabe by birth and born of parents who are themselves Burkinabe..."

The Gabonese Constitution of 26 March 1991 has gone through a variation consecrated in its Article 10: "All Gabonese" are eligible with the exception of those who have "acquired the Gabonese citizenship." And in this case "only their descendants who have continuously stayed in GABON can run for the presidency from the 4th generation

Finally, the Algerian Constitution of 28 February 1989, amended on 28 November 1996, goes further to demand from the candidate a whole list of conditions pertaining to citizenship and political and religious membership.

We crave your indulgence to reproduce almost the text of the pertinent provisions of Article 73:

"To be eligible to the Presidency of the Republic, the candidate should exclusively be Algerian by birth; should be of the Muslim religion; ...should testify that the spouse is Algerian; justify that he participated in the 1 November 1954 Revolution for candidates born before July 1942; justify that the parents of the candidate born before July 1942 were not involved in acts hostile to the 1 November 1954 Revolution"

This provision goes without any comments and makes one wonder why so much fury against Cote d'Ivoire and especially on the part of the very people whose Constitutions contain provisions even more restrictive than ours.

C - Misappreciation of democratic achievements

The detractors of Cote d'Ivoire have so much focalized their attention on the condition of citizenship that some of them tend to hide, while others ignore the democratic achievements. These achievements concern both the process for drafting the Constitution and its content.

1- The process for the drafting of the Constitution, having involved a massive participation of the governed, makes this Constitution a real act of consensus. It would be convenient in this regard to distinguish between two important stages.

The first stage concerns the debate at the "Constitution" sub-commission. This body, which, under Decree 2000-12 of 21 July 2000, is supposed to assist the Constitutional and Electoral Consultative Commission (CCCE), in actual fact, supplanted it and assumed the functions of a genuine Constituent Assembly. Extensive debates on the constitutional provisions took place at this assembly with the participation of all the active forces of the nation. Thus those who took part in the deliberations, as demanded by the above-mentioned decree are the representatives of the following organizations:

political parties, employers associations, labor unions, women movements and associations, professional bodies, religious organizations, non-governmental organizations, student movement and associations. It should be pointed out that all political parties, associated with other members of the civil society, actually participated in the drawing up of the draft constitution which was adopted on 23 July 2000.

The second stage which concerns the adoption of the draft Constitution does not call for any special comments. We shall simply limit ourselves to pointing out that before submitting it to the people, this draft constitution got the approval of the major political parties, including the Rally of Republicans (RDR) of which Mr. Alassane Dramane Ouattara is the chairman. These political parties called on their supporters to vote **YES** at the referendum. We are, therefore, right in thinking that it was in response to their call that the sovereign people adopted the draft Constitution by an overwhelming majority of more than 86 % of the votes cast.

This is a far departure from the 3 November 1960 Constitution which was drafted and adopted by a select Assembly. The democratic achievement here is quite patent.

2. -- The Constitution is also a departure from the past by its content, notwithstanding the fact that the presidential regime was maintained. Among the most important assets are three series.

The first one, which is immediately perceptible, is incontestably the Declaration of Rights enshrined in the First Title concerning "freedoms, rights, and duties." Although Cote d'Ivoire joins its African counterparts in enshrining human rights in their Constitution, it passes on to another stage, no less important by abolishing the death penalty.

Article 2 clearly states: "Any penalty tending to deprive human life is abolished;"

The second one tends to guarantee transparency. This is even more significant that it takes on a double dimension. In fact, with its protective umbrella, it covers both the management of public property, through the declaration of assets and the ban on the embezzlement of public property, and the management of elections,-through the setting up of an independent electoral commission.

The third series of provisions aims at strengthening the Rule of Law, particularly the judicial power. On the one hand, the judiciary has been given a promotion; from a simple authority, it has been elevated to the rank of power, whose independence is constitutionally guaranteed to the same level as the other public powers. On the other hand, the Constitutional Council's referral cases is open to one-tenth of the deputies and especially to NGO's for the defense of human rights with a view to punishing violations of the said rights. Finally, the Supreme Council of the Judiciary has been given extensive

powers, notably when it comes to appointing and promoting magistrates, that requires the council's approval.

It is on the basis of this new Constitution that the rules for political alternative was defined and elections organized.

