

# ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

## THE ROLE OF CIVIL SOCIETY IN FIGHTING CORRUPTION IN CÔTE D'IVOIRE

### QUERY

Please provide an overview of corruption and anti-corruption in Côte d'Ivoire with a particular focus on the contribution of civil society to tackling corruption.

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1. Overview of corruption in Côte d'Ivoire
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### REMARK

This is an update of the 2016 country profile for Côte d'Ivoire which can be found [here](#).

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### SUMMARY

Côte d'Ivoire is in a period of transition and recovery after civil conflict over the last two decades. There has been steady improvement in governance under the government of President Alassane Ouattara (2010 to present), which is reflected in improved scores on international governance and corruption perception indices. While the government has made verbal commitments to addressing corruption and established a new coordinating institution, the Haute Autorité pour la Bonne Gouvernance, the effectiveness and sincerity of the government's anti-corruption efforts are still to be proven. Doubts remain as to whether justice is evenly distributed or made to suit political circumstances.

One of the lasting effects of the civil conflict is the relative weakness of civil society organisations (CSOs) in Côte d'Ivoire. Hindered by gaps in the legal framework as well as capacity and financial constraints, there are limited examples of CSOs taking a leading role in anti-corruption initiatives, publicly criticising the government or exposing corruption issues. Public trust in CSOs is also harmed by the political affiliations of some groups.

Nevertheless, the evolving governance context presents opportunities for CSOs to take a more active role in anti-corruption work. This review discusses three main existing processes through which CSOs can engage with government: the Open Government Partnership, the Extractives Industry Transparency Initiative and the United Nations Convention against Corruption peer review process.

## 1. OVERVIEW OF CORRUPTION IN CÔTE D'IVOIRE

The following two sections provide an update of the previous Côte d'Ivoire corruption and anti-corruption country profile (U4 2016). They focus predominantly on the state of corruption and anti-corruption under the administration of President Ouattara.

### Political and economic context

The last five years of Côte d'Ivoire's political history have been characterised by fragile transition and recovery from civil conflict. The death of the country's first president and long-term leader (1960 to 1993), Félix Houphouët-Boigny, who presided over a period of stability on the basis of a broadly liberal economic system and political authoritarianism, gave way to intense political competition. A contested succession from 1993 led to presidential elections in 1995 won by a former president of the National Assembly, Henri Konan Bédié. His overthrow in a bloodless coup in 1999 was followed by elections in 2000 when the declaration of Laurent Gbagbo as president was again contested and unfolded into civil conflict from 2002. A first settlement between the parties in 2003 was not solidified until 2007 when a power-sharing government was formed with rebel leaders (Bertelsmann Transformation Index 2018). Throughout this period political elites commonly made appeals to ethnicity as a means of mobilising supporters and excluding rivals from political processes.

Elections organised in 2010 did not bring the hoped for turning point. Both leading candidates, former president Gbagbo and current president Ouattara, declared themselves winners of the polls. More than 3,000 civilians were then killed in post-election violence (Human Rights Watch 2015). Supported by French and UN troops, President Ouattara effectively assumed power in May 2011 while outbreaks of violence continued. His rival, Gbagbo, has been on trial at the International Criminal Court in the Hague since 2016 where he is charged with crimes against humanity during the post-election period. President Ouattara's position was confirmed and strengthened by victory in new elections held in 2015.

If Ouattara's priority from 2011 was the consolidation of countrywide security, the 2015 elections marked the beginning of what will be a long-process of post-conflict reconstruction and reconciliation. In October 2016, Côte d'Ivoire adopted a new constitution by referendum which established the post of vice-president as well as a senate and also abolished a clause around Ivoirité – a requirement for the parents of presidential candidates to be natural-born Ivoirians

which had been used to deny citizenship to certain groups. Turnout, however, was low at 42 per cent, and the process was boycotted by opposition groups (Reuters 2016). The consolidation of power around the president further leaves the administration open to accusations of pursuing a victor's justice. Human Rights Watch (2015) has argued that the government must prioritise the impartial administration of justice for past human rights abuses, address land dispossession, particularly in western Côte d'Ivoire, and complete security sector reform.

