



**National Democratic Institute for International Affairs**  
1717 Massachusetts Avenue, N.W. Fifth floor, Washington, D.C. 20036

## **STATEMENT ON POLITICAL DEVELOPMENTS IN COTE D'IVOIRE**

**Abidjan, August 11, 2000**

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From August 6 to 11, an NDI delegation visited Côte d'Ivoire and met with leaders of the main political parties, members of the transition government, representatives of civic organizations involved in democracy support activities, leaders of labor unions, journalists and other Ivorians interested in the transition process. The delegation's mission was to assess the current political environment and preparations for national elections planned for September and October 2000. The delegation's visit followed extensive consultations and a post-referendum roundtable organized by NDI's in-country representatives.

NDI's delegation to Côte d'Ivoire included elected officials, election experts and political analysts: Audrey McLaughlin, former President of the New Democratic Party of Canada; Ousmane Ngom, Secretary General of the Senegalese Liberal Party; Mountaga Tall, President of the National Congress for Democratic Initiative of Mali; Guy Martin, Professor of Government at the University of Virginia; and Chris Fomunyoh, NDI Regional Director for West, Central and East Africa. The delegation was joined by NDI's Resident Director in Côte d'Ivoire, Derek Singer. The delegation was assisted by Sef Ashiagbor, NDI Program Officer.

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### **SUMMARY OF FINDINGS AND RECOMMENDATIONS**

*The delegation noted several problems involving fundamental democratic principles and political participation that cause grave concerns about the prospects for a credible and transparent transition to democratic rule. Among these problems, the delegation identified four critical issues that could undermine the integrity of the entire transition process.*

*Despite the Committee for the Salvation of the Republic (CNSP)'s promises and public assertions of commitment to a genuine transition in the days following December 24, 1999, prospects for a credible transition in Côte d'Ivoire have diminished because of partisan tensions and distrust among political actors, controversy over the eligibility criteria for presidential candidates, restrictions on political party activity and travel by party leaders, and ambiguity over whether General Guéï will become a candidate for president. At the same time, Ivorians desire an expeditious end to the transition and a quick return of the country to democratic civilian rule.*

*General Guéi's decision to file his candidacy for the presidency with the PDCI, his decision to remove members of some political parties from the transition government in May, the change in the language of the constitutional referendum on presidential eligibility after the text was published in the Government Gazette, and the steps taken to curtail political party activities all continue to raise concerns among Ivorians and within the international community that there is a lack of commitment on the part of the CNSP to an inclusive, transparent and representative transition whose outcome would be viewed as credible and legitimate.*

*The delegation heard continued debate concerning Alassane Ouattara's eligibility to run for president. The delegation also heard speculation about other party leaders and potential candidates that could be prevented from running under provisions of the newly voted constitution. However, the delegation observed that preventing the candidacy of Alassane Ouattara or other party leaders without just cause would be seen by many Ivorians and most of the international community as denying Ivorians the right to make a full choice at the ballot box. Such an outcome would adversely affect the integrity of the election and transition processes.*

*The independence of the judiciary is a cornerstone of every democratic society. It takes on added importance when the individual and human rights of citizens are at stake. The delegation noted that the political crisis of the last twelve months has deeply shaken the integrity and independence of the Ivorian judiciary.*

*These issues should be resolved in a manner that inspires the confidence of Ivorians and the international community in the CNSP's commitment to a credible and transparent transition process.*

*Additional recommendations on steps that could be taken to strengthen the transition process are identified in the main section of the statement.*

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## **POLITICAL CONTEXT**

In December 1999, an NDI delegation visited Côte d'Ivoire at a critical stage in the country's history. Rising political tensions had created an atmosphere that jeopardized chances for inclusive and transparent elections in 2000. At the same time, Ivorians were faced with pressing social and economic problems that required increased accountability and transparency in the management of resources

The December 1999 delegation identified serious problems involving fundamental democratic principles and political participation that caused grave concerns about the prospects for democratic governance and meaningful elections. Opposition party leaders had been arrested and imprisoned under a law that restricted the rights to freedom of assembly. The delegation was also concerned about questions raised regarding the independence of the judiciary, as well as lingering doubts about the administration of and legal provisions for the electoral process. Given the precedent of election-related disputes and violence during the 1995 elections, the delegation

strongly urged that additional decisive measures be taken immediately to create an appropriate environment and conditions for a democratic electoral process that would have the confidence of the Ivorian people.

