

West Africa Report

Côte d'Ivoire: Can the 2015 elections consolidate peace?

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Summary

The 2010 presidential election plunged Côte d'Ivoire into an armed conflict that resulted in the deaths of more than 3 000 people. It is unlikely that the 2015 election will trigger such large-scale violence but this alone should not be seen either as a sign of democratic success or a guarantee of stability for the future. While all the attention is turned to the 25 October ballot, immediate electoral concerns must be seen in the context of medium- and long-term stability issues. If responses to the new and old core issues are not effective the risk of a setback in the political and security dynamics to normalise the country will remain real.

Introduction

Ivorians will cast their votes on 25 October 2015 for the presidential election. Ten candidates, including the incumbent President Alassane Ouattara, will appear on the ballot. Since the 2010–2011 post-election violence, which left more than 3 000 dead, the political scene in the country has undergone considerable transformation. However, it remains highly polarised and, in the lead-up to the election, many opposition parties continue to contest the way the polls are organised.

In early October two opposition candidates suspended their participation in the process, maintaining that the conditions for free, democratic and transparent elections had not been met. The violent protests that erupted on 10 September, after the validation of the candidacy of President Ouattara by the Constitutional Council, illustrate persistent divisions over issues that are significant for the future of the country.¹ The protests revolved around Article 35 of the Constitution, which deals with the criteria for eligibility of candidates for the presidential election.

This report, based on interviews conducted in Abidjan between 11 and 21 August 2015,²

analyses the political dynamics and the balance of power ahead of the presidential election. It also links the immediate election issues with the medium- and long-term stability concerns facing Côte d'Ivoire.

Economic development, justice, demobilisation, disarmament and reintegration (DDR) as well as security sector reform (SSR) processes and social cohesion are important issues that are currently receiving considerable attention. Other issues, older, but so far unsettled, also deserve careful consideration. They include nationality and rural land ownership.

If effective responses are not found, the possibility of political manipulation and a return to violent political practices will remain real

While the 2015 presidential election has not yet taken place, several actors already have the 2020 poll in their sights and it is that election that is quietly shaping political and even military attitudes and stances. The next five years hold many unknowns. If effective responses are not found to old and new fundamental issues – and not just those generated by the post-election crisis of 2010–2011 – the possibility of political manipulation of these problems and a return to violent political practices will, unfortunately, remain real.

Incumbent president top contender at the polls

Ahead of the election the political scene is marked by four elements.³ First, the ruling coalition, the *Rassemblement des houphouëtistes pour la démocratie et la paix* (Rally of Houphouetists for Democracy and Peace, RHDP), represented by Ouattara, is in a strong position. Second, the *Front populaire ivoirien* (the Ivorian Peoples Front, FPI), the party of Former President Laurent Gbagbo, who is awaiting trial at the International Criminal Court, is deeply divided between two camps with diametrically opposing views about the political strategy to adopt in his absence. Third, the opposition, gathered within two main coalitions, lacks cohesion. Finally, some candidates are contesting the way in which the election is organised and attempting to undermine the legitimacy of the process. In that context the incumbent president is still the favourite and the lack of a single opposition candidate in the first round will probably lead to the fragmentation of the electorate in favour of outgoing president Ouattara.⁴

The RHDP in search of a 'clean' election

As strategies for winning votes are built around political alliances the major advantage of the RHDP is its single candidate, President Alassane Ouattara.⁵ The *Parti démocratique de Côte d'Ivoire* (Democratic Party of Cote d'Ivoire, PDCI), one of the main parties in the coalition, decided not to field a candidate. In accordance with the 'Daoukro Appeal' of former President Henri Konan Bédié in September 2014, the PDCI will support the outgoing president, with the promise of a changeover in 2020 that could work out in the context of a unified party. This decision led to the defection of some party officials, who wanted to try their luck in the poll.

The aim of the ruling party is to win the first round,⁶ an ambition based on the results of the run-off of the 2010 presidential election in which the RHDP parties backing Ouattara won 54.1% of the vote, against 45.9% for Laurent Gbagbo.⁷ Beyond its desire to avoid a run-off that might put the ruling coalition in a difficult position, the

SECOND ROUND RESULTS OF THE PRESIDENTIAL ELECTION

2010

ALASSANE OUATTARA

54,1 %

LAURENT GBAGBO

45,9 %

Source: CEI

main challenge for the RHDP is to avoid a victory without legitimacy that would make the management of its second term difficult. The coalition therefore aims to hold 'clean' elections, that is, devoid of violence, with a significant turnout and, above all, with the participation of the opposition, the FPI in particular.⁸ The current divide within the FPI can be analysed in the light of government efforts to bring the party back into the political game.

The FPI, a party plagued by internal dissent

The FPI of former President Laurent Gbagbo is in a deep succession crisis. The wing led by former party leader Pascal Affi N'Guessan calls for the party to participate in the political life of the country, even without Gbagbo. According to this wing, to do so will enable the party to better defend the interests of the former president, who is accused of having plunged the country into civil war after refusing to recognise Ouattara's victory in 2010.