II - GENERAL ELECTIONS

Organized in accordance with the Constitution, the general elections, more precisely the presidential and legislative elections, did not escape criticisms. Some Western and African countries suggested that they should simply and purely be organized afresh, because the rejection of some candidacies, particularly that of Mr. Alassane Dramane Ouattara, does not make them democratic and credible.

The elections, therefore, pose basic problems: on the one hand, the rejection of candidacies, and on the other, the calling into question of the decisions resulting therefrom.

A - The rejection of candidacies

The issue of the rejection of candidacies is seen differently depending on whether it concerns the presidential or the legislative elections. ^

1 - The Presidential Election recorded a large number of rejections including that of Mr. Alassane Dramane Ouattara.

In fact, out of a total of 19 candidates, the Supreme Court only retained 5 candidates, that is, 14 candidacies were rejected. The Supreme Court Decision on the eligibility announced on 6 October 2000 divides up the 19 candidacies as follows:

14 candidacies rejected:

- 4 for incomplete applications
- 3 for lateness in paying up deposit
- 2 for failure to prove that they have resigned or ended their function
- 2 for withdrawal
- 2 for doubtful morality
- 1 for failure to prove citizenship and availing himself of another citizenship

5 candidacies accepted

It would be useful to note that the PDCI, the former ruling party, had 5 of its candidates, including ex-President Henri Konan Bedie, declared ineligible.

Concerning the specific case of Mr. Alassane Dramane Ouattara, his candidacy was rejected for two reasons:

First of all, the Court found that the contradictions on the documents that were submitted to it do not permit it to consider Mr. Alassane Dramane Ouattara as being the son of the parents from whom he claims to descend. Furthermore, the certificate of citizenship produced was irregular and does not establish that he is an Ivorian by birth born of father and mother who are themselves Ivorians by birth.

Next, the Court noted that in many legal deeds, Mr. Alassane Dramane Ouattara himself declared being of Upper Volta (Burkina Faso) citizenship and that in his professional career, he had represented Upper Volta at the IMF and the Central Bank of West African States (BCEAO) respectively, and had even received awards in that capacity. The Court therefore concluded that these elements constitute an array of indices revealing that Mr. Alassane Dramane Ouattara had availed himself of another citizenship, and therefore his name should be struck off from the final list of candidates to run for the presidential election.

3. - The Legislative Elections, which did not record any significant number of rejected candidacies, was no less affected by the Alassane Dramane Ouattara case.

The candidacies rejected by the National Electoral Commission (CNE) and then by the Supreme Court, come up to 32 out of a total of 989, that is, a little more than 3 %. Contrary to what those who have the tendency to reduce any discussions to ethnicity have said and written, the distribution of the candidacies is established as follows:

- Number of candidacies rejected:	32
citizens from the North in general	8
RDR supporters in particular	11
 - Number of candidacies accepted:	 957
citizens from the North in general	258
RDR supporters in particular	214

For more details it would be convenient to consult the table below which presents the comparative analysis of the candidates accepted by party.

Heading	PDCI	FPI	RDR	PIT	Other Parties	Independents	Total
N° of candidates	219	208	214	27	70	219	957
Citizens from North	59	44	94	4	13	44	258
Percentage per political party	27%	22%	44%	15%	18%	20%	27%
Percentage per total number candidates accepted	6%	4.6%	9.8%	0.4%	1.4%	4.6%	27%

From the analysis of the table it is clear that the rejection of the candidacy of Mr. Alassane Dramane Ouattara is by no means a sign of exclusion of citizens from the North from the political life of the country; since these citizens already play a preponderant role in the country's economic and social life.

Out of 957 candidates accepted, irrespective of their party affiliation, 258 are from the North, that is 27 %. The RDR presented 94, the PDCI 59, the and the FPI 44. Of course, the RDR presented a relatively greater number, but this number only represents 36 % of the candidacies, whereas all the others put together represent 64%; it means the RDR is not the only party to present candidates who are citizens from the North or which defends the interest of the North.

At this stage, it must be noted that concerning the rejections, what is important lies less in the number of candidates rejected or the origin of the candidates than their aptitude to fulfill the conditions of eligibility. Thus the rejection by the National Electoral Commission and by the Supreme Court were based on a variety of reasons:

- inability to be a voter;
- lack of proof of Ivorian citizenship;
- irregularity in the tax clearance certificate
- anomalies in identity.

