

Country/entity	Cote d'Ivoire
Region	Africa (excl MENA)
Agreement name	Pretoria Agreement on the Peace Process in Côte d'Ivoire ('Pretoria I')
Date	6 Apr 2005
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Ivorian Civil War (2002 - 2011)

The Ivorian civil war broke out in 2002 over the disqualification of Alassane Ouattara from the predominantly Muslim north for the presidential elections due to his missing "Ivoirity". This concept, politically enforced by nationalist forces around President Laurent Gbagbo in the South of the country and in the capital Abidjan, demanded that both parents of a presidential candidate had to be born in Cote D'Ivoire. Despite several agreements and French military involvement the fighting continued until 2005, when a South African mediation attempt – and the qualification of the national football squad for the World Cup in 2006 – helped to end the fighting. The situation remained unstable even with a UN peacekeeping force in place. Renewed fighting broke out after the presidential elections in 2010 where Ouattara was allowed to run, but he lost the elections under unclear circumstances and perceptions of fraud. Finally, Gbagbo was arrested in April 2011 by French-backed forces supporting Ouattara.

Close

Ivorian Civil War (2002 - 2011)

Stage	Implementation/renegotiation
Conflict nature	Government
Peace process	Cote D'Ivoire: peace process
Parties	His Excellency Laurent GBAGBO President of the Republic of Cote d'Ivoire Mr Henri Konan BEDIE For the PDCI Mr Alassane Dramane OUATTARA For the RDR Mr Guillaume SORO For the Forces Nouvelles His Excellency Seydou Elimane DIARRA Prime Minister of the Government of National Reconciliation

Third parties	His Excellency Thabo MBEKI President of the Republic of South Africa, Mediator of the African Union Cc. His Excellency President Alpha Omar KONARE Chairperson of the African Union Commission, AU Headquarters, Addis Ababa
Description	The Agreement reaffirms a ceasefire, and arranges for DDR and ensuring security, The composition of Independent Electoral Commission, elections, and implementation of agreements through domestic legislation and a mechanisms for ongoing consultation.

Agreement document	CI_050604_PretorialAgreement.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
Men and boys	No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) Page 1, Paragraph 2
The Ivorian leaders reaffirmed:
...
- their commitment to respecting the sovereignty, independence, integrity and unity of the Cote d'Ivoire

State configuration Taking this into account, the Mediator believes that the immediate and urgent challenge confronting the people of Cote d'Ivoire is the achievement of normality and stability through the reunification of the country, the restoration of State administration in all parts of the country, and the holding of free and fair presidential and legislative elections.

Page 8, ANNEX II

...

However, the Mediator believes that it is critically important that due consideration should be taken of the prescription contained in article 127 of the same Constitution, which prohibits any action that might undermine the integrity of the territory of Cote d'Ivoire.

It is a matter of common cause that currently Cote d'Ivoire is divided into two parts that are under the control of different administrations, which undeniably undermines the integrity of the territory.

With reference to article 48 of the Constitution of Cote d'Ivoire, it is obvious that the integrity of the territory of Cote d'Ivoire is threatened in a serious and immediate manner, and the regular functioning of the constitutional authorities has been interrupted.

...

Article 48 refers to the execution by Cote d'Ivoire of its international commitments, territorial integrity and the regular functioning of the constitutional authorities, all of which bear on the current situation in Cote d'Ivoire.

...

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

**Political
institutions (new or
reformed)**

Governance→Political institutions (new or reformed)→Temporary new institutions
Page 3, SECURITY OF THE MEMBERS OF THE GOVERNMENT FROM THE NEW FORCES
7. The parties that are signatories to this agreement accepted the plan proposed by the
Mediation ensuring security for the New Forces Ministers of the Government of National
Reconciliation.
Consequently, the FN accepts to return to the Government of National Reconciliation.

Page 3, DELEGATION OF POWERS TO THE PRIME MINISTER

8. It was agreed that the Prime Minister of the Government of National Reconciliation
requires the necessary executive authority to accomplish his mission appropriately.
It was agreed that the delegated powers that the Prime Minister has are sufficient to
enable him to accomplish his mission in accordance with the Linas-Marcoussis
Agreement.
Consequently, the President of the Republic reaffirms the authority of the Prime Minister.

Page 5, RE-TABLING OF LAWS BEFORE THE NATIONAL ASSEMBLY

12. The parties that are signatories to this agreement accepted the determination of the
mediation regarding the adoption of the texts that emanated from Linas- Marcoussis.
They mandate the Prime Minister to instruct the ministers responsible for the drafting of
the concerned draft laws for adoption by the National Assembly.
The signatories of the present Accord invite all the members of parliament of the nation
to support these amendments, the adoption of which must be finalised by the end of
April 2005.