The opposing wing, led by Aboudramane Sangaré, refuses to participate in an electoral process it deems unfair, setting as a condition for its participation the release of all political prisoners, including Gbagbo. On 10 August 2015 the Sangaré wing, suspecting Affi N'Guessan of siding with the ruling party,⁹ called for a boycott of the poll,¹⁰ as was the case in the 2011 and 2013 legislative elections as well as the 2013 regional and municipal elections.

The Ivorian opposition is centred primarily on the Alliance of Democratic Forces and the National Coalition for Change

The split between the two camps occurred in December 2014, when Affi N'Guessan had the judiciary nullify Gbagbo's attempts to lead the party. In April 2015 the court acknowledged Affi N'Guessan as the legal FPI leader.

It is difficult to assess the relative strengths of the two FPI wings. The only indicators, albeit imperfect, are the sales figures of so-called 'pro-Gbagbo' newspapers. Only 20% of the printed copies of the party's official newspaper, *Notre Voie*, which sided with Affi N'Guessan, were sold, while, in the first quarter of the year, *Le Temps*, which sided with the Sangaré wing, sold four times more copies, moving up to third position among the most-read newspapers.¹¹

There is no other quantitative data with which to assess the balance of power between the two sides, or, more broadly, the political weight of this party, which won the 2000 presidential election and ruled the country from 2000 to 2010. Although

Affi N'Guessan attracts those members of the FPI who wish to see the party continue to play a political role, the traitor label bestowed on him by the Sangaré wing may hang like a millstone around his neck for the upcoming election.

A divided opposition

The Ivorian opposition is centred primarily on two political groupings, the Alliance des forces démocratiques (Alliance of Democratic Forces, AFD) and the Coalition nationale pour le changement (National Coalition for Change, CNC). Their stated objective is to prevent the re-election of Alassane Ouattara. Each of these blocks, however, includes a rival wing of the FPI, making the prospect of an alliance unlikely.

Created in March 2014 with a membership of ten parties,¹² the AFD is led by the Affi N'Guessan FPI wing. The preamble of the manifesto creating this coalition states that 'it is through the definition of a strategy of concerted actions that the opposition can effectively play its watchdog role, and propose credible regime change through democratic means'.¹³ The AFD is, therefore, driven by a participatory approach. Contesting the conditions of election organisation is not the core of its political strategy, its members even serve on the Independent Electoral Commission (IEC).

As for the CNC, it was set up in May 2015 and includes, among others, the Sangaré FPI wing, three of the 'rebellious' PDCI members¹⁴ who opposed the idea of supporting Alassane Ouattara from the first round and the *Liberté et démocratie pour la république* (Freedom and democracy for the Republic, LIDER) party of former National Assembly speaker Mamadou Koulibaly.¹⁵ Three of the leaders of this coalition – Charles Konan Banny, Kouadio Konan Bertin and Mamadou Koulibaly – were initially among the presidential election candidates.

Koulibaly, however, announced his withdrawal via his Twitter account on 9 October, stating that he considered the electoral process to be 'fake'. This withdrawal occurred on the expiry of the 48-hour ultimatum given to President Ouattara by the CNC, which had requested an audience with him in May to discuss the organisation of the poll¹⁶.

All members of this diverse coalition, which brings together erstwhile political opponents and which has struggled to agree on a common strategy, are convinced that the conditions for holding fair, transparent, democratic and inclusive elections are not met.

The CNC's demands, presented in a charter signed on the date the coalition was formed, include mainly the reform of the electoral commission, fair and transparent public funding of political parties and independent candidates, the security of voters and candidates and equitable access to state media.¹⁷

Since its inception, the CNC has sought to negotiate conditions for ‘free, credible and secure’ elections, while, paradoxically attempting to reserve its right to challenge the legitimacy of the process and therefore, the election results.

Besides these coalitions and the candidates within them, there are five other presidential candidates, two of them women.¹⁸ The best known is Essy Amara, Foreign Minister of Côte d’Ivoire from 1990 to 1999 and former Secretary General of the Organization of African Unity. He too left the PDCI following the Daoukro call.

In an open letter published on his Facebook account on 6 October 2015 Essy suspended his participation in the process. Denouncing an election doomed to be ‘neither open nor fair’, he said he did not wish to ‘legitimise the incumbent president’, who, he said, ‘ignores democratic demands’.¹⁹ Already, in a statement released in early September, he had denounced the ‘bad governance and distress of the people’ and ‘the mismanagement of the electoral process’ and called for ‘the union of opposition forces’.²⁰ He also appealed to the Constitutional Council to invalidate Ouattara’s candidacy on the basis of Article 35.

At this stage, the opposition, both coalitions and candidates, seems to have opted for one of the following three strategies: participation (Affi N’Guessan, Simeon Konan Kouadio, Henriette Lagou Adjoua Jacqueline and Claire Kouangoua Kacou Gngangbo); boycott before or after the period of submission of candidatures (FPI Sangaré wing, Mamadou Koulibaly, Amara Essy) or participation under protest (Charles Konan Banny and Kouadio Konan Bertin). With the withdrawal of some candidates from the presidential race there is a risk of reduced interest in the election, which might affect the voter turnout.

