

## 4.4 Côte d'Ivoire

### 4.4.1 Migration trends

#### 4.4.1.1 Immigration

Côte d'Ivoire has a long history as a country of immigration. Although it has lost some of its appeal over time, it remains an important country of destination, and one of the main countries of residence for ECOWAS Member States nationals.

Since colonial times and the development of the plantation sector, the economy of the country has largely been reliant on foreign labour force. Workers from neighbouring countries with limited natural resources and an overabundance of workforce, such as, primarily, Burkina Faso (previously French Upper Volta Haute-Volta), have greatly contributed to the national economic development of Côte d'Ivoire.<sup>412</sup> After its independence in 1960 and up until the mid-1980s/early 1990s when the country was struck by economic crisis, immigration was promoted by national authorities and thus continued to be high.<sup>413</sup> As forest resources started to be used up, the productivity of plantations started to decrease and the price of cacao on the international market fell, which ignited an economic crisis.<sup>414</sup> Côte d'Ivoire became progressively less attractive for West African workers. Simultaneously, increasingly restrictive policies toward foreigners were adopted.

The most reliable data on immigration and foreigners' presence in Côte d'Ivoire is found in the National Population and Housing Census (RGPH)<sup>415</sup> of 1998. Although a new census was planned for 2008, it was postponed due to political unrest. In 2014, the latest population census was finally undertaken – its results are yet to be published. It must be underlined that the political crisis that Côte d'Ivoire endured during the past decade is likely to have further altered immigration flows. The data from RGPH 1998 should therefore be read with the utmost caution.

Data	Year	Absolute numbers	% of the Total Population
National Population and Housing Census (RGPH)	1998	Immigrant stock: 2,163,644 individuals <sup>416</sup>	26%
		Foreign resident population: 4,000,047	
Consular data from countries of origin	1998 to 2006	7,800,000 foreign residents from the main ECOWAS countries of origin	N/A

<sup>412</sup> Merabet, O. *Etude sur le profil migratoire de la Côte d'Ivoire. Rapport final*, European Commission, Civipol, Transtec, 2006, p. 12.

<sup>413</sup> *Ibid.*, pp. 15-16.

<sup>414</sup> Skogseth, G., *Côte d'Ivoire: Ethnicity, Ivoirité and Conflict*, 2006, p. 13; *ibid.*, p. 43.

<sup>415</sup> *Recensement général de la population et de l'habitat*.

<sup>416</sup> This corresponds to residents born abroad, regardless of their nationality. Nationals make up only 2% of the immigrant stock, with the remaining 98% being composed of foreigners.

## 4.4.1.1.1 Characteristics of immigrants/foreigners

<b>Countries of origin:</b>	<ul style="list-style-type: none"> <li>According to the RGPH 1998, the large majority of foreigners (99%) were nationals of African countries, primarily ECOWAS Member States. Burkina Faso was the main country of origin, with an estimated 56% of recorded foreigners in 1998. Other significant countries of origin included Mali (19.8%), Guinea (5.8%), Ghana (3.3%) and Benin (2.7%). Foreigners from outside of African countries were mainly French and Lebanese nationals.</li> <li>ECOWAS Member States' consular posts estimates – displayed in the table below – show that the number of foreigners is in fact twice higher than that indicated by the RGPH 1998.<sup>417</sup> It should be noted, however, that, with the exception of Mali, these estimates are not based on precise statistical mapping and their reliability is therefore questionable.</li> </ul>																																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #800000; color: white;"> <th>Country</th> <th>Year</th> <th>Consular posts estimates</th> <th>RGPH 1998</th> </tr> </thead> <tbody> <tr> <td style="background-color: #006400; color: white;">Benin</td> <td style="text-align: center;">2002</td> <td style="text-align: center;">600,000</td> <td style="text-align: center;">108,001</td> </tr> <tr> <td style="background-color: #006400; color: white;">Burkina Faso</td> <td style="text-align: center;">1998</td> <td style="text-align: center;">3,400,000</td> <td style="text-align: center;">2,240,026</td> </tr> <tr> <td style="background-color: #006400; color: white;">Ghana</td> <td style="text-align: center;">2006</td> <td style="text-align: center;">600,000</td> <td style="text-align: center;">132,002</td> </tr> <tr> <td style="background-color: #006400; color: white;">Guinea</td> <td style="text-align: center;">1998</td> <td style="text-align: center;">1,000,000</td> <td style="text-align: center;">228,003</td> </tr> <tr> <td style="background-color: #006400; color: white;">Mali</td> <td style="text-align: center;">2001</td> <td style="text-align: center;">1,700,000</td> <td style="text-align: center;">792,009</td> </tr> <tr> <td style="background-color: #006400; color: white;">Nigeria</td> <td style="text-align: center;">2006</td> <td style="text-align: center;">500,000</td> <td style="text-align: center;">72,001</td> </tr> <tr style="background-color: #006400; color: white;"> <td><b>Total</b></td> <td></td> <td style="text-align: center;"><b>7,800,000</b></td> <td style="text-align: center;"><b>3,572,042</b></td> </tr> </tbody> </table>	Country	Year	Consular posts estimates	RGPH 1998	Benin	2002	600,000	108,001	Burkina Faso	1998	3,400,000	2,240,026	Ghana	2006	600,000	132,002	Guinea	1998	1,000,000	228,003	Mali	2001	1,700,000	792,009	Nigeria	2006	500,000	72,001	<b>Total</b>		<b>7,800,000</b>	<b>3,572,042</b>
Country	Year	Consular posts estimates	RGPH 1998																														
Benin	2002	600,000	108,001																														
Burkina Faso	1998	3,400,000	2,240,026																														
Ghana	2006	600,000	132,002																														
Guinea	1998	1,000,000	228,003																														
Mali	2001	1,700,000	792,009																														
Nigeria	2006	500,000	72,001																														
<b>Total</b>		<b>7,800,000</b>	<b>3,572,042</b>																														
<b>Settlements:</b>	Foreigners mainly reside in rural regions: Sud-Comoé, Bas-Sassandra, Moyen-Cavally, Moyen-Comocé, and Haut-Sassandra. <sup>418</sup> In Tabou's department (located in Bas-Sassandra), for instance, the number of foreigners was estimated to be as high as 54% of the population in 1998. <sup>419</sup>																																
<b>Socio-demographic profile:</b>	High predominance of men (71.4%) (RGPH 1998).																																
<b>Socio-economic profile and sectors of employment:</b>	<p>As a general rule, foreigners are less educated than nationals. In 1998, more than 3/4 of foreigners were illiterate, while the proportion of illiteracy among nationals was estimated at 57%.<sup>420</sup></p> <p>Burkinabe nationals mostly work in agriculture (73.5%). Malians are also employed in the agricultural sector but their activities also extend to herding, fishing, industry, and services and trade. Ghanaians are mainly employed within the fishing sector, and trade and services.<sup>421</sup></p> <p>The majority of foreigners are employed in low-skilled jobs. Following its independence, Côte d'Ivoire also needed higher-skilled workers, notably within the education sector. At the beginning of the 1980s, several thousand foreign teachers were employed, in both the public and the private education sector.<sup>422</sup> The presence of such foreign workers has since declined significantly.</p>																																

