

REPORT OF THE
**ELECTORAL REFORM MISSION
TO CÔTE D'IVOIRE**

DECEMBER 2013



NATIONAL DEMOCRATIC INSTITUTE



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Foreward



To avoid the violence and political crisis that resulted from a highly contentious presidential election in 2010, efforts are underway to restore public confidence in Côte d'Ivoire's electoral processes with the goal of holding a peaceful and credible presidential poll in 2015. Ivoirian President Alassane Ouattara approached the National Democratic Institute (NDI) seeking recommendations on the reform of the country's electoral system.

In response, NDI deployed a high-level delegation in December 2013 to assess the overall political environment and electoral framework. Co-led by former Canadian Prime Minister Joe Clark and Brian Atwood, former administrator of the U.S. Agency for International Development and NDI Board member, the mission included members from Africa, Europe and North America. Funding for the mission was provided by the National Endowment for Democracy. The delegation was welcomed by all Ivoirian stakeholders, including ruling and opposition party leaders.

The mission met with leaders of all major political parties in government and in opposition, the Independent Electoral Commission, civic and religious leaders, and other state and international actors with a role in supporting Ivoirian elections.

ACROSS THE BOARD, THE DELEGATION FOUND THAT DESPITE DIFFERENCES OF OPINION ON THE SPECIFIC DETAILS OF ANTICIPATED REFORMS, IVOIRIAN LEADERS WERE PREPARED TO ENGAGE IN SERIOUS DISCUSSION OF SUBSTANTIVE ISSUES THAT WOULD LEAD TO CONSENSUS ON THE GROUND RULES OF FUTURE ELECTIONS.

Election processes require regular review to ensure they provide citizens with inclusive avenues for participation, accountability of public officials and transparency in implementation. The delegation's discussions sought to stimulate thought and exchange of views on how these principles can be best adapted to the Ivoirian political context. This report presents the delegation's recommendations based on its wide experience with electoral politics in Africa and around the world. The Institute hopes that the report will provide a common point of reference and assist Ivoirian political and civic leaders as they seek to provide the Ivoirian people with a broadly accepted electoral framework.

NDI would like to thank the Republic of Côte d'Ivoire for its invitation, as well as the numerous civic and political leaders who met with the delegation and shared their views and expertise.

Kenneth Wollack
President

Executive Summary

1

In December 2013, the National Democratic Institute (NDI) conducted a mission to assess preparations for Côte d'Ivoire's 2015 presidential election. Invited by the government of Côte d'Ivoire, the NDI delegation was welcomed by all major Ivoirian political parties. The mission met with political, civic and religious leaders across a broad spectrum of society, the Independent Election Commission, representatives of government and the international community. Co-led by former Canadian Prime Minister Joe Clark and Brian Atwood, former administrator of the U.S. Agency for International Development (USAID) and professor at the Humphrey School at the University of Minnesota, the mission included members from Africa, Europe and North America: Anne Deysine of the University of Paris-X (Nanterre); Charles Djrekpo, former Member of Parliament in Benin and former chairman of the Beninese Electoral Commission; Fernando Marques da Costa, former Member of the Parliament of Portugal and former political advisor to the president of Portugal; Christopher Fomunyoh, NDI senior associate and regional director for Central and West Africa; Patrick Merloe, NDI senior associate and director of election programs; and Sophia Moestrup, NDI deputy director for Central and West Africa.

From the 1990 legalization of opposition political parties until 2010, Côte d'Ivoire has not experienced a presidential election that was both competitive and peaceful. On the contrary, two decades of political crises and conflict destabilized a country that was once the economic hub of Francophone Africa. Former President Laurent Gbagbo is currently awaiting trial at the International Criminal Court (ICC) for crimes against humanity, following the violence ignited by his refusal to accept defeat in the 2010 poll - violence that cost 3,000 lives and close to a million displaced.

Today's Côte d'Ivoire still struggles to achieve reconciliation and build viable democratic institutions.

MANY IVOIRIANS RECOGNIZE THAT CREDIBLE ELECTIONS AND REPRESENTATIVE INSTITUTIONS ARE ESSENTIAL STEPS FOR REINVIGORATING DEMOCRATIC AND ECONOMIC DEVELOPMENT, AND THAT THE COUNTRY NEEDS TO SHED

ITS HISTORY OF FLAWED PRESIDENTIAL POLLS THAT HAVE UNDERMINED CITIZEN CONFIDENCE IN THE ELECTORAL SYSTEM AND EXACERBATED REGIONAL AND ETHNIC TENSIONS.

The delegation observed a strong desire among Ivoirians to see concrete steps taken to guarantee a peaceful and credible presidential election in 2015. They expressed a willingness to move the electoral reform process forward through more productive dialogue and an early start on election preparations. All major stakeholders recognized that the presidential poll – only 21 months away – is fast approaching. As one Ivoirian stated, “2015 is tomorrow.” The mission appreciated the openness with which Ivoirians expressed their hopes as well as their concerns with regard to the upcoming poll.

The delegates noted apprehension among Ivoirians that the history of crises around past presidential races could undermine genuine elections in 2015. The post-election violence in 2011 left scars that are yet to fully heal. The delegation heard complaints regarding the security environment, ineffective political dialogue, and what some perceive as the selective application of justice, as well as concern that the lingering nationalist doctrine of *Ivoirité* blocks meaningful policy debate and that some opposition leaders may not have renounced the use of violence to access political power. Many Ivoirians fear that without further confidence-building measures and consensus on an electoral framework, even a technically well-run election could still lead to violence.

Despite enduring tensions from the election-related violence of 2011, the delegation found that Ivoirians are committed to rebuilding their electoral system and share a common desire for a consensus-driven electoral process. The mission recommends that pending issues that could negatively influence the electoral process should be resolved expeditiously to avoid a repeat of the missteps of the past. The delegation makes further recommendations at the end of this report pertaining to dialogue and reconciliation, the composition of a revamped election commission (CEI), voter registration, election security and other issues.

Introduction

2

In the past decade, as emerging democracies have recognized the centrality of credible elections to political legitimacy, consensus has developed on **international standards and best practices in the conduct of democratic elections**. Reflecting this global development, member countries of the African Union (AU) adopted the African Charter on Democracy, Elections, and Governance (the Charter) in 2007 to strengthen democratic standards of governance across the continent. The Charter, which entered into force in 2012 upon ratification by 15 countries, calls on AU member states to abide by common governance standards that guarantee citizens' universal suffrage and fundamental freedoms, ensure constitutional rule, create space for civic participation, and foster regularly-held transparent, credible elections. Earlier, the Economic Community of West African States (ECOWAS) adopted the Supplementary Protocol on Democracy and Good Governance in 2001, which serves as a point of reference on government performance in the conduct of elections.

While striving to meet international standards and best practices, the government of Côte d'Ivoire also acknowledged to the delegation that it recognizes the **need to harmonize the legal framework for elections in the post-crisis period**. In the last decade, the legal framework for elections in Côte d'Ivoire combined the dual tracks of national legislation and internationally brokered peace agreements following the 2002 armed rebellion. This duality of jurisprudence meant that the 2000 Constitution and Electoral Code were often complemented by subsequent legislation, presidential decrees and executive orders, resulting in an overlapping patchwork of legal instruments, many of which were not fully explained to nor understood by Ivoirian citizens prior to the 2010/2011 crisis. For example, the current Independent Election Commission (CEI) includes six representatives of the armed rebellion as a result of the Linas-Marcoussis (2003) and Pretoria (2005) peace agreements, while the updating of the voter registry was heavily influenced by the Ouagadougou Accord (2007).

ELECTIONS PROVIDE A UNIQUE OPPORTUNITY FOR CITIZEN ENGAGEMENT IN SELECTING LEADERS, HOLDING ELECTED REPRESENTATIVES ACCOUNTABLE AND VESTING THE GOVERNMENT WITH THE LEGITIMACY REQUIRED TO GOVERN SUCCESSFULLY. EFFECTIVE CIVIC AND VOTER

EDUCATION FACILITATE THE HOLDING OF CREDIBLE AND PEACEFUL ELECTIONS THAT MEET THE DEMOCRATIC ASPIRATIONS OF THE PEOPLE.

Engaging citizens in reform discussions now enhances prospects for an informed electorate that would make decisions based on issues of national concern rather than on personalities, thereby diminishing chances of confusion and conflict or violence.

NDI's eight-member **international delegation** visited Abidjan and Yamoussoukro from December 8-13, 2013. The mission was timed to elicit input and discussion on applying best practices and international standards in support of Ivoirian electoral reform efforts that aim to avoid the election-related violence of 2010/2011, and ensure a credible and peaceful presidential poll in 2015. NDI recognizes that passage of laws and their implementation remain matters of national sovereignty. The Institute wishes through this report to support Ivoirian efforts (by the Ivoirian government, the legislature, ruling and opposition parties, civic groups and religious leaders) to advance electoral reforms and build consensus on the rules governing electoral competition. The delegation included political and civic leaders, and election and regional experts from North America, Europe and Africa (see attached bios in Appendix B). The report builds on the expertise and extensive experience of delegation members and comparative research by Institute staff.

The delegation's stay in Côte d'Ivoire coincided with global attention to the passing of **Nelson Mandela** and the celebration of his legacy, and the commemoration by Ivoirians of the death 20 years earlier of their founding president, **Félix Houphouët-Boigny**. Fortuitously, discussions about the lives and accomplishments of these two African leaders and their pursuit of national cohesion came up in most exchanges between the NDI delegation and Ivoirians. There was a common understanding that, if successful, the 2015 presidential election would be a significant milestone in the development of multiparty politics in Côte d'Ivoire, as it would be the first time that a democratically-elected president would have served a full five-year term uninterrupted by a major crisis such as a coup d'état or armed conflict.

Electoral Context¹

3

Upon assuming office in 2011, President Alassane Ouattara stated that reconciliation would be one of his top priorities. He then established a Dialogue, Truth and Reconciliation Commission (*Commission de Dialogue, Vérité et Réconciliation* – CDVR) and commissioned an inquiry into post-election violence committed by both sides of the conflict. In addition to the transfer of former President Gbagbo to the ICC in The Hague, a number of other officials from Gbagbo's party, the Ivoirian Popular Front (*Front Populaire Ivoirien* – FPI), including Ms. Simone Gbagbo, are still in detention or under house arrest in Côte d'Ivoire. Human rights groups have criticized the government for the detention of Gbagbo supporters and the prosecution of cases against them, while supporters of Ouattara remain free and have not been indicted for alleged abuses. In addition, assets and accounts of several opposition parties and their leaders have been frozen, under allegation of illegalities. These actions have fueled opposition charges of politically motivated investigations.

The government of President Ouattara held legislative elections in 2011 and municipal and regional elections in 2013. However, these polls were boycotted by the FPI and parties that split from the FPI after Gbagbo's fall. A few pro-Gbagbo individuals ran for parliament as independent candidates, but their influence in the legislature is marginal. Many ruling party leaders feel that the boycotts were motivated by a desire to undermine the legitimacy of the current government; opposition leaders and their supporters, on the other hand, point to ongoing concerns with the electoral process and their determination not to participate in elections organized by the CEI as presently constituted.

¹ More background information on past presidential elections is available in Appendix D.