The rejection of Mr. Alassane Dramane Ouattara's candidacy, as at the presidential election, was also justified by the highest constitutional body. We crave your indulgence to reproduce the quasi-totality of the Supreme Court decision:

"Considering that from investigations carried out into his application file, notably into his application for candidacy, it came out that Alassane OUATTARA is born of NABITOU OUATTARA, nee CISSE, and on his voter's card, he is born of NABITOU CISSE, whereas on his birth certificate and on his certificate of Ivorian citizenship it is mentioned that the name of his mother is NABITOU OUATTARA;

--that on this certificate of citizenship, NABITOU OUATTARA is born at DABOU, whereas on the Ivorian national identity card issued on 22 October 1990 at the request of the candidate, NABITOU CISSE is *born at* Odienne;

-- that these many contradictions and incoherence in the name and place of birth of the mother create a lot of doubt which brings to question the credibility of the documents produced, since no documents were brought to prove that NABITOU OUATTARA and NABITOU CISSE designate the same and only person;

-- that it follows that the real identity of the mother of ALASSANE OUATTARA is not established;

Considering furthermore that the Photostat copy- of the national identity card issued in the name of OUATTARA DRAMANE has the annotation "certified identical to the original" by a notary in Paris without any date;

that it was on the sight of only this document of which one wonders why the candidate does not produce the original to clarify the debate on why the judge issued a certificate of citizenship to DRAMANE OUATTARA, whereas this document does not form part of the documents usually demanded for the issuance of certificate of citizenship;

that moreover, this certificate of Ivorian citizenship issued on 16 August 2000 for DRAMANE OUATTARA stipulates that he resides in Abidjan whereas it is well known that DRAMANE OUATTARA was dead long ago and was buried at Sindou in Burkina Faso, where he exercised the function of traditional chief;

Considering that such a certificate of citizenship issued in contempt of mandatory legal precautions and on the basis of an identity card issued on 25 March 1952, without any indication of the place and author cannot genuinely confer the Ivorian citizenship on the person involved since citizenship is the legal ties uniting an individual to a sovereign State thus making him a member of the community constituting that State.

Considering that one cannot attach any legal value to the certificates of nationality issued under the conditions mentioned above in the name of OUATTARA DRAMANE and NABITOU OUATTARA.

it stands to reason that ALAS SANE OUATTARA whose certificate of citizenship is derived from those of his father and mother, who are contestable in every point of view, cannot be accepted to have proven his Ivorian citizenship;

Consequently, he does not fulfill the conditions under Article 71 of the Electoral Code, which stipulates, among others, that candidates to the legislative election must be Ivorian by birth, that is, should be born of at least one parent who is Ivorian ... ",,

B - Putting into question of the decisions made

The objections raised by Mr. Alassane Dramane Ouattara's supporters are directed against the Supreme Court and tend to put into question its decisions and the elections.

1 - The grievances expressed against the Supreme Court are in no way founded, whether they relate to its competence, its independence, and the authority of its decision.

First: **the competence** of the Court over electoral litigation cannot be contested in any way possible. The Constitution and the Electoral Code confer on the highest judicial body and the National Electoral Commission [NEC] concurrent competence that varies depending on the nature of election.

For the presidential election, the NEC receives applications for candidacy and transmits them to the Supreme Court which decides on the eligibility of candidates.

For the legislative elections, the Commission receives the applications and establishes a list of candidates after verification of their eligibility based "on statements submitted to it."

If the commission rejects an application, the candidate or the political party sponsoring him can appeal to the Supreme Court who decides as a last resort. Furthermore, any voter can contest the eligibility of any candidate before this same judicial body. It is in connection with this procedure that as soon as the NEC published the list, 190 voters went to the Court to contest Mr. Ouattara's eligibility. Other candidacies were also contested. A total of 32 candidacies were rejected by the NEC and the Supreme Court.

Secondly: The independence of the Court must be guaranteed and respected. At this stage, it is worth distinguishing between two series of criticisms.

The first series, which target the Court, are not serious at all because they are personal attacks against Mr. Tia Kone, president of the Constitutional Court, reducing its decisions to its president. Added to these first criticisms are discrepancies in the decisions from the two bodies concerning Mr. Ouattara's eligibility in the legislative elections: the NEC accepts his candidacy while the Court rejects it. Some people jumped to the conclusion that the NEC is independent while the Court is not. These people forget that the two bodies are not of the same nature, and therefore, they do not have the same powers and the same means of investigation; that they do not have the same number of applications and the same elements. It is useful to point out to this end that the NEC verifies the eligibility "based on the declarations submitted to it by the candidate". These are some of the factors that could explain the discrepancies in decisions and which undoubtedly led the legislator to confer on the Court the power to decide in the last resort.

