

**CRISIS IN COTE D'IVOIRE: IMPLICATIONS FOR
THE COUNTRY AND REGION**

HEARING
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SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
AND HUMAN RIGHTS
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WEDNESDAY, APRIL 13, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
AND HUMAN RIGHTS
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order. And I would just note for the record that my friend and colleague, Mr. Payne, will be here in about 5 minutes. So just to expedite, we will begin.

Good morning, ladies and gentlemen. Today's hearing concerns the continuing tragedy in Cote d'Ivoire, where a repeatedly delayed Presidential election and a subsequent runoff election failed to end longstanding political and civil unrest in that West African nation. Despite the arrest of sitting President Laurent Gbagbo this week, there remain obstacles to the return of peace and prosperity to Cote d'Ivoire.

Cote d'Ivoire has been one of the region's most stable governments and an African economic powerhouse. In fact, even during the worst periods of civil war in this troubled country, Cote d'Ivoire remained one of America's largest trading partners in Africa. Unfortunately, this nation has become a blight on its neighbors rather than the blessing it had been for so long.

As many as 1 million Ivoirians have been driven from their homes by the fighting. Nearly 44,000 have fled to Liberia, more than 7,000 have fled to Ghana, as well as smaller numbers who have sought refuge in Burkina Faso, Benin, Togo, Nigeria, and Mali.

If this conflict is not brought to an end soon, there will be even more Ivoirian refugees in neighboring countries despite the announcement of the border's closing on March 31. Unfortunately, there is no certainty that the various armed factions will lay down their weapons and forego reprisals as quickly as we would hope.

According to news reports last week, it was only a matter of days or hours before President Gbagbo resigned and accepted the internationally recognized election of President Ouattara. Like much in Cote d'Ivoire's recent history, that expected development didn't take place. The arrest this week was variously reported to have been at the hands of forces loyal to President Ouattara or the French military. Any lack of certainty will only add to the allega-

tions of Gbagbo and his supporters that foreign forces overthrew an African government.

Ouattara has exercised executive power for the last 3 years of the life of founding President Felix Houphouët-Boigny, but when he died in 1993, the President of the National Assembly was named his successor. From that point forward, stability has been a thing of the past in Côte d'Ivoire.

Bedie was elected in 1995 in a controversial balloting. He was subsequently overthrown and exiled in 1999 by Robert Guie, who was himself unseated and forced to flee after a popular uprising because of suspicions of a tainted election in 2000.

Laurent Gbagbo was believed to have been the rightful winner of the 2000 elections, was declared President, but his presidency was troubled by coup attempts and growing violence between Christian southerners and Muslim northerners. A 2002 military mutiny in the capital city of Abidjan grew into a full-scale rebellion, with rebels seizing much of the north of the country.

Beginning in 2003, cease fires were agreed to and then broken. Elections, beginning in 2005, were repeatedly postponed. The 2010 elections were hoped to be the solution to the enduring human rights tragedy in Côte d'Ivoire. Like so many other expectations before it, however, this resolution was not to occur.

Meanwhile, human rights violations against Ivoirians under the Gbagbo regime were rampant—from extra-judicial killings to torture to forced disappearances to rape. On March 30, more than 800 Ivoirians were massacred in the town of Duekoue when pro-Ouattara forces captured it. The incoming President disavowed responsibility of his forces in the massacre and promised a full investigation.

Throughout the months since the runoff election last fall, Gbagbo used his leverage shrewdly to hold onto power and cast doubt on an internationally supervised process to which he had agreed. According to the international accord, the Ivoirian election commission would certify a winner that the international community would then accept. However, the Constitutional Council appointed by President Gbagbo declared the election unacceptably tainted.

During the months of wrangling over the election outcome, Gbagbo played on nationalist sentiment, raising concerns of French influence on the certification of the voting. He has repeatedly emphasized that the United Nations had no right to declare a winner of the elections in a sovereign nation, although he had agreed to such a process beforehand.

Even as his military's Air Force and heavy weaponry were stymied by U.N. and French forces, and rebels surrounded his last stand in a presidential bunker, he knew that if he were killed or resigned without an undisputed elected successor, the Constitution called for the Speaker of the National Assembly to become President.

For months, Gbagbo withstood international condemnation, especially by the Economic Community of West African States, which at one point threatened military action that never materialized. He had supporters among the African Union early on who delayed that body's full acceptance of the 2010 election outcome.

Increasing African concerns of French and other international military interventions could be problematic in resolving the crisis among some in Africa and elsewhere who may now buy into Gbagbo's conspiracy theories of foreign interference in Cote d'Ivoire.

Above all, we must remember that President Ouattara has always been considered an international figure, even when he was brought in as Prime Minister to bolster the ailing economy in 1990. The north-south dispute in Cote d'Ivoire partly concerns his repeated exclusion from Presidential elections and allegations that he was a foreigner. The treatment of Ouattara was seen as symbolic of the mistreatment of northerners and Muslims in Cote d'Ivoire. Resentments on both sides of the regional-religious divide in the country will not disappear overnight.

This hearing is intended to discuss the Obama administration's assessment of the complicated situation we now face in Cote d'Ivoire, to examine strategies to unravel this mess, and to look forward to how this former bulwark of West Africa can be restored to its former place of prominence in the region as well as on the continent.

Given our current military involvements in the Middle East and North Africa, diplomacy seems to be the preferred method of American intervention, but what role does the United States play in the situation thus far dominated by the United Nations and by France?

Given our economic ties to Cote d'Ivoire, we are not casual bystanders in this matter, but how can we best play the role of peacemaker and assist in the lasting reconstruction of one of Africa's most important countries? Furthermore, how can we intervene without seeming to be yet another foreign power trying to thwart the will of the people of Cote d'Ivoire?

This is the challenge being taken up this morning by our distinguished witness, William Fitzgerald, Deputy Assistant Secretary of State in the Bureau of African Affairs. And we are very grateful to be joined by him today.

And I would like to now yield to my good friend and colleague, Mr. Payne, for his opening statement.

Mr. PAYNE. Thank you very much. Thank you, Chairman Smith, for discussing this very important hearing. And thank you for delaying it for 5 minutes or so as I fought traffic. But this is a very important hearing. As we all know, Cote d'Ivoire, one of the leaders in Africa as a nation, a nation that had very strong economic prowess, a nation that drew all neighboring countries unto them to have economic opportunity, and then we see the demise that we have seen over the past 4 months.

As you know, I have focused on elections and democratic process across the African continent, and it is very significant as a priority because, in particular this year, there will be 15 additional elections in very important countries—Nigeria and the Democratic Republic of Congo, and on.

And so it is important that a model is set, so that the others would have something to follow. So this has been very disturbing, because this is a very poor example for the elections that will be unfolding in Africa, and we must not allow this to be the pattern.

As you know, President Obama and Secretary Clinton have asserted time and time again that the United States must support the democratic aspirations of all people.

The situation in Cote d'Ivoire is extremely troubling and disappointing. Laurent Gbagbo, a former democratic activist, who was once seen by many as the father of the Ivoirian democracy, was soundly defeated at the polls last November. He was such an advocate in the previous time that he was imprisoned by the former President, and so people had much faith when he was elected to President before.

But after the polls closed, and showed that he was defeated soundly, he refused to cede power to Alassane Ouattara, whom the United Nations certified as the legitimate new President, and his actions plunged the once economically vibrant and beautiful country into complete disarray. There was unanimity around the world. The African Union certified that Mr. Ouattara won.

ECOWAS joined in. IGAD from the other side of the continent on the east part of Africa said the same thing, the EU confirmed it, and so did the U.S. And so there was total accord that Ouattara was the winner.

The political crisis erupted into a full-scale civil war and humanitarian crisis, which will likely have a lasting impact. The post-election violence has resulted in over 1,500 deaths, the vast majority of whom were citizens in addition to close to 1 million displaced people, and 1,000 who remain trapped in their homes without access to water, food, and medical care.

UNHCR estimates that 150,000 refugees are spread across 12 countries in West Africa, with 135,000 refugees in Liberia—Liberia, a country that is struggling coming out of the long civil war, but once again has to take in refugees from their neighboring country. As in most African countries, refugees are welcomed and are cared for to the best of the ability of those countries.

Concerns about increased violence by forces loyal to both sides prompted the U.N. Security Council to adopt Resolution 1975 on March 30, demanding an immediate cease fire and calling on Gbagbo to leave office and cede power to Ouattara. In addition, a resolution urged the U.N. to use all necessary means to protect the citizens and to call upon the U.N. Human Rights Council to investigate human rights violations. The resolution also included targeted sanctions against Gbagbo, his wife, and key associates.

During the last days of March, supporters of Ouattara took control of strategic positions, entered the country's largest city, Abidjan, captured the capital city, and closed the international borders to prevent Gbagbo and his affiliates from fleeing the country.

Also, at that time, an estimated 244 people were reportedly killed in the western Ivoirian country of Duekoue. According to U.N. High Commission for Human Rights, the area is ethnically diverse, has a history of cross-border military activity, and has been the site of inter-communal violence at several junctures in the Ivoirian conflict.