A. ON THE ROAD TO 2015

LESS THAN TWO YEARS BEFORE THE NEXT PRESIDENTIAL POLL IN 2015, MANY IVOIRIANS ARE FEARFUL THAT WITHOUT CONSENSUS ON THE ELECTORAL FRAMEWORK, CONFIDENCE IN IMPARTIAL AND EFFECTIVE ELECTORAL ADMINISTRATION AND A FAIR PLAYING FIELD, THE COUNTRY'S ELECTORAL PROCESS MAY LOSE LEGITIMACY AMONG THE NEARLY ONE-HALF OF THE VOTING POPULATION THAT MAY HAVE SUPPORTED GBAGBO IN 2010.

These Ivoirians argue that, without the confidence of the parties and the population, even a technically well-conducted election risks a return to violence and conflict. President Ouattara also acknowledged the need for reform and publicly stated in 2013 that electoral reform would be undertaken before the 2015 poll.

Although the main opposition party won approximately 45 percent of the votes in the 2010 presidential race, its lack of representation in the National Assembly undermines its ability to advocate for reform legislation. Moreover, the opposition is now splintered, as multiple parties and individuals try to position themselves as the principal spokesperson for their constituencies. Without support from the opposition, reform efforts could be perceived as one-sided. Current Ivoirian leaders across the political spectrum are inclined to respond positively to consensual changes in the composition of the election management body. The next few months provide a window of opportunity for Ivoirians to build consensus, and develop and enact electoral reforms that would foster national unity and reconciliation before political competition for the 2015 presidential election begins in earnest.

Alongside the CDVR, other reconciliation efforts have been underway. Following several meetings between the government and opposition parties, the government agreed to enact legislation on a special status for the opposition and its leader. An inter-party consultative group, called

the Permanent Dialogue Framework (*Cadre Permanent de Dialogue* – CPD), provides a channel for the government to periodically discuss substantive issues with the opposition. With rare exceptions, however, the FPI has boycotted the discussions, instead requesting bilateral negotiations with the government on the basis that “its issues are more specific than those of the former pro-Gbagbo splinter parties.”

In response to the FPI’s request for direct talks with the government, leaders of the two political parties – FPI and RDR – met twice in 2013, but without substantive progress on pending issues. The FPI demanded that charges against Gbagbo at the ICC be dropped, pro-Gbagbo prisoners be released, and frozen assets be freed as pre-conditions for substantive talks. A number of detainees including FPI President Affi Nguessan were released, pending trial, in 2013; while others, such as Simone Gbagbo and Charles Blé Goudé, are still being detained. The FPI has also insisted that Ouattara visit Gbagbo in The Hague and hold a National Conference (*états-généraux*) before discussing substantive issues. Some leaders of the ruling party consider the demands excessive and insensitive to the plight of family members of the victims of the crisis.

The security situation in Côte d’Ivoire remains precarious. In 2012, the security services of the country – the Republican Armed Forces of Côte d’Ivoire (*Forces Republicaines de la Côte d’Ivoire* – FRCI) – suffered serious attacks from armed groups operating across both the Ghanaian and Liberian borders, and raids on arms depots and police stations in Abidjan and other cities. There have also been reports of the uncovering of a plot by former Gbagbo loyalists to overthrow the government. The cross-border attacks have been blamed on pro-Gbagbo forces, while some of the attacks within Abidjan are alleged to be the work of disgruntled former FN combatants or traditional hunters (*dozos*) who fought alongside pro-Ouattara forces in 2010. Banditry remains a serious concern, particularly on roads to and from major cities such as Bouaké.

B. LEGAL FRAMEWORK FOR ELECTIONS

The legal framework governing the 2010 presidential elections was a combination of the Ivorian Constitution from 2000, the 2000 Electoral Code, and internationally-brokered peace agreements. Changes to the electoral framework resulting from the various peace accords were often not widely publicized nor well understood by many Ivoirians. Notably, these changes focused on presidential eligibility, the composition of the electoral commission and voter registration.

Peace Agreements and Dual Track Legislation

Linan-Marcoussis (2003) and Candidate Participation:

The Linan-Marcoussis Accords set out an agenda for the “Reconciliation Government” to pursue in eight areas. Notably, the Accords committed the Government to introduce legislation on matters of nationality, land tenure, election law, as well as to propose new language regarding presidential eligibility. The Government at the time could not pass legislation on all the above-listed matters through the FPI-dominated National Assembly.

Pretoria (2005) – Elections Management and UN Certification:

The Pretoria Agreement mediated by then South African President Thabo Mbeki established important principles for the next election, including: substantial U.N. involvement; revision of eligibility requirements; six seats for the FN on the CEI; and public financing for political parties. Other important consequences later resulted from the Pretoria Agreement, including the mandate for the UN Special Representative to certify Côte d’Ivoire’s presidential and legislative elections (UN Security Council Resolution 1765 - 2007), and the determination that candidates for these elections, if presented by a party signatory to the Linan-Marcoussis Accord, would be considered eligible to run. This agreed-upon program rendered moot further debate on Ouattara’s eligibility, and also allowed Bédié, who would otherwise have exceeded the 75-year age limit for presidential candidates, to run in 2010.

Ouagadougou (2007) and Citizen Participation in Elections:

The Ouagadougou Accord that emerged from subsequent direct talks between Gbagbo and FN leader Soro, mediated by President Blaise Compaoré of Burkina Faso, specifically addressed the voter registry issue. The agreement provided a framework for “mobile courts” (*audiences foraines*), which would allow citizens to prove their identity and obtain proper documentation before participating in the voter registration process.

The Independent Election Commission of Côte d’Ivoire

According to the Constitution of August 1, 2000, and Law No. 2001-634 of October 9, 2001, as amended by Law No. 2004-642 of December 14, 2004, and Presidential Decision No. 2005-06/PR of July 15, 2005, the Independent Electoral Commission (CEI) is responsible for the organization, management, supervision and control of elections in Côte d’Ivoire. In addition to the CEI, the National Identification Office (NIO) and the National Institute of Statistics (NIS) are also involved in the identification of the eligible population and voter registration, respectively.²

² Following the Linan-Marcoussis Agreement, a National Commission for the Supervision of Identification (NCSI) was established in 2004 with the power to supervise and control the activities of the NIO, given the highly political nature of identifying Ivoirians having the right to vote. The NCSI was dissolved by presidential decree in October 2012.

The CEI has a central committee in Abidjan and 435 local branches in the regions, districts, sub-prefectures and municipalities, and 20 commissions at Ivoirian embassies abroad.

Members of the Central Committee are:

- A representative of the President of the Republic;
- A representative of the President of the National Assembly;
- A representative of the President of the Economic and Social Council;
- Two judges appointed by the High Judicial Council;
- Two lawyers appointed by the Bar;
- A representative of the Minister of Territorial Administration (Interior);
- A representative of the Minister of Security;
- A representative of the Minister of Economy and Finance;
- A representative of the Minister of Defense; and
- Two representatives from each political party or group with at least one member in the National Assembly or two representatives from each political party or group that control at least one municipal, regional or general council, or district.

Following the Pretoria Agreement, two representatives from each of the three rebel movements of September 2002 were added to the committee.

Thus, the CEI currently has 31 members. These are:

- Seven representatives of the Government;
- Fourteen representatives of the following political parties (2 from each party):
 - The Rally of Republicans (RDR) - the ruling party;
 - The Democratic Party of Côte d'Ivoire (PDCI);
 - The Ivoirian Popular Front (FPI) - opposition;
 - The Ivoirian Workers Party (PIT) - opposition leaning;
 - The Movement of Future Forces (MFA);
 - The Union for Democracy and Citizenship (UDCY); and
 - The Union for Democracy and Peace in Côte d'Ivoire (UDPCI).
- Two representatives of civil society (two lawyers appointed by the Bar);
- Two judges appointed by the High Judicial Council; and
- Two representatives from from each of the rebel movements comprising the New Forces (*Forces Nouvelles*—FN) (MPCI³, MPIGO⁴ and MJP⁵).

3 Côte d'Ivoire Patriotic Movement (*Mouvement Patriotique de Côte d'Ivoire, MPCI*).

4 Ivoirian Popular Movement of the Greater West (*Mouvement Populaire Ivoirien du Grand Ouest*).

5 Movement for Justice and Peace (*Mouvement pour la Justice et la Paix*).

The CEI includes 12 executive members:

- The representative of the President of the Republic;
- The representative of the President of the National Assembly; and
- One representative from each signatory party of the Linas-Marcoussis Agreement – a total of ten members (one representative from each of the seven political parties listed above and from each of the three armed movements).

According to Article 24 of the Internal Rules and Regulations of the CEI, its executive bureau comprises:

- A president;
- Four vice presidents;
- A permanent secretary;
- Two assistant permanent secretaries;
- A treasurer;
- An assistant treasurer; and
- Two advisors.

All executive members are elected by the Central Committee from among its members for a six-year renewable term except for the president of the CEI, whose six-year mandate is non-renewable. Only bureau members are permanent, with all others being non-permanent (being replaceable at will). Decentralized committees are composed exclusively of non-permanent members.

Only the following 22 members of the CEI Central Committee have voting rights during CEI deliberation:

- The representative of the President of the Republic;
- The representative of the National Assembly; and
- The 20 representatives of the signatories of the Linas-Marcoussis Agreement (two from each of the seven political parties and the three rebel movements).

The nine remaining members have only a consultative vote. The decisions of the CEI Central Committee are taken by simple majority of present, voting members. In the case of tie votes, the CEI chairman casts the tie-breaking vote.

The composition of local CEI committees is identical to that of the Central Committee and the same rules and regulations apply to local electoral commissions.

The Voter Registry in Côte d'Ivoire

Voter registration for the 2010 presidential poll was closely tied to the citizen identification process launched in 2007 in accordance with the Ouagadougou Agreement, for the purposes of identifying Ivoirians and foreign individuals living in Côte d'Ivoire. Inclusion on the voter file requires Ivoirian nationality - which is acquired through either of one's parents being an Ivoirian citizen or through naturalization.

According to some Ivoirians, the Ouagadougou Accord made the voter registration process more confusing. It provided for a citizen identification process, but the birth certificates that were delivered through the “mobile courts” (*audiences foraines*) lacked reference to nationality. As a result, the voter roll required further cross-checking with 17 existing public registries to confirm the Ivoirian nationality of applicants. This resulted in three separate lists – a “white list” with confirmed Ivoirian voters, a “gray list” with people whose nationality was in doubt, and a “black list” with people of confirmed foreign nationality.

The final voter registry was the result of a political agreement between the members of the Permanent Consultative Framework (CPC) of the Ouagadougou Agreement⁶ and the culmination of a long and complex technical process. At the end of this procedure, a meeting of the CPC in September 2010 allowed the main Ivoirian political actors to agree on the final voter file, which according to the CEI had 5,725,721 voters for the 2nd round presidential poll. It was then certified by the Special Representative of the Secretary General (SRSG) of the United Nations Operation in Côte d’Ivoire who deemed it “strong, balanced and credible.”⁷

Although published at the time by the CEI on its website (no longer accessible), the final voters list was not displayed at either polling sites or in the Local Electoral Commissions. Polling stations only had a sign-off sheet for their specific voting places on election day.⁸

6 The four members of the CPC were: President Laurent Gbagbo, Prime Minister Guillaume Soro, Henri Konan Bédié, chairman of the PDCL, and Alassane Ouattara, chairman of the RDR.

7 Conseil de Sécurité CS/10045, <http://www.un.org/News/fr-press/docs/2010/CS10045.doc.htm>.

8 Election Observation Mission of the European Union in Côte d’Ivoire. Final Report – Presidential Election 2010. Page 15.

