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The October 2016 constitutional referendum in Côte d'Ivoire

Christian Bouquet

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Immediately after his re-election as president of Côte d'Ivoire on 25 October 2015, Alassane Ouattara confirmed that he wished to carry out a major reform to the constitution, which would be put to a referendum.

This came as no surprise, as the preceding constitution rapidly adopted on General Gueï's initiative in July 2000 contained article 35, the notorious article which had played a significant part in unleashing the rebellion in 2002, as it stipulated that only candidates whose mother and father were both of Ivorian origin could stand for election as president. It therefore excluded de facto Alassane Ouattara's bid, and it took international mediation carried out by South African politician Thabo Mbeki in the April 2005 Pretoria Agreement to get around the regulation to allow Ouattara, as the leader of the main opposition party, to contest Laurent Gbagbo in the 2010 election. As the article was still included in the constitution, but was in contravention of a number of international agreements to which Côte d'Ivoire was signatory, it was necessary to change it, especially as there were no longer any politicians who wished to see it retained. Fears about the reforms to the constitution revolved around the limits to the number of mandates. Although the re-elected president had always insisted that he would keep to two mandates, some in the opposition suspected the president of having ulterior motives. This turned out not to be the case,¹ so the opposition focused its criticisms on two elements in the reform which they believed to be highly debatable: the creation of the post of vicepresident and the establishment of a senate. Alassane Ouattara had frequently stated his intention to create the post of vice-president, as he feared that any sudden and brutal interruption to his mandate could lead to a crisis similar to that which followed the death of Houphouët-Boigny. He had also taken a keen interest in the Nigerian and Ghanaian systems which tended to protect the regime from this risk.

¹ Although the change to the constitution would allow the outgoing president to stand again in the first mandate of the new republic.

As for the senate, he was adopting an idea proposed by Laurent Gbagbo—making nonsense of the opposition’s stand—although it is true that his plans for the composition of the second chamber included a third of seats designated by the president (thirty-three) and sixty- six elected by local communities. The new constitution also contained measures which could have major consequences, such as a national chamber for kings and traditional chiefs (which could be seen as a politicisation of traditional chiefdoms) and the recognition of individual private property (which maintained ambiguity with regard to rural property ownership). Ouattara’s opposition, however, seemed uninterested in these issues.

