

# ANTI-CORRUPTION HELPDESK

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## CORRUPTION AND ANTI-CORRUPTION IN CÔTE D'IVOIRE

### QUERY

Could you please provide an overview of corruption and anti-corruption in Côte d'Ivoire?

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### CAVEAT

Most recent in-depth research on Côte d'Ivoire analyses the country's political situation and the civil war. Only little attention is given to the country's anti-corruption system and very limited resources could be found concerning Côte d'Ivoire's legal framework.

### SUMMARY

Corruption in Côte d'Ivoire is endemic and permeates all levels of society, which is reflected in the country's poor performance in most areas assessed by governance indicators. The decade-long civil war, born out of profound political divisions, the absence of a consensual successor to Houphouët-Boigny, and the subsequent economic decline, appear to have resulted in even higher levels of systemic corruption and predatory behaviour. Impunity is generalised throughout the country and the justice system is seen as dangerously partial.

Côte d'Ivoire lacks some basic governance infrastructures, and the weakness of law enforcement entities makes the governance system largely ineffective. Patronage and clan networks continue to play a central role in the Ivoirian society, and the administration does not operate transparently. The poor governance structure is becoming an obstacle for genuine reconciliation in a still-divided Côte d'Ivoire.

## 1 OVERVIEW OF CORRUPTION IN CÔTE D'IVOIRE

### Background

Côte d'Ivoire's corruption and governance situation is rooted in the country's economic, historical and political context. The last decade of political and armed conflict has been a significant obstacle to good governance in Côte d'Ivoire and has deeply disrupted institutional functioning.

Political instability emerged from the succession fight following the death of former president Félix Houphouët-Boigny in 1993. After its independence from France in 1960, Houphouët-Boigny exercised an authoritarian rule over Côte d'Ivoire until his death. Debates about the concept of "ivoirité" and its correlation to Ivoirian citizenship, combined with the subsequent exclusion of Alassane Ouattara and his northern supporters from elections, increased tensions and led to the 2002 coup organised by rebels from the north who took control over the northern half of the country. This event plunged a divided Côte d'Ivoire into civil war, putting the country under an arms embargo and under the supervision of a UN peace-keeping mission until a peace agreement was finally found in 2007 in Ouagadougou.

The country was then slowly reunited under the rule of a power-sharing government, with Laurent Gbagbo as president and Guillaume Soro as Prime Minister. Elections were, however, postponed until November 2010, and the refusal of Gbagbo to step down after Alassane Ouattara's victory was declared, reignited the conflict that resulted in thousands of deaths and a million displaced people in a couple of months. Ouattara finally assumed power in April 2011 and Gbagbo was taken into detention at the International Criminal Court; tensions did not however disappear with the end of the conflict, and the Dialogue, Truth and Reconciliation Commission established after the crisis has yet to prove its efficiency (Amnesty International 2013).

The separation of powers has always been undermined by a history of absolute presidential

control over policy and the political system, ever since the country gained independence and Houphouët-Boigny installed an authoritarian regime. An attempt to liberalise the country's political life in the 1990s did not lead to any significant parliamentary empowerment. The structural disregard of the executive for the parliament's voice and oversight has weakened the country's checks and balances, and has been "justified" in recent years by the state of emergency in place since 2002 (Bertelsmann Foundation 2012).

Côte d'Ivoire is a low income country, with a GDP per capita of US\$1,700 in 2012. Despite its position as a regional power, Côte d'Ivoire has one of the world's poorest populations; the country ranks 170th out of 187 on the Human Development Index and has a poverty rate of close to 50 per cent (France Diplomatie 2012).

The country has important reserves of hydrocarbons, gold, diamonds, manganese, nickel and copper, and is the world's largest cocoa producer. Natural resources were systematically used by the belligerents to fuel the economy of war (United Nations Security Council 2010), and the conflict significantly reduced the country's formal economic activity (France Diplomatie 2012). Crisis Group, however, notes that despite a decade of violence, Côte d'Ivoire managed to not go bankrupt and to remain wealthier than many of its neighbours (Crisis Group 2012).