THE 2008 LIST USED FOR THE 2010 PRESIDENTIAL POLL CARRIED ONLY 5.7 MILLION REGISTERED VOTERS, FOR A POPULATION OF 22 MILLION. IN COMPARISON, GHANA WITH A SIMILAR POPULATION OF 25 MILLION HAD 14.2 MILLION REGISTERED VOTERS IN 2012, WHILE BENIN WITH A POPULATION OF FEWER THAN 10 MILLION HAD 4 MILLION PEOPLE REGISTERED TO VOTE IN 2007.

This led some government officials and representatives of civil society and political parties to tell the NDI delegation that the number of registered voters in Côte d’Ivoire is “obviously too low.”

There is no legal procedure for incorporating new voters or a process for automatic revision of the voter registry, so at the start of every election cycle the government conducts a census of the population before developing a voter file. The government intends to complete a new census by April 15, 2014, collecting self-declared data on nationality, age and sex. The census will provide a basis for organizing the registration of new voters by the CEI. The last national census was conducted in 1998.

Analysis of Issues

4

A. AREAS OF AGREEMENT

Ivoirians acknowledge that even as the country grapples with several other important issues, such as identity politics and land tenure, creating the environment for credible and peaceful elections would enhance prospects for effective political representation and foster democratic values of tolerance and reconciliation. The delegation's interlocutors looked to similar experiences in other post-crisis environments such as Kenya, where electoral reforms contributed to more credible elections in 2012 than was the case five years earlier.

The delegation found widespread agreement on the following issues likely to impact the 2015 polls:

i.) Meaningful dialogue with tangible outcomes:

Interlocutors from all political parties, civil society and the government agreed that there is an urgent need for further dialogue and negotiations among all parties. According to one of the delegation's interlocutors, "Conditions for dialogue are better now than they have been for a long time." The direct meeting between the RDR and the FPI during the delegation's stay in Abidjan was welcomed by many Ivoirians as a positive gesture that could further reduce tensions. While there was acknowledgement of some movement towards national peace and reconciliation, the political and civic leaders reported that many "hearts are not fully healed."

ii.) Reform of the Independent Electoral Commission:

All the Ivoirians with whom the delegation met agreed on the need to restructure the CEI to ensure impartial and effective electoral administration and that the CEI's composition should avoid becoming so large as to render the body ineffective or unmanageable. Government officials as well as political and civic leaders all stated that the presence of representatives of the former armed rebellion could no longer be justified, and the normalization of state institutions in the post-crisis period had to be reflected in the newly structured CEI.

The CEI is no longer considered legitimate by the FPI. Since the 2010 change in power, the president and all four vice presidents of the CEI belong to the governing coalition – the Rally of Houphouëtists for Democracy and Peace (*Rassemblement des Houphouëtistes pour la Démocratie et la Paix* – RHDP) – or to one of the RHDP-allied movements that initiated the 2002 armed rebellion.

iii.) Update the voter registry: As there is neither a legal procedure for incorporating new voters nor a process for automatic revision of the registry, at the start of every election cycle the government conducts a census before developing a voters registry. All Ivoirians with whom the delegation met expressed their desire for a standardized voter registration process and an annual update to the voter registry. There was also general agreement that this responsibility belongs to the CEI, with the support of other competent agencies.

iv.) Consolidate and clarify the legal framework: Ivoirians expressed the need for the government to normalize the constitutional and legal framework governing elections so as to eliminate inconsistencies or conflicting interpretations of decisions made through practical negotiations and peace agreements. President Ouattara's public statement that he will respect the electoral calendar and hold presidential polls in October 2015 (as opposed to April 2016, which would have been five years from when Laurent Gbagbo vacated the presidency) was seen as a sign of a gradual return to normalcy. At the same time, the election date means that any substantive changes to the legal framework must be enacted very soon, so that the rules are clear for the contestants and public understanding.

v.) *Status of the opposition:* There was general agreement on the need for legislation on the status of the opposition in Côte d'Ivoire in order to formally institutionalize the roles, rights and responsibilities of the political opposition and to help move away from "winner-take-all" politics. Though draft legislation does exist, opposition parties have not reached consensus on it and have yet to agree on the designation of an opposition leader.

i.) *Public funding of political parties:* While the law on public funding of parties takes into consideration party representation in the National Assembly and local councils, the FPI boycott of these elections meant that it would receive no funding under a strict interpretation of the law. However, political and civic leaders with whom the delegation met, including government officials and RDR representatives, agreed that to foster reconciliation and curb the perception of a "winner-take-all" mindset, some accommodation should be made to ensure public funding also for parties committed to participating in elections, even if they do not currently have elected representatives.

vii.) *Civic education on elections and citizen engagement:* Ivoirians decried the fact that in the lead up to the 2010 elections not many of their fellow citizens were aware of the legal framework governing the electoral process, which explains, for example, why some segments of the electorate questioned the UN certification of the results, even though it had been agreed upon in advance by all Ivoirian political leaders. Numerous interlocutors therefore suggested strongly that any revisions to the electoral framework for elections be widely publicized and that the electoral authorities, political contestants and civil society organizations actively sensitize the population and call on the public to engage fully in the election process.

B. AREAS OF CONCERN AND DISAGREEMENT

i.) *Frustrations over existing forums for political dialogue:* The majority of Ivoirians with whom the delegation met shared their frustrations with the lack of fully inclusive and effective political dialogue, even though such dialogue is urgently needed.

A forum for dialogue between the government and the opposition now exists (the CPD); however, CPD deliberations have been boycotted by the FPI. Also, attendance is defined such that the CPD includes the executive branch and opposition parties to the exclusion of the ruling RHDP coalition. At the same time, opposition parties other than the FPI complain that the CPD is not an effective forum for dialogue as its decisions do not "stick." Some CPD members wished the dialogue was facilitated by a neutral facilitator or organization that would also monitor implementation of agreements reached.

The FPI prefers the holding of open debate in an "états généraux" forum, focused on the last 10 years of crisis, while the government is skeptical of such large gatherings that in the past have lacked follow-up on recommendations. Moreover, some political leaders would like to avoid "polarizing political debate" in the country by focusing only on resolving mutual grievances between the FPI and the RDR. In the view of many members of the RHDP coalition, "the real issue in 2010 was not the credibility of the elections, but that the losing party did not accept the outcome."

ii.) *Composition of the restructured CEI:* While all interlocutors agreed on the need for restructuring the CEI, opinions varied widely on the ideal composition of the reformed CEI. Some interlocutors argued for a CEI managed by technocrats, including civil society representatives, and with no political party representation. In contrast, most party leaders indicated mistrust of civil society organizations (CSOs), described as "wolves in sheep's clothing," and would rather have a CEI constituted solely of party representatives evenly-chosen from ruling and opposition coalitions. Yet a third group argued for a CEI with broader representation that would include political parties, CSOs, religious leaders and representatives of the public administration.

iii.) *Voter registry:* Certain political parties expressed a view that the last voter registration process and the resulting white, gray and black voters lists deliberately and unfairly disenfranchised their supporters, while others stated that the process aimed appropriately at

ensuring that ineligible people were prevented from illegally voting. These differing views led to differing assessments of how to institute an accurate voters list for the 2015 election even though all sides agreed that an accurate voter registry is needed.

iv.) Political space: Opposition parties complained about a lack of security and restrictions on their right to organize public meetings and congregate freely, especially in the regions outside of Abidjan. On the other hand, members of the ruling coalition pointed to a recent tour of multiple regions by the FPI president during which no security or administrative glitches were noted. The delegation also heard complaints of public media outlets whose coverage was biased against the opposition, as well as across the board criticism of the media outlets affiliated with political parties for exacerbating tensions.

v.) Fair treatment of innocent leaders of opposition parties: The delegation heard complaints that blanket freezing of personal bank accounts of former Gbagbo government officials and FPI leaders penalized innocent individuals and prevented effective political organizing. Many interlocutors asked for increased transparency in ongoing investigations. According to government sources, frozen bank accounts are justified by ongoing investigations into illicitly acquired funds, especially following the raid on the Central Bank and the emptying of its coffers during the post-election crisis. Everyone seemed to agree, however, that the legal process should be expeditious and those at fault be prosecuted, with full protection of their legal rights, while those who are innocent should be allowed access to their accounts for their own well-being and so that they can to support their political activities.

vi.) Disarmament, Demobilization and Reinsertion (DDR) and its impact on elections: Some government sources maintained that the DDR was proceeding as planned and over 20,000 of approximately 66,000 irregular forces had already been demobilized and reintegrated into other sectors of society.⁹ Some opposition parties complain, on the other hand, that the FRCI is tracking the political opposition, and that *dozos* (traditional hunters who

fought alongside pro-Ouattara forces) have taken over police functions in some regions, intervening in land disputes and conducting arbitrary arrests. Opposition leaders are concerned that “irregular forces” (*dozos* and ex-combatants who have not been disarmed) could use their arms to intimidate citizens in the lead up and during the 2015 polls. Some opposition leaders are not yet convinced that the FRCI could act as an impartial and professional force to secure the 2015 election for all parties and candidates.

vii.) Polarization among civil society and political actors: Political parties expressed distrust of CSOs, seeing them as partisan and favoring one political camp or the other.¹⁰ Some parties referred to internal leadership struggles within leading civil society coalitions and their lack of effective presence outside of urban areas. At the same time, civil society leaders expressed distrust of the political parties, blamed them for exacerbating political tensions and speculated about whether they are capable of acting for the good of the nation by conducting meaningful dialogue and compromising on issues needed to move to elections and out of ongoing crises.

viii.) Constitutional reform: While this is a broader issue than the delegation’s focus on the 2015 polls, some interlocutors expressed a need for constitutional amendments or reforms to ensure that no provisions of the 2000 Constitution, which was adopted under military rule and in a highly polarized environment, would impede the country’s modernization and political development efforts. There was specific reference to Article 35 of the Constitution, which requires that both parents of presidential candidates be Ivoirian by birth, and which remains a subject of controversy even among Ivoirians unaffiliated with any of the main political parties and/or candidates. Other interlocutors did not think that any provisions of the Constitution could impact negatively on the 2015 polls.

⁹ The UN Mission in Côte d’Ivoire (UNOCI) is tasked with assisting the government of Cote d’Ivoire in planning and executing its DDR program, including assisting with registering former combatants and verifying ex-combatant lists, the repatriation of any foreign armed groups, disposal of surrendered weapons and unexploded ordinance, and ensuring that collected weapons only be reused in accordance with the overall national security strategy to be developed by the government of Côte d’Ivoire with UNOCI assistance. For more information, see: <http://www.un.org/fr/peacekeeping/missions/unoci/mandate.shtml>.

¹⁰ Some of the mistrust derives from CSOs having issued conflicting reports on the 2010 elections.

Recommendations

5

The delegation notes that confidence in an electoral system, especially in the election management body, and the perception of fairness are as important as the letter of the law. When mistrust exists among political contestants and when doubts are raised about the fairness of the electoral system, additional safeguards must be instituted. Therefore, the following recommendations are offered in the spirit of international cooperation. They are aimed at identifying timely, concrete steps to enhance the confidence of all Ivoirians in the country's political and electoral processes.

The recommendations focus on broad and effective dialogue concerning reform and reconciliation to address: reconfiguration of the independent election commission, updating of the electoral list, and instituting confidence-building measures that would create an environment conducive to credible and peaceful elections. The recommendations take into consideration the specificities of the Ivoirian situation and comparative international experiences, including among other nascent democracies. They are based on principles of inclusiveness, transparency and accountability, all of which are essential for building public confidence.

i.) Inclusive reform process: elicit and incorporate input from civil society organizations, religious leaders within the Interfaith Forum and opposition parties to foster electoral reform.

