



## THREATS TO CREDIBLE ELECTIONS IN COTE D'IVOIRE: AN OVERVIEW

Cote d'Ivoire is one of six ECOWAS member states scheduled to hold elections in 2020. The 31 October vote will be the fifth presidential election since the death of the '*pere fondateur de la nation*' (father of the nation) Felix Houphouet Boigny in 1993. It will be held against the backdrop of 2011 post-electoral crisis, which revealed a deep-seated cleavages among the ethnic groups in Cote d'Ivoire. The poll is expected to be keenly contested between leading political parties; the Parti Democratique de la Cote d'Ivoire - Rassemblement Democratique Africain (PDCI), Front Populaire Ivoirien (FPI) and ruling coalition, Rassemblement des Houphouetistes pour la Democratie et la Paix (RHDP).

### The political context

In recent months the Ivorian political context has been characterised by contestation among the political stakeholders on matters around the electoral code, the eligibility of presidential candidacies, the voter register, implementation of the constitutional reforms and the composition of the Independent Electoral Commission (IEC); which opposition parties have denounced as non-inclusive, imbalanced and partisan. Though the African Court on Human and People's Right has ordered the government to amend the relevant provisions of the electoral code relating to the composition of the IEC, recent reforms by the government have not appeased the opposition parties complaints. Despite the re-composition of the IEC to allow for a fairer representation of political parties, PDCI has refused to send their representative to the central IEC.

This situation is further exacerbated by the constant contentions among the political class on the modalities and regulations under which the forthcoming elections will be conducted. Several political dialogues were undertaken under the leadership of the former Prime Minister, late Mamadou Gon Coulibaly, to bring together political parties to agree on common ground to address some of the contending issues, including the composition of the central IEC and constitution of the voter register. However, the death of Mr Coulibaly in late July seems not only to have only constituted a serious setback to the consensus building process among the political parties, but has also created a lacuna in the ruling party since he had been nominated as their presidential candidate. Following the death of his anointed successor, in August President Ouattara, who was first elected in 2010 and re-elected in 2015, confirmed his intention to run for a third term.

In addition, the collapse of the political alliance struck in 2005 between President Alassane Ouattara's Rally of the Republicans (RDR) and former President Henri Konan Bedie's, PDCI - which was meant to reconcile the political fissures that led to civil war ten years ago - will impact the forthcoming vote. Key political structures and their leaders, including, Bedie (PDCI), Mabri Toiku (UDPI) and Anaky Kobena (MFA) that were the founding fathers of RHDP in Paris in 2005 have since parted ways with President Ouattara in pursuit of their own presidential ambitions. The main opposition parties, including the PDCI and FPI, though fractionalized within themselves, have opposed President Ouattara's third term candidacy as a breach of the 2016 constitution. Protests have taken place across the country, with pockets of violence and death recorded in localities like Yopougon, Bonoua and Daoukro.

Former president, Laurent Gbagbo's return to Cote d'Ivoire has been halted by Fatoumata Bensouda, the International Criminal Court (ICC) Chief Prosecutor, filing an appeal against his acquittal and the incumbent governments refusal to approve his application for a passport. A move that has been criticised by the opposition parties and their supporters as emblematic of a lack of tolerance on the part of the incumbent government and as a missed opportunity to foster true reconciliation in Cote d'Ivoire.



Compounding the tense pre-election atmosphere is the disqualification of the candidacy of key political figures by the Constitutional Council. The council validated only four candidates - President Alassane Ouattara (RHDP), Henri Aime Konan Bedie (PDCI), Pascal Affi Nguessan (FPI) and Kouadio Konan Bertin (Independent). Those not considered eligible included former president Laurent Gbagbo, Guillaume Soro, Mabri Toikeuse, Mamadou Kolibaly and Amon Tano Marcel. While the Constitutional Council had invalidated the candidature of Laurent Gbagbo and Guillaume Soro on the ground of criminal conviction, the candidature of the other three persons was invalidated by the judicial body for lack of meeting the requirement of the *parrainage* policy. The policy requires every presidential candidate to demonstrate support from at least 1% of the registered voters in 17 out of the 31 regions across the country.

A combination of these issues has spurred opposition parties to mobilise behind a common agitation for the postponement of the elections in order to create an avenue for all stakeholders and the incumbent government to agree on common solutions to address their grievances. In keeping with this action, a boycott of the elections by the opposition parties could happen unless opportunities for political dialogue to address these various issues are accorded.