<sup>417</sup> Merabet, O., 2006, op. cit.

<sup>418</sup> Konan, S. Y., *Migration en Côte d'Ivoire. Profil national 2009*, IOM, 2009, p. 46.

<sup>419</sup> Babo, A., 'Conflits fonciers, ethnicité politique et guerre en Côte d'Ivoire', *Alternatives Sud*, 2010, p. 99.

<sup>420</sup> Zanou, B., 'Analyse des résultats: tome 2 migrations', *Recensement Général de la Population et de l'Habitat de 1998*, Institut National de la Statistique, 2001, pp. 89-90.

<sup>421</sup> Merabet, O., 2006, op. cit., p. 19 ; Konan, S. Y., 2009, op. cit., p. 48.

<sup>422</sup> Merabet, O., 2006, op. cit., p. 16.

**Vulnerable groups:**

Trafficking in persons appears to be mainly an internal phenomenon affecting children.<sup>423</sup>

Despite the lack of reliable data,<sup>424</sup> it is probable that Côte d'Ivoire is also one of the main countries of destination for victims of trafficking in West Africa.

According to the U.S. Department of State, boys from Ghana, Mali, Burkina Faso, Togo and Benin are exploited within the agricultural sector. They are also found in mines, construction and carpentry. Girls from Ghana, Togo and Benin are exploited as domestic workers and street vendors. Girls and women from Ghana and Nigeria are also forced into prostitution.<sup>425</sup>

A crucial question concerns the evolution of immigration flows and migrant stock during the 2000s. The RGPH 1998 showed a decline of immigration flows in comparison to the previous census of 1988. With regard to the first decade of the 2000s, which was marked by constant political unrest, no precise data can be provided. Between 1999 and 2002 massive returns of foreigners to their countries of origin occurred. For instance, the attempted coup d'état in 2002 led to the return of an estimated 360,000 Burkinabe nationals.<sup>426</sup> It appears that Burkinabes, as well as Malians, have quickly re-emigrated to Côte d'Ivoire, either in a permanent way or in a more temporary manner following circular migration patterns.<sup>427</sup> In the case of Guinean and Beninese nationals, however, the number of returns to Côte d'Ivoire is believed to have been less.<sup>428</sup>

More than in any other West African country, the issue of foreigners in an irregular situation relates directly to the country's immigration legislation. In Côte d'Ivoire, this legislation has been amended several times over the years. From 2000 to 2006, only 4,833 stay permits were delivered, which implies that there is a preponderance of foreigners in an irregular situation.<sup>429</sup> According to S. Y. Konan's estimates, in 1999, a little fewer than 1.5 million foreigners did not have a regular immigration status.<sup>430</sup> Since 2007, however, ECOWAS Member States nationals are not requested to hold a stay/residence permit to reside in Côte d'Ivoire.<sup>431</sup> One can therefore assume that the large majority of foreigners, although working in the informal sector, are in a regular situation.

#### 4.4.1.2 Emigration

Very little is known about emigration trends of Ivorian nationals. The absence of specific studies and the limited political interest in the matter can probably be explained by two factors. First, immigration represents such a fundamental issue for the country that it can easily overshadow emigration-related matters. Second, it is generally recognised that emigration of Ivorians remains a limited phenomenon, although relevant reliable data is yet to be collected.

<sup>423</sup> U.S. Department of State, *Trafficking in Persons Report 2013*, 2013, p. 141.

<sup>424</sup> Konan, S. Y., 2009, op. cit., p. 51.

<sup>425</sup> U.S. Department of State, 2013, op. cit., p. 141.

<sup>426</sup> Courtin, F. et al., 'La crise ivoirienne et les migrants burkinabés. L'effet boomerang d'une migration internationale', *Afrique Contemporaine*, 2010,4, p. 17.

<sup>427</sup> Neya, S., 'De la migration à la circulation, le cas des migrants burkinabè "partagés" entre le Burkina Faso et la Côte d'Ivoire', 2010; Zanou, B. and Lougue, S., *Impact de la crise ivoirienne sur les migrations de retour au Burkina Faso*, 2009; Merabet, O., 2006, op. cit., p. 20.

<sup>428</sup> Merabet, O., 2006, op. cit., p. 20.

<sup>429</sup> Konan, S. Y., 2009, op. cit., p. 47.

<sup>430</sup> Ibid., p. 51.

<sup>431</sup> See section 4.4.2.2.1.

Data	Year	Estimates
Consular and diplomatic posts	2006	161,430 Ivorians abroad <sup>432</sup>
	2009	240,900 Ivorians abroad <sup>433</sup>
Mutual Insurance of Ivorians Abroad <sup>434</sup>	2009	1,500,000 nationals abroad. <sup>435</sup> Although the reliability of this source is questionable, Ivorian public officials often consider this figure realistic.

