

Distr.: General  
24 May 2013  
Arabic  
Original: English



## مجلس حقوق الإنسان

الدورة الثالثة والعشرون

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

### تقرير المقرر الخاص المعني بحقوق الإنسان للمشردين داخلياً، تشالوكا بياني

إضافة

البعثة إلى كوت ديفوار (٢٢-٣١ تموز/يوليه ٢٠١٢) \*\* \*

موجز

اضطلع المقرر الخاص المعني بحقوق الإنسان للمشردين داخلياً، تشالوكا بياني، ببعثة رسمية إلى كوت ديفوار في الفترة من ٢٢ إلى ٣١ تموز/يوليه ٢٠١٢، وذلك بدعوة من الحكومة. وعملاً بالولاية المنوطة بالمقرر الخاص، الواردة في قرار مجلس حقوق الإنسان ٦/١٤، سعى المقرر الخاص إلى الوقوف على حالة كافة المشردين داخلياً في البلد، بمن فيهم أولئك الذين شرّدوا بسبب العنف الذي شهدته الفترة اللاحقة لانتخابات عام ٢٠١٠، أو لأسباب أخرى. ومع أن التشرّد تسببت فيه القلاقل المدنية بدرجة رئيسية، هناك عوامل أخرى، كالقضايا المتعلقة بالأراضي، والمواطنة والهوية الوطنية، والتراعات بين المجتمعات المحلية، أججت هذه الأزمات.

\* يُعمّم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، المرفق بهذا الموجز، فيعمم باللغة التي قُدّم بها وباللغة الفرنسية فحسب.

\*\* تأخر تقديمه.

وبالرغم من التقدم الملموس الذي تحقّق في إعادة إقرار القانون والنظام في البلاد، يظل الوضع الأمني هشاً، وقد تأثّر بمفعول التقدم البطيء في مجالي إصلاح القطاع الأمني والوفاق الوطني. ويلزم كذلك أن تُبدل جهود متضافرة لتيسير الظفر بحلول دائمة للمشردين داخلياً. ومع أن معظمهم عاد أو اندمج في المجتمع المحلي أو استوطن مكاناً آخر في البلد، لا يزال العديد منهم يعيش في ظل أوضاع هشّة، حتى في غرب البلاد، وهم بحاجة إلى المساعدة التي تمكنهم من الوفاء باحتياجاتهم الإنسانية العاجلة وإلى الحلول الدائمة الأطول أجلاً على حدّ سواء. وإن تعزيز السلام في كوت ديفوار، والوقاية من التشرّد القسري مستقبلاً يتطلّبان بذل جهود متواصلة لمعالجة الأسباب الجذرية للصراع الدائر والنهوض كذلك بعملية وفاق وطني تشمل كافة السكان.

## Annex

[English and French only]

### Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, on his mission to Côte d'Ivoire (22 to 31 July 2012)

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–3	4
II. General context .....	4–19	4
A. Political and socioeconomic context .....	4–8	4
B. Human rights situation .....	9–13	5
C. History, causes and extent of internal displacement .....	14–19	7
III. Frameworks for the assistance and protection of internally displaced persons.....	20–28	8
A. Domestic response.....	20–24	8
B. International response.....	25–28	9
IV. Protection of internally displaced persons .....	29–63	10
A. Protection from forced displacement: addressing systemic challenges and root causes .....	29–45	10
B. Durable solutions.....	46–63	14
V. Conclusions and recommendations.....	64–78	19
A. Conclusions .....	64–65	19
B. Recommendations .....	66–78	20

## **I. Introduction**

1. In accordance with his mandate, contained in Human Rights Council resolution 14/6, and at the invitation of the Government of Côte d'Ivoire, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official visit to Côte d'Ivoire from 22 to 31 July 2012. The Special Rapporteur undertook this visit in order to examine the current situation of internally displaced persons (IDPs) in the country. While the primary focus of the visit was the situation of persons internally displaced as a result of the 2010 post-election violence, other periods and causes of displacement were also examined. The Special Rapporteur's conclusions and recommendations are based on his findings during his visit, and on the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex).

2. In the course of his visit, the Special Rapporteur met with the then Prime Minister, Head of Government and Minister of Justice, Jeannot Kouadio-Ahoussou; the Minister of Human Rights and Public Liberties, Gnénéma Coulibaly; the Minister of Ex-Combatants and War Victims, Mathieu Babaud Darret; the then Delegate Minister of Justice, Loma Matto Cissé; the Minister of the Interior, Hamed Bakayoko; the Minister of Agriculture, Mamadou Sangafowa Coulibaly; the Director of the Cabinet of the Minister of the Family, Women and the Child, Pierre Douhou; the Minister for Foreign Affairs, Daniel Kablan Duncan; the Delegate Minister of Defence, Paul Koffi Koffi; and staff of the Ministry of Employment, Social Affairs and Solidarity. He also met with the president of the Dialogue, Truth and Reconciliation Commission, Charles Konan Banny; the Special Representative of the African Union, Ambroise Niyonsaba; civil society; United Nations organizations; and local officials in the field locations he visited.

3. The Special Rapporteur visited various sites of displacement, including the Nahibly IDP camp, which had been attacked and destroyed some days prior to his arrival; the grounds of the municipal building in which some IDPs from the camp were still seeking temporary refuge; areas of return and resettlement, particularly in the western part of the country (including Guiglo, Diahouin, Bedy Goazon, Diehiba and Duékoué); and informal urban settlements in Abidjan, where he met with affected communities. The Special Rapporteur would like to express his appreciation to the Government of Côte d'Ivoire for its invitation, constructive engagement during the visit, and expressed willingness to continue this engagement. He is also grateful to the Office of the Special Representative of the Secretary-General for Côte d'Ivoire, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs (OCHA), which provided invaluable support during the preparations as well as throughout the visit. He also wishes to express appreciation for the cooperation and support provided by the United Nations Country Team, the members of the Protection Cluster and the internally displaced persons he met with who shared their concerns and experiences with him.

## **II. General context**

### **A. Political and socioeconomic context**

4. Following independence in 1960, Felix Houphouët-Boigny served as President until his death in 1993. The first contested presidential election, which the incumbent President won by a majority, took place in 1990 after popular protests that resulted in the legalization of opposition parties. Popular protests took place once again in 1998,

contesting a constitutional revision granting President Henri Konan Bédié enhanced powers. President Bédié promoted the concept of *ivoirité*, which has been associated with xenophobic measures and reactions which drove out of the country a significant number of ethnic Malians and Burkinans in 1999. After President Bédié was overthrown in a military coup in December 1999, General Robert Guéï assumed control of the country, resulting in the withdrawal of most of the foreign aid. A long period of political instability and violence was to follow, punctuated by an attempted coup in September 2002, and various unsuccessful peace accords.

5. In 2007, a peace deal signed with the rebels established a power-sharing Government and joint army. Presidential elections were held in October 2010, but the first round of voting between the incumbent Laurent Gbagbo and Alassane Ouattara, who had been excluded from the 2000 presidential race due to the controversy regarding his Ivoirian nationality, was inconclusive. In the second round of voting, Mr. Ouattara defeated Mr. Gbagbo, but the latter refused to step down. After several months of fighting between pro-Gbagbo forces and armed forces loyal to Mr. Ouattara, the latter managed to take control of much of the country by April 2011, and was sworn in the following month.

