Seeking Democracy in Côte d'Ivoire:

OVERCOMING EXCLUSIONARY CITIZENSHIP

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I. INTRODUCTION

Many contemporary states are faced with both historically longstanding diversity and calls for democratic governance. Côte d'Ivoire is no exception. Dimensions of diversity, including ethnic, racial, religious, gender, ideological and class differences, traverse modern states, and this is in a context of demands for democratic governance and application of universal principles of liberty and equality for all.1 While diversity has potential benefits in any state, it also presents challenges, due to the real dangers of discrimination and exclusion leading to violent conflicts. Historically, these forms of discrimination have been manifested in significant class, gender, racial, ethnic and religious inequities that typically undermine democratic governance and peace. Countries that have adopted more open and tolerant practices and procedures in the conduct of public matters have been able to minimize the potential problems of diversity and maximize its advantages, contributing to peace.

The critical challenge for all countries is to create and consolidate those practices, procedures, laws and principles that recognize and value diversity. Making this transition requires a fundamentally novel way of thinking about diversity, which has been variously articulated through approaches such as pluralism, multiculturalism and positive peace.2

Côte d'Ivoire's recent history has been shaped by contestations over citizenship and participation in the democratic process, which degenerated into civil war. Once a thriving economy and success story in post-colonial Africa, Côte d'Ivoire has now suffered from two decades of intermittent conflict. Prevalent has been an exclusionary discourse of citizenship based on the notion of *Ivoirité*, widely understood by political parties representing northern ethnic groups as an instrument to limit access to the democratic process. In addition, party politics since the institution of multiparty elections in 1990 have followed the ethnic and regional cleavages of the country, with winners consistently using their

victory to marginalize the groups and regions that supported the opposition.

This politicization of ethnic and regional differences leads to issues that this paper takes up for assessing the drivers of pluralism in this country. First, it describes how the process of democratization after 1990 led to fragmentation along lines of group identity, including political parties almost exclusively representing regional and ethnic groups. Second, it maps the consequences of the rise in the 1990s of *Ivoirité*, a particularly pernicious form of xenophobic political discourse about citizenship and its eventual elimination only after years of political violence. Third, it assesses missed opportunities to create a more civil and inclusive political process. This analysis describes the ways in which Côte d'Ivoire finely succeeded in implementing a creative solution to the citizenship problem but continued to miss opportunities to resolve the contestation over the distribution of power and political marginalization resulting from liberal democracy in a regionally, ethnically and religiously divided country.

II. THE DIVERSITY OF CÔTE D'IVOIRE AND THE CHALLENGES OF PLURALISM

Côte d'Ivoire's political and economic history, both colonial and post-colonial, has shaped its diversity, the character of the state and forms of governance. Challenges to pluralism are rooted in the country's complex colonial history, benevolent authoritarian rule after independence under Félix Houphouët-Boigny (1960–93), and nascent albeit violent struggle for democracy since 1990.

Present-day Côte d'Ivoire is a country of just over 20 million people, with immigrants estimated to be about 12% of the population.[3] Several forms of social divisions, most notably regional, religious and ethnic, characterize the country. Côte d'Ivoire is informally divided into northern and southern regions, a divide rooted in religious, ethnic and economic differences. The north is primarily Muslim, while the south is mainly Christian. Côte d'Ivoire also has significant ethnic diversity. It is estimated that there are more than 60 indigenous ethnic groups in the country, generally clustered into four major groupings, namely the East Atlantic people (primarily Akan), the West Atlantic people (primarily Kru), the Voltaic in the northeast and the Mandé in the northwest.[4] The Baoulé belong to the Akan group and form 23% of the Ivoirian population. The Bété, accounting for 18% of the population, are part of the Kru group. The Sénoufo belong to the Voltaic group and make up 15% of the population. Malinké are a Mandé people, accounting for 11% of the population of Côte d'Ivoire.[5] The Baoulé and Bété are predominantly Christians and often referred to as southerners. The Malinké and Sénoufo are mostly Muslims and commonly referred to as Dioula, and also as northerners. The convergence of regional, religious and ethnic divisions has deepened these cleavages, which are compounded by struggles for political power and economic disparities between the north and the south. This regional divide was most evident during the civil war that began in 2002, when the rebel forces controlled the north, while the government

held the south. The Ivoirian civil war has sometimes been described as a war between Muslims and Christians. However, this is simply a function of the overlap between religion and region. The war is not a religious war since none of the warring groups have made religious demands or used religious teachings to justify their actions or demands. In short, the civil war is largely tied to discrimination based primarily on regional and ethnic identities.

In principle, Côte d'Ivoire was simply an extension of the French state and nation until independence on 7 August 1960. Thus, the development of an independent state and a national identity were limited by the French colonial policies of assimilation and association.[6] Côte d'Ivoire became a French colony in 1893. From 1904 to 1958, it was part of the Federation of French West Africa (*Fédération de l'Afrique occidentale française*), comprised of eight French colonies in the region. Within the wider French colonial framework, Côte d'Ivoire was part of the French Union established in 1946. When that collapsed in 1958, Côte d'Ivoire opted for membership in the French Community, thereby postponing independence for two more years.