#### 4.4.1.2.1 Characteristics of emigrants/nationals abroad

<b>Countries of destination/ residence:</b>	<p>It appears that Ivorian migration is mainly directed towards OECD Member States rather than to other African states, which are said to only host 7.5% of Ivorian nationals.<sup>436</sup> According to consular registers, 49.8% of Ivorians residing abroad were living in France in 2009, followed by the U.S. (20.8%) and Italy (8.3%). Senegal is the first country of destination in Africa (2%).<sup>437</sup> It should be noted, however, that the capacity of consular registers to show the geographical spread of Ivorian migrants can be questioned, as it is quite likely that the level of under-registration within consulates varies from one country to another.</p> <p>According to the OECD migration database,<sup>438</sup> there were 43,609 Ivorian nationals in France in 2009 and 22,665 in Italy in 2010. It should be noted that the database does not include data concerning the U.S.</p> <p>It is probable that emigration flows of Ivorian nationals towards other ECOWAS Member States are underestimated (see remittances data below).</p>
<b>Education level/ sectors of employment:</b>	<p>While it appears that migration flows are dominated by lower-educated (47.6%) and high-educated individuals (30.7%),<sup>439</sup> it is difficult to assess whether there is a significant risk of brain drain in Côte d'Ivoire.</p> <p>According to OECD data, the emigration rate of nurses was estimated at 4.2% and that of medical doctors at 11.1%.<sup>440</sup></p> <p>Irregular migration is believed to be limited, not only due to the existing dynamic of push-pull factors, but also to the absence of established smuggling networks.<sup>441</sup></p>
<b>Remittances:</b>	<p>World Bank data provides an estimate of 408 million USD in 2013.<sup>442</sup> Burkina Faso and Benin are the main countries of origin in this respect, after France.<sup>443</sup> Such data would tend to show that emigration towards other ECOWAS Member States is underestimated. However, these remittances may be sent by Burkinabe and Beninese nationals as well.</p>
<b>Vulnerable groups:</b>	<p>International trafficking of Ivorian nationals appears to be limited.<sup>444</sup></p>

<sup>432</sup> Merabet, O., 2006, op. cit., p. 21.

<sup>433</sup> Konan, S. Y., 2009, op. cit., p. 61.

<sup>434</sup> *Mutuelle des Ivoiriens de l'étranger*.

<sup>435</sup> Konan, S. Y., 2009, op. cit., p. 61.

<sup>436</sup> Ibid.

<sup>437</sup> Ibid.

<sup>438</sup> OECD, 'International Migration Database'. The OECD migration database collects information on stay/resident permits and population registers.

<sup>439</sup> Konan, S. Y., 2009, op. cit., p. 57.

<sup>440</sup> OECD, 'Immigrant Health Workers in OECD Countries in the Broader Context of Highly Skilled Migration', *International Migration Outlook – SOPEMI 2007*, 2007, pp. 212-213.

<sup>441</sup> Konan, S. Y., 2009, op. cit., p. 58.

<sup>442</sup> World Bank, 'Remittances Data', 2013.

<sup>443</sup> Konan, S. Y., 2009, op. cit., p. 63.

<sup>444</sup> U.S. Department of State, 2013, op. cit., p. 141.

## 4.4.2 Migration policy

Côte d'Ivoire lacks a comprehensive national migration policy. Immigration issues are generally dealt with in detail by the respective legislation. One can see an increase in the level of attention being paid to the issue of trafficking, although the focus remains on child victims rather than on the whole spectrum of trafficking in persons. Regarding emigration, on the contrary, policies are close to non-existent.

Promising initiatives can nevertheless be found. The current National Development Plan includes migration and envisages the adoption of a general migration policy, a specific migration and development policy, and the establishment of a National Migration Office.<sup>445</sup>

### 4.4.2.1 Institutional framework on migration

#### *Governmental stakeholders involved*

Ministry	Responsibilities
Ministry of Interior of Security <sup>446</sup>	• Immigration management
Ministry of Planning and Development <sup>447</sup>	• Population policies
Ministry of Employment, Social Affairs and Vocational Training <sup>448</sup>	• Delivery of work authorisation to foreign workers
Ministry of Foreign Affairs <sup>449</sup>	• Protection of nationals abroad
Ministry of African Integration and Ivorians Abroad <sup>450</sup>	• Relations with the diaspora
Ministry of Employment, Social Affairs and Vocational Training and the Ministry of Solidarity, Family, Women, and Children <sup>451</sup>	• Fight against trafficking in persons

#### *Inter-institutional coordination*

Migration management in Côte d'Ivoire is undertaken by distinct ministries and public institutions, with there being little consultation and cooperation between them. The only inter-ministerial authority is the Joint Ministerial Committee on the Fight against Trafficking, Exploitation and Child Labour.<sup>452</sup>

<sup>445</sup> République de Côte d'Ivoire, *Plan national de développement national 2012-2015, Tome 3: visions de développement et orientations stratégiques*, 2012a, pp. 68; 86; 40; République de Côte d'Ivoire, *Plan national de développement national 2012-2015, Tome 4: matrices d'actions prioritaires*, 2012b, pp. 28; 29; 158.

<sup>446</sup> Ministère de l'Intérieur et de la Sécurité.

<sup>447</sup> Ministère du Plan et du Développement.

<sup>448</sup> Ministère de l'Emploi, des Affaires sociales et de la Formation.

<sup>449</sup> Ministère des Affaires étrangères.

<sup>450</sup> Ministère de l'Intégration africaine et des Ivoiriens de l'extérieur.

<sup>451</sup> Ministère et de la Solidarité de la Famille, de la Femme et de l'Enfant.

<sup>452</sup> Comité interministériel de lutte contre la traite, l'exploitation et le travail des enfants.

## 4.4.2.2 Immigration: national policy framework and institutional practices

### 4.4.2.1.1 General immigration provisions

The regulation of immigration-related matters is a central issue within Ivorian politics, which goes further than the regulation of entry and stay of foreigners and their access to the national labour market. Indeed, since the late-1990s the most discussed, controversial and pressing issues have related to the access of foreigners to land ownership, the identification of nationals and foreigners, naturalisation and access to political rights.

