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Implementation of R2P in Côte d'Ivoire: Progress, Challenges, and the Way Forward

Anna Naa Adochoo Mensah

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Cover Photo: Ivorian anti-riot Police disperse young demonstrators during a protest in the Riviera Anono district of Abidjan.
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Abstract

Mass atrocity crimes were recorded in Côte d'Ivoire during its first and second post-electoral civil wars in 2002 and 2010 respectively. The responsibility to protect enjoins States to prevent mass atrocities, react by taking actions in response to grave violations, and rebuild state infrastructures to ensure recovery, and reconciliation. What happens when the State and its agents are purveyors of violence that leads to the commission of atrocity crimes? How can the State concurrently protect and be perpetrators of mass atrocities? Is there a hidden dynamic between these contradictory roles of the State? This paper explores the threats of atrocity crimes in Côte d'Ivoire, focuses on the implementation of R2P at the state level to provide evidence-based analysis on the different measures adopted by the Ivorian State to protect the Ivorian population from atrocity crimes, and examine the challenges that hinder the prevention of atrocity crimes in Côte d'Ivoire, and the way forward.

Key words: Atrocity crimes; Côte d'Ivoire; Responsibility to protect; Post-electoral violence; Atrocity prevention.

Introduction

The Post-Westphalian approach to international security relates the notion of sovereignty to responsibility. States enjoy non-interference so far as they protect the fundamental rights of citizens. This responsibility to protect engages States to first prevent mass atrocities by addressing the root causes of conflicts. Second, the responsibility to react by taking actions in response to grave violations/humanitarian disasters, and third, the responsibility to rebuild which includes the actions taken to ensure recovery, reconstruction, rehabilitation, and reconciliation.[1] After decades of political instability in Côte d'Ivoire, the Ivorian population is still faced with unresolved longstanding grievances. Mass atrocities have been committed in Côte d'Ivoire since the country experienced its first civil war in 2002[2]. Despite the grave consequences and the prolonged effects of this conflict on the socio-economic development of the Ivorian state, the country descended into another civil war with attendant mass atrocity crimes after a disputed election in 2010. This evokes questions relative to how the Ivorian State is preventing the risk of re-experiencing the history of mass atrocities. What are the challenges of the State in ensuring the protection of the population against R2P crimes? What measures are obtainable in the State's implementation of R2P to protect the Ivorian population from atrocity crimes?

This paper seeks to examine the factors responsible for the recurrent threat of mass atrocities in Côte d'Ivoire especially during electoral seasons. The paper explores the causes of atrocity crimes in Côte d'Ivoire, focuses on the implementation of R2P at the state level to provide an evidence-based account on the different measures adopted by the State to protect the Ivorian population from atrocity crimes, and examine the challenges that hinder the prevention of atrocity crimes in Côte d'Ivoire. Through a qualitative research method, individual interviews were conducted with Ivorian government officials, human rights organisations, Civil Society Organisations (CSOs), and other stakeholders involved in the peacebuilding, justice and reconciliation processes to examine the relevance of the State's implementation of R2P in Côte d'Ivoire.

Background

Although the history of ethnically-motivated violence in Côte d'Ivoire started earlier than 1993, the recent mass atrocity crimes can be linked to this period following the death of President Felix Houphet-Boigny, the country's first president, who had ruled for more than thirty years. The personalized rule of Houphouët-Boigny could not be sustained after his demise because the regime lacked legitimate democratic institutions, multi-party politics and formal mechanisms for conflict prevention, resolution and peacebuilding.[3] In addition to this gap, those who inherited

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[1]International Commission on Intervention and State Sovereignty (ICISS), (2001). The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty. Ottawa, Canada: International Development Research Centre.
[2]Human Rights Watch, (2011). "They Killed Them Like It Was Nothing" : The Need for Justice for Côte d'Ivoire's Post-Election Crimes, retrieved from https://www.hrw.org/report/2011/10/05/they-killed-them-it-was-nothing/need-justice-cote-divoires-post-election-crimes, Accessed on June 16, 2021.
[3]Amedzrator, L. & Abdallah, M. (2015). Escaping the Repertoire of Election Crisis: Prospects and Challenges of the Evolving Infrastructure for Peace in Côte d'Ivoire, *Kofi Annan International Peacekeeping Training Centre*, Policy brief 2 August 2015.

power after Houphouët-Boigny lacked the political skills and consensus-seeking approach to building the State. Politicians in the late 1990s began using ethnicity to mobilize political constituencies, particularly by accentuating divisions between groups viewed as indigenous, and those classified as "Burkinabe" migrants.[4] The initiation of a democratic state and the acceptance of multiparty democracy opened the political space for a power struggle.[5]

The post-electoral conflict experienced in Côte d'Ivoire in 2002 which led to a decade of civil war can be attributed to a combination of factors which include economic decline, political manipulation, ethnic and religious differences, marginalisation, and a test of the process of democratisation.[6] Despite the conflict prevention structures implemented to prevent the recurrence of conflict, the country had to face another post-electoral violence in 2010. While successive attempts to resolve divisions have recognized some of the larger challenges of Security Sector Reform (SSR), the failure to re-integrate the Ivoirian security forces prior to holding the presidential elections in 2010 was a key factor behind the 2010 crisis and contributed to its escalation into a military confrontation, a conflict that included violence against civilians committed by both sides.[7] The mass atrocities in Côte d'Ivoire included systematic targeting of civilians, clashes based on ethnic, religious and political identities. The forms of massacres included point blank executions, sexual violence, dismemberments, and immolations.[8] The 2010 post-electoral crisis resulted in more than 3,000 deaths [9], and the then government of Alhassan Ouattara promised wide-ranging reforms to ensure that the country did not relapse into conflict.[10] While many of these reforms which include a review of the electoral system, military reforms, governance reforms, and transitional justice have had positive results, an incomplete accountability and reconciliation process threatens the long-term stability of the country. Although the decision of Alhassan Ouattara to seek for a third mandate resulted in pre-election violence, the 2020 elections were largely peaceful and the term of the incumbent President Ouattara was confirmed. In the quest to prevent the recurrence of violent conflicts in Côte d'Ivoire, it is primarily the responsibility of the State to ensure the prevention of mass atrocities and hence the protection of the population. The extent to which the fragile peace peppering on deep rooted grievances will be sustainable, will be determined by the State's capacity in implementing its responsibility to protect the Ivorian population.