Risks of challenging the legitimacy of the ballot

Immediately after the post-presidential election crisis and ahead of the 2011 parliamentary elections the FPI and other parties of the National Resistance Congress for Democracy (*Congrès national de la résistance pour la démocratie*, CNRD), a pro-Gbagbo coalition of parties founded in 2006, resolved to boycott the polls on the grounds that the conditions for holding free, open, secure and transparent elections had not been met.

They believed that the negotiations with the government had yielded little progress and saw the government’s invitation to join the electoral process as blackmail. Their demands centred largely on the release of Laurent Gbagbo and political prisoners, the return of exiles and the unfreezing of assets

Some CNRD members had, however, agreed to stand in the parliamentary elections, regarding the run-up to the elections as an opportunity to open talks with the government and achieve

some of their demands.²¹ This dynamic has continued since the legislative polls and explains, even now, the positions of former CNRD parties or party factions.

Subsequent consultations about political reconciliation took place mainly as part of the April 2012 permanent framework for dialogue between the government and the opposition. For its part, the FPI requested and was granted, in early 2013, private talks with the government. There were several breaks in the dialogue process, but it was revived after the release on bail on 6 August 2013 of 12 FPI militants, including Affi N’Guessan. The talks, which had been stalled in their public form since May 2014, resumed in January 2015, focusing mainly on issues relating to the status of the opposition, the funding of political parties and preparations for the presidential election.²²

Shortly before the 2015 election some candidates and opposition coalitions who challenged its organisation focused on two points – the composition of the IEC and the access to state media. These claims also underpinned a march staged by the CNC in Abidjan on 28 September.²³

The composition and functioning of the new IEC came under heavy criticism even before it was affirmed on 28 May 2014 by an overwhelming majority in Parliament, where the opposition was barely represented. Calling the composition ‘unbalanced’ in favour of the ruling party, which automatically appoints nine of the 17 members, the opposition maintained that the government had failed to uphold the commitments it made during the talks held as part of the political dialogue.

The composition and functioning of the new IEC came under heavy criticism by an overwhelming majority in Parliament

The adjustments made to the composition and functioning of the IEC failed to strengthen its legitimacy in the eyes of some opposition leaders, especially as the FPI representative on the commission represented the party’s pro-Affi N’Guessan wing, which is seen as sympathetic to the government. This perceived imbalance and the lack of consensus over the impartiality of the IEC facilitates the opposition’s ability to challenge the commission’s decisions and, therefore, the outcome of the election.

An analysis of the political pluralism section of the June 2015 report produced by the official media regulatory institution, the High Authority for Audiovisual Communication (HACA), reveals that ruling parties and groups are given 71.31% of airtime as against 28.69% for the opposition.²⁴ This is regarded by many

as an additional sign of an unfair electoral environment and explains the demand for access to state media

The fact that certain coalitions and candidates are challenging aspects of the election means there is a greater risk of localised instability and points to the likelihood of the results being contested and the legitimacy of the elected government being questioned, should Ouattara be re-elected.

Challenges for the next five-year term

The next five years will be crucial for the consolidation of peace in Côte d'Ivoire and for the country's mid- and long-term stability. The president-elect will have to make difficult decisions and will need to be considered legitimate if he is to carry out the necessary reforms.

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Matters such as economic development, justice, DDR and SSR, as well as social cohesion, are currently receiving a great deal of attention, although progress has been uneven. Other long-standing unresolved issues that must be dealt with include questions of nationality and rural land tenure. These were identified as some of the root causes of conflict in the country long before the crisis of 2010, in the annexure to the Linas-Marcoussis Peace Agreement, signed in 2003, which set out the priorities for the government's national reconciliation programme. Twelve years later, the continuing debates about these issues and their increasing complexity could prove to be problematic.

Economic development

'If the Ivorian people's basic needs are met, they will spurn politicking, which will settle social cohesion.'²⁵ This is the view of a leader of the ruling coalition, commenting on the Ouattara government's strategy during its first five-year term of focusing on economic development. Ivorian economic growth is impressive, averaging more than 7% since 2012

The basis of this growth, which depends largely on agriculture and public investment, may, however, prove fragile. President Ouattara's positive image is reassuring and helps to maximise public development aid from foreign partners. However, rapidly increasing external debt has long-term risks and private investors are still hesitant to commit, despite reforms aimed at stabilising the business environment. In the absence of structural changes to support a sustainable endogenous economic development driven by the transformation of agricultural production and faster economic diversification, this growth could lose momentum.²⁶

During the 2014 inauguration of the Henri Konan Bédié Bridge linking the Marcory and Riviera districts of Abidjan, many citizens described themselves as mere spectators to the growth trends, observing that concrete cannot be eaten.²⁷ In addition to criticising what they see as non-inclusive growth, this popular comment hints that the chosen drivers of economic development are being challenged.

It is possible to view the economic development choices of the outgoing government

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71,31%

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Source: HACA

in terms of a process, allowing for the fact that there may be a delay between achieving growth and extending the benefits to the people. The inclusiveness of economic development nonetheless remains a major challenge for Côte d'Ivoire's long-term stability.

National and international justice

In his inaugural speech in May 2011 President Ouattara committed himself to supporting justice.²⁸ As the so-called 'justice of the victors' was a source of tension between Western partners and the government, government probably wanted to establish a track record on this point as the 2015 presidential election approached.