The second series of criticisms, which are directed against the President of the Republic, are rather worrying. In fact, he has been criticized for not intervening to change the composition of the Court and/or influence the Court.

In the first case, the rejection of Mr. Ouattara's candidacy was directly blamed wrongly on the Court's president by supporters of Mr. Ouattara because these supporters do not see any other alternative. In the second case, it was a serious attack on the basic principle of separation of powers and its corollary, the independence of the judiciary, two principles that guarantee the rule of law. Here, one is surprised that Western countries should fall into this trap which tends to sacrifice a principle recognized as the pillar of democracy and the rule of law. When one raises the objection that one is sticking to the law, the irony is pushed to the extent of asserting the African exception. Is there supposed to be one democracy for the West and another democracy for Africa?

Thirdly: **The decision** of the Constitutional jurisdiction, like that of any other high jurisdiction, is derived from the absolute authority of court decisions. This decision is so strong that it is binding even if the court ignores its competence. And, more than the decision of any high jurisdiction, its decision is binding on all. Article 98 is quite clear and unequivocal in this regard. It stipulates: "The decisions of the Constitutional Court are not subjected to any appeal. They are binding on public authorities, on all administrative, jurisdictional, military, and all natural persons and legal entities."

Thus the President of the Republic cannot, without ignoring a court decision, change decisions made by the Supreme Court concerning the eligibility of Mr. Ouattara.

Here again, one cannot help but deplore the attitude of those who would like to see the President of the Republic change the decision of the Court to enable Mr. Ouattara present his candidacy to the legislative elections.

2- The Presidential and legislative elections cannot be organized afresh.

Arguments presented in support of this petition are in no way relevant:

The absence of certain political parties from the electoral race is an argument that cannot resist criticism. The reason is quite simple. Of course, political parties are the main actors of political life, thus they benefit from the victory of candidates that they sponsor. But they do not have the competence to present their candidacy in any election whatsoever. Election is run only by natural persons. Therefore, political parties are not, at least directly, concerned. However, to create the chances of winning, parties have to choose a good candidate, that is, the person who fulfills the eligibility conditions. It is because the PDCI knew this too well that it presented several candidates. The Rally of Republicans refused to adopt this strategy notwithstanding the great handicap of its candidate's citizenship.

Furthermore, what is true for the presidential election is all the more true for the legislatures considering the multiplicity of candidacies. In this context, it is difficult to talk of exclusion when it is known that the RDR was one of the parties to field the highest number of candidates (see table at page II).

The abstention rate (at the presidential and legislative elections) cannot also justify a fresh organization of general elections. If the freedom of choice of the voters is set aside (since voting is a right and not a duty), the phenomenon appears to be normal and cannot be surprising both in space and in time.

In the West African sub-region, the turnout rate in presidential elections is situated in the same range. And the same goes for the turnout rate for the presidential election in Mali, to mention only one, which was 22 percent.

The recent history of Cote d'Ivoire shows that this country has a tradition of abstention from elections, in the rare cases when they were organized, as shown by the table below:

DATE	TYPE OF ELECTIONS	ABSTENTION RATE
November 1980	Legislatives	57%
December 1980	Municipal	60%
November 1985	Legislatives	54%
December 1985	Municipal	64%
October 1990	Presidential	30%
November 1990	Legislatives	60%
December 1990	Municipal	60%
October 1995	Presidential:	44%

Source: L'Aurore, "The 23 July 2000 Referendum: The Big Risk: Abstentions? N° 090 of Friday 14; Saturday 15; Sunday 16 July 2000 page 2

This table clearly brings out an average abstention rate of 53 % between 1980 and 1995. If we set aside the abstention rates of the presidential elections of 1990 and 1995, the average rate reaches 59.17 %.

It is this tradition of abstention that became confirmed in the recent presidential elections of October 2000 where the rate recorded was 62.75%. In this context, this situation can be explained by several factors the main ones being (a) the publication of the real figures by the National Electoral Commission, contrary to the previous practice of the ruling party, which consisted in artificially "blowing up" the figures (1990 and 1995); (b) the boycott organized by the PDCI and the RDR; and (c) the fear brought about by the atmosphere of violence that prevailed at the time of the elections.