6. The 2010 post-election violence resulted in mass displacement, and although security largely improved by the end of 2011, violence has persisted in the form of inter-community clashes, cross-border attacks and criminal activities, especially in the western part of the country bordering Liberia, and attacks in and around Abidjan.

7. While the country benefits from an abundance of natural resources, and is the world's leading producer of cocoa beans, as of 2008, nearly 43 per cent of its population lived on the national poverty line, a figure which stood at only 10 per cent in 1985.<sup>1</sup> This reveals a deteriorating situation, which is due in part to the negative consequences on the economy of the political instability of the last decade. Côte d'Ivoire has a history of significant immigration from neighbouring countries, is composed of diverse ethnic groups,<sup>2</sup> and approximately 50 per cent of the population currently live in urban centres, mostly along the coastal regions.

8. In the National Development Plan (2012–2015), the Government states its ambition that Côte d'Ivoire be an emerging economy by 2020, and its plans to improve the country's infrastructure and public services, with a focus on access to services for women, youth and children, and other vulnerable groups.<sup>3</sup> The country's geopolitical context is also a pivotal factor in its economic and security situation. It contributed to the country's traditional role as an important economic hub in the subregion, as well as to its multicultural and multi-ethnic composition. More recently, its proximity to Mali and the Sahel, which are experiencing a significant crisis, has been a source of concern.

## **B. Human rights situation**

9. Côte d'Ivoire has ratified many of the major international and regional human rights instruments,<sup>4</sup> and in 2009 was subject to the universal periodic review, which resulted in several recommendations relating to IDPs.<sup>5</sup>

10. A number of human rights reports, including United Nations reports and the report of the National Commission of Inquiry, have documented the human rights and

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<sup>1</sup> See [data.worldbank.org/country/cote-divoire](http://data.worldbank.org/country/cote-divoire).

<sup>2</sup> See [www.gouv.ci/ci\\_fiche\\_1.php](http://www.gouv.ci/ci_fiche_1.php).

<sup>3</sup> Côte d'Ivoire, *Plan National de Développement 2012–2015* (2011), pp. 16–19, 71–80, 102–103.

<sup>4</sup> See [www.ohchr.org/EN/countries/AfricaRegion/Pages/CIIndex.aspx](http://www.ohchr.org/EN/countries/AfricaRegion/Pages/CIIndex.aspx).

<sup>5</sup> A/HRC/13/9, sect. II.

international humanitarian law violations committed by various parties to the conflict during the 2010 post-election violence, in which over 3,000 persons were killed and many more subject to different human rights violations, including rapes, forced disappearances, torture and arbitrary detention.<sup>6</sup> Since then, human rights violations by a variety of actors, including elements of the Forces Républicaines de Côte d'Ivoire (FRCI), Dozos (traditional hunters whose manner of dress and title have been taken up by armed groups and individuals) and non-state armed actors responsible for cross-border attacks, have persisted, often in the context of inter-community tensions and amid a climate of impunity – particularly in the west of the country.<sup>7</sup> In view of the fragile security situation, through its resolution 2062 (2012), the Security Council extended the mandate of the United Nations Operation in Côte d'Ivoire (UNOCI) until 31 July 2013, called on the Government to implement security sector reforms and condemned attacks against IDPs, including the attack against the Nahibly camp in Duékoué.

11. In the west in particular, conflicts continue to be exacerbated by inter-community tensions and land disputes between local Guéré farmers and persons of Burkinan and Malian descent, and Ivoirians considered non-indigenous to the area. The attack of 20 July on the Nahibly camp – the last remaining IDP camp, in which more than 5,000 IDPs, mostly indigenous persons of Guéré ethnicity (who are perceived as pro-Gbagbo) were registered – was one of the most violent episodes of inter-community clashes in the country. The camp was attacked and burned to the ground by a mob of close to a thousand persons armed with machetes, bayonets and torches, from *allogène* communities (see paragraph 15) of the Kokoma neighbourhood in Duékoué, traditionally associated with the current party in power, namely the Rassemblement des Républicains. At least 8 persons were killed and 60 were injured. According to reports received by the Special Rapporteur, the attack took place despite the presence of the prefect of the region, FRCI officers and elements of an UNOCI contingent responsible for monitoring the external security of the camp.

12. The Special Rapporteur condemns this attack, which is a violation of the protection afforded IDPs according to the Guiding Principles on Internal Displacement, international human rights and international humanitarian law. He notes that, according to information received by the Government, ongoing investigations have led to the issuance of arrest warrants against suspects of the attacks. However, he regrets that, to date, no findings have been announced in relation to investigations into the incident. He urges the Government to pursue this as a matter of priority; to ensure that the investigations demystify the background to the attack; and to provide an analysis of why the attack was not prevented, despite the presence of government officials and UNOCI elements. With regard to the latter, there should be a special focus on lessons learned in relation to policing and protection practices within such camps, and the capacity and mandate of United Nations military contingents in such circumstances (namely, when providing the protection of an IDP camp from an attack by civilians).

13. In addition to the provisions on human rights in its national Constitution, and legislation permitting citizens to invoke these directly,<sup>8</sup> Côte d'Ivoire has a number of national institutions specifically addressing human rights. These include, inter alia, the

<sup>6</sup> See A/HRC/17/49; UNOCI, “Rapport sur les violations des droits de l'homme et du droit international humanitaire commises à l'Ouest de la Côte d'Ivoire” (UNOCI/HRD/2011/02); report of the National Commission of Inquiry (2012), covering events from 31 October 2010 to 15 May 2011 (available from [http://news.abidjan.net/documents/docs/Crimes\\_post\\_electoraux.pdf](http://news.abidjan.net/documents/docs/Crimes_post_electoraux.pdf)).

<sup>7</sup> OCHA, Bulletin Humanitaire: Côte d'Ivoire, No. 19 (19 June 2012); A/HRC/19/72, paras. 19–24 and 49–59.

<sup>8</sup> For more information, see A/HRC/13/9, paragraph 8.

Office of the Ombudsman, the National Human Rights Commission, the Ministry of Human Rights and Public Liberties, and the Dialogue, Truth and Reconciliation Commission.<sup>9</sup> Created in the aftermath of the post-election violence, the latter was established to promote dialogue, truth and reconciliation, and to investigate human rights abuses committed in the past and in recent times.

### C. History, causes and extent of internal displacement

14. Forced displacement in the country's recent history stems from a variety of causes, but most notably from the conflict and inter-community tensions that have persisted in the country over the past decade, and which are closely linked to issues of land and national identity.

15. The country's long tradition of multiculturalism, internal migration and immigration, especially from neighbouring countries such as Burkina Faso and Mali (whose migrants often went to the south-west) began to suffer important tensions since the 1990s, when the question of *ivoirité* became part of the political discourse. The economic crisis of the 1990s led many to return to rural areas from the cities to cultivate their family plots, to find that much of the land had been sold or was being used/rented by migrants. This fuelled the national divide around the notion of *ivoirité*, which restricted certain rights, such as the right to vote and own land, to nationals. It also gave rise to land disputes and tensions, particularly focused between ethnic groups who identify themselves or are identified by others as *autochtones* (ethnicities/communities perceived as local to Côte d'Ivoire and to the region in question), *allochtones* (ethnicities or communities perceived as local to Côte d'Ivoire but not to the region in question) and *allogènes* (ethnicities or communities perceived to be from outside Côte d'Ivoire and therefore not Ivoirian). Both *allochtones* and *allogènes* have been commonly designated by *autochtones* as "foreigners".