### Extent of corruption

In terms of control of corruption, the World Bank's Worldwide Governance Indicators (WGI) place Côte d'Ivoire in the lower quarter of the percentile ranks, with a score of 12 on a scale from 0 to 100. Côte d'Ivoire's score has dropped significantly between 2002 (27) and 2004 (9), most probably due to the political instability and violence in the country following the 2002 coup. It is notable that its score was relatively high in 1996 (63) but has since declined and remained alarmingly low.

Since the World Bank started measuring governance using the WGI, Côte d'Ivoire has had a very low score in terms of rule of law. Similarly, the 2012 *Ibrahim Index* of African Governance places Côte

d'Ivoire in the 48th position out of 52 assessed African countries regarding rule of law. The country received a score of 20 out of 100, which reflects poor performance in comparison to its neighbours, since the regional average is 48 and the West African sub-regional average is 51.

Transparency International's 2012 *Corruption Perceptions Index* ranks Côte d'Ivoire 130th out of the 176 countries and territories assessed, with a score of 29 on a scale from 0 (highly corrupt) to 100 (very clean). The country ranks 30th out of 48 countries assessed in Sub-Saharan Africa, sharing its position with Uganda. Côte d'Ivoire ranks rather poorly compared to its neighbours in West Africa.

Echoing these indicators and indexes, the World Bank's *Enterprise Survey* indicated that, in 2009, 75 per cent of the polled business people considered corruption to be a major constraint for doing business.

## Forms of corruption

### Petty and bureaucratic corruption

As most forms of corruption, petty bribery and bureaucratic corruption has worsened since the upsurge of violence in 2002. The conflict and the division of the country deeply damaged Côte d'Ivoire's public administration; several sectors of which are still not fully operational or controlled by the central government (Bertelsmann Foundation 2012). Pervasive red tape and lack of resources and training, as well as low salaries, contribute to fuelling the country's widespread bureaucratic corruption (Freedom House 2012). The decade of political violence has obstructed the flow of legitimate funds and impeded the functioning of public pay-roll, pushing civil servants to search for alternative revenues, often in the form of corruption (Inter-Governmental Action Group against Money Laundering in West Africa 2010). According to the US Department of State's 2011 *Human Rights Report*, the judiciary, customs authorities, tax collection, procurement administrations and the security forces are the sectors most affected by bribery in Côte d'Ivoire.

As mentioned above, 75 per cent of business people consider corruption as a major constraint for doing business and 40 per cent of the surveyed firms expect to give gifts to public officials "to get things done" (World Bank 2009). Businesses report corruption at all levels of the administration and the

civil service. Most bureaucratic procedures, from obtaining a birth certificate to registering a car or a company, require the payment of an additional "commission" (US Department of State 2012). Experts indicate that people use bribery to "grease the wheel" and access public services, and that corruption is so present in everyday life that it is considered normal practice (AllAfrica 2013).

### Grand corruption

The armed conflict, the political turmoil and the general atmosphere of impunity have allegedly fuelled grand corruption. Observers state that public procurement is one of the areas most affected by corruption in Côte d'Ivoire (US Department of State 2011), despite recent efforts like the new Public Procurement Code that includes a regulatory framework to prevent fraud and corruption (African Development Bank 2009), or the communication of the *Autorité Nationale de Régulation des Marchés Publics* (National Regulatory Authority for Public Procurement) promoting transparency (Abidjan.net 2011).

The World Bank Enterprise Survey indicates that almost 30 per cent of the surveyed firms expected to have to pay bribes to secure a government contract. Companies that sell their services to the government regularly complain about the lack of transparency and the rampant corruption that they experience in public procurement (Abidjan.net 2011).