The centralized nature of French colonial rule made the Ivoirian state and national identity deeply intertwined with those of other French colonies in the region. This was reflected in the colonial administrative structure as well as the pan-African nationalism championed by the *Rassemblement Démocratique Africain* (RDA–African Democratic Rally)[7] as preparations for independence began. The RDA was established by Félix Houphouët-Boigny and other leaders from across the Federation of

French West Africa who met in Bamako (now in Mali, then French Sudan) in 1946.[8] Côte d'Ivoire's first major step in carving out an independent national identity can be traced back to Houphouët-Boigny's break from the pan-Africanist vision of the RDA in 1958.[9] Nonetheless, as Côte d'Ivoire moved away from pan-Africanism, the country increasingly allied itself with France which hindered the formation of a truly indigenous national identity. Moreover, Côte d'Ivoire's subordinate status within the French colonial administrative structure and position as a key base of French economic interests weakened the possibilities for an autonomous national identity. The country attracted not only French capital, but also workers from neighbouring French colonies (and later ex-colonies) who took up Ivoirian citizenship during colonial rule and afterward.[10]

Like other African countries, Côte d'Ivoire promised multiparty democracy at the time of independence. The preamble of the 1960 Constitution commits to the principles of democracy and human rights. Article 3 asserts that "La souveraineté appartient au peuple. Aucune section du peuple ni aucun individu ne peut s'en attribuer l'exercice [Sovereignty belongs to the people; no group or individual can appropriate its exercise]." The Constitution called for a president and a legislature elected through multiparty elections. Despite its affirmation of such democratic principles at independence, Côte d'Ivoire did not develop a liberal democratic system of government. It quickly turned into a one-party state and elections under that system fell far short of providing meaningful democratic participation. The *Parti Démocratique de Côte d'Ivoire* (PDCI), led by

Houphouët-Boigny, dominated Ivoirian politics until his death in 1993. Indeed, from 1960 to 1990, the PDCI was the sole political party.

In 1990, a popular revolt forced the PDCI to introduce multiparty democracy and launched a democratic transition. The PDCI held on to government, doing so thanks only to the savvy politics of Houphouët-Boigny. The PDCI again won the 1995 elections, characterized by outright political oppression under President Henri Bédié. The PDCI was eventually overthrown in 1999 by General Robert Guéï, who organized elections in 2000, but also tried to rig the results. A popular uprising forced Guéï to flee, paving the way for Laurent Gbagbo, the presumed winner of the 2000 presidential election and leader of the opposition *Front Populaire Ivoirien* (FPI), to assume the presidency.

Despite political independence, Côte d'Ivoire maintained strong military, political and economic dependency on France. This dependency was most evident in Houphouët-Boigny's pro-France policies, the Franco-Ivorian military pact, and French monetary control over the *Franc de la Communauté financière de l'Afrique* (CFA franc), used in Côte d'Ivoire and other francophone countries in the region. Côte d'Ivoire's strong political and economic ties with France helped the country develop its economy and infrastructure. However, the Ivoirian state also remained trapped by some of the vestiges of the political, economic and social structures of colonial rule.

This problem became clear after the death of Houphouët-Boigny, when Ivoirian nationality became politicized in the run-up to the 2000 presidential election. The crisis began when former Prime Minister Alassane Ouattara, a Mandé Muslim from the north, was disqualified from contesting the election on the grounds that he was not a native Ivoirian. The conflict over Ouattara's citizenship and that of many other northerners exposed the deep penetration of the economy, politics and culture by people with origins in other parts of the former French colonial empire. The attempt to distinguish Ivoirians who claim autochthony from others whose ancestors came from neighbouring parts of the French colonial empire and to deny the latter full citizenship resulted in a civil war that began in 2002, exposing the fragility of the state and democracy.[11] The failed democratic transition in 1990, three rigged elections and the military dictatorship under General Guéï all paralyzed the state and pushed the country towards civil war, after a prolonged period of massive political violence.

III. THE MAKING AND UNMAKING OF PLURALISM

The issue of pluralism in Côte d'Ivoire is tied to both French colonialism and the legacy of Houphouët-Boigny's 30 years of benevolent authoritarian rule.[12] To his credit, Houphouët-Boigny managed to advance the economy and maintain stability without using the excessive force against opponents typical of most African countries. In many ways, he developed domestic and foreign policies that provided meaningful economic advantages for the country. His economic achievements earned

him a reasonable level of legitimacy and support that served to tamp down discontent over the lack of democracy. On the negative side, however, his leadership was largely based simply on political survival. As such, he nurtured a neo-patrimonial regime dominated by Baoulé elite, to which he belonged, and failed to use his political capital to promote democracy. Moreover, to maintain support he relied on expedient ethnic political alliances, the large immigrant population, the dominant foreign entrepreneurs and France. The net effect of these political survival stratagems was the emergence of a personality cult in politics, corruption, ambiguous citizenship policies, xenophobia, and dependency on France and foreign capital that undermined the cohesion of the state.[13] In retrospect, Houphouët-Boigny missed the opportunity to make the 1990 democratization exercise into a fundamental democratic reform that would have addressed issues of ethnic and economic marginalization and citizenship. Instead of making a pivot toward pluralism, he relied on political manipulation and the weaknesses of the opposition parties to salvage his rule.

To examine pluralism in Côte d'Ivoire and how it has been changing, I discuss key issues related to each of the drivers of pluralism during the rule of Houphouët-Boigny and after 1993. Gaps in Houphouët-Boigny's inclusionary policies can be identified, as can the ways these inclusionary policies, limited as they were, were undermined by his successors in each of the four domains of the drivers of pluralism: livelihoods and wellbeing; law, politics and recognition; citizenship, civil society and identity; and regional and transnational influences.

Livelihoods and Wellbeing

The country's economic growth under President Houphouët-Boigny had significant inclusionary and exclusionary effects. On the one hand, economic growth brought economic and social development, which enhanced the wellbeing of a significant number of people across the regional, ethnic and religious divides. However, most of the economic development was concentrated in the south, and dominated by southern plantation owners and political elite. This led to significant migration from the north to the south. Many northerners worked as labourers on plantations in the south.

The biggest marker of this driver of pluralism is the country's relative economic prosperity, especially in comparison to other countries in the region. Côte d'Ivoire's economic development looked promising until the 1980s. GDP per capita increased from $223 in 1964 to $1,208 in 1980, before falling to $795 in 1993. Its GDP dramatically increased from $1 billion in 1964 to $10.2 billion in 1980. The value of exports reached $3.6 billion in 1980. Since the 1980s, however, Côte d'Ivoire has not made major economic gains. In fact, it recorded declines, which worsened during the civil war. GDP fell to $6.8 billion in 1983 before climbing again to $10.3 billion in 1988. Between 1995 and 2002, GDP fluctuated between $10 and $12 billion. At the outset of the political crisis in 1993, the value of exports was at $3 billion. Between 1995 and 2002, it fluctuated between $4 and $5 billion.[14] Since the end of the civil war in 2011, however, the Ivorian economy has been improving.