As for the country's economic position: since entering office, President Ouattara has pursued macroeconomic reforms and improvements to the business environment. This strategy is encapsulated in the Plan National de Développement 2016-2020, the national development plan, which seeks to capitalise on Côte d'Ivoire's historically strong agriculture sector, particularly cocoa production, by adding value domestically to commodity exports (African Economic Outlook 2017). The GDP growth rate in 2017 was high at 7.6 per cent, but Côte d'Ivoire remains vulnerable to commodity price shocks, and greater spending is needed on infrastructure, education and health to begin to address high rates of poverty (World Bank 2018).

Improved economic conditions have coincided with greater security, although the situation remains fragile. The UN peacekeeping mission withdrew in 2017, but there have been recent outbreaks of tension and violence. Mutinies in the army in January and May 2017 show that civilian control over the armed forces is not complete and the risk of future conflict has not fully dissipated (Freedom House 2018). The post-election violence also led to an increase in the number of street gangs, commonly made up of adolescents and known locally as "les microbes", which contributes to insecurity in the capital, Abidjan, in particular. It is within this context that the roots of corruption issues, efforts to counter the problem and the potential role that civil society might play in addressing corruption should be understood.

### Extent of corruption

Côte d'Ivoire's scores on international corruption and governance indices have improved over the last five years, although the indices suggest corruption remains a pervasive issue. In Transparency International's 2017 Corruption Perceptions Index, Côte d'Ivoire scored 36 out of 100; the scale ranges from 0 (highly corrupt) to 100 (very clean). This was an improvement from the 2016 index, when the country scored 34 out of 100, and shows marked improvement from 2013, when the score was 27. The 2017 score places Côte d'Ivoire at 103 of 180 countries globally and above the median ranking for

sub-Saharan Africa (Transparency International 2017).

The World Bank's Worldwide Governance Indicators similarly suggest an improving picture. For the control of corruption indicator, Côte d'Ivoire had a country percentile rank of 34 in 2016, where 0 corresponds to the lowest rank and 100 to the highest rank. This again demonstrates a significant improvement from 2013 when the country's percentile rank on the same indicator was 26. Other indicators show a general picture of improved governance. For example, the country's percentile ranking on the voice and accountability indicator has risen from 26 in 2013 to 36 in 2016, and the same figures for the regulatory quality indicator are 25 and 40 respectively. However, it is notable that Côte d'Ivoire's ranking of 16 for political stability and the absence of violence/terrorism in 2016 has marginally decreased relative to 2013 when it scored 17, a reflection of ongoing insecurity in the country (World Bank 2018).

Citizen surveys suggest there are mixed perceptions on whether the level of corruption in Côte d'Ivoire is increasing or decreasing. In its 2016/2018 survey round for Côte d'Ivoire, the Afrobarometer surveyed 1,200 people, 24 per cent of whom said that corruption levels had remained the same while a further 32 per cent said that corruption had decreased somewhat or a lot. The figures for individuals who said corruption had increased somewhat or a lot were 40 per cent (Afrobarometer 2018). These polls tend to correlate closely with whether people have a positive perception of the government as a whole.

## Forms of corruption

### *Petty and bureaucratic corruption*

Petty corruption remains a widely prevalent and harmful feature of citizens' everyday interaction with the state. Survey data indicates that petty corruption affects all public services to some degree. In the Afrobarometer 2016/2018 poll, 31 per cent of those surveyed who had interacted with a government official to obtain a document for an essential service reported having to pay a bribe, give a gift or do a favour for an official (Afrobarometer 2018). Interaction with the police appears to be an area particularly affected by petty corruption. Of the individuals who had interacted with the police, 47 per cent reported paying a bribe to avoid a problem with a police officer according to the Afrobarometer data. Of all individuals surveyed, 70 per cent thought that some or all police officers are involved in corruption (Afrobarometer 2018).