16. The significant waves of forced displacement in the country's recent history date to the conflict that erupted in September 2002. This was followed by fighting which persisted over many years despite various peace agreements, and the more recent violence related to the 2010 post-election violence. In 2006, estimates in five departments alone placed the number of IDPs at over 700,000 persons.<sup>10</sup> This number fluctuated over the next several years, but fresh displacement reached a peak in March 2011 after the post-election violence, which provoked the internal displacement of over 800,000 persons – a figure compounded by the significant number of IDPs displaced by the previous years of fighting who had not yet found a durable solution.

17. In the past, as in the most recent crisis, the vast majority of IDPs have been housed with host families and communities. Moreover, while during the more recent crisis many camps and informal shelters were established, government policy encouraged most IDPs to leave the camps within months of the crisis. Most returns occurred spontaneously, although some assistance was provided to enable people to leave the camps, including transportation, food and non-food items. By the time of the visit by this mandate, no IDP camps remained in the country, and internal displacement figures (from the post-election violence) had decreased to an estimated 81,000 persons.<sup>11</sup> However, the Special Rapporteur found that this was not accompanied by solid durable solution strategies.

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<sup>9</sup> Ibid., para. 99.

<sup>10</sup> A/HRC/4/38/Add.2, para. 12.

<sup>11</sup> OCHA, Bulletin Humanitaire, p. 1. Figures do not include people displaced between 2002 and 2007.

18. Other causes of internal displacement in the country include inter-community conflicts, such as those in the agriculturally productive area in the west, which predate the crisis and have been closely tied to land-related conflicts in the past as well as at present. There have been reports of many people being chased from their homes by gangs of youth or by ethnic-based self-defence committees in the Moyen-Cavally region since 2003, and related conflicts in 2004 and 2005 in the regions of Guiglo, Bloléquin and Duékoué, which also led to displacement (A/HRC/4/38/Add.2, para. 11).

19. In this mandate's previous visit to Côte d'Ivoire in 2006, internal displacement relating to the destruction of some poor districts in Abidjan some years previous, which had left as many as 20,000 people on the street, was also noted (*ibid.*, para. 10). While precise figures are not available, the Special Rapporteur received information during his visit that residents of some informal settlements in and around Abidjan continue to be at risk of eviction, due, among other reasons, to the fact that these areas are deemed prone to natural hazards.

### **III. Frameworks for the assistance and protection of internally displaced persons**

#### **A. Domestic response**

##### **Legal, policy and institutional framework**

20. At the time of writing, Côte d'Ivoire had signed the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), and its ratification was pending the vote on a proposed bill authorizing it (anticipated to take place in the course of 2013). Côte d'Ivoire does not have a comprehensive national law, policy or institutional framework specifically addressing the situation of IDPs in the country. A number of national policies and the activities of various government institutions have nonetheless included certain responsibilities and elements relating to IDPs.

21. At the time of the visit, as well as during the post-election violence, the Ministry of Employment, Social Affairs and Solidarity was the government focal point for issues relating to IDPs, as well as the chair of the National Committee for the Coordination of Humanitarian Action, a platform established to ensure collaboration between the Government and national and international humanitarian organizations and more efficient policies in this area. Within this framework, a strategic plan was developed to facilitate the return of IDPs who were still in sites by the end of 2011 and who had opted for return.

22. Given the importance of certain issues, such as land and natural disasters to potential displacement, the role of other ministries is also engaged. An interministerial technical committee was established in June 2012 to address the land issue, following a national conference on land chaired by the Prime Minister. Some believe, however, that it would be important to have a specific government focal point on land reform issues, in order to ensure coordination of national efforts, and the participation of IDPs in the process. The Ministry of the Interior is responsible for emergency assistance in cases of natural disasters, an issue benefiting from provisions in the National Development Plan (2012–2015) (paras. 477–479) providing for the establishment of early warning and natural disaster management systems.

23. While its mandate is broader, the Dialogue, Truth and Reconciliation Commission, which is responsible for investigating abuses and addressing issues of compensation, restitution and the root causes of conflict, is nonetheless inclusive of IDPs. As of July 2012, the Commission had held two meetings with IDPs, and was intending to hold more hearings in the future. A member of the Commission also participated in a community meeting on 25 July 2012 – at which the Special Rapporteur was also present – between the Prefect of Duékoué and community leaders in the aftermath of the attack on the Nahibly IDP camp, which had taken place just a few days before. The Commission has been affected by a lack of resources and criticised for its lack of results to date. More recently, the Special Rapporteur was pleased to learn that the Commission has decided to undertake a process of national consultations involving broad-based participation at both the central and local levels.

24. Policies to address the situations of internal displacement resulting from many years of conflict have included most notably a national strategy to facilitate the return of IDPs in the 2007 Ouagadougou Peace Agreement. The latter remained silent on the right of IDPs to locally integrate or resettle in a different part of the country however, and its relevant provisions, which were superseded by subsequent crisis, were never properly implemented.<sup>12</sup> Moreover, by 2010 the emphasis had shifted from humanitarian activities to recovery and development projects, despite the lack of any improvement in social development indicators.<sup>13</sup> Other measures to address the situation of IDPs at the time also failed to reach fruition. A bill defining mechanisms to compensate war victims, including IDPs, that had been drafted years ago had still not been enacted by the time the next IDP crisis occurred as a result of the 2010 post-election violence.<sup>14</sup>

## **B. International response**

25. In response to the September 2002 armed rebellion, which resulted in grave violations and internal displacement, the Security Council passed resolution 1528 (2004) establishing UNOCI as of April 2004 (replacing the United Nations Mission in Côte d'Ivoire). UNOCI has remained on the ground, including through the 2010 post-election violence. IDPs have repeatedly featured in the UNOCI mandate and Security Council resolutions, either specifically or in the context of the protection of civilians, with calls for their protection, assistance and durable solutions.<sup>15</sup>

26. The international humanitarian community, including organizations such as the International Committee of the Red Cross, UNHCR and various international non-governmental organizations (NGOs), have in the past provided and continue to provide assistance towards durable solutions for IDPs and to conduct protection monitoring activities. However, given the persistent waves of displacement over the last decade this assistance has been generally insufficient. Even before the post-election violence, many IDPs remained displaced from previous conflicts; as of June 2010 there were still over half a million IDPs in the country.<sup>16</sup> Yet, that year the international community was already prioritizing development and shifting from humanitarian to recovery activities.<sup>17</sup>

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<sup>12</sup> Internal Displacement Monitoring Centre (IDMC), “Côte d'Ivoire: Quest for durable solutions continues as the electoral process moves forward”, 22 September 2010, p. 6.

<sup>13</sup> *Ibid.*, p. 6.

<sup>14</sup> *Ibid.*

<sup>15</sup> See Security Council resolutions 1765 (2007), 1933 (2010), 1975 (2011), 2062 (2012).

<sup>16</sup> IDMC, “Côte d'Ivoire”, p. 4.

<sup>17</sup> *Ibid.*, p. 6.

27. With the 2010 post-election violence and mass displacement, however, the humanitarian coordination structures, including the clusters (i.e., groupings of United Nations agencies, NGOs and international organizations concentrating on a specific sector during a humanitarian crisis) and the Humanitarian Country Team, were reactivated once again at the national and regional levels, especially in the west of the country.