The government should ensure that Ivoirians across the political spectrum can identify with and share responsibility for the implementation of reforms, thereby setting the stage for inclusive, credible and peaceful presidential and legislative elections in 2015 and 2016, respectively.

To render ongoing dialogue more effective, authorities and political parties should envision creating mechanisms that incorporate working groups on the urgent matters that must be addressed simultaneously, such as: composing an independent election commission, developing a credible voter registry for 2015 and

beyond, evaluating risks of and mitigating potentials for election-related violence, and ensuring that citizens receive adequate, accurate information needed to make informed political choices.

ii.) Dialogue and reconciliation: embrace dialogue and national reconciliation as a confidence-building measure and a matter of citizen responsibility, and not solely as a mission for the CDVR and other formal mechanisms.

Ivoirian media, both public and private, as well as civil society organizations should prioritize their contributions to dialogue and reconciliation. Also, Ivoirian religious leaders of all persuasions (Muslim, Catholic, Protestant, Evangelical, etc.) have formed an interfaith forum that is respected by all political parties and should be encouraged to take on a more visible role in this regard. Ivoirians could emulate the successful example of Kenya, where all sectors of society engaged in an intense campaign for peaceful elections, thereby contributing to a relatively violence-free election in 2013, five years after very violent polls that left a thousand Kenyans dead.

The Government should ensure that reconciliation measures are also taken by public entities. For example, should the National Program for Social Cohesion (*Programme National de Cohesion Sociale* – PNCS) be called upon to adjudicate and provide compensation to victims of the 2010 post-election crisis, the government should ensure that all victims and their families are compensated appropriately, irrespective of political or partisan affiliation.

iii.) Composition of revamped CEI: an impartial and effective CEI that is inclusive of all stakeholders interested in nominating commissioners, using a transparent decision making process. Should dialogue lead to a tripartite-type composition of the CEI, representation could come from civil society organizations (including professional associations and

religious bodies), political parties (in a formula that ensures fair balance between ruling and opposition sides), and relevant government agencies that could play a supportive role in the effective administration of electoral operations. Such a commission should be an improvement over the current CEI and requires an amendment to the 2001 law on the election commission.

A key challenge for every country is the impartial and effective administration of its elections, which can be understood and backed by the electoral contestants and trusted by the public. This is an urgent and immediate challenge in Côte d'Ivoire, the formula for which should be agreed through inclusive good-faith, informed and effective dialogue.

Comparative international experience confirms the view among Ivoirians that, to be effective, a reconstituted CEI must be limited to a relatively small number of commissioners. It is recommended that the number of voting commissioners be perhaps between 9 and 13. However, the country's high degree of polarization and history makes many stakeholders feel that they can only trust a CEI on which they have a seat, which would drive up the number of commissioners. Where election commissions include large numbers of members, however, they typically are forced to choose an executive committee, which also poses issues of inclusiveness and trust, as it wields much of the commission's powers.

There is more than one way to balance these concerns as long as dialogue leads to agreement. One way is to comprise a commission with a limited number of voting members and then others who have a right to join debate but who do not have a vote. A similar approach is to comprise a relatively small election commission and require that it allows political party agents (and others) to attend its meetings and offer questions and advice. Related to effectiveness and the ability to act impartially is the criterion for qualifying as a CEI member and the capacity in which a commissioner serves. Selection criteria should require that commissioners be noted for honesty and integrity, be knowledgeable of electoral matters and be experienced in conducting and/or overseeing complex and time-sensitive administrative processes.

Once nominated and confirmed, commissioners should serve in their personal capacities and not as representatives of political parties, government agencies or organizations, irrespective of who or which entities have the power to nominate and appoint election commissioners. They should not be removable from office before the end of their terms unless legally

defined cause is demonstrated and a process with legal protections before an impartial tribunal confirms the cause. The CEI also should be financed directly, rather than through a ministry, and should be provided with timely, adequate resources to conduct credible electoral processes. These measures would promote and protect politically impartial, independent action by the CEI.

Best international practice argues for checks and balances in election commission appointment that can be obtained through open nominations, public review, or supermajority requirements to ensure governing and opposition party approval. However, it is possible to empanel an impartial and effective election commission even without such safeguards if nominations are the result of politically inclusive, good-faith and transparent deliberations.

It is also recommended that the CEI chairman or chairwoman be selected by a process that embodies broad consensus of political parties and civil society, which could be done by appointment to the CEI after public discussion or by a supermajority vote of the CEI commissioners. Either would likely produce a chair in whom electoral contestants and the public have confidence.

The number of CEI members from government and the governing party should not constitute an overwhelming majority, so as to maintain a fair balance within the institution of the Commission. The government should strive for an equal representation of women on the CEI.

Once restructured, the CEI should institutionalize a process for regular communications and information sharing on all phases of the electoral process, including voter registration, matters related to the voter rolls, the campaign period, election day activities and post-election administration. This should include using modern tools of communication such as the website (to be regularly updated) and social media to facilitate access to information on the elections for all Ivoirians. In addition, establishing political party liaison committees at national and subnational levels, as has been employed effectively in Kenya and numerous other countries, would likely be effective in improving communication and providing a venue to mitigate potentials for election-related violence. For example, in Kenya, communication between political party leadership and the electoral commission was facilitated during the reform process through the creation of Political Party Liaison Committees (PPLC) in the capital city and in each of the 47 counties. The PPLCs provided a venue for regular dialogue on contentious issues during the constitutional referendum and the 2013 electoral process.

iv.) New voter registration: take immediate steps to develop a voter registry in which there is public confidence. The preliminary 2015 voter registry should be completed far enough in advance to allow public inspection of voters lists and corrections of errors. The preliminary and final 2015 voter registry should also be made available free of charge to political parties and interested civil society organizations in an electronic format that allows for easy verification of accuracy and supports their efforts to ensure that eligible voters are included on the voters lists.

Voter registration is at the heart of electoral integrity and the center of electoral controversy in Côte d'Ivoire. For confidence to be established in the voter registry, an inclusive dialogue is needed concerning the appropriate process for creating the 2015 lists. Transparency and accountability in doing so are key.

For example, if the voter registry used in 2010 is to be the starting point for the 2015 registry, it – including the white, gray and black lists – should be promptly made available to the parties and civil society for independent analysis. If a new voter registration process is to be conducted, then party and civil society observation of the process would be required, which could be done in conformance with established methodologies. Broad public education, including campaigns aimed at youth, women and other populations that are often marginalized in elections, should be conducted in all relevant languages and media.

The current census process will produce population data that is important for evaluating whether certain population groups (such as youth, women, older persons or likely eligible voters from various geographic areas) are properly represented on the 2015 voter registry. The census data should be made available in a timely manner for those and other purposes.

Voter registration processes, the voter registry and voters lists in Côte d'Ivoire should be developed in manners that are economically sustainable, transparent, and controlled by Ivoirian authorities. This is a matter of public policy that itself merits dialogue. Voter registration could be the responsibility of the CEI or of another entity, and it could allow for systematic enrollment of voters on an annual basis. Such a disposition would encourage greater citizen involvement in political processes, especially among the youth, and would also normalize voter registration to avoid a political crisis around the voter registry on the eve of national elections.

v.) Freedom of association for political parties and responsibility to contribute to national cohesion: take

measures to guarantee that all political parties enjoy their constitutional right to free association in all parts of the country.

In furtherance of civil and healthy political discourse, party leaders and their supporters should also take the responsibility to conduct themselves in ways that contribute to national reconciliation and national cohesion. They should revive the political party code of conduct that was signed by all parties in 2008, and agree on ways to enforce the provisions of the code through inter-party liaison committees in all parts of the country.

vi.) Public funding of political parties: amend the law on public funding for political parties to include as a criterion performance in the first round of the most recent presidential elections beyond a reasonable threshold, such as 5 or 10 percent.

Such an amendment would institutionalize benefits that could flow to opposition parties not represented in the National Assembly or local councils, and also provide an incentive for participation in future presidential elections. Performance in the last legislative and local elections is part of the funding calculus; however, recognizing party performance in the last presidential poll captures the political reality at that time. Under the present circumstances, such an amendment creates a legal mechanism to provide equitable public funding to both ruling and opposition parties.

vii.) Unfreezing of assets of political leaders: complete expeditiously ongoing investigations regarding the assets of some political parties and their leaders.

These investigations should allow citizens to benefit from the protections of the law such that the accounts and properties of innocent individuals could be unfrozen. At the same time, individuals charged with financial crimes should be prosecuted with full protection of their rights according to Ivoirian law in order to render justice and to avoid perceptions of political persecution.

viii.) Election security: continue to speed up the DDR process to ensure that no irregular forces are operational in the country leading up to and during the 2015 election.

The government should take concrete steps to ensure that security around elections during all phases of the electoral process is provided by professionally trained members of the national security services (police and gendarmerie), and only in exceptional cases by the FRCI. If needed, special units could be specifically trained to guarantee security around the electoral process. A

specific request should be made to the United Nations Security Council not to withdraw all peacekeeping forces from Côte d'Ivoire before the 2015 polls and, based on an updated assessment of the potential for violence, possibly increase the force during the voting period.

ix.) Civic participation and heightened role for CSOs in elections: *make resources available to Ivoirian CSOs and religious bodies to conduct robust civic and voter education campaigns and to monitor all aspects of the electoral process.*

The government of Côte d'Ivoire should consider the experience from other countries such as Ghana and Nigeria that have established publicly funded institutes responsible for civic and voter education. In Ghana, the National Commission for Civic Education (NCCE) is constitutionally mandated to educate Ghanaians on the constitution and create awareness on civic rights and responsibilities. More recently, Nigeria established the Electoral Institute as a center of excellence within the Independent National Election Commission (INEC) with responsibility for electoral research, knowledge management, voter outreach and education. Development partners should be encouraged to provide additional technical assistance and resources in this area.

x.) Innovative election programming: *Ivoirian civil society should seriously consider ways of working collaboratively on new programs that can enhance citizen participation in the elections and confidence in their outcomes, which in turn can mitigate potentials for election-related violence.*

Such programs could include conducting a *parallel vote tabulation* (PVT). A PVT, also known as a “quick count” and by other names, is a proven election observation methodology that has been used in 46 countries, including nine in Africa, over the last two decades. PVTs are conducted by nonpartisan citizen monitoring groups and political parties to accurately characterize the quality of voting and counting processes and to independently verify official results by projecting what the valid election outcome should be, based on systematic direct observations by trained monitors in a representative sample of polling places and the collection of official election results at polling sites. PVTs serve to promote the integrity of elections, build confidence in electoral results and detect and analyze the impact of problems and fraud where they occur. PVTs have been conducted as part of recent election integrity efforts in nine African countries, including Ghana, Kenya, Nigeria, Senegal and Zambia.

Multipartisan panel discussions and candidate debates over national radio and television could help change the image that “the country is still in armed conflict” by showing that political opponents can disagree amicably over issues of national interest. Debates also push parties to develop platforms such that electoral competition stays more focused on issues and less on personalities. Other civil society activities, such as antiviolence civic campaigns and violence monitoring (conducted successfully for Kenya’s 2013 elections), systematic observation of pre-election processes, such as voter registration verifications, also contribute to enhanced participation, public confidence and electoral violence prevention.