#### Entry and stay for a period not exceeding three months

Legislation/Policy Framework	Description
Law No. 90-437 of 13 May 1990 regarding Entry and Stay of Foreigners in Côte d'Ivoire <sup>453</sup>	<b>Art. 4</b> distinguishes between nationals from countries subject to visa obligations and those who are simply requested to hold a valid passport.
Regulations and circulars of 1993 and 1995 regarding conditions of entry of foreigners of foreigners for a stay of less than 90 days in Côte d'Ivoire <sup>454</sup>	A distinction is made between countries for which the visa is directly delivered by the competent consular post and those for which consular posts are requested to consult the Ministry of Interior.
Law No. 2004-303 of 3 May 2004 modifying the Law No. 2002-03 of 3 January 2002 regarding Identification of Persons and Stay of Foreigners in Côte d'Ivoire <sup>455</sup>	<b>Art. 8:</b> In absence of a passport, a Permit of Free Circulation <sup>456</sup> can be delivered to ECOWAS Member States nationals. In practice, however, this mechanism has never been implemented.

#### Stay exceeding three months

Legislation/Policy Framework	Description
Law No. 90-437 of 13 May 1990 regarding Entry and Stay of Foreigners in Côte d'Ivoire	This Law foresaw a unique stay permit <sup>457</sup> for all foreigners – including ECOWAS Member States nationals – valid for one year. <b>Art. 11</b> includes a list of foreigners that were granted the stay permit off-right: <ul style="list-style-type: none"> <li>• foreigners married to Ivorian nationals;</li> <li>• foreign parents of an Ivorian child residing in Côte d'Ivoire;</li> <li>• spouse and children less than 21 of migrants under the family reunification scheme; and</li> <li>• foreigners who have stayed regularly for more than ten years in Côte d'Ivoire, etc.</li> </ul> This off-right scheme, which remains applicable, gives to the considered individuals a guarantee of stability for their stay in Côte d'Ivoire (except in the case of family reunification, where the status of the spouse and children follows that of the initial migrant).

<sup>453</sup> *Loi No. 90-147 du 29 mai 1990 relative à l'entrée et au séjour des étrangers en Côte d'Ivoire.*

<sup>454</sup> *Arrêté No. 66/AE du 16 février 1993 et circulaires No. 1402/AE/AJC et 1817/AEAJC des 7 et 10 février 1995, Conditions d'entrée des étrangers en Côte d'Ivoire pour un séjour de moins de 90 jours.*

<sup>455</sup> *Loi No. 2004-303 du 3 mai 2004 portant modification de la loi No. 2002-03 du 3 janvier 2002 relative à l'identification des personnes et au séjour des étrangers en Côte d'Ivoire.*

<sup>456</sup> *Permis de libre circulation.*

<sup>457</sup> *Carte de séjour.*

Law No. 2002-03 regarding Identification of Persons and Stay of Foreigners in Côte d'Ivoire <sup>458</sup>	This Law provided additional guarantees to the stay of foreigners, extending the duration of the stay permit up to five years.
Law No. 2004-303 of 3 May 2004 modifying the Law No. 2002-03 of 3 January 2002 regarding Identification of Persons and Stay of Foreigners in Côte d'Ivoire	This Law made a distinction between ECOWAS Member States nationals, who were granted a resident permit <sup>459</sup> and other foreigners who had to request the stay permit. <sup>460</sup>
Ordinance No. 2007-604 of 8 November 2007 regarding the Suppression of the Stay Permit <sup>461</sup>	<b>Art. 2</b> states that ECOWAS Member States' nationals are no longer requested to obtain a residence permit. In order to reside legally in Côte d'Ivoire, they now only need to hold "documents of identification delivered by their country of origin or their consular representation". <b>Art. 3:</b> Non-ECOWAS Member States nationals remain subject to the residence permit regime.

As shown in the table above, the 1990 Law has been amended a number of times over the years. These amendments have continually improved the rights of foreigners. In particular, the adoption of the 2007 Ordinance constitutes a major advancement: the realisation of a true regime of free circulation and residence that goes even further in this regard than the provisions of the ECOWAS norms.

#### *Access of foreigners to land ownership*

While the legislation regarding the entry and stay of foreigners is generally well-grounded and has followed a liberal path, the same cannot be said for the issue of access to land. This central and dramatic issue shows the complexity of the matter: first, distinctions are made between traditional customary law and the law of the state, and second, between autochthones (those originating from the referred to land), allochthones (Ivorian internal migrants), and foreigners. Traditionally, land is considered a sacred and inalienable collective property, the use of which can only be transferred to non-autochthones (nationals or foreigners) following the regime of tutoring (*tutorat*).<sup>462</sup> This traditional customary regime has remained the most common means to transfer the use of land: in 2009, 98% of transactions were estimated to have followed the traditional custom.<sup>463</sup>

During the 1990s, tensions began to arise between autochthones and the land users – either internal Ivorian migrants or foreigners. The latter had over the years often obtained a better economic status than their tutors. In the context of economic crisis, the former started to develop strategies of re-appropriation of the land. These conflicts notably led to the evacuation/banishment of thousands of foreigners, mostly Burkinabe nationals. In the late-1990s, an estimated 15,000 Burkinabe farmers were forced to leave chased away from the Tabou region.<sup>464</sup> As noted by A. Babo, "the duration of their banishment was

<sup>458</sup> Loi No. 2002-03 du 3 janvier 2002 relative à l'identification des personnes et au séjour des étrangers en Côte d'Ivoire.

<sup>459</sup> Carte de résident.

<sup>460</sup> Carte de séjour.

<sup>461</sup> Ordonnance No. 2007-604 du 8 novembre 2007 portant suppression de la carte de séjour.

<sup>462</sup> Desdoigts, A. and Kouassi Kouadio, H., *Déforestation, migrations, saturation et réformes foncières: la Côte d'Ivoire entre résilience rurale et litiges fonciers*, 2012, pp. 2-3.

<sup>463</sup> Ibid., p. 2.