Page 5, FINANCING OF POLITICAL PARTIES

13. The signatories of this agreement have accepted to extend the principle of financing
of political parties to those parties that are not represented in Parliament due to the
political context that prevailed in the past.

Page 7, ANNEX II

...

Chapter III of the annex to the Linas-Marcoussis Agreement deals with the issue of
eligibility to the Presidency of the Republic. It contains a text approved by all the
signatories to the Agreement, which would amend article 35 of the Constitution of Cote
d'Ivoire.

The Ivorian parties and the Mediation are thererore duly bound to ensure that the
intention of the text agreed at Linas-Marcoussis is realized, which essentially seeks to
respect the principle of inclusivity with regard to the important issue of eligibility to the
Presidency

Elections

Page 1, Paragraph 2

The Ivorian leaders reaffirmed:

...

- their determination regarding the need to organise presidential elections in October 2005 and legislative elections that follow immediately thereafter.

Page 3, INDEPENDENT ELECTORAL COMMISSION

9. The parties who are signatories to this agreement agree to make amendments to the composition, organisation and functioning of the current Independent Electoral Commission:

a. Composition and functioning of the Central Commission of the IEC:

- ~~¶~~ Two (2) representatives nominated by each party that is a signatory to the Linas-Marcoussis Agreement, of whom six (6) from the New Forces;

- Only representatives of the parties that are signatories to the Linas-Marcoussis Agreement as well as the representative of the President of the Republic and of the President of the National Assembly have a voting right.

- A new amendment will be proposed to the National Assembly to allow all parties to designate representatives to the IEC.

b. Composition and functioning of the Bureau of the Central Commission

- The members of the Bureau of the Central Commission are elected by the Central Commission

- The Bureau of the Central Commission is made up of twelve (12) members in the following manner:

- o One (1) representative for each party that is a signatory to the Linas-Marcoussis Agreement, i.e. a total of ten (10) members;

- o One (1) representative of the President of the Republic;

- o One (1) representative of the President of the National Assembly.

c. Term of the members of the Central Commission

- ~~¶~~ The term of the members of the Central Commission expires at the end of the general elections.

Page 4, ORGANISATION OF ELECTIONS

10. The parties that are signatories to the agreement are aware of the difficulties and the sensitivities related to the elections.

To ensure that free, fair and transparent elections are held, the parties agree that the United Nations be invited to participate in the work of the Independent Electoral Commission. For this purpose, they have mandated the Mediator, His Excellency Mr Thabo Mbeki to request the United Nations on behalf of the Ivorian People to participate in the organisation of general elections.

The parties extend the same request to the United Nations with respect to the Constitutional Council.

The United Nations must ensure that the requested intervention mission has an appropriate mandate and power to fulfil its function.

Page 8, ANNEX II

...

Taking this into account, the Mediator believes that the immediate and urgent challenge confronting the people of Cote d'Ivoire is the achievement of normality and stability through the reunification of the country, the restoration of State administration in all parts of the country, and the holding of free and fair presidential and legislative elections.

**Electoral
commission**

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The United Nations must ensure that the requested intervention mission has an appropriate mandate and power to fulfil its function.

**Political parties
reform**

Governance→Political parties reform→Other political parties reform

Page 5, FINANCING OF POLITICAL PARTIES

13. The signatories of this agreement have accepted to extend the principle of financing of political parties to those parties that are not represented in Parliament due to the political context that prevailed in the past.

Civil society

No specific mention.

**Traditional/
religious leaders**

No specific mention.

**Public
administration**

No specific mention.

Constitution

Governance→Constitution→Constitution affirmation/renewal
Page 7, ANNEX II

...

As indicated in that paragraph, I have consulted both the Chairperson of the African Union, President Olusegun Obasanjo, and the Secretary-General of the United Nations, Kofi Annan.

They both support the decision reflected in paragraph 14 and agree that to solve the crisis in Cote d'Ivoire, it is vitally important to respect the substance of the article 35 constitutional amendment contained in the Linas-Marcoussis Agreement.

...

Consistent with the approach imminent in the Linas-Marcoussis and Accra Agreements, the Mediator is fully conscious of the need to respect the Constitution of Cote d'Ivoire, bearing in mind the adaptations that have to be made to provide for the implementation of the Linas-Marcoussis and Accra Agreements.

In this regard, the Mediator is fully aware of the requirements concerning constitutional amendments affecting the Presidency, as contained in article 126 of the Constitution of Cote d'Ivoire.