The killing occurred shortly after pro-Ouattara forces captured the city. Ouattara has rejected allegations that his forces were responsible for the killings, and he has pledged to launch an investigation and welcomed an independent international inquiry, and

that is a positive first step. At least 100 more bodies were found by U.N. investigators in two western towns of the country said to have been killed by ethnic militias.

Last week, U.N. and French helicopters attacked weapons depots in Abidjan to prevent forces loyal to Mr. Gbagbo from targeting civilians. This week, forces loyal to President Ouattara arrested Mr. Gbagbo at his residence in Abidjan. Although Gbagbo has been apprehended, the violence continues.

In the coming days and weeks, Ouattara will face a number of stark challenges, including a deeply divided population, a military regime, and allied militias that have fought to keep him from power in a once-vibrant economy ruined by years of conflict, mismanagement, and international isolation. It is uncertain how much command and control Ouattara may have over the rebel movement that claims to be fighting on his behalf as evidenced by the massacre in Duekoue.

The conflict will have long-term consequences on the stability of the country. Reconciliation and due political process should be reinstalled. Accountability and justice for all perpetrators of the heinous post-election violence must be a priority. President Ouattara must make good on his pledge by moving swiftly to ensure independent and impartial investigation of all allegations of mass killings and other human rights abuses. Such investigations cannot be perceived as biased, and justice and accountability must be upheld on both sides of the conflict.

Indeed, Ouattara has an enormous challenge on his hands. Now it is time to commence national reconciliation efforts, invest and rebuild in infrastructure, facilities, and institutions damaged as a result of the military and political crisis, to ensure the safety of all persons resident within Cote d'Ivoire, and to facilitate the safe and voluntary return of refugees and internally displaced people.

The United States and the international community must stand by the people of Cote d'Ivoire every step of the way.

Once again, Mr. Chairman, I yield back and appreciate the hearing today, and yield back the balance of my time.

Mr. SMITH. Thank you very much, Mr. Payne.

Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman. Appreciate you and the ranking member calling this hearing. It is very timely and important as we assess options for a meaningful way forward for a country and a region that possess enormous economic potential.

Since last November's Presidential election, we have seen a deterioration into a post-election crisis that has spiraled into violent conflict, with an untold number of civilians wounded, raped, and killed, and more than 1,000,000 internally displaced persons and over 100,000 refugees escaping into neighboring countries.

This past Monday, after 4 months Gbagbo was captured, allowing Ouattara to rightfully take his place as President-elect.

I hope to hear in depth today about the role international organizations have played in the crisis. I also look forward to discussing how the U.N. mission supports U.S. interest in the region moving forward, how the U.S. can work with the U.N., France, and other international partners to promote reconciliation and stable progress for Cote d'Ivoire.

Deputy Assistant Secretary Fitzgerald, thank you for being here today. I hope that you can shine some light on the pathways to stability and peace. Welcome, and we look forward to hearing your testimony.

Mr. SMITH. Mr. Carnahan, thank you very much.

I would like to now welcome and introduce William Fitzgerald, who serves as Deputy Assistant Secretary of State in the Bureau of African Affairs, overseeing policy and operations at all U.S. missions in West Africa, and the work of the Bureau's Economic Policy Office.

From 2006 to 2009, Mr. Fitzgerald served as a Deputy Assistant Secretary in the Bureau of Population, Refugees, and Migration. His regional portfolio included Afghanistan, Pakistan, sub-Saharan Africa, Central Asia, and Latin America.

Prior to joining PRM, from 2003 to 2006, Mr. Fitzgerald was Deputy Chief of Mission at the U.S. Embassy in Kampala, Uganda. In his final year, he served as Chargé during the controversial 2006 elections. A 22-year veteran of the Foreign Service, Mr. Fitzgerald has served at other African posts, including Togo, Mali, and Zambia, as well as tours in Mexico and Ecuador. He also worked in the Bureau of Political Military Affairs in Washington.

Before he joined the Foreign Service in 1988, Mr. Fitzgerald worked as a reporter and editor for United Press International and the Paris-based Organization of Economic Cooperation and Development. He is a graduate of the University of Chicago.

Mr. Fitzgerald, welcome, and proceed as you would like.

STATEMENT OF MR. WILLIAM FITZGERALD, DEPUTY ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. FITZGERALD. Mr. Chairman, Ranking Member Payne, and Congressman Carnahan, thank you for this opportunity to testify before you today on Cote d'Ivoire. Cote d'Ivoire is an important country in sub-Saharan Africa and one of great significance to the United States.

First, let me express our concern for the very real human tragedy that has befallen the Ivoirian people as a result of the political crisis. The road to democratic elections was a long and turbulent one, and the Ivoirian people deserve to have their voices heard and respected by a government that is responsive to their needs.

The Fall 2010 Presidential elections were the culmination of nearly 10 years of international community engagement to broker lasting peace in Cote d'Ivoire. Following controversial elections in 2000, and a civil war that divided the country, then-President Laurent Gbagbo and opposition leader Alassane Ouattara helped craft the electoral process through a series of negotiated agreements beginning in 2005.

These agreements specified that the United Nations provide technical assistance to support elections, deploy observers around the country, and certify each stage of the electoral process. We have supported the United Nations' presence in Cote d'Ivoire since 2003, including its current incarnation as the U.N. Operation in Cote d'Ivoire (UNOCI), as well as the French military force

(Licorne), which is mandated to assist UNOCI's work under Security Council Resolution 1528 in 2004.

After several years of delay, the first round of elections on October 31 last year was held by all candidates and observers as peaceful and fair, with nearly 80 percent voter turnout and no significant irregularities reported. However, indeed, the November 28 runoff between Alassane Ouattara and Laurent Gbagbo was again characterized by high voter turnout, and largely peaceful participation by the Ivoirian people.

Credible, accredited observers assessed that both rounds were free and fair and free of irregularities that would have affected the results. As a part of his mandate to certify each step of the electoral process, the U.N. Special Representative of the Secretary General (SRSB), Y.J. Choi, received duplicate identical copies of 20,073 tally sheets, which the Independent Electoral Commission and the Constitutional Council used to determine the results.

After reviewing these tally sheets, SRSB Choi certified the finding of the Independent Electoral Commission that Alassane Ouattara had won the second round with 54 percent of the vote. However, the Constitutional Council, a body composed of Gbagbo appointees, nullified the totality of the results in several specific districts which Ouattara had carried, handing Gbagbo a victory by a margin of 51 percent.

International observers, including the Carter Center, with former President of Ghana John Kufuor leading their delegation, the African Union, the Economic Community of West African States (ECOWAS), and the United Nations were unified in their acceptance of President Ouattara's victory.

The international consensus in support of a well-organized democratic process was critical in preventing a return to full-scale civil war in Cote d'Ivoire, as well as preserving Africa's democratic momentum as other countries, such as Nigeria and the Democratic Republic of Congo, which hold national elections this year. Despite this consensus, however, Laurent Gbagbo refused to concede defeat and began re-arming and reaching out to his militias to intimidate and attack communities that supported President Ouattara.

From the onset of the crisis, the United States worked closely with ECOWAS, the African Union, and the United Nations to find a peaceful resolution, using diplomatic and political tools to push for an outcome that respected the will of the Ivoirian people.

However, Mr. Gbagbo's tactics became increasingly violent as the crisis drew on. As fighting increased between the two camps, there have been reports of human rights abuses committed by combatants on both sides. Following Gbagbo's use of heavy weapons against unarmed civilians, the U.N. Security Council called for the UNOCI and French military force Licorne to act under their mandates and to take all necessary measures to protect civilians under threat, including by neutralizing the heavy weapons in and around Abidjan.

These operations were critical in preventing a further escalation of violence in Abidjan. On Monday, as you mentioned, April 11, President Ouattara's Republican Forces took Gbagbo, his wife, and his entourage into custody.

The hard work is just beginning in Cote d'Ivoire, and President Ouattara must now begin implementing his reconciliation plan in earnest. President Ouattara has outlined his intent to be President of all Ivoirians, and is committed to a broad and comprehensive reconciliation effort to build lasting peace. This must include accountability on all sides for atrocities and human rights violations committed since the November elections.

We commend President Ouattara's calls for independent investigations into alleged human rights abuses and violations, and the United States recently co-sponsored a resolution at the U.N. Human Rights Council in Geneva that has created a Commission of Inquiry to investigate these allegations.

Accountability and a meaningful reconciliation process are essential not only for Cote d'Ivoire's future, but for regional stability in the wake of the Ivoirian crisis. With more than 100,000 Ivoirian refugees in Liberia and other neighboring countries, President Ouattara must create a stable and peaceful environment to allow them to return.

The more than 1,000,000 internally displaced Ivoirians must be able to return to their homes and to their lives. The United States is currently providing \$31.7 million to address the growing humanitarian crisis in Cote d'Ivoire and the affected communities in Liberia and neighboring countries.

We are committed to working with President Ouattara and the Ivoirian people to help reestablish Cote d'Ivoire as the beacon of stability and economic prosperity it once was. A prosperous and peaceful Cote d'Ivoire is an asset to the region and the continent, and we look forward to playing a part in the hopeful future that lies ahead.