Until early 2015 no progress was made with judicial proceedings at the national level – except against Gbagbo supporters – relating to crimes committed during the post-election crisis. As a close relative of former leader of the New Forces rebellion Guillaume Soro, who is the current parliamentary Speaker, Justice Minister Mamadou Gnénéma Coulibaly might have acted as a bulwark to protect some former insurgents. In addition, the 'offence against national security' case appears to have served since the end of the post-election crisis as a bargaining chip for the government in its negotiations with the opposition.

None of Côte d'Ivoire's partners was able to access the comprehensive database containing the names of former combatants

However, from late 2014 this process was speeded up.²⁹ First, the Special Investigation and Instruction Unit, recreated in its current form in December 2013, now has the human and material resources to fulfil its mission, which is to deal with court proceedings arising from the post-election crisis.³⁰ Secondly, in the past few months judicial proceedings have been more balanced. Until July 2013 the only Ouattara militant to have been prosecuted was Amadé Ouérémi, a Burkinabe militia leader operating in the country's western region.³¹ This year a dozen people from Côte d'Ivoire's Republican Forces have been implicated.³² However, these improvements are inadequate proof of real political will at all levels and do not mitigate the effects of the major delays in judicial proceedings.

Among the challenges, and in conjunction with the immediate electoral issues, there appear to be problems with prosecuting certain individuals, especially former zone commanders, who often hold strategic positions in the army, without such prosecutions having a negative impact on the security environment. The approach of the elections, therefore, may have acted as a brake on these advances after having initially been an accelerating factor.

The quality of the court proceedings also remains a challenge, as was evident in the verdict handed down on 10 March 2015 in the botched trial of Laurent Gbagbo's wife, Simone, and 78 others formerly loyal to the old regime, who were accused of offences relating to national security.

Other pro-Gbagbo accused who were willing to take part in the electoral process have merely been sentenced to the length of time they have already served in detention. This has conveniently allowed the government to create a somewhat fictitious political opposition within the framework of the ongoing electoral process.

IVORIAN ECONOMIC GROWTH IS IMPRESSIVE, AVERAGING MORE THAN

7%

SINCE

2012

At the international level none of the Ouattara militants has yet been prosecuted. However, International Criminal Court (ICC) prosecutor Fatou Bensouda said in February 2015 that no-one would be spared: 'In 2015, we must expect to speed up our investigation into crimes committed by Ouattara's camp.'³³ Laurent Gbagbo and Charles Blé Goudé have been imprisoned in The Hague since November 2011 and March 2014, respectively. Their trial is scheduled to begin on 10 November 2015. Moreover, although on 27 May 2015 the court reminded the government of its obligation to transfer Simone Gbagbo to the Hague, she is still being held prisoner in Côte d'Ivoire.

The government's wish to try certain people at home is probably related to the fact that to do so would make it easier to ensure that the scale of responsibility stops at a certain level, with possibilities of grace, amnesty, and pardon. In line with the message of regained national sovereignty conveyed by the government it is also a way of saying that the national justice system now has the capacity and the will to try the perpetrators of crimes committed in the country

DDR and SSR

The mandate of the Authority for Disarmament, Demobilisation and Reintegration (ADDR), the latest structure in charge of DDR, ended on 30 June 2015.³⁴ Reviewing its work, its general director, Fidèle Sarrasoro, classified it as positive, citing the fact that of 74 000 reported former combatants, 64 000 had participated in the process.³⁵ Of these, 58 216 had effectively been demobilised or reintegrated or were being reinserted. Beyond these statistics, some challenges remain.³⁶

It is not clear whether the programme has targeted the right people. In fact, none of Côte d'Ivoire's partners was able to access the comprehensive database containing the names of former combatants. The May 2015 report of the UN Group of Experts on Côte d'Ivoire states that the initial number of recorded ex-combatants may have been inaccurate.³⁷

The lists, which were reportedly inflated by some military leaders seeking to access the funds available for the process, included the names of people who had never taken up arms but nevertheless took advantage of a professional reinsertion programme. Some of the true ex-combatants who took part in the process were, indeed, reinserted; others, once the process was completed, also returned to their former leaders. Some former zone commanders still control their combatants, some are still unregistered and are involved in economic predation, for instance, the exploitation of the Gamina gold mine.³⁸

It also appears that pro-Gbagbo militias have been largely left out of the DDR process. Only 46% of the 23 500 individuals

registered took part, while the others have remained outside the country, either fearing reprisals or in anticipation of a possible new conquest of the country by the use of force, says the UN Group of Experts.

Many of them regarded with suspicion a process that would identify and thus neutralise them. Because they did not participate in the process, they would technically still be able to operate, even if current conditions do not facilitate their mobilisation. Armed elements related to the radical wing of the pro-Gbagbo movement still represent a threat to the country's security³⁹

Finally, and contributing to strengthening the feeling that many weapons are still available, the UN Group of Experts has mentioned on its various report sites places where arms and military equipment are hidden. The group of experts was, for instance, worried, in April 2015, about the discovery in the fourth infantry battalion of Korhogo of unrecorded weapons that had entered Côte d'Ivoire in violation of the embargo. Disarmament, therefore, remains a challenge, and not just at the level of insignificant combatants.