Côte d'Ivoire's economic success was tied to its relatively liberal economic policies, which favoured foreign capital and labour. Ivoirian liberal economic policies go back to colonial rule, when it was a magnet for investments in cash crops, most notably cocoa. Long a leading producer of cocoa, it often supplies over a third of the global cocoa output. Côte d'Ivoire solidified its dominance of cocoa production under the rule of Houphouët-Boigny, who adopted policies that led to significant foreign investments, most notably in the cocoa industry, and significant infrastructure developments. Pro-foreign investment policies have largely continued even after the death of Houphouët-Boigny. More recently, mining, and gas and oil production have also attracted foreign investments. Côte d'Ivoire's pro-business policies have only been limited during periods of major political crisis, such as the early 1990s and during the rule of Laurent Gbagbo (2000–10), who saw France as an imperial power and adopted nationalistic economic policies.[15] Unlike Gbagbo, the current President Alassane Ouattara who was mentored by Houphouët-Boigny, is a former International Monetary Fund official with strong pro-businesses policies.

Overall, Houphouët-Boigny's economic policies were more inclusionary than exclusionary. This is in large part because he allowed all Ivoirians, northerners as well as southerners, and immigrants to acquire land and make investments. He was famous for instituting the "practice of letting the land belong to those who cultivate it."[16] Immigrants were allowed to actively participate in the economy and politics. Immigrants were even allowed to vote in some elections, though those elections were not free multiparty democratic elections. While the

economic disparity between the north and south have been significant, northern merchants and workers in the south prospered and gained from Côte d'Ivoire's economic growth.

These inclusionary policies have been undermined by all the governments since 1993, however. The governments of Bédié initiated *Ivoirité*, which the subsequent governments of Guéï and Gbagbo retained. These exclusionary *Ivoirité* policies denied recognition as full citizens to many people from the north. In most cases, they were either treated as naturalized persons or people falsely claiming Ivoirian citizenship. In particular, many of them were accused of not being Ivoirian citizens by birth, and not satisfying the *jus sanguinis* (i.e., citizenship by blood) requirement of citizenship. Other *Ivoirité* measures about citizenship status also prevented many northerners from owning land and employment in the civil service (including the military).[17]

While President Ouattara has ended the exclusionary citizenship policies of the previous governments, his governments have not eliminated the regional and ethnic cleavages that plague electoral politics. Specifically, he has been selectively prosecuting southerners for crimes committed during the civil war and after, leading to accusations of a victor's justice.[18] The Ouattara government has politically marginalized southerners and thereby continues to undermine pluralism.

Law, Politics and Recognition

This driver of pluralism is the one that has seen the most dramatic change in Côte d'Ivoire. Until

the death of Félix Houphouët-Boigny, the absence of democracy was the primary factor of exclusion. This limit was not, however, vigorously directed at members of any particular ethnic, religious, or regional group. Houphouët-Boigny was a savvy dictator who used ethnic differences to maintain his rule under the one-party system. Thus, the Bété who had always opposed Houphouët-Boigny, considered themselves politically marginalized.[19] However, Houphouët-Boigny did not totally exclude them. He actually maintained expedient alliances with both southern and northern ethnic elites to ensure his rule. As compared to other African countries, Houphouët-Boigny's one-party rule can best be described as a benevolent dictatorship.

A significant change to the one-party system occurred in 1990 which supposedly began a democratic transition. With the exception of 1990, however, all subsequent presidential elections have been very controversial, plagued by efforts to exclude some candidates or simply oppress the opposition. In fact, the results of the 2000 and 2010 elections were never accepted and the other elections too have been boycotted by the opposition, including the 2015 presidential elections. In short, while multiparty democracy can be an improvement on the one-party system, multiparty democracy as practised in Côte d'Ivoire has not yet resulted in a more inclusive political system and pluralism.

Félix Houphouët-Boigny's most inclusionary policies were in the areas of immigration and investment. Perhaps, he saw immigration as simply an economic matter rather than a political issue. As such, the distinctions between citizens and immigrants were minimal after independence.

Articles 6 and 7 of the 1961 Ivoirian nationality law defined a citizen as any person born to at least one Ivoirian parent or someone born in Côte d'Ivoire to unknown parents.[20] The law also had provisions for acquisition of citizenship by adoption, marriage, naturalization or reintegration. During Houphouët-Boigny's governance, this law was generously applied, thereby allowing many recent immigrants to gain Ivoirian citizenship. Perhaps, Houphouët-Boigny had a better understanding of the colonial origin of the state, which did not have clear ethnic and cultural boundaries with neighbouring countries. Moreover, because the French colonial empire had a blanket idea of citizenship, Côte d'Ivoire's boundaries under colonial rule were simply administrative rather than political. As such people born in other parts of the French empire living in Côte d'Ivoire were granted citizenship.[21] Based on that principle, their children born in Côte d'Ivoire became Ivorian citizens by birth.