### Political corruption

Côte d'Ivoire is not an electoral democracy according to Freedom House. Between the 2002 coup and the 2011 parliamentary elections, governments were installed by coups or international peace agreements. The lack of trust in electoral oversight bodies and the fierce competition for power led to the violent aftermath of the 2010 presidential elections where both candidates claimed their victory (Freedom House 2012).

Expert reports indicate that official and political corruption are a serious problem in Côte d'Ivoire, as corrupt officials operate with impunity, only rarely facing prosecution or exposure. Under Gbagbo's

administration the proceeds from informal tax collection<sup>1</sup> and trade in natural resources and arms gave public officials and political leaders incentives to impede peace settlement and political normalisation (Freedom House 2012).

Political affiliations generally follow geographic or ethnic lines, an issue that was exacerbated by the internal conflicts. Disagreements around the concept of “ivoirité” and its correlation to citizenship created significant tensions between “southerners”, mostly Christians and Animists, who were encouraged to regard themselves as the only “true Ivoirians”, and the “northerners”, generally Muslim, who were seen as immigrants from neighbouring countries. This strategy was used to systematically exclude current president Ouattara from the political stage during the 2000s (Bertelsmann Foundation 2012).

### *Nepotism and cronyism*

When he took office, President Ouattara made his ministers sign an anti-corruption oath with the aim to eliminate nepotism, which had become the norm, from the country's administration (Mail & Guardian Online 2011). However, a few months into Ouattara's presidency, it appeared that geographical and family affiliations were still used by the new president when appointing collaborators and officials. Most of the government is composed by individuals originally from the northern regions, and a number of members of Ouattara's family hold important positions in the administration (Opinion Internationale 2012).

### *Money laundering, human trafficking and organised crime*

As in most neighbouring states, money laundering is a serious problem in Côte d'Ivoire as the country is characterised by a considerable informal economy, weak control and law enforcement, and major criminal movements. The proceeds of crime have contributed to fuel violence by enriching various rebel groups and militias (Global Witness 2007).

<sup>1</sup> Taxes are not collected “by the books” and tax levels fluctuate without a priori legislative decisions. Moreover, during the time of partition, the tax collection in the northern regions could be considered informal.

The Inter-Governmental Action Group against Money Laundering in West Africa notes that an important means to launder the proceeds of crime is trade-based money laundering<sup>2</sup>. The sectors most vulnerable to money laundering are real estate, precious metals and jewellery, and high value consumer goods. Financial institutions are also used for money laundering purposes, especially by organised criminal groups (US Department of State 2012). Cash smuggling is one of the principal methods utilised for introducing the proceeds of crime into the formal economy, since cash is the main means of payment in the region (Inter-Governmental Action Group against Money Laundering in West Africa 2010).

In Côte d'Ivoire, the predicate offences for money laundering are numerous, ranging from individual tax evasion to organised criminal activities fuelling violence. The informal economy accounts for approximately 60 per cent of the GDP in most West African countries and many small businesses operate without licences. More importantly, smuggling is a major source of illegal income, facilitated by the porosity of borders, the lack of government control and the existence of territories controlled by non-governmental entities. The illicit trade of precious stones, more specifically diamonds, is the most prominent contraband flow in the region. Cocoa is another commonly smuggled commodity in Côte d'Ivoire, the world's biggest cocoa producer. Due to the decade-long conflict and the UN arms embargo, arm smuggling also became widespread in Côte d'Ivoire, especially along the Liberian and Guinean borders (Inter-Governmental Action Group against Money Laundering in West Africa 2010).

It is believed that Ivoirians have increasingly been involved in regional criminal activities, from drug and arms trafficking to trafficking in persons. Côte d'Ivoire is a source, transit and destination country for persons subjected to forced labour and prostitution, but trafficking is more prevalent within the country than as a transnational activity. Women and girls are

<sup>2</sup> “Trade-based money laundering is defined as the process of disguising the proceeds of crime and moving value through the use of trade transactions in an attempt to legitimise their illicit origins” (FATF)

used for forced labour in domestic services as well as in restaurants. They are also subjected to forced prostitution. Men and boys are mainly subjected to forced labour in the agricultural and mining industries (US Department of State 2012). In addition, West Africa remains a transit region for international drug trade and there has been an increase in local drug production, especially methamphetamine (UNODC 2013).

