



SPECIAL REPRESENTATIVE BERT KOENDERS CARRIES OUT PARTIAL CERTIFICATION OF LEGISLATIVE ELECTIONS OF 11 DECEMBER 2012

STATEMENT ON THE PARTIAL CERTIFICATION OF LEGISLATIVE ELECTIONS OF 11 DECEMBER 2011

By Albert Gérard Koenders, SRSG
Abidjan, 17 February 2012

1. The United Nations Security Council, in its Resolution 1765 (2007), decided that the Special Representative of the United Nations Secretary-General (SRSG) « *shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards* ».

2. Resolution 2000 (2011) states, in particular, that “the Special Representative of the Secretary-General shall certify that all stages of the upcoming legislative elections provide all the necessary guarantees for open, free, fair and transparent elections, in accordance with international standards and the agreed criteria”.

3. In consultation with the Ivorian stakeholders, UNOCI had developed a five-criteria framework for certification. These criteria are laid down in paragraph 32 of the 16th Report (S/2008/250) of the Secretary-General of the United Nations on the United Nations Operation in Côte d'Ivoire (UNOCI). They are: peace; inclusion; State media; the electoral list and the results.

- Peace: the process, including the electoral operations, must take place in a peaceful atmosphere.
- Inclusion: the electoral process must include all citizens who fulfill the conditions to be electors and, for candidatures, all eligible persons.
- State media: their impartiality and equal and equitable access to them must be guaranteed for all candidates, political parties and political groups.
- A partial, non-inclusive list will not be certified. Once the electoral list has been explicitly certified, the Certifier will not accept any retroactive challenge to it.
- The results: The results must not be biased. They must be determined through a transparent counting process that is carried out without any excessive delay. They must be accepted by all or challenged peacefully through the appropriate channels.

4. These criteria were widely disseminated beforehand within the Ivorian institutions and population. Within the framework of the legislative

elections, I again ensured that they were explained to the population through press conferences, interviews, sensitization messages and the publication of a new brochure titled “Nine questions on the certification of the legislative elections in Côte d’Ivoire”.

5. Given the sociopolitical changes that followed the 2010 presidential elections and the severe divisions generated by the post-election crisis, I had increased contacts and consultations with all the national actors and encouraged the Ivorian protagonists to take a consensual approach, which would be a guarantee for a peaceful and inclusive environment for the electoral consultations.
6. In fact, the modification of the status of one of the signatories to the Ouagadougou Political Agreement (OPA) after the presidential election and the post-election crisis considerably affected the spirit of the OPA and the functionality of the Permanent Consultative Framework (CPC), considered a body for permanent monitoring and dialogue between the protagonists of the Ivorian crisis-resolution process. To re-dynamise that dialogue, I undertook constructive consultations with the Facilitator.
7. After the crisis, the Government and the current Opposition, grouped within a coalition called the *Congrès National pour la Résistance et la Démocratie* (CNRD – National Congress for Resistance and Democracy) undertook a new dialogue outside the CPC, whose results, up to the holding of the legislative elections, were not very conclusive. In fact, the two parties did not manage to agree on a certain number of conditions presented by the CNRD as pre-conditions for its participation in the legislative election of 11 December 2011. Thus, as opposed to the presidential election, the process leading up to the legislative elections evolved in the absence of a clear consensus between the main stakeholders. The CNRD and most of its components, including the *Front Populaire Ivoirien* (FPI – Ivorian Popular Front), opted to boycott the legislative poll.
8. For the certification of the legislative election process, I attentively monitored and evaluated the different phases, including the establishment of the list of candidates, candidates’ access to the State media, the election, the vote-counting operations, the proclamation of the results by the Independent Electoral Commission (IEC) and the settlement of the challenges by the Constitutional Council.
9. Overall, the various stages of the legislative elections took place in a calm environment. I am happy at the pacific attitude of the Ivorian people who, a few months after the post-election crisis, demonstrated a remarkable political maturity. In most of the constituencies, the elections took place in a globally secure atmosphere. The presence of security arrangements set up by the Government and comprising elements of the *Forces Républicaines de la Côte d’Ivoire* (FRCI – Republican Forces of Côte d’Ivoire), and the Ivorian gendarmerie and police, supported by the impartial forces, UNOCI and the Licorne, also contributed to this environment. However, UNOCI civilian and military personnel sent to the different constituencies as well as the national and international observer missions which went to the various polling stations, noted intimidatory manoeuvres and acts of violence committed here and there during the election campaign and on the day of the election. These incidents are