Since 30 June 2015 ADDR has been replaced with a Coordination, monitoring and reintegration unit (CCSR), whose mandate is to absorb 5 784 elements that had not yet undergone the DDR process by the time of the election. The intention to complete the DDR process formally four months before the election appears to have been an attempt to reassure the population as well as external partners. But declaring the end of the process might enable the start of a new, coercive phase. Thus, with the DDR officially over, any person who is not a member of the FRCI and who owns a weapon without authorisation may be regarded not as an old combatant awaiting resocialisation but as a gunman. Only after the election will it be possible to know whether this approach is actually enforced.

Disarmament, therefore, remains a challenge, and not just at the level of insignificant combatants

The reform of the security sector has progressed significantly, especially with regard to the development of appropriate institutional and normative structures. However, it still faces four major challenges: the slow promulgation of the law on military programming to define the framework for transforming the army, a lack of consistency among the various defence and security units, police and gendarmerie who are ill-equipped to maintain public order and the slow building of the capacity of the National Assembly to exert democratic control.

Simultaneous demonstrations of some elements of the army in Abidjan and in many other cities on 18 November 2014 indicate the importance of completing the SSR process and, in addition, restoring a chain of command and control worthy of a truly republican army.

Given the fact that the DDR and SSR processes are yet to be completed and in view of the roles played by the defence and security forces during the post-election crisis of 2010–2011, the security forces cannot be considered politically neutral. It is feared that if they are called upon to intervene in securing the elections they will not offer the same level of protection to all candidates and all their supporters in cases of violence between political groups. The legacy of the past decade may, therefore, weigh heavily on the security environment and political developments and reach far beyond the 2015 election.

Social cohesion

On 15 December 2014 the Dialogue Truth and Reconciliation Commission (CDVR) officially presented its final report and recommendations to President Ouattara. The commission's work was heavily criticised throughout its mandate and its report is yet to be made public. On 24 March 2015 President Ouattara created by decree the National Commission for Reconciliation and Compensation of Victims (CONARIV).

Financial compensation for victims without any other reparation measures will not be sufficient to foster social cohesion

This commission, which is responsible for 'completing the work of the CDVR, both through research and identification of victims and beneficiaries of victims not yet identified, by relevant proposals for compensation for damages', is headed by the Archbishop of Bouaké and comprises many former commissioners of CDVR.⁴⁰ Financial compensation for victims without any other reparation measures will not be sufficient to foster social cohesion.

Rural land tenure

The politicisation of the issue of rural land tenure and its role in the tensions and conflicts in Côte d'Ivoire since the 1990s, especially in the western part of the country, has generated many studies.⁴¹ One of these, conducted by Human Rights Watch in 2013, found that large-scale population displacements created by the post-election crisis are causing 'real chaos on land rights and land acquisition' in the west, where land issues were already a source of violence and conflict.⁴²

A 1998 law on rural land recognised customary law as a basis for claiming land ownership. It gave beneficiaries 10 years in which to obtain a land certificate issued by the state on the basis of customary law. Moreover, the law introduced a limit based on nationality for property rights, stating that only Ivoirians could own rural land. The political context that prevailed at the time (which promoted a restrictive definition of citizenship in a country characterised by heavy immigration) and the lack of accompanying measures for that law led to abuse and violence, particularly in the western part of the country.

The land issue, which has been viewed as one of the root causes of the Ivorian crisis, notably in the Linas-Marcoussis Peace Agreement of 2003, should have been a

Important Dates

19 September 2002: Start of the rebellion

24 January 2003: Linas-Marcoussis agreement

11 April 2005: Pretoria Agreement

4 March 2007: Ouagadougou Political Agreement

31 October 2010: First round of presidential elections

28 November 2010: Second round of presidential elections

30 March 2011: Adoption of the UN Security Council resolution 1975

11 April 2011: Capture of Laurent Gbagbo

21 May 2011: Investiture of Alassane Ouattara

29 November 2011: Transfer of Laurent Gbagbo to the ICC

23 August 2013: Adoption of laws on nationality and on rural land tenure

7 July 2015: Indictment of former rebel leaders close to Alassane Ouattara

9 October 2015: Opening of the electoral campaign for presidential election

25 October 2015: First round of presidential elections

10 November 2015: Start of the trial of Laurent Gbagbo and Charles Blé Goudé

priority for the government of national reconciliation and for the new dispensation that emerged from the 2010 election.

In August 2013 the National Assembly passed a law that essentially gives beneficiaries an additional 10 years to obtain a state-issued land certificate.⁴³ After this new deadline land on which customary rights are not recognised 'will be considered to have no owner'. However, the scarcity of land surveyors, the cost of the operation and the lack of information and support measures are obstacles to such regularisation.

With the development of cashew nut production in the northern part of the country, less affected than the west by land speculation, it is quite possible that if this problem is not properly addressed it will surface in the future or appear in other forms in new areas.

Citizenship

The issue of national identification in a country that has experienced significant migration has recurrently been presented as one of the major causes of the long political crisis. In 2003 the Linas-Marcoussis Peace Agreement considered that the application of the code of Ivorian nationality raised 'many difficulties either because of people's ignorance, or due to administrative or defence and security forces practices contrary to rights and respect of people'. Avoiding the recurrence of xenophobic practices in civil registration should have been a priority for the government that emerged from the 2010 elections. The National Assembly adopted two laws in 2013.⁴⁴ However, the identification process was only resumed in July 2014. While efforts have been made to address the issue legally, there are still technical problems relating to the production of national identity cards.