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[4]Streitfeld-Hall, D. (2015). Preventing Mass Atrocities in West Africa, Global Centre for the Responsibility to Protect Occasional Paper Series No. 6.
[5]Salihu, N. and Aning, K. (2013). Do Institutions Matter? Managing Institutional Diversity and Change in Ghana's Fourth Republic, *Kofi Annan International Peacekeeping Training Centre,* Policy Brief 10.
[6]Zounmenou, D. and Lamin, A. (2011). Côte D'Ivoire's Post-Electoral Crisis: Ouattara Rules but Can He Govern? Journal of African Elections, 10 (2).
[7]Boutellis, A. (2011). The Security Sector in Côte d'Ivoire: A Source of Conflict and a Key to Peace, New York, NY: International Peace Institute.
[8]Human Rights Watch, (2011).
[9]Streitfeld-Hall, 2015. p.11
[10]Congressional Research Service Report, (2011). Côte d'Ivoire Post-Gbagbo: Crisis Recovery, retrieved from https://www.everycrsreport.com/files/20110503_RS21989_026106ba25116d9aead5c636d9ad6708b0134e63.pdf, Accessed on June 15, 2021.

Causes of election-related mass atrocities in Côte d'Ivoire

Mass atrocities are never spontaneous occurrences; they are preceded by grave situations that provide early warning signs that must be considered for early action to prevent the commission of atrocity crimes.[11] Among the many causes of mass atrocities in Côte d'Ivoire include the decline in socio-economic developments, ethno-religious discriminations and violence, disputes over land ownership etc. These causes are fundamental issues that are often exacerbated by elections.

The decline in socio-economic development exposes the State's incapacity to respond to the basic needs of the population. In its 2011 World Development Report, the World Bank stated that 'the average cost of civil war is equivalent to more than 30 years of gross domestic product (GDP) growth for a medium-size developing country'.[12] The report also states that for countries that have gone through civil war, recovering to original growth paths takes an average of 14 years of peace.[13] Cote d'Ivoire, being the world's leading cocoa exporter recorded a decline in its cocoa revenue due to the sanctions imposed by organisations such as the West African Central Bank, the Central Bank for Francophone West Africa, the European commission and the United States.[14] In addition to these sanctions, the displacement of almost a million Ivorians to neighbouring countries impacted negatively on the work force for cocoa production. Farmers were obliged to accept lower prices for their produce.[15]

Data Source: The World Bank
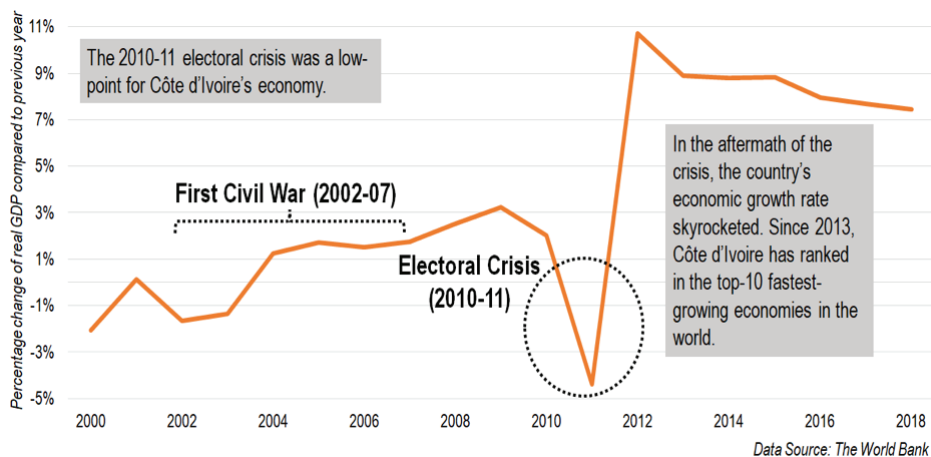
Decades of post-electoral crises stagnated development in Côte d'Ivoire, creating challenges especially for the youth who sometimes opt for all forms of criminality to survive. The phenomenon of "Enfants Microbes"[16] for instance, was first observed in the last quarter of 2011 in Abobo, one of the most populous suburbs of Abidjan, the country's economic capital.[17]

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[11]Simon-Skjodt Center for the prevention of genocide, (2019). Election uncertainty: Preventing atrocity crimes in Côte d'Ivoire, early warning country report. Retrieved from https://www.ushmm.org/genocide-prevention/countries/cote-divoire/case-study, Accessed on June 15, 2021.

[12]World Bank, (2011). World Development Report: Conflict, Security and Development, (Washington, D.C., 2011), p.1, retrieved from http://wdr2011.worldbank.org/fulltext Accessed on June 11.2021.

[13]Ibid, pp 5-6

[14]United States Institution of Peace. (2011). Next steps in Cote d'Ivoire: Economic costs and consequences, Retrieved from https://www.usip.org/sites/default/files/GILPIN_Cote%20dIvoire%20testimony_19May2011.PDF, Accessed on June 15, 2021.

[15] Ibid

[16]A new form of criminality led by mostly children and youth aged between 10 to 25 years and organized in criminal gangs, known as "enfants microbes."

[17]Gnangadjomon, K. and Moussa, F. (2020). Emergence and persistence of the "Enfants Microbes" phenomenon In Côte d'Ivoire, Social Science Research Council, African Peacebuilding Network (APN) working papers: no. 29

It rapidly spread from Abobo to neighboring districts Ad-jamé, Attécoubé, and Yopougon and other more affluent areas and secondary towns such as Bouaké, Daloa, and Bassam. This is a result of socio-economic deficiencies in the post-conflict societies. Such criminal activities can be easily fused into political activities in times of elections when politicians manipulate such young citizens to channel their criminalities in favour of their political interests. Such youth can equally be mobilized by politicians to commit atrocity crimes in times of conflict.