On December 24, 1999, one week after the NDI delegation left the country, the military overthrew President Henri Konan Bédié and his government. Due to the lack of respect for democratic principles and practice, and the disinterest in genuine dialogue with opposition leaders on issues of importance to the country demonstrated by the Bédié government, many Ivorians initially welcomed its ouster; however, notwithstanding the non democratic character of the Bédié government, the manner in which it was replaced raised deep concerns about the future of democracy in Côte d'Ivoire. The emergence of military rule, previously unheard of in Côte d'Ivoire, cast a cloud of doubt over prospects for democratic governance in the country.

### **The Post-Coup Transition**

Immediately following the events of December 24, the military created the CNSP led by General Robert Guéï, dissolved the National Assembly and suspended the constitution. The CNSP released all political prisoners who had been incarcerated by President Bédié including the nine *Rassemblement des Républicains* (RDR) leaders imprisoned since October 1999 and whose records were expunged. After consultations with political parties and civil society organizations, General Guéï appointed an interim government that included representatives from across the political spectrum. He also established a broad-based Constitutional and Electoral Consultative Commission (CCCE) to draft a new constitution and electoral code. General Guéï's decision to establish an inclusive transition cabinet comprised of members of the political parties and civil society organizations gave confidence to Ivorian citizens that the military would continue to play an apolitical and non-partisan role.

Shortly after the coup on December 24, 1999, Ivorians and democrats around the world urged the military leaders to establish a transition government, create institutions that would lay the foundation for inclusive elections and return the country to civilian rule. Initially, the military declared its intention to play a neutral role in the conduct of the transition elections. It seemed to recognize that the credibility of the entire transition would depend on constitutional and electoral reform processes that are fair and so perceived by Ivorians.

In February, the CNSP created the Commission for the Supervision of the Organization of the Referendum (COSUR) to oversee the administration of the constitutional referendum originally scheduled for April 30, but later postponed to July 23. It included representatives from the seven main political parties, civil society, and government ministries. In May, the CNSP announced a timetable for presidential, legislative and municipal elections.

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## **FINDINGS AND OBSERVATIONS OF THE NDI DELEGATION**

Undemocratic behavior by governments, combined with unprofessional military forces, create a disruptive pattern whereby soldiers are emboldened to resort to coups whenever they

have grievances or political ambitions. A politicized military can also tempt civilian politicians to call on the armed forces to intervene when they cannot win popular support. Coups are a fundamental breach of democratic principles, and the practice of effecting political change through genuine, democratic elections. Regardless of the stated intentions and the grievances cited by perpetrators, military coups jeopardize faith in democratic processes. Democracy, after all, is about the *means* by which political *ends* are pursued.

As in December 1999, the delegation identified serious problems involving fundamental democratic principles and political participation that cause grave concerns about the prospects for democratic governance and meaningful elections during the current transition period.

- **Eligibility of Presidential Candidates**

The debate on the eligibility of presidential candidates has plagued Ivorians for the past year and is threatening to further divide the country along regional, ethnic, and religious lines. In March 2000, the CCCE, tasked with drafting a new constitution and electoral code, submitted to General Guéi its final draft constitution and electoral code to be put to referendum. The draft recommended that in order to run as candidate for presidential office the candidate's mother *or* father had to be Ivorian. Six days before the referendum, and after the draft constitution had been published in the official gazette, the CNSP changed the eligibility requirement to read, "both the mother *and* father" of presidential candidates must be Ivorians by birth. This substantive modification of language already agreed upon by the CCCE and made public resulted in widespread confusion about the significance of the referendum. It also suggested to many Ivorians that deliberate attempts were being made to block the candidacy of a specific political candidate whose parentage has been questioned by his opponents.

- **The Military's Interference in Political Processes**

As in 1999, when an Executive Order issued by President Bédié restricted public "demonstrations in open sites", recent edicts by the CNSP have prevented certain political parties from holding political events. For example, on July 27, the RDR party was prevented from holding a public meeting to launch its platform. While the CNSP explained that "political demonstrations and rallies" are prohibited until the official campaign period is opened, certain parties, including the new *Rassemblement pour le Consensus National* that was formed in support of Guéi's candidacy, have been allowed to hold meetings to discuss their platforms. Such intervention by the military is viewed as an indication that political space is being restricted for some political parties.