## Sector-specific corruption

### Judiciary

A functioning justice system is crucial for the stabilisation and reconciliation process of any divided and conflict-torn country. Yet, the rule of law was significantly weakened during the last decade of violence and crisis (Heritage Foundation 2013) and in Côte d'Ivoire, the justice system works as an obstacle to reconciliation, as it is largely perceived as partial and imposing the "justice of the victors" (Crisis Group 2013). This feeling of injustice and partiality is due to the fact that, almost two years after the post-elections crisis, no member of the *Forces Républicaines de Côte d'Ivoire* (FRCI) (Republican Forces of Côte d'Ivoire), dominated by the former rebels of the *Forces Armées des Forces Nouvelles* (FAFN), has been charged for the crimes committed during the crisis or after. Gbagbo's associates, on the other hand, have started to face severe sentences; a number of *Front Patriotique Ivoirien* (FPI) members were charged with "genocide", an offence that Crisis Group sees as inappropriate given the actual nature of the crimes (Crisis Group 2013). A number of Gbagbo's cronies were displaced to cities in the north of the country and detained illegally for months, many of them having been subjected to violent treatments (Amnesty International 2013).

The Dialogue, Truth and Reconciliation Commission, created in July 2011, has yet to prove its efficiency. Its activities were stalled due to the absence of a clear mandate and a significant lack of resources that make it an empty shell (Amnesty International 2013). According to Crisis Group, the International Criminal Court is considered a more independent option than

the national judicial system, which could balance the partisan Ivoirian judiciary, especially since the judges decided to investigate crimes committed since 2002 and not only those that occurred during and after the post-election crisis (Crisis Group 2012).

This partial justice is the result of a judiciary that lacks independence and impartiality to become a strong pillar of the country's governance structure. By law, the judiciary is independent from the other branches of government, but in practice it has historically been vulnerable to the interventions of the political power (Amnesty International 2013). According to expert reports, judges are political appointees without tenure which makes them very susceptible to political interference (Freedom House 2012). According to the US Department of State, during the post-electoral crisis, the Ivoirian judiciary did not function at all, and before and after that period, judges have been corrupt and their decisions influenced by bribery (US Department of State 2011). This fuels impunity, allowing for all types of abuses and corruption, since corrupt officeholders virtually never face judicial prosecution (Bertelsmann Foundation 2012).

### Armed forces

The armed forces represent a risk area for the reconstruction and reconciliation of the country. The whole security apparatus, comprising the army, the police and the gendarmerie, experience profound divisions and hierarchical imbalance, coupled with the inadequacy of allocated resources (Crisis Group 2011).

Transparency International UK's *Government Defence Anti-Corruption Index* places Côte d'Ivoire in the group of countries presenting a very high corruption risk in the defence sector. The report points specifically to the lack of budget disclosure, the absence of auditing, the illicit financial interest of the defence sector in the country's cocoa and diamond industries, the discretionary character of recruitments, the existence of "ghost soldiers", racketeering, and opaque procurement (Transparency International UK 2012).

The country's new army (*Forces républicaines de Côte d'Ivoire*) is composed of the Gbagbo government's *Forces de Défense et de Sécurité* (Forces of Defence and Security) and of the FAFN, the former rebel army. This attempt to bring together former enemies creates a situation of multiple military hierarchies in which the president only has very weak control (Crisis Group 2011). There are suspicions that the procedures to integrate former pro-Gbagbo fighters into the army involves the corruption of the decision-making officials, since the demand is high and jobs are few; rumours indicate that positions in the military are sold several hundreds of CFA franc (RFI 2013).