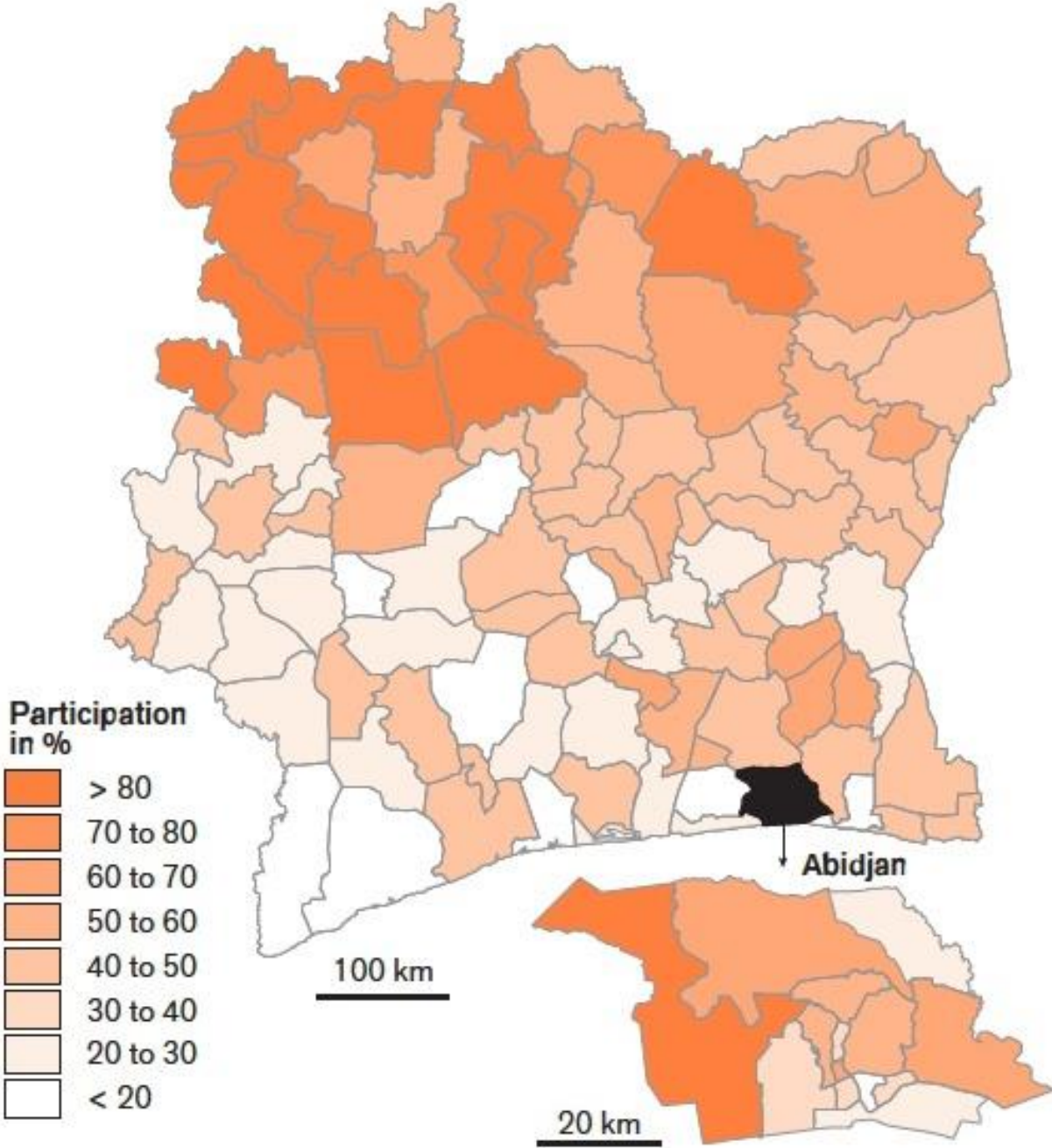
Gbagbo’s Front populaire ivoirien (Ivorian Popular Front, FPI) and the small parties which had supported Gbagbo did not appeal to its voters to vote against the constitution but rather to boycott the vote, as did some Parti démocratique de Côte d’Ivoire (Democratic Party of Côte d’Ivoire, PDCI) dissidents who accused those in power of acting precipitately.

The vote on 30 October 2016 used the same electoral roll as the 2015 presidential elections (6,313,758 registered voters) and went off without incident. There were 2,500,000 fewer voters than inhabitants recorded in the 2014 population census, but Côte d’Ivoire seems to have become accustomed to this chronic lack of registered voters. Some commentators criticized the fact that there wasn’t just one ballot paper, but a Yes paper and a No paper, which made vote-buying much easier.

Abstention was high, with participation (see Map 1) at 42.2% (compared to 55.05% in 2000), ranging from 99.5% in the department of Ségouélon down to 10.08% in Dabou. Moreover, observers expressed their concerns about areas where high participation was recorded, particularly in the North, traditionally pro-Ouattara, but also in the South, traditionally unfavourable to Ouattara. These reservations were noted in the (now classic) accusations of ‘widespread fraud’ levelled by the opposition over the results (see Map 2). There was resounding victory for the Yes vote (93.42%), particularly in the pro-Ouattara regions in the North, which was unsurprising as no-one had encouraged voters to vote No. In fact, the Yes vote was also proportionally higher in the regions where Ouattara was not traditionally supported. Nevertheless, no appeal was registered and no complaints were made by the observers, even if in most polling stations the only representatives were those belonging to the ruling party. Thus the new constitution took effect, creating the de facto third Republic, whose democratic legitimacy is now unquestioned.

2016 referendum in Côte d'Ivoire

Participation by department



Results by department