Since May 2000, political party leaders have been banned from leaving the country without obtaining permission from the military junta. At the same time, some of General Guéi's senior political advisors continue to travel out of the country.

The delegation heard disturbing reports of the violent suppression of a peaceful demonstration organized on July 31 to express support for French Minister Josselin's comments on the political situation in the country. Demonstrators were beaten, stripped naked, forced to crawl along the road and to perform other inhuman acts. The brutality of such acts perpetrated

by the security forces, shocked Ivorians and the international community, particularly since similar demonstrations had taken place a few days before in support of the government's position without the intervention of security forces. This incident raised serious concerns about the CNSP's respect for human rights, especially in the immediate aftermath of the referendum that approved a constitution guaranteeing such rights.

- **Government Inconsistency and Violation of Decrees**

In May 2000, the CNSP reshuffled the broad-based interim government formed in December 1999 to exclude representatives of several political parties from the transition cabinet. More military officers were brought into the cabinet, and all but one of the CNSP officers were assigned ministerial portfolios. The CNSP also faced an army mutiny on July 4 and 5. Although the CNSP reached an agreement with the mutineers who were demanding payment for their role in the December coup d'état, in the aftermath of the mutiny the CNSP accused political parties of encouraging the mutiny and arrested and detained four political party leaders for two days without charges. The president of the *Parti pour le Progrès et le Socialisme*, was questioned over his alleged involvement in the events of July 4 and 5. The delegation also arrived in Abidjan in the middle of the trial of 45 of 51 military officers accused of involvement in the July mutiny.

The delegation noted that the CNSP breached many of its own decrees relating to the conduct of the transition and the constitutional review process. For example, the functioning of the full CCCE and its subcommittees in the constitutional review process was not respected. An amendment defining the eligibility for presidential candidates was unilaterally changed by the CNSP six days before the July 23 constitutional referendum and after the initial text had been published, leaving many Ivorians uninformed about the actual text they were voting on. Despite a decree signed by General Guéi on July 25 authorizing political party leaders to travel outside the country without first seeking prior permission from the CNSP, on July 27 the president of RDR was prevented from leaving the country. In addition, the Minister for Communication has given approval for Radio Nostalgie to resume operations but security forces continue to prevent the radio station from broadcasting.

- **Independence of the Judiciary**

The independence of the judiciary is a cornerstone of every democratic society. It takes on added importance when the individual and human rights of citizens are at stake. The delegation noted that the political crisis of the last twelve months has deeply shaken the integrity and independence of the Ivorian judiciary. For example, in the fall of 1999, numerous politically motivated charges were brought against Ouattara by the Bédié government. The delegation strongly believes that the rights of innocent citizens should not be trampled on; however, the manner in which the charges were brought and then dropped lends credence to the perception that the Ivorian judiciary is highly politicized. The group heard numerous concerns related to the recent appointment of judges to the Supreme Court, the body tasked with ruling on the eligibility of presidential candidates. Many Ivorians are apprehensive that some recent appointees to the court have close ties to the military regime, thereby raising questions about their credibility and

neutrality. Even the perception of politically motivated proceedings can be extraordinarily damaging to public confidence in the electoral process and the rule of law.

- **Administration of Transition Elections**

Although the various agencies and donors involved in the referendum process worked hard to deploy resources in a short time frame, a variety of logistical problems plagued the referendum. These included flaws in the voters' register, confusion over distribution of voter cards, the late arrival of polling officials in some locations and insufficient materials in other places. This led to an extension of the voting for an additional day. All major political parties called for a "yes" vote on the referendum. Such unanimity cannot be expected in subsequent polling. The delegation noted the recent formation of a new national election commission whose independence is yet to be established.

- **Access to State-Controlled Media**

State-controlled radio and television are the only media that reach virtually all parts of Côte d'Ivoire. The delegation heard complaints of a lack of equitable access and coverage (including the right of response) of political party activities in the state-controlled media. Under the newly adopted constitutional provision, equitable access to state owned media for all candidates is to be guaranteed by the National Commission for Audiovisual Communication (CNCA). Although the CNCA is already in existence, the delegation heard many complaints that fair access to state owned media is still not a reality.