Ethno-religious discrimination in Côte d'Ivoire contribute to the violence that lead to the perpetration of atrocity crimes. The origin of ethno-religious discriminations can be traced from the socio-economic North-South divide which was influenced by factors such as ecological and climate differences, varying impact of colonial and post-colonial economic development policies.[18] In the 1990s, a number of factors, including the introduction of a multiparty system and the economic crisis caused by the fall in coffee and cocoa prices, began to exacerbate xenophobic tension. This tension centered around the concept of "Ivoirité"[19], underlined in Article 35 of the Constitution.[20] Elections increase inter-community tensions that are built on ethno-religious discriminations and violence. Unresolved resentment between various ethnic groups are revived during elections as politicians exploit such grievances for political scores. The 2002 election violence began with security forces targeting civilians on the basis of their political affiliations linked to their ethnic or religious identity. Following Laurent Gbagbo's victory in the 2002 elections, security forces began targeting civilians solely and explicitly on the basis of their religion, ethnic group, or national origin.[21]

Disputes over land ownership have been the center of many atrocities in Côte d'Ivoire. According to Human Rights Watch, land dispossession remains a key driver of inter-communal tensions and local-level violence between ethnic groups in western Côte d'Ivoire.[22] Deep inter-communal tensions linked to land dispossession are one reason why western Côte d'Ivoire has played host to many of the worst atrocities committed in the country. Although customary authorities and local officials have successfully mediated many cases related to the 2010-2011 post-election crisis, the outcome of mediation often allows those who acquired land in bad faith to still have ownership, and frequently discriminates against women[23]. Those implicated in illegal land sales are rarely prosecuted[24]. The perceived discriminations in land ownership, biased settlement of land disputes, and perpetration of impunity in the violations of land rights cumulatively increase in times of elections, which can contribute to the identification of particular groups to be attacked.

[18]Langer, A. (2004). Horizontal inequalities and violent conflicts: The case of Cote d'Ivoire. Centre for Research on Inequality, Human Security and Ethnicity (CRISE), working paper No 13. Retrieved from https://assets.publishing.service.gov.uk/media/57a08cbced915d3cfd001596/wp13.pdf, Accessed on June 20, 2021.
[19]Kone, D. (2020). The concept of "Ivoirité": An identity based concept and its impact on socio-political life in ivory coast ,1 (002) Retrieved from http://revue-akofena.org/wp-content/uploads/2020/08/16-T02-21-pp.-217-228.pdf Accessed on 12 June 2021
[20]"…The presidential candidate must be at least forty years old and at most seventy-five years old. He must be Ivorian by origin, born to a father and mother who are themselves Ivorian by origin.
He must never have renounced Ivorian nationality.
He must never have availed himself of another nationality.
He must have resided in Côte d'Ivoire continuously for five years preceding the date of the elections and have totaled ten years of effective presence…".
[21]Human Rights Watch, (2018). Côte d'Ivoire: Politicians Incite Ethnic Conflict, Retrieved from https://www.hrw.org/news/2001/08/28/cote-divoire-politicians-incite-ethnic-conflict#, Accessed on June 15, 2021.
[22]Human Rights Watch, (2016). Annual report on the human rights situation in 2015.
[23]Ibid
[24]ibid

Dynamics of mass atrocities in Côte d'Ivoire

The atrocities committed in Côte d'Ivoire during the 2010-2011 post-electoral conflict took different forms. The National Commission of Inquiry (CNE) investigated violence between October 2010 and May 2011 and catalogued crimes including murder, rape, torture, forced disappearances and attacks on civilian populations.[25] Sexual violence was one of the forms of atrocities committed in Côte d'Ivoire. Although sexual violence was pervasive throughout the country, the far West of Côte d'Ivoire was particularly more affected[26]. Women and girls were sexually assaulted by armed men in their homes or while walking to or from the market and other places,[27] and more than 150 women were raped[28].

The atrocity crimes also included executions based on ethnic or political affiliations. The CNE reported that, among the 3,248 victims registered, figured 2,241 cases of individuals summarily executed for apparent political and/or ethnic reasons.[29] Attacks targeting villages, burning of houses and properties were also forms of atrocities committed during the crisis in Côte d'Ivoire. On March 29, 2011 for instance, there was a militia attack in the western city of Duékoué, known to have been a stronghold of defeated president Laurent Gbagbo, which led to the killing of over 800 people in a single day[30]. Old men and children were summarily executed, women and girls raped, houses pillaged and burned. On July 20, 2012 the Nahibly camp, home to an estimated 2,500 internally displaced people (IDPs) who had fled post-election violence, was attacked and destroyed by a large crowd[31]. The mob included members of the local population, Dozos[32] , and elements of the Ivorian army. Arbitrary detentions and torture were also reported. Amnesty International confirmed people being arrested or abducted at home or on the streets, often by unidentified armed attackers accompanied by security forces or militiamen[33].

The perpetrators of atrocity in both the 2002 and 2010 post-electoral violence in Côte d'Ivoire included members of the State security forces. Human Rights Watch received reports of torture, arbitrary detentions and "disappearances" perpetrated by members of the state security forces in Abidjan.[34] Ivorian government forces and rebel groups were often responsible for reprisal killings of civilians perceived to support the opposing side, and government-backed civilian militias, and Liberian mercenaries fighting on both sides committed several massacres of civilians based mainly on their ethnic affiliation.[35]