Thank you again, members of the committee, for the opportunity to speak today, and I welcome any questions that you may have. Thank you very much.

[The prepared statement of Mr. Fitzgerald follows:]

**Testimony by Deputy Assistant Secretary William Fitzgerald,
Bureau of African Affairs, U.S. Department of State
House Foreign Affairs Committee
Subcommittee on Africa, Global Health, and Human Rights
April 13, 2011
“Crisis in Cote d’Ivoire: Implications for the Country and Region”**

Mr. Chairman, Ranking member Payne, and members of the Committee, thank you for this opportunity to testify before you today on Cote d’Ivoire. Cote d’Ivoire is an important country in sub-Saharan Africa and one of great significance to the United States.

First, let me express our concern for the very real human tragedy that has befallen the Ivoirian people as a result of the political crisis. The road to democratic elections was a long and turbulent one, and the Ivoirian people deserve to have their voices heard and respected by a government that is responsive to their needs.

The fall 2010 presidential elections were the culmination of nearly ten years of international community engagement to broker lasting peace in Cote d’Ivoire. Following controversial elections in 2000 and a civil war which divided the country, then-President Laurent Gbagbo and opposition leader Alassane Ouattara helped craft the electoral process through a series of negotiated agreements beginning in 2005. These agreements specified that the United Nations provide technical assistance to support the elections, deploy widespread election observers, and certify each stage of the electoral process. We have supported the United Nations’ presence in Cote d’Ivoire since 2003, including its current incarnation as the UN Operation in Cote d’Ivoire (UNOCI), and the French military force (Licorne), which is mandated to UNOCI’s work under UNSC Resolution 1528 from 2004. After several years of delays, the first round of elections on October 31, 2010 was hailed by all candidates and observers as peaceful and fair, with nearly 80% voter turnout and no significant irregularities reported.

The November 28 runoff between Alassane Ouattara and Laurent Gbagbo was again characterized by high voter turnout and largely peaceful participation by the Ivoirian people. Credible, accredited observers assessed that both rounds were fair, and free of irregularities that would have impacted the results. As a part of his mandate to certify each step of the electoral process, the UN Special Representative of the Secretary General, Y.J. Choi, received identical copies of the 20,073 tally sheets which the Independent Electoral Commission (CEI) and the Constitutional Council used to determine the results. After reviewing these tally sheets, SRSG Choi certified the finding of the CEI that Alassane Ouattara had won the second round with 54% of the vote. However, the Constitutional Council, a body composed of Gbagbo appointees, nullified the totality of the results in several specific districts which Ouattara had carried, handing Gbagbo a victory by a margin of 51%.

International observers, including the Carter Center, the African Union, the Economic Community of West African States, and the United Nations, were unified in their acceptance of President Ouattara’s victory. The international consensus in support of a well-organized democratic process was critical in preventing a return to full-scale civil war in Cote d’Ivoire, and

preserving Africa's democratic momentum as other countries, such as Nigeria, hold national elections this year. Despite this consensus, Gbagbo refused to concede defeat and began re-arming militias to intimidate and attack communities that supported President Ouattara.

From the onset of the crisis, the United States worked closely with ECOWAS, the AU, and the UN to find a peaceful resolution to the crisis, using diplomatic and political tools to push for an outcome which respected the will of the Ivoirian people. However, Gbagbo's tactics became increasingly violent as the crisis drew on. As fighting increased between the two camps, there have been reports of human rights abuses committed by combatants on both sides. Following Gbagbo's use of heavy weaponry against unarmed civilians, the UN Security Council called for the UNOCI and French military force Licorne to act under their mandates and take "all necessary measures" to protect civilians under imminent threat, including by neutralizing heavy weapons in and around Abidjan. These operations were critical in preventing further escalation of violence in Abidjan. On Monday, April 11, President Ouattara's Republican Forces took Gbagbo and his wife into custody.

The hard work is just beginning in Cote d'Ivoire, and President Ouattara must now begin implementing his reconciliation plan in earnest. President Ouattara has outlined his intent to be president of all Ivoirians, and is committed to a broad and comprehensive reconciliation effort to build lasting peace. This must include accountability on all sides for atrocities committed since the November elections. We commend President Ouattara's calls for independent investigations into alleged human rights abuses and violations, and the United States recently co-sponsored a resolution at the UN Human Rights Council which created a Commission of Inquiry to investigate these allegations.

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We are committed to working with President Ouattara and the Ivoirian people to help re-establish Cote d'Ivoire as the beacon of stability and economic prosperity it once was. A prosperous and peaceful Cote d'Ivoire is an asset to the region and the continent, and we look forward to playing a part in the hopeful future that lies ahead.

Thank you for the opportunity to speak today, and I welcome any questions you may have.

Mr. SMITH. Thank you very much, Mr. Fitzgerald, for your testimony and for your leadership.

Let me just ask a few opening questions. First, International Criminal Court proceedings have been discussed for Mr. Gbagbo since his arrest. But given the deep divisions in Cote d'Ivoire, in your opinion, would it be advisable to push for a trial in a foreign court? Might that not exacerbate tensions there? And what is the administration's view of an ICC trial?

Mr. FITZGERALD. Well, at this point, to be perfectly honest with you, President Ouattara has said that he is investigating with his Justice Minister and his Minister of Human Rights the allegations against Mr. Gbagbo, and may in fact try him in Ivoirian court. These discussions continue.

Yes, it is true the ICC has begun an exploratory investigation into the allegations against Mr. Gbagbo and his government, as well as his military leaders. But it is not clear at this point precisely how they are going to do this. Conceivably he could send him to a foreign country pending the handing down of warrants. There is no guarantee that they will get indictments from the International Criminal Court. I think it is also an issue of timing, how quickly the ICC could hand down indictments.

Obviously, trying Laurent Gbagbo in the country when Ouattara just won an election by only 54 to 46, a decisive victory but by no means a mandate, reflecting the split in the country—could prove difficult.

Mr. SMITH. As you know, and as you indicated, the recent massacre of 800 or more Ivoirians in the town of Duekoue last month allegedly was perpetrated by rebels supporting President Ouattara, who has promised to investigate that horrible carnage. Is that the best way to go about this, or should an international investigation make this part of their mandate, as you I think alluded to with the United Nations?

Mr. FITZGERALD. That is an excellent question. In fact, President Ouattara has spoken out publicly in a noon address, one of his first television addresses, to promote the reconciliation of people.

He has agreed to allow an international commission, such as the Commission of Inquiry to investigate. I understand the leader of that commission has just been named. He is a well-known Thai jurist, who has a lot of experience. He was the Special Rapporteur in North Korea. I would give you his name, but I can't pronounce it, to be honest with you. In any case, Ouattara is going to set up a national commission of investigation, but he is also allowing the U.N. to come in to investigate those crimes.

There is no question that what happened at Duekoue was absolutely unacceptable. Human Rights Watch, did an excellent report on it. There are certainly credible allegations to the effect that Ouattara's forces may have been involved. Of course, there are also allegations that Gbagbo's forces as well out in the western part of the country have committed atrocities as well in other towns.

Really what we need, and we continue to work with the U.N., is to stabilize that area. You are not going to have reconciliation if you have one part of the country that people are facing off, and frankly, intercommunal violence has been going on for years and years out there. We are not entirely sure precisely what happened

and how it happened, and that is why we need the experts to go in on the ground and to investigate.

Thank you.

Mr. SMITH. Let me just ask you with regards to the north/south Christian/Muslim divide in Cote d'Ivoire, which, as we all know, has been growing more violent and entrenched since the early 1990s. What are the prospects for healing that emotional and physical wound that has festered for so long? And have the churches and mosques sought to work together? I mean, we saw that in Nigeria when bishops and imams have met together, have even traveled here together.

Mr. FITZGERALD. In the Plateau State and in Jos, absolutely.

Mr. SMITH. Yes.

Mr. FITZGERALD. I don't want to overstate the divide that exists. Clearly, there is a physical divide now that should come down soon. But the rancor that purportedly exists between Christians and Muslims was something that I think Laurent Gbagbo sought to exploit as much as possible. In fact, there were a number of attacks on mosques within Abidjan, but churches weren't touched.

As far as the reconciliation, again, President Ouattara realizes that he needs to reunify this country, and to do that he is reaching out to all sides. He has already agreed early on in this crisis that he would accept members of former President Gbagbo's party to be ministers in his cabinet, as well as ministers from former President Bedie's party.

But there is no question that political reconciliation is the top job for him right now. He has an enormous burden of issues to work on simultaneously. And if I have an opportunity, I can get into those a little bit later. But political reconciliation, including—to be as inclusive as possible. And to be perfectly honest with you, Mr. Chairman, he needs to jumpstart the economy; he needs to start producing good jobs for people, and that includes jobs for people up in the north as well as in the south.

To date, he has delivered at least two television addresses where he has sought to promote this political reconciliation. And we do intend to work with him and the U.N. and other regional bodies—AU and ECOWAS—to help him to again break down the barriers between north and south in Cote d'Ivoire.

Than you.

Mr. SMITH. As you know, since the military coup in 1999 ousted former President Henri Konan Bedie, Cote d'Ivoire has been subject to a U.S. restriction on bilateral aid that prohibits the use of certain foreign operation funds, with exceptions for selected democracy promotion, and, of course, humanitarian assistance.

