

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.RES. 85
OFFERED BY MR. PAYNE OF NEW JERSEY

Strike the preamble and insert the following:

Whereas, on March 4, 2007, key political leaders of Cote d'Ivoire signed the Ouagadougou Political Agreement (OPA), a roadmap for the country's emergence from years of political crisis, which included provisions for free and fair elections, among other democracy and peace building efforts;

Whereas, as a result of a presidential election runoff poll held on November 28, 2010, Alassane Ouattara was elected President of Cote d'Ivoire by a margin of 54 to 46 percent;

Whereas the runoff poll was conducted in an independent, fair, and transparent manner under an electoral process prescribed under the OPA and in accordance with United Nations Security Council resolutions;

Whereas Cote d'Ivoire's Independent Electoral Commission (IEC) announced the election results and, in accordance with the OPA and with United Nations Security Council Resolution 1765, of July 16, 2007, among others, the Special Representative of the United Nations Secretary-General independently reviewed the results and certified that Alassane Ouattara had won the poll;

Whereas the Special Representative of the United Nations Secretary-General, employing an independent tally proc-

ess, determined that the runoff election was “generally conducted in a democratic climate” and that while the poll was marred by scattered procedural irregularities and incidents of political violence, certified that these defects were limited in number and in scope, and did not materially affect the election results or President-elect Ouattara’s margin of victory;

Whereas Cote d’Ivoire’s Constitutional Council, most of the members of which were appointed by the former incumbent Laurent Gbagbo or his allies, reviewed and annulled the election runoff poll results announced by the Independent Electoral Commission and proclaimed Mr. Gbagbo president;

Whereas in certifying the legitimacy of the election results announced by the Independent Electoral Commission, the Special Representative of the United Nations Secretary-General reviewed and rejected on multiple procedural and substantive bases the findings of the Constitutional Council;

Whereas international election observer missions, including those deployed by the Carter Center, the European Union, and the African Union, reached conclusions that dovetailed with the findings of the Special Representative of the United Nations Secretary-General;

Whereas the Economic Community of West African States, the African Union, the European Union, the United States, and the United Nations have all recognized Mr. Ouattara as the winner of the election;

Whereas, since the election, President Ouattara and parts of his government had been sequestered at the Golf Hotel in the commercial capital Abidjan while Mr. Gbagbo and

his supporters, including youth militias and elements of the state security forces, carried out a vicious campaign of violence and intimidation against large numbers of peaceful Ivoirian citizens and nationals of other African countries;

Whereas, to date, the United Nations has verified at least 500 deaths resulting from post-election violence, including extrajudicial and summary executions primarily of presumed civilian supporters of President Ouattara, and there are credible reports of death squads, ethnic targeting, mass rapes, and other human rights violations;

Whereas Mr. Gbagbo had demanded the departure of the peacekeeping forces of the United Nations Operation in Côte d'Ivoire (UNOCI), and his security forces and youth militia have routinely perpetrated acts of violence and intimidation against United Nations troops and civilian personnel, have prevented United Nations investigations of alleged mass grave sites, and have prevented the delivery of food and basic necessities to the Golf Hotel;

Whereas Mr. Gbagbo used the state radio and television services as partisan propaganda machines to incite anti-United Nations and anti-western sentiments, and routinely exercised censorship, control, and manipulation of the media;

Whereas the post-electoral crisis has caused the displacement of an estimated one million people, including that of approximately 100,000 persons who have fled to Liberia and other neighboring countries to escape violence or persecution;

Whereas, Mr. Gbagbo had rebuffed mediation efforts by the African Union and the Economic Community of West Af-

rican States, and both regional bodies had suspended Cote d'Ivoire's membership, pending President Ouattara's effective assumption of power;

Whereas the United States, European Union, Switzerland, and other governments have imposed bilateral travel and financial sanctions on Mr. Gbagbo and many key members of his regime, and the West African Monetary Union has taken steps to ensure President Ouattara gains full control of state fiscal resources;

Whereas the World Bank and IMF have suspended their activities in Cote d'Ivoire, including a \$575,000,000 post-conflict economic reconstruction program;

Whereas the crisis in Cote d'Ivoire's has imperiled the civic, economic, and human rights of its citizens and the political stability of the entire sub-region;

Whereas with 17 elections scheduled across Africa in 2011, Ivoirian and international acceptance of Mr. Gbagbo's electoral claim would have aided and abetted the efforts of those who may seek to undermine the democratic will of Africa's citizens and reversed gains in democracy and governance across the continent;