It should be pointed out that the high rate of participation of 56.25% obtained during the July 2000 referendum is an exception that comes to confirm the rule.

-if we take this rate as a reference, the turnout rate for the presidential elections (37.25 %) represents the 2/3 of the latter, at a time when the PDCI and the RDR had called for a boycott of the elections. We could deduce from this that the remaining 1/3 constitutes the part reserved for those who abstained;

Why then put into question the current elections, and what is more under the fallacious argument of serious violations of human rights.

III - HUMAN RIGHTS

Hardly had the Government of the Second Republic been installed than it was accused of all the evils and particularly of serious violations of human rights. At this very moment, we cannot respond to these allegations because of the ongoing investigations being conducted by several national and international bodies. For now, we shall limit ourselves to reporting facts pertaining to acts of violence and alleged or actual violations of human rights.

A - Acts of violence

Acts of violence has studded the various phases of the democratic process. It is possible to group them into three main categories comprising the event of 24 to 26 October, the events of 4 and 5 December 2000 and the call for secession of the North.

1 - The 24 to 26 October events comprise two aspects quite distinct.

The first one took place on 24 October to the night of 25 October and concern the attempted electoral holdup by General Robert Guei, the leader of the military junta:

On 24 October 2000, sensing that he was going to be defeated, when even the counting of votes had not been completed; General Robert Guei proclaimed himself winner of the presidential elections. That very evening thousands of people spontaneously went into the streets to protest this electoral holdup.

On 25 October, very early in the morning,, and this time responding to the call made by Candidate Laurent GBAGBO the previous day, women, men, youths, and children from all origins went into the streets, defied soldiers and succeeded in driving away General Robert Guei from power with the assistance of the gendarmes.

These events thus marked the heroic struggle of the Ivorian people to free themselves from the military regime set up following the 24 December 1999 coup d'etat.

Thus the victory of Laurent Gbagbo, candidate to the presidential election was saved: it was the victory of the entire people for democracy.

The second one took over from 25 October to the night of 26 October and concerns another attempt to confiscate political power with force, this time initiated by the RDR. While the presidential elections had just ended and the people had hardly driven away the leader of the military junta, the president of the RDR orders his

supporters to go into the streets because, according to him, power was lying in the streets. These were young people and children, including nationals from countries of the sub-region who, armed with machetes, knives, grenades, were sent into streets to attack security forces to conquer power for the RDR and its president, Alassane Dramane Ouattara. These supporters tried to take over the national radio and television;

These events mark the exploitation, and even the instrumentalization of African youths of the sub-region for political ends. These youths were delivered to the security forces, while party leaders were no where to be found. Thus, Mr. Ouattara went to take refuge at the residence of the German ambassador.

These two events together brought about heavy loss in human lives without anybody being able up to now to determine how much loss was caused by each side. The loss in human lives is quite considerable. A total of 170 deaths were officially counted. The common grave found at Yopougon, containing 57 bodies, deposited in two heap, is an eloquent example. The material damage, which consist in damaging and destruction of public and private property are quite considerable. The same goes for private and government vehicles and buses broken and set ablaze.

At this stage, a special mention must be made of the ransacking of religious buildings (Churches and Mosques). The ransacking of religious buildings, which was the first time in Cote d'Ivoire, shocked and scandalized Ivoirians. It was meant to confirm, in the eyes of the national and international opinion, the allegation of an inter-ethnic and religious conflict "between Northern Muslims and Southern Christians." The Western press even echoed this. In the face of this failure, the RDR returned on the attack in December.

- The RDR is also responsible for the 4 and 5 December 2000 events

As soon as the rejection of Mr. Alassane Dramane Ouattara's candidacy was announced, the leadership of his party, after calling for the "boycott of the elections", decided to organize street demonstrations with the aim of forcing the Supreme Court to rescind its decision concerning the eligibility of the RDR leader.

Thus, protest marches were scheduled to take place on Monday 4 December 2000 and to continue until the Supreme Court rescinds its decision. Fearing that serious disturbances of public order could happen, as was the case during the 24, 25, and 26 October events, the Minister of Interior issued several ministerial decrees to ban the various protest demonstrations until the end of the election period.

