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Côte d'Ivoire's Political Stalemate: A Symptom of Africa's Weak Electoral Institutions

Summary

- The political stalemate in Côte d'Ivoire following the November 28, 2010, presidential election continues. The majority of the international community recognizes Alassane Ouattara as the winner, but Laurent Gbagbo, the sitting president, insists he won. Financial and diplomatic sanctions imposed on the Gbagbo administration have thus far not forced Gbagbo from power.
- Maintaining international pressure and focus is critical to resolving the Ivorian crisis, but African states are increasingly divided on how to proceed.
- The power-sharing arrangement settled on by five African nations in recent elections sets a dangerous precedent. Losers with a strong militia may find it easier to use threats of violence or actual violence to retain a critical power role, thus subverting the intent of the election.
- African states will continue to experience violence during elections until the security sector is reformed, states refrain from holding elections while militias remain mobilized and armed, elections can be clearly and independently verified, institutions are politically independent, and policies exist to discourage the violent acquisition of power.

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Following the November 28, 2010, presidential runoff election, the United Nations, charged with validating the electoral process, along with the Independent Electoral Commission, proclaimed Alassane Ouattara the winner, with 54.1 percent of the vote, over Laurent Gbagbo, the sitting president, who had received 45.9 percent of the vote. However, the Constitutional Council, headed by a Gbagbo supporter, annulled results in 13 departments, alleging fraud, and proclaimed Gbagbo the winner, with 51.4 percent of the vote; Ouattara was given 48.5 percent.¹ Both Ouattara and Gbagbo were sworn in as president by their supporters.

Most in the international and regional communities recognized Ouattara as the winner, and the Economic Community of West African States (ECOWAS) and the African Union (AU) suspended Côte d'Ivoire from membership. Gbagbo's calls to investigate election fraud, recount the ballots, and craft a power-sharing arrangement have been rejected by the international and regional institutions. Instead, ECOWAS and AU envoys have urged Gbagbo to step down, financial and travel sanctions have been placed on him and his associates, and ECOWAS threatened military intervention.² With the military and the Young Patriots militia supporting Gbagbo and the Forces Nouvelles rebels supporting Ouattara, many fear that the failure of diplomacy and sanctions will

reignite the 2002 civil war. While the central conundrum is how to convince Gbagbo to leave office, larger questions loom about the role of elections, the state of democratization, and the strength of institutions in Africa.

Power Sharing in Response to Electoral Violence

In 2010, opposition candidates claimed electoral fraud and irregularities in every presidential election in Africa—in Guinea, Togo, Sudan, Burundi, Burkina Faso, Egypt, Comoros, Tanzania, and Rwanda. Historically, in many cases of electoral fraud, the challenger urges demonstrations or refuses to recognize the results. In prolonged and violent standoffs mediators have been dispatched, as occurred in Guinea 2010, or a power-sharing agreement has been negotiated, as occurred in Kenya and Zimbabwe in 2008, in Togo in 2005, in Madagascar in 2002, and in Zanzibar in 2001.

While the power-sharing arrangements in those five cases aimed to stop the violence and address some of its underlying causes, such arrangements could have longlasting implications, and shorter, transitional measures might be considered instead. Granted, an electorate can vote for a power-sharing or proportionally representative government. The problems arise when power sharing is imposed as a solution when there is a clear winner (it weakens the purpose of an election), when the winner cannot be determined (it can encourage fraud and other obfuscation), or when there is postelection violence (it may demonstrate that violence pays). In this sense, Gbagbo's power-sharing proposal is troubling and presents a critical philosophical decision for Africa's institutions: how to react to candidates who respond violently to election results. More broadly, how can leaders be encouraged to accept defeat? How should the international community respond to leaders who use violence to hold on to power? For the remainder of 2011, Africa faces nearly 40 elections and referenda in 23 countries, including some that have a history of violence and weak democratic institutions, such as Nigeria, Zimbabwe, and the Democratic Republic of Congo. A power-sharing norm, in the event of violently contested election results, will be a dangerous precedent.

Lessons from Madagascar and Togo

In 2003, a disputed first-run election left Madagascar divided between the supporters of incumbent president Didier Ratsiraka and challenger Marc Ravalomanana. The Organization of African Unity brokered the Dakar Agreement to pave the way for a resolution.³ But when Ratsiraka refused to concede, confrontations between the two escalated, and Ratsiraka fled to France.⁴ Six years later the mayor of Antananarivo, Andry Rajoelina, accused Ravalomanana's administration of corruption and mismanagement and, with the military's backing, assumed the presidency. Ravalomanana fled to South Africa. Despite the absence of both Ratsiraka and Ravalomanana, the political situation in Madagascar remains unresolved. Efforts at resolution have floundered as the international community, once united in bringing Rajoelina and the former presidents together, has splintered, with different countries considering their own national and regional interests. Resolving the crisis is made more difficult as the efforts of mediators are uncoordinated and therefore weakened.⁵

The response in Togo differed markedly. After long-serving Gnassingbé Eyadéma died in 2005, the parliament swore in his son, Faure Gnassingbé, contravening the constitution. ECOWAS and the International Organization of the Francophonie suspended Togo. After an enormous amount of international pressure and mediation, Gnassingbé stepped aside to allow elections, as required by the constitution. In this case, the concerted pressure of the international and regional communities provided space for the resolution of the crisis.