There is nearly no oversight of the activities of the security forces, and extortion, corruption and bribery are widespread. Arbitrary arrests are common and detainees and their families are asked to pay bribes for their release (Human Rights Watch 2012). Racketeering at roadblocks is seen as another serious problem in Côte d'Ivoire where security forces systematically harass, abuse and confiscate the official documents of those who refuse to pay bribes. Bribery does not only take the form of cash transactions – the armed forces regularly solicit sexual favours, especially from prostitutes (US Department of State 2011).

Côte d'Ivoire is the last country in West Africa to be under a UN arms embargo, and consequently arm trafficking has fuelled violence in the last decade by providing weapons to armed forces and militias. Arms smuggling mainly involves Côte d'Ivoire neighbouring countries because regional supply is high enough to satisfy demand, as West Africa has received tons of weapons during and after the Cold War. Security forces, as well as former soldiers, are very often involved in this massive trafficking (UNODC 2013).

#### *Natural resources*

Côte d'Ivoire is a resource-rich country, and political interference, opacity and corruption are considered common characteristics of the related industries. Corruption in the sector of extractives and cocoa production has allegedly contributed to fuel the

conflict through the diversion or embezzlement of resource revenue by the various belligerents and the fight over resource control (United Nations Security Council 2010). The income from natural resources is not distributed equally in Côte d'Ivoire, where poverty has been on the rise in the last decade (BICC 2009).

Corruption in the cocoa sector, one of the pillars of the Ivoirian economy, is structural. Global Witness describes the structure of this industry as deliberately complex. The successive presidents have systematically appointed their allies to strategic positions and the opacity of the operations offers the government opportunities for abuse and misuse of resources. To maintain a stronghold of natural resources and their income, political leaders have regularly used intimidation techniques to silence those who try to expose corruption. There has historically been a lack of political will to increase the transparency and accountability of the sector (Global Witness 2007). No research or information indicates that the situation has changed since then.

Diamonds have also been another important source of income for the various armed groups. These precious stones were mined illegally after the UN Security Council included a ban on diamond export to the arms embargo in 2005. The diamond trade in the region and in international centres is inadequately controlled (Global Witness) and there is a lack of political will in neighbouring states to enforce the embargo (United Nations Security Council 2010), making it possible to smuggle "conflict diamonds" out of Côte d'Ivoire.

Côte d'Ivoire was accepted as an Extractive Industries Transparency Initiative (EITI) candidate country in 2006 but still does not fulfil the requirements of EITI. Since Côte d'Ivoire returned to being a significant player in West Africa's oil industry<sup>3</sup>, the situation of natural resource exploitation became even more complex because of the extreme opacity of the oil sector. Experts state that it is very difficult to know how much oil is produced and exported (BICC 2009). The UN group

<sup>3</sup> Reserves were discovered in the 1970s but exploitation was resumed due to high production costs. Technologic innovations in the 1990s made oil companies regain interest in the country.

of experts that worked on the finances of the armed groups in Côte d'Ivoire witnessed the unwillingness of Ivoirian entities (government, state-owned enterprises and businesses) to provide information about reserves and income (United Nations Security Council 2010).

## 2 GOVERNANCE STRUCTURE AND ANTI-CORRUPTION EFFORTS IN CÔTE D'IVOIRE

The last decade of political instability and violence has been a considerable obstacle to the good governance agenda and the fight against corruption in Côte d'Ivoire. This is reflected in the very recent ratification of international anti-corruption conventions. The country's governance framework is weak and lacks numerous important legislations and institutions to effectively tackle the issue of corruption.

In 2002, the government of Côte d'Ivoire started to take steps to establish an institutional framework to fight against corruption, by setting up the *Comité Interministériel à la Gouvernance* (CIG) (Inter-ministerial Committee for Governance) and the *Secrétariat National à la Gouvernance et au Renforcement des Capacités* (SNGRC) (National Secretariat for Governance and Capacity Development).