<sup>464</sup> Babo, A., 2010, op. cit., pp. 101-104.

artificially prolonged given that in 2007, Burkinabe farmers were still facing difficulties in returning to their plantations".<sup>465</sup>

Since the independence of the country, Ivorian authorities have made attempts to regulate the access to land. In 1968 a law was proposed following the integrationist principle, according to which "the land belongs to the one who promotes it".<sup>466</sup> Due to the resistance of traditional leaders, this law was never adopted.<sup>467</sup> Three decades later, the economic and political climate had changed dramatically. While in 1968, the goal of the state was to facilitate the integration of foreigners and internal migrants, in 1998, the country was subject to a severe economic and political crisis, and the nationalistic concept of Ivoirité gained prominence. Law No. 98-750 of 23 December 1998 regarding access to Rural Land<sup>468</sup> is a perfect example of the concept of Ivoirité embodied in the legislation. Its article 1 reads as follows:

The rural land tenure is composed by all lands, cultivated or not. It is a national patrimony to which each person, physical or moral, can have access to. However, only the state, local public authorities and Ivorian physical persons can be owners.

It also includes a provision stating that landed property rights acquired before the Law that do not meet the criteria of property access stated by article 1 are to be maintained, but cannot be transmitted through inheritance. This extremely harsh transitive provision, which would have eventually led to a purge of all foreign-held land, was amended in 2004. As a consequence, landed property rights can now be transmitted by inheritance even when acquired in contradiction to article 1.<sup>469</sup> This constitutes a significant improvement, although the fundamentals of the 1998 law remain untouched. In practice, legal disputes are common between autochthones and migrants, with each party referring either to traditional customary law or national law to support their argument.<sup>470</sup>

#### *Nationality, ethnicity and political rights*

Another crucial issue since the 1990s concerns the relationship between nationality, ethnicity and political rights. Since the independence of Côte d'Ivoire, ECOWAS Member States nationals have been authorised to participate in political elections despite constitutional provisions that reserve the right to vote for nationals only. Within the single party system of Houphouët-Boigny, foreigners, and especially Burkinabes, constituted a political clientele for the ruling party, the Democratic Party of Côte d'Ivoire (PDCI).<sup>471</sup> After the Houphouët-Boigny era, his successor, Henri Konan Bédié attempted to pass a law explicitly recognising the right to vote for ECOWAS Member States nationals; in other words, institutionalising the political strategy of his predecessor.<sup>472</sup> This attempt failed, and the electoral law of 1994 reserved,

---

<sup>465</sup> Ibid., p. 104.

<sup>466</sup> "La terre appartient à celui qui la met en valeur".

<sup>467</sup> Desdoigts, A. and Kouassi Kouadio, H., 2012, op. cit., p. 3.

<sup>468</sup> Loi No. 98-750 du 23 décembre 1998 relative au domaine foncier rural.

<sup>469</sup> Loi portant amendement de l'article 26 de la loi No. 98-750 du 23 décembre 1998 relative au domaine foncier rural, 28 juillet 2004, art. 1.

<sup>470</sup> Desdoigts, A. and Kouassi Kouadio, H., 2012, op. cit., pp. 13; 19.

<sup>471</sup> Bredeloup, S., 'La Côte d'Ivoire ou l'étrange destin de l'étranger', *Revue européenne des migrations internationales*, 19, 2, 2003, p. 9.

<sup>472</sup> Ibid., p. 10.



in conformity with the constitution, the right to vote to nationals.<sup>473</sup>

This only constituted the first step. A second step was the progressive development of the concept of *Ivoirité* and the application of the myth of ethnic purity – the distinction between “real” and “false” Ivoirians – to national political life. The electoral law of 1994 included restrictive conditions for the eligibility of the President of the Republic, following the ideal of ethnic purity. The ruling party’s objective was to evict the then main political opponent and current President, Alassane Ouattara.<sup>474</sup>

A third and rather confusing approach was the mix between the strategy of a political clientele including foreigners and the concept of *Ivoirité*. Since the Code of nationality of 1972, the law of blood prevails, and, for individuals born in Côte d’Ivoire to foreign parents, acquisition of nationality by declaration is no longer an option. The Code does recognise the possibility of naturalisation.<sup>475</sup> In practice, however, few naturalisations were carried out following the legal procedure. However, many fraudulent practices occurred – encouraged to some extent by the authorities – in order for foreigners to obtain national identity cards.<sup>476</sup> At the same time, in the context of the ethnic purity obsession, the question of distinction between foreigners and nationals became central. Several laws were adopted between 1998 and 2004 to improve the mechanisms of identification of nationals and foreigners through national identity cards and stay permits.<sup>477</sup>

#### 4.4.2.2 Labour migration

##### *Access to national labour market*

Legislation/Policy Framework	Description
Law No. 2002-03 of 3 January 2002 regarding Identification of Persons and Stay of Foreigners in Côte d’Ivoire	<b>Art. 11</b> sets the principle that a stay permit <sup>478</sup> is required for the exercise of a salaried activity, as well as a visa of the work contract granted by the “authority in charge of controlling the stay of foreigners” (in other words, the Ministry of Interior).

<sup>473</sup> Loi No. 94-642 du 13 décembre 1994 portant Code électoral.

<sup>474</sup> Bredeloup, S., 2003, op. cit., p. 10.

<sup>475</sup> Loi No. 61-415 du 14 décembre 1961 portant code de la nationalité ivoirienne modifiée par la loi No. 72-852 du 21 décembre 1972.

<sup>476</sup> Bredeloup, S., 2003, op. cit., pp. 10; 13.

<sup>477</sup> See, for example, *Exposé des motifs du projet de loi relative à l’identification des personnes en Côte d’Ivoire et abrogeant la loi No. 98-448 du 4 août 1998*, 2001.

<sup>478</sup> *Titre de séjour*.

Regulation No. 64-21 of 15 June 2004 modifying Regulation No. 1437 of 19 February 2004 relating to the Regulation of Recruitment and Visa Fees for Work Contracts of Non Nationals<sup>479</sup>

**Art. 2** requires the employer to make a preliminary declaration to the public employment services<sup>480</sup> (AGEPE) and to publish the job offer in question in a national newspaper for a duration of one month before starting the recruitment process.

