

THE
CARTER CENTER



INTERNATIONAL ELECTION
OBSERVATION MISSION
TO CÔTE D'IVOIRE

FINAL REPORT

2010 PRESIDENTIAL ELECTIONS AND
2011 LEGISLATIVE ELECTIONS

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THE
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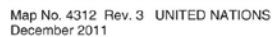
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FOREWORD

Dr. John Stremmlau
Vice President, Peace Programs
The Carter Center

After failing to win re-election in 1980, U.S. President Jimmy Carter told the American people he looked forward to taking up once more the only title in a democracy superior to president: that of citizen. And when The Carter Center accepted an invitation from Côte d'Ivoire authorities to observe its 2010 presidential election, we did so with the understanding, affirmed by all major candidates, including incumbent Laurent Gbagbo, that they, too, would respect the superior decision of a majority of the country's citizens as to who would be their nation's next president.

We were well aware of the protracted political crisis that had bedeviled Côte d'Ivoire since the December 1993 death of its founding president, Félix Houphouët-Boigny, and that nearly escalated to all-out civil war in 2002. By December 2007, an internationally brokered peace accord was in place that mandated national elections. At that point, the Center established a small field office to begin monitoring what became an unusually lengthy and problematic voter identification and registration process.

Throughout this monitoring mission, we have been gratified by the broad international consensus in support of allowing the citizens of Côte d'Ivoire to determine who would be their next president by means of a credible national election. Concerted diplomatic action by Côte d'Ivoire's neighbors under the auspices of the Economic Community of West African States (ECOWAS), the African Union, and

the United Nations was vital to allowing the preference of a clear majority of voters to be expressed and ultimately respected. The United Nations peacekeeping force rendered vital operational support and security assistance throughout the electoral process; the Security Council, with the concurrence of Ivoirian political actors, tasked the secretary-general's special representative to certify the election results. Western donors contributed approximately \$300 million to help ensure all registered voters who wished to vote could do so.

Rarely has an observation mission been extended so long, revealed so many difficult administrative and political challenges, or posed such physical dangers to staff and monitors as in Côte d'Ivoire.

The Carter Center has observed nearly 90 national elections, often in countries emerging from deadly conflict or decades of authoritarian rule. Rarely has an observation mission been extended so long, revealed so many difficult administrative and political challenges, or posed such physical dangers to staff and monitors as in Côte d'Ivoire.

Between December 2007 and the inauguration of duly elected President Alassane Ouattara in May 2011, the Center has contended with many unexpected, difficult, and often highly controversial issues regarding the preparations, conduct, vote tabulation, and certification of results of two rounds of voting, on Oct. 27 and Nov. 28, 2010.

The following report details these dramatic events as well as the volatile six months known locally as the "Battle of Abidjan," which culminated in the arrest of the defeated incumbent president, Laurent Gbagbo, who had steadfastly refused to accept the results. Because of the exacerbation of factionalism in Côte d'Ivoire resulting from the crisis over the presidential succession, the Center took the unusual step of



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maintaining a presence in the country and observing the Dec. 11, 2011, legislative elections in the hope of ensuring these, too, would accurately reflect the will of the people as an essential next step in national reconciliation and the consolidation of democratic governance. The report also includes a comprehensive list of more than 30 recommendations for improving government electoral policies, the operations of the electoral management bodies, electoral dispute resolution, and the role of the police in providing essential security during future elections.

Over the course of this mission, we had the benefit of reporting from long-term observers deployed throughout the country at different periods, and during the peak election periods they were augmented by 40 short-term observers. Our observers are a diverse group of democrats drawn from 23 countries, half of them in Africa. All were trained to monitor procedures in accordance with the set of international principles agreed to and adopted by all major international election observation groups at the United Nations in 2005. Many Carter Center colleagues contributed to the success of this mission, but special commendation is due for the skill, courage, and tenacity of our field office director, Sabina Vigani; the project's manager, Associate

Director of the Democracy Program David Pottie and assistant project coordinators Jacqueline Segal and Jennifer Russi.

We were greatly assisted and encouraged to remain by the U.N. special representative, Y.J. Choi, and his successor, Albert Koenders; U.S. Ambassador Philip Carter and his staff; and the U.S. Department of State, which generously funded our presence in Côte d'Ivoire, which lasted much longer and was more expensive than initially envisioned. We also are grateful for political support we received from Côte d'Ivoire's neighbors and other international partners. Through a diplomatic consensus, they maintained that the legitimate winner of the Nov. 28 vote was the candidate receiving the greatest number of votes, as affirmed by impartial international observers, eventually confirmed by the National Electoral Commission, and certified by the U.N. special representative.

I would like to acknowledge the important role of the former president of Ghana, John Kufuor, as leader of our observation mission during the first round of voting. Above all, the evident desire among the citizens of Côte d'Ivoire for peace and the opportunity to forge a better life for themselves and their children inspired and sustained the mission.



EXECUTIVE SUMMARY AND RECOMMENDATIONS

The attempted coup d'état of Sept. 19, 2002, plunged Côte d'Ivoire into a long politico-military crisis. However, the roots of the crisis date back to the 1980s and, against a backdrop of economic problems, to the power struggle following the death of President Houphouët-Boigny and the manipulation of national identity. This led to a series of failed elections and an ever-increasing tendency to resort to violence.

Following the presidential election of 2010, the legislative election of 2011 closed the cycle of post-crisis elections organized within the framework of the peace process.

At the invitation of the Ivoirian authorities, The Carter Center has had a presence in Côte d'Ivoire since December 2007 for the purpose of observing the population identification process and overall electoral process.¹ This report includes the overall findings of the Carter Center's international election observation missions for the 2010 presidential election (section 1) and 2011 legislative elections (section 2).² The phases of Carter Center involvement in Côte d'Ivoire and the various observation methodologies that were implemented are summarized here. This executive summary describes the main findings and conclusions of the Center's observation activities and provides recommendations intended to improve the management of future electoral cycles, with the aim of strengthening democracy and entrenching peace in Côte d'Ivoire.

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Prior to the presidential election anticipated in October 2005, Côte d'Ivoire President Laurent Gbagbo invited The Carter Center to deploy an

international election observation mission.³ At that time, Côte d'Ivoire was engaged in a peace process that aimed to resolve the politico-military crisis resulting from the 2002 coup attempt. However, delays in the peace agreements led to the repeated postponement of the presidential election.

In October 2007, the Center sent an assessment mission to evaluate progress in the implementation

of the peace process and to explore the possibility of becoming involved in monitoring the electoral process. Members of the mission met interlocutors including, notably, President Gbagbo, the Independent Electoral Commission, and the leaders of the main

political parties. All of these actors welcomed the possible deployment of a Carter Center observation mission. Furthermore, the special representative of the secretary-general of the United Nations in Côte d'Ivoire, who was tasked by the Security Council with certifying the elections pursuant to the peace agreements, emphasized the potential synergies between the certification mandate and nonpartisan international election observation.

1 In combination, the elections of 2010 and 2011 were referred to as elections pour la sortie de la crise (elections to end the crisis). The population identification was not a national census but an effort to identify the number and location of people who fit specific eligibility requirements (notably, at or near the age of majority and Ivoirian citizens) given the internal displacement and loss of records caused by the conflict since 2002.

2 The preliminary version of the conclusions and recommendations of the final report on the presidential election was submitted to the Independent Electoral Commission (CEI) and the Ivoirian authorities in May 2011.

3 See Appendices for copy of President Gbagbo's invitation letter.



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Based on these signals and given the importance of a resolution to the Ivoirian crisis for the stability of the entire West Africa subregion, the Center decided to observe the process leading up to the presidential election. The Center's principal objectives were to provide an impartial assessment of the electoral process and to contribute to strengthening transparency and trust among stakeholders. The Center deployed a representative to Côte d'Ivoire in December 2007 and opened a field office in Abidjan in October 2008 following receipt of a letter of invitation to observe the elections from Prime Minister Guillaume Soro.⁴ The Center subsequently deployed long-term observers in three different periods to assess phases of the population identification and voter registration over the course of 2008–2010.⁵

As a result of various political crises described in the main body of this report, the presidential elections were delayed from 2008 to 2009 and then again to 2010. Finally held on Oct. 27, 2010, (with a runoff between the top two finishers on Nov 28, 2010), the announcement of election results produced a new and more violent phase in Côte d'Ivoire's political transition. Incumbent President Laurent Gbagbo refused to concede defeat based on a controversial decision of the Constitutional Committee to throw out a large number of votes in the results announced by the Independent Electoral Commission (CEI) that gave victory to challenger Alassane Ouattara. Based in part on the findings of the Center and other observers, the international community eventually rallied behind Ouattara to force Gbagbo from the presidential residence in April 2011 following an extended military assault by the former rebel forces known as Forces Nouvelles (New Forces, subsequently renamed Republican Forces).

The legislative elections, which were to have been held soon after the presidential elections, were delayed to Dec. 11, 2011. Prior to those elections, the Center conducted a pre-election assessment mission in October, and upon receipt of a CEI invitation letter dated Oct. 25, 2011, the Center decided to deploy an observer mission for the legislative elections.⁶

OBSERVATION METHODOLOGY

The Carter Center evaluated the electoral process in the light of the national legal framework and the international obligations of Côte d'Ivoire regarding democratic elections. The particularities of the crisis in Côte d'Ivoire required the establishment of diverse legal instruments in which constitutional, legal, and regulatory provisions blended with the contents of successive political agreements.

Côte d'Ivoire is party to many international and regional treaties that enshrine fundamental rights and freedoms that must be respected and promoted within the framework of the electoral processes. These treaties include, among others, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women, and the African Charter on Human and People's Rights. Table 1 gives an overview of the international and regional treaties ratified or signed by Côte d'Ivoire.⁷

The Carter Center observer mission was conducted in accordance with the Declaration of Principles for International Election Observation and the Code of Conduct adopted at the United Nations in 2005 and subsequently endorsed by 40 election observation groups.⁸ The declaration sets out the guiding principles for conducting a credible and professional election observation. In the light of these principles, the consideration of the Ivoirian electoral process by The Carter Center puts emphasis on civil and political rights. The result is an assessment that is independent of all bilateral or multilateral concerns.

⁴ See Appendices for copy of invitation letter from Prime Minister Soro.

⁵ Various public statements from these missions may be found in the Appendices and are available at www.cartercenter.org.

⁶ See Appendices for copy of the CEI invitation letter.

⁷ Signing a treaty does not confer any obligations on states by virtue of the treaty but does oblige them to refrain from any act contrary to the aim and objective of the treaty. By ratifying a treaty, states give their consent to be bound by that treaty. Accession to a treaty implies the same legal effects as ratification but is not preceded by signing.

⁸ <http://www.cartercenter.org/documents/2231.pdf>



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The Carter Center maintained a continuous presence in Côte d'Ivoire beginning in December 2007. International observers were deployed in phases owing to the uncertainties and repeated changes in the electoral calendar. The Center monitored the operation for the identification of the population and voter registration, the posting and appeals process relating to the provisional voters list, and the pre- and postelectoral periods for both the presidential and legislative elections.

The Center released detailed public statements to share the findings and recommendations of each of these deployment activities. These statements were widely distributed among political actors in Côte d'Ivoire and internationally. (Key statements have been reproduced in the appendices of this report and are available on the Carter Center website).⁹

Table 1: Selected International Commitments of Côte d'Ivoire

Body	Treaty /Declaration	Status
United Nations	Convention on the Elimination of All Forms of Discrimination Against Women	Ratified
United Nations	Convention on the Political Rights of Women	Ratified
United Nations	Convention on the Rights of the Child	Ratified
United Nations	International Covenant on Civil and Political Rights	Ratified
United Nations	Convention on the Elimination of All Forms of Racial Discrimination	Ratified
African Union	African Charter on Human and People's Rights	Ratified
United Nations	Convention on the Rights of Persons With Disabilities	Signed
United Nations	United Nations Convention Against Corruption	Signed
African Union	Protocol to the African Charter on Human and People's Rights on the Rights of Women	Signed
African Union	African Charter on Democracy, Elections, and Governance	Signed
African Union	African Union Convention on Preventing and Combating Corruption	Signed
ECOWAS	Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security	Signed
United Nations	Vienna Convention on the Law of Treaties	Signed

⁹ http://www.cartercenter.org/news/publications/election_reports.html#Cote



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CONCLUSIONS OF THE ELECTION OBSERVATION MISSION

Postponed from 2005, the presidential election of October 2010 stemmed from seven peace agreements and several dozen resolutions of the United Nations Security Council. The United Nations maintained a peacekeeping operation in Côte d'Ivoire since 2004 (United Nations Operation in Côte d'Ivoire, or UNOCI). Nevertheless, the commitments undertaken within these various frameworks were not always sustained or were only partially implemented given the mutual distrust among political parties and other actors.

The Ouagadougou Political Agreement (OPA), signed on March 4, 2007, was facilitated by the president of Burkina Faso, Blaise Compaoré, and marked a turning point in efforts aimed at resolving the Ivoirian crisis. The signatories were then president of the republic, Laurent Gbagbo, and then secretary-general of Forces Nouvelles (FN), Guillaume Soro. The fact that the ex-combatants took ownership of the peace process, notwithstanding certain delays, enabled progressive application of the agreed measures. The OPA was structured in four principal components:

1. Population identification and the supply of new identity documents
2. Organization of open, democratic, and transparent presidential elections
3. Creation of new defence and security forces
4. Restoration of state authority and the redeployment of state administration throughout the national territory

The agreement recognized the validity of the principles laid down by the previous agreements as well as the framework formed by successive resolutions of the U. N. Security Council, which included the authority for certifying the elections vested in the United Nations.

The process leading up to the 2010 presidential election proved long and complex. This was especially due to the implementation of different elements of the OPA. Under the terms of the agreement, the electoral element was linked with an operation for the identification of the population. This was an ambitious operation, but it depended on an ad hoc legal architecture with poorly defined contours. The result was not only repeated delays but also operating methods negotiated largely on the basis of political considerations. The feasibility as well as the practical and financial implications of such methods were largely underestimated. The numerous problems noted by The Carter Center during the registration of voters and the compilation of the voters list were, for the most part, foreseeable. These problems led the Center to an overall assessment that the voter registration was minimally acceptable, both from a technical perspective and with respect to the ambitions stated at the outset.

In September 2010, political consensus regarding the voters list finally enabled Côte d'Ivoire to embark on the presidential election. Political acceptance of the voters list does not in itself imply that there was no room for expressing reservations about the inclusivity and accuracy of the list regarding compliance with international standards and given the considerable investment of time and resources in this operation.

The Independent Electoral Commission generally failed to provide sure and effective leadership of the voter registration operation. This was due to the linking of that operation with the task of population identification and also to the multiple institutional actors involved.¹⁰ The CEI did not demonstrate willingness to take ownership of responsibility for electoral operations. Essentially, it delegated the majority of its operational responsibilities to its international

¹⁰ In addition to CEI officials, other institutional actors involved in the population identification and voter registration processes included the National Statistics Institute (INS), the National Office of Identification (ONI), Sagem (a private sector technical service provider), and the National Commission for the Supervision of Identification (CNSI) tasked with oversight of ONI. The prime minister's office provided overall political leadership.



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partners, especially those involving electoral logistics. Furthermore, failure on the part of the CEI to take into account the operational aspects of the election led to delays in decision-making. This had negative repercussions, especially for the assimilation of procedures at local commission level and among polling station staff. The largely party-political composition of the CEI may explain other dysfunctions that were observed.

While tension was more apparent during the second round, the presidential election was generally conducted in a calm atmosphere. The provisional

results announced by the CEI following the second round gave the victory to Alassane Ouattara with 2,483,164 votes against 2,107,055 votes for Laurent Gbagbo (a margin of 376,109 votes). On the

basis of its direct observation, and in common with the principal international and national observation missions, The Carter Center considered that the presidential election had generally complied with international standards and that the results announced by CEI President Youssouf Bakayako were credible and complied with the will of the Ivoirian people expressed through the ballot boxes. However, on the basis of an election complaint filed by outgoing President Gbagbo, the Constitutional Council overturned the CEI results in his favor. Then within the framework of his certification mandate, the special representative of the secretary-general of the United Nations in Côte d'Ivoire, Y.J. Choi, certified the accuracy of the results as declared by the CEI.

The flawed decision of the Constitutional Council plunged Côte d'Ivoire back into a serious crisis. Recognition by the international community, including regional organizations, of the legitimacy of the newly elected President Ouattara, while power effectively remained in Gbagbo's hands for the first four months of 2011, created a situation whose stakes had implications beyond the borders of Côte

d'Ivoire. The Economic Community of West African States (ECOWAS) and the African Union (AU) led multiple diplomatic initiatives to reach a peaceful outcome to the crisis. However, these were undermined by the intransigence of the Gbagbo camp.

President Ouattara reappointed Guillaume Soro as prime minister to lead the new government. Encamped in the Golf Hotel in Abidjan, where they were protected and supplied with provisions by UNOCI, the government pursued a strategy of diplomatic isolation and financial strangulation of

the Gbagbo regime. This was reflected in several measures implemented by the international community at various levels. At the outset, Gbagbo and his camp had control of almost all state resources, in particular the Defense and Security Forces (FDS).

Following the CEI announcement of election results, officers loyal to Laurent Gbagbo broke up demonstrations in support of President Ouattara. The United Nations Human Rights Council reported abductions, forced disappearances, summary executions, and arbitrary detentions. Public radio and television became a favored tool for pro-Gbagbo propaganda and incitement to violence. The regime also implemented a series of measures intended to counter the diplomatic blockade, including the forced acquisition of funds from banking establishments. As such, the battle undertaken for control of financial leverages resulted in the paralysis of the country's financial system and economy.

As hopes for a peaceful resolution to the crisis faded, the incidents of violence intensified. Isolated attacks conducted by pro-Ouattara forces against FDS personnel loyal to Laurent Gbagbo gradually gave way to open confrontations in numerous districts of Abidjan and the west of the country and an escalation of acts of brutality against civilians. In this context, the U. N. Security Council authorized UNOCI, with the support of the French

The flawed decision of the Constitutional Council plunged Côte d'Ivoire back into a serious crisis.



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force Licorne, to use all necessary means to protect civilians threatened with acts of immediate physical violence, including taking action to prevent the use of heavy weapons against the population. On March 28, the pro-Ouattara forces, renamed the Republican Forces of Côte d'Ivoire (FRCI), launched a general offensive against the south of the country and Abidjan. Meanwhile UNOCI and Licorne targeted Gbagbo strongholds in Abidjan. Gbagbo, encamped in the presidential residence with around 100 of his associates, was ultimately detained on April 11, 2011, by the FRCI. The "Battle of Abidjan" officially ended on May 4 when the FRCI overran the district of Yopougon where the remaining pro-Gbagbo militia had based themselves.

A sign of the return to legal normality, the same Constitutional Council that had overturned the results of the election declared Alassane Ouattara president of the republic, in a decision of May 4, 2011. The postelection crisis resulted in more than 3,000 deaths, some 200,000 refugees distributed across 13 neighboring countries, and approximately 1 million internally displaced people in Côte d'Ivoire at the height of the violence. Added to this heavy toll are the economic consequences resulting from the stoppages in production, banking activities, and services.

In his inauguration speech, on May 21, 2011, President Ouattara announced that legislative elections would be organized before the end of the year. This imposed a particularly tight schedule on the CEI. Furthermore, the elections were held in a context troubled by the political and social consequences of the violent crisis following the presidential election.

The electoral and military defeat of the former presidential camp profoundly altered the Ivoirian political landscape. Deprived of a number of its officials, in exile or prison, the new opposition struggled to organize itself. The pro-Gbagbo political party, the Ivoirian Popular Front (FPI), appeared caught between the hard-liners, who continued to undermine the legitimacy of President Ouattara, and those who took a more accommodating line.

The question of whether the opposition would participate in the electoral process was the subject of negotiation with the new ruling power. The member parties of the pro-Gbagbo coalition established conditions for their participation in the electoral process: former President Laurent Gbagbo and other arrested individuals to be freed; exiles to return; assets of people close to the former president to be unfrozen; the CEI to be restructured; and security to be restored. The measures proposed by the government received a mixed reception. As a result, only three minor political parties of the coalition, very largely dominated by the FPI, decided to take part. However, FPI and other parties chose to abstain.

The legal framework that governs the legislative elections is the product of accumulated legal texts, political agreements, and decisions taken in response to specific situations. As with the legal framework for the presidential elections, the provisions relating to the legislative elections contain gaps, gray areas, and contradictions. Far from respecting the constitutional principle of the equality of the vote, the electoral boundaries determined by the government on the occasion of these legislative elections resulted in an increase in existing inequalities in terms of representation. Technical and budgetary constraints, along with the electoral schedule, did not permit envisaging the reopening of the voters list. Consequently, hundreds of thousands of potential voters did not appear on the voters list for reasons largely related to the conditions in which it was compiled.

Access to candidacy was guaranteed. In this respect, the efforts of the CEI were clear. The candidate registration period was twice extended to enable political parties to complete their candidate applications and to take into account the dynamic of the negotiations with the opposition. These extensions reduced the time available before polling day, leading to some very tight deadlines for the CEI and its partners in terms of packaging and transporting electoral materials to the regions. The electoral campaign appeared largely peaceful, despite tensions observed at the local level in some constituencies, in the run-up



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to polling day. Candidates were generally able to campaign freely and with security. However, some violent incidents were recorded in certain constituencies. As was the case during the presidential elections, The Carter Center deplored the failure of the authorities overseeing campaign activities, especially regarding the widespread practice of pre-campaign activities, which favor candidates with considerable resources as well as the use of state resources by candidates in government posts. The recurrent practice of distributing money or goods as part of the campaign continued to be tolerated despite being prohibited by the penal code. Such irregularities contributed to the subsequent annulment of the results in several constituencies by the Constitutional Council.

Nevertheless, based on its direct observation in the areas of deployment, The Carter Center considers that the legislative elections were generally conducted in line with international standards. Information shared among the other observation missions, national and international, confirmed this assessment. Voters took part in polling in a generally peaceful atmosphere. There were no major incidents reported on the day of voting. The rate of participation was low with only 36.56 percent voter turnout according to the official figure. While the FPI election boycott is an explanatory factor, it is not solely responsible for the reduced turnout in comparison with the presidential elections. There are other factors to be taken into account, notably the lack of interest in the legislative elections; insufficient awareness-raising among voters; and the trauma caused by the postelection crisis. Furthermore, it has been noted that this voter turnout rate is similar to the rates recorded during previous legislative elections in which the political context was also difficult and marked by boycotts.

In the name of building a politically inclusive and democratic Côte d'Ivoire (and to encourage national reconciliation), The Carter Center encourages the establishment of appropriate mechanisms to ensure that the voice of political parties not represented in the National Assembly can be taken into account, especially in all matters related to political and institutional reform.

The Carter Center regrets that the CEI continued to use a highly centralized method of decision-making and management, which led to delays and difficulties in its decisions.

From an electoral operations perspective, the information gathered by Carter Center observers reveals a satisfactory application of official procedures (despite certain shortcomings or inconsistencies noted in the performance of polling station staff).

These shortcomings do not necessarily undermine the credibility of the vote but demonstrate the need to pay greater attention to the training of polling station staff. The transmission and tabulation of results also generally were conducted in line with procedures. In the constituencies observed, voting operations, counting, and tabulation of results were conducted in conditions of transparency. Candidates' representatives, as well as national and international observers, had unhindered access to these operations.

Despite concerns over its composition, in its management of the elections, the CEI appears to have acted with impartiality. The CEI was not always able to insist that all the legal provisions were respected. However, this did not involve discrimination between the candidates. Nevertheless, The Carter Center regrets that the CEI continued to use a highly centralized method of decision-making and management, which led to delays and difficulties in its decisions. Additionally it made little effort to strengthen the transparency of its work, especially in ensuring that all official documentation was made available in a timely fashion and in adopting a more sustained



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communications strategy with all the stakeholders in the electoral process. The sporadic activities undertaken by the CEI to inform voters and raise awareness were not sufficient to meet the needs in this area.

Following the Dec. 11, 2011, legislative elections, 110 complaints concerning 66 constituencies were lodged with the Constitutional Council. After consideration of the complaints, the council invalidated and ordered the rerun of elections in 11 constituencies. The decisions of the Constitutional Council were publicly announced on Jan. 31, 2012. The council has underscored that the deadline was due to its concern to conduct, as the law entitles it, more thorough investigations to inform its decisions. In this respect, The Carter Center commends the approach adopted by the council but notes concern regarding the issue of providing sufficient means to allow the Constitutional Council to settle election disputes as quickly as possible. The Center regrets that by the April 2011 finalization of the present report, it could not obtain copies of the council's decisions. The Center encourages the Constitutional Council to ensure, in the future, the timely publication and dissemination of its decisions because of the public interest therein.

RECOMMENDATIONS

To the government of the Republic of Côte d'Ivoire and the National Assembly

1. Undertake an in-depth review of the existing legal framework with reference to lessons learned from the presidential and legislative elections, including the following elements:

- **An examination of the legal texts for the purposes set out below:**

- To identify and correct any outdated or irrelevant provisions that predate the electoral framework, such as occasional references to the role of the corps préfectoral (regional administrators) in the transmission of results or appeals, or provisions which were inserted specifically as part of the crisis recovery framework

- To reconsider all legal deadlines and modify them according to the technical constraints identified during the process—for example, deadlines for the production of numbered, tamperproof ballot papers
- To adapt the texts to the technical and legal requirements resulting from the introduction of new technologies within the electoral framework, especially with reference to compiling the voters list
- To remove the contradictions or inconsistencies between articles of the electoral law and between relevant supplementary texts such as the nationality code or organic law relating to the organization and functioning of the Constitutional Council
- To clarify any remaining gray areas, especially in relation to the responsibilities of the CEI and other institutions and bodies—for example, those concerned with overseeing and organizing electoral campaigns, and also to clarify stages in operations and undefined legal deadlines

- **Re-examine the provisions relating to the composition and functioning of the CEI** for the purpose of greater efficiency and cost control and with a view to guaranteeing consensus-based management of future elections. The method used to constitute the central commission and its local commissions creates imbalances in representation and, in the case of small political parties, difficulties in the recruitment of local commissioners. Furthermore, the current method of appointment tends to produce complaints when, for example, existing parties split or new parties are created. Whatever the appointment mechanism, the consensus-based nature of the composition must be retained. Nevertheless, it is important to remember, in this respect, that the impartiality of an electoral administration is also closely linked to the transparency of the mechanisms for decision-making



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and for managing the electoral processes. This is true regardless of its composition and whether or not it is drawn from political parties.

- **Draft a permanent legal framework designed for the process of compiling the voters list in line with the specific legal and administrative provisions for establishing the population registry.** The aim is to guarantee the inclusive nature of the list together with its transparent and effective updating mechanisms. The immediate goal is to rectify the situation for a significant section of the population who could not be registered and are still without identity documents, despite the considerable investments allowed within the crisis recovery framework. The implementation of mechanisms to enable data cleansing and updating is vital to ensure the sustainability of the investment. This is especially important in relation to data on population movements and registration of deaths.

- **Implement an effective framework for electoral campaigns, taking into account both political party organization and funding.** Extending the official campaign periods should be considered alongside effective measures aimed at reducing the tolerance observed toward political activities that are essentially campaign activity prior to the start of the official campaign period (“pre-campaigning”). Such measures are all the more necessary given that such practices observed during these elections contributed to election disputes and some Constitutional Council decisions to invalidate results. Similarly, implementation of

a realistic mechanism for monitoring funding and campaign expenses should be considered. Compulsory regulations should be envisaged, ideally within the framework of the planned institution of a Court of Auditors, which should include an effective mechanism for sanctions.

- **Introduce objective legal criteria in the context of drawing the electoral boundaries,** guaranteeing the principle of the equality of the vote, in line with the international obligations of Côte d'Ivoire and its constitution. This could be accompanied by a debate on the eventual reform of the electoral system.

These different elements cannot

reasonably be given appropriate and effective consideration within the overburdened time frame of the national electoral calendar. Therefore, it would be advisable to undertake the preparatory steps for a review of this type as soon as possible in order to facilitate the potential adoption of texts by the assembly in the next two years.

2. **Ensure the financial independence of the CEI** by according it an annual operating budget and a budget sufficient to cover the conduct of the elections in conditions of appropriate procedural organization and security, in compliance with the international commitments of Côte d'Ivoire and the terms of the peace process. The government should ensure that payments are effected within the deadlines, in line with the electoral schedule. Furthermore, specific budgets should be allocated to institutions and bodies to enable them to fulfil the specific obligations incumbent on them during the electoral period. This particularly concerns the Constitutional Council, the media regulatory

The immediate goal is to rectify the situation for a significant section of the population who could not be registered and are still without identity documents, despite the considerable investments allowed within the crisis recovery framework.



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bodies, the National Human Rights Commission, and also the security forces, public prosecutors' offices, and courts.

3. **Implement an administrative and financial support system for the CEI** to ensure that the electoral processes are accompanied by civic education campaigns. These should aim to inform citizens about all aspects of the electoral cycle and should not be limited to awareness-raising about voting.
4. **Undertake, as soon as possible, an assessment of the resources needed to guarantee the sustainability of achievements to date** and to ensure the effective transfer of skills with regard to managing the population registry. In this sense, mechanisms for ongoing management of the databases created during the peace process should be established as soon as possible.
5. Ultimately, the management of a population registry and a credible and secured voters list depends on the **appropriate management of the civil status registry**. Therefore, it is important to continue the efforts undertaken in this area to provide access to the civil status registry, in the medium term, for all citizens along with access to personal records. It also is necessary to be able to guarantee the currency of records held centrally.
6. In the context of the planned expansion of the audiovisual media sector (especially to include more private sector service providers), **establish strict rules guaranteeing equity in communications of campaign messages as well**

as the obligation for all media organizations to adhere to those rules. Similarly, the specifications of public and private media organizations should expressly include an obligation to provide free time and space for civic education and election-awareness messages and programs.

7. **Review the legal and administrative framework of the activities of political parties** with a view to ensuring equitable public funding of party activities. In this context, it is especially recommended that positive measures should be introduced to promote the effective participation of women in public and political life.

To the Ministry of Justice

1. **Instruct public prosecutors' offices to investigate cases of electoral violations, as stipulated in the criminal code, and to prosecute offenders.** If necessary, it would be appropriate for the Ministry of Justice to study possible mechanisms that could be implemented to ensure that future prosecutions are undertaken and that cases are brought to court within deadlines that are compatible with the electoral schedules.

The absence of judicial response to alleged or proven electoral breaches is all the more damaging in that it encourages a climate of impunity. Among grounds for invalidation mentioned by the Constitutional Council, several are liable to criminal prosecution and may lead, in case of conviction, to the eventual ineligibility of candidates concerned.

2. **Ensure consistency in the treatment by the courts of appeals regarding nationality and identity** in addition to a mechanism making

The absence of judicial response to alleged or proven electoral breaches is all the more damaging in that it encourages a climate of impunity.



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it possible to consider such cases within the framework of the appeals process for the voters list. This would require ensuring that the deadlines for consideration comply with those for standard appeals regarding the voters list.

To the Independent Electoral Commission (CEI)

1. Based on its experience of the presidential and legislative elections, **initiate a full review of the implementation of the electoral processes.** This review could usefully take the form of an open procedure bringing together all the actors who participated, in various ways, in the post-crisis elections. Given the importance of the issues for the future, it would be advisable for the CEI to consider the resources necessary for ensuring that its recommendations are made known and that they are the subject of subsequent debate. The intention is to encourage consensual reform and efficacy in future decision-making.
2. **Create specific proposals for institutional strengthening with a sustainable, central administrative structure,** staffed and organized in a transparent manner, and proposals to ensure efficient and streamlined management of the electoral processes in the long term.
3. **Develop a training program for staff of local election commissions;** also develop a mechanism for circulating information between the central CEI and local commissions that is less dependent on human factors. Among other objectives, this program should include the streamlining of logistical preparations and the organization and implementation of raising awareness among voters at the local level. In this respect, close cooperation with local administrative authorities would be advisable. It would also be useful for the CEI to have direct powers of requisition with the responsibility for maintaining the requisitioned resources from its own budget.
4. **Work schedules should enable better integration of the planning, training, documentation, and communications/awareness-raising dimensions.** Additionally, there should be harmonization between these sectors and decision-making at central commission level.
5. **Ensure that all its decisions are made public by the systematic publication** of the minutes of its meetings and the texts adopted to enable all the actors in the electoral process and the citizens to have access to relevant information in a timely manner and without discrimination.
6. **The CEI should implement more regular consultations with the stakeholders (e.g., candidates and political parties, civil society, international donors, international and domestic election observers) in the electoral process.** Information meetings regarding the organization of the process, which the CEI has conducted at different stages, could usefully be preceded by more systematic consultations before decisions are taken. This would permit the comments and remarks of stakeholders to be included wherever possible or appropriate.
7. **Develop specific proposals for inserting additional legal provisions into the electoral law covering the security and transparency of the process, especially in relation to the transmission and tabulation of results.** As such, the publication of results by polling station, at every stage of tabulation and to accompany the announcement of results, would comply with internationally recognized best practice. It would be useful to make this the subject of a legal obligation. Similarly, greater attention could be paid to the use of numbered seals used during the post-crisis elections, to securing voting and counting operations, and to ensuring electoral document preservation.