28. With the support of the international community, assistance was provided in the IDP sites during the displacement, as was transportation, non-food items and food assistance to enable returns, particularly from mid-2011 to 2012, after which assistance was mostly offered, based on need, in villages of return. Since 2012, more substantive assistance towards durable solutions, such as in the area of housing, income-generating activities, agricultural support and negotiation of land conflicts, has also been offered based on vulnerability, to some return areas. At the time of this visit, the cluster system was still active and providing key services to IDPs and affected communities. However, by the time of writing of the present report, the majority of the clusters had been formally closed, with the exception of the Protection Cluster, which continued to have a transition role and to support the Government in a number of areas.

## **IV. Protection of internally displaced persons**

### **A. Protection from forced displacement: addressing systemic challenges and root causes**

29. The need for improvements in the security situation and efforts towards national reconciliation in the country continue to be essential for the prevention of future forced displacement. In the course of 10 years of conflict and political turmoil, few government measures were taken to protect populations from forced displacement due to political violence, ethnic tensions or other causes. On the contrary, notions of national identity were instrumentalized, creating exclusion, widening the political divide and fuelling inter-community clashes. Other related or root causes of violence and displacement, most notably the land issue, also failed to be successfully resolved. The various peace agreements over the years to end the conflict, and the attempts to quickly transition from humanitarian efforts to development (e.g. early 2010), without sufficient attention to reconciliation and sustainable solutions, were equally unsuccessful.

30. As a consequence, over the past decade many IDPs suffered multiple and secondary displacements, and many were never able to fully rebuild their lives. During the fighting which ensued as a result of the 2010 electoral crisis, renewed mass displacement took place amid a context of mass killings, gender-based violence, looting, enforced disappearances, hunger and xenophobic messages which fuelled latent inter-community conflicts.<sup>18</sup> In order to provide effective protection from forced displacement in this context, the Special Rapporteur urges the Government of Côte d'Ivoire to ratify the Kampala Convention, and to develop implementing domestic legislation. The Kampala Convention, which places a strong emphasis on prevention (arts. 2–4, 9–10), can provide a solid framework within which to continue national efforts to address the root causes and other important systemic challenges, such as those relating to security, land, national identity documents, and mass evictions, which continue to pose a threat of forced displacement in the future.

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<sup>18</sup> See Office of the United Nations High Commissioner for Human Rights (OHCHR), "OHCHR in Côte d'Ivoire (2010–2011): human rights context". Available from [www.ohchr.org/EN/Countries/AfricaRegion/Pages/CI2010-2011.aspx](http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/CI2010-2011.aspx).

## 1. The security situation and related reforms

31. The Special Rapporteur found that security remained a serious concern in parts of the country and continued to trigger new internal displacements, especially in the west. In June 2012, an estimated 20,000 people in the Tai-Para area on the Liberian border were displaced following a number of attacks between different armed groups and the national army. Other attacks and resulting internal displacements have also taken place more recently, and are further detailed in the “Durable solutions” section of the present report (section IV (B)). The Special Rapporteur believes that the adoption and efficient implementation of disarmament, demobilization and reintegration (DDR) strategies and security sector strategies are a matter of national priority and essential to re-establish confidence in the security and law enforcement sector, fight impunity and prevent future forced displacements.

32. As such, he was pleased to learn at the time of his visit that a government technical committee was in the process of finalizing a draft DDR strategy and a security sector reform strategy. In this regard, he wishes to emphasize that security sector reforms should be sufficiently comprehensive to include different groups and sources of insecurity, including non-State armed groups, such as the Dozos; illicit circulation of arms; banditry; and concerns relating to human rights abuses by the FRCI. In relation to the DDR process, he stresses the need for a vetting mechanism which makes the human rights record of a soldier a condition to serve in the new army. Moreover, both strategies should include relevant considerations relating to IDPs, and a process by which IDPs can participate in their development and follow-up.

33. At the same time, it is equally critical that the police and *gendarmerie* are provided the resources to resume their civilian policing and justice sector roles, which in many locations in the country, in particular in the west, continue to be carried out by the FRCI. Restoring confidence in the justice and rule of law sector, including through the restoration of civilian policing, together with security sector reform and reconciliation efforts, will be essential to combat the climate of mistrust and inter-community tensions, which risk provoking new forced displacements. The Special Rapporteur is pleased to take note of recent information provided by the Government indicating that security sector reform is in progress, that police services are being progressively deployed throughout the country and relating to the creation of a new authority for DDR called the “Autorité pour le Désarmement, la Démobilisation et la Réintégration”, on 8 August 2012.

## 2. Land and national identity issues

34. During the visit, government officials, civil society and many of the IDPs the Special Rapporteur met with stressed the role of land in conflict and displacement, and underlined the importance of addressing these through the development and implementation of a sound land reform strategy. Human rights reports have documented the human rights violations related to land disputes, including violations of the rights to life, work, health and other rights of IDPs, including in the west of the country.<sup>19</sup>

35. A law relating to rural land, namely, the *Loi relative au domaine foncier rural* (hereafter, 1998 land law), was adopted in 1998, with subsequent modifications in August 2004. The chief objective of this law is to identify, list and transform/convert customary rights relating to the use of land (i.e., *droits sur l'usage du sol dits droits coutumiers*) into private property rights regulated by the State. The law also seeks to regularize the legal relationship between persons owning land titles/certificates, and persons working or using

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<sup>19</sup> See, for example, UNOCI/HRD/2011/02, paragraphs 22–23.

the land but who are not landowners, through the signing of a contractual lease of the land. In addition, it provides for the delimitation of all village parameters, the establishment of a rural land registry (*cadastre rural*) and a related information management system.<sup>20</sup> Unfortunately, very limited implementation of the law has taken place to date due to the conflict and the lack of the considerable resources necessary to do so.

36. The Special Rapporteur is encouraged that the Government of Alassane Ouattara has placed land issues on the national agenda, and took the initiative in June 2012 to convene an intergovernmental seminar on the topic. The Government has indicated that it intends to refer to the 1998 land law, albeit with some possible modifications, to address the land issue both generally, as well as in order to settle land disputes resulting from displacement. To date, no alternative system of restitution or compensation for the properties IDPs were forced to abandon or saw destroyed due to the conflict has been developed.

37. While the Special Rapporteur is pleased that land issues have been recognized as a priority issue, he believes that a number of considerations specific to IDPs must be taken into account, and he urges the Government, with the assistance of the international community, to integrate these into the land debate and law, and to facilitate the participation of IDP communities, including internally displaced women, in the process of land reform. The Special Rapporteur is concerned that relying exclusively on the 1998 land law, which involves a long-term national land-titling process requiring substantial resources, may not respond specifically enough or in a timely manner to the needs of displacement-affected communities, and that urgent land-related issues may in the meantime trigger further conflicts and renewed displacement.

38. Other potential areas of concern in the 1998 land law, from a displacement perspective, include administrative and procedural requirements which IDPs may have difficulty meeting, such as: the need for the claimant to approach his or her municipality of origin in order to submit a claim; the fact that public notifications of such claims are only to be made in the place of origin, rendering it difficult for IDPs who have not returned to know of abusive claims; and the requirement of peaceful and continuous occupation in order to gain recognition of customary land rights. Such requirements may be problematic for IDPs who, having had to abandon their land and property, may nonetheless be unable or unwilling to return to their place of origin, or for others who need a rapid mechanism to address issues of secondary occupation of their land and property.