The Ivoirian government, together with United Nations Development Programme (UNDP), launched a 2009-2013 good governance programme aiming at improving the country's democratic institutions and strengthening the rule of law. Following this programme and the ratification of the United Nations Convention against Corruption (see below), the government aims to develop a national strategy to fight corruption in the second half of 2013. Recent debates around the potential adoption of an anti-corruption law and establishment of an anti-corruption commission could potentially be the seed of positive new trends in the government's attitude towards corruption.

### Legal framework

#### *International conventions*

Côte d'Ivoire is a state party to the United Nations Convention Against Corruption (UNCAC) since October 2012, and will be part of the last group of countries reviewed in the framework of the Implementation Review Mechanism. In October 2012, the country also ratified the United Nations Convention against Transnational Organized Crime (UNTOC), as well as its Protocol on human trafficking. Côte d'Ivoire is also, since 1991, a state party to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

Côte d'Ivoire signed the African Convention on Preventing and Combating Corruption in 2004 and ratified it in November 2012.

#### *National legislation*

The Ivoirian *Code Pénal*, or Penal Code, criminalises passive and active bribery of public officials; the law forbids the act of offering, giving and promising a bribe (active bribery), and the act of soliciting, asking for, agreeing to and accepting a bribe (passive bribery). It is, however, unclear if foreign bribery is criminalised in Côte d'Ivoire, since there is not direct reference to foreign public officials. The penal code also contains provisions against trading in influence. The 2005 *Loi relative à la lutte contre le blanchiment des capitaux* (anti money laundering Law) criminalises money laundering.

From the research conducted for this paper, it seems that Côte d'Ivoire has virtually no regulations regarding conflicts of interest for public officials, and, as mentioned above, only recently ratified the international conventions under which they are obliged to ensure that an adequate framework is in place. The government, however, adopted an ethics charter for public officials to raise awareness among the latter of what is and is not acceptable behaviour. A draft law on the adoption of a code of conduct for public officials will be submitted to the parliament in

the course of 2013. The president is obliged by law to declare his interests and assets; he is the only public official to whom such rules apply. A draft law on corruption prevention, including illicit enrichment and asset declaration, has been waiting to be adopted since March 2012 (Jeune Afrique 2012).

The 2004 *Loi relative au Financement sur Fonds Publics des Partis et Groupements Politiques et des Candidats à l'Election Présidentielle* (Law on public political funding) as well as the *Code de bonne conduite des partis politiques, des regroupements, des forces politiques et des candidats aux élections en Côte d'Ivoire* (Code of conduct for political parties and candidates) regulate the country's political financing. The legal framework bans donations from foreign interests, as well as vote buying and the use of state resources for campaign purposes, and regulates the attribution of public funds to parties and candidates. Political parties have the obligation to annually report their finances to the Court of Accounts. These reports should, by law, be made public and should disclose the identity of contributors (IDEA 2012).

No information could be found indicating that Côte d'Ivoire has adopted adequate whistleblower protection legislation or established mechanisms through which corruption can be safely and anonymously reported. In practice, it has proven dangerous to report corruption and abuses in Côte d'Ivoire, as echoed by several cases in the cocoa sector (Freedom House 2010).

## Institutional framework

### Financial intelligence unit

Côte d'Ivoire's Financial Intelligence Unit is the *Cellule Nationale de Traitement des Informations financières* (CENTIF) that was set up in 2008. Its activities were interrupted during the post-electoral crisis of 2010-2011 but have resumed since.

The CENTIF is placed under the authority of the Ministry of Economy and Finance. Like most FIUs, the CENTIF is tasked to receive all suspicious

transaction reports, analyse the information and develop intelligence, refer information about potential money laundering activities and offenses to relevant law enforcement agencies, assist the investigation and prosecution of cases, and issue policy and guidelines. The CENTIF is formally independent and strategically and financially autonomous.

The CENTIF is a member of the Egmont Group of Financial Intelligence Units since 2010. Côte d'Ivoire is also a member of the Intergovernmental Action Group against Money Laundering in West Africa (GIABA), a FATF-style regional body (UNODC 2012).