These inclusionary policies under Houphouët-Boigny were fundamentally changed toward exclusion after his death in 1993, and embodied in the doctrine of Ivoirité. It was institutionalized through electoral reforms and national identification policies that effectively disqualified many Ivoirians from the north from seeking the presidency and denied them citizenship rights. In 1994, President Bédié pushed through the PDCI-dominated National Assembly a law requiring candidates for the presidency and legislature to prove that they and their parents were Ivorians by origin.22 This law was then woven into the 2000 Constitution. Under its Article 35, a candidate for the presidency "must be Ivoirian by birth, born of a father and of a mother themselves Ivoirians by

birth. He must never have renounced the Ivoirian nationality. He must never have had another nationality. He must have resided in Côte d'Ivoire continuously during the five years preceding the date of the elections and have totalled ten years of effective presence."[23]

The law was tailored to disqualify the northern political leader Alassane Ouattara from standing for the presidency. When Judge Zoro Ballo issued Ouattara a certificate of nationality in September 1999, the Bédié government investigated the judge, forced him to resign and also accused Ouattara of falsifying his documents; it revoked the certificate in October 1999.[24] Then, General Guéï used the citizenship law to disqualify Ouattara from contesting the 2000 presidential election. When Laurent Gbagbo came to power after Guéï was forced to flee during the chaos surrounding the October 2000 presidential election, he too continued to support *Ivoirité* and the claim that Ouattara was not a natural-born citizen of Côte d'Ivoire and as such, not qualified to be president. The denial of Ouattara the right to contest the presidency along with the refusal to recognise the citizenship of many people from the north on the grounds that their claims to Ivoirian citizenship are based on false claims or false documents led to massive civil unrest, which degenerated into a civil war in September 2002.

Ivoirité and the effort to deny northerners full citizenship mask a broader struggle for political power along regional and ethnic lines. Côte d'Ivoire's three biggest ethnic groups each dominated one of the three major political parties. The Baoulé political elite inherited the PDCI when

key Mandé political elite, including Ouattara, left the PDCI to form the *Rassemblement des Républicains* (RDR) in 1994. At the same time, the FPI continued to be dominated by Bété elite. For most of the conflict over citizenship, the FPI and PDCI took a southern identity and common positions on *Ivoirité*, while the RDR became the party of northerners. This ethnic-cum-regional divide was very evident in the results of the 2000 presidential elections. The RDR gained an overwhelming majority in northern states, while the FPI and PDCI gained massive support in their respective ethnic areas in the south. Viewed from the angle of ethnic and regional politics, *Ivoirité* was largely a southern stratagem to win multiparty elections by reducing the voting power of people from the north and limiting their choice of candidates. Narrowly, *Ivoirité* and the civil war turned on the issue of citizenship, but more generally it was also a struggle for political power in the context of multiparty democratic competition in an ethnically divided state.

The problems of citizenship and power were largely resolved through war and then negotiation. The key negotiated settlement is the 2007 Ouagadougou Peace Accord, which brought relative peace to Côte d'Ivoire until the October 2010 presidential election. Laurent Gbagbo rejected the results of the 2010 presidential elections, despite UN observers determining he had lost the election. His refusal to accept the result led to his forcible removal from power by rebel forces supported by French and UN forces, during which around 3,000 people were killed. This paved the way for Ouattara to become president in May 2011.

If with the provisions of the Ouagadougou Peace Accord, Côte d'Ivoire adopted policies that effectively resolved the citizenship issue, nonetheless, the struggle for power and political marginalization continued. Northerners, who were politically marginalized by southerners, gained power with Ouattara's election to the presidency. All indications are that his government favours northerners and is marginalizing southerners. This politics of marginalization has impeded reconciliation and acceptance of pluralism in Côte d'Ivoire. Indeed, its truth and reconciliation process launched as a commission in 2011 is largely considered a failure rather than a pivot toward pluralism. This precarious peace is most evident in the consolidation of northern control over the military, selective prosecution of southerners and the southern boycott of the 2015 presidential election.

To many southerners, the military reform instituted by the new president is simply a process of appropriation of the military, which will continue to ensure the political power of northerners. In 2011, Ouattara issued a decree unifying the National Armed Forces of Côte d'Ivoire and the *Forces Nouvelles* (New Forces), which was the rebel group that fought for northerners. In opposition, the FPI called for the annulation of the decree, describing the process as a takeover of the Ivoirian army by the former rebel *Forces Républicaines de Côte d'Ivoire* and *Forces Nouvelles de Côte d'Ivoire*. On 22 January 2014, Ouattara promoted more than 500 members of the "unified" Ivoirian military, including several commanders of the New Forces.[25]

With respect to prosecutions for war crimes, justice has been largely carried out against southerners in a way that increases exclusion and undermines pluralism. Since 2011, there have been domestic and international prosecutions for crimes committed during the civil war. While some of the crimes are covered by amnesty, there is room for prosecution of others. The 2007 Ouagadougou Peace Accord states:

> In order to promote forgiveness and national reconciliation and to restore social cohesion and solidarity among Ivoirians, the two Parties to the direct dialogue agree to extend the scope of the amnesty law passed in 2003. To this end, they have decided to adopt, by ordinance, a new amnesty law covering crimes and offences related to national security and arising from the conflict that shook Côte d'Ivoire and which were committed between 17 September 2000 and the date of entry into force of the present Agreement, with the exception of economic crimes, war crimes and crimes against humanity.[26]

The amnesty thus does not cover all types of crimes, and only applies to crimes committed between 17 September 2000 and 4 March 2007. Because civil war erupted again after the 2010 presidential election (resulting in the death of over 3,000 people), there are many war crimes that could be prosecuted under Ivoirian or international law. Côte d'Ivoire signed the International Criminal Court (ICC) Statute (the Rome Statute) on 30 November 1998 and ratified it on February 2013. It has accepted Article 12, paragraph 3 of the Rome Statute, which gives the ICC jurisdiction to prosecute crimes dating back to 1 July 2002. Since Ouattara became president in 2011, Laurent Gbagbo

and many of his supporters have been arrested and prosecuted or transferred to the ICC in The Hague for crimes related to the civil war.