## KEY DRIVERS OF INSTABILITY AND VIOLENT CONFLICT IN COTE D'IVOIRE

Political instability and threats to peace and security in Cote d'Ivoire are driven by a lack of respect for constitutionalism, a crisis of legitimacy, the politics of exclusion, challenges of internal party democracy, a compromised judiciary, disrespect for the rule of law and human rights, challenges of true reconciliation, democratic control of the armed forces and the role of the superpowers. These factors need to be addressed strategically in the short, medium and long term to ensure sustainable peace and security in Cote d'Ivoire.

### Constitutional conundrums

Constitution-making in Côte d'Ivoire has been [characterised by subjective notions of national priorities and eligibility for leadership](#). Since independence, Cote d'Ivoire has enacted three constitutions: the most recent in 2016. The independence Constitution was largely mirrored on France's Gaullist Model. It narrowed the space for political competition and entrenched a one-party system. Based on this, Félix Houphouët-Boigny as leader of the PDCI, ruled the country for more than three decades under a political atmosphere adverse to political pluralism, competitive elections and tolerance for dissent political voices.

The 2000 constitution ushered in Cote d'Ivoire's second republic. The process for the enactment of the constitution involved the collation inputs from civil society actors, which was later synthesised by a college of 27 experts. This process raised hope for the restoration of stability and entrenchment of democratic norms and standards in political system, after the 1999 coup d'état. Though the constitution was adopted by referendum and promulgated on 1 August 2000, the hope for democratic consolidation was dashed immediately by the incorporation of the exclusionary principle of *ivoirité*. The 2000 Constitution, in Article 35, stated that candidates for the presidency must be "of Ivorian origin, born of a father and a mother of Ivorian origin". This [further formalised the perceived exclusion](#) of "northerners" in Ivorian politics.

The Linas-Marcousis Accord, one of the major agreements aimed at resolving Ivorian political crises, commits political actors who were signatories, to revision of the constitution, rather than adoption of a new constitution. As such members of the legislature, then under the leadership of Guillaume Soro, were divided on whether the 2016 constitutional reform process revise the old document or establish a new one. In the end a new constitution was proposed after a negotiated agreement among the political parties that formed alliance under the RHDP. Other parliamentarians, including those belonging to FPI, staged a boycott and



called on their supporters to also boycott the referendum to demonstrate their displeasure towards the adoption of the new constitution in 2016.

According to the IEC, only 42.4% of registered electorates participated in the referendum and almost all who voted yes (93.4%) were from the region considered as the traditional political bastion of RHDP. The outcome of the referendum thus reflected the deep-seated division among the ethnic groups, particularly between those supporting the ruling party and those in the opposition and who encouraged their supporters to boycott the vote. [Violence was reported at more than 100 polling stations.](#)

The 2016 constitution, which was adopted by referendum, states, in Article 55 that, “the President of the Republic is elected for five years by direct universal suffrage. He may be re-elected only once”. While the opposition upholds that the two-term limit as enshrined in the provision applies to the period prior to 2016, the ruling party has maintained that the 2016 document reset the term-limit clock, meaning that Ouattara would be running for a new term in the Third Republic in October. The Constitutional Court seems to agree with the latter interpretation given its decision to validate Ouattara’s candidacy on 14 September. Constitutional changes have also been used in Togo and Guinea in the last year, to extend the time in office of incumbents.

### **The politics of exclusion**

A recent attempt by state institutions to exclude and/or disqualify major presidential candidates is a continuation of a familiar pattern. At every point in the historical trajectory in Cote d’Ivoire, the incumbent has adopted strategies, either by adopting an exclusionary principle or instrumentalising the judiciary to disqualify strong presidential opponents. In 1995, Henri Konan Bedie adopted the policy of *ivoirité* to derail Alassane Ouattara’s bid.

As significant as the forthcoming presidential election is to the consolidation of democracy, peace and security in Cote d’Ivoire, the recent decision of the Constitutional Council has been criticised as a strategy to exclude potential presidential candidates. Former president, Laurent Gbagbo and leader of the National Assembly, Guillaume Soro – both key political figures - have been sentenced by Ivorian courts in separate cases, in absentia. Both for 20 years. However, the African Court of Human and Peoples’ Rights (ACHPR) has suspended the rulings of the Ivorian court on the trials of Soro and Gbagbo until comprehensive investigations of the cases are done. As such it has also ordered, in a separate judgement, the inclusion of Gbagbo and Soro on the list of eligible candidates for the 31 October poll.

Adherence to ACHPR’s judgements by the incumbent regime is doubtful, as the government has shown blatant disdain to the competence, authority and jurisdiction of the Court in the recent time. The incumbent government has officially withdrawn Cote d’Ivoire’s declaration of the jurisdiction of the ACHPR as provided for in the Protocol to the African Charter on Human and People’s Rights. Furthermore, President Ouattara has publicly that his government will not respect the ACHPR’s ruling regarding the inclusion of Soro and Gbagbo names on the voter register.