- **Freedom of the Press**

The delegation was also concerned about questions raised regarding the exercise of freedom of the press, and the harassment and mistreatment of journalists in Côte d'Ivoire. Since the army mutiny of July 4 and 5, *Radio Nostalgie*, an independent radio station, has been shut down. In the days leading up to the delegation's visit, two journalists working for a local newspaper were arrested for defamation of the head of state and detained for two days. A reporter working for the BBC was also been beaten by security forces as he tried to observe and report on demonstrations in front of the French Embassy.

- **Ethical Standards for Reporting**

Print media play a highly visible role in political discourse, particularly in Abidjan. Freedom of the press is critical to a democratic system and journalists also have a responsibility to report on issues accurately and without bias. While the press coverage situation improved early this year, the delegation noted that the increasingly partisan nature of a number of media in Côte d'Ivoire exacerbates political differences and contributes to an environment in which it is more and more difficult to separate fact from fiction as covered by the Ivorian press. This situation hinders the public's ability to make informed assessments of political developments that affect the country.

- **Voter Registration**

The validity of electoral lists, and complaints about the lack of thoroughness of the voter census and registration process, were among shortcomings identified by opposition parties during the Bédié era. These problems continue to plague the electoral process in the country. Some of the major political parties complained that many of their supporters had been targeted when, just days before the referendum, COSUR announced that approximately 80,000 registered voters were placed on a list of ineligible voters pending proof of their citizenship. Registered voters were given one week to offer proof of their citizenship, but for many this process was unclear. Over 8,000 individuals filed petitions to be reinstated on the voter lists. However, once again, due to the short time available, not all of the requests were processed in time for the referendum. While there may have been just cause to question the citizenship of these voters, the short time frame provided to offer proof of citizenship meant that many registered voters who attempted to cast a ballot in the referendum may have been prevented from doing so on voting day and/or intimidated into staying home. Many Ivoirians also complained that they had verified their inclusion on the voter lists, only to find on July 23 and 24 that their names were no longer on the register. Most of these voters were not sure whether they had been disqualified or whether their names had been unintentionally deleted.

While the newly approved constitution places voter registration under the jurisdiction of the independent electoral commission, the delegation noted that the registration exercise for newly qualified voters between the ages of 18 and 21 was taking place under the auspices of the Administration. Some Ivoirians argued that this was stopgap measure taken to advance preparations for the upcoming elections. However, the delegation also heard concerns that such an action constituted an infringement of the mandate of the independent electoral commission as stipulated in the new texts.

- **Civic Education**

The delegation found a dearth of information and political discourse on democratic principles and practices. Ivoirians are not being informed about the provisions of the newly adopted constitution. While much of the debate in the lead up to the referendum centered around conditions of eligibility for presidential candidates, little effort has been made to educate the public on rights and responsibilities provided for in the new constitution.

Before the new constitution and electoral code, Côte d'Ivoire had traditionally used a multiple ballot system. Single ballots were used in the recent referendum and are the norm established in the new electoral code. Many Ivoirians agree that the single ballot is less susceptible to manipulation and enhances voters' rights to a secret ballot; however, the delegation heard complaints that citizens had not been provided adequate information or other education about the use of a single ballot in the period leading up to the referendum.

## CONCLUSIONS AND RECOMMENDATIONS

While the military regime in Côte d'Ivoire promised to create a political environment for genuine and credible elections and a speedy return to democratic civilian rule, steps taken by General Guéi and the military raise serious doubts about the genuine commitment to a peaceful, credible and transparent transition.

Military coups are anathema to the democratic process. When the head of a military committee or junta takes steps to become the direct beneficiary of a transition intended to return the country to democratic civilian rule, he inevitably calls into question the credibility of the transition and the legitimacy of its outcome.

International standards require a transparent election process that permits direct, full participation of political competitors and their parties. It requires a sound legal framework and an impartial and effective election administration that conducts its activities in an open manner. These standards require that the military should not interfere with the political process. They also require an electoral environment in which political parties and candidates are free to organize peaceful assemblies, and other demonstrations of public support, and have equitable access to, and treatment by, the mass media to convey their messages.