...

In terms of the mandate given to the Mediator in paragraph 14 of the Pretoria Agreement, I, as Mediator, hereby determine that with reference to the 2005 presidential elections, the Constitutional Council should accept the eligibility of the candidates who might be presented by the political parties that signed the Linas- Marcoussis Agreement.

...

Governance→Constitution→Constitutional reform/making
Page 7, ANNEX II

...

It is only after all these objectives have been achieved that consideration should be given to effecting such amendments to the Constitution of Cote d'Ivoire as may be thought necessary. Only in this way would it be possible to ensure that the constitution-making process helps to consolidate peace, stability, democracy and national unity.

Power sharing

Political power sharing

Power sharing→Political power sharing→Other
State level
Page 3, INDEPENDENT ELECTORAL COMMISSION

9. The parties who are signatories to this agreement agree to make amendments to the composition, organisation and functioning of the current Independent Electoral Commission:

a. Composition and function of the Central Commission of the IEC:

- Two (2) representatives nominated by each party that is a signatory to the Linas-Marcoussis Agreement, of whom six (6) from the New Forces;
- Only representatives of the parties that are signatories to the Linas-Marcoussis Agreement as well as the representative of the President of the Republic and the President of the National Assembly have a voting right.
- A new amendment will be proposed to the National Assembly to allow all parties to designate representative to the IEC.

b. Composition and functioning of the Bureau of the Central Commission

- The members of the Bureau of the Central Commission are elected by the Central Commission
- The Bureau of the Central Commission is made up of twelve (12) members in the following manner:

o One (1) representative for each party that is a signatory to the Linas-Marcoussis Agreement, i.e. a total of ten (1) members;

o One (1) representative of the President of the Republic;

o One (1) representative of the President of the National Assembly,

c. Term of the members of the Central Commission

- The term of the member of the Central Commission expires at the end of the general elections.

Territorial power sharing

No specific mention.

Economic power sharing	No specific mention.
Military power sharing	<p>Power sharing→Military power sharing→Merger of forces</p> <p>Page 2, DISARMAMENT, DEMOBILISATION AND REINTEGRATION (DDR)</p> <p>5. ...</p> <p>The Chiefs of Staff have also been mandated to formulate specific recommendations in respect of the formation of one army based on values of integrity and republican morality and the restructuring of the defence and security forces as contemplated in paragraph 3 (f) of the Linas-Marcoussis Agreement. These recommendations should be submitted to the Government of National Reconciliation.</p> <p>Page 3, ENSURING SECURITY IN THE AREA UNDER NEW FORCES' CONTROL</p> <p>6. The parties that are signatories to this agreement admitted that there is a need to guarantee the security of people and assets as soon as the cantonment of the New Forces in the North commences and the following temporary and interim measures listed below will apply:</p> <p>...</p> <p>c. As soon as the administration of the State is re-established throughout the national territory, the individuals concerned will return to the academy obtain further training at the police and gendarmerie academy with a view to their integration in the national police and national gendarmerie corps.</p> <p>Power sharing→Military power sharing→Proportionality</p> <p>Page 3, ENSURING SECURITY IN THE AREA UNDER NEW FORCES' CONTROL</p> <p>6. The parties that are signatories to this agreement admitted that there is a need to guarantee the security of people and assets as soon as the cantonment of the New Forces in the North commences and the following temporary and interim measures listed below will apply:</p> <p>a. Six hundred (600) individuals from the FAFN will be recruited and trained on the basis of national gendarmerie and police criteria that are in force. The training will be conducted under the auspices of the police component of ONUCI.</p> <p>b. These elements will be deployed alongside the ONUCI forces.</p> <p>c. As soon as the administration of the State is re-established throughout the national territory, the individuals concerned will return to the academy obtain further training at the police and gendarmerie academy with a view to their integration in the national police and national gendarmerie corps.</p>

Human rights and equality

Human rights/RoL general	<p>Page 8, ANNEX II</p> <p>...</p> <p>However, it is also important that we should respect the rule of law as we give effect to this determination. In this regard, we should not oblige the Constitutional Council to act in an illegal manner. The authorities of Cote d'Ivoire will therefore have to take the necessary steps to give legal force to the Mediator's determination regarding article 35.</p>
Bill of rights/similar	No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy Page 8, ANNEX II
...
It is only after all these objectives have been achieved that consideration should be given to effecting such amendments to the Constitution of Cote d'Ivoire as may be thought necessary. Only in this way would it be possible to ensure that the constitution-making process helps to consolidate peace, stability, democracy and national unity

Detention procedures No specific mention.