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8. In coordination with the Constitutional Council, develop specific proposals for clarifying and developing the legal provisions covering electoral appeals, especially in light of questions over the consistency of existing provisions, the deadlines for each type of appeal, management of material errors, and the preservation of electoral documents and ballot papers.
3. Within the framework of legislative and local elections especially, allowing community radio stations to broadcast programs of a political nature would be justifiable and useful. Nevertheless, appropriate supervision must be instituted, and presenters must be given specific training. For example, a system of accreditation based on participation in training programs could be envisaged.

To the Constitutional Council

1. Ensure a sufficiently swift consideration of electoral appeals without compromising on the in-depth examination of files submitted and ensure timely publication and dissemination of its decisions in view of public interest.
2. In coordination with the CEI, develop specific proposals for clarifying and developing regulations relating to electoral appeals.
3. For the purpose of the next electoral cycle, produce specific information tools intended for candidates, political parties, courts, and citizens on the subject of electoral appeals and their characteristics and modalities in order to promote equal access to legal redress. These tools could usefully be accompanied by a review of the technical aspects of the appeals process. The conclusions of this exercise could be made available to the public together with the basic legal principles applied during the consideration of appeals over the legislative elections.
4. Guarantee the equitable representation of different opinions through ongoing monitoring of political information programs and, if necessary, proportionate and incremental sanctions.
5. Pursue the efforts under way to promote respect for journalistic professional ethics. In general, sanctions taken within the framework of professional self-regulation seem more appropriate for creating a constructive climate than judicial judgments against infractions by the press. The latter should only be considered as a last resort and for reasons deemed sufficiently serious.

To the Ministry of the Interior

1. Train and oversee the corps préfectoral and agents of law enforcement during electoral periods in order to ensure the effective application of legal and administrative provisions regarding the conduct of electoral and pre-electoral operations, especially in relation to electoral campaigns.
 2. Create and communicate clear instructions, in a timely fashion, specifically for staff of the corps préfectoral regarding the management of public spaces and the issue of permits pertaining to the organization of campaign events by parties and candidates.
1. Continue the efforts under way to monitor the coverage of campaign activities and the organization of specific programs.
 2. For this purpose, create specific proposals that cover the obligations incumbent on press organizations and broadcasters. Special attention should be paid to the new licenses and services that will be created within the framework of the expansion of the audiovisual sector.



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To international partners of Côte d'Ivoire

1. Continue support for initiatives aimed at capacity building and the consolidation and durability of an effective and impartial electoral administration, especially through future support for training for administrative staff of the CEI.
2. Give positive consideration to requests from Ivoirian partners for future support for electoral reform.
3. Maintain support for the transparency of the electoral process prior to and during the next national electoral cycle in 2015–2016.
4. If necessary, in line with potential requests from national authorities, redistribute technical and financial support to cover the broader context of the electoral process, including the administrative, media, judicial, and security environments.



THE CARTER CENTER IN CÔTE D'IVOIRE — PRESIDENTIAL ELECTION 2010

The Carter Center maintained a continuous presence in Côte d'Ivoire beginning in December 2007 through the 2010 and 2011 elections. International observers were deployed in phases, owing to political uncertainties and repeated delays in election preparations. For the 2010 presidential elections, the Center conducted the following main activities:

I. “Pre-identification” of the population:

The Center deployed a representative to Côte d'Ivoire in December 2007. The representative established regular communications with political actors in the electoral process, monitored the mobile courts that traveled throughout much of the country to identify the population, and assessed progress in the peace process. Given the internal displacement of the population during the war, the loss of civic records, and withdrawal of most government functions from extensive parts of the country, the parties to the conflict agreed that it was important to establish the number and location of people, especially for the purposes of identifying citizens who had reached the age of majority and were eligible voters.

2. **Identification of the population and voter registration:** The Carter Center established an office in Abidjan in October 2008. During the operation for the identification of the population and voter registration, three teams of international observers were deployed in two stages for a total of six weeks.¹¹ Overall, the observers covered 32 departments across the country as well as the district of Abidjan.¹² They

produced weekly reports analyzing the political environment and the progress of the operation. During this phase, the Center issued two detailed public reports and a general overview of the operation for the identification of the population and voter registration.¹³ Reference to those documents (reproduced in the appendices of this report and available at www.cartercenter.org) is recommended for analysis of the technical, legal,

institutional, and operational aspects of those processes.

3. **The provisional voters list, public display, and appeals:** Five teams of international observers monitored the conduct of this operation for four weeks.¹⁴ The teams covered 41 departments across the country as well as the Abidjan district.¹⁵ The observers produced weekly reports focusing on the conduct of the appeals process, the capacities of the electoral administration, and the political environment. The observers also systematically gathered statistical data relating to types of

International observers were deployed in phases, owing to political uncertainties and repeated delays in election preparations.

11 First deployment Nov. 7–Dec. 15, 2008; second deployment Feb. 15–March 30, 2009

12 See Appendix F for deployment map.

13 See http://www.cartercenter.org/news/publications/election_reports.html#Côte: “Operation for Identification and Voter Registration in Côte d'Ivoire: Assessment, Principal Findings and Recommendation. First Phase of Observation”; “Operation for Identification and Voter Registration in Côte d'Ivoire: Principal Findings of the Second Phase of Observation”; and “Operation for Identification and Voter Registration in Côte d'Ivoire: General Assessment and Perspectives.”

14 Nov. 29–Dec. 20, 2009

15 See Appendix F for deployment map.



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appeals. The Carter Center published a report on this phase of the observation.¹⁶ Therefore, the current document is limited to summarizing the key points.

4. **Long-term pre-election and postelection observation:** Five teams of international observers were deployed, commencing Oct. 1, 2010, (joined by a sixth team after the first round of the presidential election). The teams covered 43 departments across the country, including the district of Abidjan, in order to assess the preparations for the election, the electoral campaign environment, and the security situation.¹⁷ Closer to election day, LTOs prepared for the arrival of short-term observers to be deployed in their respective areas of responsibility. Postelection observation was planned to last until Dec. 15, but owing to deteriorating security conditions, all observers returned from their deployment by Dec. 5, 2010.¹⁸

5. **Short-term election observation:** A delegation of 40 international observers, including the long-term observers, covered the first round of the presidential election Oct. 27–Nov. 3, 2010. The delegation was co-led by the former president of Ghana, John Kufuor, and Carter Center vice president for peace programs, John Stremlau. The number of observers was raised to 50 for the second round, and they were deployed Nov. 25–Dec. 1. STOs covered 22 departments and the district of Abidjan, using detailed



Emily Jacquard

CEI poll workers count ballots as a Carter Center observer and party representatives look on.

checklists to record their observations of all phases of the polling process (opening of polls, polling, closing and counting, tabulation).¹⁹ A preliminary statement was published following each round.²⁰

16 http://www.cartercenter.org/news/publications/election_reports.html#Cote: "Public Display and the Appeal Process for the Voters List"

17 See Appendix F for deployment map and Appendix H for public statement; also available at <http://www.cartercenter.org/resources/pdfs/news/pr/pr-Cote-divoire-112410-fr.pdf>: "The Carter Center calls for an end to negative campaign rhetoric in Côte d'Ivoire"

18 There were outbreaks of postelection violence in various locations across the country and in some districts of Abidjan.

19 See Appendix F for deployment maps.

20 See Appendices or visit http://www.cartercenter.org/news/publications/election_reports.html#Cote: "Presidential Election in Côte d'Ivoire, Preliminary Declaration, Nov. 2, 2010."



POLITICAL CONTEXT

Having been postponed on many occasions since the constitutional mandate of the president of the republic expired in October 2005, the Oct. 31, 2010, presidential election should have enabled Côte d'Ivoire to turn the page on the political and military crisis that began Sept. 19, 2002, when a failed attempt at a coup d'état developed into an armed uprising. Three rebel movements, which would unite under the Forces Nouvelles (FN) banner in 2004, emerged and took military, administrative, and financial control of the northern half of the country.²¹

The events of 2002 represented the culmination of a crisis that had its roots in the 1980s. Against a backdrop of economic problems, the struggle for power following the death of longtime President Houphouët-Boigny, the exploitation of national identity for political purposes, a succession of defective elections, and the growing use of force, the country was progressively destabilized.

Through the following agreements: Accra I (2002), Lomé (2002), Linas-Marcoussis (2003), Accra II (2003), Accra III (2004), and Pretoria I and II (2005), and within the framework of successive resolutions of the U.N. Security Council (the United Nations maintained a peacekeeping operation in Côte d'Ivoire since 2004), the actors in the crisis and the international community attempted to re-establish peace in the country.²² Nevertheless, the commitments made within these various frameworks could not be sustained or were only partially implemented in a context of bitter distrust among actors.

More promise was realized with the March 4, 2007, signing of the Ouagadougou Political Agreement (OPA). The OPA was facilitated by the president of Burkina Faso, Blaise Compaoré, and marked a turning point in efforts aimed at resolving the Ivoirian crisis. The signatories were the president of the republic of Côte d'Ivoire, Laurent Gbagbo,

and the secretary-general of Forces Nouvelles, Guillaume Soro. As such, the OPA intended that the ex-combatants of the crisis would take ownership of its resolution.²³ For Laurent Gbagbo especially, the OPA represented an opportunity for him to recapture more political control over the peace process, since following the expiry of his constitutional mandate in October 2005, the international community had stepped up its intervention with the aim of resolving the crisis.²⁴

The OPA recognized the existence of previous agreements and endorsed the principles established by those agreements, including the framework formed by the successive resolutions of the U.N. Security Council. The agreement outlined four main sections:

1. Identification of the population and supply of new identity documents

21 Mouvement Patriotique de Côte d'Ivoire (MPCI); Mouvement pour la Justice et la Paix (MJP); Mouvement Patriotique Ivoirien du Grand Ouest (MPIGO)

22 Creation of the United Nations Operation in Côte d'Ivoire (UNOCI) by Resolution 1528 of the U.N. Security Council, adopted Feb. 27, 2004

23 The Linas-Marcoussis Round Table, which had resulted in the agreement of the same name, had brought together the "Ivoirian political forces": the three rebel movements and the political parties with elected representatives on the National Assembly, i.e., six plus one, the RDR, even though the latter did not have any elected representatives as it had boycotted the elections. These same signatories had signed Accra II and III before the first sifting process took place with the Pretoria I and II agreements, which were signed only by President Gbagbo; the secretary-general of Forces Nouvelles, Guillaume Soro; Alassane Ouattara (RDR); and the former president of Côte d'Ivoire, Henri Konan Bédié (PDCI).

24 Based on previous decisions of ECOWAS and the Peace and Security Council of the African Union, the U.N. Security Council stated in its Resolution 1633 (Oct. 21, 2005) that "President Gbagbo shall remain Head of State from 31 October 2005 for a period not exceeding 12 months." In its Resolution 1721 (Nov. 1, 2006), taking note of the impossibility of organizing presidential and legislative elections and the of expiry of the transition period accorded to the head of state, the Security Council "endorses the decision of the Peace and Security Council that President Laurent Gbagbo shall remain Head of State as from Nov. 1, 2006, for a new and final transition period not exceeding 12 months." At the same time, the resolutions also aimed to strengthen the powers of the prime minister.



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2. Organization of open, democratic, and transparent presidential elections
3. Creation of new defense and security forces
4. Restoration of state authority and the redeployment of the state administration throughout national territory

The OPA also stipulated mechanisms for monitoring and consultation: the Permanent Consultative Framework and the Assessment and Support Committee.²⁵

Compared with previous agreements, the OPA is notable for the detailed nature of certain provisions, especially those concerning identification of the population and voter registration. A series of documents subsequently complemented or clarified the content of the agreement. Of particular note are the four supplementary agreements, the first of which designated the secretary-general of Forces Nouvelles, Guillaume Soro, as prime minister.²⁶ However, the supplementary agreements did not make substantial amendments to the provisions relating to identification, registration, and the electoral process as they appeared in the original agreement.²⁷

The implementation schedule annexed to the OPA set the successful outcome of the post-crisis process at 10 months, culminating with the holding of the presidential election as the first stage of an electoral cycle leading to the renewal of all elected authorities. Given the complexity of the operations planned, the deadlines seemed rather unrealistic, especially as the means of implementation had yet to be defined. However, the considerable delays in implementing the agreement appear to have resulted principally from a deliberate strategy of equivocation on the part of some of the Ivoirian actors. With President Gbagbo

himself a candidate, his concerns about his potential success or failure in the election inevitably influenced the pace at which the agreement was implemented.

It should also be emphasized that, in the context of the crisis, the role of the president, already central to the constitutional order, was further strengthened through the systematic use of article 48 of the constitution pertaining to exceptional circumstances. This article authorizes the president to legis-

late by decree. Management of the peace process was also concentrated within the executive in the dual relations between the president of the republic and

It should also be emphasized that, in the context of the crisis, the role of the president, already central to the constitutional order, was further strengthened through the systematic use of article 48 of the constitution pertaining to exceptional circumstances.

25 The Permanent Consultative Framework included Gbagbo, Soro, Ouattara, Bédié, and President Compaoré as facilitator. The Assessment and Support Committee includes the facilitator, or a representative, and three representatives for each of the two party signatories to the OPA. If the parties so wish and are in agreement, it may be opened to other Ivoirian political actors or international actors. In reality, the committee has rarely involved international actors.

26 First supplemental agreement to the OPA (March 27, 2007): "In the application of chapter 5 of the Ouagadougou Political Agreement of 4 March 2007, the signatory parties have decided to designate a new Prime Minister in the person of Mr. Guillaume Kigbafori Soro, Secretary-General of Forces Nouvelles; he shall be nominated for the functions of Prime Minister of the Republic of Côte d'Ivoire by decree of the President of the Republic. The new Prime Minister shall remain in office until the next presidential election at which he may not present his candidacy. In addition to traditional prerogatives, specific competences and powers shall be accorded to the new Prime Minister in order to apply the Ouagadougou Political Agreement in a spirit of permanent consultation with the President of the Republic and in accordance with the provision of the aforesaid agreement and Art. 53 of the Constitution." [unofficial translation]

27 The second supplemental agreement, Nov. 28, 2007, included the designation of the French company, Sagem Security, as technical operator for the operation for identification of the population and voter registration. The third, of Nov. 28, 2007, established a first date for the launch of reconstitution of civil registries prior to the end of December 2007 and specified that it was important to conduct this exercise simultaneously with the mobile courts for the issuance of supplemental judgments.



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his prime minister, with the latter in a strengthened position as a consequence of international intervention. Parliament, however, with its controversial composition, did not play any significant role.

Despite delays in the schedule and the obstacles that appeared, overall the pre-election phases were implemented in a generally peaceful climate. However, a sharp deterioration of the political climate occurred in January 2010 when Gbagbo accused the president of the CEI of attempted fraud in the voters list. This was followed by a breakdown in the process and a serious political crisis that culminated in Gbagbo's decision to dissolve the government and dismiss the CEI.²⁸ In addition, violent confrontations occurred among the Defense and Security Forces (FDS) and activists of the opposition parties, who protested against this double dissolution. With the assistance of the OPA facilitator, President Blaise Compaoré, the Ivoirian actors agreed on the formation of a new government

and the re-establishment of the CEI.²⁹ In September 2010, acceptance of the voters list on the part of the principal political actors set Côte d'Ivoire on the final course toward holding the presidential election.

The international community strongly supported the electoral process with diplomatic, financial, and logistical assistance and the ongoing security presence of troops through UNOCI and the French force, Licorne.³⁰ At the specific request of the Ivoirian actors, the United Nations accepted the responsibility "to certify that all stages of the electoral process provide all necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards."³¹ In the new phase of the peace process established by the OPA, the mandate for certification fell to the special representative of the secretary-general (SRSG) of the United Nations, who, in consultation with the stakeholders, developed a "five criteria framework for certification."³²

28 Decision no. 2010-020/PR of Feb. 12, 2010, on the dissolution of the Independent Electoral Commission

29 Decision no. 2010-022/PR of Feb. 25, 2010, on the re-establishment of the Independent Electoral Commission; Decree no. 2010-29 of Feb. 25, 2010, on the nomination of members of the central committee of the Independent Electoral Commission

30 On Nov. 19, 2010, UNOCI numbered 9,086 people comprising military police and civilian police. In line with the mandate conferred by Resolution 1933 (June 30, 2010) of the United Nations Security Council, UNOCI was tasked with supporting all the actors involved in security for the electoral process. The French force Licorne—named after the military operation begun in September 2002 within the framework of the defense agreements between France and Côte d'Ivoire and subsequently given formal authorization by the United Nations Security Council—numbered around 900 men in October 2010. The principal mission of Licorne was to support UNOCI and guarantee the security of French and foreign citizens.

31 The mandate for certification is provided by the Pretoria I Agreement of 2005, paragraph 10: "The parties that are signatories to the agreement are aware of the difficulties and the sensitivities related to the elections. To ensure that free, fair and transparent elections are held, the parties agree that the United Nations be invited to participate in the work of the Independent Electoral Commission. For this purpose, they have mandated the Mediator, His Excellency Mr. Thabo Mbeki to request the United Nations on behalf of the Ivoirian People to participate in the organization of general elections. The parties extend the same request to the United Nations with respect to the Constitutional Council." Resolution 1765 (July 16, 2007) of the United Nations Security Council

32 Before the signing of the OPA, the role of certifier, in addition to an arbitration role, was entrusted to the "High Representative of the General Secretary of the United Nations for the Elections in Côte d'Ivoire" whose mandate had been created, in the wake of the Pretoria I Agreement, by Resolution 1603, of June 3, 2005, of the United Nations Security Council. As part of the adaptation of its role to the new phase in the peace process defined by the OPA, but above all under pressure from the presidential camp, the Security Council ended the mandate of the High Representative for the Elections in Côte d'Ivoire on July 16, 2007. The role of certification passed to the special representative of the secretary-general of the United Nations on the understanding that there was no longer any reason for the "arbitration" aspect of the high representative's mandate, given the prerogatives of the OPA facilitator. See the Sixteenth Report of the United Nations Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2008/250), par. 32: "(1) a secure environment exists during the period leading to the elections and allows for the full participation of the population and the candidates in the process; (2) the electoral process is inclusive; (3) all candidates have equitable access to State-controlled media and whether the latter remains neutral; (4) the electoral lists are credible and accepted by all parties; (5) the results of the elections are determined through a transparent counting process and are accepted by all or are challenged peacefully through the appropriate channels."



FRAMEWORK OF THE PRESIDENTIAL ELECTION

LEGAL FRAMEWORK

The Côte d'Ivoire peace process led to the gradual establishment of a complex legal framework in which constitutional, legal, and regulatory provisions coexisted alongside the contents of successive political agreements. This heterogeneity caused genuine difficulties, especially during the process of compiling the voters list, as well as might be termed artificial difficulties created by the Constitutional Council following the second round of the presidential election.

The OPA led to a series of detailed amendments to the ordinary legal framework governing the presidential election, especially with reference to the role of the United Nations as an international certifier. The overall legal architecture was thus based on a standard legal foundation into which a series of provisions exclusive to the post-crisis elections were inserted. This architecture coexisted with and depended on negotiated provisions contained within political agreements or deriving from them.

All the relevant provisions were interlinked without necessarily being entirely consistent. In certain cases, especially in relation to the preliminary task of identification, there was room for interpretation, which gave rise to further negotiations and substantial amendments through administrative regulations. This was questionable from a legal perspective but inevitable in the Ivoirian context. All of this was especially true in relation to the framework for conducting the process of identification of the population and voter registration in which questions concerning the conduct of the elections and the establishment of the civil registry of people were interlinked. For example, the documentation requirements for voter registration were established by decree and subsequently clarified by circular in order to take into account numerous special cases resulting either from the law or the administrative context.³³ In

effect, the circular also confirmed the discontinuation of the obligation to present a certificate of nationality for petitioners born before April 1, 1990, who did not appear on the voters list of 2000 (this was the standard identification). However, it retained the obligation for those born between April 1, 1990, and March 31, 1992, i.e., people aged 16 to 18 years. This amendment to the legal framework was implicitly based on a decision of the Permanent Consultation Framework.³⁴ However, strictly speaking, it constituted an amendment to the regulatory framework by means of an administrative act.³⁵

The complex and, at times, ambiguous nature of the legal framework is evident in the number of relevant texts.

Legal Framework for Holding Elections

- Law no. 2000-513 of Aug. 1, 2000, on the Constitution of the Republic of Côte d'Ivoire
- Law no. 2000-514 of Aug. 1, 2000, on the electoral law as amended by decree no. 2008-133 of April 14, 2008, on amendments to the electoral law for the post-crisis elections

33 Decree no. 2007-647 of Dec. 20, 2007, on conditions for the institution, acquisition, and format of the national identity card, and decree no. 2008-136 of April 14, 2008, determining the modalities of establishing the new voters list. See also circular no. 001/PM/CAB of Oct. 21, 2008, pertaining to the operation for identification of the population and voter registration, supplemented by rider no. 1.

34 Final communication of the second meeting of the Permanent Consultative Framework, of Jan. 24, 2008: "The members of the Permanent Consultative Framework have decided to accelerate the electoral process, especially through: the facilitation of registration in the voters lists of new adults and of Ivoirians who have benefited from supplemental judgments and birth certificates issued during the operations of the mobile courts currently underway." [unofficial translation] The wording is imprecise but covers the substance of the amendments added.

35 The administrative circular format does not appear to be the most appropriate inasmuch as decree no. 2007-647 of Dec. 20, 2007, pertaining to the conditions for the institution, acquisition, and format of the national identity card, was not amended and envisaged the requirement to provide a certificate of nationality.



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- Organic law no. 2001-303 of June 5, 2001, establishing the organization and functioning of the Constitutional Council
- Law no. 2004-642 of Dec. 14, 2004, amending law no. 2001-634 of Oct. 9, 2001, on the composition, organization, powers, and functioning of the Independent Electoral Commission
- Decision no. 2005-06/PR of July 15, 2005, pertaining to the Independent Electoral Commission
- Decision no. 2005-11/PR of Aug. 29, 2005, pertaining to the Independent Electoral Commission
- Decision no. 2006-12/PR of July 29, 2006, on conferring the powers on the Independent Electoral Commission to propose amendments, in exceptional circumstances, to the electoral law
- Decision no. 2008-15/PR of April 14, 2008, on special modalities for amendments to the electoral law
- Decree no. 2008-243 of Sept. 4, 2008, establishing the technical specifications of electoral materials and documents and determining the quantity of posters and ballot papers
- Decree no. 2008-244 of Sept. 4, 2008, establishing the technical specifications and the modalities of instituting voter cards
- Decree no. 2008-245 of Sept. 4, 2008, determining the modalities pertaining to the conduct of voting operations
- Decree no. 2008-246 of Sept. 4, 2008, determining the conditions for compiling the list of agreed printers for the printing of electoral documents
- Decree no. 2010-277 of Oct. 12, 2010, determining the modalities of voting for Ivoirians abroad
- Decree no. 2010-278 of Oct. 12, 2010, on the organization and functioning of polling stations
- Decree no. 2010-279 of Oct. 12, 2010, establishing

the number of polling sites and stations in Côte d'Ivoire and abroad

- Decree no. 2010-280 of Oct. 12, 2010, on the appointment of officials, state agents, and personnel for the post-crisis elections
- Decree no. 2010-281 of Oct. 12, 2010, establishing the date of the first round of the election for the president of the republic
- Decree no. 2010-282 of Oct. 12, 2010, establishing the duration of the electoral campaign for the election of the president of the republic

Supplemental Legal Framework Pertaining to the Process of Identification and Voter Registration

The texts composing the overall legal framework cover identification, registration, mobile courts, and the reconstitution of civil status registries. They are especially numerous as they cover electoral matters, nationality, and the functioning of the civil registry. The most relevant texts are as follows:

- Law no. 61-415 of Dec. 14, 1961, on the Ivoirian Nationality Code amended by law no. 72-852 of 21-12-1972
- Law no. 64-374 of Oct. 7, 1964, pertaining to the civil registry, amended by law no. 83-799 of Aug. 2, 1983, and law no. 99-691 of Dec. 14, 1999
- Law no. 2002-03 of Jan. 3, 2001, pertaining to the identification of people and to the residence of foreigners in Côte d'Ivoire, amended by law no. 2004-303 of May 3, 2004
- Decree no. 2004-05 of Jan. 6, 2001, on the creation of the National Commission on the Supervision of Identification
- Decision no. 2005-05/PR of July 15, 2005, establishing the framework for the identification of people and the residence of foreigners in Côte d'Ivoire
- Decree no. 2007-647 of Dec. 20, 2007, on conditions for the institution, acquisition, and format of the national identity card



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- Decree no. 2008-04 of Jan. 13, 2008, on naming the company Sagem Security as the technical operator
- Decree no. 2008-135 of April 14, 2008, determining the modalities of collaboration between the National Statistics Institute and Sagem Security under the responsibility and authority of the Independent Electoral Commission
- Decree no. 2008-136 of April 14, 2008, determining the modalities of compiling the new voters list
- Decision no. 2008-15/PR of April 14, 2008, on special modalities for amending the electoral law
- Circular no. 001/PM/CAB of Oct. 21, 2008, pertaining to the operation for identification of the population and voter registration, supplemented by rider no. 1
- Order no. 2009-268 of Aug. 25, 2009, establishing the deadline for the publication of the provisional voters list
- Order no. 2009-269 of Aug. 25, 2009, establishing the deadline for the distribution of voter cards
- Decree no. 2009-270 of Aug. 25, 2009, determining the time frame for the compilation of the voters list
- Law no. 2001-494 of Sept. 10, 2004, pertaining to the use of public funds to finance political parties and organizations and candidates for the presidential election and the repeal of law no. 99-694 of Dec. 14, 1999
- Law no. 2004-643 of Dec. 14, 2004, on the legal regulation of the press
- Law no. 2004-644 of Dec. 14, 2004, on the legal regulation of audiovisual communications
- Decree no. 2006-196 of June 28, 2006, on the organization and functioning of the National Press Council
- Decree no. 2006-278 of June 23, 2006, on the organization and functioning of the National Audiovisual Communication Council

Overall, the framework for conducting the presidential election can be considered satisfactory vis-à-vis the international commitments of Côte d'Ivoire as long as civil and political rights, as well as basic freedoms, are guaranteed.

Overall, the framework for conducting the presidential election can be considered satisfactory vis-à-vis the

international commitments of Côte d'Ivoire as long as civil and political rights, as well as basic freedoms, are guaranteed.³⁶ Nevertheless, the framework could be improved inasmuch as certain provisions are too vague—for example, those pertaining to calculating legal deadlines. Political actors often exploited these ambiguities in the period immediately after the second round.

Furthermore, amendments applied to the legal framework, following the signing of the OPA, were

Other Relevant Texts Framing the Holding of the Presidential Election

- Law no. 93-668 of Aug. 9, 1993, pertaining to political parties and political organizations
- Decree no. 99-551 of Aug. 11, 1999, determining the modalities of applying law no. 93-668 of Aug. 9, 1993, pertaining to political parties and organizations

³⁶ Law no. 2000-513 of Aug. 1, 2000, on the Constitution of the Republic of Côte d'Ivoire (hereafter: Constitution): freedom of conscience (art. 9), freedom of expression (art. 10), freedom of assembly and freedom to demonstrate (art. 11), freedom of association (art. 13), right to vote (art. 33)



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not extended to legislative and local elections. The lack of uniformity in this respect provides a clear indication of the importance accorded to the election of the president of the republic but also of the relatively superficial nature of the amendments, which did not address the general equilibrium of the legal context. This seems particularly obvious in the lack of consistency between the role accorded to the Constitutional Council in examining postelection appeals in the case of the presidential election and that of the legislative elections (detailed below).

ELECTORAL SYSTEM

Côte d'Ivoire's democratic system is established by article 32 of the constitution.³⁷ The president of the republic is elected for five years by direct universal suffrage and is eligible for re-election only once.³⁸ The president is directly elected by absolute majority of the votes cast. If a majority is not obtained, there is a second round held 15 days after the announcement of the results of the first round.³⁹

In practice, there was a derogation of the second provision following the intervention of the prime minister, at the request of the CEI. The latter felt unable to guarantee that it could organize the second round within the constitutional deadline resulting from the official announcement of the results of the first round by the Constitutional Council on Nov. 6, 2010.⁴⁰ The constitutional deadlines presupposed that the second round would be held on Nov. 21 and not Nov. 28 as was eventually decided in the Council of Ministers and approved by the president of the republic.

ELECTORAL ADMINISTRATION

An independent and impartial electoral authority, which functions in a transparent and professional manner, is internationally recognized as a means of guaranteeing that citizens are able to participate in truly democratic elections. Such a body also ensures that other international obligations related to the electoral process can be met.⁴¹



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CEI poll workers cross-check a voter's identification card against the polling station voters list.

The CEI has no explicit constitutional foundation and does not constitute an institution on this basis. However, the constitution does refer to the "commission responsible for elections." This reference, while not instituting the existence of an independent commission, nevertheless implicitly establishes the existence of a body specifically responsible for overseeing/organizing the elections.

37 "The people exercise their sovereignty through referendums and through their elected representatives. The conditions for holding a referendum and the designation of representatives of the people are determined by the present constitution and by organic law. The Constitutional Council monitors the legality of referendum operations and the election of representatives of the people. The organization and supervision of referendums and elections are guaranteed by an independent commission according to the conditions stipulated by law." [unofficial translation]

38 Art. 35 of the constitution

39 Art. 36 of the constitution, which stipulates, among other matters, that the election is conducted during the month of October of the fifth year of the president's mandate.

40 Especially owing to the deadlines for printing ballot papers

41 The United Nations Human Rights Committee General Comment no. 25, art. 25 (Participation in public affairs and right to vote) (hereafter: General Comment no. 25), par. 20. African Charter on Democracy, Elections, and Governance



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The CEI is responsible for organizing elections.⁴² The law establishes its autonomy, and the CEI has, in principle, total authority to oversee or conduct activities associated with the electoral process. The CEI has responsibility for, among others, registering voters, managing the electoral databases, establishing voters lists, printing and distributing voter cards, and ensuring the geographic distribution of polling stations.

The CEI, in its current form, derives from the Linas-Marcoussis Agreement.⁴³ In the history of agreements attempting to determine crisis recovery conditions, it corresponds to an earlier period in the process, before the “renationalization” endorsed by the OPA.⁴⁴

Composition of the CEI

- Two representatives of each of the 10 signatories of the Linas-Marcoussis Agreements⁴⁵
- One representative of the head of state
- One representative of the president of the National Assembly
- One representative of the Economic and Social Council
- One representative of the Ministry of the Economy and Finance
- One representative of the Ministry of Defense
- One representative of the Ministry of Territorial Administration
- One representative of the Ministry of Security
- Two representatives of the Magistrates Council
- Two representatives of the bar association

The functioning of the CEI depends on rules of procedure, which establish its internal structure and the procedures governing decision-making as well as the relations between the central commission and its local offices.⁴⁶ Members of the CEI hold the title of “commissioner.” The commissioners who have the

right to vote are the representatives of the signatories of the Linas-Marcoussis Agreement and the representatives of the head of state and the president of the National Assembly. Twelve commissioners are chosen from the central commission, elected by and from among the commissioners with voting rights. These 12 form the bureau, which is placed under the authority of the president.

Owing to the alliances formed among the signatories of the Linas-Marcoussis Agreement,⁴⁷ the CEI was dominated by the opposition to President Gbagbo. The dominant parties were the Rassemblement des Houphouëtistes pour la Démocratie et la Paix

42 The powers and competencies of the CEI are defined by art. 32 (4) of the Constitution, by law no. 2001-632 of Oct. 9, 2001, pertaining to the creation of the CEI, supplemented by the application decree of Nov. 7, 2001, and amended by law no. 2004-642 of Dec. 14, 2004, as well as by decisions 2005-06/PR of July 15, 2005, and 2005-11/PR of Aug. 29, 2005.

43 Its current composition was decided in the Pretoria I Agreement of April 6, 2005.

44 The CEI was installed on Feb. 16, 2006. Following the crisis unleashed in January 2010, which led to the dissolution of the commission by President Gbagbo, a new CEI was installed on Feb. 25, 2010, by decree no. 2010-29. However, in practice, the new commission that managed the presidential elections of 2010 was largely inherited from the commission of 2006 with only the president and four vice presidents having been replaced. The National Commission on the Supervision of Identification is another institution inherited from Linas-Marcoussis. However, the latter has played a more limited role given the central position of the prime minister's office in steering the operation for identification of the population and voter registration.

45 Law no. 2004-642 of Dec. 14, 2004, amending law no. 2001-634 of Oct. 9, 2001, on the composition, organization, powers, and functioning of the Independent Electoral Commission stipulates at the outset and for the future: two representatives of each party or political organization that has at least one deputy on the National Assembly or has won at least one municipal election or Regional Council, General Council, or district.