Following this decision, the leadership of the RDR, under the auspices of the Mediation Committee, enter into negotiations with the government to insure that at least one of demonstrations envisaged is carried out. At this negotiation, they were asked to

return into the democratic process and take part in the elections. The RDR said it was going to think about it while promising to organize a peaceful rally. Instead of that, on 4 December 2000, it transformed the streets of Abidjan into scenes of horror: the armed demonstrators enter into a municipal revenue collection office and behead an official there. Security forces in some districts in Abidjan, in a pitched battle, clash with dozos [traditional hunters] armed with guns, pistols, grenades and other modern weapons. The Government found itself with no alternative but to declare a state of emergency and a curfew to overcome the RDR demonstrators. The death toll was almost as heavy as in October.

In spite of these events, the Government, concerned with bringing down tempers, continued to negotiate with the RDR. To participate in the legislative elections, the RDR waited until the eve of the election to demand its postponement and on condition that it is given the promise that its president, Mr. Alassane Ouattara is rehabilitated. These conditions proposed at the last minute did not meet the approval of other parties which had just ended their campaign in the field.

It would not be superfluous to note that the RDR waited until Saturday 9 December in the night to ask for the postponement of the elections, whereas the previous day, Friday, 8 December, it had already sent a letter to the NEC to announce the withdrawal of its candidates.

3 - The call for the secession of the North is also attributable to the RDR.

It was a particularly serious act; and it was even so because in the case in point, they started implementing it. Representatives of the State, including the Prefect, were trampled upon and chased out. Workers in public services were also ordered to leave certain localities, thus interrupting the smooth running of these services.

This irredentist idea was scrupulously pushed to its logical end to the extent of hoisting the flag of a third country in the town of Kong, where Alassane Dramane Ouattara claims to be his native town. BBC did not hesitate to disclose that it was the Burkinabe flag that hoisted there.

The attempted secession, so unrealistic because the RDR is not the only party that is represented in the North and has the Muslim interest at heart, leaves several questions unanswered. Were the authors aware of the seriousness of their act? Did they measure its scope? What does the silence of the foreign State of which these localities claim membership?

What is the meaning of the silence of the international community, and in particular the OAU, whose attachment to the sacrosanct principle of territorial integrity is well known? Why this complacency toward the leader of the RDR? The international

community has been dogging an entire people to refrain from implementing their Constitution in order to please an individual. On the other hand, nothing has been done to restrain this individual from running for an elective post if he does not fulfill the conditions, and especially if that could seriously harm the individual. In the name of what principle should a whole people give in to an individual. Unfortunately, the complacency toward the RDR leader leads to acts that generate violation of human rights.

B- Violations of human rights

Cote d'Ivoire has been accused of serious and massive violation of human rights. This so-called violations take on several forms, the main ones being xenophobia, exclusion, and violations to the right to life and physical and moral integrity.

1 - Xenophobia is the new charge leveled against Cote d'Ivoire for some months now.

Can one be taken seriously when one accuses a country with 26 % of its population aliens as xenophobic? What African country, especially in the sub-region, come close to this rate of aliens? In how many African countries do aliens own land property in the same way as locals, and do the same jobs as locals? Better still, in what African country do aliens monopolize certain sectors of economic and commercial activities (exploitation, sale of wood, iron rods, charcoal, etc)? In what African country do aliens exercise the same rights as nationals by participating in all the various general and local election? Do they want to put into question Cote d'Ivoire's legendary hospitality, which has been formally written in its national anthem, and deliberately described "a country of hospitality"?

Of course, it is sad to admit that since 1995, there has been some conflicting tension between Ivorians and aliens just as it is among Ivorians themselves, notably cases of land litigations. But these tensions are connected with the present economic, social, and political situation;

In the economic field, the crisis raging throughout Africa in general, and in Cote d'Ivoire in particular, make nationals point accusing fingers at the alien who is perceived as being responsible for all the evils, especially in the sectors where they exercise monopoly.

On the political scene, Mr. Ouattara's ambitions play an important role in two ways. First of all, his candidacy does not go down well with a majority of Ivorians who see in it as an attempted usurpation of power by an alien. This man, who erupted on the political scene toward the end of 1989, imposed by force on the country by President Houphouet-Boigny, is indeed considered by a majority of Ivorians as an alien (Burkinabe) to whom they do not want to entrust the destiny of Cote d'Ivoire. After land,

it is now political power that the alien is claiming. Then also, the utilization of aliens by the leader of RDR for political ends is not acceptable either. It can be understood that in the eyes of the national and international opinion, Mr. Ouattara may try to sow division between aliens and nationals for his political ends, but for aliens, who have hitherto lived harmoniously with nationals, to follow him, smacks of betrayal. In fact, many aliens who took part in demonstrations organized by the RDR are accused of not respecting the rules of hospitality and to be ganging with Mr. Ouattara to usurp power.