Surveys of firms also show the negative impact of petty corruption on the business environment. The

2016 World Bank Enterprise Survey of 361 firms found that 29.2 per cent thought that firms similar to their own were making informal payments or gifts to "get things done" with regard to customs, taxes, licences and regulation. This percentage is just above the regional average for sub-Saharan Africa of 27.5 per cent. Overall, 73.6 per cent of firms identified corruption as a major constraint to doing business, which is significantly above the regional average of 41.6 per cent. On the other hand, the survey results suggest there are some areas less affected by the problem. The percentage of firms expected to make informal payments or gifts for an electrical or water connection were 4.6 per cent and 9.8 per cent respectively, which are below comparative figures for the region (World Bank 2016).

The entrenchment of petty corruption in state bureaucracy can be attributed to a number of factors including: the social norms which have developed around public office; low salaries which lead officials to resort to corruption to get by; and excessive bureaucratic complexity which confers discretionary powers on officials and opens up opportunities for corruption. A recent article gave an example of these issues in practice in the customs administration in Côte d'Ivoire, showing how extortionate customs duties create major incentives to bargain and reduce import costs through bribery (Brookings Institution 2016).

### *Grand and political corruption*

High-level corruption is also believed to be a significant issue in Côte d'Ivoire, even if few cases are reported in the public domain. Citizens surveyed in the Afrobarometer, for example, demonstrate a low level of confidence in elected officials. Of those surveyed, 58 per cent said that some or most of the members of parliament are involved in corruption (Afrobarometer 2018). Senior office holders are generally considered to enjoy impunity (BTI 2018). In practice, allegations of corruption against senior level politicians and/or civil servants of any level are rarely investigated as, in the "official" narrative, "there is no corruption" at this level (Global Integrity 2018).

The roots of the problem lie in Côte d'Ivoire's political history. The country's first post-independence president, Félix Houphouët-Boigny, put in place a highly centralised structure where the state was treated as "the president's personal property". Political loyalty was bought through an extensive patronage network and "the system came to represent the most important and perhaps the only avenue for self-enrichment in the country" (Brookings Institute 2011). The subsequent "winner-takes-all" concept of the state and its resources can be seen as an important driver

of recent civil conflict orchestrated by political elites in Côte d'Ivoire.

Public procurement is one of the main vehicles through which grand and political corruption take place. The procurement process on the whole is regarded as lacking transparency and allegations of bid rigging are common (U4 2016). However, there are some recent examples of rule-breaking in procurement having some consequences. In April 2018, the national procurement agency, l'Autorité Nationale de Régulation des Marchés Publics (ANRMP) announced that 36 businesses had been excluded from participating in government procurement since 2014 due to involvement in corruption (Voice of America Afrique 2018).

In addition, some cases of embezzlement have occasionally received publicity even if only former regime figures have been the major focus. A recent high-profile example occurred in May 2016 when the director and deputy director of the Cotton and Cashew Council were fired following a government audit (BTI 2018). In 2013, the courts also convicted 15 former senior officials in the Gbagbo government at the main cocoa regulatory boards for involvement in corruption, including the former head of the Fonds de Développement et de Promotion des Activités des Producteurs de Café et de Cacao (FDGCC), a state development fund for the sector (Reuters 2013).

### *Nepotism and cronyism*

While in law there are formal rules to prevent conflicts of interest, nepotism, cronyism and patronage in government, in practice appointments are not always made on the basis of professional criteria. Personal, family, ethnic, regional, religious and political affiliations can often influence recruitment to state positions as well as contract awards under public procurement processes (Global Integrity 2018). If the current government has not systematically fuelled ethnic tensions (BTI 2018), there have been accusations of imbalance in appointments, with President Ouattara favouring political appointees from his northern powerbase in Côte d'Ivoire (U4 2016).