Appendices

6

APPENDIX A: LETTER OF INVITATION

MINISTÈRE D'ÉTAT,
MINISTÈRE DE L'INTÉRIEUR
ET DE LA SÉCURITÉ

REPUBLIQUE DE CÔTE D'IVOIRE
Union – Discipline – Travail

CABINET

1 199 /MEMIS/CAB/

Abidjan, le 31 OCT. 2013

A Monsieur Kenneth Wollack
President
National Democratic Institute for International Affairs (NDI)
455 Massachusetts Avenue, N.W.
Washington DC, 20001
USA.

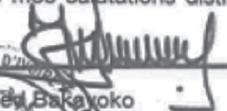
Monsieur le Président,

Monsieur Dans le cadre du suivi des questions évoquées lors de l'audience que Son Excellence Monsieur Alassane Ouattara, Président de la République de Côte d'Ivoire a accordée à Monsieur Christopher Fumonyoh, directeur régional Afrique du National Democratic Institute (NDI), je viens, par la présente, confirmer l'accord du Gouvernement pour l'envoi d'une mission de votre organisation en Côte d'Ivoire dans le cadre des préparatifs de la prochaine élection présidentielle prévue en octobre 2015.

Le Gouvernement voudrait compter sur l'expertise et la grande expérience du NDI pour procéder, efficacement, au renforcement des capacités des structures électorales et à l'adoption de mesures visant à consolider la bonne gouvernance. Comme Son Excellence Monsieur le Président de la République n'a de cesse de l'exprimer, il souhaite que les prochaines élections continuent d'être dignes des standards en vigueur dans les nations démocratiques.

Le Gouvernement sera ouvert à vos suggestions et autres recommandations dans le cadre d'une démarche inclusive.

Je vous prie d'agréer, Monsieur le Président, l'expression de mes salutations distinguées.


Hamel Bakayoko


MINISTER OF STATE
MINISTRY OF THE INTERIOR

REPUBLIC OF CÔTE D'IVOIRE
UNION-DISCIPLINE-WORK

Abidjan, October 31, 2013

Mr. Kenneth D. Wollack

President

National Democratic Institute (NDI)

455 Massachusetts Avenue, NW 8th Floor

Washington DC 20001-2621

U.S.A.

Mr. President,

To follow up on the issues raised during the meeting between His Excellency, Mr. Alassane Ouattara, President of the Republic of Côte d'Ivoire and Christopher Fomunyoh, Senior Associate for Africa and Regional Director at the National Democratic Institute, I hereby confirm the Government's request for an NDI mission to travel to Côte d'Ivoire to assess preparations for the 2015 presidential elections.

The Government would like to rely on the expertise and broad experience of NDI as it seeks to strengthen the capacity of electoral structures and adopt measures that consolidate good governance. As His Excellency, the President of the Republic, has expressed continuously, he wishes for the upcoming elections to meet the standards of democratic nations.

The Government would welcome your suggestions and recommendations as part of its inclusive approach.

Sincerely yours,

Signed: Hamed Bakayoko

Minister of State

APPENDIX B: BIOGRAPHIES OF DELEGATES

The Right Honorable Joe Clark was elected Prime Minister of Canada in 1979 and served until 1980. He later served as Secretary of State for External Affairs (Foreign Minister) from 1984 to 1991, and then as Minister of Constitutional Affairs; as such he presided over complex negotiations that resulted in the unanimous agreement of all provinces, territories and the national government. Mr. Clark served twice as Opposition Leader in Parliament, and for ten years as the National Leader of the Progressive Conservative Party of Canada. He was elected eight times to the House of Commons of Canada, retiring in June 2004. Mr. Clark is Vice-Chairman of the Global Leadership Foundation, has served as Special Representative of the Secretary-General of the United Nations for Cyprus and has led or co-led election observation missions to Mexico, the Dominican Republic, Cameroon, the Democratic Republic of Congo, Nigeria and Lebanon.

The Honorable Brian Atwood recently returned to the Humphrey School of Public Affairs at the University of Minnesota where he was appointed Dean in October 2002 after serving two years as chairman of the Development Assistance Committee (DAC), a permanent forum of the Paris-based Organization for Economic Cooperation and Development (OECD). After leading the transition team at the State Department for the Clinton Administration, Mr. Atwood served as Under-Secretary of State for Management, and later served for six years as Administrator of the U.S. Agency for International Development (USAID). During the Carter Administration, Mr. Atwood served as Assistant Secretary of State for Congressional Relations and later as Dean of Professional Studies and Academic Affairs at the Foreign Service Institute from 1981 to 1982. Mr. Atwood was president of the National Democratic Institute for International Affairs (NDI) from 1986 to 1993 and currently serves on its Board of Directors. In 2001, Mr. Atwood served on UN Secretary General Kofi Annan's Panel on Peace Operations. Mr. Atwood joined the United States Foreign Service in 1966 and served in US embassies in Côte d'Ivoire and Spain. Mr. Atwood holds a bachelor's degree in government and history from Boston University and received an Honorary Doctorate of Laws from American University in 1994.

Professor Anne Deysine is a tenured Professor at Paris X, Nanterre University, where she is Director of the Master's Program on International Business and Cross Cultural Negotiation. She has taught in various European and US institutions and now co-directs an ABA-accredited summer program on comparative law created in 2005 with GGU Law School in San Francisco. Professor Deysine was Vice President for International Relations at Paris X, Nanterre University from 1998 to 2003, and has now been President of

the US/French consortium of academic cooperation, Micefa, since 2002. In the past decade, Professor Deysine has been on many NDI missions to African countries including Côte d'Ivoire, Mali, Nigeria and Sierra Leone. She is a regular guest contributor on various French radio and Television programs, such as Europe 1, RFI, LCI, France 5, LCP and France 24. Professor Deysine received her Juris Doctor from the Paris II Law School and her Ph.D. on comparative Campaign Finance from the University of Paris. She also has a master's degree in American Studies and is a graduate of Paris Institut d'Etudes Politiques.

The Honorable Charles Djrekpo is a former Member of Parliament in Benin, serving for two consecutive terms from 1991 to 1999. During his first term, Mr. Djrekpo was the Vice-Chair of the Legal, Administrative and Human Rights Commission in Parliament for three months and subsequently elected as chairman, a role he kept throughout his elected term. During his second term, he was elected as chairman of the Alternance Démocratique parliamentary group. As evidenced through his many publications and conference presentations, Mr. Djrekpo is respected for his expertise on electoral processes, and was appointed chairman of the Beninese Electoral Commission during the 2001 presidential elections. Mr. Djrekpo headed NDI's office in Côte d'Ivoire from January 2008 through December 2012. Prior to that, he was head of NDI's legislative programs in the Democratic Republic of Congo (DRC) in 2006 and 2007. He also served as NDI's senior advisor in Mauritania. Mr. Djrekpo was a law professor at the University of Abomey Calavi in Benin for more than 10 years, with specializations in administration, electoral law and social legislation. Mr. Djrekpo holds a Doctorate Degree in Law and is the recipient of numerous awards including the Officer of the National Order of Benin, and the Commander of the National Order of Benin.

Dr. Christopher Fomunyoh is currently the Senior Associate and Regional Director for Central and West Africa at NDI. He has organized and advised international election observation missions to Benin, Cameroon, Central African Republic, Côte d'Ivoire, Ethiopia, Ghana, Liberia, Madagascar, Mali, Nigeria and Sierra Leone. He has also designed and supervised country specific democracy support programs with civic organizations, political parties and legislative bodies throughout the continent. Dr. Fomunyoh designed and helped launch the African Statesmen Initiative (ASI), a program aimed at facilitating political transitions in Africa by encouraging former democratic heads of state to stay engaged in humanitarian issues, conflict mediation, and public health. Dr. Fomunyoh is an adjunct faculty member at the African Center for Strategic Studies and a former adjunct professor of African Politics and Government at Georgetown University. Dr. Fomunyoh holds a *Licence en Droit* from

Yaoundé University in Cameroon, a master's degree (LL.M.) in international law from Harvard Law School and a Ph.D. in political science from Boston University.

The Honorable Fernando Marques da Costa was the Chief Political Advisor to the President of Portugal after an enriching career as a Member of the Parliament of Portugal from 1991 to 1995. At various times, Mr. da Costa held positions within the Socialist Party of Portugal as International Secretary, Deputy for Political and Electoral Strategy, member of the Board of Research Cabinet, member of the National Council and the Political Committee, National Secretary and Spokesman of the Party and member of the Board of Managers for Electoral Campaigns. Mr. da Costa is the author of several books and articles on Portuguese contemporary history. He has participated in NDI missions to many African countries including Senegal, Côte d'Ivoire and Angola.

Pat Merloe is the Senior Associate and Director of Electoral Programs at NDI and thus oversees NDI's election-related activities worldwide. Mr. Merloe has participated in over 150 international election observation missions to more than 65 countries, concentrating on conflict-sensitive states and countries that are vulnerable to authoritarian rule. He has authored a dozen publications on comparative law, human rights and elections. In 2007, Mr. Merloe served as the principal drafter and negotiator of the Declaration of Principles for International Election Observation, which is endorsed by 47 international organizations, and frequently cited in UN General Assembly resolutions. He worked regularly with United Nations agencies, intergovernmental organizations, international human rights and domestic organizations concerned with democracy, human rights and the rule of law to craft international norms and standards of best practices. Mr. Merloe teaches courses at the University of Pennsylvania Law School, the University of San Francisco School of Law and the University of the District of Columbia School of Law. Mr. Merloe received his J.D. from the University of Pennsylvania, conducted graduate work at the Institute for Policy Studies, Washington, D.C. and earned his undergraduate degree at Temple University.

Dr. Sophia Moestrup is the Deputy Director for Central and West Africa at the National Democratic Institute (NDI). She has worked for NDI since 2005 on the design and implementation of democracy support programs in the region. Prior to joining NDI, Dr. Moestrup spent six years in Francophone Africa, working for the United Nations in Cameroon, and for the Danish International Development Agency (DANIDA) in Niger where she served as Country Representative. She has been a consultant for the World Bank on public expenditure management and social accountability issues, authoring a number of chapters for the World Bank's Social Accountability Sourcebook. Dr. Moestrup has co-edited three books on semi-presidentialism. She is fluent in English, French, Italian and Danish. Dr. Moestrup holds B.A and M.A. degrees in Economics from the University of Copenhagen, and a Ph.D. in political science from the George Washington University.