Is there a review underway, especially as things progress? You mentioned \$31.7 million being—

Mr. FITZGERALD. Yes.

Mr. SMITH [continuing]. Most recently allocated. Is there a need for Congress to look at some flexibility with regards to that restriction?

Mr. FITZGERALD. Yes. They are under Section 508 restrictions and have been for almost 10 years, in fact a little bit more than 10 years. We are proceeding with a review of all the bilateral assistance programs. PEPFAR was never stopped, and, in fact, along

with Nigeria, Cote d'Ivoire is the only other West African nation that receives significant PEPFAR funds. This year I think it is on the order of about \$125 million.

Ironically, it is PEPFAR that has been able to break through the north-south divide, and our NGO partners and PVOs have been able to go up to the north and basically work on both sides of this dividing line.

Yes, we do need to review all of the restrictions against Cote d'Ivoire.

Mr. SMITH. If you could be in contact with our subcommittee as well, just as you go through that process.

Mr. FITZGERALD. Thank you.

Mr. SMITH. Let me ask just a couple of final questions. To what extent, and in what instances, have the U.N. peacekeepers prevented violence against civilians over the past 4 months? Has the administration considered evacuating U.S. citizens from Cote d'Ivoire? And, if so, you know, if you would explain that.

And, finally, the U.S. has provided \$81 million in FY09 and \$140 million in 2010 in assessed contributions toward the peacekeeping operations. Where do you think that might go in the coming months and year?

Mr. FITZGERALD. Thank you, Mr. Chairman. Yes, I do think that UNOCI played a critical role, in particular in the past few weeks in evacuating not only civilians from the line of fire but also a number of diplomatic Embassies and consulates that were basically located very close to the presidential residence where Gbagbo had holed up. His troops were outside frequently firing heavy weapons into the Embassies.

There is no question that UNOCI played a critical role. Without UNOCI it would have been a very different story completely. As far as the next question, which I have forgotten, unfortunately—

Mr. SMITH. It was about the possible evacuation of U.S. citizens.

Mr. FITZGERALD. Right.

Mr. SMITH. And then, how much do you think—

Mr. FITZGERALD. Peacekeeping.

Mr. SMITH [continuing]. May rise going forward.

Mr. FITZGERALD. The evacuation of American citizens, we explored it. At the beginning of the crisis, there were approximately 1,000 to 1,500 U.S. citizens. By far the large majority of those were the dual national children of Ivoirian parents.

If there was a good thing about this crisis, it is that the violence began in earnest in the past month, I would say, maybe a little bit longer than that. So people had an idea early on, and our Embassy was very, very proactive in issuing travel warnings, and really this is the time to get out. The commercial flights are still flying. This is an easy way. Just take the time off.

And I know a great number of religious organizations, missionaries who had worked there for years and years, took advantage of that to take their annual leave, their holidays around Christmas-time and haven't returned. I believe they are starting to now. We have evacuated and drawn down our staff at the American Embassy. In fact, on Saturday during a lull in the violence we were able, with the help of the French, to evacuate 10 additional people to Dakar.

Our Embassy, under the new program, is the new Embassy and was built a bit farther outside of the city than where we were before, so in fact we avoided most of the streetfighting that was going on. As far as peacekeeping, UNOCI has pledged—or when it was stood up and renamed in 2004/2005, it pledged to remain not only for the Presidential elections but also legislative elections. And we are encouraging President Ouattara to move quickly toward legislative elections.

Again, he won by 54 percent, and folks need to have their local representatives represent their individual regions in the newly formed national assembly. So ideally within the next 3 or 4 months, again, with UNOCI's help, they will be able to carry out those elections.

Mr. SMITH. Thank you very much. The Chair recognizes Mr. Payne for such time as he may consume.

Mr. PAYNE. Thank you very much. Let me ask regarding the opposition forces, the rebel forces, Forces Nouvelles, led by Baba Solvay. I understand there are about 20,000 troops that he has under his command, and to your knowledge, does President Ouattara have control over these forces in your opinion? Or since they were formed before he became a power, will, in your opinion, he be able to contain?

And actually, what is needed would be, in my opinion, the demobilization, disarmament, and reintegration that we have had, successful programs in the past of the DDR. And I wonder whether you could address that question.

Mr. FITZGERALD. Yes, sir. In all honesty, no, President Ouattara does not have control over all of the troops and rebel militias that are fighting for him. However, he made an early choice when he formed his government to pick Guillaume Soro, who in fact comes from the north, who was part of the former Forces Nouvelles, who stood up and participated in the rebellion earlier in the decade.

I think Guillaume Soro has reasonable control over most of the militias and most of the armed forces now currently known as the Republican Forces, and that is, obviously, a deep concern.

Our Ambassador out there, Ambassador Carter, has been in discussions just during the past week on the possibility on how to stand up a security sector reform program. It is clear, in fact, that part of the national reconciliation that the U.N. was sponsoring over the past 5 or 6 years—in fact, before elections there was supposed to be a disarmament and reintegration process unifying these two military forces. That has to begin in earnest.

As the Congressman knows, though, unless there are decent jobs available, training programs, that sort of thing, it is very difficult to just cut away at the Armed Forces and cut them adrift. In fact, the discussions were going to begin in earnest with General Bakayoko, who is the Commander of all of Ouattara's forces, this week. It has been postponed because of what is going on, but I think that will start up soon.

We have a five-member team from AFRICOM already on the ground that will begin the discussions, along with Ambassador Carter and his defense attaché, with the Republican Forces, on how best to begin the security sector reform program.

Mr. PAYNE. You mentioned some numbers earlier. In your opinion, are there any funds, U.S. funds, that perhaps were cut off, in the pipeline, that could be used that may have been embargoed? And, secondly, there are several countries which have had relatively successful—I call them DDR programs, and so forth. In Rwanda there was a pretty good reintegration. Liberia has done it.

If we could look at some of the other plans, I agree with you, you have to give—when you take the gun, you have got to put a hoe or some seeds or some job training in the hands, or they will keep the gun. And so I think this is very key, and I would hope that we could—and so my question is whether there are any funds that have been, you know, not allocated in the past before we start looking toward trying to get new funds.

Mr. FITZGERALD. Thank you for that question. Unfortunately, Cote d'Ivoire has been in crisis for more than 10 years, so, unfortunately, I think we have located all of the funds that were hanging around. And no, we are not flush with money at this point to help begin security sector reform.

I think we will probably team up with the United Nations, as well as the French and the European Union, who have participated in other DDR and security sector reform projects on the continent. The French announced just a few days ago that they were going to be contributing 400 million euros to Ouattara's government, and the EU said 180 million euros.

So that is close to \$1 billion. Granted, most of it is directed at jumpstarting the economy, but nevertheless I think President Ouattara understands deeply how important restructuring the military, bringing in all of the participants, disarming them, and then reinserting them into the country in some meaningful capacity for—and gainful employment, is absolutely essential for this to go forward. Otherwise, it is whoever has the gun wins.

And I think he will be reaching out as well. He is a former international civil servant, as you know, and spent a great deal of time at the IMF and World Bank, and I am sure he will reach out to the IFFIs as well for assistance in this regard. But the fact that he has already discussed it with Ambassador Carter is, again, I think an indication of his seriousness.

Mr. PAYNE. And one of the things that d'Ivoire has is a tremendous amount of resources, and that gives them a leg up. I know in my region we have, you know, companies that import a lot of chocolate, and of course the economy in New Jersey was starting to—had meetings with our industries to try to see if they can get moving again, and even as we had some discussion, to try new techniques where the yield of cacao in Cote d'Ivoire is almost just 25 percent of what it is in some Asian countries.

Mr. FITZGERALD. Yes.

Mr. PAYNE. And I think that one program that the U.S. or the world community could do would be to have a large-scale training program where you could actually take Ivoirians to the Far East where the yield is much greater and see what these techniques are, to then bring them back to Cote d'Ivoire. I think programs like that might be attractive to—

Mr. FITZGERALD. Well, you know, Congressman, that is a really good point, and I have to say that we reached out early on to Ar-

cher Daniel Midlands and the other American companies that were involved in this. And in fact, we began to work very closely with the World Cocoa Foundation. They were interested in the situation on the ground. We updated them usually on a weekly or biweekly basis—Cargill, Mars.

I am pleased to say that the World Cocoa Foundation is very interested in partnering. It is really a public/private partnership whereby they don't have a lot of money, but they very much want to work with the Ivoirian people, farmers in particular, not only to improve the yield of the crop, but also in local sensitization programs and local conflict resolution programs. So we are very encouraged by this, that these companies are—see as critically important for their production to engage in these not typically cocoa-related programming.

Mr. PAYNE. This is my last quick question. The situation with the government going forward, we have heard this question of governments of reconciliation. Now, governments of reconciliation can mean a number of different things. In Zimbabwe, a government of reconciliation meant that Mr. Mugabe just kept the power, and he said, "Well, okay, you are the Prime Minister," and nothing really changed.