### *Smuggling*

Smuggling is a major issue in Côte d'Ivoire and is facilitated by corruption and the complicity of officials. Significant quantities of cocoa, gold and diamonds are sold on the black market and not through official channels, with officials often turning a blind eye to these practices (Freedom House 2018). The country's porous borders exacerbate the problem. Smuggling of cocoa between Côte d'Ivoire and Ghana was reported to have increased dramatically in 2017 after the Ivorian government cut its guaranteed price for

farmers. Cross-border smuggling took advantage of the price differential in Ghana, with exporters estimating that 80,000 tonnes of cocoa beans were smuggled into the country between April and June 2017 (African Arguments 2017).

## 2. ANTI-CORRUPTION EFFORTS

### Overview

Since entering office, President Ouattara has made public commitments to fighting corruption but the results and effectiveness of these measures will take some time to determine. In a recent meeting of heads of government of the African Union, he stated that Côte d'Ivoire is doing "everything necessary to improve good governance" and that the country was "at ease" with a range of new measures which had been introduced in the previous few years on governance (Fratmat 2018). Policies in this area are organised around the Plan National de Bonne Gouvernance et de Lutte contre la Corruption, the national strategy for good governance and the fight against corruption, instigated in 2013. The plan led to the establishment in 2014 of a coordinating agency for good governance, the Haute Autorité pour la Bonne Gouvernance (HABG see below). The agency is charged with overseeing one of the president's principal measures on anti-corruption, the extension of an asset declaration scheme to around 4,600 senior politicians and managers in state-owned companies (BTI 2018).

In addition to these measures, the government has established reporting mechanisms for citizens to report corruption, including in the police (U4 2016). While specific judges were nominated in 2015 to handle corruption cases, a plan to establish a special tribunal for the fight against corruption has not yet been implemented (BTI 2018). Under the Open Government Partnership (OGP, see below), the government has also made 15 commitments which primarily relate to transparency of public information, including budgetary details and data from the mining sector (OGP 2018).

The government has nevertheless come under criticism for the perceived slow progress with its anti-corruption efforts. As noted, there are few examples in practice of prosecutions of senior office holders involved in corruption (Global Integrity 2018). Some journalists and organisations have also criticised the lack of transparency around the asset declaration scheme as well as a perceived lack of independence of the HABG from the executive (Libre Afrique 2017).

## Legal framework

### *International commitments*

Côte d'Ivoire ratified the United National Convention against Corruption (UNCAC) and the Africa Union Convention on Preventing and Combating Corruption in 2012 as well as the United Nations Convention against Transnational Organised Crime and its protocol on human trafficking.

### *National legislation*

Corruption is penalised in Côte d'Ivoire through the penal code, which criminalises passive and active bribery of public officials, including the act of offering, giving and promising a bribe, and the act of soliciting, asking for and agreeing to accept a bribe. Ordonnance 2013-660 defines foreign bribery as contrary to the penal code and lists a number of corrupt practices in public administration, including abuse of function, undue influence, embezzlement, illegal gratuity and corruption of foreign officials. A range of financial and/or prison penalties are given for these infractions (Global Integrity 2018; U4 2016).

The latest review of Côte d'Ivoire under the UNCAC state peer review process highlighted some positive aspects of the country's legal framework, namely a requirement for private sector entities to establish mechanisms to prevent corruption and changes to allow the statute of limitations to commence from the time of discovery of an offence. However, it also pointed to some areas where the legal framework could be improved. These included: harmonising the various penalties for corruption offences to ensure consistency; harmonising and extending the scope of persons in the private sector covered by bribery provisions; and reviewing constitutional provisions for immunity to prevention since these can become an obstacle to prosecution of offences (UNCAC 2017).

Under the 2016 constitution, the Ivorian president is obliged to make a declaration of her/his assets. Ordonnance 2013-660 extended this requirement to include members of government, elected officials, including those at regional level, district governors and deputy governors, members of the HABG and "all other individuals acting on behalf of the state and using, in the fulfilment of their functions, the financial means of the state". However, these declarations are confidential and not made public. They also do not cover family members. To date, officials have not met these requirements in practice. As of May 2017, the HABG announced that only 65 of 255 members of parliament had submitted declarations for the previous year. Maintaining confidentiality around the declarations runs contrary to the principle of citizens' rights of access to public documents which is

enshrined in the 2016 constitution (Global Integrity 2018).