46 Internal regulations of the Independent Electoral Commission, adopted by the central commission on June 15, 2006

47 Four opposition political parties, signatories of the Linas-Marcoussis Agreement — Parti Démocratique de Côte d'Ivoire (PDCI), Rassemblement des Républicains (RDR), Union Démocratique pour la Paix en Côte d'Ivoire (UDPCI), Mouvement des Forces d'Avenir (MFA) — had formed an alliance named Rassemblement des Houphouëtistes pour la Démocratie et la Paix (RHDP) for the purpose of the presidential elections envisaged in October 2005. Within the framework of this alliance, they had decided each to present their own candidate during the first round of the presidential election and to support whichever among the candidates of the member parties qualified for the second round. The RHDP and FN also formed an alliance, known by the name of G7 (the Group of Seven, comprising the four political parties and three movements of the FN).



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(RHDP) and the FN, which were especially favored as each of its three official components was entitled to representation.

However, domination by the opposition was offset by government control of the various state institutions involved in the electoral process, thereby guaranteeing a precarious balance act at each stage.

The CEI bureau relied mainly on a general secretariat responsible for coordinating administrative and technical services to carry out its duties. The organizational structure of the CEI envisages in principle the existence of 10 subcommissions.⁴⁸ In reality, however, the practice of consensus within the CEI did not encourage this level of specialization within the institution. Few of the subcommissions really operated effectively, and most of the decision-making process was concentrated at the level of the central commission.⁴⁹ This did not facilitate responsiveness in decision-making or delegation of technical responsibilities. Consequently, the powers of the technical secretariat were only partially mobilized, and political considerations regularly halted the activity of the commission or influenced the content of its decisions.

The CEI is supported by its regional, departmental, local, and subprefectural offices.⁵⁰ The CEI itself is responsible for creating these local electoral commissions. It determines the number and establishes them.⁵¹ In November 2010, the number of local offices reached 435, including the 20 local commissions responsible for out-of-country voting.⁵² Their composition reflected that of the central commission. This model of composition resulted in a total workforce close to 12,000 local commissioners.⁵³ Inevitably, there were variations in their levels of training and investment. Bureau members of the local electoral commissions are elected by their peers.

Given the greater numbers of representatives of the opposition, initially the practice of electing members led to the exclusion of representatives of the presidential sphere from the vast majority of bureaus. This imbalance led the members of the Permanent Consultative Framework to reassess the situation and recommend enlarging the bureaus of the local offices in order to guarantee diversity in representation.⁵⁴

Operational resources were allocated to the local commissions by the CEI, which also brings together local commissioners by means of monthly sessions

Consequently, the powers of the technical secretariat were only partially mobilized, and political considerations regularly halted the activity of the commission or influenced the content of its decisions.

48 Identification, voters list, electoral operations, logistics, heritage, legal affairs and code of ethics, awareness-raising and training, security and transmissions, information technology, media and communication.

49 Four subcommissions were effectively the subject of a formal constitution by decision of the president of the CEI.

50 The administrative structure of the CEI does not reflect that of national administration, which has changed rapidly since 2005 with the accelerated creation of new *préfectures*, *communes*, and *subpréfectures*. It appears that these creations, still very often theoretical in the absence of actual, available resources, were not without ulterior motives in terms of electoral ambitions, whether satisfying local demands or preparing the ground for a future reorganization of legislative voting districts. The "departments" used in the processing of data for registration and tabulation of results correspond to the 70 functioning departments recognized by the national administration at the outset of identification and the "coordination centers" established by Sagem Security for this operation.

51 Art. 25 of CEI internal regulations. Law no. 2004-642 stipulates duplication of the political composition of the CEI at each level and the addition of a representative of the prefect of the region for the regional commissions, a representative of the departmental prefect and of the secretary-general of the general council or the director general of district administration for the departmental commissions, a representative of the subprefect or secretary-general of the city hall for the subprefectural and communal commissions.

52 Some departmental commissions also operated as communal commissions.

53 The number of local commissioners effectively functioning was unknown, owing to the difficulties of certain components of the CEI in guaranteeing a representative in all the local offices.

54 Final communication of the second meeting of the Permanent Consultative Framework, Jan. 24, 2008



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in line with an agreed working agenda. The local commissioners regularly complained that this system was inappropriate to the day-to-day operational realities they faced. They also complained about the inadequacy of the resources provided for transport and communications. The local commissioners effectively depended to a very great extent on logistical support from UNOCI for monitoring operations. In some cases, Carter Center observers found that the physical locations for them and their equipment proved to be inadequate.

These local electoral commissions were placed under the authority of “supervisor commissioners” corresponding to individual members of the central commission responsible for a region or a specific area of Abidjan.⁵⁵ A large part of the planning duties was, in reality, concentrated in the hands of these supervisor commissioners.

The obligation for transparency and accountability in the management of public affairs also applies to the management of elections.⁵⁶ Transparent management of the electoral process, especially through regular consultations with stakeholders and also by allowing effective access to information pertaining to the process, contributes to strengthening the confidence of stakeholders and the public in the system.⁵⁷ However, the functioning of the CEI in this regard proved rather opaque. There was no systematic publication of the reports of meetings or even of the decisions taken in plenary session.

It appeared that this absence of transparency and efficiency in the circulation of information to the public and to the national and international partners of the CEI also affected the functioning of its own central administration. The technical secretariat of the CEI was frequently left uninformed and out of

touch. There were inconsistencies and gaps in the information, which regularly and negatively influenced the functioning of the commission. The very strong tendency to centralize decision-making and management also led to a certain lack of transparency

in financial administration (for example, the full details of the CEI budget remained unknown to the international partners who contributed to funding the process).

From the outset, the CEI lacked effective leadership on procedural issues during the identification and voter registration operation. This was due to the heterogeneous legal and administrative nature of this operation (described above) and the multiple actors involved.⁵⁸

However, even after the completion of the identification and voter registration phases of election preparations, the CEI did not subsequently demonstrate any willingness to take full ownership of the responsibility for electoral operations. Essentially, the CEI delegated the greater part of its operational responsibilities to its international partners, especially the responsibilities for election logistics, which were entrusted

Even after the completion of the identification and voter registration phases of election preparations, the CEI did not subsequently demonstrate any willingness to take full ownership of the responsibility for electoral operations.

⁵⁵ In accordance with art. 67 of the internal regulations, which stipulates that “the local electoral commissions are supervised and administered by members designated by the Central Commission from its members. (...) Each supervisor is responsible for electoral operations in the area of his/her competence during the electoral process.” These supervisors were named by decision no. 009/CEI/PDT/ of May 11, 2010.

⁵⁶ United Nations Convention Against Corruption, art. 13 (a); African Union Convention on Combating Corruption, arts. 3 (3) and 12 (2)

⁵⁷ Code of Conduct, International IDEA, pp. 12–13

⁵⁸ Recall that within the OPA framework, voter registration was coupled with a one-off operation for the identification of the population. In addition to the CEI, the National Commission on the Supervision of Identification, the National Statistics Institute, the National Identification Office, and Sagem Security were involved as well as the prime minister's office as the effective leader.



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to UNOCI and U.N. Office for Project Services (UNOPS). Furthermore, it did not fully exercise the role of coordinator, which it might have been reasonably expected to do. As a result, there were difficulties in implementation, which undoubtedly could have been avoided if the operational implementation had been subject to more effective coordination.

The failure on the part of the CEI to take into account the operational aspect of election management and the relationship between operational implementation and established procedures led to delays in phases and decisions, thus preventing implementation from being conducted in better conditions. As such, the question of remuneration for staff of polling stations was not addressed until a few days before the election. Consequently, there was a certain level of

improvisation following the first round, which caused conflicts between local commissioners and polling station staff. This caused delays in the transfer of election material.

ELECTORAL DISTRICTS

Within the framework of the election of the president of the republic, the country naturally forms a single electoral district. While this aspect falls out of the strict parameters of this report as the Center did not directly assess the boundary delimitation process, it is useful to clarify that authority for establishing legislative electoral districts belongs to the CEI. However, it is important to note that there are no established legal guidelines.⁵⁹

⁵⁹ In its internal regulation, the CEI establishes the principle of maintaining a balance among electoral districts. This principle, in line with international recommendations, is nevertheless a mere formality and lacking in any binding force. Furthermore, it is foreseeable that its future implementation will conflict with questions of coexistence with administrative demarcation, raising the issue of urban preponderance in favor of the economic capital city, Abidjan.



PRE-ELECTION DEVELOPMENTS

VOTER REGISTRATION

Joint Operation for Identification of the Population and Voter Registration

As part of the OPA framework, voter registration was coupled with a one-off operation for the identification of the population for the purpose of creating new identity documents. One of the effects of the nearly 10-year crisis was the breakdown of civil administration in many parts of the country, especially in the areas occupied by FN, and the subsequent lack of documentation for many Ivoirians, especially youth. The Center found that the influence of political imperatives led political actors to create operating methods that were needlessly complex and burdensome and did not include appropriate evaluation and control of organizational, logistical, and financial considerations. Similarly, certain practices were decided upon without any prior consideration of their practical utility and inherent limits. An example was an effort to verify individual identity by matching voter registration data with so-called historical files even though such files were often partial, damaged, or missing.

According to the OPA, voter status (and therefore Ivoirian nationality) was accorded to those registered on the voters list of 2000. However, the OPA does not make a distinction between petitioners at the time of registration according to whether or not they appear on the voters list of 2000. The paragraph relative to voter registration does not stipulate the requirement to present a certificate of nationality.

Furthermore, the identification procedures eliminated the obligation to present a certificate of nationality on the part of petitioners born before April 1, 1990, who do not appear on the voters list of 2000.⁶⁰

However, while the identification process for registration established by the OPA disregarded the standard identification rule, which required the presentation of a certificate of nationality, this does not imply the abolition of the constitutional requirement by which voter status is reserved for nationals. In the Ivoirian political context, it was thus inevitable that procedures intending to ensure the nationality of people appearing on the voters list would appear

The at times chaotic conduct of the operation provided the opportunity for political interference at central level and also frequently at local level, where local political party members and officials were actively involved in helping local communities and registration staff.

between the end of registration and the publication of the final voters list. This occurred within the framework of an agreed operating method based on the principle of cross-referencing with historic records.

In addition, the joint identification and registration operation was conducted over an exceptionally long period, running from September 2008 to November 2009 and spanning the launch of voter registration and the publication of the provisional voters list. The period was marked by operational difficulties and numerous political obstacles. Ultimately, the operation led to at best a partial product, which was nevertheless endorsed by all the actors in the process despite its drawbacks.

⁶⁰ Circular no. 001/PM/CAB of Oct. 21, 2008, pertaining to the operation for the identification of the population and voter registration



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CEI poll workers reference their voters list before allowing a voter to cast his ballot.

The at times chaotic conduct of the operation provided the opportunity for political interference at central level and also frequently at local level, where local political party members and officials were actively involved in helping local communities and registration staff.⁶¹ Though beyond the letter of the law, it appears that on the whole, the involvement of political parties compensated for shortcomings in the electoral administration and among the various institutions involved, rather than serving as a hindrance or worse, subverting the process to partisan influence. While these forms of assistance from political party representatives, traditional leaders, local businessmen, or others are not forbidden, the CEI ran the risk of being perceived to be open to partisan or other influences. Moreover, the CEI's failure to ensure that all of its staff and operations were adequately resourced stands as at least a partial abdication of its formal responsibilities to conduct the elections impartially.

Similarly, the challenges inherent in the subsequent updating of the voters list were downplayed. There was no prior consideration given to managing new registrations or voter transfers, either as a general concept or from a perspective of practical

implementation. Managing voter transfers, in particular, could be problematic in the organization of legislative and local elections as registration was conducted without establishing any relationship with the petitioners' places of residence.

The Voters List

The final voters list for the 2010 presidential election listed the names of 5,725,721 voters. As such, these voters were also entitled to receive the new national identity card.⁶² Endorsed by the key political actors of the Permanent Consultative Framework, the voters list was duly certified by the U.N. SRSG, Y.J. Choi.⁶³

Political acceptance (which was given by all political parties) of the electoral list was obviously a crucial factor in the holding of the election. However, this does not mean that there is no room to express reservations regarding the technical outcome of the operation or its success in terms of the ambitions initially expressed in the OPA and at the outset of the operation.⁶⁴ In effect, the number of voters registered on the 2010 voters list is significantly below the public estimates of the potential voting population. The National Statistics Institute proposed an estimated voting population of 7,835,768 in 2008. On the basis of this estimate, the registered voters would therefore represent 73 percent of the potential voting population.

Ivoirian political actors subsequently downplayed the importance of an all-inclusive voters list. Indeed, they argued that voting, and, therefore, registration

61 For example, Carter Center observers recorded instances of party members using their personal vehicles to transport election officials and materials, or in other instances, local community leaders purchased fuel for CEI generators to power their equipment, provided food and lodging to election workers, etc.

62 Decree no. 2010-238 of Sept. 9, 2010, pertaining to authorization for issuing national identity cards to Ivoirians appearing on the final voters list (this is in line with the OPA).

63 The United Nations SRSG certified the definitive voters list on Sept. 24, 2010.

64 See also the problems associated with the appeals process of the provisional voters list summarized in this report.



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CEI representatives discuss an issue with the voters list as party representatives look on.

on the voters list, was not obligatory. On this point, it should be remembered that voter registration, combined with the identification operation, was initially presented as a key to resolving an important aspect of the Ivoirian crisis (i.e., absence of civil administration or identity documents for many Ivoirians, especially youth).

In terms of universal principles, the state must take effective measures to guarantee that all eligible individuals may exercise the right to vote.⁶⁵ It follows that, where registration of voters is necessary, it must be accessible, and obstacles must not be imposed.⁶⁶

Carter Center observers did not find any deliberate obstacles to voter registration intended to discriminate against specific groups, particularly on the basis of social or ethnic origins. Nevertheless, in practice, the complicated administrative procedures

that were put in place effectively constituted a series of hurdles that contributed to discrimination against certain vulnerable groups or categories. Given the repeated demands for documentation, the principle of participation free of charge was not, in reality, fully achieved. There is statistical data, which is unpublished but which The Carter Center has been able to access, suggesting that rural and/or uneducated populations, trades belonging to the informal sector, economically vulnerable people, internal migrants, and displaced people were likely to have been particularly negatively affected. Conversely, the registration

⁶⁵ ICCPR, art. 25 (b)

⁶⁶ U.N. Human Rights Committee, General Comment no. 25, par. 20



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statistics appear to reflect an overall gender balance.⁶⁷ This supports the view that the shortcomings of the list are related more specifically to socio-economic factors.

Furthermore, since April 1, 2010, the voters list has not been updated. Minors, in the sense used in the OPA (i.e., those born between April 1, 1990, and March 31, 1992), would have reached the voting age of 18 by the time the presidential election was held. However, no steps were taken to include them on the voters list. Furthermore, it appears that no such steps were envisaged for any of the post-crisis elections. This is also true for those who have to be identified in the future using standard mechanisms for identification. Indeed, those mechanisms remain to be implemented. At the time of writing this report, it appears that no consideration has been given to means of correcting the shortcomings in the current list. This reinforces the Carter Center's overall assessment of the minimally acceptable technical success of identification, especially given the exorbitant cost of the operation.⁶⁸

Finally, the new voters list also demonstrates a significant change in demographic distribution, which revealed a decline in the regions while increasing in the metropolis of Abidjan. When considered within the boundaries extending into the Lagunes region, Abidjan alone comprises one-third of the electorate.

VOTER INFORMATION AND EDUCATION

The main objective of information for voters is to inform citizens about the modalities of different phases of the electoral process. Voter education, on the other hand, seeks to promote the free and responsible participation of citizens in the process. Voter information and education campaigns are necessary in order to guarantee the effective exercise of the right to vote by an informed community.⁶⁹ Political parties, civil society organizations, and international organizations can contribute to information and education efforts. Nevertheless, in line with international best practices, it is the duty of the election management

body to ensure that voters receive clear, objective, and impartial information.⁷⁰

Voter information and education are among the listed responsibilities of the CEI.⁷¹ In practice, the CEI largely relied on communication through the media, civil society organizations, and political parties. The local CEI commissions made very little contribution to this aspect of electoral administration, as they lacked the necessary resources. Representatives of the territorial administration, especially the subprefects, acted as channels for the transmission of information. However, as their level of involvement was not formalized, it varied according to personal commitment.

Overall, The Carter Center considers that the efforts and resources committed by the CEI for citizen information and education were not equal to the actual requirements, especially given the complexity of operations, levels of education, and the fact that the section of the population with access to mass media remains a minority. Voter information and

67 In the absence of statistics relating to the final voters lists, reference is made to the distribution of men and women following registration: 49.2 percent men and 50.8 percent women. Imbalances appear at sub-regional level. However, these seemingly can be explained by factors related to rural emigration, permanent or temporary, inasmuch as maps of these imbalances exactly reflect those of traditional internal migrations. Thus, for example, the data for San Pedro, on completion of registration, indicated a distribution of 54.1 percent men and 45.9 percent women. The data for M'Bahiakro conversely reflected a distribution of 44.1 percent men and 55.9 percent women (statistical report of Sagem Security, Oct. 15, 2009).

68 The exact cost is not known at this stage. Nevertheless, the sum of the costs of the agreement between the Ivoirian state and Sagem Security, the running costs of various institutions throughout the process, and costs not charged (such as the aspects covered by UNOCI) certainly make the operation conducted in Côte d'Ivoire one of the most burdensome experiences ever undertaken in the field of registration for election purposes.

69 U.N. Human Rights Committee, General Comment no. 25, par. 11

70 Electoral Institute of Southern Africa (EISA) and the Electoral Commissions Forum of the Southern African Development Community (SADC), "Principles for Election Management, Monitoring and Observation in the SADC Region," p. 22

71 Law no. 2004-642 of Dec. 14, 2004, amending law no. 2001-634 of Oct. 9, 2001, on the composition, organization, powers, and functioning of the Independent Electoral Commission



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education campaigns should, therefore, be designed to be able to target all voters, including traditionally disadvantaged sections of the population.⁷²

At each stage in the process, Carter Center observers noted a lack of systematic, grassroots information and education campaigns, which were even more necessary in the rural areas. Throughout both the identification and voter registration operation and the provisional voters list appeals process, the population was indeed, for the most part, aware of the operations being conducted. However, people frequently appeared to have little information about the specific conditions to be met in order to participate. This lack of information certainly caused problems for individual registrants and may have

contributed to overall delays in the progress of operations. Even more regrettably, it demotivated certain petitioners who were obliged to come back later to register, as they had not had enough information about the documents that they had to supply.⁷³

Furthermore, The Carter Center recognizes that the capacity of the CEI to implement timely information campaigns in advance of the launch of operations was compromised by the late finalization of procedures. Moreover, in the case of the pre-election operations, amendments were introduced when the process was already under way.

In the run-up to the presidential election, the CEI produced audiovisual information, which was broadcast on television and radio, while announcements were published in the written media. Awareness-raising posters were also produced and distributed, mainly in Abidjan and certain urban centers in the interior. The CEI commissioned large formats for billboards and smaller formats for distribution by a network of civil society organizations. Owing to the

manner of distribution and delays in decision-making, this awareness-raising campaign largely bypassed most of the populations that would have found it most useful, especially in the more remote rural areas.

As during the earlier phases of the election process, the effective abdication of the CEI from planning a systematic campaign paved the way for the involvement of political parties and candidates' representatives in providing guidance to voters. On polling day, very few official CEI posters explaining "how to vote" were found by Carter Center observers outside

or inside polling stations. Yet, at the specific request of the international funding organizations, this material was eventually produced between the two rounds.

During the first round, the national

percentage of void or invalid ballot papers was 4.66 percent. This national average is relatively acceptable in a context in which no elections had been held for the past 10 years. Nevertheless, it masked significant regional discrepancies ranging from 2.34 percent in the district of Abidjan to 8.58 percent in the region of Zanzan. These percentage discrepancies were a fairly accurate reflection of the regional development map. In general, they demonstrate the impact that

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72 U.N. Human Rights Committee, General Comment no. 18 ("Non discrimination"), par. 10: "The Committee also wishes to point out that the principle of equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant." Following the same line of thought, organizing grassroots awareness-raising campaigns is more effective in rural areas for ensuring that communities have access to information.

73 Office of the United Nations High Commissioner for Human Rights, "Human Rights and Elections: A Handbook on the Legal, Technical and Human Rights Aspects of Elections," par. 88: "Non-partisan civic education should aim to inform voters as to the 'who, what, when, where and how' of registration and voting."



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the mass media had on awareness raising. Conversely, the discrepancies highlighted the limits of grassroots information and education campaigns.

Notwithstanding the persistence of regional discrepancies, the percentage of null and void ballot papers fell to a national average of 2.11 percent during the second round, suggesting that voters had become more familiar with the basic elements of completing a ballot paper. The total of null and void ballot papers fell across the regions. However, there were still significant discrepancies, which reflected the distribution in the first round. Given the limited efforts undertaken by the CEI, this reduction is most likely to be the natural result of a combination of factors: the involvement of candidates' agents in providing guidance to voters, the experience of the first round, and simpler ballot papers as there were only two candidates.

CANDIDATES, POLITICAL PARTIES, AND THE CAMPAIGN

The right of individuals to participate in running the public affairs of their country, including the right to be elected as well as the freedoms of association, expression, assembly, and movement, constitute obligations in international law.⁷⁴ Respect for these freedoms is essential in guaranteeing favorable conditions for holding free and fair elections.

Registration of Candidacies

The conditions of eligibility for the post of president of the republic are established by article 35 of the constitution. Famously, the wording is one of the contentious elements of the Ivoirian crisis.⁷⁵ In effect, this article introduced the double parentage requirement in respect of candidates' backgrounds. Each candidate must have been born of a father and mother who are themselves of Ivoirian origin. It should be noted that the constitution of 2000, by opting for the dual requirement, made the terms for candidacy stricter than those for acquiring nationality (which were clearly more generous). This decision thus excluded those Ivoirians who acquired

nationality through the standard *ius sanguinis* (a parent) or through naturalization, marriage, or adoption.⁷⁶

Several candidates have made public commitments to review the constitution in order to rectify any "seeds of conflict" resulting from article 35. The Carter Center, referring to the United Nations Human Rights Committee, stresses that the distinction between the eligibility conditions and the conditions for acquiring nationality could effectively raise questions regarding conformity with the obligations arising from article 25 of the ICCPR.

The electoral law provides additional details regarding eligibility criteria. Among other conditions, candidates must be voters and therefore registered in the final voters list.⁷⁷ Article 54 of the code lists the documents required for presentation by candidates. Taking into account the Linas-Marcoussis Agreement, article 54 of the electoral law further specifies that, within the post-crisis framework, candidates fielded by political parties or groups that

74 ICCPR, art. 25 (b), 22, 19, 21 and 12 (1); African Charter, art.13 (1), 10, 8, 11 and 12 (1)

75 Age: 40 years minimum and 75 maximum. Permanence: never having renounced Ivoirian nationality nor having taken another nationality. Residence: having lived continuously in Côte d'Ivoire for five years preceding the date of the elections and having accrued 10 years effective presence (save for permitted exceptions such as members of diplomatic or consular representations). Physical and mental capacity: in good physical and mental health as attested by a panel of three physicians chosen by the Constitutional Council from a list proposed by the College of Physicians. Moral standing: the candidate must be "of sound morality and great probity. He must declare his assets and explain their origin."

76 Debate over the introduction of the double parentage factor was particularly fierce in 2000. In a country with significant mixing of origins, besides individual concerns, this requirement undeniably contributes to discounting a significant proportion of the voting population. However, regulations of this nature tightening the nationality requirements for eligibility for the presidential role are not peculiar to Côte d'Ivoire.

77 Other eligibility criteria included: not to have been deprived of the right of eligibility by judicial decision; not to have been subject to a Judicial Council; and not to be subject to a professional conflict of interests regarding the potential candidates. To recall, the following are excluded: individuals convicted of a crime; individuals sentenced to punishment by imprisonment, not suspended, for theft, fraud, embezzlement, misappropriation of public funds, forgery and use of forgery, corruption and trafficking of influence, outraging public decency; undischarged bankrupts; individuals convicted in absentia; debarred people; individuals denied the right to vote by the courts; and more generally, those for whom the laws have ruled on this prohibition.



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are signatories to that agreement are exempt from producing any documents other than the personal declaration of candidacy bearing the candidate's signature and, in a paradoxical wording, "if applicable," a letter of designation from either the parties or groups sponsoring them. In essence, The Carter Center notes that taking into account the political framework negotiated with respect to candidates for the presidency implies an unequal treatment of candidates according to whether or not they enjoy the support of one of the signatories of the agreement. This contravenes international obligations.⁷⁸

A deposit of 20 million CFA francs (approx. U.S. \$40,000) is stipulated by article 55 of the electoral law. This must be paid within the three days following the declaration of candidacy.⁷⁹ The electoral law as amended by the 2008 decree differs from the text of 2000 in that it removes the obligation to present a certificate of tax compliance. The Constitutional Council, by a decision on Oct. 28, 2009, restored this obligation. It argued on the basis that the "duty to discharge taxation obligations applies to everyone"⁸⁰ and that meeting this obligation fulfills the condition of integrity and good character to which article 35 of the constitution refers.

In the case of the presidential election, candidacies are accepted by the CEI, which communicates them to the Constitutional Council within 72 hours.⁸¹ The deadline for receiving candidacies expires 45 days before the election. "Following receipt of candidacies" and after their scrutiny as required by law, they are published by the Constitutional Council. In line with international obligations, the Ivoirian electoral law specifies an appeals mechanism enabling potential candidates who feel that they have been

treated unfairly to assert their rights.⁸² Any claims or observations arising should be addressed to the Constitutional Council within 72 hours following the publication of candidacies.⁸³ The Constitutional Council publishes the final list of candidates at least 20 days before the election.

The final list of candidates was agreed on and published by the Constitutional Council on Nov. 19, 2009, in advance of the election scheduled for Nov. 29 and subsequently postponed owing to delays in the election preparations.⁸⁴ The Constitutional Council had received 20 declarations of candidacy communicated by the CEI. Six of these were rejected as the candidates' documentation was incomplete. No comments or claims were communicated to the Constitutional Council. There were 14 candidates in the ring for the first round of the presidential election, six of whom ran as independents.

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78 ICCPR, art. 2 (1) and art. 26. African Charter, art. 2

79 The amount of the deposit is relatively high in comparison to that required in the countries of the region, although the difference should not be considered particularly significant. Furthermore, the trend is an increase in the amounts. As such, Senegal increased from 6 to 20 million CFA francs in 2007 and Mali from 5 to 10 million CFA francs in 2002. The non-Francophone countries have in general maintained less heavy obligations in this area.

80 Art. 27, law no. 2000-513 of Aug. 1, 2000, on the Constitution of the Republic of Côte d'Ivoire

81 Art. 52, law no. 2000-514 of Aug. 1, 2000, on the electoral law, amended by order 2008-133 of April 14, 2008 (hereafter: electoral law)

82 ICCPR, art. 2 (3) (a); African Charter, art. 7 (1)

83 Art. 56, electoral law

84 Decision no. CI-2009-EP/028/19-11/CC/SG. The question of reopening the candidacy period in the light of the postponement of the presidential election was raised by lawyers and some civil society organizations in spring 2010. However, the question remains unanswered.



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List of Presidential Candidates

AKOTO YAO Kouadio Félix—Independent
ANAKY Kobena—Mouvement des Forces d'Avenir (MFA)
BEDIE Konan Aimé Henri—Parti Démocratique de Côte d'Ivoire (PDCI)
DOLO Adama—Independent
ENOH Aka N'Douba—Independent
GBAGBO Laurent—La Majorité Présidentielle (LMP)
GNAMIEN Konan—Union Pour la Côte d'Ivoire (UPCI)
KONAN Kouadio Siméon—Independent
LOHOUES-Oble Jacqueline—Independent
MABRI Toikeuse Albert—Union pour la Démocratie et pour la Paix en Côte d'Ivoire (UDPCI)
OUATTARA Alassane—Rassemblement des Républicains (RDR)
TAGOUA Nynsémon—Independent
TOHOU Henri—Union Socialiste du Peuple (USP)
WODIE Romain Francis—Parti Ivoirien des Travailleurs (PIT)

The clauses exempting potential candidates from having to produce any documents other than a declaration of candidacy if they were sponsored by signatories to the Linas-Marcoussis Agreement did not, however, remove the requirement for the Constitutional Council to verify their status as registered voters. That requirement also stood in the case of candidates not benefiting from that specific clause. It follows that the council should have been able to make use of the final voters list when the deadline for publishing the final list of candidates expired. Clearly, this condition could not be met as the final voters list was adopted on Sept. 9, 2010.

The Election Campaign

The official dates for the election campaign are set by decree at the instigation of the CEI.⁸⁵ The official campaign period was set as Oct. 15, 2010, to midnight on Oct. 29, 2010.⁸⁶

Outside of the official campaign period, “all election meetings and all election publicity, by any means, are forbidden.”⁸⁷ This aspect of the election law was wholly ignored by candidates and parties, especially during the month preceding the start of the official campaign. In this respect, it was difficult to maintain even a semblance of a pre-campaign phase, as there were so many political meetings and party activities of an overtly election-related nature. These abuses were never sanctioned, despite the criminal and financial sanctions stipulated in the electoral law.⁸⁸

Prior to the start of the official campaign, the CEI had invited the candidates or their representatives to sign a “Code of Conduct for political parties, groups, political movements, and candidates in the elections in Côte d'Ivoire.”⁸⁹ All the candidates thus undertook to respect the code and to ensure that their activists and followers respected its provisions, including, for example, the ban on using violence in all its forms, including in speeches, writing, attitudes, and behavior. Overall, this commitment was honored by the candidates during the campaign before the first round.

Carter Center observers attended numerous campaign events. Generally, they found respect for freedoms of expression, assembly, and movement during that phase of the election process. Nevertheless, tensions between activists, especially

⁸⁵ Art. 28, electoral law

⁸⁶ Decree no. 2010-282 of Oct. 12, 2010

⁸⁷ Art. 32, electoral law

⁸⁸ Art. 32, electoral law: “All offenders (...) shall be subject to penalties of between eleven days and two months in prison and a fine of between 50,000 and 360,000 CFA francs or only one of these two punishments.”

⁸⁹ Compiled with the assistance of the National Democratic Institute (NDI), the Code of Good Conduct was adopted on April 24, 2008, in Abidjan, under the aegis of U.N. Secretary-General Ban Ki-Moon. On this occasion, more than 40 political parties signed.



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A woman casts her vote during the 2010 presidential election.

those of La Majorité Présidentielle (LMP) and Rassemblement des Républicains (RDR), were apparent in several areas of the country, particularly in Korogho and Katiola. In various parts of the country and districts of Abidjan, isolated incidents of violence, reciprocal provocation, and vandalism, such as tearing down campaign posters, were reported.

The official campaign period for the second round of the presidential election was set to run Nov. 20 to midnight on Nov. 26, 2010.⁹⁰ As occurred with the first round, the candidates did not wait for the official start of the campaign to hold public meetings. Once again, this contravention of the electoral law was not sanctioned.

In contrast to the situation observed before the first round, the climate of the campaign for the second round rapidly deteriorated with an increase in personal and reciprocal attacks; communication strategies largely based on denigrating the opposite camp; and the mobilization of politically affiliated media outlets, which became channels for rumor and which increased the attacks of a defamatory nature.

The night before the campaign began, the spokesman for Gbagbo set the tone by denouncing

Ouattara as the instigator of the 1999 coup and 2002 uprising. Similar stories had begun spreading earlier by text message and through a controversial film shown in various localities across the country. The film described the crimes committed during the war and presented Alassane Ouattara as the instigator.

Nor was the opposition free from such abuses. Both camps resorted to personal attacks, and their activists were involved in acts of violence or intimidation, which in some cases targeted the election observers.

A key event in the second round campaign was the participation by the two candidates, Laurent Gbagbo and Alassane Ouattara, in a debate broadcast live on Radiodiffusion Télévision Ivoirienne (RTI) on Nov. 25, 2010. This televised debate was a first in Côte d'Ivoire. While not avoiding certain references to past controversies, in general the two candidates managed to act responsibly during the debate. Their tone was restrained and courteous, and they called for reconciliation, an end to violence, and the freedom to vote. The organization and tone of this debate were unanimously welcomed. Nevertheless, it represented a mere hiatus in the campaign. The restrained behavior adopted by the two candidates did not influence the particularly aggressive tone of the political press or the campaign rhetoric.

⁹⁰ Four opposition political parties—PDCI, RDR, UDPCI, MFA—had created a platform for the purpose of the presidential elections envisaged for October 2005. Within the framework of this alliance, they had decided each to present their own candidate during the first round of the presidential election and to support whichever among the candidates of the member parties qualified for the second round.



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Participation of Women

For the first time in Côte d'Ivoire, a woman announced her candidacy for the presidential election. Jacqueline Lohoues-Oble stood as an independent candidate. The one female among 14 candidates is a clear reflection of the fact that despite the active participation of women in the electoral process and the influence of the women's sections of the political parties in organizing candidates' campaigns, the effective participation of women at the highest level of political life continues to encounter obstacles. Similarly, there is limited representation of women in the National Assembly and other elected offices, as is the case throughout the region.⁹¹

Generally, women remain underrepresented in higher levels of government and in positions of authority in political parties. For this reason, The Carter Center encourages Côte d'Ivoire to complete the accession process to relevant regional instruments and to implement practical promotional measures to advance women's representation as recommended by such international standards.⁹²

CAMPAIGN FUNDING

Law no. 2004-494 of Sept. 10, 2004, pertains to the use of public funds for financing political parties and organizations and also presidential election candidates. Along with funding political parties and organizations, the law implemented a mechanism for reimbursing the candidates for their presidential election campaigns. The overall budget is set by the funding law in the year of the presidential election. This budget is delivered in two installments. The first installment is a lump sum equivalent to two-fifths of the overall budget. It is allocated in equal measure to all candidates receiving at least 10 percent of votes cast in the presidential election. The second installment, representing three-fifths of the overall budget,

is allocated proportionally according to the number of votes obtained by each candidate.