Controversy has also trailed the disqualification of Mabri Toikeuse, Mamadou Koulibaly and Amon Tano Marcel, who the Constitutional Court declared had failed to accrue the requisite number of signatories from their supporters across the country, in line with the parrainage policy. Toikeuse had contested for presidential election under Union pour la Democratie et la Paix en Cote d’Ivoire (UDPCI) in 2010, winning 2.3% of the vote, whilst Koulibaly, as the flagbearer of Liberte et Democratie pour la Republique (LIDER), polled just 0.1% in the 2015 presidential election. While these candidates were unlikely to make a significant impact on the overall outcome, their exclusion is not in line with inclusive democratic practices.

### **Absent internal party democracy**



For over two decades the three major political parties, PDCI-RDA, FPI and RDR, have been represented by Henri Konan Bedie, Laurent Gbagbo and Alassane Ouattara, respectively. These personalities who incarnate and personify their respective political parties, continue to hold sway in determining the direction, which their supporters follow, and the trend of political development in the country.

While Ouattara's RDR and Bedie's PDCI-RDA alongside other heirs of the late president Felix Houphouët-Boigny formed an alliance under the aegis of RHDP to win the 2010 and 2015 elections, the coalition has disintegrated due to irreconcilable differences, most notably over the choice of the party's presidential candidate. This collapse has exacerbated regional and ethnic cleavages that spiked during the post-electoral crisis of 2011. The RDR, the major political party remaining in the RHDP is factionalised between the camp of the former Prime Minister, late Mamadou Gon Coulibaly and the present Prime Minister, Hamed Bakayoko due to the duo's presidential ambitions.

Splits also exist in the FPI between Pascal Affi Nguessan's faction and Gbagbo's faction. While Pascal Affi Nguessan had wanted to take over the party structure in the absence of Laurent Gbagbo, other gladiators of the party supported the former first lady, Simone Ehivet Gbagbo, to take the party leadership. While the PDCI is swiftly waning and divided over Henri Konan Bédié's willingness to run for presidency aged 87 in October. These intra-party wrangling, which have continued to fuel tension in the country, reflect a broader lack of democratic ethos in party system in Cote d'Ivoire.

### **Instrumentalised justice**

The judiciary has been historically instrumentalised by the political actors for political objectives. On the eve of 2000 elections, Late General Robert Guei allegedly used the Constitutional Court under Justice Tia Kone to disqualify 14 of the 19 candidates for the presidency, including Alassane Ouattara and Henri Konan Bedie, over issues of nationality and financial misconduct, respectively. In 2011, Gbagbo also allegedly used the Constitutional Council, under Paul Yao Ndre to cancel results from Ouattara's strongholds that would pave the way for Gbagbo to announce victory. These two scenarios led the country into costly crises, marked by serious violation of human rights and loss of lives and properties.

As Cote d'Ivoire moves towards the 31 October poll, the judiciary in country has been accused of being instrumentalised again by political actors. There is a belief that President Ouattara's regime is using the judiciary to arrest and sentence his perceived political opponents as a tactical means to either exclude them from the presidential race or to weaken the support base of these opposition parties. Laurent Gbagbo, Charles Ble Goude and Guillaume Soro, key political figures, have all been sentenced in absentia. The arbitrary lifting of the parliamentary immunity of some members of parliament, including the former president of the National Assembly, Guillaume Soro, is a serious rule of law concern.

In addition, there have been arbitrary arrests and a crackdown on members of opposition parties and civil society organisations. Pulcherie Edith Gbalet and two colleagues of the Alternatives Citoyenne Ivoirienne were arrested and detained on 15 August 2020, after they called for protests against the third term bid of President Ouattara. Souleymane Kamarate Kone and other supporters of Soro, are still in detention without trial. The judiciary needs to maintain its independence in treating political cases before the various judicial instances. By so doing, it can regain the confidence of the population and serve as the arbiter of justice and the last resort for the common man.

### **The need for reconciliation**

The tumultuous political trajectory experienced in the country in the last two decades has had long-term impacts. The Ivorian population remains divided along ethnic, religious and political



lines. The cessation of gunfire has not necessarily led to an end to conflicts among the Baoule, Bete, Dioulas, Krou and other minority groups in Cote d'Ivoire. Post-conflict ethnic frictions remain a threat to long-lasting peace. Many transitional justice issues are yet to be addressed or inadequately resolved and continue to bubble beneath the surface. Efforts by various governments to foster reconciliation have not been successful.