39. Moreover, the fact that the 1998 land law limits ownership rights over rural land has raised the issue of the citizenship of foreign migrants who settled decades ago, as well as those born in Côte d'Ivoire to foreign parents, who in some cases could have a claim to citizenship but do not have personal documentation or lack the necessary information to undertake the procedures to request citizenship. The Special Rapporteur found that tensions over land continue to be a prominent feature of the national political landscape, and believes that without a resolution of these fundamental issues relating to national identity, citizenship and land, they will continue to constitute a risk of new displacements and an impediment to national reconciliation.

### **3. Statelessness and personal identity documents**

40. The national and political context renders it especially important to address issues of citizenship and civil status documentation in order to secure the human rights of all concerned persons. According to information received by the Special Rapporteur, some of

<sup>20</sup> Côte d'Ivoire, Présentation du Programme National de Sécurisation du Foncier Rural, undated, pp. 1–2.

those who have long settled in the country may not be protected from statelessness under the current nationality law or national documentation structures. The problem has been compounded by the disruption of the civil registry system during the many years of crisis in the country. UNHCR has cited government estimates that as many as 800,000 people fall within different categories of risk of statelessness, for which different remedies are recommended.<sup>21</sup> In this regard, the Special Rapporteur is pleased to note partnership agreements between UNHCR and the Government of Côte d'Ivoire which seek to prevent the risk of statelessness, including in the west of the country.

41. Additionally, an estimated 3 million children are without documentation of their birth. A presidential decree (No. 2011-258) issued in September 2011 provided for the possibility of delayed registration of births that could not be registered within the normal 90 days because of disruption to the civil registry system between 2002 and the 2010 post-election violence. The Special Rapporteur welcomed the measure, but notes that at its expiration on 30 July 2012, many children had still been unable to benefit from it. He urges the Government to extend the duration for delayed birth registrations, strengthen effective awareness-raising programmes at the community level on the importance of birth registrations, and consider abolishing all fees related to the registration and issuance of birth certificates. He further encourages the Government to ratify, at the earliest opportunity, the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons.

#### **4. Risk of evictions and secondary displacements of internally displaced persons**

42. According to information received by the Special Rapporteur, some IDPs who either returned or relocated to areas in and around Abidjan, after the 2010 post-election violence as well as during previous crises, were at risk of eviction and secondary displacement from these locations. Some of the principal reasons for this included the inability of IDPs to continue renting their small shelters in the city (usually in informal settlements or "slums") once the stipend they received to enable them to leave the IDP camp ran out, and a recent drive to empty "precarious" communities in and around the city which authorities deem unsafe due to the risk of natural hazards such as mudslides or flooding.

43. The Special Rapporteur found that IDPs who decided to stay in Abidjan (for reasons of safety or livelihoods) could generally only afford shelter for a few months in a one-room shack in the informal settlements in and around the city, and were now at risk of eviction. Several internally displaced families he met with in this situation included highly vulnerable persons, such as an elderly woman with a child with a disability, and single teenage mothers with infants. He also met internally displaced families who had moved there during earlier crises, some dating back to 2002, who had never been able to move from the informal settlement and find a better solution.

44. With regard to evictions related to hazard areas, the Government confirmed that it has been trying to take measures to vacate informal settlements considered at risk, including through awareness-raising and the establishment of a fund to facilitate the search for new dwellings.<sup>22</sup> Concerns have been expressed however, that the funds available for these purposes are limited and will not be able to provide for more solid housing for many. Moreover, some residents expressed that they felt they were being targeted for evictions principally because of their proximity to wealthier or more visible parts of the financial

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<sup>21</sup> Information provided by UNHCR, 22 January 2012.

<sup>22</sup> Meeting with the Ministry of Employment, Social Affairs and Solidarity, 24 July 2012.

capital which were in demand for development or other purposes, rather than for safety reasons.

45. There is, unfortunately, no reliable data on the number of affected communities or the number of IDPs who have either returned to or relocated to Abidjan and its surroundings throughout the nearly 10 years of conflict and displacement in the country. However, based on his visits to other countries with similar urban contexts that have also experienced protracted conflicts, the Special Rapporteur has observed that many IDPs tend to locally integrate in these precarious informal settlements due to lack of resources to secure better housing, only to be at risk of eviction and secondary displacement in the future. As in Côte d'Ivoire, these settlements are often in areas prone to natural or other hazards, and lack security of tenure, rendering residents vulnerable to mass evictions for safety or development reasons, often without any alternative housing provided.<sup>23</sup>

## **B. Durable solutions**

### **1. Movements from camps and sites of internal displacement**

46. At the time of the visit by the Special Rapporteur, no IDP camps remained in the country, and the estimated number of persons still internally displaced as a result of the 2010 post-election violence had plummeted to 81,000. With the relative stability achieved by the summer of 2011, the majority of IDPs spontaneously either returned home or restarted their lives elsewhere. In addition to improved security, many were also motivated by the need to check on their homes and land and benefit from the planting season, while others were eventually encouraged by the provision of transportation and assurances they would receive assistance upon their return, especially for the rehabilitation of their homes. For those who remained longer in IDP sites in Abidjan (camps, churches or schools) due to fear of return or because they lacked the means or a house to return to, a subsistence allowance of a few months allowing them to leave the camp and rent accommodation elsewhere was provided, with assurances that small livelihood projects and microcredit programmes would follow. Some who received this allowance chose to locally integrate or resettle elsewhere in the country. However, at the time of the visit, many IDPs who had received this allowance had already exhausted it without any durable solutions in sight, and no livelihood and employment programmes had yet been implemented. More recently, the Special Rapporteur has been informed that income-generating projects have indeed started, although needs continue to outstrip the capacity to serve them.

47. While the Government generally appears to have upheld a policy of voluntary return, this was also accompanied by a policy of rapid camp site closures and encouragement of returns. In some cases, returnees were reportedly told or encouraged to return either by national civilian authorities, the FRCI, or priests and government authorities, who assured them of assistance, including food assistance, upon their return.<sup>24</sup>

### **2. Measures to promote durable solutions**

48. While the number of returns and the dismantling of IDP camps was considered an indicator of success by the Government,<sup>25</sup> the Special Rapporteur believes that insufficient attention was paid to the establishment of conditions favourable to durable solutions, and in

<sup>23</sup> See A/HRC/19/54, A/HRC/19/54/Add.2 and A/66/285.

<sup>24</sup> CARE, Danish Refugee Council and OXFAM, *Towards Durable Solutions for Displaced Ivoirians*, joint briefing paper (2011), p. 7.

<sup>25</sup> Côte d'Ivoire, Programme de travail gouvernemental – matrice d'actions prioritaires, juillet-décembre 2011.

particular to the special needs of vulnerable IDP groups (e.g., female-headed households) and those who had lost their homes and livelihoods, and to the needs of receiving communities, which in many cases were also in a dire situation and required support in order to absorb IDPs. Over a year after most returns had taken place, the Special Rapporteur found that for a large percentage of IDPs, the conditions for sustainable returns or other durable solutions had not yet been met and there continued to be significant humanitarian and development needs, including in relation to food security and shelter, infrastructure needs such as electricity and water, and access to basic services, as well as a critical lack of livelihoods. The Special Rapporteur was pleased to learn more recently that, while the cluster system has ended, a transitional protection working group continues to support the Government (under the auspices of prefectures) on a number of issues, including on coordination activities relating to documentation, social cohesion, land conflicts and protection monitoring, in areas of return and displacement. Moreover, protection monitoring activities are focusing increasingly on questions of durability of returns, and the strengthening of structures within UNOCI to ensure that the identification and response to acute protection needs can be followed up by appropriate actors. He is further encouraged that Côte d'Ivoire has been selected as a pilot country for the implementation of the Secretary-General's decision and framework on durable solutions in post-conflict situations<sup>26</sup> – a process which the Special Rapporteur strongly supports.