From NDI's experience in more than 50 emerging democracies around the world, it is clear that confidence in any political process, and a public perception of fairness, are as important as the letter of the law. International experience also demonstrates that once the confidence of large segments of the public in the political process is shaken, as is usually the case under autocratic or military rule, extraordinary steps by the government are required to reestablish confidence in the country's political and electoral processes. Such measures must be guided by the principles of fairness and transparency.

The current leadership of the country should use the period remaining in the transition process to create the conditions for genuine democratic elections and to establish the foundation for viable democratic institutions and transparent and accountable government. All political parties should be allowed to compete freely and fully. In order to ensure full participation and the integrity of the political process, multi-party dialogue and a consensus on the fundamentals are needed for the country to move towards full democracy. In the spirit of international cooperation NDI offers the following recommendations.

- **Neutral Role for CNSP and the Transition Government**

Because the CNSP declared its intention to play a neutral role in the conduct of the transition elections and must remain neutral for the transition to be credible and viewed as legitimate, the upcoming elections have a potential to be the most competitive that Côte d'Ivoire has ever experienced. To achieve this publicly stated goal, the transition government and the CNSP must apply the strictest neutrality towards all political parties and candidates. This transition can only be accomplished through cooperation among Ivorians and if political will is applied at the highest level to make nonpartisanship a reality. Any attempts by members of the transition team or the CNSP to exploit their personal standing to run for office would undermine



the credibility of the transition program and undercut efforts to lay the foundation for sustainable democracy in Côte d'Ivoire and in the subregion.

- **Eligibility Requirements for Presidential Candidates**

The new constitution and electoral code approved in the July 23 and 24 referendum will be applied for the first time in the period leading up to the transition elections scheduled for September and October 2000. While the conditions of presidential eligibility may be subject to multiple interpretations by Ivorian political leaders and their supporters, it is imperative that these new provisions be applied or interpreted by the relevant institutions in the spirit of fairness and inclusion. Interpretation of the law must also be applied equally to all contesting candidates and parties. These steps will encourage Ivorians to accept the outcome of the electoral processes. The same standards should apply to implementation of other provisions of the new legal framework.

- **Restrictions on Political Activity and Movement of Political Leaders**

Current decrees restricting political party activity should be revoked or subjected to stringent safeguards to prevent their future abuse. Intervention in the functioning of political parties by the military has the potential to infringe on the rights of political parties, professional associations and labor unions to organize activities for their members and supporters, and to express their views before the public. The right to peaceful assembly should be guaranteed through legal safeguards and ensured through public pronouncements and actions by members of the CNSP and the transition government.

- **Independence and Integrity of the Judiciary**

Based upon the handling of recent election-related disputes, and the perception among many Ivorians of a highly-politicized judiciary, extraordinary steps should be taken to rebuild confidence in the judicial system of Côte d'Ivoire. Members of the judiciary and the political leadership of the country must uphold the rule of law and the independence of the judiciary; these are fundamental principles of a democratic society. Citizens need to have full confidence in the independence of the judiciary. Therefore equality before the law and equal protection under the law therefore must be made available to all parties and individuals. As questions of presidential eligibility and freedom of assembly are being raised and may well be litigated, it is crucial that the judiciary be viewed as independent, not an instrument through which a few individuals can seek to obtain personal political gain. The institution charged with resolving the presidential eligibility question should be unbiased and neutral in applying the rule of law and it should apply the same standards to all candidates.

## **OTHER ELECTORAL ISSUES TO BE ADDRESSED**

In addition to these fundamental questions of presidential candidacy, political participation and the independence of the judiciary, there are other important electoral reforms which need to take place in order for there to be a credible election process.

- **Administration of Elections**

It is important that election authorities be impartial and effective and that they are perceived to be so by the electoral contestants and the public. The strictest separation should be maintained between candidates or other partisan interests and the administration of the electoral process. The delegation noted that a national election commission was created on August 9. As some of the institutions that have to designate representatives to a future independent election commission are still to be constituted, consensus should be obtained on any temporary appointments needed to make the commission operational. Political parties and non-governmental organizations should have full access to oversee every aspect of the electoral process including registration, the campaign period, balloting, tabulation and publication of final results. The government should ensure that the Commission has the financial and human resources necessary to begin functioning in a manner that inspires confidence among Ivorians in the impartial and effective administration and oversight of the electoral process. Steps should also be taken to delineate the lines of communication and collaboration among the electoral commission, the Ministry of Interior and Decentralization and the National Institute of Statistics in order to strengthen and guarantee the independence of the commission.