Côte d'Ivoire has in place anti-money laundering and counter terrorist financing legislation, which criminalises money laundering and places Know Your Customer (KYC) and requirements to report suspicious activity on financial institutions (U4 2016). The country is a member of the West African regional group to counter money laundering, the Groupe Intergouvernemental d'Action contre le Blanchiment d'Argent en Afrique de l'Ouest (GIABA). At the time of research (April 2018), Côte d'Ivoire did not feature on the Financial Action Task Force's list of high risk and monitored jurisdictions (FATF 2018).

## Institutional framework

### *Judiciary*

There are fundamental weaknesses in the judiciary which hinder efforts to address corruption. The judiciary lacks independence from the executive and is vulnerable to political interference (BTI 2018; Freedom House 2018). Its reputation as an impartial arbitrator of justice has been damaged by its treatment of war crimes after the civil war: while many officials in the Gbagbo administration were put on trial and convicted, only a few cases were opened against former pro-Ouattara militias, and by the end of 2016 had not led to any convictions (BTI 2018). Processes governing the allocation of cases to judges are opaque and bribery within the judiciary is reported to be commonplace (Freedom House 2018). Of the citizens surveyed in the Afrobarometer in 2016/2018, 68 per cent of respondents believed that some or most judges and magistrates are involved in corruption (Afrobarometer 2018). Côte d'Ivoire does not have specialist courts for overseeing corruption cases.

### *High Authority for Good Governance*

The HABG was established in 2013 and became functional in 2014. The agency is charged with leading investigations into corrupt practices and referring cases to the public prosecutor. It receives and handles citizen complaints as well as overseeing the administration of the asset declaration regime (Global Integrity 2018). Its mandate further encompasses a preventive and civic education role around corruption. The agency publishes an annual report, although the latest report available on its website at the time of research (April 2018) was from December 2015. The report provided asset declaration data for 2015 and indicated it had initiated 63 investigations between January 2014 and November 2015 of which nine had been passed to the public prosecutor (HABG 2015). Although the agency has only recently been created, some doubt its level of independence from the

executive and the effectiveness of its actions to date (Global Integrity 2018; Libre Afrique 2017).

### *ANRMP*

The National Agency for Regulation of Public Procurement, the ANRMP, was established in 2009 by Decree 2009-260. The agency conducts audits of government ministries and departments to verify compliance with national procurement regulations. It has the power to sanction companies who contravene these regulations, such as by means of corruption or collusion in tender processes. Companies can be banned for two years from public tenders, and the agency maintains a blacklist on its website. As noted above, the ANRMP announced in April 2018 that it had blacklisted 36 businesses since 2014 for involvement in corruption (Voice of America Afrique 2018).

### *Inspector General of Finance Brigade de Lutte contre la Corruption (BLC)*

BLC was established in 2012 as a specialist unit with the Ministry of Economy and Finances and has the authority to investigate cases of corruption. BLC also operates a public complaints line. Its mandate is restricted to the financial resources managed by the ministry rather than the public sector as a whole, which limits the extent of its activities and influence (Global Integrity 2018).

### *Court of auditors*

Alongside the BLC, the court of auditors exercises overarching scrutiny of public finances. The authority of the court is set out in the 2016 constitution while Law 2015-494, dating from July 2015 defines the scope and functions of the institution. The court has the power to audit the accounts of all government ministries and departments. It publishes an annual report made to parliament, although individual auditing reports are rarely published and often with significant delay (Global Integrity 2018). There is not a strong history in Côte d'Ivoire of using public auditing as a means of exposing financial malpractice (BTI 2018), and it is questionable whether the court truly has the independence and capacity to investigate abuses which could be linked to senior office holders (Global Integrity 2018).

### *Financial intelligence unit*

Côte d'Ivoire's financial intelligence unit, Cellule Nationale de Traitement des Informations Financières de Côte d'Ivoire (CENTI-CI) was established under the Ministry of Finance in 2006 and became operational in March 2008. It receives and analyses reports of suspicious activity from reporting institutions, which includes banks and other designated non-financial

businesses and professions, providing information to relevant law enforcement bodies. CENTI-CI is a member of the Egmont Group of international financial intelligence units (U4 2016).