If it is not possible to solve all the problems at once, it is also dangerous to seek to resolve them separately

Before winning the 2010 election Ouattara had twice, in 1995 and 2000, been excluded from the race for the presidency because his opponents had raised questions about his origins. The exclusion was based on Article 35 of the Constitution, which, after being amended in 2000, reads: 'the candidate for president must be of 'Ivorian origin, born of father and mother themselves of Ivorian origin'. It is widely argued that the 2000 amendment, which narrowed the criteria for eligibility of candidates, was aimed specifically at preventing Ouattara from running.

In the Linas-Marcoussis peace agreement the article was termed 'conflictual' and the following wording was suggested:

'The candidate must be exclusively of Ivorian nationality born from a father or mother of Ivorian origin.' The Ouattara government was expected to follow up on this recommendation by changing the article through a referendum. This did not happen, probably to prevent his critics from alleging that he had changed it because it affected him personally. The ruling coalition has deemed it prudent to undertake this work during what may be Ouattara's second term.

In essence, the challenges Côte d'Ivoire faces are reminiscent of a tangled wire. If it is not possible to solve all the problems at once, it is also dangerous to seek to resolve them separately as they are interconnected and have, over time, solidified and become more complex. If there are no efficient responses to the new and old core issues it is possible that there will be new episodes of dangerous tension.

Already thinking of 2020

The 2015 presidential election is yet to take place but many are already focusing on the 2020 election, in which the stakes will be higher. The next five years will be crucial for consolidating peace in Côte d'Ivoire and there are many risks and uncertainties.

The first is related to the future of the RHDP. The stability of this coalition depends heavily on the presence of two aged politicians, President Alassane Ouattara and the president of the PDCI, Henri Konan Bédié. They currently control their respective parties, but the agreements governing the functioning of their coalition are heavily based on their personal relationships rather than on consensus within the parties.

The tensions already present among certain actors within and between parties of the coalition will intensify before the legislative and local elections, whose dates have not yet been set. Although these rivalries are unlikely to affect the outcome of the 2015 election they suggest that there may be serious post-Ouattara power struggles in the lead-up to the 2020 presidential election.

The second factor that will have a significant impact on the course of the next five years is the Laurent Gbagbo equation. The verdict will influence the balance of power within the FPI and, more broadly, among his political supporters in the opposition. In view of the legislative and local deadlines, Gbagbo's fate will have important consequences for the dynamics within the current opposition and for the 2020 presidential election.

Finally, and related to the points discussed above, the strategy the opposition will develop in the next five years will also have a significant impact on the medium- and long-term stability

of Côte d'Ivoire. This strategy will depend, among other things, on the attitude of the current ruling coalition if it is re-elected, including its response to the legitimate demands of the opposition in relation to the fairness of the political game.

Badly managed political dialogue could further radicalise some individuals and political groupings who might be tempted to opt for the use of violence by presenting it as the only alternative. Currently, the opposition has very limited material capacity to take that route. However, this risk must be taken seriously and should guide the work of the future government when it reactivates the political reconciliation process..

Conclusion

The 2010 presidential poll in Côte d'Ivoire was presented as a post-conflict election, yet it plunged the country into unprecedented post-election violence. The presidential election of 2015 is supposed to consolidate peace and create stability. Although it is unlikely to trigger large-scale violence, that is not enough to turn the process into a democratic success or to guarantee future stability. More effort should be made to take into account the fundamental issues that might resurface in the next five years, to ensure that they are not subject to political exploitation.

The risk of setbacks in the dynamics of normalising the country both politically and from the perspective of security is all the more real in view of the fact that the contested conditions under which the election will take place are not likely to reinforce the legitimacy of the winner. Economic development, especially if it is more inclusive, could create a favourable environment for social cohesion, but it will not solve all the problems of Ivorian society. Once the elections are over the construction of a lasting peace must remain the priority for the next government and the entire Ivorian political class, which does not seem to have learned many lessons from the long years of political crisis marked by violence that have affected the country.