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[25]Bavier, J. (2012). Hundreds executed by both sides in Ivorian war: report, retrieved from https://www.reuters.com/article/us-ivorycoast-conflict-inquiry-idUSBRE8790WD20120810
[26]Human Rights Watch, (2011). Human Rights World report 2011: Côte d'Ivoire, events of 2010. Retrieved from https://www.hrw.orgworld-report/2011/country-chapters/cote-divoire, Accessed on 8 July, 2021.
[27]Ibid
[28]Ibid
[29]Amnesty International, (2013). Côte d'Ivoire "It looks like nothing ever happened here" still no justice one year after Nahibly camp attack, Index Number: AFR 31/009/2013.
[30]Ibid
[31]Amnesty International, (2013). Côte d'Ivoire: Well holes suspected to be mass graves must be excavated, Retrieved from https://www.amnesty.org/en/latest/news/2013/07/cote-d-ivoire-well-holes-suspected-be-mass-graves-must-be-excavated/ ,Assessed on July 12, 2021.
[32]Traditional hunters also known as Dozos, a brotherhood of initiated traditional hunters renowned for their mystical powers, and to be found in Burkina Faso, Côte d'Ivoire, Guinea and Mali
[33]Amnesty International, (2013).
[34]Amnesty International, (2011). Witnesses tell amnesty international of executions, rapes and manhunts during ivory coast political violence; new report accuses both sides of crimes against humanity and war crimes related to atrocities, Retrieved from https://www.amnestyusa.org/press-releases/witnesses-tell-amnesty-international-of-executions-rapes-and-manhunts-during-ivory-coast-political-violence-new-report-accuses-both-sides-of-crimes-against-humanity-and-war-crimes-related-to-atrocit-2/ assessed on 12 July, 2021.
[35]Human Rights Watch, (2003).Côte d'Ivoire: Mercenaries and Militias Must Go, New Report Documents Atrocities in the "Wild West" Retrieved from https://www.hrw.org/news/2003/08/05/cote-divoire-mercenaries-and-militias-must-go Accessed on 8 July, 2021.

Some of the alleged members of the State's security forces who directly and indirectly perpetrated these atrocity crimes did not only evade prosecution, but enjoyed political promotions and new appointments.[36] On August 3, 2011, President Ouattara signed a promotion making Chérif Ousmane the second-in-command for presidential security.[37] Ousmane was the head of the Republican Forces operations in Yopougon neighborhood, where scores of perceived supporters of Laurent Gbagbo were executed extra judicially.[38]

Militias loyal to both government and rebel forces introduced Liberian fighters into the fighting in western Côte d'Ivoire, and the conflict there was becoming an extension of the neighboring Liberian war.[39] Several hundred of the Liberians fighting alongside the government forces were former refugees who had either been recruited or felt compelled to join the government forces in order to demonstrate their loyalty in the face of the increased anti-Liberian feeling in Côte d'Ivoire[40]. Human Rights Watch also gathered accounts of children among the Liberian fighters on both sides, many of whom are as young as nine and according to one description, "cannot even control the weight of their guns".[41] Human Rights Watch received many credible accounts that armed groups-which the official security forces allowed to act with impunity-had carried out serious abuses against civilians in government-controlled parts of the country.[42] Several of the militia units known by names like the Bees, the Gazelles, the Ninjas and the Panthers-have reportedly received support in their training exercises from members of the national armed forces.[43]

A National Commission of Inquiry (CNE) was created in July 2011 following a report delivered by the International Commission of Inquiry to the UN Human Rights Council. The CNE interviewed victims throughout the country, releasing its final report in August 2012. Although the CNE had been accused of bias, largely as a result of Gbagbo's party refusing to take seats on the Commission, and was criticized for being under-resourced, the final report found that pro-Ouattara forces had been responsible for more than 700 deaths while pro-Gbagbo forces committed 1,400 killings. The CNE documented mass atrocity crimes committed by more than 545 Ouattara supporters who received the backing of United Nations peacekeepers and the French army and 1,009 Gbagbo supporters including the army, irregular militia he funded, and Liberian mercenaries recruited to fight on his behalf during the crisis. The CNE outlined policy recommendations for ensuring accountability and reforming government institutions to address the causes of the 2011 crisis.

Traditional hunters, also known as Dozos perpetrated some atrocities and were reported to have killed 200 people.[44] These traditional hunters overwhelmingly supported Ouattara and

[36]Human Rights Watch, (2011). Côte d'Ivoire: Military Promotions Mock Abuse Victims, Retrieved from *https://www.hrw.org/news/2011/08/05/cote-divoire-military-promotions-mock-abuse-victims,*Accessed on June 15, 2021.
[37]Ibid
[38]Ibid
[39]Human Rights Watch, (2003). Letter to the U.N. Security Council on Western Côte d'Ivoire and Liberian Fighters' Involvement in the Fighting. Retrieved from *https://www.hrw.org/news/2003/04/14/letter-un-security-council-western-cote-divoire-and-liberian-fighters-involvement,* Accessed on 8 July, 2021.
[40]Ibid
[41]Ibid
[42]Human Rights Watch, (2003). Côte d'Ivoire: Militias Commit Abuses With Impunity, Retrieved from https://www.hrw.org/news/2003/11/27/cote-divoire-militias-commit-abuses-impunity, Accessed on 8 July, 2021.
[43]Ibid
[44]The New Humanitarian, (2011). Dozo as protector, dozo as assailant. Retrieved from https://www.thenewhumanitarian.org/news/2011/08/01/dozo-protector-dozo-assailant , Assessed on 12 July, 2021.

fought alongside the Republican Forces of Côte d'Ivoire (FRCI).

The rest of the documented executions were attributed to fighters of unknown affiliation or local self-defense groups. Migrants and foreigners in general were among the victims of the atrocities committed in both the first and second post electoral conflicts in Côte d'Ivoire. This was confirmed in the UNSC resolution 1572 (2004) which expressed concern about the use of the media to incite violence against foreigners. "Deeply concerned by the humanitarian situation in Côte d'Ivoire, in particular in the northern part of the country, and by the use of the media, in particular radio and television broadcasts, to incite hatred and violence against foreigners in Côte d'Ivoire"[45] . Civilians in general, women and children specifically constituted a large number of victims of atrocities in Côte d'Ivoire. The wide-spread nature of violence, the burning of several villages, and indiscriminate attacks on presumed supporters of opposing political parties required the re-establishment of the rule of law to regain the people's trust in the security forces. The Ivorian State, therefore, undertook several interventions to enhance national reconciliation and prevent the perpetuation of mass atrocities.

State interventions to prevent mass atrocity crimes in Côte d'Ivoire

The United Nations Secretary General provides a comprehensive, though not exhaustive, list of measures that states can undertake to prevent atrocity crimes, as well as measures for the general promotion and protection of human rights[46]. This list includes: constitutional protection, security sector reform, strengthening national institutions and legislative bodies, increasing equity in the distribution of resources, encouraging an active and diverse civil society, permitting independent media, as well as implementing effective early warning mechanisms and human rights education.[47]

The Ivorian mechanisms for atrocity prevention constitutes a post-crisis structural reform which englobes legal, institutional, and operational reforms.