## 3. CIVIL SOCIETY IN CÔTE D'IVOIRE

### Overview

The lasting effects of the civil conflict and formerly restrictive political climate are evident in the relative weakness of the civil society sector in Côte d'Ivoire today. The CSO Sustainability Index for sub-Saharan Africa, compiled by USAID (2016), provides the most comprehensive overview of the state of the sector. The index assessed the sector against seven dimensions: the legal environment, organisational capacity, financial viability, advocacy, service provision and public image. Scores range from 1 (most developed) to 7 (most challenged). Countries are placed into one of three categories: sustainability impeded (a score of 5 to 7), sustainability evolving (3 to 5) and sustainability enhanced (1 to 3). Côte d'Ivoire is at number 20 of the 31 African countries assessed, with an overall score of 4.9.

Across the seven dimensions, Côte d'Ivoire's weakest scores relate to the legal environment and infrastructure for CSOs, scored at 5.3 and 5.4 respectively. This is a consequence of the primary law governing civil society organisations, Law No. 60-315 of September 1960 on associations, being outdated. The law includes an ambiguous clause (Article 4) which allows the government to declare null and void any organisation engaged in activity running contrary to "public morals". The clause has been used to deny, for example, registration of a group advocating for improved rights for lesbians. The score on infrastructure relates to the lack of intermediary support organisations and training institutions available to improve the capacity of CSOs (USAID 2016).

Côte d'Ivoire's stronger scores on the index are the indicators for advocacy (4.6) and service provision (3.7). The country reviewers found that there are direct lines of communication between CSOs and decision makers, which present opportunities for advocacy. The examples provided are the Open Government Partnership (see below) and the Millennium Challenge Corporation, a US-funded programme which supports a number of development programmes. In the area of service provision, the index provides examples of CSOs which are involved in providing basic services to the population, such as responding to healthcare needs (USAID 2016).

## Weaknesses of civil society

If the CSO Sustainability Index suggests a mixed picture in terms of the capabilities and effectiveness of CSOs, other reports and studies of the sector take a largely critical view. In its latest country report, the BTI (2018) considers that “traditions of civil society hardly exist and have weakened further over the course of the protracted civil conflict”. The report further refers to the lack of “constructive relationships between the state and interest groups” in Côte d'Ivoire. An exception to this being the interest groups clustered in core economic sectors, such as planter organisations and trade unions, although the report notes that their “activities generally lack a component of civic or public engagement” (BTI 2018).

There are wider questions regarding the public image and perception of CSOs. A World Bank (2012) study on governance in Côte d'Ivoire, consisting of a household survey, press reviews and public consultations, indicated a low level of public confidence in CSOs. It found that two out of five citizens consulted in the household survey believed that CSOs lacked credibility in the fight against corruption. Interviews indicated that this was because of the politicisation of some CSOs, which has created some distrust among the public (World Bank 2012). Similarly, the 2016/2018 Afrobarometer survey found that of 1,200 citizens, 49 per cent of citizens thought some CSOs were involved in corruption (Afrobarometer 2018). This may be because certain CSOs are believed to be aligned with the main political parties in Côte d'Ivoire. Other organisations have attributed the public image issue to a lack of understanding of the concept of civil society and roles to be undertaken by CSOs (USAID 2016).

This suggests that, as is the case in many countries and particularly those emerging from conflict, some caution is needed in conceiving of civil society as a homogenous actor working universally for the public good. One academic article on this theme (Adou Djané and Jones 2017) notes that “as with many other contexts civil society in Côte d'Ivoire is not a space or set of actors and practices neatly distinct from the state”. Writing on the topic of transitional justice, they show how the large number of CSOs established in Côte d'Ivoire in the early 1990s (between 1990 and 1994 over 264 CSOs were registered) “gave birth to a civil society apparatus that retained and even enhanced the reflexes of the one party political system”. This was an apparatus which consolidated around the political opposition in Côte d'Ivoire, again rendering difficult a neat distinction between political groups and civil society. The academics provide some examples of “uncivil” actions by civil society in the field of transitional justice (Adou Djané and Jones 2017).