**Art. 3:** The work contract – or letter of employment – must be approved by the AGEPE.

**Art. 4:** The decision must be taken within eight days and is based on the situation of the labour market.

**Art. 3:** Within the first three months of his/her employment, the worker must request a work card.<sup>481</sup>

The common policy on employment of foreigners is based on the mechanism of the labour market test. However, the essential question concerns the employment of ECOWAS Member States nationals. As seen above, Ordinance No. 2007-604 of 8 November 2007 regarding the Suppression of the Stay Permit states the principle that ECOWAS Member States nationals do not need a residence permit to stay in Côte d'Ivoire; they are requested only to hold “documents of identification” delivered by their country of origin.<sup>482</sup> No mention is made of their access to employment. Whether this means that they are still requested to obtain a work authorisation or can access the labour market freely is not entirely clear. In order to answer this question, it should be noted that the relevant ECOWAS protocols exclude the principle of the labour market test. In addition to this, the 2007 Ordinance is more favourable to ECOWAS Member States nationals than the protocols. Finally, without full right of access to the labour market, the liberal provision of the 2007 Ordinance would be stripped of its content. It therefore seems correct to assume that ECOWAS Member States nationals are not requested to obtain a work authorisation in order to be employed in Côte d'Ivoire.

The overwhelming majority of ECOWAS Member States nationals are employed within the informal sector. In most West African countries, foreigners are generally in an irregular situation because their employment in the informal sector does not allow them to obtain a stay permit. In Côte d'Ivoire, if the logic of the 2007 Ordinance is followed to its conclusion, it may be the opposite: ECOWAS Member States nationals, who do not need a stay permit, cannot be in an irregular situation even though they may work in the informal sector.

<sup>479</sup> Arrêté No. 64-21 du 15 juin 2004 portant modification de l'arrêté No. 1437 du 19 février 2004 relatif à la réglementation du recrutement et des frais de visa du contrat des personnels non nationaux.

<sup>480</sup> Agence d'études et de promotion de l'emploi.

<sup>481</sup> Carte de travail.

<sup>482</sup> Ordinance No. 2007-604 of 8 November 2007 regarding the Suppression of the Stay Permit, art. 2.

*Rights within employment*

Legislation/Policy Framework	Description
Labour Code	<p><b>Art. 2</b> provides for equal treatment with nationals. As a principle, foreigners, regardless of their legal status, benefit from all obligations and rights from the labour legislation.</p> <p><b>Art. 55.1</b> includes an exception to the principle of equal treatment concerning trade unions. While all foreigners can join a trade union, only those who have stayed in Côte d'Ivoire for a minimum of three years or those nationals from states with which Côte d'Ivoire has concluded reciprocal agreements can fulfil administration and direction functions.</p> <p><b>Art. 26.1; Art. 26.2</b> impose on the employer the duty to cover the cost of travel from the place of residence to the place of work, as well as the cost of return travel at the end of the work contract or in the case of vacating the post.</p>

4.4.2.2.3 *Irregular migration*

Legislation/Policy Framework	Description
Law No. 90-437 of 13 May 1990 regarding Entry and Stay of Foreigners in Côte d'Ivoire	Art. 15: Deportation is foreseen for foreigners who enter and/or stay in the country without the required documentation.
Law No. 2004-303 of 3 May 2004 modifying the Law No. 2002-03 of 3 January 2002 regarding Identification of Persons and Stay of Foreigners in Côte d'Ivoire	<p>Art. 15: Irregular stay constitutes a criminal offence, punishable by one to five years of imprisonment and a fine.</p> <p>Foreigners threatening public order can be expelled and criminals banished from the country for a period of five years, or, in the case of recidivism, for life.</p> <p>Art. 16: Facilitating the stay of foreigners in an irregular situation and allowing them to perform any civil act is also punishable by imprisonment and a fine.</p>

Although the Ivorian legislation is extremely restrictive with regard to matters relating to irregular migration, it should be noted that Law No. 90-437 of 13 May 1990 regarding the Entry and Stay of Foreigners in Côte d'Ivoire protects certain categories of foreigners against expulsion, including those aged under 21 years, those who have been residing in Côte d'Ivoire since they were 10 years old or for more than 15 years, as well as spouses of Ivorian nationals.<sup>483</sup> In addition, irregular migration in Côte d'Ivoire can be considered to be *de facto* a constricted problem since Ordinance No. 2007-604 of 8 November 2007 regarding the Suppression of the Stay Permit has set the principle that ECOWAS Member States nationals do not need to hold a residence permit to legally stay in Côte d'Ivoire.

4.4.2.2.4 *Migrants at risk*

Legislation/Policy Framework	Description
Penal Code	<p><b>Art. 378:</b> Forced labour of children and adults is prohibited and punishable by one to five years imprisonment.</p> <p><b>Art. 376:</b> Contracts that deprive the freedom of to a third person are prohibited and expose the offenders to five to ten years' imprisonment.</p> <p><b>Art. 335 to Art. 337:</b> Exploitation of adults and children in prostitution carries a punishment of one to ten years imprisonment.</p>

<sup>483</sup> Law No. 90-437 of 13 May 1990 regarding Entry and Stay of Foreigners in Côte d'Ivoire, art. 17.

Law No. 2010-272 pertaining to the Prohibition of Child Trafficking and the Worst Forms of Child Labour<sup>484</sup>

The 2010 Law covers the issue of child trafficking in quite a comprehensive manner, but, as indicated in its title, does not include provisions regarding trafficking of adults.

**Art. 18 to Art. 34:** Offenders are subject to penalties of a maximum of 20 years of imprisonment, as well as fines.

**Art. 40:** The state and local communities are responsible for the protection of victims through the provision of food, shelter, health care, psychological support, reinsertion, and, if applicable, repatriation.

At the institutional level, two specific bodies were established in 2011: the Joint Ministerial Committee on the Fight against Trafficking, Exploitation and Child Labour and the National Monitoring Committee on Actions to Fight Trafficking, Exploitation and Child Labour.<sup>485</sup> The Joint Ministerial Committee is chaired by the Minister of Employment and is entrusted with the responsibility of conceiving, coordinating and implementing anti-trafficking and child labour policies. The National Monitoring Committee is composed of national and international organisations active in the protection of children and workers, and has the mission of following up on and evaluating the Government's actions.