Media and communication Rights related issues→Media and communication→Media roles
Page 4, COMPOSITION OF THE BOARD OF DIRECTORS OF THE IVORIAN RADIO AND TELEVISION (RTI)
11. The RTI is an important institution that should be used to contribute to national unity and reconciliation.
Consequently, the programme of the RTI must immediately cover the whole national territory. It was also decided to restore the status of the RTI to that it enjoyed before 24 December 2004. Decrees 2004-678 and 2005-01 will be revoked forthwith.
Furthermore, the Minister of State Guillaume Soro, in consultation with the Prime Minister, will present a draft decree on the appointment of members of the board of directors of the RTI.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** Page 3, SECURITY OF THE MEMBERS OF THE GOVERNMENT FROM THE NEW FORCES
7. The parties that are signatories to this agreement accepted the plan proposed by the Mediation ensuring security for the New Forces Ministers of the Government of National Reconciliation.
Consequently, the FN accepts to return to the Government of National Reconciliation.

Ceasefire Security sector→Ceasefire→Ceasefire provision
Page 1, JOINT DECLARATION OF THE END OF THE WAR
3. The Ivorian parties that are signatories to the Pretoria Agreement hereby solemnly declare the immediate and final cessation of all hostilities and the end of the war throughout the national territory, In this regard, they unequivocally repudiate the use of force as a means to resolve differences amongst themselves. They acknowledged that the war has brought untold misery and suffering upon the Ivorian people. The war has also led to a serious decline of the economy of the Cote d'Ivoire with negative consequences for the West-African region. The Ivorian leaders hereby reaffirm the sacred right of the Ivorian people to peace and development.
The Mediator reiterated his disapproval and condemnation of the ceasefire violations on November 4-6 2004 and on February 28, 2005; as well as the violence of 6-9 November 2004 and calls on all parties and Ivorian people in general, to work together to prevent incidences of violence and war.

Police

Page 3, ENSURING SECURITY IN THE AREA UNDER NEW FORCES' CONTROL

6. The parties that are signatories to this agreement admitted that there is a need to guarantee the security of people and assets as soon as the cantonment of the New Forces in the North commences and the following temporary and interim measures listed below will apply:

- a. Six hundred (600) individuals from the FAFN will be recruited and trained on the basis of national gendarmerie and police criteria that are in force. The training will be conducted under the auspices of the police component of ONUCI.
- b. These elements will be deployed alongside the ONUCI forces.
- c. As soon as the administration of the State is re-established throughout the national territory, the individuals concerned will return to the academy obtain further training at the police and gendarmerie academy with a view to their integration in the national police and national gendarmerie corps.

Armed forces

Page 2, DISARMAMENT AND DISMANTLING OF THE MILITIA

4. The parties agreed to immediately proceed with the disarmament and dismantling of the militia throughout the entire national territory. In this regard, the following implementation steps were agreed to:

...

- b. For this purpose, the President of the Republic, His Excellency Mr Laurent Gbagbo, Head of State, Chief of the Defence Force, Chairperson of the Defence Command Council, will select units of the Defence and Security Forces to assist the Prime Minister in his mission to disarm and dismantle the militia. These units of the Defence and Security Forces will be placed at the disposal of the Prime Minister and will be supported by the Impartial Forces.

Page 2, DISARMAMENT, DEMOBILISATION AND REINTEGRATION (DDR)

5. It was agreed that the Chiefs of Staff of the National Armed Forces of the Côte d'Ivoire (FANCI) and the Armed Forces of the New Forces (FAFN) meet immediately in order to ensure the implementation of the National Disarmament, Demobilisation and Reintegration Plan (PNDDR).

The two Chiefs of Staff will be supported by a team of experts appointed by the Mediation.

Page 3, ENSURING SECURITY IN THE AREA UNDER NEW FORCES' CONTROL

6. The parties that are signatories to this agreement admitted that there is a need to guarantee the security of people and assets as soon as the cantonment of the New Forces in the North commences and the following temporary and interim measures listed below will apply:

- a. Six hundred (600) individuals from the FAFN will be recruited and trained on the basis of national gendarmerie and police criteria that are in force. The training will be conducted under the auspices of the police component of ONUCI.
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DDR

Security sector→DDR→DDR programmes

Page 2, DISARMAMENT AND DISMANTLING OF THE MILITIA

4. The parties agreed to immediately proceed with the disarmament and dismantling of the militia throughout the entire national territory. In this regard, the following implementation steps were agreed to:

- a. The Prime Minister of the Government of National Reconciliation will implement the Joint Operation Plan in order to achieve the disarmament and the dismantling of the militia.
- b. For this purpose, the President of the Republic, His Excellency Mr Laurent Gbagbo, Head of State, Chief of the Defence Force, Chairperson of the Defence Command Council, will select units of the Defence and Security Forces to assist the Prime Minister in his mission to disarm and dismantle the militia. These units of the Defence and Security Forces will be placed at the disposal of the Prime Minister and will be supported by the Impartial Forces.