2- Exclusion, of which Cote d'Ivoire is also wrongly accused, is supposed to affect Northerners and Muslims in general, and Alassane Dramane Ouattara in particular.

The issue of the exclusion of Muslims and Northerners cannot fail to surprise. Therefore, there is the need to make some observations.

First of all, the Northern region, which was not well endowed by nature and was neglected by the colonizers, was taken over by the Ivorian Government in its economic policies. Special efforts were deployed by the former regime, especially by President Houphouet-Boigny, as part of a policy of positive discrimination to try to catch up on the backwardness of the North. Of course the efforts made have remained insufficient, but it was not for lack of political will.

Next, the cadres from the North, more than any from other regions, were largely associated in the management of the PDCI authority, be it at the higher echelons of State or in the economic, commercial, and banking sectors. It should be recalled that Muslims and people from the North have always been largely represented in the various governments that have come to power in the country up to now.

Finally, nearly two-thirds of the citizens of the North and Muslims live in other regions, and particularly in the South. There is not a single town and even village in Cote d'Ivoire which does not have its "Dioulabougou" (Dioula district, Dioula being the name generally given to Northerners) From generations up to now, those commonly referred to as Dioula have been living harmoniously with their hosts, with whom they are linked for better and for worse, as it were.

It is all the same strange that some Muslims and citizens from the North and have suddenly found themselves excluded ever since Mr. Alassane Dramane Ouattara started getting interest in the post of President of the Republic of Cote d'Ivoire. It is also interesting to note that the so-called victims are supporters and sympathizers of RDR. In this condition, is the discrimination in question, supposing that it is established, not political rather than inter-ethnic and religious? In actual fact, the leaders of RDR, who want people to believe that there is an exclusion policy, are only projecting on others what they really are.

By its actions, the RDR really presents itself as a party for Northerners and Muslims. The call for secession is a palpable sign. The same goes for the theory of genocide against Northerners and Muslims, a term maintained because of actions directed against RDR supporters;

The so-called exclusion of Mr. Alassane Dramane Ouattara is even, more surprising, because everybody, just as the man concerned himself, knows very well that there is a problem with his citizenship, and this is his major handicap.

People are often surprised that Mr. Alassane Dramane Ouattara could be Prime Minister and yet he is said to be ineligible, especially when he has a brother who used to be a deputy at the National Assembly and a candidate for the Speakership of that institution.

The answer, however, is quite simple. The post of Prime Minister is not subjected to any eligibility condition, it is not an elective post, and it is not meant to confer on its bearer the Ivorian citizenship. Furthermore, the participation of non-nationals in Ivorian Government is a common practice to which nationals are accustomed. Concerning his brother who used to be a deputy, he is a blood relation whose mother is Ivorian by birth. His case cannot be cited as an example when the genealogy of the Ouattaras is still unknown

3 - The violations of rights to life and physical and moral integrity, strongly denounced by the international community, were those committed during the confusing period of the taking over of power by the government.

The issue raised is not so much the establishment of facts as their qualification and their imputation. It is difficult to dwell at length on these issues when several investigation teams sent on the spot have not as yet submitted the report on their investigations. However, it would be useful to respond to some interrogations and incriminations concerning the killings and massacres. Among these, we shall retain that of the common grave at Yopougon which shocked and traumatized a lot of people.

The Yopougon common grave, comprising 57 bodies, was described by supporters of Mi. Alassane Dramane Ouattara, leader of the RDR, as a planned genocide aimed at exterminating RDR supporters and consequently all Muslims and citizens from the North. People also spoke of ethnic and religious cleansing.

Attached to this main argument are three others. The massacre of Muslims and Northerners, some say, were said to have been carried out by FPI supporters, some say by soldiers of the same ethnic group as President Laurent Gbagbo, while others say it was by security forces at the denunciation by FPI supporters.

These arguments call for some observations on our part.