Steps should also be made to build upon training provided to polling officials in the period leading up to the referendum so that all staff are well versed in the correct procedures. This will also increase public confidence in the process.

- **Interparty Dialogue and Consultations**

The delegation calls on all the political leaders of the country – in the Ivorian spirit of peace, dialogue and reconciliation – to avoid actions and rhetoric that may raise tensions, threaten political stability in the country and endanger peaceful and credible elections in 2000. The political ambitions of parties and individuals should be considered secondary to the interests of the country as a whole. All political factions should be allowed to contribute freely and fully to a discussion of the issues of national importance. In order to ensure the participation of a high number of Ivorians and the integrity of the electoral process, political dialogue among all political leaders should lead to consensus on concrete steps that can be taken to move the country forward. This may include agreement on mechanisms such as a political party code of conduct and regular interparty meetings that would encourage prompt identification and resolution of potential problems or areas of disagreement.

- **Media Issues**

Since bias in news coverage is cited frequently as one of the causes for polarization of political discourse in the country, Ivorian authorities should take immediate and effective steps to

guarantee accurate and balanced coverage of political parties, potential candidates and issues of national importance in the public media. The CNCA and other agencies involved in monitoring the press should immediately ensure that equitable time slots are provided to all political parties and contestants. An effective mechanism should be implemented to review complaints concerning inaccuracies and bias and to provide immediate, effective remedies, such as the right of correction and right of reply. Ivorian law provides that all political contestants and parties receive equal access to state-controlled media during the relatively short election campaign. While this is positive, it is no substitute for measures to ensure accuracy and prevent bias in news coverage in the pre-election period.

Journalists from both state-owned and private media should adopt ethical standards to ensure accurate and balanced news coverage, and parties and candidates should avoid inaccurate and purely inflammatory statements about their competitors, since such behavior can cause further polarization of political discourse in the country.

News coverage of issues of national importance requires media access to information without violence or discrimination against journalists. Strong statements from the authorities calling on government agents to respect press freedoms, coupled with decisive action to identify and prevent undue pressure on the media, are essential for organizing elections that meet international standards. Harassment of the press is uncalled for under any circumstances.

- **Broadening the Base for Participation**

The current leadership of Côte d'Ivoire should work with political parties and civil society organizations to ensure that as many Ivorians as possible are included in political and electoral processes in the country. In view of the short time frame prior to the presidential, legislative and municipal elections, broadening the base for participation in electoral and other political processes remains essential. In order to enhance confidence in the voter register, the new independent electoral commission should provide all competing political parties with computerized copies of voter lists. The lists should also be made available for public review and verification by interested parties and potential voters. Adequate time and opportunity should be given to registered voters prevented from voting in the referendum to provide authentication of their citizenship and eligibility.

- **Civic Education and Strengthening the Democratic Culture**

The transition government, in collaboration with political parties, civil society organizations and opinion leaders, should conduct extensive civic education on the importance of democratic, civilian rule, tolerance, the need to exercise one's right to vote and the procedures for registering and casting one's vote. Although the controversy over the eligibility requirements for presidential candidates dominated public discourse in the period leading up to the constitutional referendum, extensive civic education on the many other clauses in the newly-approved texts is also required.

- **Election Monitoring**

Accreditation should be provided to impartial Ivorian organizations to monitor and report freely on all aspects of the election and political processes. Political parties should be encouraged to deploy well trained agents to monitor the electoral process. These steps will increase citizen participation and public confidence that such processes are developing democratically. It is also imperative that nonpartisan or political party monitors be well versed in international standards for monitoring elections.

The delegation greatly appreciates the hospitality extended to it by political party leaders and their representatives, government officials, members of the judiciary and the legal profession, members of NGOs, civic and religious leaders and other Ivorians. The delegation could not have accomplished its tasks without the cooperation and openness of those with whom it met.

NDI remains committed to supporting Ivorian efforts toward a credible, transparent, and inclusive process in their country and will continue to monitor and report on the transition process.