Notes

- 1 'Renewed day of trouble over President Ouattara's candidature', *Agence France-Presse*, 10 September 2015, oeildafrique.com/cote-divoire-nouvelle-journee-de-troubles-a-propos-la-candidature-du-president-ouattara-2/
- 2 It also builds on interviews conducted with Esso-Wèdeou Gnamke, then junior fellow at ISS-Dakar, during a previous research mission in Abidjan in November 2014.
- 3 Certain points of this report are drawn from the first issue (April 2015) and the second issue (June 2015) of the *West Africa Political Watch Brief* produced by ISS for the African Development Bank. In addition, researchers from ISS offices based in Dakar and Pretoria, Sabina Vigani and Souleymane Kouyaté, have participated in writing the sections related to Côte d'Ivoire in these briefs.
- 4 The opposition apparently hoped that a proliferation of candidates would prevent Ouattara from winning the first round, with some candidates insisting that they had many supporters in their electoral strongholds.
- 5 Created in 2005, this rightist coalition, which claims the heritage of former president Félix Houphouët-Boigny (1960–1993), includes five parties: the Rally of Republicans (*Rassemblement des républicains*, RDR) party of Alassane Ouattara; PDCI; Union for democracy and peace in Côte d'Ivoire (*Union pour la démocratie et la paix en Côte d'Ivoire*, UDPCI); the Movement for Forces of the Future (*Mouvement des forces d'avenir*, MFA) and the Union for Côte d'Ivoire (*Union pour la Côte d'Ivoire*, UPCI).
- 6 According to Article 36 of the 2000 Ivorian Constitution: 'The election of the President of the Republic is secured by an absolute majority of the valid votes. If this is not obtained, a run-off shall be held fifteen days after the announcement of first round results.'
- 7 These are the results announced by the IEC, certified by the United Nations, and approved by the international community. L-A Thérroux-Bénoni, 'La certification en Côte d'Ivoire: Retour sur un procédé controversé pour des élections de sortie de crise', in D Morin and LA Thérroux-Bénoni (eds), *Guide du maintien de la paix*, Montréal: Athéna éditions, 2011, 163–182.
- 8 During the 2010 presidential election the turnout was 83.73% for the first round and 81.12% for the run-off. It was 36.56 % for the 2011 and 2013 legislative elections, 46.29% in the regional election and 36.60% in the municipal election. It is difficult to determine whether the lower turnout is the result of the FPI's call for a boycott, the voters' disaffection or a lack of interest in non-presidential elections.
- 9 Interview, Abidjan, 14 August 2015.
- 10 Declaration by FPI on the 2015 presidential