A National Plan of Action 2012-2014 to Fight Trafficking, Exploitation and Child Labour<sup>486</sup> has also been adopted, and revolves around four main axes: prevention, protection, prosecution, and follow-up. As indicated by its title, the objectives of the Action Plan focus on children. The issue of trafficking of adults is not considered.

Regarding implementation measures, the U.S. Department of State's latest *Trafficking in Persons Report* noted that "the Government of Côte d'Ivoire conducted 15 investigations, commenced eight prosecutions and convicted two trafficking offenders" in 2012.<sup>487</sup> Also in 2012, the training of judges was initiated in cooperation with the ILO.<sup>488</sup> Regarding protection, the national authorities rely mainly on NGO-run shelters, with which formalised referral mechanisms are yet to be developed. Repatriation is organised on an *ad hoc* basis in cooperation with the relevant diplomatic and consular posts, and local communities.<sup>489</sup> In the past few years, several nationwide awareness campaigns have been organised.

### 4.4.2.3 Emigration

#### 4.4.2.3.1 Labour migration

With regard to labour migration, national authorities are yet to identify the competencies to be promoted abroad and those for which promotion should not be undertaken. Activities related to the identification and assessment of existing and potential new countries of destination are non-existent and public employment services do not have the means to match demand and supply on the international labour market. The Labour Code foresees the possibility for private employment agencies to operate,<sup>490</sup> although

<sup>484</sup> *Loi No. 2010-272 portant interdiction de la traite et des pires formes de travail des enfants.*

<sup>485</sup> *Comité national de surveillance des actions de lutte contre la traite, l'exploitation et le travail des enfants.*

<sup>486</sup> *Plan d'action 2012-2014 de lutte contre la traite, l'exploitation et le travail des enfants.*

<sup>487</sup> U.S. Department of State, 2013, op. cit. p. 142.

<sup>488</sup> *Ibid.*

<sup>489</sup> *Ibid.*

<sup>490</sup> Labour Code, art. 11-1; 11-2.

to date, no specific legislation has been adopted to regulate this sector. In practice, the role of private employment agencies is mostly limited to the national labour market.

#### 4.4.2.3.2 *Migration and development*

A migration and development policy has yet to be developed. There are no mechanisms to facilitate the involvement of the diaspora in the economic and social life of the country, although it should be noted that Ivorians residing abroad can participate in presidential elections. Mechanisms to better channel migrants' remittances are also lacking, although efforts have been made to lower the cost of transfers. Finally, the issue of brain drain has yet to be addressed at political level.

#### 4.4.2.3.3 *Migrants' protection*

##### *Social security agreements*

Côte d'Ivoire has concluded a social security agreement with France. Several payment agreements between social security authorities have also been concluded over the years (with Burkina Faso, Benin, Togo, Mali, Niger and Senegal). Côte d'Ivoire has signed the inter-African social security convention (CIPRES Convention),<sup>491</sup> but is still yet to ratify it.

##### *Future policy initiatives*

Although there is a lack of emigration policies, national authorities have expressed the will to move forward in this regard. First of all, at institutional level, the Ministry of African Integration and Ivorians Abroad has been created. Furthermore, the current National Development Plan includes a series of emigration-related objectives to be adopted in the coming years: a general migration policy is to be adopted, a specific migration and development policy is to be developed, and a National Migration Office is to be put in place.<sup>492</sup> Finally, the Plan seeks to promote the circulation and establishment of Ivorian nationals in African countries.<sup>493</sup>

### 4.4.3 International, regional, and bilateral cooperation

#### *International conventions*

Among most relevant international conventions protecting human rights, Côte d'Ivoire has ratified:

- the International Covenant on Civil and Political Rights (1966);
- the International Covenant on Economic, Social and Cultural Rights (1966);
- the Convention on the Elimination of All Forms of Discrimination against Women (1979);
- the Convention on the Rights of the Child (1989); and
- 34 ILO Conventions.

<sup>491</sup> *Convention multilatérale de sécurité sociale de la Conférence interafricaine de la prévoyance sociale.*

<sup>492</sup> République de Côte d'Ivoire, 2012a, op. cit., pp. 40; 68; République de Côte d'Ivoire, 2012b, op. cit., p. 158.

<sup>493</sup> République de Côte d'Ivoire, 2012a, p. 86.

Côte d'Ivoire has not ratified the two ILO conventions specifically on migrant workers (C 97 (1949) and C 143 (1975), nor has it signed or ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990). It has ratified both the United Nations Convention against Transnational Organized Crime (2000) and its Protocol on trafficking in persons, but not the Protocol on smuggling of migrants.

As well as these global conventions, Côte d'Ivoire is bound by ECOWAS texts, including its Treaty (1975) and its subsequent protocols regarding the free movement of persons, residence and establishment.

#### *Bilateral agreements*

Côte d'Ivoire's institutionalised bilateral relations on migration-related matters are limited. The main bilateral agreement in the area of entry and stay is that which has been concluded with France. This agreement, the 1992 Convention on Circulation and Stay of Persons between Côte d'Ivoire and France,<sup>494</sup> includes some derogations to common French immigration legislation: providing for the delivery of the same stay/residence permit to family members in case of family reunification (instead of a temporary stay permit under French administrative law), as well as the possibility to obtain a 10 year residence permit after three years of stay in the country (instead of five years under French administrative law). A social security convention has also been concluded with France in 1985.

In 1960, a convention was signed with Burkina Faso (Upper Volta at the time), Côte d'Ivoire's main supplier of foreign labour. The convention was specifically dedicated to the conditions of recruitment and employment of Voltaic migrants in Côte d'Ivoire.<sup>495</sup> Its application was suspended in 1974 due to the absence of respect for a number of the convention's provisions.

---

<sup>494</sup> Convention entre la Côte d'Ivoire et la France relative à la circulation et au séjour des personnes, 21 septembre 1992.

<sup>495</sup> Convention relative aux conditions d'engagement et d'emploi des travailleurs voltaïques en Côte d'Ivoire, signée le 9 mars 1960.