A second academic article (MacManus 2014) illustrates how nefarious actors can capitalise on the relative weakness of civil society in Côte d'Ivoire. This is a study of the Trafigura toxic waste scandal when the multinational commodities trading firm deposited more than 100 gallons of toxic waste around the capital Abidjan in 2006, leading to 16 deaths and a major public health crisis. MacManus shows that domestic CSOs had “little capacity to expose, control, constrain or sanction large-scale state-corporate crime” and were relatively muted as this scandal unfolded. Furthermore, existing human rights CSOs were side-lined when it came to the distribution and management of compensation for victims, with newly established victims' organisations taking their place and using the funds in an unaccountable and extortionate manner (MacManus 2014).

Freedom of assembly is protected under the 2016 constitution, although there are examples in practice where the government has restricted or forcibly dispersed peaceful gatherings (Freedom House 2018). There is a need for more credible CSOs to take a constructive and critical role in assessing government actions. The BTI (2018) notes that in the current environment, officeholders rarely face adverse publicity from CSOs. There are also few examples of CSO investigations which have uncovered corruption issues within government.

## Opportunities for civil society

Notwithstanding the need for critical reflection when considering the role of civil society, the improved political and security situation in Côte d'Ivoire presents opportunities for CSOs to strengthen their position and exercise greater influence over government policy and practice. The 2016 constitution enshrined the principle of civil society participation in public affairs in Article 26, which states that “civil society is one of the components of expression of democracy. It contributes to the social, cultural and economic development of the nation” (Côte d'Ivoire 2016). The inclusion of this clause was the outcome of successful advocacy by several human rights CSOs (USAID 2016).

Côte d'Ivoire's 2018 scorecard on the Africa Integrity Indicators (Global Integrity 2018) shows that the government does not actively obstruct the formation of CSOs, even if large numbers subsequently become inactive. The Africa Integrity Indicators also did not list examples of CSO employees who had been killed or physically harmed in 2017 nor examples of the government shutting down or harassing CSOs (Global Integrity 2018). Prominent international CSOs, such as Amnesty International and Human Rights Watch have a long history of operating in Côte d'Ivoire and played an important part in highlighting abuses during

the civil war to an international audience (Human Rights Watch 2015).

There are also positive examples of CSOs working in other sectors, such as on environmental issues, and taking a critical stance on government actions. One example is the publication of a report in September 2017 by the American CSO, Mighty Earth, on the damaging impact of deforestation by firms in the cocoa sector (France 24 2017). Another example is Eagle Côte d'Ivoire which has published investigations into the illegal trafficking of wildlife parts (Eagle 2018).

#### 4. EXAMPLES OF ANTI-CORRUPTION INITIATIVES INVOLVING CIVIL SOCIETY

There are a range of potential roles for civil society in efforts to counter corruption. These include: raising awareness around the issue; investigating and exposing cases of corruption; advocacy to improve the legislative framework for anti-corruption and increase government transparency; technical contributions to anti-corruption policies and programmes; monitoring of government commitments to anti-corruption; and auditing and monitoring expenditure on specific projects. In Côte d'Ivoire, only a few CSOs are focused on governance and anti-corruption such as Social Justice, Transparency Justice or the CREFDI, which coordinates the Afrobarometer.

This final section summarises three main avenues through which civil society can engage in anti-corruption efforts. It is not intended as a detailed list of CSOs active in the area of anti-corruption in Côte d'Ivoire, although it makes reference to the work of some of the best-known groups.