The problem with Côte d'Ivoire's effort to deliver justice for crimes related to the civil war is not the absence of arrests or prosecutions, but the selective application of justice against supporters of Gbagbo. As Doudou Diène stated in his January 2014 expert report to the United Nations:

> The Independent Expert remains concerned about the calendar for trials currently under way. Seeking truth and combating impunity must be the core priorities for the courts. Ensuring equitable justice means that the justice system must be able to complete the judicial procedures now under way and to initiate cases against both sides, as recommended by the International Conference on Impunity and Equitable Justice in Côte d'Ivoire, held in Yamoussoukro in February 2013. On 10 July 2013 the indictment division issued a decision concerning 84 defendants associated with the former President, Laurent Gbagbo, but no one close to the current Government has been prosecuted for acts committed during the postelection crisis, although according to the report of the National Commission of Inquiry, such persons were allegedly responsible for the deaths of over 500 people. The authorities present only the arrest of Amadé Ouérémi, for the events at Mount Péko, in Duékoué as a sign of balance in the current list of prosecutions. The investigating judge responsible for that case has been transferred to a position as a temporary prosecutor in Bouaké.[27]

Both Laurent Gbagbo and his ally Charles Blé Goudé, who was minister of Youth and Employment and leader of the Young Patriots, are being tried at the ICC in The Hague after they were handed over by the Ivoirian government. The ICC has also issued a warrant of arrest for former First Lady, Simone Gbagbo. In addition to the ICC prosecutions, the Ivoirian government has detained over a hundred Gbagbo allies in Côte d'Ivoire. By July 2011, for example, the government charged 15 Gbagbo associates for crimes related to the civil war and issued international arrest warrants for several others. Another 15 senior staff from the Gbagbo government were held under house arrest without charges.[28]

However, these arrests fall short of delivering justice. Instead of arresting people suspected of crimes on both sides of the conflict and giving them a free and fair trial, the Ivoirian government has pursued a strategy of pacification against the pro-Gbagbo opposition FPI. In particular, the government has used prisoners as an instrument of negotiation with the remnants of this opposition party. One such case is that of Simone Gbagbo, whom the government refused to transfer to The Hague, despite its pledge to cooperate with the ICC. Simone Gbagbo, who was arrested in April 2011, was sentenced by an Ivorian court to 20 years for undermining state security, on 10 March 2015.[29] In other cases, the government has been releasing prisoners as a concession to the opposition FPI, which had refused to participate in any dialogue with the Ouattara government. In August 2013, 14 pro-Gbagbo top officials, including Michel Gbagbo, were released on bail. Another group of 50 supporters were released in June 2014 by

the government, with a promise to release 150 people when the FPI resumed dialogue with the government.[30] So far, no person from Ouattara camp has been sent to the ICC for a crime committed during the civil war and the Ouattara government announced in 2016 that it would not send any more Ivoirians to The Hague.[31]

Citizenship, Civil Society and Identity

Since the late 1980s, citizen participation and civil society has grown dramatically in Côte d'Ivoire. However, this growth has been characterized by polarization and reinforcement of the ethnic and regional identities that have divided the country since independence. The democratization process, which began with the legalization of opposition parties in 1990, opened the political space to greater citizen participation, free flow of information and the growth civil society organizations.

Before 1990, radio and television in Côte d'Ivoire was more developed than in the neighbouring countries, but freedom of the press did not exist; the content of information, especially political information was heavily controlled by the government. Similarly, the political participation of religious organizations was aligned with the regime. The Catholic Church was strongly connected with the political elite and the state. Although Muslims were politically marginalized, the *Conseil Superieur Islamique de Côte d'Ivoire* (CSI) benefited from ties to the ruling PDCI.[32]

The pro-democracy movement of the late 1980s changed this situation, generating greater civil and political freedom. For example, with the introduction of multiparty elections in 1990, the free flow of information steadily developed. Until 1999, this growing flow of information reflected a burgeoning democracy and movement toward inclusion and pluralism. The flow of information continued to expand even during the civil war. However, this flow is propelled largely by the incapacity of the government to suppress it, rather than a real political tolerance for freedom of information. Since 1999, opposition forces have forcefully established their own media outlets, in the shape of newspapers, radio, TV and web pages. Unfortunately, while a range of information is more widely available, it is also polemical and often used to incite political violence. Certainly, the media have become increasingly partisan, rather than objective, as well as promoting violence. Thus, since 1999, what might be an element of inclusion does not really promote pluralism. In many ways, pluralism is undermined because despite information being more widely available, this is without a genuine commitment to peaceful and democratic deliberation.

In terms of the overall quality of civil society, Côte d'Ivoire is still plagued by political conflict. The manifestation of regional, ethnic and religious identity differences in civil society was galvanized by the political crisis of *Ivoirité*. Even the major religious groups, which typically avoided most of the political conflict and worked together to promote peace, registered significant disagreements. As the commitment to *Ivoirité* intensified, Imam Aboubacar Fofana of the *Conseil National Islamique de Côte d'Ivoire* (CNI) urged Muslims to support Ouattara, while Cardinal Bernard Agré argued that politicians causing trouble should step

down from their positions.[33] The disqualification of Ouattara from standing for the presidency in 2000 ignited strong citizen reactions. Ouattara's saga exemplified the discrimination and impracticality of *Ivoirité* citizenship policies, and mobilized northerners to the citizenship struggle. While the restrictive criteria for the presidency would not affect the vast majority of northerners, the concomitant refusal to issue them nationality certificates was a serious concern for them. Like Ouattara, genuine Ivoirians from the north found themselves in a precarious situation. Many did not have complete documents because of missing records, family relocation, or confiscation of their documents by security agents.

Alassane Ouattara's citizenship saga resonated with ordinary northerners and became a cause for which they would fight. Guillaume Soro, leader of the New Forces, described the rebellion as instigated by dissatisfaction with the 2000 elections and *Ivoirité*, which he characterized as "n'est ni plus ni moins qu'un concept xénophobe. L'ivoirité est un mot dont le vrai sens ne signifie rien d'autre que: 'la Côte d'Ivoire aux Ivoiriens,' c'est-à-dire, en clair, à ceux qui sont originaires du Sud, les Nordistes étant considérés comme étrangers dans leur propre pays [it is nothing but a xenophobic concept. It is a word whose true meaning signifies nothing but 'Côte d'Ivoire for Ivoirians' that is for those coming from the south, with northerners considered to be strangers in their own country]."[34] The northern rebels sought to ensure that all northerners would be issued their citizenship documents and allowed equal participation in politics. Democracy for them meant unequivocal recognition of their citizenship and equal rights as Ivoirians by birth.[35]

On the other side of the political conflict, most of the support for the government's citizenship policies has been championed by the grassroots pro-FPI organization commonly referred to as the Young Patriots. The group organized numerous demonstrations and clashed with pro-Ouattara supporters, standing with Gbagbo until his defeat in 2011. The Young Patriots also opposed foreign involvement in the Côte d'Ivoire conflict. They saw France, ECOWAS (the Economic Community of West African States) and the UN as biased in favour of Ouattara, and they attacked French interests and clashed with UN forces during violent protests in support of Gbagbo. In general, the Young Patriots feared that they too would be politically marginalized if Ouattara were to become president.