49. The Special Rapporteur also appreciates that some key issues relating to internal displacement and to the conditions conducive to durable solutions have been articulated in the National Development Plan (2012–2015), and urges the Government, with the support of key international stakeholders, to now give these the utmost priority. The Plan includes two key objectives in relation to the promotion of durable solutions, namely: (a) the consolidation of peace and social cohesion, such as through measures to ease inter-community tensions, combat forms of exclusion and facilitate participation in the national reconciliation process; and (b) the provision of assistance to victims of the conflict (e.g. through mechanisms for compensation to IDPs, and by providing information on psychosocial assistance), their reintegration into their original communities and the rehabilitation of community infrastructures affected by the conflict.<sup>27</sup> Some of the above objectives are further explained in the National Programme for Social Cohesion (2012–2015), which details measures to be taken for the socioeconomic reintegration of vulnerable persons and other persons affected by the conflict, such as IDPs. According to this Programme, other activities to be undertaken towards this end seek to ensure the protection and security of IDPs in their places of residence, improvements in the assistance and care for vulnerable persons, and access to employment opportunities.

### 3. Security, civilian authority and rule of law

50. The sustainability of returns and other durable solutions is inextricably linked to the durability of peace and security in Côte d'Ivoire, and particularly in the western part of the country, where the situation remains fragile. Many of the displacement-affected communities the Special Rapporteur met with during his visit to the west reported fears of retaliation and stated that they felt insecure due to the activities of FRCI elements and the Dozos, and expressed that they needed “a security and justice they could believe in”.

51. While civilian authority may have returned to many parts of the country, and a marked improvement in the reduction of checkpoints was visible at the time of the visit, in the west the FRCI continued to play a large role in policing and in the justice sector.

<sup>26</sup> See Policy Committee of the Secretary-General decision No. 2011/20, including the preliminary framework on ending displacement in the aftermath of conflict.

<sup>27</sup> Côte d'Ivoire, National Development Plan, paras. 60–67.

Allegations and reports of serious human rights violations, including killings, extortion and arbitrary arrests by both FRCI elements and the Dozos,<sup>28</sup> as well as allegations of collaboration between them in these crimes, have persisted. The Government issued a series of circulars intended to address the behaviour of security officials in May and June 2012, but the level of their implementation remains unclear.

52. In some pockets of the country, armed groups and individuals, some of whom claim to be pro-Gbagbo or pro-*autochtone*, have continued to put pressure and instigate armed attacks on local communities. Between April and June 2012, cross-border attacks on Sakré, Sao/Nigré and Siéblo Oula, near the Liberian border, and in the western border area of Tai-Grabo, resulted in deaths and renewed mass displacements. The security situation in other parts of the country also remains fragile, with various attacks taking place in and around Abidjan, especially against FRCI, police and *gendarmerie* targets, as well as in Iroko, Pehekan Houebli (near the Liberian border) and the village of Noé, near the border with Ghana, during August and September 2012. As a result, some communities continue to experience periodic displacement after attacks, or when the security situation becomes more fragile due to changing militia or army movements, local conflicts or other factors.

53. During field visits by the Special Rapporteur in a return village in the west of the country, villagers described the recurrent attacks (seven in total) that had taken place, mostly in the night, against individuals in the village in early 2012. As a result, some villagers still practice pendular displacements, whereby they sleep in the bush at night and return to the village in the day, or when it appears safe to do so. The village had experienced killings and mass pillaging in 2002, and again in March 2011, after which many residents moved to Duékoué, where they were also attacked. Both Dozos and elements of the FRCI were suspected in the recent attacks on the village. Similarly, in another village in the west, to which some former residents of the Nahibly IDP camp had recently returned, the Special Rapporteur was informed that villagers avoided leaving the village for fear of being attacked by either Dozos or FRCI elements, and some hid in the forest for the same reason, particularly when there were rumours of imminent attacks. In return villages and in his meetings with members of different community representatives and civil society groups in the west of the country, security remained the predominant concern, with fears that they continued to be perceived as pro-Gbagbo supporters and would be persecuted. Rumours of coordinated attacks against villages were frequently mentioned, further fuelling a climate of fear. In some villages with a history of inter-community tensions, the Special Rapporteur found that the return of IDPs who wished to access lands could also exacerbate such tensions.

54. Despite the efforts of the United Nations police to undertake regular and extensive patrols, the size and forested density of the west and border areas, as well as the lack of sufficient personnel and equipment, render it difficult to provide complete and regular coverage. Similarly, protection and human rights monitoring activities by United Nations agencies, such as UNHCR, in the west and other parts of the country, are also challenged by the extensive areas to be covered and by limited capacity. The Special Rapporteur stresses the importance of supporting and strengthening these protection activities, which are essential to ensure the durability of returns to these areas and allow returnees to resume normal lives and their livelihood activities.

#### **4. Housing, livelihoods and access to land**

55. The occupation of land and the destruction of homes remains a serious challenge to sustainable returns of IDPs. This situation is vastly exacerbated by the broader context of

<sup>28</sup> See A/HRC/19/72, paras. 19–24 and 49–60.

land disputes in Côte d'Ivoire, which has included volatile policy changes and political instrumentalization, and has contributed to the cycle of conflicts in the country, creating contention between 'native' and 'migrant' rights to land.<sup>29</sup> With new waves of displacements and returns over the years, and changing power dynamics, new layers of occupation and land disputes have been added. In some cases, 'native' Ivoirians occupying lands previously held by 'migrants' who had fled during the 2002 conflict were then themselves displaced in the 2010 post-election violence, resulting in new waves of occupation by non-displaced or new migrants. During his visit to the west of the country, many IDPs and host communities the Special Rapporteur met with reported lack of access to land as a major concern, impacting their safety and their livelihoods.

56. Some IDPs living with extended family or friends in host communities reported being fearful of returning to their original villages due to occupation of their land by other groups. Others who had actually returned to their villages were allowed to remain there but were unable to access their land because it was being used by others, sometimes of a different ethnicity. According to one survey conducted in 2012, 50 per cent of people with land disputes experienced associated violence.<sup>30</sup>

57. The Special Rapporteur found that the destruction of homes and farms during the post-election violence also continued to be a significant barrier to the sustainable return of IDPs. In the villages he visited in the west, returnees and community representatives stressed the severe need for the reconstruction of the homes that had been destroyed. While the village residents hosted the returnees, in many cases their own homes had also been damaged or destroyed. Some had built small, one-room makeshift shelters, which they now had to share with the returnees, so that 8 to 10 people sometimes shared this space. The Special Rapporteur was pleased to learn of the Emergency Programme for the Reintegration of Internally Displaced Persons in Duékoué, officially launched in August 2012, and which is part of the Emergency Post-Conflict Assistance Project, supported by the World Bank.<sup>31</sup> The Programme, which is aimed at ensuring that reconstruction activities support the reintegration of IDPs and contribute to social cohesion, is cross-sectoral in nature, requiring different government ministries to put in place the aspects of the project relevant to them. This includes the Ministry of Agriculture, which has been requested to take the necessary measures to facilitate the implementation of the land aspects of the project, which are particularly critical.<sup>32</sup> While encouraged by this project, the Special Rapporteur urges the Government and international community not to underestimate the extent and urgency of housing needs, especially in the west, which are estimated at over 12,000 houses.<sup>33</sup> Unmet shelter and housing needs result in overcrowding, exposure to the cold and lack of privacy, and pose particular protection problems for single female-headed households and young girls, who may be exposed to sexual abuse. In some villages he visited, the Special Rapporteur noted a disturbing and disproportionate number of underage pregnant girls or very young mothers, some appearing as young as 13 years of age.