Recommendations from the *Forum National Pour La Paix et Reconciliation* to the *Commission du Dialogue, Verite et Reconciliation*, highlighted the need to address past injustice by ensuring that victims access justice in its broadest forms. Access to socio-economic, legal and political justice and true reconciliation must be prioritised by the government. Reparations as being implemented by the National Commission for Reconciliation and Compensation of Victims should be broad-based and inclusive to avoid lop-sidedness. All these are necessary to heal past wounds among the ethnic groups and to prevent reoccurrence of violence in Cote d'Ivoire.

### **Military might?**

Given recent rumours of corrupt practices perpetrated among the top ranking officers of the Ivoirian security and armed forces and in keeping with the recent happenings in Mali, the tendency for military incursion in the political process in Cote d'Ivoire cannot be totally neglected. An impending insurrection by ex-rebel commanders who were hitherto under the grasp of Guillaume Soro and by officers of the armed forces from the ethnic groups whose political elites have been marginalised is not impossible, but is less likely with Soro out of the country.

It is important to recall that Cote d'Ivoire has witnessed some army mutinies in the recent past and corruption, impunity and lack of discipline of the military are major features of the national armed forces. Exacerbating this situation is the reintegration of the ex-rebels into regular armed forces, most of whom still hold their allegiance to the struggle that brought President Ouattara to power in 2010. The continued polarisation of the security and armed forces, corruption and their latent partisanship have revealed the deficit of the security sector reforms and governance haphazardly implemented in the country after the 2011 post-election violence.

### **International engagement**

The international community has been significantly entrenched in the Ivoirian political context/situation, particularly since the resolution of the 2011 post-electoral crises. Recent political developments in the country have attracted the attention of the international community and the strategic partners of Cote d'Ivoire, in particular France. President Emmanuel Macron publicly commended President Ouattara when the latter declared in January 2020 of his attention not to contest subsequent election. But since Ouattara's reversal of that decision, France has privately called for a delay to the election with a view to allowing for dialogue between the ruling coalition and opposition parties. Major political figures in the opposition parties have called on President Macron to impress on the incumbent government to ensure inclusivity, transparency and fairness in the conduct of the forthcoming presidential election. However, the Foreign Affairs Minister maintained that France is 'vigilante' and will not interfere in the electoral process in Cote d'Ivoire.

The ECOWAS, AU and the United Nations, concerned about political developments in Cote d'Ivoire, deployed a Joint High-Level ECOWAS, AU and the UN Mission. It engaged with key political stakeholders and enjoined them to ensure that the electoral process is transparent, inclusive and peaceful. The EU and US have also called on relevant authorities in Cote d'Ivoire to ensure that the electoral process is inclusive, credible and transparent.



## **RECOMMENDATIONS**

The following recommendations are stated to the relevant actors as possible way-forward to mitigate against threats to democracy, peace and security in Cote d'Ivoire:

### **To the government of Cote d'Ivoire**

- Reinforce its efforts towards facilitating political dialogue among the political stakeholders to agree on modalities to address contentions emanating from electoral processes in the period leading up to, during and after, the polls.
- Strengthen government institutions, including the Independent Electoral Commission, police and judiciary to perform their duties in a manner that is republican, unpartisan and impartial to enable the holding of credible, transparent and peaceful elections.
- Redouble its efforts in the implementation of inclusive reparations measure for victims of the 2011 post-electoral crises. The victims should be fairly and impartially enlisted for comprehensive and inclusive restitution and support coverage.
- Take action to enforce the different judgements of the African Court of Human and People's Right as a measure to foster inclusiveness, rule of law and human rights in the electoral process.

### **To political parties in Cote d'Ivoire**

- Political parties should privilege and embrace regular dialogue and other peaceful measure to address any differences emanating from the electoral processes in the period leading to, during and after the election.
- Political parties should work towards strengthening their internal structures and process to reflect democratic ethos and values. Structures and systems should be put in place to ensure leadership succession and coaching of their members, particularly youths and women.

### **To ECOWAS**

- ECOWAS should encourage the government to continue the political dialogue with the opposition parties to attain political solutions to address all the contentious issues emanating from the electoral process in Cote d'Ivoire.
- ECOWAS should impress on the opposition parties to continue to embrace constitutional means and established legal means to resolve their grievances.
- ECOWAS should facilitate capacity building programmes for political parties, IEC, police and judiciary to deepen their roles in promoting stability, peace and security in the period leading to, during and after the elections.
- ECOWAS should rejig its extant normative and legal instruments on democracy and good governance to address emerging political reforms that favour undemocratic retention of political power.

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