However, it is disconcerting that there are neither regulations pertaining to a ceiling on expenses nor any checks on the sources of funding for campaigns. Furthermore, the electoral law prohibits the use by candidates and their staff of government vehicles or any form of state-owned transport.⁹³ The reference to their use for election propaganda purposes implies

that this regulation is limited to the official campaigning period given that, in theory, there are no election activities before the start of the campaign. However, Carter Center observers deployed in the Savanes region noted that the official visit of President Gbagbo to Korhogo, on Oct. 7, 2010,

for which state resources were used, in reality had all the trappings of a campaign meeting. In the region of Moyen Comeé, the Center observers witnessed agents responsible for a vaccination campaign, organized by the Ministry of Health, wearing T-shirts bearing an image of the outgoing president. These agents were equipped with sample ballot papers specifying the LMP candidate.⁹⁴

The provisions of the electoral law pertaining to bribing voters (achat de consciences) were wholly ignored. The press openly reported on stories of

Generally, women remain underrepresented in higher levels of government and in positions of authority in political parties.

⁹¹ Women represented 8 percent of the National Assembly after the last legislative elections of 2000.

⁹² Protocol to the African Charter on Human and People's Rights, pertaining to the rights of women, art. 9 (1) (a): "States parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that women participate without any discrimination in all elections."

⁹³ Art. 30, electoral law

⁹⁴ When questioned, the agents declared that they were conducting a "double campaign, political and health-related."



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donations, including in cash, made on behalf of the two candidates, especially to traditional leaders. Carter Center observers witnessed these practices in different regions of the country, especially in Fromager, Sud Bandama, and Savanes. Overall expenses, by definition undisclosed, reached a significant total by the time of the presidential election, considering the real duration of the campaign, which began months before the election date, the fact that a runoff was necessary, and the ostensible use of resources by the main candidates.

With the aim of protecting the integrity of the electoral process and guaranteeing the conditions of a fair competition for all the candidates, The Carter Center

strongly encourages the Ivoirian authorities to implement a well-defined legal framework pertaining to the transparency of campaign finance.⁹⁵ Some minimum standards of disclosure, spending limits, and scrutiny of expenses are essential. These should be accompanied by administrative provisions to guarantee their effective implementation.⁹⁶

MEDIA

In accordance with the international obligations of Côte d'Ivoire, article 9 of the constitution guarantees freedom of opinion and expression on condition of respect for the law, the rights of others, national security, and public order.⁹⁷ The right to express and disseminate one's opinions is guaranteed by article 10. It makes an exception of "all propaganda with the intention or effect of enabling one social group to dominate another or of encouraging racial or religious hatred."

The legal framework for the organization of the media sector was established by law no. 2004-643 of Dec. 14, 2004, pertaining to the legal regulation of the print media, and by law no. 2004-644 of Dec. 14, 2004, pertaining to the legal regulation of audiovisual communications. These two laws are supplemented by decree no. 2006-198 of June 28, 2006, pertaining to the organization and functioning of the National

Press Council (CNP), and by decree no. 2006-278 of Aug. 23, 2006, pertaining to the organization and functioning of the National Council for Audiovisual Communication (CNCA).

Law no. 2004-643 stipulates that in the exercise of their activities, professional journalists

enjoy complete freedom with regard to gathering and using information on the condition that they respect the laws and regulations and the ethical standards of the profession. Failure to respect ethical and moral standards may be subject to penalties, which could include withdrawal of professional accreditation by the awarding body, either the CNP or the CNCA. Institutions of the press are subject to monitoring

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⁹⁵ ICCPR, art. 2 (1) and 25 (b); U.N. Human Rights Committee, General Comment no. 25

⁹⁶ Despite having not yet ratified it, Côte d'Ivoire has signed the United Nations Convention Against Corruption of which art. 7 (3) stipulates that "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."

⁹⁷ ICCPR, art. 19; African Charter, art. 9



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Carter Center co-leader John Kufuor (right) is introduced to the press before the presidential elections.

exclusively by the CNP.⁹⁸ The latter may impose sanctions, which could even include suspending the activity of an organization.

In general, the CNCA and CNP are responsible for guaranteeing the freedom of the audiovisual media and the press respectively and for ensuring diversity and respect for the law and the ethical standards that apply to journalists. The CNCA has general powers, not limited to the electoral campaign, to ensure the following in particular: “equal access and coverage for parties, associations and citizens to official organs of information and communication.”⁹⁹ Within this framework, decree no. 2006-278 stipulates that the CNCA should communicate on a monthly basis with the president of the National Assembly and the parties represented on the National Assembly, giving a breakdown of the airtime accorded to political

parties in the televised news, information bulletins, magazine programs, and other broadcasts.

98 The CNP comprises: one media professional nominated by the president of the republic, one representative of the minister responsible for communication, one magistrate nominated by the Higher Council of the Magistracy, two professional journalists nominated by professional journalists' organizations, one representative of directors of publishing, one representative of newspaper editors, one representative of newspaper distribution companies, one representative of civil society nominated by human rights organizations, one representative of printing companies, and one representative of consumers' organizations.

99 The CNCA comprises: one president, a communications professional nominated by the president of the republic; one representative of human rights organizations, nominated by the president of the National Assembly; one senior, experienced lawyer, nominated by the president of the National Assembly; one magistrate nominated by the Higher Council of the Magistracy; one person nominated by the president of the Economic and Social Council; one representative of consumers' associations, nominated by groups and associations of consumers. art. 4, law no. 2004-644 of Dec. 14, 2004, on the legal regulation of audiovisual communications.



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In article 30, the electoral law stipulates the intervention of the CNCA and CNP in greater detail during two specific periods as follows:

1. The period of the electoral campaign, as established by decree, during which the selected candidates have equal access to the official organs of the print, spoken, and televised media
2. In a specific clause relating to the election of the president of the republic, equal access for political parties and organizations commencing on the date of the publication of the provisional voters list until polling day.¹⁰⁰

Equal access appeared particularly difficult to judge, as there were no obvious, objective criteria. Instead, there was a series of ad hoc political criteria, none of which could be considered wholly equitable.

The Carter Center observation mission did not conduct a systematic and comprehensive monitoring of the media using its own resources. Nevertheless, following publication of the provisional voters list in November 2009, the mission did analyze the monthly statistical breakdowns from the CNCA and CNP. From a methodological perspective, the CNP statistics do not give rise to any particular concerns. However, the CNCA statistics, by contrast, show an apparent unwillingness on the part of that body to exercise its role impartially.¹⁰¹

The CNCA statistical breakdown was effectively designed in such a way that it gave a false impression of the share of airtime for political parties and organizations. In practice, the CNCA differentiated “political parties” and “support organizations of a political vocation.” The amount of airtime allocated to the candidates’ campaign offices was calculated within the second category. This tactic thus aimed to conceal, somewhat ineffectively, the

clear predominance of the presidential camp on the main public television channel during the long pre-campaign period. The Carter Center also noted

that the statistical breakdowns for October and November 2010, requested from the CNCA, were not provided. This omission suggests a lack of transparency on the part of that regulatory body.

While the media landscape during the election period was marked by numerous excesses,

there were some positive aspects that deserve to be emphasized.¹⁰² During the official campaign periods, the CNCA established the modalities of equal access for candidates to the audiovisual public service media and the scheduling of broadcasts allocated to the election campaign.¹⁰³ The Carter Center welcomes this regulation aimed at creating conditions of fair competition among candidates in line with the international obligations of Côte d'Ivoire.¹⁰⁴ Nevertheless, in practice, the credibility of the CNCA as an impartial regulator was harmed when it provided Gbagbo the advantage of the final outing on air the night before the first round.

¹⁰⁰ It, therefore, seems that there was a juxtaposition during the official campaign period: equal access for the candidates, fair access for the parties and organizations.

¹⁰¹ African Union, Declaration on Principles of Freedom of Expression, art. 7: “Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.”

¹⁰² For a detailed analysis, see Reporters without Borders account of the monitoring mission of Ivorian media: www.rsf.org/Côte-d-ivoire.html.

¹⁰³ Decision no. 2010-04 of Oct. 8, 2010, pertaining to modalities of scheduling candidates for the presidential election for the purpose of participating in the broadcast “Face aux électeurs” (“Facing the voters”); decision no. 2010-06 of Oct. 8, 2010, pertaining to modalities of access for candidates for the presidential election to public service audiovisual media; decision no. 2010-04 of Oct. 8, 2010, determining scheduling of broadcasts relative to the election campaign.

¹⁰⁴ ICCPR, art. 25 (b); African Charter, art. 13 (1)



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In general, the Ivoirian Radio and Television (RTI) showed a clear preference for Gbagbo, especially in the first round. It accorded extensive coverage to the presidential activities of candidate Laurent Gbagbo, often with electoral calculations. In this respect, international best practice indicates that coverage of the activities of an outgoing candidate for election purposes should not be confused with government activities.¹⁰⁵

Conversely, on this matter it should be said that the official daily newspaper *Fraternité Matin* distinguished itself through its relatively balanced coverage of candidates' activities and through its nuanced approach to the campaign. This demonstrates, among other points, the markedly more independent role played by the CNP. In a difficult context of political polarization, that body attempted to restrain the excesses of the print media, occasionally punishing certain newspapers for their slippages.

Conversely, the politically affiliated press, including certain supposedly neutral organs, played an unconstructive role, which in the period between the two rounds, was blatantly dangerous on account of the use of offensive language, the spreading of rumors, and the often incendiary statements held by senior campaign officials. The attempts by the CNP to maintain a reasonable level of professionalism, while not necessarily successful, should nevertheless be highlighted.

By contrast, without any attempt to intervene on the part of the CNCA, almost as soon as polling ended, the RTI engaged in a systematic campaign to disparage the conduct of the election in the northern part of the country under the control of Forces Nouvelles. This campaign, crudely implemented, involved the distortion of observer mission



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Mission co-leader Dr. John Stremlau is interviewed by Ivoirian press outside a polling center.

reports (including reference to a mission whose very existence was in doubt). The purpose was to prepare the population for the eventual decision of the Constitutional Council to invalidate the election results in the departments concerned.

CIVIL SOCIETY

The right to participate in public affairs is an obligation widely recognized in international law.¹⁰⁶ Through their activities, civil society organizations can influence and contribute to the running of public affairs.¹⁰⁷ Impartial and professional observation by civil society organizations contributes to promoting the transparency and integrity of electoral processes.

¹⁰⁵ Norwegian Helsinki Committee, "Election Observation" in *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, p. 15

¹⁰⁶ ICCPR, art. 25 (a)

¹⁰⁷ General Assembly of the United Nations, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, art. 8 (1)



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Numerous civil society organizations actively participated in the electoral process. They contributed to informing and raising public awareness at each stage of the process as well as through election observation and benefited from the active support of the international community through the United Nations Development Program (UNDP) and other international donors. However, their efforts in raising public awareness were hampered by delays in decision-making on the part of the CEI. Furthermore, there was a lack of coordination among the organizations themselves, the local commissions, and other actors in the field such as the prefectural body. In a context such as that of Côte d'Ivoire, implementing an effective awareness-raising and information campaign requires that the election management body plan and manage a strategy. The CEI did this on a very superficial level only and frequently gave the impression of offloading tasks of this nature rather than taking responsibility for them.

It should be emphasized that for the first time in Côte d'Ivoire, a group of national observers under the umbrella organization of the Convention de la Société Civile Ivoirienne (CSCI) took part in the long-term observation of the election process.

Within the election observation framework, the CEI awarded 7,302 individual accreditations. Of these, 6,424 were national observers.¹⁰⁸ It should

be emphasized that for the first time in Côte d'Ivoire, a group of national observers under the umbrella organization of the Convention de la Société Civile Ivoirienne (CSCI) took part in the long-term observation of the election process. CSCI deployed 250 long-term observers

to observe all the key stages of the electoral process, beginning with the identification and voter registration operation.

While the level of preparation among organizations varied considerably, the contribution to the process of the national observers was indisputable. From this perspective, it is regrettable that the CEI frequently showed its distrust of the national organizations, certain ones among them in particular. By delaying the accreditation process, the CEI made the organizations' tasks more difficult. This affected their capacity to conduct effective long-term observation.

Furthermore, it would have been appropriate for the CEI to implement mechanisms to inform the observer missions, systematically and without delay, of government and CEI decisions pertaining to the election process. In effect, conducting a responsible observation also requires good circulation of information, especially regarding the procedures and instructions to be applied. Similarly, the lack of an appropriately organized accreditation mechanism caused serious bottlenecks in the run-up to the election when a large number of international observers arrived.

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Women wait outside a polling station for their turn to vote.

¹⁰⁸ Among the civil society organizations that deployed medium- and short-term observers, the following figure prominently: COSOPCI, LIDHO, MIDH, OFACI, WANEP-CI and COFEMCI.



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Participation of Women

Women's organizations were actively involved in the election process, both individually and within the framework of networks and coalitions. They participated both in information and awareness-raising activities and in election observation. Coordination of the Women of Cote d'Ivoire for the Elections and Post-crisis Reconstruction (COFEMCI) also advocated for the introduction of a quota for a representation of at least 30 percent women in elected offices. However, this plea was not favorably received and did not generate political reactions.

THE APPEALS PROCESS

Appeals Relating to the Provisional Voters List

The existence of an effective remedy against decisions related to registration on the voters list is essential in order to guarantee the right to vote to those eligible.¹⁰⁹

Appeals relating to the provisional voters list were dealt with in the context of a situation not envisaged by the electoral law, as it resulted from the operational method used for the identification of the population and voter registration and was driven by logistical plans developed for population identification rather than voter registration. In addition to the standard appeals process explicitly covered by the electoral law,¹¹⁰ there was also an extraordinary appeals process resulting from the use of information technology to verify the nationality of registered petitioners. This related to the operation to cross-reference data gathered at the registration process, involving 6,384,253 potential voters, with the "historical files" of the Ivoirian administration.¹¹¹

The list that was subject to the appeals process was therefore published in three parts. At the outset, official terminology maintained the impression of "one single list" in order to conform to the legal notion of a single administrative document. Nevertheless, in practice, the documents differed according to their content.

1. The first was known as the "white list." It constituted the provisional list, properly speaking, and contained 5,300,586 potential voters who had successfully passed the electronic verification stages.¹¹² As such, this list was subject to the ordinary appeals process.
2. The second document, known as the "gray list," contained 1,033,985 petitioners whose nationality, and therefore voting status, could not be established during the electronic verification. They were, therefore, automatically excluded unless they were able to supply the required information to prove their right to appear in the final voters list. The appeals process for the gray list was, therefore, more of an appeals process over omission.
3. Finally, the third document concerned electronic rejections related to biometric data collected at registration.¹¹³ Overall, this was a minority category, dominated by biometric duplications and "orphan files," i.e., files for which biometric data were not available.

During observation of the appeals process, The Carter Center noted a clear lack of preparation, with instructions expressed in a way that lacked clarity or was too brief, and improvised training, which did not appear to have been implemented evenly and

109 ICCPR, art. 2 (3); African Charter, art. 7 (1) (a)

110 Art. 12, electoral law

111 The files in question are as follows: General Register of Population and Inhabitants 1998 (collected by the INS but generally considered incomplete); register of national identity green cards (containing some 3,000,000 names); register of residency permits issued between 1992 and 1999 (some 3,500,000 names registered); register of the Caisse Nationale de Prévoyance Sociale (private social welfare body); pensions register; public functions register; electoral registers of 2000, 1995, and 1990; register of naturalized citizens of government departments; register of naturalized citizens of the Ministry of Justice.

112 Cross-referencing was conducted in three successive phases. Phase 1: Cross-referencing directly and by family, completed Sept. 30, 2009; Phase 2: first extension of cross-referencing by family, completed Oct. 14, 2009; Phase 3: second extension of cross-referencing by family, completed Nov. 3, 2009.

113 Photos and fingerprints



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comprehensively across the local commissions. These problems were exacerbated by the ongoing lack of communication between the CEI and its local offices.

Consequently, shortcomings and inconsistencies were noted in the application of legal provisions governing the appeals process. This situation led to unequal treatment of citizens, in violation of the international obligations of Côte d'Ivoire and of the Ivoirian Constitution.¹¹⁴

A great number of the local commissions did not respect the regulations pertaining to the publication of the list of appeals stipulated by the electoral law, thus making it difficult for those filing appeals to find information on the progress of their case. Furthermore, certain local commissions refused to register appeals, requesting the removal of individuals whose registration had been contested on the basis of nationality. The rationale for their refusal was that the appeals were unfounded since they were based not on documentary evidence but on general knowledge. Nevertheless, this refusal was contrary to the regulations in force and contributed to a rise in tensions within the local commissions between representatives of the presidential camp and the opposition.¹¹⁵

Significant variations were initially observed in the understanding and interpretation of instructions for the processing of appeals relating to the gray list on the part of the local commissions. The differences in interpretation were gradually rectified during the process. Nevertheless, some discrepancies persisted, for example, in relation to the type of supporting documents that could be presented. Time-related constraints, together with the acknowledged fact that identity cards already had been issued before the appeals process began, led to a revision of objectives

and the abandoning of appeals relating to the rectification of factual errors. The members of the Permanent Consultative Framework gave political backing to this bending of the rules.¹¹⁶

A labor strike by election clerks, which paralyzed a number of courts during the first three weeks of the appeals process, is one of the factors that delayed the progress of the process. Monitoring by The Carter Center of a series of hearings in the district of Abidjan revealed lack of coordination between the CEI and the Ministry of Justice. With the initial absence of instructions from the ministry,

and the material inadequacy of the cases presented, magistrates were faced with the uncertainty of an appeals process that combined nationality and eligibility. As such, they frequently made decisions based on subjective factors.

Significant variations were initially observed in the understanding and interpretation of instructions for the processing of appeals relating to the gray list on the part of the local commissions.

In one case, in contravention of the regulations, the judge agreed to requests for the collective removal of individuals from the list and did so in the absence of documentary evidence.¹¹⁷

As the legal deadline for administering the appeals process approached, the limited results in terms of the number of appeals processed, together with political

114 ICCPR, art. 26. In its general comment no. 18, on the principle of nondiscrimination, the Human Rights Committee considers that art. 26 of the covenant does not merely repeat the guarantee already expressed in art. 2 (nondiscrimination for the rights recognized by the covenant) but in itself envisages an autonomous right. It forbids all discrimination in law or fact in all areas regulated or protected by public powers.

115 This would explain the filing of numerous complaints with the courts, especially in Abidjan, Divo, Daloa, and Man, without the cases in question having first been considered by local commissions.

116 Final press statement of the sixth meeting of the Permanent Consultative Framework, Dec. 3, 2009

117 In the case of the Court of First Instance in Divo, there were 1,200 requests for removals presented before the judge, who ruled on the removal of 600 persons.



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pressures, led the CEI to announce an extension of the deadline.¹¹⁸ Amid rising political tension over a possible further extension demanded by the presidential camp, the president of the CEI, Beugré Mambé, was accused by President Gbagbo of attempting to add 429,000 petitioners to the final list, without regard for the agreed procedures and without the agreement of the central commission. The petitioners in question appeared on the gray list. Their names had been added on the basis of a further electronic cross-referencing conducted without the participation of the official technical operators and in conditions of disputed accuracy.¹¹⁹

The crisis that arose on this occasion led to a recomposition of the CEI and the appointment of a new president, Youssouf Bakayoko. However, it also led to a four-month halt in the election process as well as successive amendments to the procedures for verifying the provisional list. From an institutional perspective, these amendments resulted in the national bodies responsible for identification—the National Identification Office and the National Commission on the Supervision of Identification—becoming formally associated with managing the provisional list appeals process.¹²⁰ Their involvement was legitimate given the relationship between identification and voter registration. However, it had originally been contested by the CEI at the start of the appeals process. As a result, the objectives of the appeals process were further limited since the reregistration of petitioners would be postponed until after the presidential election. This decision covered those petitioners whose biometric data could not be used and also the resolution of cases of duplication of data or documents. The people affected were thus excluded from the election process with no possibility of exercising their rights of redress before the election. Overall, the appeals process pertaining to contested cases on the gray list enabled the CEI to validate the registration of 504,156 people, only about half of the cases involved.¹²¹

In response to a demand from the presidential camp, which claimed that the provisional electoral

roll was “packed with fraudsters,” the so-called white list was also subjected to an additional verification process.¹²² This verification referred to the category of petitioners double-checked because of the ancestry of one of their parents. This involved verifying, firstly, the existence of the civil registration documents supplied by the petitioners when registering through cross-checking with the records of the civil registry. Secondly, the information written on those documents was checked against the information contained in the records of the civil registry. The verification process included an electronic component in the

118 The administrative phase of the appeals process, within the competence of the CEI, began on Nov. 26 and should therefore have ended on Dec. 26. This legal deadline was extended until Jan. 6, 2010, by a decision of the CEI. It effectively expired on Jan. 9.

119 See Appendices for Declaration of the Carter Center, Jan. 20, 2010: “The Carter Center calls for objective and transparent resolution of fraud allegation in Côte d’Ivoire election preparations.”

120 Operational method of Jan. 14, 2010: establishment of 70 “Follow-up Committees” at departmental level and in the district of Abidjan, comprising representatives of the CEI, CNSI, INS, ONI, and Sagem Security with observer status, responsible for examining and ratifying decisions agreed on by local commissions within the framework of the ordinary appeals process (white list) and extraordinary process (gray list) for the purpose of including them in the compilation of the final list. Handbook for processing appeals relating to the list of contentious cases (gray list) and decision making, adopted April 26 and ratified by a decision of the prime minister on April 30, 2010: establishing 415 “Appeals Committees” based in each local commission, comprising representatives of CEI, CNSI, ONI, and INS and an observer from Sagem Security. These committees were responsible for considering and ruling on all new requests for registration, the requests held over before local commissions following suspension of the appeals process in February 2010, and also for completion of the activities of the “Follow-up Committees.”

121 In the absence of consolidated statistics, this data is based on the partial statistical analysis of July 15, 2010, regarding the “new provisional voters list” as well as the partial statistical analysis of Sept. 9, 2010, of the definitive voters list (published by the Center for Operational Coordination under the aegis of the prime minister’s office).

122 Handbook for the verification of the provisional voters list, adopted June 14, 2010, under the aegis of the prime minister’s office. This handbook was compiled on the basis of the consensual principles accepted by the political actors, including notably: i) respect for the provisions of the OPA, which guarantee voter status to all petitioners whose data appear in the electoral register of 2000; ii) respect for the decisions of the Working Group on Identification, which guarantee voter status to all petitioners whose data appear independently on “Fusion ivoirien” (a register compiled for the purposes of cross-referencing with voter registration data). CNSI, ONI, CEI, INS, and Sagem Security were involved in the verification operation in the 79 departmental “Verification Committees,” 10 of which served the district of Abidjan.



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initial stage. Unsurprisingly, this produced some rather inconclusive results given the tiny proportion of files in the civil registry that have been digitized. Therefore, in the second stage, a “residual” file containing 846,578 petitioners had to be submitted for manual verification.

Conceptualizing and implementing this verification process took some four more months between May and August 2010. On its completion, 55,948 potential voters who appeared on the provisional list had been removed from the final voters list. Their cases were “adjourned” to enable further research to clarify their identities.¹²³ The Carter Center notes that this additional verification procedure had no basis whatsoever in the electoral law, any more than any other cross-referencing operation. In contravention of basic legal principles, and of the international obligations of Côte d'Ivoire, there was no possibility of filing an appeal before the election for people affected. Furthermore, they did not receive notification of the adjournment of their cases.¹²⁴

The Carter Center therefore considers that, overall, management of the appeals process was a largely ad hoc exercise influenced by considerations of balancing political interests. It was marked by a poorly managed ambiguity in the merging of identification and registration and suspended over an apparent legal void.¹²⁵ In total, approximately 600,000 people who, despite having been registered and having supplied the required documentation on registration, were not retained on the final list.

ELECTION-RELATED VIOLENCE

Security measures surrounding the electoral process derived from the OPA framework, and more specifically from the supplementary Agreement IV of Dec. 28, 2008. The negotiated framework could not be fully implemented due to a lack of financial means and political will. The Integrated Command Center (CCI), which combined members of the defense and security forces and the Forces Nouvelles Armées (FAFN), never managed to supply the 8,000 personnel agreed. The 5,000 members of the FAFN

selected to form the future New National Army were deployed in the four instruction centers envisaged for this purpose in the former rebel zone. However, with insufficient resources to support them at the centers, not all members remained. Some actions were taken for the disarmament, demobilization, and reintegration of former FAFN combatants and for the dismantling of militia groups, beginning with identification of their members. However, the process was not completed. In this context, the Ivoirian authorities appealed to the UNOCI and Licorne to contribute to securing the process.

The largely peaceful climate that had surrounded the operation for the identification of the population and voter registration became progressively more strained during the public display and verification of the provisional list. The development of a campaign on the part of the presidential camp to demand the removal from the list of those individuals whose registration had been contested on the basis of nationality, together with the refusal of certain local commissioners to record appeals of this kind, created tensions that were manifest in a few isolated incidents. This campaign also involved strong media coverage of several police investigations, some of which were conducted without regard to legal procedures.¹²⁶

123 More specifically, this involves: i) 25,473 petitioners for whom the transcriptions in the registers of the identity documents that they presented on registration were retrieved and judged inconsistent with the data supplied on the registration form; and ii) 30,517 petitioners from nonexistent registries.

124 ICCPR, art. 2 (3) (a); African Charter, art. 7 (1)

125 The Carter Center nevertheless recognized an improvement during the second phase of the appeals process for the new provisional voters list in July and August 2010. The handbook established for this phase was more detailed and gave clearer explanations of the procedures to be followed.

126 For example, in the subprefecture of Agou, the gendarmerie summoned several individuals without an inquiry being ordered by the public prosecutor's office. In Abidjan and in the region of Lagunes, arrests were made by the Operational Command Center (CECOS), a special unit, the leadership of which was believed to be close to the president. The official mandate of this unit was to combat organized crime. As such, it was somewhat removed from the offences that triggered its intervention in this case.



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The climate of tension increased when, in contravention of instructions issued by the Ministry of Justice, judges assented to requests for removals or reversed the burden of proof in cases of requests for removal from the voters list on nationality grounds.¹²⁷ At the beginning of February 2010, there were violent demonstrations blamed on activists and supporters of the RDR that targeted courts and administrative buildings.¹²⁸ The confrontations between demonstrators and elements of FDR caused dozens of injuries and led the prime minister to suspend the appeals process. As discussed above, the situation was further aggravated following the decision of President Gbagbo to dissolve the CEI and the government. Following calls from opposition leaders, activists and supporters of the RHDP chanting slogans hostile to President Gbagbo descended on the streets in various districts of Abidjan and elsewhere throughout the country to protest the double dissolution. Confrontations between demonstrators and security forces resulted in several deaths and injuries.¹²⁹

Resolution of the crisis caused by the dissolution of the CEI led to a new appeasement that lasted until the end of the first round.

ELECTION PREPARATIONS

Distribution of Voter Cards

Article 14 of the electoral law describes the procedures for distributing a voter card to each registered voter. The cards are individual and nontransferable, valid for all the post-crisis elections. The technical specificities and modalities of instituting the voter cards are established by decree of the Council

of Ministers, based on a proposal of the CEI.¹³⁰ Distribution of voter cards is to be completed eight days before polling at the latest.¹³¹ Article 16 states that voter cards that are not distributed are to be made available to voters in the polling stations on election day. However, article 35 of the electoral law also stipulates that on polling day, the identity of the voter is established by presentation of the voter card or identity card. Notwithstanding the voter card being optional, the procedures adopted

by the CEI required the voter cards to be stamped. Clearly, this would not be possible if voters did not possess the cards. While this does not appear to have caused any particular problems during voting, this inconsistency is an example of the lack of accuracy and the contradictions that characterized the definition of

voting procedures.

The joint distribution of voter cards and national identity cards was launched on Oct. 6, 2010. It continued until the eve of voting, with the CEI permitting the legal deadline for distribution to be waived.¹³² As in preceding phases, the operation was

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¹²⁷ Circular no. 319 of Dec. 14, 2009; administrative note no. 4 of Jan. 29, 2010. In law, the burden of proof falls on the person who filed the request for removal.

¹²⁸ Especially in Divo, Katiola, and Man

¹²⁹ At least five people were killed in Gagnoa, three in Daloa, and one in Abidjan.

¹³⁰ Decree no. 2008-244 of Sept. 4, 2008, establishing the technical specifications and modalities of instituting voter cards

¹³¹ The electoral law originally envisaged a deadline of two weeks, which was reduced to eight days by order no. 2009-269 of Aug. 25, 2009.

¹³² The most recent preliminary statistics available show, as on Oct. 21, 2010, a distribution rate of 41.44 percent for voting cards (83.66 percent for the district of Abidjan) and 58.9 percent for the national identity cards (80.54 percent for the district of Abidjan).



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A CEI poll worker confirms a voter's ID card before the voter signs the voters list.

marked by significant improvisation. Following a decision of the prime minister, distribution was initiated in certain collection centers in Abidjan without prior consultation with international partners responsible for logistics (UNOCI and UNOPS), which were obliged to adapt to the circumstances. In addition to the absence of adequate logistical preparation, there were problems associated with the inappropriate packaging of some batches of cards by the private service provider Sagem Security and a lack of properly planned procedures for distribution. Consequently, launching the operation appeared chaotic. It was gradually resolved with ad hoc solutions being created as problems were encountered. While these shortcomings in the planning created problems, in contrast to the situations observed in previous phases, those problems did not cause significant delays.

Creation of Polling Stations

Article 21 of the electoral law stipulates the creation of polling stations “in each commune, administrative district, in certain diplomatic or consular

representations, and each electoral sector, district, village, or settlement.” It was originally envisaged that there would be a maximum of 600 voters per polling station, a number subsequently reduced to 400 (a rather low threshold in comparison with international practices).¹³³ The electoral law also indicates that “selection of polling sites and stations, as well as their number, are established by decree issued by the Council of Ministers based on proposals issued by the Independent Electoral Commission.”

The final list of polling stations was closed on Sept. 18, 2010. It listed 20,073 polling stations distributed among 10,179 polling sites in Côte d'Ivoire and

abroad. In principle, the electoral law prohibits the use of private homes as polling stations. Therefore, in some cases, alternative locations in the form of temporary shelters were established. These were under the supervision of the corps préfectoral with the financial support of UNOCI. However, the electoral law does allow for the possibility of using private spaces as polling stations when requisitioned and managed for that purpose. The final number of some 3,000 temporary shelters funded by UNOCI appears to have been the result of an initial overestimation.

Selection and Training of Polling Station Staff

Article 35 of the electoral law stipulates that “each polling station comprises a president, two secretaries, and two representatives of each candidate or list of candidates. The staff of polling stations must be

¹³³ Given the movements of voters noted during the registration operation, it was inevitable that some collection centers would register a low number of petitioners. The CEI established its limit at 50, below which the center would be merged with a neighboring center to form a combined polling site.



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registered on the voters list of the electoral district. The president and secretaries are appointed by the Independent Electoral Commission.” Article 35 specifies that it is the responsibility of the CEI to propose the decree, to be signed by the Council of Ministers, to establish the conditions for selecting polling station staff.

The level at which the selection and appointment of the president and secretaries occur is not specified by the electoral law. In practice, the CEI decided to ask the corps préfectoral to prepare lists of potential candidates, chosen from civil servants and public service workers. Officials and deputies were selected from among these. Some amendments were made to these lists during the second round. This led to criticisms from the presidential camp, which felt that some of these replacements were the result of political

considerations. According to the CEI, they were due to the poor performance of some agents selected in the first round or to resignations. Nevertheless, this controversy did not last and was not the subject of specific complaints.

The CEI had initially developed a sophisticated cascade-training model, but this could not be implemented owing to delays in appointing polling station staff. The training given to polling station staff and local commissioners prior to the first round was placed under the responsibility of the supervisory commissioners. Consequently, it was developed in an improvised manner on the basis of a Handbook for Organizing Post-crisis Elections. This handbook was produced by the CEI, apparently without external consultation. It contained significant omissions and was limited to the voting and counting operations.



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CEI poll workers wait for voters to enter their polling station.



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There were no indications of procedures for completing tally sheets and other administrative documentation; for packaging, transfer, and receipt of materials; or regarding procedures for the transmission of results.

The Carter Center observers were not able to conduct a systematic monitoring of the different stages of this training. However, the weaknesses in the training were clearly apparent after the first round when a significant percentage of tally sheets were found by the CEI to be problematic, partially completed, incorrect, or difficult to use.¹³⁴ New, supplementary instructions were then created together with training supports covering the principal gaps that had been noted. Carter Center observation of the training prior to the second round clearly showed that the CEI had taken actions to improve the quality of the election documentation.