serious but, however, isolated and concern a tiny number of constituencies.

10. With regard to the voters' list, allow me to state that the IEC decided to retain, in its entirety, the list used for the 2010 presidential election, despite reservations regarding the inclusion of new people of voting age (207,173 persons who registered for national identity cards and who were minors at the time of registration) and the various categories of persons whose cases were referred during the presidential election process. These included 47,798 persons rejected on technical grounds (unusable photos or fingerprints); 658,711 persons rejected on administrative grounds and 55,948 persons who were turned down following verification of the provisional list by the Public Registry Office. The IEC justified this option by the difficulty, and even the material impossibility, of conducting the registration and processing necessary for the inclusion of these persons on the voters' list before the date set for the legislative election of 11 December 2011, given the fact that many technical installations belonging to the technical operators and the IEC had been plundered and vandalized. The IEC further explained that the list had already been certified at the presidential election (1). It should be noted that the IEC took this option in consultation with the Government.
11. Finally, I should like to recall that the final list certified on 24 September 2010 has 5.725.720 registered voters. Let us hope that after the legislative elections, which complete the crisis-resolution process in Côte d'Ivoire, the voters' list will be updated so as to guarantee the greatest possible inclusiveness.
12. At the proposal of the IEC, the Government conducted a new distribution of constituencies through Decree No. 2011-264 of 28 September 2011 regarding the distribution of constituencies for the 2011-2016 legislature. The number of constituencies thus went from 174 to 205. It was noted that the new criteria used were not given all the desired publicity within the population.
13. The period for the submission of candidatures for the election of deputies to the National Assembly was set by the IEC as 16 to 27 October, open to all persons fulfilling the conditions set by the electoral law. The process of receiving and processing the candidatures was, however, very turbulent. Given the low registration rate, the deadline for the submission of candidatures was extended on many occasions by the IEC up until 4 November to enable the headquarters of political parties and groupings to finalise their applications.
14. Moreover, certain persons from the categories not included in the final voters' list and who, therefore, were not electors, had requested the IEC to allowed them, exceptionally, to present their candidatures for the election of deputies to the National Assembly. The IEC was unable, of course, to honour these requests.
15. Furthermore, despite the instructions of the CNRD, certain political parties who are members of this coalition presented their candidatures, declaring that they were doing so by virtue of the autonomy of each member of this political grouping. These parties were, in particular, l'Union Démocratie et Citoyenne (UDCY), le Mouvement National Citoyen (MNC), l'Union Républicaine pour la Démocratie (URD)

and Cap Unir pour la Démocratie et le Développement (Cap-UDD). In line with political developments, these parties announced the withdrawal of their candidates, before reconfirming their participation on 5 December 2011.