- election in Côte d'Ivoire, Abidjan, 10 August 2015.
- 11 National Press Council, daily newspaper sales: 2015 first quarter, www.lecnp.com/publication/ca_2015%281%29.pdf.
 - 12 Upon its creation the AFD was composed of the following parties: FPI, Ivorian Labour Party (*Parti ivoirien des travailleurs*, PIT), Rally for Peace, Progress, and Sharing (*Rassemblement pour la paix, le progrès et le partage*, RPP), Ivorian Alliance for the Republic and Democracy (*Alliance ivoirienne pour la République et la démocratie*, AIRD), Ivorian Congress for Development and Peace (*Congrès ivoirien pour le développement et la paix*, CIDP), Rally for Democracy and Peace (*Rassemblement pour la démocratie et pour la paix*, RDP), Union of Democrats for Progress (*Union des démocrates pour le progrès*, UDP), Union for Absolute Democracy in Côte d'Ivoire (*Union pour la démocratie totale en Côte d'Ivoire*, UDTCI), Republican Union for Democracy (*Union républicaine pour la démocratie*, URD) and Union of New Generations (*Union des nouvelles générations*, UNG).
 - 13 P Affi N'Guessan, 'Creation of the Alliance of democratic forces in Côte d'Ivoire (*Alliance des Forces Démocratiques de Côte d'Ivoire*)', www.facebook.com/media/set/?set=a.697431233637112.1073741840.181848508528723&type=3.
 - 14 They are former premier and former CDVR president Charles Konan Banny; the MP and former leader of PDCI youths, Kouadio Konan Bertin and Jérôme Brou Kablan, former speaker of the National Assembly during Henri Konan Bédié's regime.
 - 15 The other signatories of the 15 May Charter are Martial Ahipeaud, Union for Development and Liberties (UDL); Emmanuel Bah Soumalo, Alliance for Social Democratic Activists (*Alliance des sociaux démocrates*, ASD); Jean-Jacques Bechio, Movement for Côte d'Ivoire (*Mouvement pour la Côte d'Ivoire*); Doumbia Major, Pan-African congress for Renewal (*Congrès panafricain pour le renouveau*, CPR); David Samba, Coalition of Indignant People in Côte d'Ivoire (*Coalition des indignés de Côte d'Ivoire*); Théophile Soko Waza, Congress of People for the Development of Freedom (*Congrès du peuple pour le développement de la liberté*, CPDL) and Bah Enoch, Congress for Ivorian Renewal (*Congrès pour la renaissance ivoirienne*, CRI).
 - 16 Six candidates presented Ouattara with an ultimatum relating to the creation of conditions for credible and transparent elections, *Agence de presse africaine*, 8 October 2015, news.abidjan.net/h/566387.html
 - 17 National Coalition for Change, Charter, lider-ci.org/wp-content/uploads/2015/05/CNC-charte-sign%C3%A9-le-15-mai-2015.pdf
 - 18 They are Amara Essy, Siméon Konan Kouadio, Henriette Lagou Adjoua, Jacqueline-Claire Kouangoua, and Kacou Gnanbo.
 - 19 'Côte d'Ivoire: Essy Amara withdraws from the presidential race', *Radio France internationale*, 7 October 2015, www.rfi.fr/afrique/20151007-cote-ivoire-essy-amara-suspend-participation-presidentielle-ouattara-ceni.
 - 20 '2015 presidential election: a new coalition stands against Ouattara and sets its claims', *L'Inter*, 8 September 2015, www.linfordrome.com/vie-politique/22652-presidentielle-2015-une-autre-coalition-de-l-opposition-se-dresse-contre-ouattara.
 - 21 For instance, on 9 November 2011, 20 Gbagbo supporters were released. Two days after the election, on 13 December 2011, the assets of 51 Gbagbo supporters were unfrozen.
 - 22 Security Council, '36th report of the Secretary General on the United Nations Operations to Côte d'Ivoire', S/2015/320, 7 May 2015, para 4, www.un.org/fr/documents/view_doc.asp?symbol=S/2015/320
 - 23 'Presidential election in Côte d'Ivoire: Anti-Ouattara demonstrations', *Radio France internationale*, 29 September 2015, www.rfi.fr/afrique/20150928-cote-ivoire-election-presidentielle-ouattara-abidjan-manifestation-radio-t.
 - 24 HACA, information in the state audiovisual media, June 2015, 5
 - 25 Interview, Abidjan, 19 August 2015.
 - 26 Interview, Abidjan, 18 August 2015.
 - 27 The building of the Abidjan-Grand-Bassam highway reportedly elicited similar comments from Grand-Bassam inhabitants: 'We have no car and we live in common courtyards. When we go to Abidjan, we travel in a *gbaka* (a public transport minibus) and *gbakas* do not pass on the toll motorway' (Interview, Abidjan, 19 August 2015).
 - 28 Swearing-in ceremony: President-elect's speech, *Le Mandat*, 23 May 2011, news.abidjan.net/h/399680.html.
 - 29 Interview, Abidjan, 19 August 2015.
 - 30 The 2013-93 order, dated 30 December 2013, creates a Special Investigation and Instruction Unit (CSEI) to replace the Special Investigation Unit (CSE) set up in June 2011.
 - 31 Militia leader who fought for pro-Ouattara forces during the post-election crisis. P Airault, 'Côte d'Ivoire: End of game for Amadé Ouérémi', *Jeune Afrique*, 31 May 2013, www.jeuneafrique.com/137279/politique/c-te-d-ivoire-fin-de-partie-pour-amad-ou-r-m/.
 - 32 'Côte d'Ivoire: Wide-ranging indictments in the army', *Jeune Afrique*, 6 July 2015, www.jeuneafrique.com/mag/241746/societe/cote-divoire-inculpations-tous-azimuts-dans-larmee/.
 - 33 Interview with Fatou Bensouda, *Jeune Afrique*, 5 February 2015, www.jeuneafrique.com/33574/politique/fatou-bensouda-en-c-te-d-ivoire-personne-ne-sera-pargn/.
 - 34 The author would like to thank Dr David Zounmenou, Senior Fellow at the ISS Pretoria Office, for his contribution to this section.
 - 35 With regard to the 10 000 former combatants who have not been included, the authorities claim that they are not available either because they have died or because they are no longer interested in the DDR mechanism.
 - 36 Web site of ADDR, Reinsertion and reintegration table, www.addr.ci/tableau_reins_reint.php?page=tableau_reins&PHPSESSID=f3jjstai2058p5580og1k0q9t0.
 - 37 UN Security Council, 'Final report of the Côte d'Ivoire group of experts, created in application of paragraph 27 of resolution 2153 (2014) of the Security Council', S/2015/252, para 63.
 - 38 J Bavier, 'Special Report: Why gold threatens Ivory Coast Peace', *Reuters*, 7 May 2015, www.reuters.com/article/2015/05/08/us-ivorycoast-gold-army-specialreport-idUSKBNONS0V620150508. See also, UN Security Council, 'Final report of the Côte d'Ivoire group of experts, created in application of paragraph 27 of resolution 2153 (2014) of the Security Council', S/2015/252, para 78.
 - 39 Ibid, 4.
 - 40 Official report of the Cabinet meeting on 24 March 2015, news.abidjan.net/h/540642.html
 - 41 J-P Chauveau, 'Question foncière et construction nationale en Côte d'Ivoire: les enjeux silencieux d'un coup d'État', *Politique africaine* 17, 2000, 94-125; International Displacement Monitoring Center, Norwegian Refugee Council, *À qui sont ces terres? Conflits fonciers et déplacements des populations dans l'Ouest forestier de la Côte d'Ivoire*, October 2009; T Dagrou, A Djessa, *Les non-ivoiriens et le code foncier rural de la Côte d'Ivoire*, Abidjan: CERAP Editions, 2008.
 - 42 Human Rights Watch, ' "Cette terre est la richesse de ma famille": agir contre la dépossession des terres suite au conflit post-électoral en Côte d'Ivoire', October 2013, 4, www.hrw.org/sites/default/files/reports/cdi1013fr_forUpload.pdf.
 - 43 Bill related to the deadline for the recognition of customary land rights of customary areas and amending Article 6 of Law No 98-750 of 23 December 1998 related to rural land, as amended by law No 2004-412 of 14 August 2004.
 - 44 Bill containing a special provision for the acquisition of citizenship by declaration and Bill amending articles 12, 13, 14, and 16 of Law No 61-425 of 14 December 1961 on the Nationality Code, as amended by Act 72-852 of 21 December 1972 and No 2004-662 of 17 December 2004 and decision No 2005-03 / PR of 15 July 2005 and No. 2005-09 / PR of 29 August 2005.



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