The creation of the Authority for Disarmament, Demobilization and Reintegration (ADDR) of ex-combatants by Presidential decree on 8 August 2012 was previewed as a key factor for the stabilization as well as the political and economic recovery of Côte d'Ivoire. According to the International Commission of Inquiry and the UN Group of Experts on Côte d'Ivoire, following the crisis there were approximately 65,000 combatants dispersed throughout the country[49]. The ADDR serves under the national security council of the President and is responsible for not only convincing individuals to lay down their arms, but also for establishing cohesion and trust within and between communities as ex-combatants reintegrate into society. As confirmed by a member of the Small Arms Action Network in West Africa, Ivory Coast section, the DDR programmes despite a series of challenges to be discussed further, were successful in reducing the circulation of arms in the post-conflict Ivorian State. "The process succeeded in bringing

[45]United Nations Security Council, Adopted by the Security Council at its 5078th meeting, S/RES/1572 (2004).
[46]United Nations Secretary General, "Responsibility to Protect: State responsibility and prevention," A/67/929-S/2013/399, 9 July 2013.
[47]Ibid
[48]UNOCI, (2017). Disarmament, Demobilization and Reintegration of Ex-Combatants In Côte D'Ivoire, Retrieved from https://onuci.unmissions.org/en/disarmament-demobilization-and-reintegration-ex-combatants-c%C3%B4te-d%E2%80%99ivoire, Accessed on June 14.2021.
[49]UNHCR Regional Representation for West Africa - RSD Unit UNHCR Côte d'Ivoire, (2017), Côte d'Ivoire country of origin information (COI) Compilation, Retrieved from https://www.refworld.org/pdfid/59cc9fb14.pdf, Accessed on June 20, 2021.

back Ivorians who had fled the country for security reasons, and although we cannot say it succeeded in collecting all the weapons, we can say the reduced circulation and incidents of armed violence is an affirmation of the success recorded in the DDR process".[50]

A Special Investigative Cell (CSEI) was created in June 2011 to perform judicial investigations into mass atrocities and other crimes committed during the post-election crisis. The goal of the Cell was to end the impunity that has plagued Côte d'Ivoire following previous conflicts. Within its first three months of operation the cell consulted more than 2,400 "knowledgeable parties" and victims of the crisis.[51] The Cell was later criticized, however, for seeking a largely one-sided "victor's justice".[52] During December 2013 President Ouattara responded to some of these concerns by strengthening the Cell's mandate, which has been credited with improving the independence and legitimacy of its investigations. After years of inadequate government support, the CSEI received increased resources in late 2014 and in 2015 charged more than 20 perpetrators-including high-level commanders from both sides of the conflict-for their role in human rights abuses during the post-election crisis[53]. The government's support for the CSEI, however, is fragile. In mid-2015, the CSEI faced pressure from the executive to finish key investigations prematurely.[54]

A National Human Rights Commission (CNDHCI), was created in December 2012. The CNDHCI is charged with ensuring that the government ratifies and implements international human rights instruments, and investigates violations of human rights under national and international law, particularly when such violations are committed by government authorities. As such, the CNDHCI is advising legislators on how to harmonize national law with international standards, and publicly promoting information about fundamental rights. To strengthen the institution's capacity, the CNDHCI's leadership received training from UNOCI on international mechanisms for human rights protection and techniques for monitoring, investigation and reporting.[55] Together with the Office of the UN High Commissioner for Human Rights (OHCHR) and UNOCI, in October 2014 the CNDHCI launched a monthly forum for the promotion and protection of human rights in the country, including government ministries and more than thirty civil society organizations.[56]

Another important measure the government needed to undertake following the 2010-2011 crisis was to reform the electoral process. In particular, the reform of the Ivorian Independent Electoral Commission (CEI) that needed to be overhauled. Although "independent" in name, the commission was politically-driven with representation from the major political parties rather than neutral government civil servants or civil society representatives.[57] The government finally began reforming the CEI in 2014, including the expansion of the office from six to nine officials.

[50]Interview with executives of the Small Arms Action Network in West Africa, Ivory Coast section on March 15. 2021 in Abidjan, Côte d'Ivoire.
[51]Côte d'Ivoire Special Investigative Cell, "Investigations Relating to the Post- Election Crisis: Statement of the Prosecution," 11 October 2011, available at: http://justice-ci.org/cellule/88-enquetes-relatives-a-la-crise-postelectorale- le-communique-du-parquet-dabidjan-du-27-octobre-2011.html.
[52]Ibid,
[53]Human Rights Watch, (2015). To consolidate this peace of ours: A human rights agenda for Côte d'Ivoire.
[54]Ibid, p. 5
[55]Novosseloff, A. (2018). Lessons Learned from the UN's Transition in Côte d'Ivoire, International Peace Institute, Retrieved from https://reliefweb.int/sites/reliefweb.int/files/resources/IPI-Rpt-UNOCI-Transition.pdf, Accessed on June 15, 2021.
[56]National Commission for Human Rights of Ivory Coast, "Information note to the press: Forum of human rights yesterday: An action plan for the 2015 elections," 7 October 2014.
[57]Streitfeld-Hall, 2015, p.15

The National Assembly adopted more than a dozen amendments to the electoral framework based upon recommendations from the new CEI, while the UN and CEI jointly launched a platform to facilitate inclusive, transparent elections.[58]

On 26 August 2013, Côte d'Ivoire's legislature also adopted laws addressing land tenure and nationality, two issues that have contributed to the country's long-standing divisions. Under the previous land-tenure system, property ownership was enforced via customary laws and individuals needed to establish citizenship in order to be land owners. The new law on nationality allows all foreign nationals who migrated to Côte d'Ivoire prior to independence or were born in the country between 1961 and 1973, as well as their descendants, to claim Ivoirian citizenship. This means that individuals who were previously considered immigrants, despite having families that had lived in the country for generations, can now formally claim ownership over the land that they live on. By implementing these laws, the government can ease the tensions that individuals in many western and northern localities have previously used to justify the mistreatment and marginalization of groups they consider to be ethnic outsiders.