Ballot Papers and Election Documents

Article 22 of the electoral law stipulates that “the technical specifications, together with the number of posters and ballot papers, are decided by decree of the Council of Ministers based on proposals of the Independent Electoral Commission.” Article 23 further specifies that “the National Print Office of Côte d’Ivoire is responsible for the election documents under the authority of the CEI.”

The CEI and the National Print Office are, therefore, responsible for choosing other printers to produce election documentation with the CEI maintaining control and authority. The conditions for



Female CEI poll workers wait for a training session to begin.

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creating the list of printers are established by decree of the Council of Ministers based on proposals of the CEI.

Decisions regarding the production of ballot papers are not therefore the preserve of the CEI alone. The latter must give consideration to the National Print Office, which, if it is unable to meet the specifications and conditions required by the CEI and the government, should be involved in the selection of printers commissioned to carry out the work. The production of ballot papers and other printed election materials

¹³⁴ In addition to the perfunctory training given prior to the first round, the design of the tally sheets was problematic. In the event, the design was rather complicated, and in the absence of any specific training, it was inevitable that some polling officials would find the form difficult to complete properly. Some improvements were made during the second round. Nevertheless, it should be stressed that there were certain gaps including, notably, no reference to the serial numbers of the seals used by polling stations, an omission that in practice renders the security provided by these seals pointless.



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was distributed among the National Print Office and 14 private companies. According to the assessments conducted at the central warehouse, the quality of delivery was less than satisfactory. The high level of support from UNOCI and UNOPS was decisive in guaranteeing transportation within the required deadlines and appropriate conditions of security and reliability. Considering the difficulties encountered, it should be stressed that few routing errors were observed. This is to the credit of the managers of the warehouses.

Owing to the legal deadlines, especially for holding the second round, the deadlines for production were tight.¹³⁵ As discussed in this report, the question of production and distribution deadlines led the CEI to ask the government to bypass the constitutional regulations and postpone the second round until a week after the date on which, in principle, it should have taken place.

Election Logistics

The international community assumed responsibility for the funding and implementation of election logistical operations. To this end, an operational working

division was established between UNOCI and UNOPS. In general terms, it fell to UNOCI to ensure the delivery of material to the regions while UNOPS ensured the transportation to polling sites. The same system applied for the return of material. It was clear that the delayed establishment of an operational plan,

together with some inaccuracies in the initial assessment of vehicle requirements, hindered the effective conduct of the first round operations, especially regarding the return of material after voting.

The analyses conducted between the two rounds led to some readjustments both at the level of

practical needs and in relation to demarcating areas of responsibility and the involvement of the local commissions in the delivery and collection plan. The funding organizations mobilized a supplementary budget to enable the local commissions to take direct responsibility for renting vehicles. It appeared that these measures effectively remedied the weaknesses of the first round. During the second round, the collection of material was able to take place with much greater efficiency.

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¹³⁵ Should a second round be required, in principle it is held three or four weeks after the first round. Where it takes place after three weeks, 14 days separate the two elections (if this announcement occurs on the Friday following the first round).



VOTING

The voting process represents the cornerstone of the obligation to guarantee the free expression of the will of the electorate through regular, genuine, democratic elections. The exercise of certain rights must be guaranteed so that the voting process can truly represent the will of the people. These include the right to vote, the right to participate in public affairs, and the right of every individual to personal safety.¹³⁶ The state must take all necessary measures to ensure that these rights are protected and guaranteed to all citizens without discrimination.¹³⁷

The date of polling, which must take place on a Sunday, as well as the opening and closing times are established by decree of the Council of Ministers based on proposal of the CEI (polling station hours were 7 a.m. to 5 p.m.)¹³⁸ Voting must take place in person with voting by post, by derogation, or by proxy forbidden. Only registered voters whose names appear on the voters list may be allowed to cast a ballot. There is no specific indication that this refers to the section of the voters list corresponding to the polling station. However, the description of the procedure in article 37 of the election code presupposes that it does so. Strictly speaking, voting procedures are the subject of article 36 and article 37 of the electoral law. These articles establish the basic procedures, which are further clarified by the CEI as part of its instructions to polling station staff.



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A CEI worker checks a voters list using an inked finger, an indicator that this person may have already voted.

The option of early voting for members of the FDS was initially considered by the CEI but was dropped on account of the very limited time available to organize such an operation and the practical difficulties that such a decision would cause. Nevertheless, using powers accorded to the CEI under article 35 and article 38, it was possible to introduce the special

¹³⁶ ICCPR, art. 25 (a) and (b) and 9 (1)

¹³⁷ ICCPR, art. 2 (2)

¹³⁸ Decree no. 2010-207 of Aug. 5, 2010, pertaining to summoning the electoral college of the Republic of Côte d'Ivoire for the purpose of electing the president of the republic



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Carter Center observer Aaron Collett checks the security of a ballot box. A properly sealed ballot box helps maintain the integrity of the vote by preventing ballot tampering.

procedure of an additional list for specific categories of voters on official duty (e.g., security forces, election workers) on election day.¹³⁹ The CEI effectively formalized this procedure with a circular published on Nov. 17 (between the two rounds) that established a list of people eligible to benefit from this procedure, including election workers and security forces.

OPENING

The official opening of polling stations at 7 a.m. was subject to delays as long as two hours in some of the cases observed during the first round. These delays were largely due to the late arrival of election material, transported by UNOPS, or to the slow preparation of the election material on the part of polling staff.

VOTING OPERATIONS AND CLOSURE

Respect for the voting procedures was positively assessed by The Carter Center in the vast majority of cases observed during the first round. This was despite the very late and superficial training given to polling station staff.¹⁴⁰ Nevertheless, weaknesses were apparent at three main levels: Ballot boxes were incorrectly sealed, election officials failed to check voters for traces of indelible ink on their fingers before they voted, and election officials failed to ink voters' fingers on their exit from the polling station.

Carter Center observers found the training for polling station staff prior to the second round to be more practical and interactive than for the first round. However, this was not enough to guarantee that voting procedures were

effectively applied. Center observers noted several weaknesses. Notable among these, in nearly half of the polling stations observed, election officials failed to check for traces of ink on voters' hands. Shortcomings were also observed in approximately 10 percent of polling stations visited regarding ticking off the voters list and the inking of voters' index fingers. In a quarter of the polling stations in which personnel on duty were observed casting their votes, the original copies of their mission orders were not retained despite the special procedure requiring this.

¹³⁹ Art. 35, electoral law: "The organization and functioning of polling stations are determined by decree issued in the Council of Ministers, based on proposals of the Independent Electoral Commission."

¹⁴⁰ Generally less than 48 hours before the start of voting, on the basis of a shared reading of the handbook adopted by the CEI



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Carter Center observers noted a level of tension and visible cases of intimidation in more than 5 percent of polling stations visited during the runoff.¹⁴¹ This figure, in comparison with the Oct. 31 vote, signaled the deterioration in the political climate between the two rounds. Furthermore, the attitude of the candidates' representatives in polling stations and the use of a copy of the voters list by LMP representatives provoked tensions in places.¹⁴²

Voting operations closed at the stipulated time of 5 p.m. in the majority of the polling stations observed during the first round. Nevertheless, in the majority of cases, the counting process began late due to delays in the reorganization of polling stations. Closure of voting operations took place at 5 p.m. in all the polling stations observed during the second round.¹⁴³ The preparations for counting were conducted more rapidly than during the first round.

SECURITY

According to the OPA, security for the election should have been provided by the Integrated Command Center (CCI). As the latter had not received the necessary human and material resources, the other forces present contributed to providing security. These included the FDS, the FAFN, and UNOCI and Licorne. No security incidents were observed or reported to Carter Center observers during the first round.

During the second round, security measures were more visible than in the first.¹⁴⁴

The observers were informed of cases of obstruction and attempted obstruction of voting, some of which could be verified, largely in the west of the country.¹⁴⁵ The most serious incidents, after polling stations closed, were violent confrontations between supporters of the RHDP and LMP.

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Mission co-leaders John Kufuor and Dr. John Stremmlau speak with Ivoirians outside a polling center.

¹⁴¹ Among the cases of intimidation noted by the observers was the intrusive presence at the entrance of polling stations of village chiefs or their representatives, for instance in the subprefecture of Sassandra (EPP Beyo, EPP Bolo V3) and in the commune of Adjamé (EPP Harris).

¹⁴² The observers noted the presence of LMP representatives seated among polling station staff. The LMP representatives annotated the names of voters, in some cases inside the polling station, in other cases outside. In one case, the observers noted that the voters whose names were annotated received money. The use of the list by LMP representatives roused serious tensions in certain polling sites, especially in the commune of Bouaké (Collège Renaissance, Groupe scolaire Hôpital, Collège Moderne N'Takpe, EPP Attienkro) and also in the commune of Adjame (EPV la Sorbonne).

¹⁴³ One case of a polling station closing earlier was mentioned by the observers in the subprefecture of Brobo.

¹⁴⁴ The observer teams that covered the departments of Boundiali, Korhogo, and Ferkessedougou commented that security was generally provided jointly by FDS and FAFN personnel. It was also clear that, contrary to certain rumors, the FDS personnel were generally armed with Kalashnikovs while the FAFN personnel were largely unarmed.

¹⁴⁵ Especially in the departments of Divo (Gnehiri, Didoko), of Lakota (Zikisso) and Gagnoa



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A CEI worker shows a counted ballot to party representatives during the counting of the first round of the presidential elections.

ACCESS TO OBSERVERS AND TO CANDIDATES' REPRESENTATIVES

During the first round, the presence of national observers was noted in a quarter of the polling stations visited by Carter Center observers. Representatives of the main candidates were present in all the polling stations visited. They were able to verify polling and counting without any difficulties.

The presence of national observers was noted in 30 percent of the polling stations visited during the second round. Representatives of both candidates were present in almost all the polling stations visited

by Carter Center observers. This would seem to undermine the allegations by the senior staff of the two presidential candidates that their representatives were prevented from entering many polling stations.

With the exception of one single polling station visited, no complaints or comments were recorded. Clearly, this could reflect instances of subtle irregularities in the second round. However, it could also be a sign of a relatively low level of training among candidates' representatives who either did not know that the possibility of filing a complaint was available to them or else did not identify procedural irregularities.



POSTELECTION DEVELOPMENTS

COUNTING, TRANSMISSION, AND TABULATION OF RESULTS

Vote counting and the transmission and tabulation of results are highly sensitive operations in which transparency is essential in order to guarantee the integrity of the election process. The security of the ballot boxes must be guaranteed, and vote counting must take place in the presence of candidates or their agents.¹⁴⁶

Vote Counting

During the first round, determining whether ballot papers were valid or invalid was the subject of long and frequent discussion among polling staff and candidates' representatives. This illustrated a lack of awareness of the criteria for judging and, consequently, differing interpretations. Compiling the different tally sheets frequently proved a laborious process for polling station workers.

In comparison with the first round, the Carter Center observers noted greater efficiency and better knowledge of vote counting procedures and tally sheet compilation during the second round. This is likely at least partially due to the more focused training given to polling station staff, together with the availability of reference materials produced with the support of UNDP between the two rounds.

Conversely, compliance with the instruction from the CEI to display the results of counting outside polling stations was very uneven.¹⁴⁷ Unfortunately, it



Polling station workers count by lamplight.

Emily Jacquard

is clear that culpability for this lies with the CEI due to its own inconsistency on the question during the two rounds of voting. The instruction was initially included in its handbook, but the CEI removed it just before the first round, only to reinstitute it in advance of the second round at the insistence of the election observers and funding organizations. The Carter Center recommends to the CEI that results be clearly displayed outside polling stations in order to strengthen public and stakeholder confidence and to guarantee the right of access to information.¹⁴⁸

¹⁴⁶ U.N. Human Rights Committee, General Comment no. 25, par. 20

¹⁴⁷ Scarcely half of the polling stations at which Carter Center observers were present complied with this instruction.

¹⁴⁸ ICCPR, art. 19 (2); United Nations Human Rights Committee, General Comment no. 34, par. 19



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Transmission and Tabulation of Results

The modalities for tabulating results, in the case of the presidential election, are set out in articles 58 and 59 of the electoral law. The first stage in the tabulation of results is conducted at the “administrative district” level. This is not explicitly defined by the electoral law. The handbook for the post-crisis elections created by the CEI retained the subprefectural or commune level as the first level in the centralization of results.

The electoral law stipulated the completion of four copies of the tally sheet at polling station level: one for the Constitutional Council, one for the U.N. SRSG, and one for the special representative of the facilitator. The purpose of the fourth copy was not specifically established; however, it was understood to be reserved for the local commission in the first stage of tabulation. The copy destined for the archives at central CEI level, as envisaged in article 59 of the electoral law, appeared to have been overlooked when

the law was drafted. Accordingly, the CEI stipulated an extra copy for its own use, bringing the number of copies to be produced to five. To these were added the copies for the candidates’ representatives.

The electoral law is silent on the question of practical modalities for the tabulation and transmission of results. On this point, the CEI proved startlingly reticent. It appears that during the first round there were no established procedures

in writing. Although this omission was rectified between the two rounds, the CEI nevertheless failed to disseminate the procedure effectively.

The ambiguities of the electoral law also affected the deadlines for the transmission and announcement of the provisional results. There was a certain lack of clarity in the definition of these deadlines in that reference is made to the obligation for the CEI to send copies of the polling station tally sheets to the Constitutional Council, the U.N. SRSG, and the special representative of the facilitator within three

The electoral law is silent on the question of practical modalities for the tabulation and transmission of results. On this point, the CEI proved startlingly reticent.



Deborah Hakes

Officials at the local commission level tabulate polling center results.



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days following the close of voting. However, there is no explicit reference to the announcement of the provisional results.

First Round

The failure of the CEI to provide information regarding modalities of tabulation and transmission of results proved even more problematic given the inherent sensitivity of the subject. Furthermore, the matter was surrounded by a climate of controversy arising from the revelation, a few days before the first round, of the introduction of a new actor to be involved in the tabulation procedures. The latter was immediately rejected by some members of the CEI and by the opposition.

In fact, two weeks before the election, a dispute arose within the CEI when it became known that the CEI president had approved an agreement with the IT company SILS Technology, a subsidiary of the National Office for Technical Studies and Development (BNETD), for the transmission of the election results. The director general of the BNETD was a member of the FPI. On Oct. 21, following an extraordinary session of the central commission, the CEI decided to cancel the agreement with SILS Technology and to limit itself to a so-called manual count.

This decision was rejected by the presidential camp. The prime minister then took charge of the matter. He recommended establishing a committee of independent experts comprising technicians from the prime minister's office, the CEI, the facilitator's office, the Swiss-registered IT company CRYPTO AG, and also observers from UNOCI. In cooperation with SILS Technology, this committee of experts was required to produce "in total transparency, the secure transmission of the results of the presidential election" and thus to guarantee the integrity of the results. The operation meant resurrecting the contract, under threat from the negative vote of the commissioners, with SILS Technology. In practice, however, it resulted in the paradoxical situation of a contract signed with a commercial company for the

implementation of a procedure that had not been approved by the CEI.

In the event, it appears that SILS Technology did not deploy its technical solution. This would have required placing an agent in each local commission who would be responsible for entering the results in a secure website and transferring scanned copies of the tally sheets. This solution depended on the implementation of a B-Gan network (satellite-based Internet) and the use of USB drives. SILS Technology tabulation was conducted largely on the basis of the hard copy tally sheets sent to the CEI. Furthermore, this was after the announcement of the provisional results.

The transportation of ballot boxes and election materials to local commissions suffered from poor logistical organization. As a consequence, there were considerable delays at the first level of tabulation of results. The lack of organization in the reception of election material on the part of local commissions also hindered the smooth running of operations and created delays in communicating the results from the local commission level.

There was a particular problem in relation to the votes of personnel on duty. The CEI had not established sufficiently detailed procedures relating to the tabulation of results by local commissions during the first round. Consequently, the calculation of these votes was, in numerous cases, based on the official number of registered voters, resulting in discrepancies with the figures appearing on the final list. In the absence of a published breakdown of results by polling station, it was impossible to assess this situation. The Carter Center is, therefore, limited to noting these discrepancies but believes that their number is minimal.

The Carter Center observers were authorized to monitor the tabulation of results at all levels of local commissions with one exception.¹⁴⁹ The presence of candidates' representatives was noted at each level of aggregation.

¹⁴⁹ Departmental CEI of Yamoussoukro



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Second Round

The CEI was very late in communicating the information that a specific transmission procedure had finally been agreed upon on Nov. 13. The Carter Center did not receive the reference document until Nov. 25, and even then, only indirectly. When the central election commissioners were contacted, they said that no text was available yet. The document covered the mechanism for transmitting results after manual tabulation.

Additionally, further information indicated the involvement of SILS Technology, discreetly supported by Sagem Security, in two more parallel ways: a method of transmission using SMS texting of results by polling station based on data gathered at the level of 7,000 polling sites, combined with a method of electronic transmission of tally sheets from local commission level, which would then be entered in a central database. Implementation of these technical solutions again remained uncertain up until polling day, as did their place in the general organizational scheme. On examination, it is clear that as with the first round, the envisaged solution did not reach an adequate operational standard. This was especially due to the reluctance on the part of local commissioners and to the fact that the contribution of SILS Technology was largely limited to data processing after the event.

Public information about the procedures to be implemented therefore remained partial, sporadic, and insufficient to enable a good understanding of this key aspect of the election operations. The anticipated technical tools were not implemented effectively and provide another example of additional costs incurred by the methods of CEI decision-making.

The transportation of results and election materials was generally swifter and more efficient than it had been during the first round. This was thanks to the extra support given to the CEI by the international partners. Nevertheless, there were reports of cases of obstruction in the transfer of results, destruction of election materials, and misappropriation of ballot boxes in the west and center west of the country.¹⁵⁰

While Center observers did not personally witness these incidents, the mission was able to confirm them with corroborating sources.

Carter Center observers noted an improvement in the management of results by the majority of local commissions. This generally contributed to a greater speed in the overall counting process. Nevertheless, in the areas affected by the incidents cited above, tabulation of results took place in a very tense atmosphere.¹⁵¹ Where the ballot boxes of particular polling stations did not reach the local commission, the opportunity to take into account the tally sheets issued by those polling stations provoked spirited debates among commissioners of opposing political sides. Furthermore, in certain districts of Abidjan, tension was palpable as the results were being compiled.¹⁵²

The presence of candidates' representatives was observed at every level of the tabulation of results. In one case, the representatives left the premises before the operation was completed.¹⁵³ It should be noted that the implementation of a curfew, a decision of President Gbagbo, led numerous local commissions to suspend their activities and postpone their tasks until the next morning.

RESULTS

First Round

The provisional results of the election of Oct. 31 were announced by the president of the CEI on the night of Nov. 3–4. The results put outgoing President Laurent Gbagbo in first place with 1,738,889 votes, ahead of former Prime Minister Alassane Ouattara with 1,473,970 votes. Former President Henri Konan Bedié was in third place with 1,142,814 votes. The

150 Especially in the departments of Soubré, Guiglo, Duékoué, Gagnoa, Oumé, and Daloa

151 The observers indicated problems and tensions in the process of tabulating results at the CEI subprefectural level in Daloa and at the CEI departmental level in Duékoué, Gagnoa, and Lakota.

152 Especially in Yopougon, at CEI departmental level

153 This occurred at the departmental CEI of Ferkessedougou.



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other 11 candidates had received a total of 213,573 votes. The first round of the presidential election was marked by a strong voter turnout of 84 percent.

The results demonstrated a strong continuity in the regional distribution of votes. President Gbagbo, benefiting from his position, managed to extend the traditional support base of his party, the FPI, by making inroads into the section of the electorate that had abandoned Bedié's PDCI, small ethnic groups, and the UDPCI. He achieved a significant result in the strongholds of the latter party with its associations with the Dan people. Nevertheless, the three main candidates largely retained the traditional supporters of their own parties. The very poor results of the other candidates further demonstrated the domination of the three big political movements.

The second round set President Gbagbo against the RDR candidate Alassane Ouattara. The outcome of the election depended on two factors: firstly, the capacity of the two candidates to appeal to PDCI voters, largely concentrated among the Baule community; and secondly, the ability of the PDCI to ensure that the instruction to transfer the votes to candidate Ouattara were followed in line with the agreement binding them within the RHDP.

Second Round

The first projections, during the day of Nov. 29, showed a level of participation that remained high throughout the country, especially in the center. This led to the idea that the election could result in a victory for the candidate supported by the RHDP. As of Nov. 30, the representatives of the presidential camp on the CEI adopted tactics to obstruct the announcement of the provisional results. They demanded consideration of the appeals filed by the LMP despite the fact that the electoral law does not afford the CEI any powers in this respect.¹⁵⁴

The obstruction by the election commissioners of the presidential camp culminated with an incident on the evening of Nov. 30. Two commissioners representing the Ministry of the Interior and the Magistracy blatantly prevented the televised live announcement by the CEI spokesman of the first series of regional results. This incident was ascribed to an "increase in security" for the CEI by a detachment of the presidential guard.¹⁵⁵ It was the beginning of a systematic endeavor to denigrate the conduct of the

election in the north of the country by the RTI. As such, it demonstrated a hardening of the presidential camp. It also confirmed a scenario discussed during contacts between members of the Constitutional Council and international observers prior to the second round. According to this scenario, in the absence of

an announcement by the CEI, the Constitutional Council would announce Gbagbo's victory on the basis of results "adapted" to the desired outcome. The uncertainty was not lifted until Dec. 2 when the president of the CEI, who had not commented on events unfolding in the CEI, appeared at a surprise press conference at the Golf Hotel in Abidjan (rather

The results demonstrated a strong continuity in the regional distribution of votes.

¹⁵⁴ Electoral practices generally allow election management bodies to engage in correcting material errors, excluding adjusting results based on findings of other forms of irregularity if no explicit provision exists on this matter. However, in Côte d'Ivoire, the ability to correct material errors was reserved for the central CEI through the agency of its supervisory commissioners. Local commissions were excluded from this and could not act on their own authority. In any case, as consideration of appeals was the exclusive competence of the Constitutional Council, which could not ignore representatives of the presidential camp, it seemed clear that the attitude of commissioners favorable to Gbagbo could not but be affected by ulterior motives linked to the expiry of the implicit deadline of three days for the announcement of the provisional results. From this perspective, the commissioners involved were able to cite the partial annulment of the election in France, determined by the CEI on Nov. 3, in conditions that were effectively open to discussion from the perspective of legal competence.

¹⁵⁵ At the time of the deployment of Republican Guard forces, the journalists and election observers present were ordered to leave the premises.



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than CEI headquarters)¹⁵⁶ with UNOCI protection. The CEI president announced the provisional results establishing victory for Alassane Ouattara with 2,483,164 votes against 2,107,055 votes for Laurent Gbagbo (a victory margin of 376,109 votes). The participation of Ivoirians remained high in the second round with an official voter turnout rate of 81.12 percent, remarkable in light of the deterioration in the campaign climate.

The election result was contested by the presidential camp. Subsequently, the Constitutional Council decided to overturn the results in favor of the outgoing president on the basis of the complaints from the presidential camp regarding the integrity of the conduct of the election in the north of the country. Given these events, The Carter Center studied the content of the published provisional CEI results and concluded that Ouattara's margin of victory was not attributable to massive fraud.¹⁵⁷

The margin between the two candidates is largely explained by the shift of voter support in favor of Ouattara across the regions including, and especially, in the government-held area and in Abidjan in particular. It is true that in the case of the regions of Denguélé, Bafing, Worodougou, and Savanes, Ouattara exceeded the total votes received by the RHDP during the first round. The difference is not so large that the results of the two candidates are close enough to give rise to any doubt.

The increased rates of participation, together with the decrease, albeit marginal, in the number of votes for President Gbagbo, might justify certain suspicions. In Denguélé in particular, an overall rate of participation in excess of 90 percent suggests improbable levels of participation in certain polling stations. However, this hypothesis cannot be verified in the absence of published results broken down by polling station.

Nevertheless, these results are in line with a historic tendency of RDR hegemony in those regions and very weak representation of the FPI. Furthermore, this should be weighed against similar findings in the other regions of the country. Indeed, certain Gbagbo strongholds also registered rates of participation in excess of 90 percent. These included the depart-

ment of Toulepleu in the Moyen-Cavally, the department of Agneby, and the department of Bangolo in the Dix-Huit Montagnes. These rates gave rise to the same initial comments on the possibility of polling stations producing results of questionable credibility. Furthermore, it is possible to ascribe the

fall in participation rates in the regions of Haut and Basassandra to pressures exerted on the populations favorable to the opposition by the presidential camp between the two rounds.

The Carter Center therefore concludes that the results announced by the CEI, while not entirely free of irregularities, nevertheless appear to be credible and are consistent with a believable political dynamic. Above all, it appears that Ouattara's victory was largely decided by the vote in the south of the country and not, as the presidential camp alleged, in the departments of the north where Ouattara enjoys an indisputable historic hegemony.

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¹⁵⁶ The choice of location was criticized, especially by the presidential camp, which presented the Golf Hotel as the headquarters of candidate Ouattara. In reality, if candidate Ouattara had been at the Golf Hotel since the evening of Nov. 28, as Henri Konan Bédié had, the reason for it was related to security and the swift and obvious deterioration of the postelection climate. The Golf Hotel is, in effect, the FN "headquarters" in Abidjan and, in fact, the residence of the prime minister. As such, the premises are protected by UNOCI, which took charge of transferring CEI President Bakayoko to that place after having rejected the possibility of an announcement at mission headquarters.

¹⁵⁷ See Appendices for a table comparing the results of the first and second round.



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THE APPEALS PROCESS

The Ivoirian legal framework provides an appeals mechanism for the presidential election results. Candidates who believe that they have been unfairly treated can thus claim their right to be elected. This is in line with the international obligations of Côte d'Ivoire.¹⁵⁸

Article 94 of the constitution stipulates that it is the Constitutional Council that rules on objections pertaining to the election of the president of the republic and that announces the final results of presidential elections.¹⁵⁹ The Constitutional Council, in its role as election judge, considers the appeals that are addressed to it by the candidates. These appeals are to be accompanied by documents that support the candidates' claims regarding the voting and counting process and have to be submitted within three days after the close of polls. The council delivers a ruling within seven days. In contrast with its powers to oversee the integrity of the framework of referendum operations, in the context of the presidential election, the council is limited to ensuring the integrity of polling.¹⁶⁰

Article 64 further establishes the principle of useful or substantial effect in the electoral law. This means that the Constitutional Council must assess the actual impact of any irregularities uncovered in the overall result. If the council judged that such irregularities did affect the overall result, its only option, according to article 64, would be to annul the election. The organic law that governs the organization and functioning of the council refers explicitly to the provisions of the electoral law for matters pertaining to the presidential election.

Appeals Filed Following the First Round

The efficacy of the mechanism for processing electoral appeals is undermined by the existence of legal provisions concerning the calculation of deadlines for filing complaints. In contrast to the vast majority of electoral laws in countries with a similar legal tradition, the Ivoirian electoral law contains an unfortunately

worded provision that led the Constitutional Council to reduce significantly the time available for filing an effective appeal.

On Nov. 6, 2010, presidential candidate Henri Konan Bédié addressed a written claim to the president of the Constitutional Council for the purpose of appealing the first round of the presidential election. The council ruled that the complaint was inadmissible because the three-day deadline to submit a complaint had expired.¹⁶¹ The council's ruling was premised on the decree that set the close of voting as 5 p.m. on election day. As a result, the process of filing appeals is rather challenging, exacerbated by the fact that the CEI has concurrent three days within which to announce the provisional results.

The situation thus created is all the more pernicious because the electoral law contains numerous indications that election operations cannot be understood as being limited to the act of voting and the counting of the votes. Given this difficulty, it would have been useful for the council to have undertaken a more constructive cross-referencing of texts in order to establish more reasonable deadlines. It is surprising that the council's interpretation of article 60 requires candidates to be as swift as, if not swifter than, the CEI in collecting and tabulating the results of counting in the polling stations. As there were no admissible appeals, on Nov. 6, the council announced the definitive results of the first round, which confirmed the provisional results of the CEI.

¹⁵⁸ ICCPR, art. 2 (3)

¹⁵⁹ The Constitutional Council comprises: one president nominated by the president of the republic for a nonrenewable term of six years, from among people known for their competence in legal or administrative affairs; six councilors, of whom three are nominated by the president of the republic and three by the president of the National Assembly for a nonrenewable term of six years from among people known for their competence in legal or administrative affairs; former presidents of the republic, unless they express a wish not to. Half of the members of the Constitutional Council are changed every three years.

¹⁶⁰ Art. 64, electoral law

¹⁶¹ Decision no. CI-2010-EP-33/08-11/CC/SG of Nov. 8, 2010



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Appeals Filed Following the Second Round

On Dec. 1, Laurent Gbagbo presented five appeals to the president of the Constitutional Council calling for the second round of voting to be declared void in eight departments owing to serious irregularities that would have undermined the integrity of the election.¹⁶² The council declared the appeals admissible and in part legitimate.¹⁶³ It then declared the results of the election void in “seven departments” and proclaimed Gbagbo the re-elected president with 51.45 percent of the vote.¹⁶⁴ The council based its decision on the fact that “the electoral operations that were conducted in these different areas were harmed by blatant irregularities capable of harming the integrity of the election and affecting the results in the polling stations where they were noted.”

The decision of the Constitutional Council, while predictable given its political configuration, in legal terms was extraordinary for several reasons. First, the council openly ignored the provisions of the electoral law by partially annulling the election results.

Second, in essence the consideration given to the appeals filed by the presidential camp demonstrates the anecdotal nature of those complaints. According to judicial logic, the Constitutional Council should have considered those appeals to be without sufficient foundation. However, it did the opposite and upheld the substance of the argument advanced by the LMP. Then, on the basis of a few reported incidents, the court annulled the results in entire departments.

The openly political nature of the council decision was further confirmed by the speed with which it was delivered. This was clearly insufficient to conduct anything other than a cursory consideration of the tally sheets available. Furthermore, it is strange that the decision of the Constitutional Council was based

on “seven departments,” given that according to the breakdown of figures from the CEI, the annulment covered 13 departments. It seems that a detail escaped the notice of the Constitutional Council: specifically, that the “departments” included in the tabulation of results by the CEI corresponded to the 70 “coordination centers” established by Sagem Security. Thus, for example, when the Constitutional Council said that it was annulling the results for the “department” of Séguela as they appeared in the provisional figures of the CEI, in reality it was annulling the results of the departments of Séguela and Kani.

It should be noted that the absence of Gbagbo representatives from polling stations in the north of the country was not in itself relevant, as the presence

of candidate representatives did not constitute a legal requirement for the establishment of a polling station. This absence was one of the points made by the LMP as part of its argument, a point undermined by the international and national observation missions, which noted the joint presence of representa-

tives of both candidates in the vast majority of polling stations observed.¹⁶⁵

The absence of any serious basis for the council’s decision was subsequently confirmed again by the publication of reports sent by the prefects of the regions concerned to the minister of the interior on

The openly political nature of the council decision was further confirmed by the speed with which it was delivered. This was clearly insufficient to conduct anything other than a cursory consideration of the tally sheets available.

162 Bouaké, Korhogo, Boundiali, Dabakala, Ferkessedougou, Katiola, Beoumi, Sakassou

163 Decision no. CI-2010-EP-34/03-12/CC/SG of Dec. 3, 2010

164 Bouaké, Katiola, Dabakala, Korhogo, Ferkessedougou, Boundiali, Seguela

165 The absurdity of the reasoning is even more obvious in that, if it were the case, no result from the first round could be considered valid, as representatives of 14 candidates were not present in any polling station.



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Dec. 2. The authenticity of the reports was confirmed by the préfet signatories themselves during a press conference held on Dec. 8, 2010.

ELECTION-RELATED VIOLENCE

Following the end of the first round, alarming reports—confirmed by various independent and consistent sources—highlighted reprisals and pressure exerted in the west and center west against villages or activists supporting or suspected of supporting the opposition.¹⁶⁶ These reports linked the political dimension of the reported incidents to conflicts around land issues between indigenous and nonindigenous populations.¹⁶⁷ The risk of seeing a dynamic of this nature emerge had raised fears even before the first round, leading to predications of a markedly less peaceful climate during the second round.

In fact, the polarization engendered by the second round, together with the obvious deterioration in the campaign climate, led to a series of isolated incidents, especially in Abidjan where there were confrontations between young activists of the LMP and RHDP. These incidents resulted in several dozen injuries and at least one confirmed death.¹⁶⁸ They served to justify the surprise announcement by President Gbagbo during the televised live debate with Alassane Ouattara, apparently without prior consultation with the prime minister, that there would be a curfew throughout the country.¹⁶⁹ Having gotten over their surprise, the opposition objected to this curfew. While it did not affect the conduct of the vote, it nevertheless prepared the ground for the subsequent implementation of an extended curfew following the overturning of the election results by the Constitutional Council.¹⁷⁰

According to a variety of sources such as UNOCI, election observation missions, and the préfets, the second round of the election was conducted in a generally peaceful climate. However, a sizable number of more serious nonelection incidents of violence occurred during the election period.¹⁷¹ For its part,

the presidential camp exaggerated incidents that took place in the north of the country in order to contest the overall results. Neutral sources, and information received by Carter Center observers, nevertheless reported increasing frequency of serious incidents in the west and midwest, in the government-controlled area. In all probability, these incidents involved activists or supporters of the presidential camp. However, while it is important not to downplay the incidents, neither the quantity nor the nature of the incidents was of a degree likely to discredit the overall process in the regions affected.