Besides the CENTIF, the government has created an inter-ministerial committee to monitor anti-money laundering and *Groupe Intergouvernemental d'Action contre le Blanchiment d'Argent en Afrique de l'Ouest* (GIABA), or (Inter-Governmental Action Group against Money Laundering in West Africa-related activities.

### Supreme audit institution (SAI)

In Côte d'Ivoire, the control over government financial oversight and the role of state auditor is divided between the *Cour des Comptes* (Court of Auditors) and the *Inspecteur General des Finances* (Inspector-General of Finances).

The Court of Auditors was created in 1961 and restructured in 1982. It is in charge of control public spending of the central government, local governments as well as public entities and state-owned enterprises, among others. The Inspector-General of Finances is placed under the authority of the ministry of economy and finance and is responsible for overseeing the utilisation of public funds and to prevent frauds, abuses and corruption.

Experts state that Côte d'Ivoire's internal auditing structure is inadequately resourced to oversee the entirety of public financial management (Transparency International UK 2012), and the levels of official corruption tend to reflect the ineffectiveness of the country's auditing system.

### *Office of ombudsman*

Côte d'Ivoire's *Mediateur de la République* (Ombudsman) has the prerogatives of an Ombudsman. This office was created in 2000 as an independent entity in charge of mitigating conflicts between the administration and citizens.

The ombudsman is nominated by the president of the Republic on recommendation from the president of the Parliament. Also, he can be revoked, in case of impediment, by the Constitutional Court seized by the president of the Republic, which could potentially represent a challenge to the independence of this institution.

As of April 2013, the website of the office of the Ombudsman was unavailable.

### *Elections commission*

Côte d'Ivoire's *Commission électorale indépendante*, or electoral commission, is a constitutional body in charge of the organisation and supervision of elections in the country. According to its statutes, the electoral commission is financially autonomous.

According to the Bertelsmann Foundation, during the last presidential elections, the electoral management bodies operated professionally with significant logistical support of the UN organisations. The EU observation mission noted several shortcomings from the side of the electoral commission, especially during the first round. Delays and hesitations around the announcement of the results contributed to fuelling fear and tension in the Ivoirian society (EUEOM 2010). The particularly violent post-electoral crisis in 2010-2011 when the defeated side refused to admit Ouattara's victory, proved the lack of authority of the elections commission. Experts do not consider Côte d'Ivoire to be an electoral democracy (Freedom House 2012).

### *National secretariat for governance and capacity development*

The *Secrétariat National à la Gouvernance et au renforcement des Capacités* (SNGRC) or (National

Secretariat for governance and capacity building) is an autonomous governmental entity, placed under the prime minister, which is in charge of ensuring good governance in Côte d'Ivoire and leading the fight against corruption in the country. It was established by the decree no 2002-301 and modified by the decree 2010-284. Only limited information can be found on the structure and history of this institution.

The SNGRC, which should last until 2013, is in charge of the implementation of the national good governance and anti-corruption plan, supported by the UNDP, and works towards the improvement of the quality of public services, decentralisation, citizen participation, and the strengthening of administrative and economic governance (Gouvernement de Côte d'Ivoire 2009).

This entity has initiated a series of nationally-conducted research projects on corruption that aim at framing the issue and raising awareness (Abidjan Tribune 2012). The SNGRC is currently advancing the anti-corruption agenda by advocating for the adoption of a new anti-corruption law and the establishment of an anti-corruption commission (Notre Voie 2013).

### *National authority for public procurement regulation*

Côte d'Ivoire recently undertook significant reforms regarding public procurement which led to the adoption, in 2009, of a new public procurement code and the establishment of the National Authority for Public Procurement Regulation, *Autorité Nationale de Régulation des marchés Publics* (ARMP). This structure aims to improve transparency and integrity of the country's public procurement process. The ARMP receives complaints and observations regarding procurement projects and can decide on their suspension or cancellation. This authority publishes relevant information and decisions on its [website](#).