#### The Open Government Partnership (OGP)

Civil society has had an active role in Côte d'Ivoire's participation in the OGP. Côte d'Ivoire officially joined the partnership in 2015. It aims to secure and monitor national commitments to enhance government transparency. A national steering committee comprised of relevant government ministries is supported by a technical committee, which acts as the main implementation body. Both civil society and the private sector are represented alongside government in the technical committee and work to develop and monitor the different initiatives under the partnership. There are 18 civil society groups that are members of the platform partnership. This number was gradually increasing at the time of the research (OGP 2018). Led by Social Justice since 2016, this platform was established to make recommendations and monitor OGP commitments.

Côte d'Ivoire's 2016-2018 national action plan contains 15 different commitments scheduled to be implemented by June 2018. The underlying theme is improvement of public access to state information, including the country's natural resource sectors (OGP 2018). While all of the commitments are of potential relevance for civil society activists, three of the commitments in particular encompass an important role for CSOs:

1. Commitment 9: the country has agreed to establish a single digital platform for access to government information. This could greatly enhance the ease with which CSOs can scrutinise government information and data.
2. Commitment 13: the creation of five municipal committees to fight against racketeering. CSOs will form part of the committees formed to monitor local spending and counter fraud. The two main civil society groups involved are the Movement to win the Fight against Injustice and Ivorian Civil Society Organizations Network for Citizen's Control on Public Action.
3. Commitment 14: promoting participatory budgeting in five communes. Again, CSOs will participate in these processes and undertake monitoring and evaluation.

At the mid-term review of Côte d'Ivoire's performance conducted in August 2017, the country was on schedule to complete 14 of the 15 commitments. One committee – setting up and operating a national competitiveness monitoring body – was delayed at this time (OGP 2018).

#### The Extractives Industry Transparency Initiative (EITI)

As a major producer of gold and manganese and having an emergent oil and gas sector, Côte d'Ivoire has been a member of the EITI since 2008 (EITI 2018). Membership entails the publication of key production and payment information across the resource sectors with an important organisational and monitoring role for civil society. The latest data available for Côte d'Ivoire dates from 2015.

In the case of Côte d'Ivoire, civil society had a significant advocacy role in ensuring the country's participation in the EITI platform. This process was led by the Initiative pour la Justice Sociale, la Transparence et la Bonne Gouvernance en Côte d'Ivoire (Social Justice), the local chapter of Transparency International, which has summarised this work in a case study entitled Tackling the Resource Curse – Civil Society's Fight for Better Access to Information and Open Contracting in Côte d'Ivoire (Integrity Action 2014).

The case study describes how the process began with the organisation lobbying local governments for improved access to contractual information as well as organising meetings with local communities to provide groups with better information to negotiate their rights. Despite encountering some resistance from local government officials and businesses, Social Justice continually framed its advocacy work in terms of the benefits the EITI process would bring to local communities. It also encouraged the formation of a resource centre for local communities to improve access to information (Integrity Action 2014). The EITI now represents one of the principal means through which stakeholders can obtain information about the resource sector.

## The United Nations Convention against Corruption

The UNCAC peer review process provides a possible further means for CSOs to engage with government on anti-corruption work, although organisations have found it difficult in practice to realise the potential of the process. There are four possible entry points for CSOs in the country peer review process: during the self-assessment phase, when CSOs can be consulted on the country's responses; dialogue between CSOs and the peer review teams during country visits; active publicity of the report including advocacy to ensure the full publication of the report; and follow-up and monitoring of recommendations made in the review (United Nations Office on Drugs and Crime 2016).

The absence of an obligation to include CSOs and poor transparency around the process has often hampered CSO participation in many countries (U4 2013). In the case of Côte d'Ivoire, two CSOs – Social Justice and the Réseau Ivoirien des Jeunes Leaders Pour L'intégrité (RIJLI), the Ivorian Network for Young Leaders for Integrity, are shown as members of the UNCAC civil society platform (UNCAC Coalition 2018). The extent to which the two organisations have had a collaborative role in the peer review process has not been the subject of public reports; however, the process provides an existing forum in which contributions from civil society should in principle be encouraged. Local CSOs report a lack of transparency around the scheduling of the review process which is a barrier to CSO participation, as is the experience of CSOs in many other countries (U4 2013).

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