Unfortunately, tensions did not dissipate after voting.¹⁷² The stalemate arising in the CEI and the announcement of conflicting results by the president of the CEI and then by the president of the Constitutional Council created a serious postelection crisis, which led to widespread acts of violence. As of May 2012, figures compiled by UNOCI and UNHCR reported at least 462 dead and an estimated 750,000 people displaced in addition to 128,000 refugees.¹⁷³

166 Even the official government newspaper *Fraternité matin*, after conducting a field survey, confirmed a series of cases first reported by the opposition (edition no. 13810 of Nov. 20 and 21, 2010).

167 The observers were able to verify incidents occurring in the following areas: subprefecture of Bayota (especially the village of Téhiri), department of Divo (especially the village of Gnéhiri), department of Lakota (especially the village of Tagolilié), subprefecture of Zokougbeu (village of Gregbeu), subprefecture of Saioua (especially the village of Gabia), subprefecture of Gboguhe (especially the villages of Loboguiguia, Koréa); subprefecture of Doba.

168 One death in the subprefecture of Bayota

169 The curfew was in force on the day before the election and the day of the election from 10 p.m. to 6 a.m. In the three days following the election, the curfew ran from 7 p.m. to 6 a.m.

170 All the security and electoral personnel involved in the conduct of the elections, as well as the election observers, were not covered by the curfew.

171 See section on elections for detailed examples.

172 The tensions erupted in intercommunity confrontations, especially in Issia, leading to the deaths of seven people. In Man and Korhogo, the houses of LMP representatives were wrecked, while the LMP headquarters at Danané was burned.

173 UNOCI, weekly press briefing of March 24, 2011, and Office of the United Nations High Commissioner for Refugees (UNHCR), Update no. 7, March 31, 2011



CERTIFICATION OF RESULTS

Following the election, the principal groups of national observers, together with the principal international election observation missions—African Union, ECOWAS, European Union, International Organization of La Francophonie (OIF)—reached the same conclusions regarding the degree of compliance of the election with international standards.

On Dec. 3, 2010, U.N. SRSG in Côte d'Ivoire, Y.J. Choi, issued a statement that confirmed the provisional results declared by CEI President Bakayoko establishing Ouattara's victory.

Choi's statement was consistent with his mandate to certify elections, and his findings were based on the compilation of UNOCI's copies of CEI tally sheets. In doing so, he clarified that even if the number of votes affected by Gbagbo's appeal was taken into account, it would not change the finishing order of the candidates in the second round. As such, he confirmed the arbitrary nature of the decision of the Constitutional Council.

Following the certification process, the United Nations, the African Union, ECOWAS, the European Union, the OIF, and several

countries—notably the United States, France, Nigeria, Canada, and Germany—congratulated President-elect Ouattara and called on outgoing President Gbagbo to ensure a peaceful transfer of

power. From the Golf Hotel, to which he had already retreated for security reasons, Alassane Ouattara took the presidential oath of office on Dec. 4, 2010.¹⁷⁴

The decision of the Constitutional Council meanwhile gave rise to fears that Laurent Gbagbo and his camp were determined to seize power while citing “respect for constitutional order.” In response to this

situation and a rise in violent incidents, the African Union urgently dispatched the former president of South Africa, Thabo Mbeki, to Abidjan on Dec. 5. The attempts at mediation on the part of the African Union did not produce the desired results. Outgoing President Gbagbo ignored the CEI's declared results and took his own oath of office before the Constitutional Council on Dec. 4, 2010.¹⁷⁵ This plunged Côte d'Ivoire into an unprecedented crisis.

*On Dec. 3, 2010, U.N. SRSG
in Côte d'Ivoire, Y.J. Choi, issued
a statement that confirmed the
provisional results declared by CEI
President Bakayoko establishing
Ouattara's victory.*

¹⁷⁴ Attended by Carter Center election observation mission members

¹⁷⁵ Carter Center representatives did not attend this event.



CONCLUSIONS AND RECOMMENDATIONS REGARDING THE 2010 PRESIDENTIAL ELECTION

The men and women of Côte d'Ivoire participated in the two rounds of the 2010 presidential election in huge numbers. Their enthusiasm was a measure of their hope to return their country to political and institutional normality by means of the ballot box. While tension was more apparent during the second round, overall the election was conducted in a calm atmosphere. On the basis of its direct observation, The Carter Center, in line with the main international and national observer missions, believes that the presidential election generally conformed to international standards. As described in this report, although the Center observed irregularities, they did not undermine the overall integrity and credibility of the final results and the election of Alassane Ouattara as president of Côte d'Ivoire.¹⁷⁶

The Ivoirian electoral process proved long and complicated. This was due to the interaction of numerous factors including how to balance the various elements of the OPA. As such, obstructions and delays in the application of one aspect of the agreement led to delays in the implementation of other elements of the agreement, either actively

or through a knock-on effect. Under the terms of the political agreement, the electoral aspect was linked with an operation for the identification of the population. Although ambitious, it depended on an ad hoc architecture that was not outlined with sufficient clarity. This led to a continued state of negotiation, with each of the stakeholders at every stage of the process trying to interpret the ambiguities and loopholes of the negotiated framework to their own advantage. The result was not only repeated delays but also methods of operating shaped largely by political considerations. The shortcomings together with the practical and financial implications of such methods were largely underestimated.

The numerous problems noted by The Carter Center during voter registration and the compilation of the voters list were, for the most part, foreseeable. The Center concluded that the voter registration was minimally acceptable. In September 2010, political consensus regarding the voters list finally enabled Côte d'Ivoire to set out on the road to the presidential election. However, political acceptance of the voters list does not mean that there is no cause to express reservations in light of international standards.

The CEI was generally lacking in effective leadership during voter registration. This was partially attributable to the linking of that operation with the task of identification and to the multiplicity of actors involved. However, the CEI did not demonstrate any particular willingness to take ownership of the responsibility for electoral operations. Essentially, it delegated the majority of its operational responsibilities to its international partners, especially those involving electoral logistics. Furthermore, failure on the part of the CEI to take account of the operational

Deborah Hakes



A voter signs the voters list after casting his ballot.

¹⁷⁶ Based on presidential election results as announced by the president of the CEI and subsequently confirmed by certification of the U.N. SRSG



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dimension of the election led to delays in decision-making. The largely political composition of the CEI further contributed to these dysfunctional elements.

On the basis of appeals from the presidential camp regarding the integrity of the conduct of voting in the north of the country, the Constitutional Council subsequently reversed the results in favor of outgoing President Laurent Gbagbo. The Center concludes that the decision was without justification and contrary to Ivoirian law, which states that the electoral judge must annul the election if the actual impact of irregularities observed affects the overall result. As such, the Constitutional Council plunged Côte d'Ivoire into a deep crisis.

In addition to the overall recommendations in an earlier section of this report, the following remarks specifically address the period up to and including the 2010 presidential election.

Regarding Future Resumption of the Electoral Cycle

- Pending an equitable resolution of the postelectoral crisis, the Center proposes the implementation of electoral reforms before continuing with the electoral cycle. It is possible that these reforms could even take the form of temporary provisions in advance of a more comprehensive future overhaul to be conducted by a newly elected National Assembly.
- Regardless of how it is resolved, the post-presidential election crisis will continue to reverberate through the political climate. An effective crisis recovery will require assurances of the political mechanisms necessary to ensure the effective participation of all the political movements. In

particular, democratic institutions, parties, and citizens must be assured that the necessary material, security, and legal conditions for organizing legislative and local elections will be present in order to safeguard their inclusive nature.

- For the purpose of future legislative elections, clear criteria and objectives should be established for the demarcation of voting constituencies. The demographic preponderance of metropolitan Abidjan could give rise to concerns regarding the representation of the regions and the organization of rural constituencies. These need to be manageable for the purposes of electoral campaigns and coherent from a socio-economic perspective. In this context, The Carter Center notes

the implementation of a bicameral system could effectively enable reconciliation of the two objectives: representation on a demographic basis and a balanced representation of the regions. This bicameral system should also be sensitive to the appropriate distribution of powers and ensure that the upper chamber is unable to block the activities of the lower house.

- There were controversies in the management of the election process by the CEI. However, it would take time to implement an alternative model of election administration by an institution less subject to political fortunes. Taking into account these two factors, consideration should be given to increased openness to technical assistance from specialized international institutions in the conduct of the electoral process. The purpose would not be to take over the process but rather to re-establish confidence across parties.

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Regarding Adjustments to Be Made to the Legal Framework

- The electoral law contains numerous ambiguities regarding legal deadlines, especially regarding calculating deadlines within the context of the appeals procedures for the voters list and for the elections. The law also includes deadlines that appear to have been unrealistic in view of the operational requirements. A review of all deadlines would therefore be desirable, taking into account lessons learned from the presidential election.
- The election also exposed the consequences of a lack of sufficient instructions regarding the transmission of results. Gaps in the legal framework on this issue caused controversies. Generally, the latitude given to the electoral commission on this subject is too broad to guarantee procedural stability in the long term. Regulations covering this phase in greater detail should be implemented. These should be accompanied by clearly established transparency obligations, such as the obligation to publish detailed results at each level of counting, including at individual polling station level. Furthermore, the practice of successive announcements of preliminary results should be made official in order to contain rumors and risks of violence.
- A streamlining process is necessary for the regulations pertaining to the presidential, legislative, and local elections in order to re-establish a coherent framework. The levels of responsibility and principles governing the different elections should follow the same logic with regard to aspects as sensitive as eligibility and the appeals process. This is particularly justified when it comes to deadlines for announcing results or the respective responsibilities of the IEC and the Constitutional Council in this matter.
- Strengthening the regulations relating to campaign funding is essential to stabilizing the campaign environment. This includes disclosure about contributions, a ceiling on campaign expenditures, and clear reporting on the use of funds. In order for

such measures to be implemented effectively, it also is important to establish a truly independent specialized body to manage political finance either as part of the election administration or external to it. This could mean, for example, the creation of a Court of Auditors endowed with the necessary powers and resources. The sanctions for failing to respect the existing regulations must be deterrent and effectively applied.

Regarding Identification of the Population and Voter Registration

- Mechanisms for standard identification should be implemented as soon as possible in order to avoid wasting the considerable investment already made by the Ivoirian state. This will also enable the hundreds of thousands of Ivoirians who have not yet been identified and registered to acquire an official identity document.
- Efforts at modernizing the civil registry should continue. The government departments responsible must be given sufficient material resources and personnel. This is an essential condition for the long-term resolution of problems of identification. It is useful to recall that, outside of the immediate political concerns, the civil registry is the basis on which a reliable record of the population can be constructed. Such a record serves as an administrative tool and a useful addition to public policy development in areas such as health, education, justice, building infrastructure, and pensions management in particular.
- The appeals process relating to the current voters list must be reopened. This is necessary to rectify the situations of hundreds of thousands of people whose cases were not resolved during the appeals process prior to the presidential election process.
- Consideration should be given to the current list in order to create the necessary mechanisms for managing transfers and resolving the inevitable question of establishing a link between voters and voting district. This element was not taken into



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account during the process of identification and voter registration. It could re-emerge in future elections when challenges are likely to emerge over the legitimacy of the registration of certain voters in particular voting districts.

Regarding Reforms to Be Made to the Election Administration

- The lessons learned from the current CEI demonstrate the advantages, at certain points, of its largely political composition. However, the controversy of the presidential election results also makes its limitations quite clear. It seems both appropriate and inevitable to raise the question of creating a genuinely independent institution of an essentially technical nature. It is important to recall, in this respect, that establishing such an institution is compatible with the inclusion of political parties and candidates. There are numerous models in existence from which Côte d'Ivoire can draw inspiration. In any event, whichever model the legislature chooses, and even if the model based on the direct participation of political actors is retained, amendments to the practices of the electoral commission are necessary in order to guarantee greater transparency and increased efficiency. With this goal in mind:
 - The decisions of the CEI and the minutes of its meetings should be published regularly.
 - A mechanism for CEI consultation and information with all the stakeholders in the election should be established. Such a mechanism is especially necessary for civil society and the media.
 - The technical secretariat of the commission should be strengthened. There should be a clear organizational diagram and demarcation of

responsibilities. In general, the CEI should ensure that the technicians of the institution are directly involved with decision-making in the capacity of advisers. This means that they should be present at meetings of the commission when technical matters are discussed.

- Greater attention should be paid to operational aspects that have been overlooked by the current commission. There should also be attention to deadlines for decision-making and coordination across different technical functions. The CEI should fully accept the role of coordinating operations and equip itself with the necessary human and administrative resources.
- The role of supervisory commissioners should be enshrined and greater managerial authority accorded to local commissions of the CEI. The composition of these offices should be subject to reassessment under the same terms as the central commission.
- The role and responsibility of the local commissions of the CEI should be strengthened in order to ensure greater decentralization and efficiency in operational implementation. Their material resources should therefore be strengthened, and the channels of information between the CEI and its local commissions should be systematized in both directions. A greater role for the local commissions should be envisaged in civic and voter education activities in their communities. This requires, among other elements, an initial training endeavour.
- The CEI budget should be part of the national budget and made public.
- In the context of cooperation with international partners, clear rules concerning the eligibility of

It seems both appropriate and inevitable to raise the question of creating a genuinely independent institution of an essentially technical nature.



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certain budget items should be established. Given the general situation of the Ivoirian state, which appears to have sufficient resources to guarantee regular funding for elections, it would appear reasonable that the operating costs of the institution and the payment of expenses allowed to staff of local commissions and polling stations should be considered the sole responsibility of the state.

- The role of future support for election logistics by representatives of the territorial administration should be reassessed. The decision at the start of the process to bypass the corps préfectoral, notwithstanding the exceptions that occurred, probably did not contribute to the best use of resources.

Regarding the Management of the Election Appeals Process

- The 2010 presidential election exposed serious limitations in the framework of the appeals process. These included the calculation of deadlines and the powers of the CEI in terms of managing any appeals arising or rectifying material errors. In this respect, it is recommended that reasonable deadlines should be set for the transmission and announcement of results. These deadlines should be established in light of the CEI commitment to transparency and enable greater efficiency in the management of the results process. To support a more equitable election petition process, the deadline for filing any appeals should be extended beyond the official announcement of the provisional results. It would also be useful to consider the possibility of giving the electoral commission a mandate to examine appeals at first instance and, in all cases, to establish the conditions in which material errors may be rectified.
- The act of overturning the results of the second round on the part of the Constitutional Council has gravely undermined its credibility. By openly contravening legal regulation, the constitutional principle of the sovereignty of the people and the fundamental principles of the election appeals process were damaged by the Constitutional Council. Far-reaching reforms to the composition and operation of the council are necessary in order to re-establish its credibility as an impartial election judge.
- Côte d'Ivoire should also consider a more profound change leading to the establishment of a proper independent Constitutional Court. Judges should be selected from among independent magistrates according to objective criteria and their nominations ratified by a transparent and public procedure.



THE CARTER CENTER IN CÔTE D'IVOIRE — LEGISLATIVE ELECTIONS 2011

The Carter Center brought together a group of 18 international observers who were deployed across the country three weeks before the elections of Dec. 11, 2011. These “medium-term”¹⁷⁷ observers were chosen for their experience in the field of election observation or election management and also for their specific knowledge of the Ivoirian context.

The Carter Center provided three days of training on the context and methodology of observation, including the political environment, electoral administration, laws and regulations pertaining to the legislative elections, the role of human rights in the elections, international

standards for democratic elections, and security. Some of the training sessions were led by Ivoirian experts, notably the secretary-general and staff of the CEI, who staged a detailed simulation of voting operations.

The observers were deployed in teams of two, each responsible for two administrative regions.¹⁷⁸ Within available resources, the choice of regions and specific electoral constituencies was made on the basis of various criteria: guarantee a geographical coverage of the country that was as balanced as possible; target districts in which competitive races would be held due to the number of candidates running for office; and the inclusion of districts characterized by very close results between candidates during the first round of the 2010 presidential elections.

The medium-term observers monitored the development of the election preparations, election campaign events, conduct of voting and also counting, and transmission and consolidation of

results. On numerous occasions, observers met administrative authorities, electoral commissions at various levels, candidates and representatives of political parties, traditional leaders, civil society organizations, and national observers. The observers sent regular reports to The Carter Center and its Côte d'Ivoire office, using the various tools intended for this

purpose.

On Dec. 6, eight additional international observers joined the 18 already deployed. They underwent a training day that focused on the political context and issues relating to voting operations, counting, and consolidation of results.

They were then deployed

in their areas of responsibility.

The delegation, totaling 32 observers,¹⁷⁹ was led by Sarah Johnson, assistant director of the Democracy Program of The Carter Center in Atlanta, who held talks before and after the elections with stakeholders in the electoral process in order to gather their impressions and analyses. On polling day, the observers visited 165 polling stations¹⁸⁰ and completed

The medium-term observers monitored the development of the election preparations, election campaign events, conduct of voting and also counting, and transmission and consolidation of results.

¹⁷⁷ A distinction is generally made between long-term and short-term observers. In Carter Center practice, long-term observation involves deploying observers for several months in advance of polling day. The duration of deployment in the pre-election phase was three weeks in the present case, hence the use of “medium-term.”

¹⁷⁸ See Appendices for deployment map of medium-term observers.

¹⁷⁹ See Appendices for delegation list.

¹⁸⁰ See Appendices for election-day deployment map.



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as many observation forms. The data contained in those forms was analyzed in order to identify the main trends observed on polling day.¹⁸¹ The Carter Center

observation mission presented its preliminary conclusions on the electoral process at a press conference on Dec. 14.¹⁸²

¹⁸¹ See Appendices for observation forms.

¹⁸² See Appendices for preliminary statement of the Carter Center observation mission.



POLITICAL CONTEXT

The Dec. 11, 2011, legislative elections were part of the cycle of “*élections de sortie de crise*”¹⁸³ intended to enable Côte d’Ivoire to turn the page on a long period of political instability following the attempted coup d’état on Sept. 19, 2002. The legislative elections were an important step in normalizing the institutional balance of power.¹⁸⁴ They were held in a political, social, and economic context that had been undermined by the grave political-military crisis following the 2010 presidential elections.¹⁸⁵ This crisis resulted in over 3,000 deaths, some 200,000 refugees distributed across 13 neighboring countries, and around 1 million internally displaced people in Côte d’Ivoire at the height of the violence, in addition to economic consequences of stoppages in production, banking activities, and services.¹⁸⁶

HIJACKING OF THE ELECTION AND THE POLITICAL-MILITARY CRISIS

After the second round of the presidential elections on Nov. 28, 2010, the CEI announced preliminary results recognizing Alassane Ouattara, the Rassemblement des Républicains (RDR) candidate as the victor. Notwithstanding, after having annulled the results in 13 departments in the north of the country in blatant violation of the electoral code, the Constitutional Council announced the outgoing president and Presidential Majority (LMP) candidate, Laurent Gbagbo, as the winner.¹⁸⁷ According to the U.N. Security Council’s mandate under Resolution 1765, following an agreement signed by the leading actors of the Ivoirian crisis, the special representative of the secretary-general (SRSG) of the United Nations in Côte d’Ivoire certified the results as announced by the CEI.¹⁸⁸ According to national and international observer missions, the two rounds of

voting were conducted in compliance with international standards overall.

Following the SRSG’s certification, the European Union, the United States, France, and Nigeria, followed by the heads of state and of government of ECOWAS and the Peace and Security Council of the African Union, all recognized Ouattara as the legitimately elected president and called on President Gbagbo to ensure a smooth transition of power.¹⁸⁹ Gbagbo’s refusal to respect the verdict of the ballot box and his deadlock with Ouattara plunged Côte d’Ivoire once again into crisis between December 2010 and April 2011.

Gbagbo took the presidential oath of office before the Constitutional Council on Dec. 4, 2010. On the same day, Ouattara sent the council a written statement of oath. ECOWAS and the African Union tried

¹⁸³ The expression in use in Côte d’Ivoire would read in English “post-crisis elections.”

¹⁸⁴ The five-year legal mandate of the National Assembly expired in 2005.

¹⁸⁵ The monthly humanitarian report of November 2011 of the United Nations Office for the Coordination of Humanitarian Affairs put the number of Ivoirian refugees at 163,166 (as of Nov. 29) and of internally displaced people residing in locations established for this purpose at 16,064 (as of Nov. 30). In the absence of a new survey, the estimated number of internally displaced people known to be in host families and communities remained at 169,486 (as of Nov. 30). However, these figures have been the subject of conflicting assessments. Other sources issued from specialist NGOs report figures that are significantly lower, especially in respect to refugees.

¹⁸⁶ The Office of the High Commission for Refugees of the United Nations: <http://www.unhcr.fr/cgi-bin/texis/vtx/page?page=4aae621d4cf>

¹⁸⁷ Within the framework of the election for president of the republic, according to art. 64 of the electoral code, the electoral judge can only validate or annul the election in its entirety: “In the case where the Constitutional Council finds serious irregularities capable of undermining the sincerity of the vote and affecting the overall result, annulment of the election is declared.”

¹⁸⁸ Pretoria Agreement I of April 6, 2005

¹⁸⁹ Economic Community of West African States



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in vain to resolve the political impasse, multiplying their attempts at mediation.¹⁹⁰

President Ouattara and his government, encamped in the Golf Hotel in Abidjan where they were protected and supplied with provisions by UNOCI, conducted a strategy of diplomatic isolation and financial strangulation of the Gbagbo regime.¹⁹¹ At the recommendation of President Ouattara and his government, ECOWAS and the African Union announced the suspension of Côte d'Ivoire's membership. In addition, the World Bank and the majority of bilateral donors froze funding. The European Union and the United States imposed targeted sanctions, freezing the assets of Laurent Gbagbo and dozens of his close associates. They also declared an embargo on the ports of Abidjan and San Pedro. In addition, President Ouattara successfully requested the departure of the governor of the Central Bank of West African States (CBWAS). The governor was close to the former president and refused to extend signature authority to President Ouattara on behalf of Côte d'Ivoire. Guillaume Soro's reappointment as prime minister definitively sealed an alliance initiated with the former rebels of Forces Nouvelles (FN).

At the outset, Gbagbo and his loyalists had control of almost all state resources, in particular, the Defense and Security Forces (Forces de Défense et sécurité, FDS).¹⁹² Following the announcement of the results of the second round by the CEI, officers loyal to Gbagbo broke up demonstrations in support of President Ouattara. The United Nations Human Rights Council noted abductions, forced disappearances, summary executions, and arbitrary detentions. The council called on the FDS in particular to refrain from all forms of violence.¹⁹³ The legal argument intended to counter the CEI's announcement and

demonstrate the constitutional legality with which Gbagbo was re-elected president was broadcast repeatedly on Ivoirian radio and television (Radiodiffusion et Télévision Ivoirienne, RTI), once again a preferred tool for propaganda and incitement to violence.

Gbagbo also implemented a series of measures intended to counter the diplomatic blockade. In response to the CBWAS decision, Gbagbo ordered the seizure of CBWAS branches in Côte d'Ivoire. Certain private banking establishments decided to close, prompting Gbagbo to declare their "national-

ization." The battle for control over financial leverages paralyzed the country's financial and economic sectors.

Following the announcement of the results of the second round by the CEI, officers loyal to Gbagbo broke up demonstrations in support of President Ouattara.

190 The former president of South Africa, Thabo Mbeki, was dispatched to Abidjan by the African Union on Dec. 5, 2010. On Dec. 17, the president of the African Union Commission, Jean Ping, met the actors in the crisis. On Dec. 28, three heads of state mandated by ECOWAS arrived in Abidjan: Thomas Boni Yayi from Benin, Ernest Bai Koroma from Sierra Leone, and Pedro Pires from Cape Verde. On Jan. 9, the former president of Nigeria, Olusegun Obasanjo, arrived very discreetly in Abidjan for an "exploratory mission." The African Union took the initiative by appointing Kenya's Prime Minister Raila Odinga as emissary. He met Ouattara and Gbagbo Jan. 18–19, 2011. On Jan. 31, the African Union appointed five heads of state to resolve the crisis: Mohamed Ould Abdelaziz of Mauritania, Idriss Deby Itno of Chad, Jacob Zuma of South Africa, Blaise Compaore of Burkina Faso, and Jakaya Kikwete of Tanzania. On March 26, the African Union appointed the former minister of foreign affairs of Cape Verde, José Brito, as its high representative in Côte d'Ivoire.

191 From Dec. 16, 2010, pro-Gbagbo forces had established a cordon around the Golf Hotel, where Ouattara had taken residence with his ministers who had been appointed in those exceptional circumstances.

192 The principal leaders of the FDS had pledged allegiance to the outgoing president at the start of the postelection crisis. Conversely, the former rebels of Forces Nouvelles had taken a position beside the president-elect. Soro, former secretary-general of Forces Nouvelles, while remaining their de facto leader, was appointed prime minister and minister of defense by President Ouattara.

193 Resolution S-14/1 of Dec. 23, 2010, "Situation of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election"



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As the weeks passed and hopes for a peaceful resolution to the crisis faded, the instances of violence intensified. Isolated attacks conducted by pro-Ouattara forces against FDS personnel loyal to Gbagbo gradually gave way to open confrontations in numerous districts of Abidjan and the west of the country. Massacres in Douékoué and the death of seven women in the Abobo district of Abidjan during a peaceful women's demonstration in support of President Ouattara, followed by the shelling of a market in the same area, marked an escalation in violence and attacks against civilians from the end of February 2011.

In these circumstances, the United Nations Security Council confirmed the authorization given to UNOCI to use all necessary means to protect civilians threatened with acts of immediate physical violence, including taking action to prevent the use of heavy weapons against the population.¹⁹⁴ In this context, on March 28, the pro-Ouattara forces, renamed the Forces Républicaines de Côte d'Ivoire (FRCI), launched a general offensive in the south of the country and Abidjan.¹⁹⁵ Meanwhile, UNOCI and the French force Licorne targeted Gbagbo strongholds in Abidjan.¹⁹⁶ Gbagbo, entrenched in the presidential residence with approximately 100 of his closest associates, was arrested on April 11, 2011, by the FRCI. The "Battle of Abidjan" officially ended on May 4 when the FRCI took over Yopougon district, where the remaining pro-Gbagbo militia were based. Nevertheless, the official end of fighting was followed by a few cases of violence including an incident in which the FRCI clashed with elements of the "Invisible Commando," a pro-Ouattara militia.¹⁹⁷ This culminated in the death of their commandant, ex-Sergeant Ibrahim Coulibaly.¹⁹⁸

Signaling a return to rule of law, the same Constitutional Council that had overturned the results of the election issued a decision on May 4, declaring Alassane Ouattara president of the republic. He officially took the oath of office on May 6 and was invested as president on May 21 in Yamoussoukro. The new government was presented on June 1.

BOYCOTT OF THE FRONT
POPULAIRE IVOIRIEN

Following the presidential elections, the electoral and military defeat of the former presidential camp profoundly altered the Ivoirian political landscape, not only for former President Gbagbo and his party but also, albeit to a lesser extent, the coalition that brought Alassane Ouattara to power.

Deprived of a number of its high-ranking members, in exile or in prison, the new opposition had difficulties in regrouping. The eclectic alliance of the National Resistance Council for Democracy (CNRD), which Gbagbo's Ivoirian Popular Front (FPI) party dominated, partly disintegrated.¹⁹⁹ The FPI appeared caught between hardliners who continued to call into question Ouattara's legitimacy and those who took a more pragmatic position. Furthermore, tensions and differences in approach led FPI's number three, former president of the National Assembly, Mamadou

194 The United Nations Operations in Côte d'Ivoire was created by Resolution 1528 of the United Nations Security Council, adopted Feb. 27, 2004. As of March 24, 2011, the military personnel of UNOCI numbered 7,753 persons while the police force numbered 1,299. Resolution 1975 of March 30, 2011, par. 6

195 On March 17, 2011, President Ouattara signed the "Order pertaining to the unification of the National Armed Forces and the Forces Armées des Forces Nouvelles."

196 The French force Licorne—named after the military operation begun in September 2002 within the framework of the defense agreements between France and Côte d'Ivoire and subsequently given formal authorization by the United Nations Security Council—numbered around 900 men in October 2010. The principal mission of Licorne was to support UNOCI and guarantee the security of French and foreign citizens.

197 Ibrahim Coulibaly, known by the pseudonym of IB, led the "Invisible Commando." Ex-sergeant of the Ivoirian army, IB was involved in the coup d'état that brought General Gueï to power in 1999. He was also involved in the organization of the Sept. 19 coup d'état before being marginalized within the MPCI, a rebel movement IB claims to have founded. The fight for leadership between Guillaume Soro and IB led to clashes in June 2004 between opposing FN military officers. The fighting resulted in the death of dozens of former rebels. Accused of preparing another coup, IB went into exile from 2003 until his return during the postelection crisis.

198 Several commentators attributed Ibrahim Coulibaly's death to a settling of accounts between former FN soldiers.

199 Created on March 6, 2006, the CNRD numbered 36 members divided into four categories: 18 political parties, five political movements, nine civil society organizations, and four professional organizations.



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Koulibaly, to resign from the FPI and create a new party, Liberté et Démocratie pour la République (LIDER).²⁰⁰

The question of whether the opposition would participate in the electoral process became a negotiating chip with the new authorities. CNRD parties conditioned their participation in the electoral process on several factors: the release of former President Gbagbo and other prominent individuals who had been arrested, the return of exiles, the release of frozen assets of those close to the former president, the restructuring of the CEI, and the restoration of security.²⁰¹ The new authorities indicated their willingness to consider some of the concerns raised, provided that the opposition demonstrated its good faith by first agreeing to participate in the electoral process.²⁰²

The FPI and other parties affiliated with Gbagbo judged that the necessary conditions for conducting free, open, and transparent legislative elections were not fully in place. The FPI interpreted the government's attempts to secure its return to the political process as veiled attempts to sanction a "return to a one-party regime" on its own terms. The FPI officially announced its decision to boycott the legislative elections on Nov. 19, 2011, as a result of the lack of progress in negotiations with the government. The party suspended 38 FPI members who decided to run on independent tickets.

Conversely, three of CNRD's political party members agreed to participate in the elections because it offered them "a framework for discussion with the authorities and enabled them to obtain concessions on the concerns expressed gradually."²⁰³ The CEI reopened candidate registration for one day on Nov. 4 in order to allow those parties to submit

their paperwork. In the evening of Nov. 9, 2011, eight of Gbagbo's close associates were freed.

On Nov. 29, four days before the official start of the electoral campaign, former President Gbagbo was transferred to the International Criminal Court

(ICC) to answer four counts of crimes against humanity. Gbagbo's transfer led CNRD-affiliated parties together with 16 of the 38 members of the FPI who had declared themselves independent candidates to withdraw from the electoral process.

Having received guarantees that the frozen assets of some of their members would be released, the three CNRD parties that had announced candidacies confirmed their return to the electoral process with the goal of remaining at the negotiating table with the regime.²⁰⁴ None of their candidates were elected in the polls.

On Nov. 29, four days before the official start of the electoral campaign, former President Gbagbo was transferred to the International Criminal Court (ICC) to answer four counts of crimes against humanity.

200 Mamadou Koulibaly announced his resignation from the FPI on July 11, 2011.

201 Of the CNRD's political party members, eight are involved in the negotiations with the government: 1) Front Populaire Ivoirien (FPI), founded by Gbagbo and led by the interim president, Miaka Oureto; 2) Cap-Unir pour la démocratie et le développement (Cap-UDD), created by Gervais Coulibaly, spokesman for Gbagbo; 3) Union Démocratique et Citoyenne (UDCY) of Mel Théodore; 4) Mouvement National Citoyen Alternative (MNC) of Kabran Appiah; 5) Rassemblement pour la Paix (RPP) of Laurent Dona Fologo; 6) Union des Nouvelles Générations (UNG) of Stéphane Kipré; 7) Union Républicaine pour la Démocratie (URD) of Danièle Boni Claverie; 8) Alliance ivoirienne pour la République et la démocratie (AIRD) of Éric Kahé.

202 The discussions and negotiations were largely led, on the part of the authorities, by Minister of the Interior Ahmed Bakayoko.

203 The following parties were involved: CAP-UDD, UDCY, and MNC-Alternatives. Members of other parties of the CNRD that did not participate in the elections—notably URD, UNG, and AIRD—registered under the banners of parties that participated or ran as independents.

204 Two days after the elections, on Dec. 13, the public prosecutor signed a decision to unfreeze the assets of 51 people close to former President Gbagbo.



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The postelectoral crisis also impacted the internal dynamics of the coalition that brought Ouattara to power. During the second round of the elections, Ouattara's candidacy benefited greatly from the support of other party members of the Rassemblement des Houphouëtistes pour la Démocratie et la Paix (RHDP) and from the Parti Démocratique de Côte d'Ivoire (PDCI) in particular.²⁰⁵ Their support assured his victory. Taking into account the conditions enabling the president-elect to assume power effectively, certain commitments undertaken prior to the second round were reconsidered, at least temporarily. The contribution of the Forces Armées des Forces Nouvelles (FAFN) to the military resolution of the crisis was reflected, notably, in ministerial posts. Guillaume Soro returned to the prime ministry; the defense portfolio was also entrusted to him. Other FN members were named to the government. This new deal, assumedly endorsed by President Bédié of the PDCI, raised questions and discontent on the part of influential PDCI members who feared that the party would be marginalized in favor of the RDR and its allies in the FN.