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The two Chiefs of Staff will be supported by a team of experts appointed by the Mediation.

The Chiefs of Staff have also been mandated to formulate specific recommendations in respect of the formation of one army based on values of integrity and republican morality and the restructuring of the defence and security forces as contemplated in paragraph 3 (f) of the Linas-Marcoussis Agreement. These recommendations should be submitted to the Government of National Reconciliation.

In order to address the concerns expressed by the parties that are signatories to this Agreement, the Defence and Security Forces and the Armed Forces of the New Forces have agreed to meet on Thursday 14 April 2005 in Bouake. The Prime Minister will join this important meeting, which will mark the resumption of contact between the FANCI and FAFN as well as the commencement of the DDR process.

Intelligence services

No specific mention.

**Parastatal/rebel
and opposition
group forces**

Page 2, DISARMAMENT AND DISMANTLING OF THE MILITIA

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Page 2, DISARMAMENT, DEMOBILISATION AND REINTEGRATION (DDR)

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Page 3, INDEPENDENT ELECTORAL COMMISSION

9. The parties who are signatories to this agreement agree to make amendments to the composition, organisation and functioning of the current Independent Electoral Commission:

a. Composition and functioning of the Central Commission of the IEC:

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- The members of the Bureau of the Central Commission are elected by the Central Commission

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**Withdrawal of
foreign forces**

No specific mention.

Corruption

No specific mention.

Crime/organised crime	No specific mention.
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Drugs	No specific mention.
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Terrorism	No specific mention.
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Transitional justice

Transitional justice general	No specific mention.
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Amnesty/pardon	No specific mention.
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Courts	No specific mention.
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Mechanism	No specific mention.
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Prisoner release	No specific mention.
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Vetting	No specific mention.
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Victims	No specific mention.
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Missing persons	No specific mention.
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Reparations	No specific mention.
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Reconciliation	No specific mention.
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Implementation

UN signatory	No specific mention.
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Other international signatory	His Excellency Thabo MBEKI President of the Republic of South Africa, Mediator of the African Union Cc. His Excellency President Alpha Omar KONARE Chairperson of the African Union Commission, AU Headquarters, Addis Ababa
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Referendum for agreement	No specific mention.
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**International
mission/force/
similar**

Page 2, DISARMAMENT, DEMOBILISATION AND REINTEGRATION (DDR)

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Page 4, ORGANISATION OF ELECTIONS

10. ...

To ensure that free, fair and transparent elections are held, the parties agree that the United Nations be invited to participate in the work of the Independent Electoral Commission. For this purpose, they have mandated the Mediator, His Excellency Mr Thabo Mbeki to request the United Nations on behalf of the Ivorian People to participate in the organisation of general elections.

The parties extend the same request to the United Nations with respect to the Constitutional Council.

The United Nations must ensure that the requested intervention mission has an appropriate mandate and power to fulfil its function.

Enforcement mechanism

Page 6, INTERPRETATION OF THE AGREEMENT

16. Should there be a difference in interpretation of any part of this agreement, the signatory parties of this agreement agree that they will consult the Mediator for a ruling.

Page 7, ANNEX II

...

Chapter III of the annex to the Linas-Marcoussis Agreement deals with the issue of eligibility to the Presidency of the Republic. It contains a text approved by all the signatories to the Agreement, which would amend article 35 of the Constitution of Cote d'Ivoire.

The Ivorian parties and the Mediation are therefore duly bound to ensure that the intention of the text agreed at Linas-Marcoussis is realized, which essentially seeks to respect the principle of inclusivity with regard to the important issue of eligibility to the Presidency

As on previous occasions since the Linas-Marcoussis Agreement was concluded, during our meeting from 3 to 6 April in South Africa it proved difficult for the Ivorian parties to reach agreement about the steps that should be taken to give effect to the Linas-Marcoussis Agreement concerning article 35.

For this reason, given the urgent necessity to resolve this matter, as well as the need to honour the commitment made by the signatories of the Linas-Marcoussis Agreement, it has been agreed that the African Union Mediator should make a determination on this matter, and act expeditiously to finalize it.

Related cases

No specific mention.

Source

<http://peacemaker.un.org/>