APPENDIX C: NDI DELEGATION MEETINGS

i.) GOVERNMENT

Presidency

His Excellency Mr. Alassane Ouattara, President of the Republic of Côte d'Ivoire

- Mr. Amadou Gon Coulibaly, Minister of State, Secretary-General, Presidency of the Republic
- Mr. Ahoussou Kouadio Jeannot, Minister of State, Presidency of the Republic
- Mr. Sidi Touré, Chief of Staff to the President of the Republic
- Ms. Masséré Touré, Communications Advisor, Presidency of the Republic

Ministry of Interior and Security

- Mr. Hamed Bakayoko, Minister of State, Minister of Interior and Security
- Mr. Bamba Cheikh Daniel, Former Minister, Chief of Staff to the Minister of State
- Mr. Koffi Ephrem, Director General of Decentralization and Development
- Mr. Konaté Djakalidia, Deputy Director General of Territorial Administration
- Mr. Gogone-Bi Botty Maxime, Administrative Director

ii.) NATIONAL ASSEMBLY

- Hon. Sako Sarah Fadiga, First Vice President of the National Assembly
- Hon. Trazéré Olibé Célestine, Vice President of the National Assembly
- Hon. Silué Kagnon, Vice President of the National Assembly
- Hon. Diawara Mamadou, Chairman, Commission for General and Institutional Affairs (Commission Affaires Générales et Institutionnelles – CAGI)
- Hon. Salé Poli, Vice President of the CAGI
- Hon. Boni Joseph Henri, Secretary to the CAGI
- Hon. Imbassou Ouattara Abbas, Deputy Rapporteur of the CAGI
- Hon. Tanau Yao Bruno
- Hon. Sery Pascal
- Hon. Assoumou Méa Eugène

iii.) INDEPENDENT ELECTORAL COMMISSION (COMMISSION ELECTORALE INDEPENDENDANTE - CEI)

- Mr. Youssouf Bakayoko, CEI President
- Mr. Koné Sourou, Vice President
- Mr. Diomandé Inza, Deputy Permanent Secretary
- Mr. Diabaté Souleymane, Chief of Staff to the CEI President
- Mr. Adou Antoine, Special Advisor to the CEI President

iv.) CONSTITUTIONAL COUNCIL

- Professor Francis Vanga Wodié, President of the Constitutional Council
- Professor Ouraga Obou, Advisor
- Mr. Guei François, Advisor
- Professor Sarassoro Hyacinthe, Advisor, Alternate to the President
- Magistrate Ebah Suzanne, Advisor

v.) POLITICAL PARTIES

a) Ruling coalition

Rally of the Republicans (Rassemblement des Républicains - RDR)

- Hon. Amadou Soumahoro, Former Minister, Acting Secretary General of the RDR, President RDR Parliamentary Group
- Mr. Joel N'guessan, Minister and Chief Spokesperson
- Hon. Karamoko Yayoro, Deputy, Youth Chairman of the RDR
- Ms. Touré Aya Virginie, President of the RDR Women's wing
- Mr. Dominique Adié, Advisor to the Secretary General
- Mr. Vamé Touré, Chief of Cabinet to the Secretary General
- Mr. Odje Tiakoré Joseph, Deputy Spokesperson
- Mr. Patrick Lou, Secretariat staff

Democratic Party of Côte d'Ivoire – African Democratic Rally (Parti Démocratique de Côte d'Ivoire du Rassemblement Démocratique Africain – PDCI-RDA)

- Professor Maurice Kakou Guikahué, Executive Secretary
- Mr. Adiko François, Executive Secretary, Director of Elections
- Professor Lenissongui Coulibaly, Executive Secretary in charge of Branch Relations, Chief of Staff to the PDCI-RDA President
- Mr. Ebrotié Emile, Advisor to the President, Communications Director

Union for Democracy and Peace in Côte d'Ivoire (Union pour la Démocratie et la Paix en Côte d'Ivoire – UDPCI)

- Mr. Albert Toikeusse Mabri, Minister of State, UDPCI President
- Mr. Tchagba Bougui Laurent, Secretary General
- Hon. Dely Mamadou, UDPCI parliamentary group President, First Assistant Secretary General
- Mr. Albert Flindé, Vice President
- Mr. Jean Blé Guirao, Vice President
- Mr. Woï Messé, Vice President
- Mr. Ourega Bernard, Vice President
- Mr. Yao Séraphin, Assistant Secretary General
- Ms. Kouakou Marcelle, Assistant Secretary General
- M Dohoun Gabriel, Member of the Party Executive

Movement of the Forces of the Future (Mouvement des Forces d'Avenir – MFA)

- Mr. Anaky Kobena, Former Minister, MFA President
- Hon. Moutayé Anzoumana, Vice President
- Professor Angui Tehua Pascal, Secretary General
- Mr. Kpanhi Koffi Simeon, Assistant Secretary General
- Mr. Fofana Yaya, Special Advisor to the President
- Mr. N'Guéttia Judicael, President of the MFA's Youth Wing
- Ms. Koffi Yaoua Cinthia, Vice President of the MFA's Women's Wing
- Mr. Key Jonas Gary, Coordinator of Branches and Elections
- Mr. Anguy Souleymane, Director of Operations

b) Opposition

Ivoirian Popular Front (Front Populaire Ivoirien – FPI)

- Mr. Pascal Affi N'Guessan, Former Prime Minister, FPI President
- Mr. Michel Amani N'Guessan, Former Minister, Vice President
- Ms. Marie-Odette Lorougnon, Vice President
- Professor Sébastien Djédjé Dano, Former Minister, Vice President
- Mr. Laurent Akoun, Secretary General
- Mr. Ettien Amoikon Henri, Former Minister, Assistant Secretary General
- Mr. Alcide Djédjé, Former Ambassador, Advisor to the President

Democratic Liberty for the Republic (Liberté et Démocratie pour la République – LIDER)

- Professor Mamadou Koulibaly, President
- Ms. Nathalie Yamb, Executive Advisor

League of Movements for Progress (Ligue des Mouvements pour le Progrès – LMP)

- Mr. Gervais Coulibaly, CAP-UDD President
- Ms. Henriette Lagou, RPC-Paix President
- Ms. Tia Monné Bertine Sylvie-Aude, UDT-CI President
- Mr. Kabran Appia, Former Minister, MNC-Alternative President
- Ms. Boété Laurette, CAP-UDD Secretary General

Platform for Action for Peace and National Unity (Agir pour la Paix et la Nation – APN)

- Ms. Danielle Boni Claverie, URD President, (First Vice President APN)
- Mr. Ehouman Gilbert, URD Secretary General
- Mr. Gbamenin Bi Tra, UDP President
- Mr. Kouahoh Pierre Magloire, UDP Vice President
- Mr. Niava Henri, USD External Relations Secretary
- Mr. Kouahoh Pierre Magloire, UDP Vice President

Rally for Peace, Progress, and Sharing (Rassemblement pour la Paix, le Progrès et le Partage – RPP)

- Mr. Ouattara Gnonzié, Secretary General
- Professor Ganin Bertin, Assistant Secretary General
- Mr. Koffi Angaman Jean Baptiste, Vice President

Citizen's Democratic Union (Union Démocratique et Citoyenne – UDCY)

- Mr. Bodoua Affoua, First Vice President
- Mr. Gnanzi Anicet, Secretary General
- Mr. Max Bolou, Member of the Executive Committee
- Mr. Magloire Teti Keke, Political Advisor
- Mr. Paul Arnaud, Political Advisor

People's Rally of Côte d'Ivoire (Rassemblement du Peuple de Côte d'Ivoire – RPCI)

- Mr. Kouï Théophile, Vice President, RPCI
- Mr. Die Mouhon Maurice, Assistant Secretary General, RPCI

Ivoirian Workers Party (Parti Ivoirien des Travailleurs – PIT)

- Dr. Ahizi Aka Daniel, President
- Mr. N'goulet Kouamé, Secretary General
- Mr. Asket Siméon, Vice President
- Ms. Minata Kone Zie, National Secretary, Director of Elections
- Mr. Andoble-Yao Antonin, Principal Advisor to the President
- Mr. Touré Kpangnou Geneviève, National Secretary of Finance
- Mr. Ntam Aka Maurice, Director of the Office of the President
- Dr. Kobi Joseph, National Secretary of Communication
- Mr. Aka Kouakou, National Secretary of Training
- Mr. Rabet Stéphane, Protocol Officer

vi.) CIVIL SOCIETY

- Mr. Bosson Jean, Projet leader, Ivoirian Civil Society Convention (*Convention de la Société Civile Ivoirienne – CSCI*)
- Mr. Bamba Sindou, Project Coordinator, Network of Ivoirian Actors for Human Rights (*Regroupement des Acteurs Ivoiriens des Droits Humains – RAIDH*)
- Mr. Fofana Souleymane, Program Officer, Network of Ivoirian Actors for Human Rights (*Regroupement des Acteurs Ivoiriens des Droits Humains – RAIDH*)
- Mr. Drissa Soulama, Acting Coordinator, West African Civil Society Forum (*Forum de la Société Civile de l'Afrique de l'Ouest section Côte d'Ivoire – FOSCAO*)
- Mr. Adjoumani Pierre, Project Coordinator, Civil Society Coalition for Peace and Development in Côte d'Ivoire (*Coalition de Société Civile pour la Paix et le Développement Démocratique en Côte d'Ivoire – COSOPCI*)
- Ms. Geneviève Diallo-Sissoko, President, Women's Network for Peace and Security in West Africa (*Réseau paix et sécurité pour les femmes dans l'espace CEDEAO section Côte d'Ivoire – REPSFECO*)
- Dr. Marie-Paule Kodjo, President, Women's Coordination for Elections in Côte d'Ivoire and the Post-Crisis Reconstruction (*Coordination des Femmes de Côte d'Ivoire pour les Elections et la Reconstruction Post-Crise – COFEMCI-REPC*)
- Mr. Fofana Mamadou, Program Officer, West Africa Network for Peace-Building-Côte d'Ivoire (*Réseau Ouest Africain pour l'Edification de la Paix section Côte d'Ivoire – WANEP-CI*)

- Mr. Julien Fernand Gauze, President, Working for Democracy, Justice and Liberty in Côte d'Ivoire (*Agir pour la Démocratie, la Justice et la Liberté en Côte d'Ivoire – ADJL-CI*)

vii.) RELIGIOUS FAITHS

- Reverend-Pastor Ediérou Blin Jacob, President, National Interfaith Forum of Côte d'Ivoire (*Forum National des Confessions Religieuses de Côte d'Ivoire*)
- Imam Koné Ibrahim, Secretary General, National Inter-Faith Forum of Côte d'Ivoire
- Paramount Chef Moise Ejikunle, member, National Interfaith Forum of Côte d'Ivoire
- Imam Youssouf Konaté, First Assistant in charge of civil society, youth, sports, and leisure, Superior Council of Imams (*Conseil Supérieur des Imams – COSIM*)
- Pastor Tanoh Kakou Salomon, Seventh Day Adventist Church, Leader of District 3 in Abidjan
- Father Obrou Augustin, Catholic Church

viii.) OTHER PROMINENT IVOIRIAN FIGURES

- Mr. Ba Ibrahima, Director General, National Institute of Statistics (*Institut National de la Statistique – INS*)
- Mr. Syndou Diomande, Director of Information and Technology, National Institute of Statistics (*Institut National de la Statistique – INS*)
- Mr. Djobo Esoh Benjamin, Director General, National Identification Office
- Professor Honoré Guié, Former President of the Independent Electoral Commission (2000)

ix.) UNITED NATIONS OPERATION IN COTE D'IVOIRE (OPERATIONS DES NATIONS UNIES EN COTE D'IVOIRE – ONUCI)

- Mr. Arnauld Akodjenou, Deputy Special Representative (DSRSG)
- Ms. Edith Oyulu, Political Affairs Division
- Ms. Kaurai Adélaïde, Lawyer, Human Rights Division

APPENDIX D: BACKGROUND ON PRESIDENTIAL ELECTIONS IN THE MULTI-PARTY ERA

1990 AND THE UNEVEN PLAYING FIELD

Côte d'Ivoire abandoned its single-party political system in May 1990 in the wave of democratization efforts across the sub-region. Then-president Félix Houphouët-Boigny allowed opposition parties to form, but did little else to provide a level playing field for political candidates prior to the national elections five months later. The presidential election of that year was conducted by Houphouët-Boigny's interior minister. The main opposition candidate was Laurent Gbagbo, who had organized the *Front Populaire Ivoirien* (FPI) while in exile in Paris and had been an advocate of the "restoration" of multi-party democracy in Côte d'Ivoire. According to official results, Gbagbo obtained less than 20 percent of the vote, although the FPI claimed that results on some tally sheets had been altered to downplay support for Gbagbo. In legislative elections that same year, Gbagbo won a parliamentary seat; and the FPI became the minority party in parliament. Upon Houphouët-Boigny's death in 1993, then-President of the National Assembly Henri Konan Bédié became head of state.