16. Finally, during the period of registration and the processing of the candidatures, several decrees were made by the President to modify the existing legal rules and regulations, notably those concerning the conditions that each candidate should meet and the deadline for the presentation of candidatures.
17. The IEC published a provisional list of candidates on 10 November 2010. Disputes over candidatures were submitted to the Constitutional Council on the basis of the new presidential decrees. Despite the fact that these decrees were not publicized, the Constitutional Council registered and treated 16 requests.
18. At the end of this procedure, the final list of candidates was published by the IEC on 21 November 2011. This list comprised 1,160 candidates representing 38 political parties, including the opposition, namely the *Liberté et Démocratie pour la République* (LIDER) and the four (04) components of the CNRD already mentioned.
19. The presentation of candidature period, I organised meetings with different political actors, the Government as well as the Opposition, in an effort to encourage a large participation in the electoral process. I am committed to continuing to support the different political actors in the consolidation of democracy in Côte d'Ivoire.
20. Regarding State media, the first days of the electoral campaign were marked by an absence of specific and precise regulations with regard to the broadcasting of the political activities of candidates. This resulted in weak and unbalanced media coverage of the electoral constituencies, the candidates and the political parties by the State media – namely *Fraternité Matin*, *Radio Côte d'Ivoire*, *Radiodiffusion Télévision Ivoirienne (RTI)*. Following the publication of decisions and a call to order by the media regulatory bodies (*Conseil National de la Presse* and the *Haute Autorité de Communication Audiovisuelle*) on the coverage of the legislative elections, the State Media improved the quality of their programmes by providing a more balanced coverage. In general, the private media, including local radios, also behaved responsibly. And despite the technical limitations and the large number of candidates, an important effort was made by the media, especially RTI, to cover as many constituencies and activities as possible in the different neighbourhoods in Abidjan, its environs and the interior of the country.
21. I noticed that the media and the regulatory bodies realised the important role they had in the holding of a peaceful electoral campaign. Generally, from 3 to 9 December, candidates were able to carry out their campaigns and sensitise voters in a satisfactory security climate throughout the country. However there were exceptional cases of intimidation and violence in some electoral constituencies, of which the most serious were the object of electoral disputes, which were dealt with by the Constitutional Council.

22. Reports from UNOCI's military and civilian personnel deployed in the different constituencies and the reports from national and international observers have stated that the polls on 11 December 2011, were in general, held in a calm environment in the majority of the 204 constituencies.
23. Despite the 36,56% participation rate announced by the IEC, it is undeniable that, in general, voters were able to freely express their choice. However, some cases of violence and intimidation were reported in certain polling stations, especially preventing people from voting, beating up electoral agents, stealing of ballot boxes, destruction of ballot boxes and ballot papers etc. These isolated cases were brought to the attention of the Constitutional Council by the people concerned.
24. Logistical and organisational problems which resulted in the late opening of some polling stations and disruptions in the conduct of the polls were also noted, namely the late distribution of sensitive electoral materials, the late arrival of members of polling stations, insufficient ballot papers, missing stickers or tally sheets etc. However these technical difficulties did not really compromise the holding of the election.
25. Representatives of candidates and political parties were present in most of the polling stations. National observers (*Convention de la Société Civile Ivoirienne, Coalition de la Société Civile pour la Paix et la démocratie en Cote d'Ivoire*) and international observers (The Economic Community of West African States –ECOWAS –, *Union Economique Monétaire Ouest Africaine*, African Union, *Francophonie*, Carter Centre, European Union etc.) covered most of the country and thus contributed to the transparency of the polls.
26. In the majority of the constituencies, the counting of the votes in the polling stations, the transportation of the tally sheets, and the tallying of votes were all done in a peaceful manner.
27. The IEC transmitted the tally sheets for 19,500 polling stations which were opened countrywide. I systematically checked these tally sheets through data tabulation. For this operation, I mobilised all the technical and computer expertise in the Mission.
28. On the night of 15 to 16 December, the Independent Electoral Commission (IEC) proclaimed the results of the 11 December legislative polls. This proclamation thus opened the legal period for the lodging of petitions with the Constitutional Council in accordance with the provisions of the law. Within the context of the treatment of litigations, the petitioners forwarded copies of their petitions to the Constitutional Council to me.
29. The Constitutional Council registered 110 petitions covering 66 constituencies. There were no petitions from the other 138 constituencies in which results were accepted by the interested parties. An analysis and evaluation of the tally sheets from the 138 constituencies made by the UN Operation in Cote d'Ivoire (UNOCI) gives the same results as those arrived at by the IEC and does not show any anomalies serious enough to vitiate the regularity and sincerity of the polls in the said constituencies. There is sufficient ground to certify that in the 138 constituencies, the elections were open, free, regular and transparent and responded to the prevailing international norms. I congratulate the Constitutional Council and the

IEC for having fully played their role in the success of the electoral process.