In Kenya, we saw Kibaki steal the election allegedly, and Mr. Odinga became Prime Minister. However, Mr. Kibaki has all the power, all the authority, and Mr. Odinga is sort of marginalized as is in Zimbabwe.

Now, when we hear the push for a government of reconciliation and inclusion, you know, I just wonder how far do you go?

Mr. FITZGERALD. Yes.

Mr. PAYNE. You know, when Bill Clinton went out, there weren't too many Democrats hanging around. And when Obama came in, there weren't too many Republicans. So, when we are asking Africans, well, just take the losers and let us all hold hands together, I think there has to be inclusion. But what is your opinion of this government of reconciliation?

Mr. FITZGERALD. I think that is an excellent question. I can tell you that the United States Government, the Obama administration, has stood firm against any weakening of the victory that we saw Alassane Ouattara win. In other words, we weren't willing to discuss a government of national unity.

As far as we were concerned, again, because of this unique circumstance of having the U.N. actually certify the vote, where they counted up the ballots and the tallies as well, it was perfectly—it was crystal clear to us that Ouattara had won this race. Now, why reward the losers, was our opinion. And we stayed firm to that view.

Now, as far as a government of reconciliation, I think Ouattara himself realizes that, because his margin of victory wasn't so great. And we weren't pushing him to include members of the opposition parties, but he chose—he offered two to three ministries out of 25, which I think is a legitimate number.

He will also do the same with former President Bedie's party. He has stronger ties, obviously, to former President Bedie than he does to Gbagbo. But, you know, in all the governments in Cote d'Ivoire

there is a certain cadre of technocrats. He himself, Alassane Ouattara, one might say is a technocrat.

So there are certainly people that he can reach out to to join his cabinet but not succumb to basically paralysis in the cabinet either. And I think he has chosen to do that.

Mr. PAYNE. Great. Yes, that is what I want to be clear. I don't—one of the problems have been that when people came in they just had nothing to do with the other side.

Mr. FITZGERALD. Right.

Mr. PAYNE. I don't think that that is right either, but to have some integration. A person has to lead his party, but to have, like I said, some others around, but not to dominate.

Mr. FITZGERALD. Absolutely.

Mr. PAYNE. Thank you very much. Thank you, Mr. Fitzgerald.

Mr. FITZGERALD. Thank you, sir.

Mr. SMITH. Thank you, Mr. Payne.

Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman. And, again, welcome. I want to commend the U.S. team that led to a human rights—the U.N. Human Rights Council special session on the situation in Cote d'Ivoire, as well as the Council's establishment of a Commission of Inquiry to investigate the human rights abuses that have been committed.

I really wanted to begin my questions by asking, what effect do you think the Council's actions had on the overall situation, and, specifically, the impact that they had on Gbagbo.

Mr. FITZGERALD. Congressman, I am not sure that the Council had an effect on Laurent Gbagbo. I don't think he ordered his troops to act in different ways. I don't think he ordered his troops to follow restraint, which was obviously the message that we continued to hit home with President Ouattara and Prime Minister Soro.

In a curious way, I think former President Gbagbo was living in a cocoon of his own making, a sort of surreal place where what we have heard is he was watching his own local news, which was controlled by the state. He didn't have CNN turned on, he didn't have BBC, he didn't have any international news. He was following his own story, as it were. It was his narrative.

As you know, he refused to take President Obama's telephone calls on two occasions. This was a man who had basically wrapped himself up and was unwilling to see what was going on around him, what was truth and what was this fiction that he had developed. Nevertheless, I think some of his military leaders realized how serious it was, and they tried to act with restraint. But, again, I think on both sides there is a question of control of these militia groups.

Now, Human Rights Watch also mentioned that both sides had very likely hired Liberian mercenaries. And you pay the mercenaries, but whether you control them is another story entirely. So it was absolutely essential, and I think to galvanize international opinion, it was essential to have the Human Rights Council.

And, of course, President Ouattara's permanent representative in Geneva was an active proponent of the special session on Cote

d'Ivoire, as well as naming of the Commission of Inquiry. I hope that answers your question.

Mr. CARNAHAN. It does indeed, and the other area I wanted to focus on was really the question of regional stability. Liberian President Sirleaf had spoken out about the challenges her country is facing, including their upcoming election and the effect that recent violence in Cote d'Ivoire and forced displacements would have on stability in Liberia and other countries in West Africa.

Can you elaborate on the potential that this Ivoirian crisis has to destabilize peace in Liberia, especially given the massive refugee flows?

Mr. FITZGERALD. Yes.

Mr. CARNAHAN. And, secondly, to what degree are the U.S. and others in the international community looking at this crisis in the broader perspective of peace and security in the West African region?

Mr. FITZGERALD. Thank you. Yes, two extremely important questions. There is no question that Liberia was deeply affected by this. Not only did they have mercenaries going over to fight in Cote d'Ivoire, but they also had refugees that they had to deal with.

Fortunately, UNHCR, with the support of the U.S. Government, was able to stand up camps pretty quickly. And we don't expect those refugees to go back very quickly, but probably within 6 months or 1 year, once the security situation is stabilized in western Cote d'Ivoire.

There is no question in my mind that this had the potential to drag Liberia back to where it was. And I would also like to say that it is important for the subcommittee to see that, in fact, this is the first time, almost in history, that the Mano River region—and that includes Guinea, the Republic of Guinea, Guinea-Conakry, Sierra Leone, Liberia, and Cote d'Ivoire—this is the first time that the Mano River Union is going to be in peace.

Guinea held its first democratic elections late last year, and has a new President. And now with Cote d'Ivoire, it is certainly not solved—the Cote d'Ivoire crisis—but I think we are well on our way to helping President Ouattara to stand up a government.

So I am pleased, but there is no question that this sort of turmoil, this sort of crisis that we were going through, the 4 months when President Gbagbo refused to leave and then began firing on civilians and drove out a million people from—and caused more than a million IDPs and 150,000 refugees in Liberia, had great potential.

As we know from earlier on in Cote d'Ivoire, much of Cote d'Ivoire is made up of foreign migrants who have gone there to work the cacao fields, to go there. So there was the potential for millions of refugees to leave the country, which would have been destabilizing to Mali, to Burkina Faso, to Ghana as well. In this case, it was Liberia that bore the brunt, and it is not a country that is capable of handling that right now.

Thank you.

Mr. CARNAHAN. And my final question is really looking at the importance of the international community's response in Cote d'Ivoire and in this post-election conflict. As we come up to other elections in the region, I think—personally, I think it sends an important

signal to others in terms of how those elections are run and the aftermath. But there are other signals we need to be sending prior to those elections that can be helpful.

Mr. FITZGERALD. Absolutely, Congressman. You are absolutely right. It was part of the reason why we were so adamant that this election be recognized, that the results of this election be accepted. In fact, we had near unanimous international consensus. AU, EU, U.N., and the United States, Canada, you name it, everyone was pretty much on board with this, because it will send a signal.

If we were to allow Gbagbo to remain, even in a government of national unity, even sharing power, it would send a signal to every other African President, you know, in 15 elections, 16 elections—I am not entirely sure how many—but in all those other—this has been a very clear message to African leaders across the continent, and, frankly, around the world to other leaders, that the democratic results must be respected. The will of the Ivoirian people, the will of the people who are voting, must be respected.

Thank you.

Mr. CARNAHAN. Thank you. I yield back.

Mr. SMITH. Thank you. The Chair recognizes the vice chairman of the subcommittee, Mr. Fortenberry.

Mr. FORTENBERRY. Thank you, Mr. Chairman, for holding this timely hearing. And thank you, Mr. Fitzgerald, for coming today. I believe this was touched upon earlier, but I would like to return to it.

In a meeting several weeks ago with the Ambassador from Cote d'Ivoire, he assured me that this is a society that respected tolerance and diversity. But the question remains as to whether there is a—if religious divisions are actually a subtext here with the majority of the population being Muslim, a significant minority—slightly less than the Muslim population, being Christian, and the main denomination there being Catholic.

You also saw the Vatican try to send in a special envoy to attempt some reconciliation. So what that suggests is, again, a society that has a certain amount of heightened awareness of its religious diversity. But is this a subtext in the conflict?

Mr. FITZGERALD. No, I don't think so, sir. I believe that, first of all, in Abidjan in particular, it was a political struggle between two opponents who have faced off against one another for more than 10 years. And out west where we saw some of the really heinous attacks and the atrocities, that was more of an ethnic division out there than a religious tension between these groups.

Mr. FORTENBERRY. You are referring to the 1,000 bodies that were recently discovered?

Mr. FITZGERALD. Right. Duekoue and in other areas, they have—the HRW—the Human Rights Watch Report was very well done, has made numerous credible allegations that both sides in fact are guilty of attacking civilians and mass killings. And we are very pleased that President Ouattara has agreed to an International Commission of Inquiry out of the U.N. Human Rights Council will be coming to—will be traveling to the country shortly to begin its investigation.

As far as the Christian-Muslim divide, I would also point out that President Gbagbo's second wife is in fact a Muslim from the

northern part of the country. There is less tension between Christians and Muslims than in most states in Africa, frankly. It is a highly diverse, highly complicated society that has evolved over the years to be very tolerant.