The Commission on Dialogue, Truth and Reconciliation (CDVR) was created in July 2011 to investigate the causes of violent conflict in Côte d'Ivoire. Unlike the CNE and the Special Investigative Cell, the CDVR's mandate was not limited to the violence following the December 2010 elections, but examined historical cleavages within society and government, document massacres, crimes, and other human rights violations by all parties arising from the crisis, including those committed by pro-Ouattara forces, along with abuses during the 1990s.[59] It had a two-year mandate and was expected to perform a national consultation to understand the causes of conflict, promote understanding and reconciliation, improve human rights education and develop tools for monitoring and preventing any recurrence of violence. In November 2013 the CDVR submitted a report to the President based upon more than 40,000 consultations. The report documented human rights violations and violence from 1999 until 2013.[60] While the CDVR awaited a renewal of its mandate in 2014, many called for a restructuring of the institution, arguing that it had not accomplished enough. In particular, the Commission had not yet held public hearings or planned reparations for violations of human rights, although it claimed to have helped initiate dialogue between Ouattara's and Gbagbo's political parties. In addition, civil society in Côte d'Ivoire complained that the CDVR focused too much on dissecting the causes of the violence and not enough on supporting victims in seeking justice. The CDVR submitted its final report to the President in December 2014, though its contents and recommendations were not made public[61].

The Ivorian government set up The National Commission for Reconciliation and Compensation of Victims (CONARIV) to continue the Actions of the CDVR. The CONARIV made a series of recommendations on reparations and provided an initial list of victims to the government. All these reforms were intended to mitigate the gaps that create political vulnerabilities before,

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[58]United Nations Secretary-General, "Thirty-sixth report of the Secretary- General on the United Nations Operation in Côte d'Ivoire," S/2015/320, 7 May 2015.
[59]Streitfeld-Hall, 2015, p.15
[60]Côte d'Ivoire Commission on Dialogue, Truth and Reconciliation, "Official Ceremony CDVR Report to the President of the Republic," 22 November 2013, available at: www.cdvr.ci.
[61]United Nations Secretary-General, "Thirty-third report of the Secretary- General on the United Nations Operation in Côte d'Ivoire," S/2013/761, 24 December 2013.

during, and after elections in Côte d'Ivoire. In 2010, a formal national infrastructure for peace to maintain, prevent, manage conflict and build peace was proposed in Côte d'Ivoire. This was followed by the creation of the National Program on Social Cohesion (PNCS) to coordinate actions in collaboration with other civil society networks, traditional and religious organisations, private sector and State Actors including the Ministry of State, Ministry of Interior and Security, and the Ministry of Planning and Development[62]. This project remains a dream while challenges like funding, implementation modalities and lack of political will continues to hinder its implementation.

In addition to these reforms, non-state actors play a complementary role to support the State's efforts in the prevention of mass atrocities.

The role of non-state actors: Ivorian Civil Society engagement in R2P implementation

While non state actors are required to disassociate themselves from any activity that would amount to any of the four atrocity crimes, they must ensure that their omission to act does not permit the commission of any of those crimes. Civil society plays a leading role in encouraging local peacebuilding initiatives, initiating reconciliation processes, advocating adherence to peace agreements and building peace education capacities.[63] NGOs play an important role in a wide range of areas relevant to R2P, including investigations of serious crimes, awareness-raising and lobbying, early warning and prevention, humanitarian assistance and capacity-building in conflict areas.[64] An Interview with coordinators from the West African Network for Peacebuilding in Côte d'Ivoire (WANEP-CI) indicated that "We the NGOs are non-partisan; hence we have access to every part of the country. This enables us to see what the politicians don't see and go where they can't go".[65] They therefore contribute in monitoring and observing elections to ensure transparency and credibility of elections. The dispersion of efforts by Ivorian CSOs reduce their effectiveness in the prevention of atrocity crimes. With their limited resources, they double efforts on the same projects, and in the same places instead of working together to strategise their interventions. The Ivorian Coalition of Human Rights Defenders for example brings together all CSOs defending human rights and projects their activities as one body. This increases their value when making requests before the state and promotes their interventions in case of abuses of any human rights defenders.

Indigenous mechanisms of R2P: The Ivorian Gacaca

Traditional and community-based approaches to prevention often aim to restore relationships between parties, through consensus-based and participatory processes[66]. The commission

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[62]Ministry of planning and development, available on https://www.plan.gouv.ci/accueil/actualite/168, Accessed on June 15, 2021.
[63]Ekiyor, T. (2008). Le rôle de la société civile dans la prévention des conflits : les expériences ouest-africaines, << The role of civil society in the prevention of conflicts: the experiences of West Africans >>. Forum du desarmement, Retrieved from https://www.peacepalacelibrary.nl/ebooks/files/UNIDIR_pdf-art2843.pdf Accessed on June 8, 2021.
[64]Zyberi, G. (2014). The Role of Non-State Actors in Implementing the Responsibility to Protect. in Cedric Ryngaert and Math Noortmann (eds.) Human Security and International Law: The Challenge of Non-State Actors (Intersentia, 2014), pp. 53-74, Available at SSRN: https://ssrn.com/abstract=2922471
[65]Interview with a WANEP, Coordinator in Côte d'Ivoire, March 18,2021.
[66]Volker, B. (2006). Traditional Approaches to Conflict Transformation — Potentials and Limits. Berghof Research Centre for Constructive Conflict Management, Retrieved fromhttp://www.berghoffoundation.org/fileadmin/redaktion/Publications/Handbook/Articles/boege_handbook.pdf

for truth and reconciliation recognized the role of traditional rulers in the process of conflict prevention. Just as reconciliation and social cohesion could be achieved through the Gacaca - traditional people's tribunals in Rwanda, Côte d'Ivoire adopted the traditional mechanism known as "Toukpè". "Toukpè" literally means "we are in alliance with" and is considered a social practice that revives the notion of communion and emphasises values such as non-aggression and good behaviour towards others[67].

Toukpè seeks to quell or diffuse any emerging or ongoing conflict, as well as to restore good moral values and behaviour. This method comprises social communication, through jokes and games to purposefully ridicule the initial point of tension. Toukpè thus alters the tragic nature of facts through jokes, making them trivial[68]. Such indigenous measures were however not adopted nationally to promote their contribution to peace in Côte d'Ivoire.