1995 AND THE ACTIVE BOYCOTT

Between assuming the presidency and the 1995 elections, Bédié advanced the nationalist doctrine of *Ivoirité* or "Ivoirianness." Presented as an effort to unify the country by emphasizing common attributes of citizenship, *Ivoirité* had a profoundly divisive effect on Ivoirian society. It also diminished the country's economic prowess, which had been built largely on Houphouët-Boigny's open and pan-African approach to immigration that brought migrant workers from various countries in West Africa to work in Ivoirian coffee and cocoa fields and in Abidjan's growing commercial sector. *Ivoirité* particularly raised tensions regarding land tenure between immigrants that farmed the land and traditional owners of such properties. It divided immigrants (and Ivoirians of northern origin, many of whom carry the same names as immigrants from the neighboring countries of Burkina Faso, Mali and Guinea) from Ivoirians with ethnic

backgrounds from the southern and western parts of the country. These divisions overlapped with religious affiliations, as Ivoirians in the north are majority Muslim, while those in the south are predominantly Christian.

Preparations for the 1995 presidential election also coincided with the launching of the *Rassemblement des Républicains* (RDR), led by reformers who splintered from the ruling Democratic Party of Côte d'Ivoire (*Parti Démocratique de la Côte d'Ivoire* – PDCI). The RDR nominated former Prime Minister Alassane Ouattara to be its presidential candidate in 1995. Concerned about the PDCI's lack of commitment to transparent elections, the FPI and RDR formed an electoral alliance, the Republican Front (*Front Républicain* – RF). They insisted on improvements to the electoral process, such as providing transparent ballot boxes, allowing party agents to observe the tabulation of election results at all levels, and creating an independent electoral commission to replace the interior ministry as the organizer of elections.

In promoting *Ivoirité*, Bédié also pushed through changes to the election code that required candidates to prove that both of their parents were Ivoirian and barred candidates who had not lived in Côte d'Ivoire for five years prior to election day. These provisions clearly targeted Ouattara who, shortly after Bédié became president in 1993, became deputy managing director of the International Monetary Fund (IMF) based in Washington, D.C. Another law imposed criminal liability on political party leaders for any destruction of property or violent demonstration by their supporters. Political space continued to shrink.

In protest against the changes to the election code and the government's failure to address key demands, such as the creation of an independent election commission, the Republican Front called for an "active boycott" of the election. The RF leaders urged their supporters to abstain from voting and to organize protests that would restrict the possibility of other voters from casting ballots on election day. This led to a chaotic election

environment. In the absence of his two main opponents, Bédié won handily, defeating the Ivoirian Workers' Party (*Parti Ivoirien des Travailleurs* – PIT) candidate, Francis Wodié. Both the FPI and RDR won seats in the subsequent National Assembly elections, but were underrepresented compared to their anticipated bases of support. Bédié stayed in power another four years until he was ousted in a coup in 1999.

2000 AND THE PEAK OF EXCLUSIONARY ELECTION POLITICS

By the late 1990s, the country's economy continued to decline, as did Bédié's hold on power. *Ivoirité* had raised social tensions and fueled conflicts over land, as jobs became scarcer and living conditions continued to deteriorate.

In late December 1999, a group of soldiers overthrew Bédié. General Robert Guéï, who had famously resisted instructions to intervene in the 1995 active boycott, quickly agreed to lead the National Public Salvation Committee that was installed as an interim government, though he claimed to have had no prior knowledge of the coup. Many Ivoirians cautiously welcomed the coup as an opportunity to address the country's political, social and economic problems. Some supporters of the opposition parties, especially the FPI and RDR, saw the coup and General Guéï's pledge to clean house, organize transparent elections, and step down as providing a new opportunity to broaden political space and citizen participation. The democratic promise of the coup, however, was short-lived.

Guéï formed a broad-based government and quickly drafted a new constitution. He then sought to extend his stay in power despite his earlier promise to serve only for a transition period, and insisted that the draft constitution retain the same conditions of eligibility that Bédié had previously used to keep Ouattara off the ballot. The draft constitution provided for the creation of an independent electoral commission, but at the same time stipulated (in Article 35) that candidates for president had to prove that both of their parents were Ivoirians by birth. The draft was approved by voters in a referendum in July 2000.

In October, 2000 the Supreme Court rejected the candidacies of Ouattara, Bédié and other leading PDCI figures. In total, 14 persons were kept off the ballot. The RDR and the PDCI urged boycotts of the election by their supporters to protest the exclusion of their candidates. The best-known candidates Guéï would face were Gbagbo and Wodié. When election results showed Gbagbo winning, the government of General Guéï dissolved the election commission and declared Guéï the winner. Street protests erupted following the announcement, forcing General Guéï to step down and to flee Abidjan as Gbagbo was installed as president. Demonstrations continued, however, as RDR and PDCI supporters wanted Gbagbo to organize new presidential elections open to all the candidates. Allegedly, hundreds of people were killed during demonstrations.

The RDR (but not the PDCI) subsequently boycotted the legislative elections. As a result, the National Assembly under Gbagbo was divided almost evenly between the FPI and PDCI, with some independents and small parties also represented. The RDR then participated in the municipal elections and won a third of all municipal councils—slightly more than the PDCI and nearly twice as many as the FPI. These local elections confirmed the RDR's significance on the national stage.

2005 AND THE FIVE YEAR DELAY

In August 2001, NDI organized a study mission for Ivoirian political party leaders to Cape Town, South Africa, where leaders discussed with their South African counterparts the challenges of reconciliation and democratic consolidation, and agreed on steps to move the peace process forward in Cote d'Ivoire. The study mission led to the formation of a "contact group" of Ivoirian political party leaders. The contact group played a significant role in a National Reconciliation forum called by President Gbagbo in October 2001, and in the resulting Yamoussoukro Forum in January 2002.

For regional elections held in 2002, all parties fielded candidates, but there was controversy over the quality of the voter registry and voter

access to polling sites. Supposedly to stop “non-Ivoirians” from voting, and alleging that some of them already had their names on the voter rolls, the authorities issued a new voter cards, but did not make them easily obtainable by citizens. Twenty percent of registered voters did not receive cards, and the RDR claimed that their supporters specifically faced delays and denials in the issuance of the cards. The party also complained that its supporters were turned away from many polling sites on election day. Although all parties participated in the regional elections, voter turnout was lower than for the legislative elections boycotted by the RDR. The results of the regional election showed the RDR received the highest vote count but won in only 10 districts, compared to 18 districts each for both the PDCI and FPI. RDR officials complained that they would have won more districts if all of their supporters had been allowed to vote. The 2002 election confirmed for many Côte d’Ivoire observers that the concept of *Ivoirité* still lingered.

In September 2002, armed rebels – the Patriotic Movement of Côte d’Ivoire (*Mouvement Patriotique de la Côte d’Ivoire – MPCI*) – seized control of the strategically important cities of Bouaké and Korhogo in the central and northern parts of the country. In the fighting that erupted during a simultaneous attack in Abidjan, General Guéi and his family were killed, while Ouattara took refuge at the residence of a foreign embassy. Ethnic violence, directed particularly at non-Ivoirians (perceived or actual), became widespread in the economic capital, Abidjan. Two new rebel groups formed in the west, claiming to seek revenge for the murder of General Guéi. By January 2003, however, all factions agreed to a cease-fire and were invited to participate in a round table discussion and peacemaking conference in Linas-Marcoussis, France.

Linas-Marcoussis brought together representatives of seven Ivoirian political parties—FPI, MFA, PDCI, PIT, RDR, UDCY, and UDPCI—and the three rebel groups to discuss a framework for peace. The outcomes indicated agreement on a power-sharing government of national reconciliation with the overall goal of leading the country toward democratic elections in 2005. The implementation of the Marcoussis Accords

proceeded in fits and starts. Although the signatories committed to supporting a “reconciliation government” program to enact provisions of the agreement through the National Assembly, legislators from the ruling FPI in particular were unwilling to do so. President Gbagbo’s frequent claims that he personally did not sign the accords and was not bound by them encouraged the National Assembly to slow or block the full implementation of the agreement. Meanwhile, the three rebel groups formed a joint entity known as the New Forces (*Forces Nouvelles—FN*).

The gridlock in implementing the Linas-Marcoussis agreement was viewed varyingly by each of the political parties. On the one hand, the RDR and FN wanted to ensure that Ouattara could be a candidate in 2005 and that all eligible Ivoirians could vote. On the other hand, many in the FPI feared that the legacy of Houphouët-Boigny’s immigration policies meant that the voter registry included many non-Ivoirians, whom they thought would vote overwhelmingly for the RDR given their party’s recent performance in municipal and regional elections. PDCI supporters were caught in the middle—they resented the exclusion of Bédié and other PDCI candidates from the last presidential election, yet some of them subscribed to *Ivoirité*, which Bédié had promoted.

With the failure of election reform legislation in the spirit of Linas-Marcoussis to pass in the National Assembly, and as the country moved closer to the 2005 presidential election, Ivoirian leaders agreed to new talks in Pretoria to be mediated by then South African President Thabo Mbeki. The Pretoria Agreement made significant progress on building consensus on a transitional election process; however, it did not resolve the question of who is Ivoirian and therefore eligible to vote. It also laid the basis for increased military cooperation between Ivoirian Forces loyal to Gbagbo and the FN, but this was linked to progress on the elections and did not provide a clear path to disarmament.

Shortly after Pretoria, Gbagbo declared his frustration with the national unity government and his preference for direct talks with MPCI and FN leader Guillaume Soro. These talks were facilitated by President Blaise Compaoré of Burkina Faso, with Bédié and Ouattara as members of the Permanent Consultative

Framework (*Cadre Permanent de Concertation – CPC*), set up to oversee implementation of the final accord. Presidential and legislative elections would be postponed until consensus was reached on the rules.

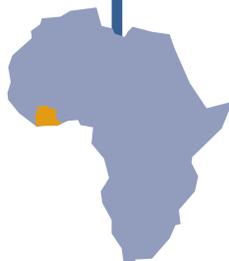
THE 2010 POLLS AND BEYOND

The 2007 Ouagadougou Accord provided a framework for voter registration and laid out a Disarmament, Demobilization and Reintegration process (DDR). The agreement also brought FN leader Guillaume Soro into Gbagbo's government as prime minister and paved the way for the adoption of UN Security Council Resolution 1765, providing a mandate for the UNSG Special Representative to certify all steps of the electoral process.

After Ouagadougou, the peace process progressed steadily, but slowly. Through a collaborative effort by the United Nations Operations in Côte d'Ivoire (UNOCI), the CEI and NDI, Ivoirian political parties negotiated and formally adopted a Political Party Code of Conduct at a high profile ceremony co-presided by President Gbagbo and UN Secretary General Ban Ki-Moon. Ivoirian parties committed to resolve political and electoral disputes through dialogue rather than violence. The code provided benchmarks against which Ivoirians and international partners would hold parties accountable for the conduct of their leaders and members during elections.