Whereas on April 11, 2011, Mr. Gbagbo was arrested and taken into the custody of the forces aligned with the elected President, thereby creating an opportunity for the political and security crisis in Cote d'Ivoire to be resolved and for rule of law to be restored; and

Whereas the United States has a strong interest in promoting democracy and peace in Cote d'Ivoire and across all of Africa: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

1 (1) supports the democratic aspirations of the
2 Ivoirian people;

3 (2) strongly condemns Mr. Gbagbo's attempt to
4 circumvent the will of the people of Cote d'Ivoire,
5 the majority of whom voted on November 29, 2010,
6 to elect Alassane Ouattara as their president;

7 (3) welcomes the arrest of former president
8 Laurent Gbagbo and calls upon him to urge his sup-
9 porters to lay down their weapons and contribute to
10 peace and reconciliation in the country;

11 (4) calls for an immediate end to acts of vio-
12 lence, human rights abuses, the intimidation of
13 United Nations troops, and the hindrance of United
14 Nations access to investigate alleged violations of
15 international human rights and humanitarian law;

16 (5) asserts that Mr. Gbagbo and his military
17 and paramilitary forces must be held accountable for
18 any human rights crimes and abuses that they have
19 perpetrated against citizens and residents of Cote
20 d'Ivoire, as must all other persons or entities who
21 have committed such violations;

1 (6) calls on the United States Government and
2 international community to continue to provide sup-
3 port for the ongoing efforts of the Economic Com-
4 munity of West African States and the African
5 Union efforts to resolve the Ivoirian crisis , in par-
6 ticular through support for implementation of the
7 conflict resolution framework and related rec-
8 ommendations contained in the Report of the High
9 Level Panel of the African Union for the Resolution
10 of the Crisis in Côte d'Ivoire of March 10, 2011;

11 (7) calls on the United Nations Security Coun-
12 cil, with the support of the elected Government of
13 Cote d'Ivoire, the African Union, and ECOWAS, to
14 continue to ensure that legal democratic processes
15 and international human rights and humanitarian
16 law are upheld in Cote d'Ivoire, and that there is ac-
17 countability for violations thereof;

18 (8) supports the application of smart, targeted
19 sanctions against Mr. Gbagbo and his key sup-
20 porters by the United States Government and inter-
21 national community in order to send a clear message
22 that his rejection of the democratic process is unac-
23 ceptable and that impunity for human rights viola-
24 tions and economic crimes against the Ivoirian peo-
25 ple will not be tolerated;

1 (9) supports the Economic Community of West
2 African States and the African Union's aggressive
3 steps to constrict the access of the Gbagbo regime's
4 access to financial resources, including all actions
5 taken by the Central Bank of West African States
6 (BCEAO) of the West African Economic and Mone-
7 tary Union (UEMOA) to achieve that end;

8 (10) calls on the United States Government and
9 other responsible nations to continue, in a coordi-
10 nated manner, to provide humanitarian assistance to
11 those with emergency needs, both within Cote
12 d'Ivoire and in neighboring countries hosting
13 Ivoirian refugees, as necessary and appropriate;

14 (11) calls on President Ouattara to dem-
15 onstrate restraint and uphold rule of law with re-
16 spect to the capture and potential prosecution of Mr.
17 Gbagbo and his supporters, while demonstrating
18 commitment to reconciliation and recovery;

19 (12) calls for an independent, and impartial in-
20 vestigation of all allegations of mass killings and
21 other human rights abuses, and calls on President
22 Ouattara to provide unfettered access and the nec-
23 essary resources for such an investigation to occur,
24 with the support of the United States and other re-
25 sponsible nations, as necessary and appropriate;

1 (13) calls for the disarmament of all irregular
2 security forces and militias; and

3 (14) urges the Government of Cote d'Ivoire to
4 immediately commence national reconciliation ef-
5 forts, invest in rebuilding infrastructure, facilities,
6 and institutions damaged as a result of the military
7 and political crisis, to ensure the safety of all per-
8 sons resident within Cote d'Ivoire and, facilitate the
9 safe and voluntary return of refugees and internally
10 displaced people.

Amend the title so as to read: “A resolution sup-
porting the democratic aspirations of the Ivoirian people
and calling on the United States to support diplomatic
and humanitarian efforts to resolve the crisis and pro-
mote reconciliation, disarmament, and stability in Cote
d'Ivoire.”.