The Ivorian situation must not slip from international attention. The financial and travel sanctions have begun to constrain Gbagbo and his administration, but he remains in place. Only resolute diplomatic pressure and adherence to sanctions will eventually dislodge Gbagbo and avert conflict. Yet the AU's reversal on military intervention, the refusal by Ghana and South Africa to take a stance for one candidate or the other, and Uganda's Yoweri Museveni's statement that the votes should be investigated show a divided region. Furthermore, other African countries are receiving Gbagbo's representatives, in a break with the initial practice of recognizing only Ouattara's representatives; they were recently in Kenya to explain their reasons for rejecting Ouattara's victory claims. These developments threaten a swift resolution to this stalemate and portend a long period of instability.

The Role of Ivorian Civil Society in Reducing Tension

Political and geographic divisions make it difficult for Ivorian civil society to act as a joint force for peace. Moderate voices, willing to bridge regional and political divides, are not being heard.⁶ It is important to note that Ouattara did not obtain a landslide victory. A substantial number of voters, nearly 46 percent, supported Gbagbo. Their reasons for supporting Gbagbo reflect the existing regional, ethnic, and religious divisions in Côte d'Ivoire. Whether Gbagbo or Ouattara emerges as winner from the current stalemate, the next president will face a sharply divided electorate that challenges his rule. Thus, this election, which was meant to repair the divisions between the north and the south, will have failed to do so. At the very least, a key ingredient for avoiding war in Côte d'Ivoire is to reconcile these divided communities. Civil society's moderate voices can play a critical role in starting the reconciliation process.⁷ Moderates can also make joint statements and appearances and participate in the current mediation process between Gbagbo and Ouattara. The international community should help by emphasizing the importance of moderates and building their capacity and infrastructure to succeed.

Preventing Violence in Electoral Disputes

Côte d'Ivoire's crisis, as well as others, could have been avoided if the militias had demobilized and if clear rules for the security services had existed, methods for verifying elections were clear and disputes could have been credibly resolved, and Africa's institutions had implementable tools for discouraging electoral violence.

The Role of the Security Forces

In many countries, security services remain politicized and are used to crush demonstrations and intimidate the opposition. This was clearly seen in the postelection demonstrations in Ethiopia in 2005, where approximately 30,000 opposition members were arrested.⁸ In Côte d'Ivoire as many as 30 demonstrators died at the hands of state security services during a public demonstration.⁹ Reform and depoliticization of the security forces would reduce the chances of violence.

Disarmament and Demobilization of Militias

Repeated attempts to disarm the militia ahead of the elections in Côte d'Ivoire failed. The program was poorly funded, and there were identifiable security, financial, and political benefits for the militia to remain intact. Removing those incentives would have spurred demobilization. Now, with Ouattara and Gbagbo in control of arms, the prospect of violence increases dramatically should diplomacy fail. A similar outcome occurred in the Republic of Congo after the 1993 parliamentary

elections when the three political party leaders each claimed victory while still in charge of their respective militias. The clashes in the ensuing several months left 2,000 dead.¹⁰ Elections should not proceed while candidates remain in control of militias.

Clear, Independent Verification of Results

The UN Mission in Côte d'Ivoire (ONUCI) was charged with certifying the electoral process. It was to “ensure that all stages of the electoral process are carried out in accordance with recognized standards . . . [and] not allow the results to be contested in a non-democratic way or to be compromised.”¹¹ This language left room for contestation, which is exactly what happened, when the electoral commission, which is charged with announcing the provisional results, and the Constitutional Council, which is charged with verifying the electoral commission's results, disagreed. ONUCI's role as certifier does not explicitly state that its judgment is final. This ambiguity has been exploited in the Ivorian crisis. Similarly, in Kenya the procedures in place could not determine which candidate had won or whether the electoral process had been fair, fueling the tension. Strengthening and clarifying the processes and institutions that verify an election will greatly reduce the chances and claims of fraud.

Fair Hearings for Grievances

Credible means of assessing an election should be buttressed by independent institutions for addressing grievances. Côte d'Ivoire's politically biased institutions do not foster this confidence. In Kenya's 2007 elections and Togo's 2010 elections, opposition leaders refused to use existing institutions, which they deemed biased, to resolve their grievances, opting instead for street protests. Without independent institutions, public protests will increase the chances of violence, especially when security forces are politicized.

Sanctions for Violence in Electoral Disputes

There is currently no continental stance or policy on discouraging electoral violence. Politicians in Kenya, Zimbabwe, Togo, and Zanzibar were all rewarded with power-sharing agreements when they contested elections violently. Elsewhere, violent perpetrators were not prosecuted when the country returned to political normalcy. This sends a message that violence is costless and sometimes pays. Africa's institutions must develop clear and implementable sanctions against politicians who use violence to secure elections.

Conclusion

Other, country-specific ways to increase an election's credibility and transparency certainly exist. However, basic measures such as depoliticizing the security services, disarming militias, clearly and independently verifying elections, establishing independent institutions for redressing grievances, and discouraging the use of violence in elections can help prevent violent responses to electoral results. Côte d'Ivoire had none of these measures in place. Now, with the threat of violence looming, the international and regional communities must remain unified in their approach and push for the inclusion of moderate civil society voices to ensure the resolution of the crisis.

Endnotes

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ABOUT THIS BRIEF

Dorina Bekoe is a senior research associate in USIP's Center for Conflict Management. In this Peace Brief, the political stalemate in Côte d'Ivoire and the broader issue of electoral violence in Africa are examined.

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3. Dakar Agreement, http://www.afrol.com/Countries/Madagascar/documents/accord_dakar.htm.
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10. U.S. Department of State, "Congo Human Rights Practices, 1994" (Washington, DC: U.S. Department of State, February 1995), sect. 1(a), http://dosfan.lib.uic.edu/erc/democracy/1994_hrp_report/94hrp_report_africa/Congo.html.
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