It was also envisaged that the RHDP coalition would make a concerted effort to present common candidate lists for the legislative elections. However, with the exception of two joint candidate lists, RHDP members ran in the election without any particular coordination, increasing tension within the coalition.²⁰⁶ Even within the RHDP parties, the nomination process was contentious, a phenomena that was clearly reflected by the high number of independent candidates.

The FN held a meeting at the beginning of September 2011 during which it was decided that the former rebel movement would not form a political party. FN members who wished to run in the legislative elections were encouraged to do so under the banner of one of the RHDP parties. The majority of candidates from the FN presented their candidacies under the RDR banner. However, some ran as independents or with the PDCI.



Sarah Johnson

A worker brings a ballot box into the voting area prior to the opening of a polling station.

PRIORITY FOR RE-ESTABLISHMENT OF FUNCTIONING INSTITUTIONS

Despite improvements in security conditions, the return of economic activities, and the gradual stabilization over the course of months, the environment in which the legislative elections were organized remained fragile. The Ivoirian economy, badly shaken by the political-military crisis, registered an upturn beginning in mid-2011.²⁰⁷ However, the rebound, considered apparent in urban areas, was scarcely perceptible in the rural regions.

At the end of November, the number of internally displaced people in Côte d'Ivoire due to post-election violence still exceeded 180,000, while the total number of Ivoirian refugees in neighboring

²⁰⁵ The RHDP alliance was created on May 18, 2005, in preparation for the presidential election initially anticipated in October 2005. It comprised: the Parti Démocratique de Côte d'Ivoire (PDCI), the Rassemblement des Républicains (RDR), the Union pour la Démocratie et pour la Paix en Côte D'Ivoire (UDPCI), and the Mouvement des Forces d'Avenir (MFA). Following the first round of the 2010 presidential elections, a faction of the Parti Ivoirien des Travailleurs (PIT) and the Union pour la Côte d'Ivoire (UPCI) also called on their supporters to support the RDR candidate.

²⁰⁶ In general, it is often observed that majoritarian electoral systems tend to complicate the process of alliances and withdrawals, especially in cases where party discipline is weak and local issues predominate.

²⁰⁷ Bulletin of the International Monetary Fund, West Africa, Nov. 4, 2011



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countries was estimated at 163,666, according to United Nations sources.²⁰⁸ Among the obstacles to their return, persistent insecurity in their original places of residence figured prominently, especially in the west where the climate remained tense.

Intercommunity relations, in effect, remain marred by distrust. Carter Center observers reported a significant level of disillusion following the 2010 post-election crisis and a certain anxiety expressed by their interlocutors at the prospect of new elections.

In his inauguration speech of May 21, President Ouattara had announced that the legislative elections would be organized before the end of 2011. This political pressure, justifiable given the concern to re-establish governing institutions, imposed a particularly tight schedule on the CEI.

²⁰⁸ See the Monthly Humanitarian Report, November 2011, Office for the Coordination of Humanitarian Affairs (OCHA), pp. 3–4.



LEGAL AND INSTITUTIONAL FRAMEWORK OF THE LEGISLATIVE ELECTIONS

LEGAL FRAMEWORK

The constitution of the republic of Côte d'Ivoire guarantees fundamental human and political rights, including among others the right to vote for all citizens aged 18 years and over and the freedoms of expression, assembly, demonstration, and association.²⁰⁹ Public authorities are obliged to respect, protect, and promote fundamental individual rights.²¹⁰

Compliance with international obligations and the constitutional framework form the basis on which the legislation and regulations in force rest. In electoral matters especially, stability of the legal framework is an important element of an open and healthy competitive environment. However, the peace process and political considerations drove considerable regulatory changes. The legal framework was regularly adapted on an ad hoc basis, either through the introduction of specific texts or the amendment of existing texts within the framework of the Ouagadougou Political Agreement (OPA). Overall, these changes resulted in an extensive, complex, and fragmented set of norms and regulations.

Legal Framework for Holding Legislative Elections

- Law no. 2000-513 of Aug. 1, 2000, on the constitution of the republic of Côte d'Ivoire
- Law no. 2000-514 of Aug. 1, 2000, on the electoral code as amended by order no. 2008-133 of April 14, 2008, on amendments to the electoral code for the post-crisis elections
- Law no. 2004-642 of Dec. 14, 2004, amending law no. 2001-634 of Oct. 9, 2001, on the composition, organization, powers, and functioning of the Independent Electoral Commission
- Law no. 2004-495 of Sept. 10, 2004, on the replacement of deputies in the National Assembly
- Decision no. 2005-06/PR of July 15, 2005, pertaining to the Independent Electoral Commission
- Decision no. 2005-11/PR of Aug. 29, 2005, pertaining to the Independent Electoral Commission
- Decision no. 2006-12/PR of July 29, 2006, on conferring powers on the Independent Electoral Commission to propose amendments, in exceptional circumstances, to the electoral code
- Order no. 2008-133 of April 14, 2008, pertaining to amendments to the electoral code for the post-crisis elections
- Decision no. 2008-15/PR of April 14, 2008, on special modalities for amendments to the electoral code
- Decree no. 2008-246 of Sept. 4, 2008, determining the conditions for compiling the list of approved printers for the printing of electoral documents
- Decision No. 14/CEI of Aug. 26, 2010, pertaining to creation, organization, and functioning of the technical working party for producing printed materials and election documents
- Decree no. 2010-280 of Oct. 12, 2010, on the requisitioning of public service workers
- Decree no. 2011-265 of Sept. 28, 2011, pertaining to the summoning of the electoral colleges of the republic of Côte d'Ivoire for the purpose of legislative elections

209 Arts. 10–13 and art. 27, law no. 2000-513 of Aug. 1, 2000, on the constitution of the republic of Côte d'Ivoire

210 ICCPR, art. 2(2); African Charter, art. 1; United Nations Human Rights Committee (hereafter HRC), General Comment no. 25 “Participation in public affairs and the right to vote,” pars. 1 and 11; General Comment no. 31 “The nature of the legal obligation imposed on States parties,” par. 13



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- Decree no. 2011-264 of Sept. 28, 2011, pertaining to establishing voting constituencies for the legislature 2011–2016
- Order no. 2011-351 of Oct. 24, 2011, on the suspension, for the post-crisis legislative elections, of the provisions of article 75 of law 2000-514 of Aug. 1, 2000, pertaining to the electoral code
- Order no. 2011-352 of Oct. 24, 2011, amending order no. 2008-133 of April 14, 2008, pertaining to amendments to the electoral code for the post-crisis legislative elections (apparently not published)
- Order no. 2011-382 of Nov. 10, 2011, amending articles 80, 82, and 100 of order no. 2008-133 of April 14, 2008, pertaining to amendments to the electoral code for the post-crisis legislative elections as modified by order no. 2011-352 of Oct. 24, 2011, and article 98 of law no. 2000-514 of Aug. 1, 2000, pertaining to the electoral code
- Law no. 2001-494 of Sept. 10, 2004, pertaining to the use of public funds to finance political parties and organizations and candidates for the presidential election and repealing law no. 99-694 of Dec. 14, 1999
- Law no. 2004-643 of Dec. 14, 2004, on the legal regulation of the press
- Law no. 2004-644 of Dec. 14, 2004, on the legal regulation of audiovisual communications
- Decree no. 2006-196 of June 28, 2006, on the organization and functioning of the National Council of the Press
- Decree no. 2006-278 of Aug. 23, 2006, on the organization and functioning of the National Council of Audiovisual Communication

The following decisions (*arrêtés*) are also included: decision no. 23/CEI/PDT of Sept. 22, 2010, pertaining to the definition of criteria for the recruitment of election agents; decision no. 140/CEI/PDT of Nov. 12, 2010, pertaining to securing tally sheets; decision no. 141/CEI/PDT of Nov. 12, 2010, pertaining to the definition of valid ballot papers and invalid ballot papers; decision no. 142/CEI/PDT of Nov. 12, 2010, pertaining to practical provisions for voting; and decision no. 143/CEI/PDT of Nov. 12, 2010, pertaining to securing ballot papers.

Other Relevant Texts Forming the Framework for the Conduct of Legislative Elections

- Law no. 93-668 of Aug. 9, 1993, pertaining to political parties and political organizations
- Decree no. 99-551 of Aug. 11, 1999, determining the modalities of applying law no. 93-668 of Aug. 9, 1993, pertaining to political parties and organizations
- Organic law no. 2001-303 of June 5, 2001, establishing the organization and functioning of the Constitutional Council

The juxtaposition of texts regularly raised questions of contradictions or interpretations. Similarly, electoral operations revealed gaps in the existing legislation. In the case of the legislative elections, these shortcomings were compounded by the scant attention initially paid to the legislative framework during the electoral code revisions conducted in 2008. As a result, the existing provisions were practically untouched in preparation for the legislative elections. Consequently, the legal framework for the polls was outdated. The amendments that were introduced to incorporate UNOCI's certification mandate for the presidential elections were not duplicated in the articles pertaining to the transmission of results for the legislative elections. In addition, there was no consideration given to the consistency of deadlines. This caused last-minute adjustments during candidate registration. More importantly, the provisions of the electoral code and of constitutional law pertaining to the organization and functioning of the Constitutional Council were difficult to reconcile and poorly adapted to the circumstances. Consequently, the deadlines for managing the electoral appeals process and publishing the final results were uncertain.



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Furthermore, political and electoral actors regularly ignored legal obligations that they considered incompatible or did not meet their expectations. This tendency to take liberties with the legal framework, arising from the dynamics of a complex political process, undermined the law's role as a formal standard for the electoral process. Throughout the process, The Carter Center noted that political actors alternated between ignoring and exploiting the legal framework in order to meet specific immediate or medium-term interests. In this context, it appears clear that in parallel to the re-establishment of the balance of power between governing institutions and general rule of law, the legal and electoral framework should be thoroughly reviewed and revised prior to the next electoral cycle to provide a sound basis for the administration of democratic elections. The appropriate role of political actors vis-à-vis their legal obligations should also be examined.

VOTING SYSTEM AND BOUNDARY DELIMITATION

The National Assembly is elected on the basis of a simple majoritarian system. For the 2011 elections, 169 single-seat constituencies and 36 multi-seat constituencies were created, for a total of 205 constituencies.²¹¹ Compared to 2000, the government increased the number of seats from 225 to 255.²¹² Seats are allocated to the candidates or lists of candidates that receive the greatest number of valid votes cast.

In a majoritarian system, boundary delimitation is especially critical. According to international obligations, as well as constitutional principles, the equality

of suffrage must be respected, i.e., every voter's vote must carry the same weight.²¹³ According to the electoral code, the CEI recommends the boundary delimitations of the constituencies, but the final decision lies with the government. The CEI's initial proposal was not made public, making it impossible to assess the effect of any changes to the electoral map made by the government. Under Ivoirian law, there is no mandatory legal basis pertaining to the drawing of constituency boundaries. The distribution of seats in 2011, and the

resulting electoral map, was based on the estimated population, the size of departments, and the number of localities.²¹⁴ There were also additional criteria guaranteeing the allocation of at least one seat per department and that the number of seats previously allocated would not be reduced. The new administrative demarcations also influenced the electoral map.²¹⁵

The Carter Center regrets that the constituency delimitations perpetuate imbalances in the weight of representation accorded to each seat. The variations

According to international obligations, as well as constitutional principles, the equality of suffrage must be respected, i.e., every voter's vote must carry the same weight.

211 Decree no. 2011-264 of Sept. 28, 2011, pertaining to establishing voting constituencies for the legislature 2011–2016

212 Order of Sept. 16, 2011, on the number of seats in the National Assembly

213 ICCPR, art. 25 (b); HRC, General Comment no. 25 par. 21

214 The formula used combines the figure for the population estimated on the basis of projections of the 1998 census (55 percent), the size of departments (25 percent), and number of villages (20 percent).

215 Order no. 2011-262 of Sept. 28, 2011, pertaining to the direction of the general organization of the territorial administration of the state; decree no. 2011-263 of Sept. 28, 2011, pertaining to the organization of national territory into districts and regions



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observed are of the order of 1 to 48.²¹⁶ The distribution of seats is advantageous in the regions in the north, where there is lower population density, and disadvantageous in urban areas. This is particularly true of Abidjan, which represents almost 30 percent of the electorate but is allocated only 10 percent of seats. The Carter Center recognizes that it is difficult to ensure an equitable distribution of seats in a context in which there is a predominant urban center, or in which population density varies significantly, especially in a unicameral system. Nevertheless, the obligations of the state in respect of representation and the constitutional right to equal treatment must prevail.²¹⁷ The Carter Center encourages the government, the CEI, and the future National Assembly to reconsider the constituent boundaries on the basis of legal and objective criteria and within the framework of transparent and inclusive consultations.²¹⁸

ELECTORAL ADMINISTRATION

An independent and impartial electoral authority that functions in a transparent and professional manner is internationally recognized as a means of guaranteeing that citizens are able to participate in truly democratic elections. Such a body also ensures that other international obligations related to the electoral process can be met.²¹⁹

Article 32 of the constitution specifies that the organization of elections is the responsibility of an independent electoral commission. As the independent body that oversees elections, the CEI is



CEI poll worker prepares a sign for a polling station.

responsible for the implementation and supervision of all electoral bodies. As such, it enjoys considerable potential regulatory authority.

The current composition of the CEI was established in 2006. It consists of 31 members appointed on the basis of the formula in the Pretoria Agreement.²²⁰ This agreement stipulated two

²¹⁶ The Code of Good Practice in Electoral Matters of the Venice Commission (Council of Europe) stipulates that the maximum permissible departure from the distribution criterion for seats "should not be more than 10 percent and should certainly not exceed 15 percent except in special circumstances."

²¹⁷ In line with the international obligations of Côte d'Ivoire, art. 33 of the constitution stipulates that "Suffrage is universal, free, equal and secret."

²¹⁸ U.N. HRC, General Comment no. 25, par. 21

²¹⁹ U.N. HRC, General Comment no. 25, par. 20

²²⁰ There are currently 30 members. The position reserved for the representative of the president of the National Assembly was vacant after the end of the assembly's mandate.



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representatives for each of the 10 signatories of the Linas-Marcoussis agreement together with further members representing ministries, the president of the republic, the president of the National Assembly, and the Higher Council of the Magistracy.²²¹

In the wake of the postelectoral crisis, The Carter Center encouraged the principal actors to envisage provisional adjustments to the CEI in order to rebuild trust among all the parties prior to preparations for the legislative elections.²²²

Following the change in government after the presidential elections, the CEI was reshuffled in August 2011 with the appointment of new members representing the president of the republic, the relevant ministries, and the Higher Council of the Magistracy.²²³ The RDR, the PIT, and the former rebel movement FN also took this opportunity to appoint new representatives.²²⁴

The opposition parties grouped within the CNRD framework, together with the LIDER party, criticized the composition of the CEI and called for changes in the commission membership to reflect broader political representation. As part of the negotiations intended to persuade the opposition to participate in the electoral process, the authorities proposed the creation of a fifth vice president reserved for the FPI. The positions allocated to representatives of the president of the republic and minister of the interior were also the subject of discussion. The authorities proposed withdrawing these representatives in favor of allocating two seats to the opposition. The measures envisaged were not implemented. The FPI was not prepared to participate in the process without acceptance of their other demands.

In order to fulfill its duties, the CEI created local commissions at each administrative level. These included 19 regional commissions, each placed under the direct supervision of a CEI commissioner, together with 75 departmental commissions, 45 communal commissions, and 263 subprefectoral commissions. These structures basically reflect the composition of the central commission and involve a total of approximately 12,000 commissioners. The

structure of the CEI for the legislative elections was modeled on the previous administrative organization and was not revised despite the restructuring of the central commission. Given the very tight deadlines with which the CEI worked to organize the elections, it would have been impossible to reorganize the lower level of the electoral administration and to adapt the new electoral constituencies before holding the elections. Owing to these same schedule-related constraints, the representatives appointed by the previous administration in the local commissions were not systematically replaced.

The CEI addressed the inconsistencies between the structure of the electoral administration and the redrawn electoral constituencies by appointing 105 local commissions as “reference commissions” or “commission headquarters” in the new electoral districts. These commissions were responsible for receiving and consolidating results on a local level before transmitting them to the departmental or regional level. Unfortunately, the list of 105 reference commissions was communicated scarcely a week before polling day, thus rendering it difficult for local commissioners to plan their operations accordingly.

While the CEI had initially suggested holding the legislative elections during the first quarter of 2012, the Dec. 11, 2011, election date was the result of external considerations unconnected to electoral

221 Twenty members for the signatories with voting rights and 11 members for the representatives of ministers and institutions with advisory status

222 ECOWAS, Protocol on Democracy and Good Governance, art. 3: “The bodies responsible for organising the elections shall be independent or neutral and shall have the confidence of all the political actors. Where necessary, appropriate national consultations shall be organised to determine the nature and the structure of the bodies.”

223 Decree no. 2011-207, August 2011, Appointment and replacement of members of the CEI

224 The Forces Nouvelles formed in 2004 and includes the Mouvement Patriotique de Côte d'Ivoire (MPCI), the Mouvement pour la Justice et la Paix (MJP), and the Mouvement Patriotique Ivoirien du Grand Ouest (MPIGO).



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administration. The Carter Center understands that the CEI was obliged to prepare these elections according to a very tight schedule, leaving the electoral administration little room to maneuver. Furthermore, Carter Center observers witnessed the difficult conditions in which certain local commissions were working. During the postelection violence, a number of commission offices were destroyed or ransacked. Although the CEI, in collaboration with UNOCI, compiled an inventory of items damaged or missing items to be replaced, observers reported cases in which local commissions lacked basic equipment such as chairs or computers.²²⁵

During the process leading up to the presidential elections, the CEI made concessions in light of the political circumstances. Consequently, the commission frequently avoided making politically sensitive decisions. This tendency was again apparent during the preparations for the legislative elections—for example, extending the period for candidate registration twice to accommodate political considerations linked to negotiations with political parties. The deadlines imposed by the main political parties during the candidate nomination process also affected the deadlines for the production and delivery of ballot papers. This exerted considerable pressure on the CEI and its partners to package and dispatch sensitive materials on a timely basis to local constituencies.²²⁶ While demonstrating the limits of its autonomy and the difficulties in fully exercising its powers in a sensitive political context, the CEI focused its efforts on supporting an open electoral process without exacerbating political tensions.

Unfortunately, these efforts did not extend to external communications or to the transparency of the CEI and its activities. Both the stakeholders

in the process and the public had difficulties in obtaining information from the CEI about its activities and decisions. While the CEI relayed information about the process through press conferences and public statements, detailed information about the

decisions, instructions, and procedures adopted by the CEI was not generally made available to the public. The Carter Center emphasizes that the right of access to information is essential to guarantee transparency in the electoral process and to permit the active partic-

ipation of all stakeholders.²²⁷ This right implies that the authorities should undertake all possible measures to guarantee simple, rapid, effective, and practical access to all information of general interest.²²⁸

Internal communication and coordination between the CEI and its local offices also appeared insufficient. At times, local commissioners received essential information by telephone or during meetings with regional supervisors rather than by official, written communication.²²⁹ Official, written notice is the best means of guaranteeing that instructions are understood and

The Carter Center understands that the CEI was obliged to prepare these elections according to a very tight schedule, leaving the electoral administration little room to maneuver.

225 The cases observed involved Gagnoa, Duékoué, Man, Bangolo, Agboville, Bouaké, Gboguhé, and Bonoua.

226 In Bondoukou, Koun-Fao, and Bouna, sensitive electoral material arrived at departmental level less than 48 hours before voting, in contrast to the five days in advance initially planned.

227 ICCPR, art. 19 (2)

228 U.N. HRC, General Comment no. 34, art. 19: Freedoms of opinion and expression, par. 19

229 A local commissioner in the Tonkpi region informed Carter Center observers that he had learned from the television, before being informed through official channels, of the possibility for voters who had lost their identity cards and voter cards to present themselves at the polling station with a certificate of identity.



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applied in a consistent manner by all members of the electoral administration, thus guaranteeing equal treatment among citizens.²³⁰

The timely adoption and wide dissemination of electoral procedures are essential conditions to enable adequate training for polling station staff as well as for informing actors and the public in general. Voting and counting procedures, which reflected those applied during the presidential elections, were finalized on time by the CEI. Local commissions and polling station staff received cascading training on the procedures the week before the elections. Nevertheless, procedures for the transmission and tabulation of results remained unclear until the eve of the elections. On Dec. 2, the CEI issued a directive stating that as with the presidential elections, local

commissions would tabulate the results both manually and electronically in parallel.²³¹ The Carter Center observers noted that a week before polling day, the majority of local commissions still awaited precise instructions.

The CEI decided to allow voters who had lost both their identity and voter cards, particularly in light of the postelection violence, to vote using a certificate of identity. This change in regulations, announced a mere 10 days before polling day, could scarcely produce the desired effects. The Carter Center believes that the CEI should have acted earlier in order to enable all eligible people to participate in the elections, especially as humanitarian agencies and local authorities had brought this matter to their attention.²³²

230 ICCPR, art. 26; U.N. HRC, General Comment no. 18, par. 12: art. 26 of the ICCPR “forbids all discrimination in law or fact in all areas regulated or protected by public powers”

231 The Carter Center requested and obtained from the CEI one of its documents describing the procedures adopted. In practice, this consisted of a copy of the protocol for the transmission and tabulation of results adopted between the two rounds of the presidential election. The date of adoption had been modified by hand. It is not clear whether the document was disseminated among local commissions.

232 ICCPR, art. 2 (2); U.N. HRC, General Comment no. 25 par. 11



PRE-ELECTION DEVELOPMENTS

VOTER REGISTRATION

Voter registration is considered an essential means of guaranteeing the right to vote to every citizen. Where voter registration is required, it must be facilitated, and there must be no obstacles to the process.²³³

In an interview on Nov. 24, the president of the CEI, Youssouf Bakayoko, announced that the voter registry from the 2010 elections would be used for the legislative elections. This was the first time the question of the voters list had been mentioned publicly. The CEI president maintained that given the postelectoral crisis, it was preferable not to reopen the registry that all the actors had accepted.

The voters list for the presidential elections, which contained 5,725,721 voters, was endorsed by the principal political actors in September 2010 and certified by the SRSG. Voter registration was conducted jointly with an ad hoc identification process for the purpose of issuing new identity documents. This operation took place over an exceptionally long period, nearly two years between the launch of registration and the final voters list. It was marked by difficulties in practical implementation as well as ongoing political obstructions.²³⁴



CEI workers compare voters lists in their polling station.

Sarah Johnson

In its preliminary statement following the second round of the presidential election, The Carter Center noted the political consensus regarding the voters list. However, the Center expressed reservations regarding the results of the voter registration operation, in the

²³³ U.N. HRC, General Comment no. 25, par. 11

²³⁴ The Carter Center published two detailed reports and a general overview of the operation for the identification of the population and voter registration, available on its website: http://www.cartercenter.org/news/publications/election_reports.html#Cote



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light of the objectives stated at the outset by the Ivoirian actors and international best practice. The Center also emphasized that around 800,000 registered people were not included on the final voters list for various reasons.²³⁵ Given the administrative requirements for registration and the difficulties that affected the process, the Center estimated that several hundreds of thousands of potential voters had been unable to register.²³⁶

The voters list was neither as complete nor as inclusive as it would have been if relevant international recommendations were fully applied.²³⁷ The Ouagadougou Political Agreement sets April 1, 1990, as the latest date of birth for the youngest citizens to participate in the election. As no amendments were made, the list did not respect the constitutional rights of all citizens aged 18 years and over to participate effectively in the elections. Furthermore, no mechanism was envisaged to allow citizens to change their voter registration. Given the time that lapsed since the end of registration, numerous people who moved for personal reasons or because of the postelection crisis may have been effectively deprived of their right to vote.

Given the tight electoral schedule as well as the technical and financial implications of reopening voter registration, The Carter Center nevertheless understands that it was effectively impossible for the CEI to update the voters list. The Center invites the government of Côte d'Ivoire and the CEI to consider seriously a means of including those who were not able to register as voters. They should also explore methods to update the current voter registry on a periodic basis to ensure greater inclusivity and sustainable use of state resources.

VOTER EDUCATION

International law requires states to take positive measures to facilitate the exercise of human rights. In order to ensure that citizens are able to exercise their right to vote effectively, states must take measures aimed at informing and raising awareness among voters so that they know when, how, and where to vote and that they understand the democratic process.²³⁸

The CEI made little effort in the area of voter education. During the two weeks prior to polling day, billboards and posters produced by the CEI were visible, mainly in urban areas. However, awareness-raising material was largely absent from

polling stations. With the support of international partners, the CEI produced a film showing a simulation of voting and counting operations. The film was broadcast on national television four times after the evening news during the week leading up to

polling day. While this initiative may have contributed to the endeavors to raise awareness among voters, The Carter Center notes that voter education by audiovisual media is not, in itself, sufficient to meet existing needs, especially as these media are

The voters list was neither as complete nor as inclusive as it would have been if relevant international recommendations were fully applied.

235 These individuals can be divided into four categories: around 500,000 people from the "gray list" who were not able to show proof of their nationality; around 207,000 people who registered to obtain their identity cards but who reached adulthood on or after April 1, 2010; around 55,000 people removed from the provisional voters list after administrative checks against the civil status registries; and around 20,000 people rejected due to technical problems regarding biometric data.

236 "Côte d'Ivoire presidential runoff election: high voter turnout amid political tension," Preliminary statement of Nov. 30, 2010, Carter Center: http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/Côte-divoire-prelim-113010.pdf

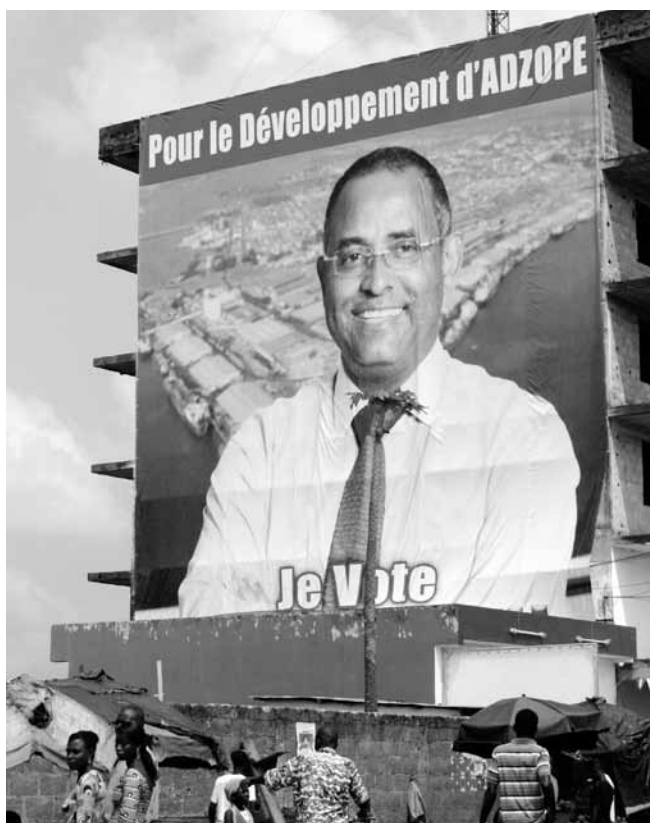
237 U.N. HRC, General Comment no. 25, par. 11

238 ICCPR, art. 25 (b); U.N. HRC, General Comment no. 25, par.11; African Charter on Democracy, Elections and Governance, art. 12 (4)



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Ermina Martini



Legislative campaign posters were displayed mainly in urban areas.

not accessible to the larger population.²³⁹ Similarly, Carter Center observers reported that the CEI did not implement information campaigns at a local level to ensure that populations were informed about the opportunity to vote using a certificate of identity for those who had lost their identity cards and voter cards. This omission likely reduced the opportunities for concerned citizens to obtain information that might have influenced their ability to vote.

Carter Center observers met civil society organizations that were engaged in raising awareness among voters in several regions. Nevertheless, serious discrepancies were apparent among the regions. In numerous areas, there was no recorded voter education activity.²⁴⁰ In the lead-up to polling day, political parties and candidates contacted their voters to remind them about voting modalities.

While political parties and civil society organizations can contribute to awareness-raising efforts, recognized international best practice indicates that impartial and consistent information is primarily the responsibility of the state and, in particular, of the electoral authorities.²⁴¹

Carter Center observers cited the initiatives of certain local commissions to reach out to the electorate. However, these activities were limited in their scope and largely depended on the motivation of local actors. In the future, electoral authorities should make better use of local commissions to boost voter education efforts. In this instance, these activities should appear in the budget, with funding mobilized in a timely manner.

The crisis following the presidential elections demonstrated the importance of comprehensive voter education beyond mobilization of the electorate and information on voting procedures. Increased communication to clarify the respective roles of the institutions involved in the electoral process would have been useful as well as efforts to improve understanding of the role of the National Assembly.

For the purpose of strengthening democracy and promoting participation, as well as developing an informed electorate, The Carter Center encourages future electoral management bodies to pay greater attention to voter education and the government to place the necessary resources at its disposal.²⁴²

²³⁹ The statistics issued by the CEI after the two rounds of presidential elections concerning invalid ballot papers highlighted significant regional differences. In effect, in the least developed regions, the number of invalid ballot papers was four times higher than in Abidjan. This statistic shows the limitations of awareness-raising among voters using the media and the importance of grassroots outreach.

²⁴⁰ Civil society organizations were especially active in awareness-raising among voters in Abidjan and other large towns such as Bouaké, Daloa, and San Pedro. However, Carter Center observers saw little or no awareness-raising in Aboisso and Bondoukou.

²⁴¹ Inter-Parliamentary Union, "Free and Fair Elections," p. 147; Electoral Institute of Southern Africa (EISA) and the Electoral Commissions Forum of SADC, "Principles for Election Management, Monitoring and Observation in the SADC Region," p. 22

²⁴² African Charter on Democracy, Elections and Governance, art. 12 (4); SADC Parliamentary Forum, "Norms and standards for elections in the SADC region," par. 3 (2)



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CANDIDATES, POLITICAL PARTIES, AND THE CAMPAIGN

The right of individuals to participate in public affairs, including presenting themselves as candidates for elected office, and the freedoms of association, expression, and assembly constitute obligations under international law.²⁴³ Respect and protection of these fundamental freedoms are essential for the full exercise of electoral rights.²⁴⁴

Registration of Candidacies

To be eligible for the National Assembly, an Ivoirian citizen must be between 25 and 75 years of age and must have the right to vote.²⁴⁵ Additional requirements entail continuous residency for five consecutive years in Côte d'Ivoire, payment of a relatively modest deposit of 100,000 CFA francs, and provision of a statement of tax compliance. All candidates must present their paperwork together with that of an alternate who is subject to the same eligibility criteria excepting payment of the deposit. Certain categories of professionals must also provide a certificate of nonoperational status for the duration of the mandate sought.²⁴⁶

The legal framework for candidate registration generally conforms to commonly accepted principles. Nevertheless, there are problematic aspects. Naturalized citizens are prohibited from running for the National Assembly. Given that various categories of citizens were excluded from the voters list, some eligible citizens who would have liked to present their candidacies were excluded from exercising that right.²⁴⁷ The electoral code contains apparent contradictions regarding the eligibility of naturalized citizens. Article 71 excludes naturalized citizens while article 72 permits citizens who have been naturalized for more than 10 years to stand for election. The Carter Center notes that the United Nations Human Rights Committee considers that any distinction between citizens by birth and citizens by naturalization is, in principle, incompatible with the electoral rights enshrined in the ICCPR.²⁴⁸ Conversely, it is not considered discriminatory to establish a

reasonable time period after which citizens by naturalization may fully enjoy their political rights.²⁴⁹

Candidate registration, which began on Oct. 17, was influenced by various factors. According to the initial legal deadlines, candidate registration should have closed on Oct. 26. However, as the main political parties had not managed to register all of their candidates, the CEI extended the period until Oct. 31. Both the RDR and the PDCI presented their applications on the last day. The candidacy paperwork was being processed by the CEI when, on Nov. 3, the CEI president announced that registration would be reopened on Nov. 4 only in order to allow three small parties, members of the CNRD, to present their candidacies.²⁵⁰

The RHDP used the occasion to reorganize its lists and the PDCI to present additional candidacies owing to disagreements arising within the coalition. Two consecutive orders (*ordonnances*) were adopted to amend the legal deadlines. These extensions are illustrations of a climate in which the participants in the election failed to adhere to clear and well-established regulations and procedures. As such, the CEI was placed in the unenviable position of having to choose between applying the law and taking into account the wishes of essential political actors.

243 ICCPR, arts. 25 (a) 22, 19, and 21

244 U.N. HRC, General Comment no. 25, par. 24

245 The eligibility criteria for voter status are related to age, nationality, and legal status. Nevertheless, in the present context, the most important criteria are those related to the conditions negotiated for establishing the voters list. The Carter Center has published various reports specifically on the question of voter registration and the compilation of the voters list (Dec. 22, 2008; May 8, 2009; and Feb. 1, 2010). They are available on the Carter Center website: http://www.cartercenter.org/news/publications/election_reports.html#Côte

246 Members of professions, such as public officials, magistrates, soldiers, or other categories employed by the state, must produce a certificate of nonoperational status for the duration of the mandate sought.