And I would have to agree with Ambassador Diabate that in fact there are—there is a lot of tolerance in Ivoirian society. People were set upon in certain parts, and especially out west they were attacked because they were Burkinabe, not that they were Muslim. It was a xenophobia that Laurent Gbagbo used to manipulate the people.

Mr. FORTENBERRY. Projecting forward, how do you see the civil unrest becoming placated, given that if what you are suggesting is the—is not a dominant factor in terms of divisions, the political strife over the last 10 years being the more dominant factor, perhaps plus some ethnic divisions, project out what you see evolving in the near term and long term with this change of governance.

Mr. FITZGERALD. Well, there is no question that the first order of business—and a number of things will have to be done simultaneously—but President Ouattara has told us that his first order of business is political reconciliation. He has got to bring back the north, which is predominantly Muslim and reunify the north with the south, which is primarily Christian and animist.

I think he is going to do that in certain ways. He is going to include southerners, obviously, in his cabinet. He is going to hold legislative elections and stand up a serious national assembly so local areas will have serious representation. I think that he needs to jumpstart the economy, and he needs to start building the economy, and create jobs for people.

Mr. FORTENBERRY. How long do you anticipate the U.N. troop contingent to remain there as well as France?

Mr. FITZGERALD. That is a good question. The French have signaled that they are already beginning to draw down. I think the French will probably remain there through probably—they may maintain a small contingent there, because they have so many expatriates there.

It is estimated that the French have approximately 15,000 expatriates living and working in Cote d'Ivoire, many of them who have been born there and raised there, and the like. I think they will probably draw down a lot of their forces this year, but probably leave a contingent.

As far as the U.N., its mandate continues through legislative elections. I believe that President Ouattara wants to have these legislative elections as soon as possible. Granted, there is certain insecurity still left in Abidjan. Not all of Gbagbo's loyalists have given up their weapons. I think there is looting going on.

There is no question that security sector reform has to happen very soon, including a robust disarmament program. I think the U.N. will probably begin to draw down after legislative elections.

Mr. FORTENBERRY. All right. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much. Mr. Marino.

Mr. MARINO. Thank you, Mr. Chairman. Good morning, Mr. Fitzgerald. Welcome.

Mr. FITZGERALD. Good morning, sir.

Mr. MARINO. From what I am hearing, I believe that we are on the right track. But outside of a guarantee, how can we be certain that the—what was it, \$31.7 million—

Mr. FITZGERALD. Right.

Mr. MARINO [continuing]. And anything else that we are going to put into this, is going to be used effectively and as we have—we are told it was going to be used.

Mr. FITZGERALD. Yes.

Mr. MARINO. And I don't mean to be sarcastic, but I don't want to see it ending up in some dictator's bank account—

Mr. FITZGERALD. Sure.

Mr. MARINO [continuing]. Planning for the future.

Mr. FITZGERALD. Well, the majority of that money is coming out of the Bureau of Population Refugees and Migration, and typically we contribute that money to—in this case I believe the majority is going to UNHCR and to ICRC. Both the UNHCR, the High Commissioner for Refugees, and the ICRC have excellent reputations for spending the money correctly.

We did have a PRM representative travel out to eastern Liberia—it is very different terrain—to see precisely what was needed. And based on her assessment, we will be able to track with precisely what UNHCR is doing.

Now, OFTA also gave money to ICRC, and ICRC is one of the few organizations that is able to work, and has been working, inside of Cote d'Ivoire. As you know, the International Committee for the Red Cross is able to cross lines, usually has ties to both sides, and really plays a critical humanitarian role in conflict and strife.

What I have heard from people who have seen what ICRC is doing, they are also very active in Abidjan as well, that I think that money is going to be well spent. But there is no question that there will be robust monitoring and evaluation of the money we spend. We are stewards of the taxpayers' money, and we understand that completely. It is absolutely important that this be used to help the people who need it.

Mr. MARINO. Thank you. And what is our level of comfort with this government? And if it does not work out as planned, what is our strategy?

Mr. FITZGERALD. I think we have a high degree of comfort with President Ouattara. He is a democrat. He is responsive to our concerns and has been throughout this crisis. Former President Gbagbo cut us off after the second round of the elections, and we had only intermittent contact with his purported Foreign Minister but President Ouattara has been very open. And I think we will have excellent lines of communication with him. If we see that he is doing something wrong, or one of his ministries has gone awry, we are going to be able to take it up to the highest level.

I would like to add, too, that President Obama spoke with President Ouattara yesterday and congratulated him for holding out. He was, as you know, trapped in the Golf Hotel for a little bit more than 4 months. But President Obama himself also said, "We are holding you accountable. You told us you were going to have an international commission investigate these human rights violations. We are going to hold you to that promise."

And we will. This commission will cut both ways. It will—there is no impunity, and I was pleased to see President Ouattara say that as well. The age of impunity in Cote d'Ivoire is over, and we are going to hold him to it.

Mr. MARINO. Thank you, sir.

I yield my time, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Marino.

Let me just ask a couple of final questions, Mr. Fitzgerald—
Mr. FITZGERALD. Please.

Mr. SMITH [continuing]. And then yield to Mr. Payne if he has any further questions or comments. Can you assure the committee that, particularly the money that is flowing through the Global Health Initiative, is robustly including faith-based organizations, whether they be Christian or Muslim?

Secondly, it is my understanding that we are providing about 38 percent of the funds to the UNHCR, and I certainly support that. France, in contrast, is providing about 2 percent, and I am wondering if there is an unmet need that UNHCR has that we might, you know, put some pressure on our friends and allies to step up to the plate and provide that.

And, finally, in Abidjan and elsewhere, law enforcement left in large numbers during the conflict. What is happening in terms of reconstituting that law enforcement to ensure that everyday crime is held to account and people are arrested when they commit crimes? And is there an international role to that?

Mr. FITZGERALD. Yes, thank you. I will start with the last one on law enforcement. In fact, the head of the gendarmerie, General Kassarate, and the head of the Inspector General for police, have sworn their allegiance now to President Ouattara. And they went on television and called all of the gendarmes and all of the police officers to return to duty immediately, and that is immediately as of 9 o'clock a.m. local time in Cote d'Ivoire this morning.

So we will see just how successful they are. UNOCI will be playing a big role in maintaining and ensuring law and order. The European Union, in the past, has provided police training, and I think we can expect them to pony up for that as well.

On the UNHCR funding, I think we should lean on our allies. We have leaned on them enough as it is. They are used to it, I think. Again, the 400 million euros is money that we don't have to help jumpstart the economy, so I think we will focus on what we do best, and the French will focus on what they do best.

And I would add that our relationship with the French throughout this crisis, as it has been in Guinea when we were working on elections there, has been excellent with very close contact, in constant discussions, and pretty much in lockstep on our policy.

As you know, Congressman, PEPFAR does rely heavily on faith-based organizations. That is one of the critical and one of the key reasons that it is so successful. So I don't have the specifics—I can get those for you—but I am certain—

Mr. SMITH. If you could, we could include it in the record as well.

Mr. FITZGERALD. Absolutely. Actually, now that you mention it, Mr. Chairman, I would like to enter into the record the Special Representative's report on how he calculated the elections. I think there is a lot of confusion in the world about how precisely the

U.N. was able to ensure that the election was as clear-cut as it was.

And, again, it is that unique certification role that both sides agreed to. Laurent Gbagbo and Alassane Ouattara agreed that the U.N., because of the difficulties, the differences between the two sides, they agreed that they would in fact allow the U.N. to certify the election. So I would like to add that to the record as well.

Mr. SMITH. Without objection, it will be included in the record.

Mr. FITZGERALD. Thank you, sir.

Mr. SMITH. Thank you.

Mr. FITZGERALD. And I will get you answers. But, again, faith-based—the difficulty has been over the past 4 months that PEPFAR money has not been able to get out. As you know, Laurent Gbagbo tried to nationalize the banks, and so disbursement of funds was extraordinarily difficult. And we didn't want to give out funds where we had no control over them, so that will restart immediately, frankly.

Thank you.

Mr. SMITH. Thank you.

Mr. PAYNE.

Mr. PAYNE. Thank you. Thank you very much. As you know, in the chocolate industry, there has been a Harkin-Engel Protocol where there has been an interest in trying to improve the conditions in the—

Mr. FITZGERALD. Yes.

Mr. PAYNE [continuing]. Mainly child labor.

Mr. FITZGERALD. Yes.

Mr. PAYNE. Perhaps as we move forward, we could encourage—I know Mars has a very strong—and the reason I know more about them, because they are in my Garden State of New Jersey, but—and I am sure the others may have positive programs, too.

But if we could encourage them that sometimes you can eliminate children working in the fields, if there are opportunities for them at schooling or in Liberia, we have the same problem with the rubber industry. But if you have some facilities where—a child care center or education could be there, the mother doesn't have to watch the child.

So as we move forward, it may be that our economic sector could push that issue. Or have you dealt with it at all?

Mr. FITZGERALD. Well, we have dealt with it. We have discussed it early on with the World Cocoa Foundation, as well as with Mars. In fact, I met Mr. and Mrs. Mars at an awards ceremony for American Corporation of Excellence, and Mars was receiving an award. And Mrs. Mars' complaint was that the security situation was so bad last year that she couldn't go to Cote d'Ivoire, but they very much want to stand up just this sort of program to provide clinics and schooling for the people, the farmers, the small-scale farmers in particular.