Challenges of R2P implementation in Côte d'Ivoire

Despite these measures to promote national reconciliation and prevent any forms of mass atrocity in Côte d'Ivoire, there are lingering challenges that can easily spark up new flames and result in Mass atrocities.

Structural and operational weaknesses of the defense and security sectors

The 2010-2011 post electoral conflict in Côte d'Ivoire was not only unique with the election and swearing in of two presidents, but was also characterised with a division of the defense and security forces showing loyalty to both sides. The armed confrontation between the national security and defense forces loyal to former president Laurent Gbagbo and the Republican Forces of Côte d'Ivoire (FRCI) who supported his rival, Alasane Dramane Ouattara revealed the fact that despite the efforts made in the reunification of the Ivoirian Defense and Security Forces, Côte d'Ivoire still had its defense and security forces divided. The election-security plan reflected this division, with two armies and two completely separate chains of command[69]. General Mangou, chief of staff of the national army, with most of his senior officers present, pledged allegiance to Gbagbo on Ivoirian national television on December 3, 2010, while Alassane Ouattara who was recognized by the international community as the winner criticized the passivity of the defense and security forces in preventing exactions against certain segments of the population[70]. Security forces are still implicated in arbitrary arrest and detentions and, less frequently, mistreatment and torture of detainees[71]. They were also frequently implicated in criminal conduct, notably extortion. Very few security forces members faced judicial or disciplinary actions for these violations. Several commanders credibly implicated in atrocities during the 2010-2011 crisis remained in key positions in the security forces[72]. These structural vulnerabilities of the Ivorian defense and security sectors are projected in the role they play during elections and in post electoral violence.

[67]Kouassi, M. (2011). Resolving conflict the traditional way, International Justice Tribune. Retrieved from https://reliefweb.int/report/côte-divoire/resolving-conflict-traditional-way, Accessed on June 11, 2021.
[68]Ibid
[69]Eyikor, 2008. p. 11
[70]Boutellis, 2011.
[71]Human Rights Watch, (2016). World Report 2016 - Côte d'Ivoire
[72]Ibid

Human rights violations in Côte d'Ivoire

While promoting the protection of human rights may be at the core of R2P, violations of human rights by state or non-state actors may trigger or renew violent conflicts. The fragile peace in Côte d'Ivoire after decades of conflicts is threatened by the numerous incidents of human rights abuses and violations, entrenched impunity, a politicized judiciary and lack of freedom of expression.

Persistent violence against women is recorded in various parts of the country regularly. Women and girls continue to experience Female Genital Mutilation (FGM) and early marriages in some areas of the country. The UNDP report on Human Development and FGM recorded female early marriages stood at 33% in 2016, while FGM prevalence rate was at 38% for women between 15 to 49 years[73]. The arrest of several opposition or civil society figures ahead of the 2020 presidential elections for organizing anti-government protests raised concerns of a closing of civic space. The Ivorian government in several instances prohibited opposition rallies, and on multiple occasions police or gendarmes arrested and briefly detained opposition politicians and civil society activists who organized anti-government demonstrations[74]. Prison conditions and overcrowding are persistent problems. For example, Abidjan's central prison in October housed 7,100 in a facility designed for 1,500, with 2,500 in pretrial detention[75]. Despite some efforts to rehabilitate prisons, detainees still lack adequate access to medical care and inmates suffer extortion by prison guards and fellow inmates. Such violations of fundamental human rights fuel violent conflicts and increase the dispositions for mass atrocities.

Partial Justice and Accountability

The apparent one-sided 'justice,' is a threat to peace and stability of the Ivorian State. Interviews with different stakeholders in Côte d'Ivoire demonstrated the perceived justification of a partial justice and punishment for the perpetrators of atrocities during the past conflicts. This perception of forcing an insincere and incomplete reconciliation between victims and perpetrators was justified by the refusal of the government to publish the findings of the National Investigation Commission[76]. In addition, international actors during this time were very adamant in their condemnation of Gbagbo and his abuses but failed to condemn Ouattara's abuses.

Human right Watch reported that Ivorian courts did less to hold to account President Ouattara's allies for abuses during the 2010-11 crisis, which included sexual violence and targeted killings of men from ethnic groups perceived as loyal to Laurent Gbagbo[77]. They stated that although several high-ranking pro-Ouattara commanders were among more than 30 military and civilian officials whom Ivorian judges had charged with human rights crimes during the 2010-

[73]UNICEF, (2013). Côte d'Ivoire Statistical profile on female genital mutilation/cutting , Retrieved from https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjDj5ThxZjxAhWS4YUKHURMAA0QFjAAegQIAxA-D&url=http%3A%2F%2Fdata.unicef.org%2Fwp-content%2Fuploads%2Fcountry_profiles%2FC%25C3%25B4te%2520d%2527Ivoire%2FFGMC_CIV.pdf&usg=AOvVaw24nj9mb29W37rXPC00ykZz, Accessed on June 15, 2021.
[74]Human Rights Watch, 2016.
[75]Human Rights Watch, 2020 world report, Côte d'Ivoire Events of 2019. Retrieved from https://www.hrw.org/world-report/2020/country-chapters/cote-divoire   Accessed on June 8, 2021.
[76]Mohamed, S. (2019). Cote d'Ivoire's Continued Struggle for Justice and Reconciliation. International Center for Transitional Justice, retrieved from https://allafrica.com/stories/201901310233.html
[77]Wormington, J. (2018). Côte d'Ivoire 's Forgotten Victims, Jeune Afrique. Human Rights Watch.

11 crisis, none was brought to trial[78]. Several army commanders implicated in serious human rights abuses during the 2002 crises and again during the post-election crisis were rather promoted[79]. These perceived injustices and lack of accountability contribute to the escalation of unresolved grievances which can escalate to violent conflicts and the commission of mass atrocities.