#### 4.4.4 References

- Babo, A., 'Conflits fonciers, ethnicité politique et guerre en Côte d'Ivoire', *Alternatives Sud*, 17 (2010), pp. 95-118. <http://www.cetri.be/IMG/pdf/racisme.pdf>, 2010, (accessed 20 January 2014).
- Blion, R. and Bredeloup, S., 'La Côte d'Ivoire dans les stratégies des Burkinabé et des Sénégalais' in Contamin, B. and Memel, F. (ed.), *Le modèle ivoirien en questions. Crises, ajustements, recomposition*, Karthala-Orstom, 1997, pp. 707-737.
- Bredeloup, S., 'La Côte d'Ivoire ou l'étrange destin de l'étranger', *Revue européenne des migrations internationales*, 19, 2, pp. 85-113, <http://remi.revues.org/461?lang=en>, 2003, (accessed 20 January 2014).
- Courtin, F. et al., 'La crise ivoirienne et les migrants burkinabés. L'effet boomerang d'une migration internationale', *Afrique Contemporaine*, 2010, 4, pp. 11-27, [http://www.cairn.info/resume.php?ID\\_ARTICLE=AFCO\\_236\\_0011](http://www.cairn.info/resume.php?ID_ARTICLE=AFCO_236_0011), (accessed 20 January 2014).
- Desdoigts, A. and Kouassi Kouadio, H., *Déforestation, migrations, saturation et réformes foncières: la Côte d'Ivoire entre résilience rurale et litiges fonciers*, MPRA Paper No. 49938, <http://mpra.ub.uni-muenchen.de/49938/>, 2012, (accessed 20 January 2014).
- Konan, S. Y., *Migration en Côte d'Ivoire. Profil national 2009*, IOM, [http://publications.iom.int/bookstore/free/Cote\\_Profile\\_2009.pdf](http://publications.iom.int/bookstore/free/Cote_Profile_2009.pdf), 2009, (accessed 20 January 2014).
- Merabet, O., *Etude sur le profil migratoire de la Côte d'Ivoire. Rapport final*, European Commission, Civipol, Transtec, [http://eeas.europa.eu/delegations/cote\\_ivoire/documents/more\\_info/7\\_doc\\_fr.pdf](http://eeas.europa.eu/delegations/cote_ivoire/documents/more_info/7_doc_fr.pdf), 2006, (accessed 20 January 2014).
- Neya, S., 'De la migration à la circulation, le cas des migrants burkinabé "partagés" entre le Burkina Faso et la Côte d'Ivoire', Paper presented at African Migration Workshop, 16-19 November 2010, Dakar, Senegal <http://www.imi.ox.ac.uk/pdfs/african-migrations-workshops/de-la-migration-a-la-circulation>, 2010, (accessed 24 January 2014).
- OECD, 'International Migration Database', [online data source], <http://stats.oecd.org/Index.aspx?DatasetCode=MIG>, (accessed 24 January 2014).
- OECD, 'Immigrant Health Workers in OECD Countries in the Broader Context of Highly Skilled Migration', *International Migration Outlook – SOPEMI 2007*, pp. 161-228, <http://www.oecd.org/els/mig/41515701.pdf>, 2007, (accessed 24 January 2014).
- République de Côte d'Ivoire, *Plan national de développement national 2012-2015, Tome 3: visions de développement et orientations stratégiques*, <http://www.gcpnd.gouv.ci/>, 2012, (accessed 24 January 2014).
- République de Côte d'Ivoire, *Plan national de développement national 2012-2015, Tome 4: matrices d'actions prioritaires*, <http://www.gcpnd.gouv.ci/>, 2012, (accessed 24 January 2014).

Skogseth, G., *Côte d'Ivoire: Ethnicity, Ivoirité and Conflict*, LandInfo, [http://www.landinfo.no/asset/514/1/514\\_1.pdf](http://www.landinfo.no/asset/514/1/514_1.pdf), 2006, (accessed 24 January 2014).

United Nations, Department of Economic and Social Affairs, Population Division, 'Trends in International Migrant Stock: Migrants by Age and Sex', [online data source], <http://esa.un.org/MigOrigin/>, (accessed 27 January 2014).

U.S. Department of State, *Trafficking in Persons Report 2013*, <http://www.state.gov/j/tip/rls/tiprpt/2013/>, 2013, (accessed 27 January 2014).

World Bank, 'Remittances Data', [online data source], <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:22759429~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html#Remittances>, 2013, (accessed 27 January 2014).

Zanou, B., 'Analyse des résultats: tome 2 migrations', *Recensement Général de la Population et de l'Habitat de 1998*, Institut National de la Statistique, 2001.

Zanou, B. and Lougue, S., *Impact de la crise ivoirienne sur les migrations de retour au Burkina Faso*, <http://iussp2009.princeton.edu/papers/91288>, 2009, (accessed 27 January 2014).



#### 4.4.5 List of interlocutors

Name of respondent	Position	Institution
B. Ogni Kanga	Technical Advisor	Ministry of African Integration and Ivorians Abroad <sup>496</sup>
H. Sobo Nianke	Clerk	Ministry of Justice and Human Rights <sup>497</sup>
M. Kouadio	Head of Department, Balance of Payments, Treasury Department	Ministry of Economy and Finance <sup>498</sup>
F. Foa Bi Zaro		Agency for Research and Employment Promotion <sup>499</sup>
E. Aka Doré Désiré	Head of Division for Demography	National Statistics Institute <sup>500</sup>
D. Kouide	Head of Department, Documentation and Archives	Investment promotion centre <sup>501</sup>

<sup>496</sup> *Ministère de l'Intégration africaine et des Ivoiriens de l'étranger.*

<sup>497</sup> *Ministère de la Justice et des Droits de l'homme.*

<sup>498</sup> *Ministère de l'Économie et des Finances.*

<sup>499</sup> *Agence d'études et de promotion de l'emploi.*

<sup>500</sup> *Institut national de la statistique.*

<sup>501</sup> *Centre de promotion des investissements en Côte d'Ivoire.*