There is no question that we are very well aware of the Harkin-Engel legislation, and it is a key part of what we do on the ground in Cote d'Ivoire, and in Ghana as well of course.

Thank you, sir.

Mr. PAYNE. Thank you. Well, I certainly feel that Cote d'Ivoire can return. It is a country with a lot of resources, very vibrant peo-

ple, and I think that we can work together. I believe that the north and the south can work together. People have worked together.

You know, religion was never a big issue in families in Africa. You know, we didn't know which religion the other sibling was, and I think that perhaps we here in the U.S. are starting to overplay Muslim versus Christian when it is basically a non-issue with the average person, 95 percent of the people, you don't know who they are, like I said, even within families.

And so I think that the more we defuse this as a—you know, we have had—ethnicity was bad enough. Now we don't need to put something else on top of it. And so—

Mr. FITZGERALD. Right.

Mr. PAYNE [continuing]. I would just wonder if you see it that way, too.

Mr. FITZGERALD. Yes. Yes, very much. I think in particular in this case, it really is much more of—this was a political fight.

Mr. PAYNE. Right.

Mr. FITZGERALD. This was a political fight, not even an ethnic fight. What is going on in the west, or what has happened in the past in the west, is ethnic score settling and that sort of thing that has been going on for decades, if not longer. But within Abidjan, these are two opponents—Laurent Gbagbo and Alassane Ouattara—who have really disliked one another for fighting on different sides for a long, long time.

But again, you can't underestimate Laurent Gbagbo. He is a master tactician. He has been able to spin a lot of the messaging. He is a very skillful tactician. He is not a strategist, but he is a tactician. He is very, very good at that. And so as he did earlier in the decade, in 2002/2003, he would foment these divisions. He would bring them to the fore and say these ethnic divisions are what the problem is. He would throw grenades in a mosque. Just recently, his security forces did.

So, again, I agree with you overall. I think that it is not a Christian-Muslim thing. I don't even think it is an ethnic thing, this political crisis. I think it is a political battle.

Mr. PAYNE. Thank you. Thank you very much.

Mr. FITZGERALD. Thank you, sir.

Mr. SMITH. Thank you. Mr. Fitzgerald, anything else you would like to add before we conclude the hearing?

Mr. FITZGERALD. No, sir.

Mr. SMITH. I thank you for your testimony, for your leadership.

Mr. FITZGERALD. Thank you very much, sir.

Mr. SMITH. Thank you.

The hearing is adjourned.

[Whereupon, at 10:27 a.m., the subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
Christopher H. Smith (R-NJ), Chairman

April 8, 2011

You are respectfully requested to attend an OPEN hearing, followed by an OPEN markup held by the Subcommittee on Africa, Global Health, and Human Rights to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at <http://www.hcfa.house.gov>)**:

DATE: Wednesday, April 13, 2011
TIME: 9:00 a.m.
SUBJECT: Crisis in Cote d'Ivoire: Implications for the Country and Region
WITNESS: Mr. William Fitzgerald
Deputy Assistant Secretary
Bureau of African Affairs
U.S. Department of State

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, and Human Rights HEARING

Day Tuesday Date April 13 Room 2172 Rayburn

Starting Time 9:00 a.m. Ending Time 10:27 a.m.

Recesses 0 (to) (to)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

TITLE OF HEARING:

Crisis in Cote d'Ivoire: Implications for the Country and Region

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Chris Smith, Rep. Donald Payne, Rep. Russ Carnahan

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

HEARING WITNESSES: Same as meeting notice attached? Yes No
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

*Written Statement from Mr. Fitzgerald
Information from the State Department about PEPFAR's use of faith-based organizations, submitted by Mr. Fitzgerald
Special Representative's Report on Elections, submitted by Mr. Fitzgerald*

TIME SCHEDULED TO RECONVENE _____

or
TIME ADJOURNED 10:27 a.m.

Shari Ricketts
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY MR. WILLIAM FITZGERALD, DEPUTY ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

PEPFAR Cote d'Ivoire Faith-Based Prime and Sub-Partners

FB Prime Partners
AVSI (Associazione Volontari per il Servizio)
Habitat for Humanity
Hope Cote d'Ivoire
FB Sub-Partners
Centre Nazareen
Cote d'Ivoire Prosperte
Hopital Protestant de Dabou
Soeur de la Providence, Formation Sanitaire Urbaine Communautaire Anonkoua Koute
Soeurs de la Sainte Famille, Dispensaire Pietro Bonilli
Action Evangelique de la Lutte Contre le SIDA
Departement Methodiste de Lutte contre le SIDA
Groupe Biblique des Hopitaux
Notre Dame de l'Incarnation
Tends-Moi La Main
Nouv de Vie
Caritas
Association des Eglises Chretiennes en Cote d'Ivoire - Centre PIM Abengourou
Centre de Sante El RAPHA
Centre de Sante Sainte Therese de l'Enfant Jesus
Centre de Sante Soeur de la Charite Kotobi
Centre de Sante Urbain Notre Dame des Apotres de Dimbokro
Centre de Sante Wale Yamoussoukro
Centre Saint Camille de Bouake
Dispensaire Rural Baptiste de Torgokaha
Dispensaire Sainte Anne de Bocanda
Fondation Djigui
Hope Worldwide CI
Hopital Baptiste de Ferkessedougou
La Manne du Jour
Centre Pianzola, Ouangolo
Soeurs de la Providence
Africa Christian Television
Alliance Biblique de Cote D'Ivoire
Alliance pour le Developpement Integral et l'Action Sociale
Groupe Biblique Universitaire pour l'Afrique Francophone (CMA)
New Life Project
SAREPTA

Centre Ste Marie Bondoukou
Centre Catholique de Djebonoua
Centre Catholique de Korhogo
Association Chretienne Etudiante (ACE)
Alliance des Religieux Contre le VIH/SIDA et les Autres Pandemies (ARSIP)
Manasse
Centre de Protection Maternelle et Infantile Catholique de Guitry
Centre de Sante Catholique Notre Dame de la Consolata Marandalah
Communaute Notre Dame de la Paix de Vavoua
Dispensaire Medico social Notre Dame du Calvaire de Guiberoua
Dispensaire Urbain Christ Roi de Sinfra
Reseau des Ecoles Madras de Cote d'Ivoire (REMC)
Bureau International Catholique de l'enfance
Fraternite St Jean de la Misericorde

**STATEMENT ON THE CERTIFICATION OF THE RESULT OF
THE SECOND ROUND OF THE PRESIDENTIAL ELECTION
HELD ON 28 NOVEMBER 2010**

By YJ Choi, SRSG, UNOCI
(Abidjan, 3 December 2010)

1. The Security Council mandated me by its resolution 1765 (2007) to certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in Côte d'Ivoire in accordance with international standards.
2. In this regard, I developed, in consultation with the stakeholders, the "five-criteria framework for certification", which was subsequently referred to in paragraph 32 of the sixteenth progress report of the Secretary-General on the United Nations Operation for Côte d'Ivoire (S/2008/250). The framework defines broad benchmarks that enable me to assess whether: (a) a secure environment exists during the period leading to elections and allows for the full participation of the population and the candidates in the process; (b) the electoral process is inclusive; (c) all candidates have equitable access to State-controlled media and whether the latter remains neutral; (d) the voters lists are credible and accepted by all parties; and (e) the results of the elections are determined through a transparent process and are accepted by all or are challenged peacefully through the appropriate channels.
3. With regard to the final voters list, I duly certified it on 24 September during a press conference held at UNOCI Headquarters.
4. As regards the certification of the result of the 31 October 2010 first round of the presidential election, based on the five criteria of the framework for certification, and further to the mandate vested upon me by the Security Council, I duly certified it on 12 October 2010.
5. As for the electoral campaigning related to the second round, despite some incidents, which were at times violent, and isolated disruptions, it was generally conducted in a democratic atmosphere. The televised debate between the two presidential candidates held on 25 November night, in particular, was unanimously welcomed as exemplary and even exceptional.
6. However, the afternoon of 27 November 2010 was marked by a demonstration by opposition youth groups in the Abobo district of Abidjan against the establishment of the curfew. The demonstration degenerated into a confrontation between youth groups and security forces, resulting in the burning of a police vehicle and three deaths among the demonstrators.

7. Thus, the 28 November voting began in an atmosphere of tension and passion. Despite the environment that preceded it and despite incidents, which were sometimes violent, in the west and north of the country, the second round of the election was also generally conducted in a democratic climate. UNOCI was encouraged to note that along all the five observation routes it established, representatives of both candidates were present in all the polling stations.