First, without any prejudice to the outcome of the investigations, we can assert straightaway that the dead bodies at the Yopougon common grave existed well before the advent of the present government. In fact, the inauguration of the President of the Republic took place on 26 October and the Government was constituted in the evening of 27 October. It was at this last date that the existence of the common grave was discovered, and announced through the press. Members of Government who went on the spot on 28 October, found that the bodies were in advanced stage of decay.

Then also, can one seriously speak right away of dead bodies that are exclusively Muslims when no logical and objective classification of the victims cannot be made, and there are no distinctive signs written on Muslim bodies. This tribalization of discussions, which tends to make the argument of genocide credible, is an argument that can hardly hold water and even shows that those who make such utterances are not aware of the conditions of such a serious crime. It did not come as a surprise that the joint report submitted by the International Federation of Human Rights (FIDH) and Reporters Without Frontiers (RSF) concluded that there was no genocide. The bias of RDR supporters seems strange. Furthermore, it is difficult to understand that Western countries see the RDR as a party for northerners, and the FPI as a party for citizens from the West and at the same time they talk of clashes between the North and the South.

Finally, strangely enough, when it comes to criticizing deaths and killings, the accusing fingers are pointed at other political parties except that of Mr. Alassane Dramane Ouattara, who nevertheless called on his supporters to go into the streets to take over power from there. This order was given although he had called for calm a day after the final list of candidates for the legislative elections was announced on 6 October, and at a time when calm had returned after the massacre by the supporters of GUEI.

Without going to the extent of accusing him of being responsible for what happened - this task being the responsibility of bodies entrusted with investigating the affair, particularly the judicial bodies - one must admit Mr. Ouattara⁷'s strong implication in the various acts that generated the violations of people's rights.

In the final analysis, as the tribalization and personalization of national debate continues to persist, to raise passion, and generate violence and ethnic and religious hatred, if care is not taken, we run the risk of causing social fracture. Therefore, there is the imperious need for national reconciliation. However, this national reconciliation calls for truth accompanied by justice as preliminary conditions; two basic facts that are indispensable to arrive at genuine peace.

To attain this ultimate goal, the various social leaders should in all objectivity and impartiality, look for the remote causes **for the atrocities** committed, by pointing out those responsible and punishing them. Furthermore, the entire process should take place,

not outside, but within the strict respect of existing laws, and more particularly in respect of the Constitution that the Ivorian people have adopted. Any political compromise or arrangement that does not take into account this basic fact, will carry within it the germs of another crisis. The problem would then have been displaced and not resolved.

Fortunately, the government has directed its efforts in this direction. In fact, it has not only agreed and instituted a national mediation committee, whose status takes into account the principles enumerated above, but better still, it has involved itself in the negotiations with the RDR.

The firm determination of the political authorities to get involved in the process of reconciliation comes out clearly in the President of the Republic's message to the nation delivered in the evening of 31 December 2000. the head of state said in that message: "After we have set tip all these institutions, we shall embark on a comprehensive debate on the state of the Nation. In fact, in the face of the malaise felt here and there, I have decided to convene a national forum so that everything would be discussed and anything that needs to be corrected be done".

It is the hope that all these efforts deployed would lead to a genuine national reconciliation and, beyond that, a lasting peace.

The Ivorian Popular Front: From Clandestinity to Legality, the experience of a founder

Through the analysis of arbitrary sanctions leveled against him (removal from the civil servant list by presidential decree in 1988) the reader follows the itinerary of the author, an activist of the Ivorian opposition and his commitment in the clandestine party he founded with the History Professor, Laurent Gbagbo and three other university colleagues. Thus, one discovers here the horrible acts of the dictatorship of a so-called African wiseman, as some French journalists have enjoyed qualifying Houphouet-Boigny. The neopharaonic and monolithic practice of his power spanned thirty years of suffocation of the African if not Ivorian thought and action since the era of the independence (1960) until the era of democratization in 1990.

Thus, in 1982, was founded the Ivorian Popular Front whose French acronym is FPI. Without any doubt, FPI can be regarded as one of the famous opposition parties in Africa.

In 1987, the author sponsored the initiative of launching the LIDHO (Ivorian League of Human Right) with the collaboration of R. Degni-Segui, Professor of Law. In 1990, the FPI finally came out of the underground and Laurent Gbagbo took a bid on the presidential election a little time after the disclosure. The era of All-Houphouet was definitively over. At that moment the author had already left the country for an exile life in the United States where he strived, as the Representative of FPI abroad to create chapels of this opposition party.