Proliferation of arms and light weapons

Despite the successes recorded during the process of Disarmament, Demobilization and Reintegration (DDR), delays, dysfunctions, and politicisation of the national DDR program as well as the lack of funding to sustain the program led to further distrust between the parties and increased tensions. The decision by the government to split the National DDR Program (PNDDR) previously supported by the World Bank into two separate processes-CCI in charge of disarmament and demobilization and the National Civilian Reinsertion Program (PNRC) in charge of reinsertion and the later addition of the National Service Program, led to institutional rivalries, unequal reintegration packages, and further delays in the process. The UN reported over 21,000 former combatants had been disarmed, more than 30,000 had benefitted from reinsertion support, and 7,429 weapons had been collected. However, disarmament was one-sided, mostly benefitting forces loyal to President Ouattara. Only 13 percent of those disarmed were combatants affiliated with Gbagbo and large numbers of beneficiaries were not listed in the national Disarmament, Demobilisation and Reintegration database. This led to demonstrations by former combatants in western Côte d'Ivoire which turned violent. An interview with officers at the National Commission of Small Arms and Light Weapons of Côte d'Ivoire (COMNAT-CI) revealed that there is a gap in the legal framework for arms control. This contributes to the proliferation of arms in the country and the impunity that prevails in the unlawful possession of arms[80]. The control of the artisanal production and ownership of arms are a challenge to the commission and the state. There is an urgent need for legal reforms to enable an effective control and management of arms to prevent the illegal possessions that facilitate the escalation of violent conflicts.

Persistent political affiliation along ethnic and religious lines

Côte d'Ivoire comprises people from more than 60 ethnicities speaking over 80 languages.[81] The influence of ethnicity in the political scene in Côte d'Ivoire has resulted in a person's identity determining his or her political affiliation. Former President Laurent Gbagbo is a member of the Bete ethnic group, while Alassane Ouattara is a member of the Dioula ethnic group. According to the UN High Commissioner for Refugees (UNHCR), in general, Muslims and people belonging to the ethnic groups in the northern and central parts of the country, including the Dioulas, are presumed to be pro-Ouattara, and the Christians and members of the ethnic groups in the south and west, including the Bete, are presumed to be pro-Gbagbo.[82] The

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[78]Ibid
[79]Ibid
[80]Interview at the National Commission of Small Arms and Light Weapons of Côte d'Ivoire (COMNAT-CI) on March 10, 2021.
[81]Simon-Skjodt, 2019.
[82]United Nations High Commissioner for Refugees (UNHCR), (2017). Country of Origin report on Cote d'Ivoire.

influence of ethnicity and religion in Ivorian politics was heightened in the country's first multi-party elections in 1990. The then incumbent President Houphouët-Boigny of the Democratic Party of Cote d'Ivoire was accused of favouring the interests of his ethnic group, and one of the largest ethnic groups in the country, the Baoles[83]. The death of Houphouët-Boigny three years after winning the 1990 elections paved the way for the second multi-party elections which led to the creation of the Rally for Republican Party which brought together Muslims and people from the North to deepen the existing ethno-religious divides in the country[84].

The two civil wars in the past 20 years, have projected a series of deliberate violence perpetrated against civilians based on ethnic targeting. This is a result of political affiliation being defined along ethnic and religious lines, making electoral competition a fight for group dominance. Past exclusionary ideology discriminated against northerners and risks a resurgence; at the same time a new exclusionary ideology, discriminating against non-northerners, is being developed. Disputes over land ownership and access between Ivorians of different ethnicities and between Ivorians and foreigners are a pervasive source of conflict that are harnessed by politicians to generate support[85]. In addition, socioeconomic inequalities and regional disparities feed the narrative that some groups of Ivorians have unfair advantages, or even that some groups are a threat to others.

Way forward and Recommendations

The relevance of policy and institutional reforms is to implement the recommendations fairly to promote justice and accountability. The efforts of the Ivorian State in preventing R2p crimes will be limited without responding to the basic grievances that led to the violent crises experienced in the past two decades. The pursuance of establishing the infrastructure for peace will facilitate the implementation of R2P in Côte d'Ivoire. This body will coordinate the dispersed efforts of all stakeholders to build a consolidated peace in Côte d'Ivoire. Responding to challenges around elections without tackling the broader fundamental challenges that are escalated through elections will not prevent atrocity crimes in Côte d'Ivoire. The following recommendations will help improve the implementation of R2P in Côte d'Ivoire.

The Ivorian government must ensure transparency in the recruitment and training of the military/security forces, and promote the reunification of the security and defense forces. Political dialogues must be held regularly to uncover and resolve political grievances. There is the need to restore the role of traditional leaders in the conflict prevention and resolution processes. The State must establish strict control measures against ethnic politicisation and media transmission of hate speech. Reinforce the capacity of the security forces and small arms commission in weapon management, and initiate programmes that will bridge the socio-economic disparities within the different regions.

Non-Governmental Organisations (NGOs) need to coordinate their activities and work in synergy to complement the State's efforts. They must organize regular sensitization against provocative political and hate discourse, and participate in election observation and monitoring. It is recommended that they establish community-based early warning mechanisms to report

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[83]Ogwang, T. (2011). The root causes of the conflict in Ivory Coast, Africa Portal, No.5, pp 3-4.
[84]Ibid
[85]UNHCR, (2017), p. 5

incidents that can lead to the commission of atrocity crimes. The traditional media must ensure regular trainings on election reporting and promote discourses that will promote peaceful elections and condemn the diffusion of all hate speeches that can fuel ethnic or religious rivalries. The International Community must ensure local ownership of all interventions, support developmental projects and contribute to capacity building in democratic reforms.

Conclusion

Despite the reforms adopted by the Ivorian state to prevent the recurrence of violent conflicts and the atrocities that may follow, there seem to be a series of signals that project the current situation as a transitional and fragile peace. Divisive political rhetoric, residual tensions before and after the 2020 elections, and increase in intercommunal tensions are indicators of flames being ignited. There is the need for the Ivorian government and population to serve as agents of early warning and rapid response in the prevention of mass atrocity. The fragility created around elections can be mitigated by responding to the fundamental causes of conflicts in Côte d'Ivoire which include entrenched impunity of perpetrators of past atrocities, a politicized judiciary, and longstanding political and ethnic tensions. The absence of a true reconciliation and accountability process may lead to the collapse of the fragile peace in Côte d'Ivoire, and further threaten regional stability.

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