## 5. Humanitarian needs, including food, access to basic services and livelihoods

58. In parts of the country, and especially in the west, the extent of destruction and pillaging left many dependant on aid, including with regard to food. Many IDPs who have

<sup>29</sup> UNOCI/HRD/2011/02, paras. 22–23.

<sup>30</sup> Food and Agriculture Organization of the United Nations, *On the Border Line: A Report for Food Security on the Liberian-Ivorian Border*, p. 26, at [http://coin.fao.org/coin-static/cms/media/0/13379309855760/fao-borderline-report\\_light.pdf](http://coin.fao.org/coin-static/cms/media/0/13379309855760/fao-borderline-report_light.pdf).

<sup>31</sup> Speech of then Prime Minister Kouadio-Ahoussou, 24 August 2012.

<sup>32</sup> Ibid.

<sup>33</sup> CARE et al., *Towards Durable Solutions*, p. 9.

returned have had to rely on communities and family, who are in a dire situation themselves, to share with them the little they have in order to meet the bare necessities of life (food, shelter, clothes). A survey on durable solutions carried out in July 2011 in the Moyen-Cavally region found that returns had occurred under precarious conditions, and IDPs had not been provided the support necessary to ensure sustainable returns, with many remaining highly dependent on aid, especially if their lands were occupied.<sup>34</sup> Of the returnees interviewed during that survey, 74 per cent identified food as their primary need, and over 60 per cent said that they relied on food aid.<sup>35</sup>

59. An assessment mission carried out nearly a year later by humanitarian actors working in the west of the country in June 2012 also identified significant humanitarian needs, including with regard to access to water and sanitation, health care, shelter and education, among the IDP population in Tai and other affected villages in the south-west. The continued risk of food insecurity was also confirmed, as many farmers were still unable to access their fields.<sup>36</sup> A more recent evaluation of the situation in the west in November 2012 estimated that 120,000 IDPs, and 32,000 returnees from Liberia are food insecure.<sup>37</sup> The lack of access to land has been closely tied to food insecurity for IDPs, since the majority of returnees had relied on their agricultural activities for their livelihoods before the post-election violence. A further 32 per cent engaged in small trade and 4 per cent had no revenue. However, by mid-2011, nearly 60 per cent of IDPs had no revenue. Among the most vulnerable were female-headed households, and widows who in many cases had lost all the family assets.<sup>38</sup> The lack of civil identity documents and land tenure documents (where these existed), which may have been lost, destroyed or never issued, can also act as an impediment to livelihoods (e.g. in starting a business), initiating property claims or gaining access to other civil and socioeconomic rights.

60. Access to basic services, including health care, has also been affected by the post-election violence, due to disruptions in supplies of medicine, looting and insecurity. Many displacement-affected communities the Special Rapporteur met with in the west said they did not have access to a functional health-care system for a variety of reasons, including distance to health-care points, the inability to pay for the services or medicine and the lack of medicine in dispensaries in their area. A survey carried out in mid-2011 found that 67 per cent of those interviewed did not have effective access to health care, and that this was of particular concern in the area of maternal health.<sup>39</sup>

61. In the area of education, it is estimated that in the western part of the country, 140,000 children missed out on their education in 2011, due to insecurity and the destruction and pillaging of school buildings.<sup>40</sup> Education was also disrupted in the centre and east of the country, and in Abidjan. Even after the crisis, many young people who had dropped out of school because of the post-election violence have not been able to go back due to a lack of means. This has resulted in a high dropout rate, especially in the west of the country and Abidjan.<sup>41</sup> The Special Rapporteur stresses that urgent measures are necessary to ensure that children, some of whom have seen their education repeatedly disrupted over

<sup>34</sup> Ibid., pp. 3–4 and 12; A/HRC/19/72, para. 66.

<sup>35</sup> CARE et al., *Towards Durable Solutions*, pp. 8–9.

<sup>36</sup> Report of the humanitarian mission, p. 2. Available from <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=SSvQjBXjQng%3D&tabid=41&mid=1198&language=en-US>.

<sup>37</sup> UNHCR, WFO, Mission Conjointe d'évaluation à l'ouest de la Côte d'Ivoire, November 2012, p. 3.

<sup>38</sup> CARE et al., *Towards Durable Solutions*, p. 9.

<sup>39</sup> Ibid., pp. 9–10.

<sup>40</sup> Ibid., p. 10.

<sup>41</sup> Agency for Technical Cooperation and Development (ACTED), "Concern about Abidjan school dropout rate", 27 January 2012.

the past decade, are provided with the necessary support to resume their education and, where necessary, to make up the years of lost schooling.

62. The question of the extent to which IDPs have found durable solutions to their displacement has remained unclear, not only for those displaced as a result of the more recent 2010 post-election violence, but also for those displaced by previous cycles of conflict. As such, the Special Rapporteur is especially encouraged by steps recently being undertaken by the Government and United Nations organizations to initiate a displacement profiling exercise,<sup>42</sup> i.e., a data-collection exercise, on the durable solution needs and vulnerabilities of displacement-affected communities. This project will provide a much needed evidence base for humanitarian and development funding, and complement the implementation of the Secretary-General's decision on durable solutions in Côte d'Ivoire.

## 6. Protected forests and displacement

63. The achievement of durable solutions for IDPs coming from protected forests is particularly challenging, as a result of the legal status of these forests, which provides that settlement and plantations are not allowed in such areas. The Special Rapporteur has received information regarding IDPs who had originally settled in protected forests, in many cases without knowing it was illegal,<sup>43</sup> and who were forced to flee as a result of the 2002 conflict. While some agreements have been negotiated on a case-by-case basis to facilitate return, such as the 2008 Bloléquin Agreement, this has been done largely in an ad hoc manner. Moreover, the 2010 post-election violence resulted in new widespread occupation in protected forests either from neighbours or new migrants, and a ban on entry to protected forests was proclaimed by the Prefect of Bloléquin in 2012, both factors which can create obstacles to the return of persons displaced from protected forests during previous conflicts. The Special Rapporteur urges the Government to take all measures to mitigate the scope and effects of possible evictions from protected forests, to ensure that alternative solutions are provided and to facilitate durable solutions for affected communities.