Citizen participation now goes beyond involvement in the political battles, however. There has been a growth in civil society organizations, even though many of them are not fully isolated from the bitter political divide. There are over 180 NGOs listed in Côte d'Ivoire.[36] The organizations include major international NGOs and a wide array of community-based NGOs, such the Forum of African Civil Society for Sustainable Development, the Collective of Civil Society for Peace and *Ligue Ivoirienne des Droits de l'Homme*. While many civil society organizations are partisan, some have also been engaged in promoting peace and reconciliation, albeit with limited success so far. In particular, religious organizations have consistently called for peace and reconciliation and there is a strong record of collaboration among Muslims, Christians and traditional religions through the *Forum National des Confessions Religieuses pour la Réconciliation et la Paix*.[37]

Regional and Transnational Influences

Côte d'Ivoire's relations with other countries are complex, and point to both inclusionary and exclusionary elements. Officially Côte d'Ivoire is well integrated internationally, being a member of all major regional and international organizations, including ECOWAS, the African Union and the Francophonie. Furthermore, it is one of West Africa's most important economies and a trading hub for merchants and multinational corporations. However, Côte d'Ivoire's relations with other African countries have also been plagued by suspicion and foreign policy disagreements. Before its own civil war, Côte d'Ivoire's relations with its neighbours were already lukewarm at best. This is largely because Félix Houphouët-Boigny pursued policies that were strongly aligned with French interests, and in the context of pan-Africanism, this meant other African countries always viewed Côte d'Ivoire suspiciously. Houphouët-Boigny was also accused of supporting Charles Taylor in Liberia and to some extent the Revolutionary United Front (RUF) in Sierra Leone. Taylor and the RUF waged brutal wars that prompted opposition from other ECOWAS countries such as Nigeria, Guinea, Senegal and Ghana. However, these problems with neighbours were resolved as the wars in Liberia and Sierra Leone ended, and the anti-imperialism element of pan-Africanism faded.

With respect to Côte d'Ivoire's own civil war, the *Ivoirité* doctrine significantly undermined the country's relations with others in the region, especially Burkina Faso which it accused of supporting the rebel New Forces from the north. Numerous citizens of West African countries,

most notably Burkina Faso, Mali, Senegal and Guinea, live in Côte d'Ivoire. While some are recent migrants, many others have been in Côte d'Ivoire for two or more generations, some even dating back to the colonial period. Thus it is not uncommon for people whose ancestors came from a neighbouring country to consider themselves citizens of both Côte d'Ivoire and the country of their ancestors. Because *Ivoirité* rested on anti-foreigner sentiments and rigid citizenship policies, which were inherently difficult to apply because of the colonial legacies of Africa, other West African countries were more likely to be sympathetic to the citizenship claims of northerners. Given this affinity, the Ivoirian government has since 1999 viewed other Western African countries, especially Burkina Faso, as supporting the rebellion. As such, the ECOWAS intervention in 2002 was not really welcomed by the Ivoirian government. Since the election of a pro-northern government in 2010, however, Côte d'Ivoire's relations with other West African countries have significantly improved and if *Ivoirité* does not reappear, should continue to improve.

Based on the four drivers of pluralism discussed in this section, it is clear that Côte d'Ivoire has experienced numerous episodes of exclusion, which have prevented it from maximizing the potential gains from diversity and democratization during the long years of war and negative peace.[38] The most critical issues for pluralism have been the question of access to citizenship and equal access to political power for southerners and northerners, a regional divide which tracks ethnic and religious difference as well. While the citizenship issue was resolved, as the next section describes, under the 2007 Ouagadougou Peace Accord, equal access to political

power is still not guaranteed and could potentially lead to another episode of civil war.

IV. LIBERAL DEMOCRACY AND WAR: A BITTER PATH TO PLURALISM

When the civil war broke out in Côte d'Ivoire on 19 September 2002, it was clear that *Ivoirité* had to be resolved in order for peace to return and democracy to continue. The first attack in Abidjan was launched by the *Mouvement Patriotique de Côte d'Ivoire* (MPCI), which established bases in the north. The stated goals of the MPCI were to overthrow the government of Laurent Gbagbo, hold inclusive elections and reinstate all disbanded soldiers who had been purged due to *Ivoirité* policies. MPCI was soon joined by the *Mouvement pour la Justice et la Paix* (MJP) and the *Mouvement Populaire Ivoirien du Grand Ouest* (MPIGO) to form the *Forces Nouvelles* under the leadership of Soro, who became the representative of northerners in their effort to assert Ouattara's right to contest the presidency and for northerners to be recognized as natural-born citizens of Côte d'Ivoire. The war became a way to ensure that southerners would not treat northerners as foreigners and thereby politically marginalize them. These grievances meant that democracy in Côte d'Ivoire hinged on resolution of the citizenship question and providing a realistic path for northerners to be properly represented in government. Similarly, democracy would have to mean northerners in a postwar Côte d'Ivoire did not politically marginalize southerners.

