

(check against delivery)

**STATEMENT ON THE CERTIFICATION OF THE RESULT OF
THE SECOND ROUND OF THE PRESIDENTIAL ELECTION
HELD ON 28 NOVEMBER 2010**

By YJ Choi, SRSG, UNOCI
(Abidjan, 3 December 2010)

1. The Security Council mandated me by its resolution 1765 (2007) to certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in Côte d'Ivoire in accordance with international standards.

2. In this regard, I developed, in consultation with the stakeholders, the “five-criteria framework for certification”, which was subsequently referred to in paragraph 32 of the sixteenth progress report of the Secretary-General on the United Nations Operation for Côte d'Ivoire (S/2008/250). The framework defines broad benchmarks that enable me to assess whether: (a) a secure environment exists during the period leading to elections and allows for the full participation of the population and the candidates in the process; (b) the electoral process is inclusive; (c) all candidates have equitable access to State-controlled media and whether the latter remains neutral; (d) the voters lists are credible and accepted by all parties; and (e) the results of the elections are determined through a transparent process and are accepted by all or are challenged peacefully through the appropriate channels.

3. With regard to the final voters list, I duly certified it on 24 September during a press conference held at UNOCI Headquarters.

4. As regards the certification of the result of the 31 October 2010 first round of the presidential election, based on the five criteria of the framework for certification, and further to the mandate vested upon me by the Security Council, I duly certified it on 12 October 2010.

5. As for the electoral campaigning related to the second round, despite some incidents, which were at times violent, and isolated disruptions, it was generally conducted in a democratic atmosphere. The televised debate between the two presidential candidates held on 25 November night, in particular, was unanimously welcomed as exemplary and even exceptional.

6. However, the afternoon of 27 November 2010 was marked by a demonstration by opposition youth groups in the Abobo district of Abidjan against the establishment of the curfew. The demonstration degenerated into a confrontation between youth groups and security forces, resulting in the burning of a police vehicle and three deaths among the demonstrators.

7. Thus, the 28 November voting began in an atmosphere of tension and passion. Despite the environment that preceded it and despite incidents, which were sometimes violent, in the west and north of the country, the second round of the election was also generally conducted in a democratic climate. UNOCI was encouraged to note that along all the five observation routes it established, representatives of both candidates were present in all the polling stations.

8. Concerning state controlled media, it followed almost the same pattern of the first round. During the period preceding and following the official electoral campaign, the coverage by *Radiodiffusion Télévision Ivoirienne* (RTI) of the two candidates' political activities was unbalanced. However, during the electoral campaign, State media, under the supervision of regulatory bodies, generally guaranteed equal access to the two presidential candidates. Also, in conformity with the recommendations of the *Conseil national de la communication audiovisuelle* (CNCA), television stations and radios in the north broadcast in synchronization the programming of the RTI throughout the electoral campaign period. With regard to the print media, *Fraternité Matin* provided equal access to all the candidates during the campaign period. It is also to be noted that most of the major political parties have their own affiliated newspapers, which enjoyed complete freedom of press before, during and after the election.

9. With regard to the proclamation of the provisional results of the second round of the presidential election, the Independent Electoral Commission (IEC) announced them on 2 December 2010. I recall that, in the case of the first round, the IEC had only started announcing the partial results from the evening of 2 November. As the official announcement began only two days after the election, some tensions and speculations spread through the country. In this regard, during my press conference on 4 November, I had urged the IEC to work on reducing the waiting time for results in future polls, with a view to avoiding speculation and tensions aroused by the absence of a timely dissemination of the results. In this regard, UNOCI reiterated its availability to provide all its support to the IEC.

10. Despite my call on the IEC to proclaim the provisional results of the 28 November second round promptly, the IEC was unable to disseminate the results without delay partly because of its internal divisions. The IEC internal divisions were further exacerbated when the Ivorian security authorities reinforced its "protection" at the IEC HQ beginning the morning of 30 November. This led, in the end, the IEC President, Mr. Youssouf Bakayoko, to proclaim the provisional result of the second round in the afternoon of 2 December 2010 at the Golf Hotel: the participation rate in the second round being over 81 %; candidate Alassane Ouattara garnering 54.10% of the votes; and candidate Laurent Gbagbo garnering 45.90 %.

11. The Constitutional Council immediately reacted to the announcement made by the IEC President. In the evening of 2 December 2010, the President of the Constitutional Council, Mr. Paul Yao N'Dre, declared that the IEC's proclamation was null and void as the IEC had passed the legal limit of three days for pronouncing itself on the provisional results. The President of the Constitutional Council then proclaimed on 3 December 2010 the final results with the cancellation of voting in four northern regions. According to this proclamation, candidate Laurent Gbagbo

would have garnered 51.45 % of the vote and candidate Alassane Ouattara 48.55 %, with the overall participation rate of 71.28 %.

12. The second round of the presidential election was, in general, held in a democratic atmosphere, as observed by all credible observer organizations. It is to be noted that I had implicitly certified the conduct of the second round during a press conference held on 29 November 2010. Thus, the proclamation of the final results by the President of the Constitutional Council, with the cancellation of the votes in nine departments of the north, which makes candidate Laurent Gbagbo the winner of the second round, can only be interpreted as a decision having no factual basis.

13. The only remaining question is whether UNOCI would have to respect the verdict of Constitutional Council under all circumstances. This question can be answered by taking into consideration that the Ivorian Government has accepted the SRSR's role of certification.

14 I, as certifier of the Ivorian elections, have completed the analysis and evaluation of all the tally sheets transported by UNOCI and received from the IEC. Even if all the complaints made by the presidential camp to the Constitutional Council were taken into account in terms of numbers of tally sheets, and consequently the votes, the outcome of the second round of the presidential elections as proclaimed by the IEC President on 2 December would not change, with candidate Ouattara being the winner of the presidential election.