## V. Conclusions and recommendations

### A. Conclusions

64. **The population of Côte d'Ivoire has experienced a decade of multiple crises and displacement, due primarily to civil strife and conflict, which have been especially accentuated since 2002. A number of other factors have fuelled the political crisis and armed conflict, through their instrumentalization or the lack of solutions over the years, including issues of land, citizenship and national identity, and inter-community conflicts. It is essential to address these issues in order to promote durable solutions for IDPs, and to provide protection against forced displacement in the future. The Government has made some notable efforts towards re-establishing State structures and law and order in the country. The security situation remains fragile however, and has been affected by the slow progress in security sector reforms; disarmament, demobilization and reintegration; and reconciliation efforts. The western part of the country in particular continues to be affected by cross-border attacks, inter-community tensions, banditry and reported human rights violations by elements of the FRCI, Dozos and other armed elements. The slow return to full civilian authority**

<sup>42</sup> See: [www.jips.org](http://www.jips.org); [www.parkdatabase.org](http://www.parkdatabase.org).

<sup>43</sup> IDMC, Norwegian Refugee Council, *Whose Land is This?* (Geneva, 2009), pp. 28–29.

in the west and the failure to bring perpetrators of human rights violations to justice also continue to perpetuate a climate of both actual and perceived insecurity, fear of discrimination and harassment, and persistent rumours of violent reprisals in displacement-affected communities.

65. While it is a positive factor that the majority of IDPs returned spontaneously to their areas of origin or habitual residence within months of the end of the 2010 post-election violence and that those remaining eventually left the camps and settlements broadly on a voluntary basis, this has not been accompanied by a durable solutions strategy. As such, many IDPs and their host communities remain in a precarious situation with regard to even their most basic needs. The destruction and impoverishment resulting from the repeated waves of violence and displacement over the last decade have reduced resilience and community structures and increased vulnerability. Repeated displacements and returns have exacerbated contentious land issues, especially in the west. In Abidjan, IDPs, many of whom have undergone repeated displacements, have joined informal settlements in the city, with no security of tenure, substandard housing and little access to public services. Many may face eviction, as these settlements are on sites which may be targeted for development or which are considered at risk of natural hazards.

## **B. Recommendations**

66. In view of the above, the Special Rapporteur makes the following recommendations.

### **1. Recommendations to the Government of Côte d'Ivoire**

#### **IDP legislative, policy and institutional frameworks**

67. Develop a comprehensive national policy, legislation and related institutional frameworks to address internal displacement, in line with the Guiding Principles on Internal Displacement and the Kampala Convention, and ratify the latter at the earliest opportunity. In the context of Côte d'Ivoire, such a framework should place a strong emphasis on prevention of internal displacement, durable solutions, eviction aspects related to development, conservation projects (e.g. protected forests) and disaster management.

#### **Data collection on the humanitarian and durable solution needs of internally displaced persons**

68. Collect accurate, efficient and disaggregated data on the situation and continuing humanitarian, development and durable solutions needs of IDPs, and their host/receiving communities. In this regard, give full support to the displacement-profiling project to be implemented in 2013, with the assistance of the international community, and use information collected as an evidence base upon which to develop related national strategies.

#### **A comprehensive national durable solution strategy: to secure socioeconomic rights and promote livelihoods**

69. Develop a comprehensive strategy to address the durable solution needs and dire living conditions of IDPs, with particular attention to vulnerable groups, and the needs of their host/receiving communities, and ensure coordination with the Secretary-General's decision on durable solutions, to be piloted in Côte d'Ivoire. Such a strategy should be founded, inter alia, on the principle of non-discrimination,

participation, on need and vulnerability, and include IDPs in both rural and urban contexts.

70. The current humanitarian assistance and development needs of many IDPs continue to impede durable solutions, place vulnerable groups at risk of abuse and exploitation, and exacerbate inter-community tensions. Strategies to address this require: (a) measures to stabilize affected populations through short- and medium-term humanitarian and early-recovery activities; (b) the inclusion of displacement-affected communities in national development plans and livelihood projects; and (c) strong cooperation between the humanitarian and development sectors.

#### Security, rule of law and reconciliation

71. Finalize and implement comprehensive security sector reforms and a disarmament, demobilization and reintegration process which can address the different groups and sources of insecurity, including non-State actors, banditry, the illicit circulation of arms, ex-combatants, and areas in need of reform within the security apparatus and the FRCI.

72. With regard to the latter, reforms should include, inter alia; improved management of the FRCI, which ensures military hierarchy and discipline, including regarding its role in border areas or areas of ongoing militia activity; a vetting programme that ensures that those accepted into the national army have a clean human rights record; and considerations relating to IDPs, including the need to gain the trust of affected communities and build a culture of accountability and respect for human rights, especially in the west of the country.

73. Re-establish civilian authority, especially in the west, including by providing the police and the *gendarmerie* with the necessary resources to resume their rule-of-law and justice functions; strengthening rule-of-law infrastructures, legal services and the judicial system; and ensuring that human rights violations, including against displacement-affected communities, are promptly investigated and the perpetrators brought to justice, including in the case of the attack on the Nahibly IDP camp.

74. Provide the necessary political, human and financial support towards peacebuilding and reconciliation activities, including those of the Dialogue, Truth and Reconciliation Commission. Such activities should include an outreach strategy, psychosocial assistance, and broad-based participation by communities affected by displacement in both recent and previous cycles of violence. The work of the Commission should include a thorough analysis of the root causes of conflict that is accompanied by recommendations, including, inter alia, on areas requiring reforms, key principles to govern such reforms (e.g. inclusiveness, human rights), compensation and restitution for IDPs, and measures that can provide a guarantee of non-repetition and safeguard human rights.

#### Land reform and related issues

75. Facilitate the participation of IDP communities in the debate and process of land reform to ensure that considerations relating to displacement are integrated into relevant policies, decisions and laws. In particular: (a) review the 1998 land law to ensure that IDPs can fully avail themselves of the law, without undue barriers, and have their land rights fully recognized; (b) establish mechanisms to address the specific property disputes and issues which have resulted from displacement (e.g. secondary occupation, compensation/restitution, inability to return to protected forests); and (c) strengthen land registry and conflict management systems (e.g. at the

prefectoral level), so as to facilitate durable solutions, prevent further community tensions and promote social cohesion.

#### **Citizenship and identity/civil status documents**

76. Take relevant measures to raise awareness of the importance of birth registration and to facilitate such registration, including through community outreach, exemptions of fees, the extension of timelines and other relevant measures to urgently address the estimated 3 million children, including IDPs, currently without documentation of their birth.

77. Review nationality laws and related structures, with a view to providing protection against statelessness, and ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Maintain partnerships between humanitarian and development actors and relevant ministries on supporting birth registration, training, mobile courts to resolve questions of nationality, and other relevant measures – with a view to providing protection against possible forced displacement in the future and protecting the human rights of IDPs.

## **2. Recommendations to the international community**

78. Continue to support the Government of Côte d'Ivoire through the activities of the United Nations Operation in Côte d'Ivoire, other relevant United Nations organizations, capacity-building, technical assistance and financial commitments, with a view to:

(a) Consolidating peace and security in the country, and a culture of respect for human rights, including through support for: the re-establishment of full civilian rule of law; security sector reforms; and measures to protect the human rights of displacement-affected communities, especially in the west;

(b) Supporting a durable solution strategy that is evidence based (on identified needs and intentions of IDPs), and ensures a responsible transition between the immediate and medium-term humanitarian assistance and livelihood needs of displacement-affected communities, and development activities;

(c) Supporting activities that will increase protection against forced displacement in the future, and reinforce durable solutions, including: peacebuilding and reconciliation activities; land law reforms and related mechanisms; the promotion of human rights and a culture of accountability; citizenship and birth registration issues; and the development of national frameworks on the human rights of IDPs.