The resolution of the citizenship disputes was not about the conditions set by the citizenship law; northerners as well as southerners accepted the law's principle of *jus sanguinis*. Their disagreement was about how to prove a person's place of birth and the place of birth of the person's ancestors in order to authenticate a claim to citizenship. Proof of birth and ancestry required records accepted by the government as legitimate.[39] For northerners, the burden of documented proof under the new law was not realistic given the gaps in birth records, the colonial roots of the West African states and the history of internal migration, including across colonial-era frontiers. The simple reality was that some people, who were born in Côte d'Ivoire to parents themselves born in Côte d'Ivoire, did not have documented proof of their birth and ancestry. The absence of such proof left open, as southerners often asserted, the possibility that someone from a neighbouring country living in Côte d'Ivoire could falsely claim Ivoirian citizenship.

Clearly, neither the impossibility of verifying claims nor false claims is good for democracy. Democracy works best when all adult citizens are allowed to vote but only citizens vote. The logistical, historical, cultural and social realities of Côte d'Ivoire meant that the citizenship law on the books could not be fully and fairly applied. Very stringent criteria for proof of birth and ancestry would deny too many Ivoirians their citizenship, while very weak criteria would allow false claims to citizenship to go undetected.

Côte d'Ivoire's solution to the citizenship question was largely based on legal pragmatism and technology, as stipulated under the 2007

Ouagadougou Peace Accord. To resolve the issue, the signatories agreed to a process that would provide credentials to all Ivoirians, who did not yet have proper documents, and would establish a reliable identification system for the future.[40] Under Article 1 of the Accord, mobile courts presided over by a judge would, for a three-month period, issue substitute birth certificates to "individuals born in Côte d'Ivoire who have never been registered in a registry office." These individuals would be heard at the mobile court corresponding to their place of birth. Birth registers that were lost or destroyed in registry offices were also to be reconstituted. New forgery-proof identity documents were to be issued to citizens and foreigners. Foreigners with a birth certificate (or substitute birth certificate and a document from their consulate attesting to their nationality) would be issued residence permits.

Ivoirians would receive new national identity cards through the standard identification process, which was "identification on the basis of the new electoral roll." Under the standard identification, Ivoirians who had a certificate of nationality and a birth certificate or substitute birth certificate would receive the new national identity card. All other Ivoirians would receive their national identity cards after they registered on the electoral roll. All Ivoirians 18 or older who had a birth certificate or substitute birth certificate were entitled to register on the electoral roll. National identity cards would be issued after the electoral roll registration had been validated. The agreement also envisioned the use of biometric data to ensure accurate identification.

This process of verifying citizenship was effectively

implemented and, by March 2008, the mobile courts had issued 372,810 birth certificates.[41] To arrive at this legally and technologically pragmatic solution to the citizenship problem, Côte d'Ivoire had to undergo a civil war and several international peace mediation efforts.[42] The Ouagadougou Peace Accord finally resolved the citizenship issue. It also established a government based on equal powers between southerners and northerners. According to this deal struck between Laurent Gbagbo and Guillaume Soro, the southerners led by Gbagbo would maintain the presidency, while northerners represented by Soro would control the office of prime minister. Southerners and northerners were equally represented in the government and neither one of them could change the balance of power.

This deal led to a fairly stable peace and paved the way for the 2010 presidential elections. The power sharing arrangement was supposed to end once a presidential election had been conducted. Unfortunately, the results of the 2010 presidential elections were disputed, which led to the resumption of war. Like most countries in Africa, international peace mediators mistakenly assumed that free multiparty election would solve political conflicts, even in ethnically divided states. Côte d'Ivoire demonstrated again that democracy had to entail more than free multiparty elections for it to lead to pluralism and positive peace.

V. LIMITATIONS OF LIBERAL DEMOCRACY AND INSTITUTIONAL DESIGN OPTIONS FOR PLURALISM

Based on the bitter struggle for democracy and the violence and civil war in Côte d'Ivoire since 1990, the key impediments to pluralism have been both the exclusionary citizenship policies of *Ivoirité* and party politics organized according to religious, regional and ethnic identities so as to produce dominance by the groups that can claim to have won the election and political marginalization of the losers. Côte d'Ivoire has successfully resolved the citizenship problem, by a reversal of the exclusionary laws and practices introduced after 1993. Its regression from inclusionary to exclusionary citizenship policies and then the creative resolution of the problem through legal pragmatism and technology is a significant lesson for promoting pluralism in Africa. Many African countries have incomplete birth and death records, ambiguous citizenship laws and ethnic groups that fall within the borders of more than one country. Identifying and controlling who is a citizen and therefore has the right to vote is a potential source of conflict. Yet very few African countries have rigorously addressed this issue. The bright side of the calamity of the Ivoirian civil war is that a complex citizenship problem has been addressed.

Despite the successful resolution of the citizenship issue, Côte d'Ivoire is still faced with its second impediment to pluralism, namely political marginalization based on regional and ethnic identity. The Ouagadougou Peace Accord actually provided a model for resolving the problem, with its power-sharing deal between northerners and southerners, which ensured that neither one would dominate the other in the government. Unfortunately, the power-sharing deal was a temporary arrangement meant to end once a new government has been elected. Ivoirians assumed that free and fair multiparty elections were all that was needed to ensure full political representation and democracy. As the aftermath of the 2010 presidential election shows, this is not the case.

The key problem with liberal democracy in Côte d'Ivoire, and in Africa more broadly, is that elections tend to produce winner-takes-all outcomes in a situation where voting is largely based on ethnic or regional identity. The electoral outcome compounds the dominance of an ethnic or religious group by the fact that the president controls parliament, the judiciary, police, and military. In these institutions the president is able to appoint people loyal to him and in most cases this means people from his ethnic group and region, with perhaps a few token members from other ethnic groups. This has been the pattern in Côte d'Ivoire for several decades. If President Houphouët-Boigny, as an able leader, was more inclusive, that outcome was wholly the result of his discretion.