Unlike past presidential elections, all the leading candidates participated in the 2010 poll, with Henri Konan Bédié, Laurent Gbagbo and Alassane Ouattara as the major contestants of a total of 14 candidates. This competitive field raised hopes among the Ivoirian electorate and contributed to a high turnout, and colorful and well-attended campaign events. It also led to the first presidential runoff in the country's history, between Gbagbo and Ouattara who were the first and second place finishers. The UNSG's Special Representative certified this outcome of the first round election.

Before the election, the RDR, PDCI, MFA and UPDCI had formed a political coalition called the Houphouëtist Gathering for Democracy and Peace (*Rassemblement Houphouëtiste pour la Démocratie et la Paix – RHDP*), which provided for all RHDP parties to endorse one of their candidates running against Gbagbo in the event of a runoff. Bédié kept his word and supported Ouattara, though not all PDCI members followed his lead. The UDPCI and MFA also joined the coalition. In the lead-up to the runoff election, Gbagbo and Ouattara participated in a nationally-televised candidate debate during which they each pledged to accept and respect the outcome of the polls. The voting was peaceful, and the runoff was close. Election results showed Ouattara the winner with 54.10 percent of the vote. Fearful of the reaction by security forces loyal to incumbent President Gbagbo, the CEI chairman chose to announce election results at a hotel protected by UN troops that was also the headquarters of Ouattara's campaign. The next day, the Constitutional Council invalidated the CEI's announcement, claiming the CEI had taken longer than provided for in the election code to release its results. The Council also nullified election results from many areas of the country that were strongholds for Ouattara and his party. Over 597,000 votes (13 percent of total votes cast) were discarded by this decision, which reversed the election victory in Gbagbo's favor with 51.45 percent. Five days after the Council's decision, the UN Special Representative of the Secretary-General, acting under UNSC Resolution 1765 (2007), certified Alassane Ouattara as the winner, based on an independent verification of election results. Post-election violence erupted. Supporters of the two candidates vied for control of various state institutions and some officers of the military switched loyalties. Armed conflict resumed and five months later had resulted in over 3,000 deaths and a million displaced people. In April 2011, forces loyal to Ouattara captured Abidjan and arrested Gbagbo and many of his closest advisors.



APPENDIX E: RESPONSE FROM THE IVOIRIAN GOVERNMENT

MINISTÈRE D'ÉTAT,
MINISTÈRE DE L'INTÉRIEUR
ET DE LA SÉCURITÉ

REPUBLIQUE DE CÔTE D'IVOIRE
UNION - DISCIPLINE - TRAVAIL

LE MINISTRE D'ÉTAT

N° : **400** / MEMIS/CAB/

Abidjan, le **04 MAR. 2014**

Monsieur Kenneth D. Wollack
Président du National Democratic
Institute (NDI)
455 Massachusetts Avenue, NW 8th Floor
Washington DC 20001-2621

ÉTAT - UNIS

Objet : Remerciements.

Monsieur le Président,

Permettez-moi de vous remercier, au nom du Président de la République Son Excellence Monsieur Alassane Ouattara et du Gouvernement, pour la célérité avec laquelle, vous avez bien voulu dépêcher dans notre pays, une mission d'évaluation électorale de haut niveau de votre Organisation codirigée par l'ancien Premier Ministre du Canada Monsieur Joe Clark et Monsieur Brian Atwood ancien Administrateur de l'USAID. Conformément à ses termes de référence, la Mission s'est entretenue avec les partis politiques, la société civile, les institutions électorales et constitutionnelles et le Gouvernement, sur les mesures à adopter afin que l'élection présidentielle à venir marque une nouvelle étape dans la consolidation de la démocratie et de la paix en Côte d'Ivoire.

Le Gouvernement, sur instruction du Président de la République a comme vous le savez, pris d'importantes mesures en faveur de la paix, de la réconciliation nationale et du renforcement de l'Etat de droit. Ces mesures devraient contribuer, sans aucun doute, au bon déroulement du scrutin et au respect du suffrage qu'exprimera le peuple souverain de Côte d'Ivoire l'année prochaine.

Les décisions révélatrices du nouveau climat sociopolitique apaisé sont, entre autres, l'élargissement de la plupart des détenus civils et militaires de la crise postélectorale et qui ont immédiatement recouvré un emploi ; la reconduite du mandat de la Commission Dialogue Vérité ; le maintien de la Cellule spéciale d'enquête sur les violences postélectorales ; le retour massif, dans le cadre de mesures d'apaisement adoptées par le Gouvernement, des personnalités en fuite.

C'est dans ce contexte que les partis politiques de l'opposition, notamment le Front Populaire Ivoirien, a tenu sa convention politique et participe aux discussions politiques avec le Gouvernement.

Je voudrais vous assurer que les préparatifs des prochaines élections sont bien engagés et que les recommandations du NDI contribueront au renforcement de la confiance entre toutes les parties et à la transparence du processus électoral. C'est dans cet esprit que le recensement général de la population, étape majeure dans l'établissement d'une liste électorale inclusive et transparente, débutera le 10 mars 2014 et que le Gouvernement adoptera les mesures nécessaires à la tenue d'une élection présidentielle libre et démocratique.

Je vous d'agrée, **Monsieur le Président**, l'expression de mes salutations distinguées.



Hamed BAKAYOKO

MINISTER OF STATE
MINISTRY OF THE INTERIOR

REPUBLIC OF CÔTE D'IVOIRE
UNION-DISCIPLINE-WORK

Abidjan, March 4, 2014

Mr. Kenneth D. Wollack
National Democratic Institute (NDI) President
455 Massachusetts Avenue, NW 8th Floor
Washington DC 20001-2621
U.S.A.

Mr. President,

Thank you, on behalf of the President of the Republic, His Excellency Alassane Ouattara, and the Government of Côte d'Ivoire, for your promptness in sending a high-level delegation to Côte d'Ivoire, co-led by former Canadian Prime Minister, Mr. Joe Clark, and Mr. Brian Atwood, former administrator of the U.S. Agency for International Development. In accordance with its terms of reference, the mission met with political parties, civil society, members of the electoral commission, the Constitutional Council and other Government institutions to discuss steps to be taken to ensure that the next presidential elections consolidate democracy and peace in Côte d'Ivoire.

The Government, under the direction of the President of the Republic, is working to improve peace through actions that foster national reconciliation and strengthen the rule of law. These measures should undeniably contribute to peaceful and credible presidential polls to be held next year.

Decisions indicative of the newly peaceful socio-political climate have included: the release and immediate return to employment of most civilian and military detainees from the post-election crisis; the renewal of the mandate of the Commission for Dialogue, Truth, and Reconciliation; the extension of the mandate of the Special Investigative Unit on Post-Election Violence; and the return of a significant number of displaced persons as a result of peace offers made by the Government.

It is in this context that opposition parties, namely the Ivoirian Popular Front (*Front Populaire Ivoirien* – FPI), held its party convention and now take part in political dialogue with the Government.

I would like to assure you that we have begun preparations for the next elections and that NDI's recommendations will help reinforce confidence among all parties and enhancing the transparency of the electoral process. In that regard, the general census, a crucial step for establishing an inclusive and transparent electoral list, will begin on March 10, 2014, and the Government will adopt all necessary measures to hold free and democratic elections.

Sincerely,

Signed: Hamed Bakayoko
Minister of State

APPENDIX F: COMPARISON OF SELECTED AFRICAN ELECTION MANAGEMENT BODIES

A: Administration & Management					
Country	Membership		Appointing Authority	Chairman***	
1 Benin	CENA	11	President	Elected by CENA	
	Exec Cmte	3			
2 Burkina Faso	CENI	15	President	Elected by CENI	
	Exec Cmte	5			
3 Cape Verde	CNE	5	National Assembly by 2/3 vote	National Assembly by 2/3 vote; law degree	
4 Cote d'Ivoire	CEI	31	President	Elected by CEI	
	Exec Cmte	12			
5 Ghana	EC	7	President	President	
6 Guinea	CENI	25	President	Elected by CENI — must be a Civil	
	Exec Cmte	5	Society representative		
7 Kenya	IEBC	9	President and National Assembly*	President and National Assembly; qualified to be Supreme Court judge	
8 Liberia	NEC	7	President and Senate	President and Senate	
9 Mali	CENI **	15	President	Elected by CENI	
10 Nigeria	INEC	13	President and Senate	President and Senate	
11 Senegal	CENA **	12	President	President	
12 South Africa	IEC	5	President and National Assembly*	President and National Assembly*	
13 Zambia	ECZ up to	5	President and National Assembly	President and National Assembly	

* In Kenya and South Africa, a special Selection Panel nominates candidates for the Commission, who must then be approved by a bipartisan parliamentary committee before ratification by the Assembly and appointment by the President.

** In Mali and Senegal, the Commissions are not empowered to organize elections but to oversee and monitor the conduct of elections organized by the Ministry of Interior with other state agencies.

*** The executive committee (bureau) is selected using the same procedure as the chair.

B. Composition

Country	Political Party Representation	Civil Society	Government Representation
1 Benin	Based on makeup of National Assembly = 9	1	1
2 Burkina Faso	5 Majority + 5 Opposition = 10	1 Human Rights+ 1 traditional chief+ 3 other = 5	0
3 Cape Verde	0	0	Not allowed*
4 Cote d'Ivoire	2 x political party (7) = 14 + 2 x rebel movement (3) = 6 Total = 20	Bar Association = 2	9
5 Ghana	0	0	Not allowed for Chair and Vice-Chairs
6 Guinea	10 Majority + 10 Opposition = 20	3	2
7 Kenya	0	0	0
8 Liberia**	Not allowed	0	0
9 Mali	5 Majority + 5 Opposition = 10	1 Religious Association + 1 Judge + 1 Human Rights + 1 Bar Association + 1 Women's Association = 5	0
10 Nigeria	0	0	0
11 Senegal	Not allowed	0	0
12 South Africa	Not allowed	1 member must be a judge	0
13 Zambia	Not allowed	0	0

* "Not allowed" means the country has a statutory requirement that bars persons with partisan profiles or requires they be known for political neutrality and independence, or bars commissioners from other public employment.

** In Liberia, no two commissioners can come from the same county.

C: Pertinent Legal Provisions

Country	Tenure of Members	Permanency of EMB	Role in Election Disputes
1 Benin	Temporary	Temporary	Announces Provisional Results; Constitutional Court Promulgates Final Results
2 Burkina Faso	5 years, renewable 1 time	Permanent	Announces Provisional Results; Constitutional Council Promulgates Final Results
3 Cape Verde	6 years, renewable 1 time	Permanent	Announces Provisional Results; Constitutional Council Promulgates Final Results
4 Cote d'Ivoire	6 years, renewable	Permanent	Announces Provisional Results; Constitutional Council Promulgates Final Results
5 Ghana	Unlimited	Permanent	Promulgates Results*
6 Guinea	7 years, nonrenewable	Permanent	Announces Provisional Results; Supreme Court Promulgates Final Results
7 Kenya	6 years, nonrenewable	Permanent	Rules on disputes prior to declaration results
8 Liberia	7 years, renewable	Permanent	Promulgates Results*
9 Mali	Temporary	Temporary	Oversight role only
10 Nigeria	5 years, renewable	Permanent	Promulgates Results*
11 Senegal	6 years, renewable	Permanent	Oversight role only; can order administrative relief for some violations and has standing to bring complaints to court
12 South Africa	7 years, renewable	Permanent	Promulgates Results*
13 Zambia	7 years, renewable	Permanent	Promulgates Results*

* Announced results are final and self-executing. Aggrieved parties may seek redress for violations in court according to law.



Notes





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