### *Other actors*

### Media

Freedom of speech and freedom of the press are guaranteed by the Ivoirian law, but these rights are generally not respected in practice. Violence against journalists is commonplace; opposition newspapers' offices were regularly raided and torched during Gbagbo's time in power (Freedom House 2012). Freedom House reports that during the recent post-electoral crisis, most journalists were harassed into taking sides, undermining the country's historically vibrant media (Freedom House 2012). Reporters Without Borders rank Côte d'Ivoire 96th out of 179 on its *Press Freedom Index 2013*, which represents an improvement compared to 2012 when the country ranked 159th. In 2012, Freedom House considers the country to be "not free" with regards to freedom of expression and media.

Gbagbo's regime was known for its lack of respect for the independent media, but Ouattara's victory did not result in significant improvements. Many pro-Gbagbo outlets were shot down or replaced by pro-Ouattara media, and the government filled all positions of the media regulatory bodies with its supporters (Freedom House 2012).

It is dangerous for journalists to report on abuses and corruption in Côte d'Ivoire, and many of them have been targeted by one side or the other during the last decade. The case of the French-Canadian journalist Guy-Andre Kieffer is emblematic. The latter worked for a French intelligence newsletter and reported on a series of corruption scandals, especially in the cocoa sector. He was kidnapped and allegedly tortured to death in 2004. Judicial investigation led to several clues involving the ministry of finance and the former presidency (Global Witness 2007).

### Civil society

Despite the Ivoirian law of freedom of assembly and association, the last decade of conflict has largely constrained the possibility and freedom of already-weak civil society groups to operate, due to the adoption of repressive measures, the widespread lack of rule of law and the militarisation of public life (Bertelsmann Foundation 2012). During Gbagbo's

time in power, public protests and demonstrations were, for example, systematically banned and armed forces used violence to disperse gatherings (US Department of State 2011). Civil society groups have historically had very little influence on political power, and the weakness of the legislative branch of government further reduces their potential entry points (Freedom House 2010).

As mentioned previously, it is dangerous to report on corruption and abuse in Côte d'Ivoire, and whistleblowers and activists are not protected. There is a strong sense of self-censorship in the country, where civil society is reluctant to speak up. The case of Modeste Seri, a vocal opponent to Gbagbo who was detained for over a year without charges, illustrates this pressuring atmosphere (Freedom House 2010).

According to Freedom House, civil society organisations have seen an improvement in 2011 and can operate more freely, in comparison with the Gbagbo regime (Freedom House 2012).

### Private sector

The private sector is at the centre of Côte d'Ivoire's development strategy and the government actively encourages foreign investment in their country, which includes taking steps towards a more transparent economic environment (US Department of State 2012).

Several actors, both national and international, have taken actions to strengthen private sector governance in the country and to favour a clean business environment. The French Chamber of Commerce in Côte d'Ivoire has brought about innovative measures to favour business in the country<sup>4</sup>, such as the creation of an anti-corruption brigade and the strengthening of the fight against racketeering (CCIFCI 2012). In 2010, the Global Compact Network in Côte d'Ivoire, together with the World Bank, launched the Enterprise Revitalization and Governance Project, focussing in small and medium-sized enterprises, to improve the country's

<sup>4</sup> It is not clear whether these measures have already been implemented.

business climate. In addition, the German Agency for International Cooperation (GIZ) initiated the PPP Fund for Mano River Union countries in 2012 to initiate development partnerships with the private sector in Côte d'Ivoire, Guinea, Liberia and Sierra Leone. These projects give incentives to local companies to not engage in corrupt activities as they only involve companies that respect certain key values such as anti-corruption. Finally, the Center for International Private Enterprise (CIPE) decided to involve the informal sector of the Ivoirian economy in policy reform processes through a partnership with the *Federation des Artisans de la Côte d'Ivoire* (FEDACI) or (Côte d'Ivoire Federation of craftsmen), which is the only independent business federation representing the informal sector in the country.

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