Côte d'Ivoire and most other African countries have not tried to redesign the colonial state they inherited or the post-colonial one promised at independence. Instead, they have been plagued by dictatorships and multiparty democracy that has bred ethnic and regional conflicts. The power-sharing government that resulted from the 2007 Ouagadougou Peace

Accord could be a model for future institutional designs. The power-sharing arrangement ensured that southerners and northerner were equally represented in the government and neither one of them could alter the balance of power. This informal arrangement, which was guaranteed by weapons, can actually be creatively enshrined into the constitutions. The lack of profound institutional redesign to deal with political marginalization was a lost opportunity in the resolution of the civil war.

VI. TOWARD A PLURALISM LENS: THE SOURCES OF INCLUSION AND EXCLUSION

Côte d'Ivoire's recent experience with pluralism points to critical lessons for the country and similarly situated countries, especially multiethnic countries in the throes of democratization. The analysis of Côte d'Ivoire's diversity and the drivers of pluralism suggest a clear escalation of exclusion during the democratization process. Several critical lessons from Côte d'Ivoire's experience are worth noting.

First, the simplest answer to the questions of why and how ethnic and regional differences became politicized in the democratic transition process is bad leadership. From the perspective of inclusion and managing diversity, all the presidents who came to power after the death of Houphouët-Boigny in 1993 have pursued policies and practices that significantly disadvantaged people from other regions and ethnic groups. This is not to say that

Houphouët-Boigny was not authoritarian. Rather, it is to note the dramatic shift in leadership toward overt manipulation of ethnicity and regionalism for political gains during the democratization process. Presidents Bédié, Guéï and Gbagbo all applied the discriminatory *Ivoirité* policies, while president Ouattara has been pursuing a victor's justice against supporters of Gbagbo.

Second, while bad leadership is easily identifiable through the explicitly discriminatory policies and practices, the more complex issue is the nature of multiparty politics, which tends to be simplistically equated with democracy. Democratization, when reduced to bare multiparty elections in ethnically diverse countries, tends to produce bitter ethnic politics. At its core, *Ivoirité* was a stratagem to deny northerners the chance of winning the presidency by simultaneously limiting their choice of presidential candidates and denying some of them the right to vote. In effect, that would ensure southern political dominance. While democracy is the right way to promote pluralism, multiparty politics can also create conditions that incentivize exclusionary policies. These short-term incentives of electoral victories risk undermining pluralism and the underlying values of democracy and pluralism, namely: liberty and equality. Clearly, *Ivoirité* began during the democratic transition process, which became more real after the death of Houphouët-Boigny in 1993. Since then, *Ivoirité* has plagued all of Côte d'Ivoire's elections, especially the 2000 presidential election.

Third, Côte d'Ivoire shows the dialectical nature of war in the struggles for inclusion and democracy. Côte d'Ivoire's degeneration into civil war was a real

shock because the country had a far better economy and a very mild form of authoritarian rule as compared to most African countries. Côte d'Ivoire's civil war should serve as a clear reminder of the real dangers of political violence under ethnically driven multiparty politics-cum-democracy. The civil war epitomized the entrenchment of exclusionary politics and the deterioration of governance and human security. Ironically, the war, which was disguised as a fight for democracy, became the most potent bulwark against *Ivoirité*. Northerners were able to get international support, which enabled them to force President Gbagbo to retreat from *Ivoirité* and accept the full citizenship claims of northerners. The three pivotal points in the Ivorian crisis are: a) the adoption of the 2000 Constitution; b) the signing of the 2007 Ouagadougou Peace Accord; and c) the decision by the United Nations to enforce the results of the 2010 presidential elections, which it certified. *Ivoirité* was enshrined into the 2000 Constitution, which led to a rapid degeneration into civil war. Moreover, the Constitution marked a shameful legalization of exclusion, while purporting to promote democracy. Conversely, the Ougadougou Peace Accord showed the importance of inclusion, fairness and equity in promoting peace and became the critical instrument for reversing *Ivoirité* and creating better conditions for pluralism.

Fourth, a key lesson for pluralism is the need for institutional mechanisms for inclusion and consociational governance. Too often, struggles for equity and democracy shy away from making explicit ethnic claims. Instead, ethic grievances are masked as demand for democracy, which is often more appealing to international audiences.

As such many struggles for equity and fairness are mistakenly reduced to mere multiparty electoral conflicts. As Côte d'Ivoire shows, democracy has an explicit regional and ethnic meaning. As such, democracy could only be achieved when there is regional/ethnic representation. The Ouagadougou Peace Accord is an important lesson in providing institutional arrangements to ensure regional/ethnic inclusion in the government. Until the 2010 presidential election, the Ouagadougou Peace Accord maintained peace in Côte d'Ivoire because northerners and southerners were equally represented in the government. Unfortunately, the accord was a temporary arrangement. Even more, its consociational feature was not adopted as permanent law. The 2010 election led to the eruption of the civil war, which was ended through robust international military intervention and the defeat of President Gbagbo, who was supported by southerners. Côte d'Ivoire's current peace not only lacks reconciliation, but it is also characterized by reverse-oppression as northerners apply a victor's justice. A pertinent question for the inculcation of pluralism in Côte d'Ivoire is what would have happened had consociationalism been formally adopted and made an essential feature of the Ivoirian constitution.

Finally, the international response to Côte d'Ivoire's civil war points to important lessons for dealing with pluralism related conflicts. International peace mediations are often predicated on professed neutrality. However, Côte d'Ivoire's civil war made neutrality extremely difficult as *Ivoirité* disenfranchised large numbers of people. Moreover, several countries, most notably France and Burkina Faso, had vested interests in Côte d'Ivoire. Even

the ECOWAS and United Nations peace missions found it very difficult to be neutral—a point repeatedly made by southerners. In the end, the UN peacekeepers and French forces, with the approval of ECOWAS, facilitated the military defeat of Gbagbo after the international community took clear side in support of the result of the 2010 election released by the Independent Electoral Commission of Côte d'Ivoire. A critical issue for international interventions in pluralism related conflicts is how to delineate between those forces promoting exclusion and those seeking inclusion. In cases where peace enforcement is the most realistic option for ending war, there needs to be clear and principled policies for delineating "good-guys" and "bad guys."

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