30. With regard to the 66 constituencies in which results were contested, I must emphasize that copies of the petitions addressed to the Constitutional Council were forwarded to me.
31. The Constitutional Council announced its ruling on the petitions at a press conference on 31 January. The Council confirmed the results in 55 constituencies and annulled those of 11 constituencies.
32. In concluding my declaration on the Certification of the legislative elections of 11 December 2011, I would like to say at this stage that I made a step by step evaluation of the electoral process, in particular from the declaration of candidatures to the processing of results, and on the basis of the criteria for certification and for each of the constituencies concerned. I note that the elections took place in 204 constituencies out of 205 constituencies envisaged owing to the death of one candidate during the election campaigns. I also note that there were no petitions from 138 constituencies whereas there were petitions from 66 constituencies. After the lodging of complaints, 55 constituencies saw their results confirmed while 11 constituencies saw their results annulled. I have arrived at the conclusion that these decisions had no influence on the freedom, transparency and fairness of the electoral process as a whole and do not alter my conviction as regards the 05 criteria of certification.
33. I am therefore in a position to guarantee that all the conditions necessary for the holding of open, free, fair, just and transparent elections were met at all the stages of the legislative elections in 193 constituencies in accordance with international norms and the criteria commonly agreed upon.
34. At this stage of the electoral process and with regard to the respect of the five criteria for certification, I can solemnly affirm the following:
 - Peace: The 11 December 2011 elections were conducted in an atmosphere of peace despite certain incidents.
 - Inclusion: The electoral process was open to all the eligible citizens who met the conditions required of voters and candidates.
 - The state-controlled media: The timid coverage of the early days of the election campaigns was rectified and media balance was reestablished.
 - Electoral List: Ivorian authorities chose to confirm the electoral list that had already been agreed upon.
 - The results: The electoral process in 193 constituencies was generally free, fair and transparent.
35. At this stage, my main conclusion is that these elections constitute an important step in the entrenchment of democracy. This has been illustrated by the improved functioning of institutions such as the Independent Electoral Commission and the Constitutional Council. I welcome the fact that, after last year's crisis, the Ivorian people, in their majority, were able to exercise their right to vote in calm and in a peaceful environment.

36. Much remains to be done and in the next few days I shall contact the governmental authorities as well as the institutions concerned so as to draw the appropriate lessons from the just-ended exercise in order to better manage the upcoming by-elections. I shall address, once again, the parties involved and the candidates, and appeal to their sense of responsibility and the code of conduct. I shall also address the media, of whom I shall request additional efforts to ensure that any potential sources of dispute can be avoided.

37. After the results of the by-elections, I shall do a global assessment in which I shall focus not only on the totality of the process, but also on the structures, the institutions, their functioning at the national level, at the local level. I shall make recommendations – to the national authorities, to the political parties and groups and to civil society – on the different aspects of the process that can be improved, for the consolidation of democracy in Côte d'Ivoire. The important challenges are procedures, communication and sensitization as well as the participation of all political streams in the democratic game. It is in this sense that my priority will be to examine these crucial issues with all the actors concerned and stimulate political dialogue in the country.

Letter No. 274/CEI/PDT/DIRCAB/AC of 30 January 2012 of the President of the IEC.

For any additional information, please contact:

Hamadoun Touré, Spokesman ;

Tel. : +225-06203305 ; Mobile : + 225-05990075 ; Fax : +225-020235107

Email: hamadoun@un.org.

<http://www.onuci.org>