8. Concerning state controlled media, it followed almost the same pattern of the first round. During the period preceding and following the official electoral campaign, the coverage by *Radiodiffusion Télévision Ivoirienne* (RTI) of the two candidates' political activities was unbalanced. However, during the electoral campaign, State media, under the supervision of regulatory bodies, generally guaranteed equal access to the two presidential candidates. Also, in conformity with the recommendations of the *Conseil national de la communication audiovisuelle* (CNCA), television stations and radios in the north broadcast in synchronization the programming of the RTI throughout the electoral campaign period. With regard to the print media, *Fraternité Matin* provided equal access to all the candidates during the campaign period. It is also to be noted that most of the major political parties have their own affiliated newspapers, which enjoyed complete freedom of press before, during and after the election.

9. With regard to the proclamation of the provisional results of the second round of the presidential election, the Independent Electoral Commission (IEC) announced them on 2 December 2010. I recall that, in the case of the first round, the IEC had only started announcing the partial results from the evening of 2 November. As the official announcement began only two days after the election, some tensions and speculations spread through the country. In this regard, during my press conference on 4 November, I had urged the IEC to work on reducing the waiting time for results in future polls, with a view to avoiding speculation and tensions aroused by the absence of a timely dissemination of the results. In this regard, UNOCI reiterated its availability to provide all its support to the IEC.

10. Despite my call on the IEC to proclaim the provisional results of the 28 November second round promptly, the IEC was unable to disseminate the results without delay partly because of its internal divisions. The IEC internal divisions were further exacerbated when the Ivorian security authorities reinforced its "protection" at the IEC HQ beginning the morning of 30 November. This led, in the end, the IEC President, Mr. Youssouf Bakayoko, to proclaim the provisional result of the second round in the afternoon of 2 December 2010 at the Golf Hotel: the participation rate in the second round being over 81 %; candidate Alassane Ouattara garnering 54.10% of the votes; and candidate Laurent Gbagbo garnering 45.90 %.

11. The Constitutional Council immediately reacted to the announcement made by the IEC President. In the evening of 2 December 2010, the President of the Constitutional Council, Mr. Paul Yao N'Dre, declared that the IEC's proclamation was null and void as the IEC had passed the legal limit of three days for pronouncing itself on the provisional results. The President of the Constitutional Council then proclaimed on 3 December 2010 the final results with the cancellation of voting in four northern regions. According to this proclamation, candidate Laurent Gbagbo

would have garnered 51.45 % of the vote and candidate Alassane Ouattara 48.55 %, with the overall participation rate of 71.28 %.

12. The second round of the presidential election was, in general, held in a democratic atmosphere, as observed by all credible observer organizations. It is to be noted that I had implicitly certified the conduct of the second round during a press conference held on 29 November 2010. Thus, the proclamation of the final results by the President of the Constitutional Council, with the cancellation of the votes in nine departments of the north, which makes candidate Laurent Gbagbo the winner of the second round, can only be interpreted as a decision having no factual basis.

13. The only remaining question is whether UNOCI would have to respect the verdict of Constitutional Council under all circumstances. This question can be answered by taking into consideration that the Ivorian Government has accepted the SRSG's role of certification.

14. I, as certifier of the Ivorian elections, have completed the analysis and evaluation of all the tally sheets transported by UNOCI and received from the IEC. Even if all the complaints made by the presidential camp to the Constitutional Council were taken into account in terms of numbers of tally sheets, and consequently the votes, the outcome of the second round of the presidential elections as proclaimed by the IEC President on 2 December would not change, with candidate Ouattara being the winner of the presidential election.

**STATEMENT ON THE SECOND ROUND OF THE
PRESIDENTIAL ELECTION HELD ON 28 NOVEMBER 2010**

By YJ Choi, SRSG, UNOCI
(Abidjan, December 2010)

1. The Ivorian people expressed its free will on 28 November 2010 to put an end to the ongoing Ivorian crisis and to their suffering. The international community has come to the people's assistance with massive investment, including the establishment of a peacekeeping mission. The holding of a successful election has been the key. Together, the Ivorian people and the international community are close to succeeding. There was a successful presidential election with over 81% participation, except for the last minute confusion about its result. Yet there is no reason for us to remain confused because the truth is uncovered and undeniably clear. We cannot fail at the last minute because of this confusion, after all the impressive achievements made.
2. I, as certifier of the Ivorian elections, feel particularly responsible for safeguarding the result of the presidential election as I am in a rare position to know the truth. Today I will tell you how I arrived at the absolute conviction that, on 28 November, the Ivorian people have chosen candidate Alassane Ouattara as their President.
3. However, before my explanation, let me say a few words about the impartiality of the United Nations in general and UNOCI in particular as, unless one believes in UNOCI's impartiality, it would not be possible to believe in the truth as I will explain it to you.
4. Like democracy itself, impartiality is not a given. It is something one can keep only through an ongoing struggle, a struggle that I cannot afford to lose as certifier of the Ivorian elections. With regard to the second round, I had to make considerable efforts to safeguard my impartiality, the strength upon which I today lay the true result of the second round.
5. Now let me share with you the three methods that I have applied to arrive at the absolute conviction regarding the winner of the second round of the presidential election. I must stress that these methods were done without regard to the results of the IEC or the Constitutional Council. My evaluation was completely independent of the IEC and Constitutional Council.
6. The first method has been to find the voting trends as early as possible. In order to do so, 712 devoted UNOCI staff members were deployed to an equal number of carefully pre-selected polling stations. They reported to me by phone the results of the second round posted in those polling stations. Thus, by 9 pm on 28 November, I

already knew the voting trends, which, as certifier I could not share with anybody until I completed my analysis and evaluation through the other two methods. The trend showed with a clear margin who tended to win and who tended to lose. This trend proved to be very credible.

7. The second method has been to collect the electoral results from the nineteen regional local electoral commissions. In order to do so, as early as one week before the election, nineteen UNOCI staff members were identified and given the task of collecting the results. Every one of them duly reported his/her findings to me on 30 November. The collation of their reports further confirmed the trends I had obtained two days earlier i.e. at that moment it was almost certain who had won and who had lost the elections but, as a certifier, I had to be absolutely certain about the result. I needed a third method.

8. The third method has been to examine all the around 20,000 tally sheets that UNOCI received on 30 November from the Ivorian authorities for the purpose of certification. In order to do so, a tabulation centre was set up at UNOCI HQ and 120 UNOCI staff members, who had been trained weeks ago, worked in three shifts, day and night. The training was necessary as the job did not involve a simple collation. It involved examining one tally sheet after another to see whether there was a trace of fraud or manipulation, especially including whether the tally sheets had been signed. As a result, it was inevitable for us to discard a certain number of tally sheets. We checked whether these discarded tally sheets were concentrated in some particular regions or if they were randomly spread. The latter was the case. This time-consuming but fool-proof task was carried out with efficiency, devotion and professionalism and was completed by the evening of 2 December.

9. The moment of truth came for me, the certifier. The collated result showed almost identical percentages as those of my second method. Moreover, percentage wise, the trends I had obtained from the first method were very close to those resulting from the second and third methods. It was absolutely clear at that moment that the Ivorian people had chosen Mr. Alassane Ouattara as the winner with a clear margin.

10. Let us now examine the complaints about "irregularities" related to the elections submitted by the presidential camp, which were used as a basis for the 3 December Constitutional Council's proclamation. UNOCI examined them carefully as it had received a copy of these complaints. The complaints were based on two essential arguments: the first is about the use of violence in nine departments in the North which prevented people from voting; the second is about the tally sheets in those departments which lacked the signature of the presidential camp's representatives.

11. I, as certifier, during my press conference last Friday, certified that the Constitutional Council's proclamation was not based on facts. Here is how and why. A participation rate as high as 81 per cent, according to the facts, or even 71 per cent, according to the Constitutional Council, cannot possibly mean that there was sufficient violence to prevent people from voting. I asked UNOCI's Police Commissioner to collect all the reports on violence on election day and draw a consolidated map showing the intensity, frequency and location of violence. The map

shows that, during election day, there were more violent acts in the West than in the North. Here is the map (see attachment). Now I hope you are convinced of the why and how I have been able to certify that the Constitutional Council's cancellation of votes in nine departments was not based on facts.

12. The second complaint was about the tally sheets which lacked the signature of the presidential camp's representatives. Regardless of the acceptability of this argument from a legal point of view, to be able to be absolutely certain, I reviewed all the tally sheets in the concerned departments and eliminated all those which lacked the signature of the presidential camp's representatives. The upshot was that, even such an exercise does not alter in any significant way the outcome of the second round. Other arguments used by the Constitutional Council were either completely or partially unsubstantiated, which in any event could not affect the outcome of the second round.

13. It is worth mentioning that all through the electoral process, I instructed my staff not to carry out polls as it would be exploited by political parties to damage UNOCI's impartiality. I further asked my staff not to have any preference between the candidates because, again, this would have been inevitably leaked and exploited by politicians to damage UNOCI's credibility.

14. On this basis, I was absolutely certain that I have found the truth concerning the will of the Ivorian people as expressed on 28 November. They all point to one conclusion, that the people have chosen Alassane Ouattara as the winner of the presidential election.

15. As certifier, I have repeatedly and publicly indicated that certification is not about finding faults in the elections, nor is it a simple act of putting a rubber stamp on the result: Certification is about safeguarding the result of the elections. In other words, to make the will of the people prevail. I shall continue doing my duty safeguarding the result of election, which is, at this stage, to carry on telling the truth.