247 See footnote 75 of this report for the categories involved.

248 U.N. HRC, General Comment no. 25, par. 3

249 Office of the United Nations High Commissioner for Human Rights, Human Rights and Elections: A Handbook on the Legal, Technical and Human Rights Aspects of Elections, par. 67 (c)

250 The three parties were: UDCY (Mel Théodore—4 lists), MNC (Kabran Appiah—1 list), and Cap-UDD (Gervais Coulibaly—2 lists). One other party, Lider, which broke out of the FPI in July and is led by the former chair of the National Assembly, submitted eight lists of candidates.



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The most significant political development of the candidate nomination period was the FPI decision to boycott the elections. Nov. 19, interim FPI President Miaka Oureto announced that the minimal conditions required by FPI to participate—including restoration of security, public financing of political parties, return of exiled militants, release of FPI militants—were not fulfilled. Political commentators noted that both FPI and RDR had used election boycotts in the past and that while participation was preferred, it was not an obligation, and therefore, the electoral process could not wait for FPI.

Meanwhile, an additional question arose regarding potential candidates who were not able to appear on

the final voters list owing to difficulties in compiling the list. Numerous proposals were put forward, especially by PDCI representatives, to try to resolve this situation and allow their participation either by dero-

gation or by instituting an exceptional registration process. It was nevertheless decided to remain within the letter of the law on this point.²⁵¹

The CEI registered a total of 946 candidates or lists of candidates and rejected 18 applications.²⁵² This included 12

cases of candidates who withdrew their candidacies before registration closed. During its consideration of candidacies, the CEI made notable efforts to communicate with candidates and allow them to complete their paperwork if necessary.

The most significant political development of the candidate nomination period was the FPI decision to boycott the elections.

Party Name/Independent Candidates Table

Party Name/Independent Candidates	Number of Candidates
Republican Assembly (RDR)	184
Democratic Party of Cote d'Ivoire (PDCI)	183
Union for Democracy and Peace in Cote d'Ivoire (UDPCI)	34
Ivoirian Workers Party (PIT)	27
Forces of the Future Movement (MFA)	21
Union Pour la Côte d'Ivoire (UPCI)	15
Liberty and Democracy for the Republic (LIDER)	12
Member of National Resistance Council for Democracy (CNRD) [UDCY, Cap-UDD, MNC-Alternative)	6
Other coalitions and groupings	28
Independents (includes 36 members of the Ivoirian Popular Front (FPI), of whom six were incumbents	432
Total	943

²⁵¹ A candidate whose case was rejected by the CEI filed an appeal with the Constitutional Council contesting his ineligibility. His appeal was filed after the deadline; however, the appeal would have been unsuccessful even if filed on a timely basis.

²⁵² In two constituencies, two PDCI candidates ran unopposed.



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Children show off legislative campaign posters.

Twenty-two appeals filed with the Constitutional Council, regarding 17 candidacies, resulted in decisions. The Constitutional Council declared three candidates ineligible.²⁵³ Fourteen cases were rejected—in one case, there was insufficient evidence provided; in 10 cases, the legal deadline for filing an appeal had passed; and in one case, the appellant did not have the right to bring an appeal before the council. The council, rightly, declared itself lacking jurisdiction to consider two cases linked to disputes over the use of an acronym. It is possible, on examining the decisions, that among the appeals filed after the deadline, some might have been successful. Therefore, the final number of candidates or lists of candidates was 943.²⁵⁴

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The Campaign Period

As per standard practice in Côte d'Ivoire, the official election campaign period was short, beginning on Dec. 3 at midnight and ending on Dec. 9. Many candidates started campaigning before the official campaign period. Two weeks before the start of the campaign, Carter Center observers throughout the country reported that several parties and candidates, especially those of the main political movements, had organized public meetings.²⁵⁵ Numerous candidates were engaged in campaign activities, going door to door or organizing meetings with traditional chiefs and other influential personalities.

The electoral code clearly prohibits election propaganda before the officially stated campaign period and stipulates sanctions in the case of violation.²⁵⁶ The vice president of the CEI, Yacouba Bamba, explicitly commented on posters prior to the official start of the campaign. The Carter Center notes the CEI's limited remarks constituted the only public acknowledgment of systematic violations of the electoral code and were not accompanied by specific steps aimed at sanctioning or ending violations.

Campaign activities increased with the start of the official campaign period. The imbalance in financial and logistical resources between candidates was evident to Carter Center observers. This was especially true between independent and party-affiliated candidates. This trend was accentuated by blatant disregard for the electoral code on the part of several candidates who held government office. Carter Center observers noted that some ministers openly

²⁵³ One candidate was ineligible due to a court conviction; one candidate had acquired French nationality and, as Ivorian law does not recognize dual nationality, had consequently lost his Ivorian nationality; and one candidate was declared ineligible for having used forged documents to register his alternate (following an appeal by the same alternate).

²⁵⁴ Communication of the Constitutional Council of Nov. 23, 2011. The Constitutional Council published its decisions after polling day.

²⁵⁵ In one notable case, the RDR organized a tour of the country a week before the start of the election campaign in order to present its candidates. Around 300 people attended rallies in Gagnoa, 2,000 in Man, and other rallies took place in Divo and Bouaké.

²⁵⁶ Electoral law, art. 32



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These legislative campaign posters were displayed in Seguela.

used state resources—vehicles, human resources, and security forces—for their campaign activities.²⁵⁷

Penal code provisions relating to vote buying were also ignored throughout the election campaign. The media widely reported cases in which candidates distributed gifts and donations, including cash.²⁵⁸ PDCI representatives in Sakassou openly told Carter Center observers that they had distributed money in certain villages.

Observers also reported the widespread practice of distributing money during campaign events.²⁵⁹

Freedom of assembly was generally respected throughout the campaign. Nevertheless, certain parties abused the use of public space, taking over public areas for the entire duration of the campaign.²⁶⁰

Despite a generally peaceful climate, tensions rose toward the end of the campaign. Initially, campaign messages spoke of reconciliation, peace, and development. However, in some areas, campaign messages

deteriorated into personal attacks, including references to the ethnicity of opponents and calls to the electorate not to vote for candidates who did not belong to the same ethnic group.

Carter Center observers deployed in the regions of Tonkpi, Agneby-Tiassa, and Haut-Sassandra reported cases of violence linked to the elections in Man, Facobly, Bouaké, and Aboisso and also cases of intimidation and harassment of candidates in Abidjan, Gagnoa, Tanda, Daloa, Bouaké, and San Pedro. In some constituencies, tensions were palpable among candidates, especially in cases in which one of the candidates was an influential personality. The Carter Center deplors the verbal attacks and threats made by

senior party officials and echoed by the press against independent candidates who left the party ranks.

Carter Center observers also monitored the impact of the FPI call to boycott the elections. In

certain regions, notably Fromager, Abidjan district, Moyen-Cavally, and Agnéby-Tiassa, the FPI actively campaigned for supporters to boycott the elections. Nevertheless, in other areas such as Haut-Sassandra, Tonkpi,

and Zanzan, appeals to boycott the elections were only sporadically followed; observers did not witness campaigning aimed at supporting the boycott.

The media widely reported cases in which candidates distributed gifts and donations, including cash.

²⁵⁷ These activities were observed in Man, Agboville, Koumassi, and Bondoukou.

²⁵⁸ According to Carter Center observers, the gifts distributed in Facobly included 60,000 school kits, cash, generators, lamps, medicines, and food.

²⁵⁹ The distribution of cash was reported in the majority of meetings in Daloa, Agboville, Man, and in certain cases in Bouaké and Gagnoa.

²⁶⁰ This was notably the case in “Inshallah Square” in Koumassi, which was occupied continuously by RDR.



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The death of candidate Pierre Narcisse Gaoudé (RDR) on Dec. 4, 2011, led to the postponement of voting, as per the electoral code, in his constituency in the department of Man.²⁶¹ The deadline of one month within which to organize new elections in the constituency was not applied. The CEI awaited the resolution of the appeals process by the Constitutional Council in order to take into account any possible reruns of voting in other constituencies.

Participation of Women

International human rights treaties state that women have the same rights as men and that, in certain cases, states must take special temporary measures to achieve women's de facto equality.²⁶² The obligations of the state to promote de facto equality for women arise, in part, from broader obligations pertaining to an absence of discrimination and the right of every citizen to participate in the public life of his or her country regardless of gender.²⁶³

Following the 2000 legislative elections, women represented 8.9 percent of those elected to the National Assembly. Prospects for improving the representation of women remained limited as only 128 women ran in the 2011 legislative elections. Twenty-eight women were elected, increasing women's representation to 11 percent in the National Assembly.²⁶⁴

Given the difficulties facing women and the limited number of female candidates fielded by the political parties, the introduction of credible incentives to support the participation of women in the elections should be seriously considered in the future.²⁶⁵ Measures guaranteeing a minimum level of representation in the National Assembly and the effective integration of women into political life are difficult to implement within the limitations of a majoritarian electoral system. Nevertheless, The Carter Center suggests that public support could act as an important incentive for the parties to include women in their decision-making structures, to present female candidates, and to successfully elect women to Parliament or to leadership posts.

CAMPAIGN FINANCE

There are no campaign finance laws in Côte d'Ivoire that govern the origin of funds or set an upper limit to campaign spending. However, the Ivorian government finances political parties and entities and presidential candidates from public funds.²⁶⁶ The law stipulates that a subsidy should be paid to the political parties represented on the National Assembly.²⁶⁷ An exception was made for the 2000–2005 legislature. Political parties without representatives in the National Assembly received the same funding as if they had elected representatives at the local level.²⁶⁸ This measure was intended to create more equitable conditions for the parties and was especially intended to enable the RDR, which boycotted the 2000 legislative elections, to receive public funds. This approach continued from 2006 to 2010. After the presidential elections, the FPI, as with all other political parties, did not receive the final installment of 2010 due to the postelection crisis. According to FPI officials, the final installment was eventually received by the party

261 Constituency no. 195: Bogouiné, Logoualé, Yapeu, Ziogouiné, communes, and subprefectures. Electoral code, art. 84: "In the case of the death of a candidate during the campaign or while voting is taking place, the election is legally suspended in the constituency in question. New elections shall take place one month after the date initially determined for holding the election." [unofficial translation]

262 ICCPR, art. 3; African Charter, art. 2

263 ICCPR, arts. 2 (1) 26; African Charter, art. 2; ICCPR, art. 25 (a)

264 The Inter-Parliamentary Union ranks Côte d'Ivoire at 106 out of 189 countries in terms of female representation in Parliament.

265 CEDAW, art. 7; Protocol to the African Charter pertaining to the rights of women, art. 2 (d)

266 Law no. 2001-494 of Sept. 10, 2004, pertaining to the use of public funds to finance political parties and groups and candidates for the presidential election and repealing law no. 99-694 of Dec. 14, 1999.

267 Arts. 4 to 7 of law no. 2004-494 of Sept. 10, 2004. One-thousandth part of the state budget is distributed among the political parties and groups represented in the National Assembly on the basis of a formula that awards two-fifths of funds according to the number of votes received in the legislative elections, two-fifths to political parties and groups in proportion to number of seats, and one-fifth to parliamentary groups in proportion to the number of deputies registered with them.

268 Art. 4, decision 2005-07/PR of July 15, 2005



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only a short time before the legislative elections. The Carter Center notes that the authorities justified the withholding of funds due to concerns that they would be used inappropriately by the party, given the tensions with the new government.

In addition to the lack of regulation imposing a limit on campaign expenses and obliging the parties and candidates to present relevant accounts, the Center observed a high level of impunity in the use of state resources and vote buying. If nothing is done to tackle these

issues, voter cynicism about politics will only increase and contribute to a climate of mistrust among candidates. With the forthcoming electoral cycles in mind, The Carter Center emphasizes the need to implement a series of realistic measures

aimed at establishing the principles enshrined in the United Nations Convention Against Corruption and providing the means to implement the relevant legal provisions effectively.²⁶⁹

Participation of Women

The Ivoirian government released ad hoc funding to support female candidates. President Ouattara allocated 1 million CFA francs to each female candidate. The Carter Center welcomes all initiatives aimed at achieving a greater representation of women in the National Assembly. However, it notes that token assistance of this nature constitutes an ad hoc measure that does not address the structural and social problems that present obstacles to women's participation. The Center reiterates the need to implement a coherent, long-term policy to support women's full and effective participation in political life on an equal basis.

MEDIA

The Carter Center election observation mission did not conduct systematic media monitoring. Therefore, the Center's analysis is limited to the legal framework and functioning of the media regulatory authorities.

In the absence of specific regulations covering candidates' access to the media in the context of the legislative elections, the media regulatory bodies conducted their responsibilities on the basis of general principles contained in existing legal texts.²⁷⁰

A previous draft of the electoral law stipulated equal access to the media during electoral campaigns.²⁷¹ The existing article 30 of the election code was amended in 2008 in respect of access to state media for candidates in the presidential election.

However, it did not speak specifically to the legislative elections. If unintentional, the amended law altered the requirements of equal treatment only for the presidential elections. Consequently, there were no legal obligations regarding coverage of the campaign for the legislative elections on the part of public audiovisual and print media.²⁷² However, despite the legal vacuum, the CEI had the authority to adopt regulations requiring equal access for all candidates to government-supported audiovisual and

If nothing is done to tackle these issues, voter cynicism about politics will only increase and contribute to a climate of mistrust among candidates.

²⁶⁹ Côte d'Ivoire has signed this convention but has not yet ratified it.

²⁷⁰ Law no. 2004-643 of Dec. 14, 2004, on the legal regulation of the press; law no. 2004-644 of Dec. 14, 2004, on the legal regulation of audiovisual communication; guide to media coverage of the elections in Côte d'Ivoire

²⁷¹ Art. 30 of law no. 2000-514 of Aug. 1, 2000

²⁷² In the case of Radiodiffusion Télévision Ivoirienne (RTI), the service contract refers to general obligations for a pluralist coverage (art. 3 of the RTI Service Contract). Nevertheless, although RTI is subject to public service obligations, broadcasting programs about the election campaign implies the provision of a specific budget (art. 16 of the RTI Service Contract).



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print media. While difficult, given the large number of candidates for the legislative elections, a specific framework regarding media coverage could have been established as a means of guaranteeing equitable conditions of competition among candidates.²⁷³

With the support of UNOCI, on Nov. 30, the National Press Council (CNP) organized a workshop bringing together 50 representatives of press outlets to review the principles of responsible and professional coverage of legislative elections.²⁷⁴ On Dec. 2, the CNP adopted a decision stating that during the electoral campaign, the government-affiliated press organs should ensure respect for the principle of equal access to their pages for political parties and coalitions presenting candidates. Private press outlets, for their part, should act in accordance with principles of pluralism and balance of information.²⁷⁵ The CNP adopted two decisions imposing financial sanctions on two newspapers, which in contravention of the electoral code, printed electoral results before they were officially announced by the CEI.²⁷⁶

With the support of UNOCI, on Oct. 31, the High Authority for Audiovisual Communication (Haute Autorité de la Communication Audiovisuelle, or HACA) organized a workshop on the role of noncommercial, private radio stations. More than 80 directors in the sector attended. Two days after the start of the official campaign period, on Dec. 5, HACA issued four decisions detailing the guiding principles for the audiovisual media during the campaign. As such, public radio and television were obliged to ensure equal access to candidates and political parties in the constituencies in which media coverage was provided. Furthermore, government-supported media was encouraged to cover campaign activities in as many constituencies as possible. They were obliged to refrain from broadcasting hatred or



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Ivoirians read newspapers, where headlines focus on the legislative polls.

xenophobic speeches or those inciting violence or attacking candidates or their representatives. HACA also reminded community radio stations that they were barred from covering campaign activities or broadcasting discussions related to the elections. HACA launched inquiries and summoned the directors of two community stations in response to reports that certain local radio stations had violated these regulations and reported on campaign activities.

The Carter Center welcomes the initiatives taken by HACA and the CNP during the electoral period. It encourages consideration and reform of the legal framework in order to regulate media coverage during legislative elections, as regulated during presidential elections.

273 ICCPR, arts. 2 and 25 (b); Declaration of Principles Governing Democratic Elections in Africa (African Union), art. 3 (a)

274 "Resolutions and recommendations of the Yamoussoukro seminar," Nov. 30, 2011

275 Decision no. 021/11/CNP of Dec. 2, 2011, on the regulation of the campaign in the print media for the post-crisis legislative elections

276 Decision no. 25 of the CNP of Dec. 14, 2011; decision no. 26 of the CNP of Dec. 14, 2011



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CIVIL SOCIETY

The right of individuals to participate in the public affairs of their country, either individually or in association with others, is enshrined in international law.²⁷⁷ The contribution of civil society organizations to promoting and protecting human rights is widely recognized and indeed encouraged by states.²⁷⁸

Fifty national groups of observers were accredited by the CEI. Several of the organizations observed the presidential elections. These included:

- *Convention de la Société Civile Ivoirienne* (CSCI)
- *Coalition de la Société Civile pour la Paix et le Développement Démocratique en Côte d'Ivoire* (COSOPCI)
- *West African Network for Peace – Côte d'Ivoire* (WANEP-CI)
- *Coordination des Femmes de Côte d'Ivoire pour les Elections et la Reconstruction Post-Crise* (COFEMCI-REPC)
- *Rassemblement Ivoirien des Droits de l'Homme* (RAIDH)
- *Forum des Organisations de la Société Civile d'Afrique de L'Ouest – Côte d'Ivoire* (FOSCAO-CI)
- *Organisation des Femmes Actives de Côte d'Ivoire* (OFACI)

Despite prior experience, the relatively brief advance notice in the announcement of the electoral date made it challenging for civil society organizations to organize and raise funds for their activities.

The CEI implemented a new system for the production of accreditation badges. Nevertheless, there were serious delays in the accreditation process. The Carter Center regrets these delays complicated

the task of the national observers, as many of them did not receive their badges before the start of voting.

ELECTION-RELATED VIOLENCE

In order to guarantee the right of security of the person to every individual, as enshrined in international law, the authorities must guarantee the security of the electoral process, including during the election campaign.²⁷⁹

Carter Center observers recorded some violent incidents during the official campaign period. While limited

in number, these incidents were indicative of a campaign climate that was tense in certain locations and unfortunately led to several injuries and even fatalities.

In Bogouiné, in the department of Man, the campaign headquarters of candidate Pascal Sery (UDPCI) was attacked on Dec. 5. It is possible that the attack was related to the death of candidate Pierre Narcisse Gaoudé on Dec. 4, for which the family of the deceased and RDR activists appear to have blamed candidate Pascal Séry. The relevant authorities conducted an inquiry based on the facts as reported by the UDPCI candidate.

In Man, on Dec. 7, members of the family of candidate Amara Koné were violently accosted while hanging campaign posters outside the family residence. The assailants were identified by the victims as

While limited in number, violent incidents were indicative of a campaign climate that was tense in certain locations and unfortunately led to several injuries and even fatalities.

277 U.N. HRC, General Comment no. 25, par. 8

278 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly of the United Nations), art. 8 (1)

279 ICCPR, art. 9 (1)



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RDR activists. Following this incident, Carter Center observers were informed by the police that Koné filed a complaint as did the RDR representatives.

In Grand Lahou, on Dec. 7, a bomb (RPG7) exploded in the courtyard of the local PDCI campaign director's residence, causing serious material damage and the death of three children. The circumstances of this incident were subject to conflicting explanations,

making it impossible to draw conclusions as to whether the incident was election related. However, in the same town, the campaign week was characterized by other violent incidents. On Dec. 5, there were confrontations in the streets between Gbagbo and PDCI supporters. On the following day, there were altercations and provocations between members of the FRCI and PDCI supporters.



POLLING

The voting process represents the cornerstone of the state obligation to guarantee that power reflects the will of the people as freely expressed through the ballot box.²⁸⁰ In addition to the effectiveness of the right to vote for all citizens without discrimination, prevailing conditions during voting procedures also contribute to guaranteeing the free choice of voters. Such conditions include security, absence of threats and intimidation, and unhindered access for observers and candidates' representatives.²⁸¹

OPENING

Election day and the opening and closing times of the polls were established by a decree of the Council of Ministers based on CEI proposals. The decree summoning the electoral colleges set the period for polling operations as 7:00 a.m. to 5:00 p.m.²⁸²

More than two-thirds of the polling stations observed by the Carter Center observers opened some 30 to 60 minutes late. In many cases, this was due to the absence of polling station staff. In other cases, electoral materials arrived late.²⁸³ However, given the low turnout among registered voters, these delays did not affect the conduct of the elections.²⁸⁴

VOTING OPERATIONS AND CLOSURE

Strictly speaking, voting procedures are the subject of articles 36 and 37 of the electoral code. The basic elements are: use of a secure ballot box that is at least partially transparent; use of electoral ink; transparency of operations; a secret ballot and its individual nature; the possibility of receiving assistance being exclusively reserved for voters with an obvious disability preventing them from exercising their vote individually; formal identification of voters; and marking off participating voters on a register. The CEI handbook for polling station staff, largely based on that of the presidential elections, added some useful supplementary clarifications on the polling procedures.

Carter Center observers visited 165 polling stations and gave a positive assessment of the voting process. Nevertheless, electoral procedures were not followed in a systematic manner. As such, in approximately 20 percent of observed cases, security measures were only partially applied.²⁸⁵ Furthermore, observers noted that

280 ICCPR, art. 25 (b)

281 U.N. HRC, General Comment no. 25, par. 20

282 Decree no. 2011-286 of Sept. 28, 2011, pertaining to the summoning of the electoral colleges of the Republic of Côte d'Ivoire for the purpose of legislative elections

283 Carter Center observers observed 62 delays of more than 30 minutes in opening, out of 165 polling stations visited throughout the day. However, in Bouaké and Man, polling stations opened at 4:00 p.m. owing to a lack of materials. They remained open beyond the usual schedule, until 9:00 p.m., to try to compensate for the delay in opening.

284 Unfortunately, there was no voting in five polling stations in Beoumi. The village chiefs refused to hand over the electoral materials, which they had kept overnight, on account of the new electoral boundaries. The candidate for whom they wished to vote had been relocated in another constituency.

285 Carter Center observers reported that in 23 percent of polling stations visited, the ballot boxes were not correctly sealed. In addition, 20 percent of polling stations did not receive the necessary number of seals (nine) to secure the ballot box correctly at the start of voting and for the transportation of materials to local commissions.

Sandra Flores



Ivoirians wait in line for a polling station to open.



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Erick Bayard

A disabled voter inks her finger as a polling station worker assists her.

in nearly half of the polling stations observed, polling station staff failed to check voters' hands for signs of ink before they voted.²⁸⁶ Despite these breaches of procedure, observers assessed there was no obvious intention to undermine the integrity of the process but that these irregularities reflected gaps in the training of polling station staff and in their supervision by CEI local commissioners.

A further lack of consistent information was apparent in the very different use made of the two available voters lists in the polling stations. In some cases, voters were told to sign both electoral lists. However, in others, one list was used to mark off names while the other list was not used.

With one exception, all the polling stations observed closed their voting operations at 5:00 p.m.²⁸⁷ Following closure, voters who were appointed to assist in the counting process, in most of the polling stations observed, followed the stipulated procedures.²⁸⁸

²⁸⁶ The observers noted that in 44 percent of polling stations, staff did not check whether voters' fingers already had been inked.

²⁸⁷ At Korogho, a polling station visited by observers at the legal closing time remained open despite the absence of voters waiting. The president of the polling station explained that he wished to achieve the 50 percent turnout threshold. A group of five women who arrived on the premises after closing time was permitted to vote in violation of the regulations in force.

²⁸⁸ Voters from the polling stations were appointed to assist in counting ballots in 86 percent of polling stations visited.



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SECURITY

Security on polling day means protecting the stakeholders in the process, securing electoral material, and preventing any disruption to voting operations. The right to freedom and security of the person is enshrined in the international conventions ratified by Côte d'Ivoire.²⁸⁹

The environment surrounding the polling stations was assessed very positively in most of the cases observed, with no apparent tensions or security incidents.²⁹⁰

However, the observers deployed in Douékoué mentioned the heavy presence of RDR representatives outside some polling stations. This presence may have been perceived as intimidating by some voters.²⁹¹

Security forces were present in the majority of the polling sites visited.²⁹² In general, they fulfilled their role in an appropriate manner, without interfering in the process.

ACCESS FOR CANDIDATES' REPRESENTATIVES AND OBSERVERS

Per the electoral code, candidates and their representatives were allowed unrestricted access to all voting operations and to the counting and tallying of votes.²⁹³ This access was also extended to appropriately accredited observers.²⁹⁴

The large number of candidates' representatives present in polling stations, wearing special badges

issued by the CEI, contributed to greater transparency in the voting procedure.²⁹⁵ Carter Center observers noted national observers in 30 of the 165 polling stations visited throughout the day.

The CEI's delay in issuing accreditation badges for observers disadvantaged observers

deployed in the areas furthest from Abidjan, who were thus unable to receive their badges in time. However, local commissions and polling station presidents demonstrated understanding and authorized access to voting sites for those observers.

The large number of candidates' representatives present in polling stations, wearing special badges issued by the CEI, contributed to greater transparency in the voting procedure.

Sarah Johnson



A Carter Center observer watches CEI officials checking voters lists.

289 ICCPR, art. 9; African Charter, art. 6

290 In 97 percent of cases observed, the environment did not show any signs of intimidation, pressure, or tension

291 In this context, it should be noted that a complaint was filed with the Préfet of Douékoué on Dec. 8 by the UDPCI candidate against the RDR candidate on the grounds that the latter allegedly threatened certain communities with retribution if the final tabulated results were not in her favor.

292 The presence of security forces, FRCI or UNOCI, was noted in 73 percent of polling sites visited.

293 Art. 35, electoral code. Chapter II (B), CEI handbook for the use of polling station staff

294 Chapter III (C), CEI handbook for the use of polling station staff

295 The lists that had the most representatives in some 140 polling stations visited were the RDR and the PDCI, with 122 and 119 representatives, respectively.



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Participation of Women and Marginalized Groups

Carter Center observers noted that women served as presidents of the polling stations in 10 percent of the polling stations observed and worked as secretaries in 30 percent.

There was no specific procedure in place for voters who may have wanted to vote outside the constituencies in which they were registered. This caused genuine problems for internally displaced people who, for various reasons, did not wish or were not able to return to the regions in which they were registered to vote.²⁹⁶

In some cases, Carter Center observers noted that voters who declared their documentation lost when fleeing the 2010–2011 postelection violence were not able to vote. Scarcely a week before the elections, the CEI decided to allow these voters to vote using an identity certificate. However, obtaining this document was not a simple or rapid process, as it required showing a birth certificate as well as a certificate of nationality.²⁹⁷ The procedures are therefore too cumbersome to allow such a measure undertaken within such time frames to be effective.

²⁹⁶ See footnote 9.

²⁹⁷ The certificate of nationality can be issued only by a court.



POSTELECTION DEVELOPMENTS

COUNTING AND TABULATION OF RESULTS

Vote counting and the transmission and tabulation of results are highly sensitive operations in which transparency is essential in order to guarantee the integrity of the election process. The security of the ballot boxes must be guaranteed, and vote counting should take place in the presence of candidates or their agents.²⁹⁸

Vote Counting

Carter Center observers assessed the counting process very positively in the majority of the polling stations observed.

Observers emphasized the notable level of openness and transparency in the process, which candidate representatives as well as national and international observers were able to observe.

The procedures were, for the most part, respected. In cases where voters had not marked their choice in the appropriate space, decisions regarding the validity of ballot papers were taken on the basis of CEI procedures. However, certain shortcomings were noted with regard to proper implementation of procedures. Firstly, observers noted that the verification of seals was not conducted systematically and that their numbers were only occasionally noted on the tally sheets as stipulated in the instructions given to polling station staff.²⁹⁹ The Carter Center



Sarah Johnson

A marked legislative ballot is laid out for counting at a polling station that has just closed.

recommends that in future, greater importance should be accorded to the purpose of the seals, and this information should be reflected in the electoral documents and in training for polling station staff.

The second shortcoming noted was that in almost half of the polling stations visited by observers, staff did not display results protocols outside the station, despite instructions within the CEI handbook for polling station staff to do so. Public posting of the

²⁹⁸ U.N. HRC, General Comment no. 25, par. 20

²⁹⁹ In 78 percent of cases observed, the code numbers of the seals were not checked or noted on the tally sheets.



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polling station results is essential to enable the public and stakeholders to verify the accuracy of and build confidence in the results.³⁰⁰

Finally, observers also noted that the packaging and securing of electoral materials during transportation from the polling stations to reference commissions were sometimes inadequate. In some cases, materials were sent to the wrong local commission.³⁰¹ Isolated incidents occurred in the west of the country where armed individuals attacked polling station staff and appropriated electoral material, including ballot boxes containing ballot papers and the tally sheets of 14 polling stations.³⁰²

Tabulation of Results

The Carter Center observers gave a positive assessment of the management of the tabulation of results and respect for procedures in the vast majority of cases observed.³⁰³ Tabulation of results was effected at the level of the 105 local commissions appointed for this purpose and designated “reference commissions” for the task. Polling station presidents were responsible for sending the electoral materials to the relevant reference commission. The results were received in the presence of all the local commissioners. After opening the envelopes addressed to the reference commission, the results protocols were read aloud. The data in the results protocols were entered in a database and reproduced in the tabulation protocol. The CEI regional supervisor was responsible for transporting the tabulation protocol and the CD with the database to the CEI in Abidjan for the announcement of the provisional results.

The observers noted that, in some cases, commissioners did not have written instructions. Given also the haphazard nature of the instructions elsewhere provided by the CEI, the results tabulation process did not appear consistent across the various reference commissions. Nevertheless, observers assessed that in the majority of reference commissions, the process was conducted in a calm atmosphere, and decisions were generally taken by the commissioners in a consensual manner.³⁰⁴



Erick Bayard

This is a partially sealed ballot box from the legislative polls.

Carter Center observers considered that the tabulation of results was achieved relatively rapidly in the reference commissions. However, they noted that this rapidity was often due to the fact that commissioners did not systematically check the results protocols to ensure that the figures were mathematically consistent. Such consistency checks are good practice to reduce the risks of delays at central level of election administration.

300 CEI handbook, p. 26

301 This was the case in Seguela, Daloa, and Douékoué. In Douékoué, polling station staff without any assistance transported electoral material to a reference commission that did not correspond to their polling station. When they arrived at the appropriate reference commission, the results of that polling station were not included in the count because of the delay in transportation.

302 In Bonon and Douékoué, polling station staff transporting electoral material were attacked and all the material stolen; while at Vavoua, a ballot box was set on fire after the closure of the polling station.

303 Graded “very good” in 71 percent of cases observed and graded “good” in all other observed cases

304 Observers assessed the atmosphere as “very good” in 86 percent of observed cases. However, in Kouibly, the tabulation process was marred by violence owing to dissatisfaction over the results.



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Carter Center observers noted the transparency of the tabulation process.³⁰⁵ Candidate representatives and national observers were present in all the reference commissions visited.

RESULTS

The CEI announced the provisional results by constituency on a rolling basis as the results reached Abidjan and were tabulated at central commission level. The provisional results were communicated in their entirety on Dec. 16 shortly after midnight.³⁰⁶

Absent in the previous legislature following its boycott of the 2000 legislative elections, RDR made significant gains, winning nearly a majority of seats in the National Assembly. PDCI secured 77 seats. Neither the candidates presented by Lider nor those presented by the three CNRD party members were successful. Given FPI's abstention from the elections, the party lost all representation on the parliamentary level.

According to official figures announced by the CEI, the voter participation rate was 36.56 percent. The legislative elections did not elicit the same interest and participation as the presidential election. FPI party members in several districts actively supported a boycott and discouraged supporters from participating in the polls. Although the abstention of the FPI was an important element in the turnout,

it does not in itself explain the limited participation. From the Carter Center's perspective, this phenomenon could be explained by multiple additional factors. The decision of a voter not to go to the ballot box may be the result of numerous considerations. These

include, among others: lack of interest in the legislative elections, which are considered less important than presidential polls; disenchantment resulting from the crisis that followed the presidential election; undemocratic practices in candidate selection by the political parties;³⁰⁷ insufficient voter information; and a lackluster election campaign.

*According to official figures announced
by the CEI, the voter participation
rate was 36.56 percent.*

Party-Elected Candidates Table

Party	Total Candidates	Total Elected
Republication Assembly (RDR)	231	127
Democratic Party of Cote d'Ivoire (PDCI)	233	77
INDEPENDENT	499	35
Union for Democracy and Peace in Cote d'Ivoire (UDPCI)	49	7
Houphouetiste Assembly for Democracy and Peace (RHDP)	4	4
Forces of the Future Movement (MFA)	21	3
Union Pour la Côte d'Ivoire (UPCI)	15	1

³⁰⁵ Nevertheless, it should be stated that in Koumassi, the reference commission initially asked the observers to wait for the announcement of the results in a room adjacent to the one in which the tabulation process was being conducted. The commission eventually allowed the observers access.

³⁰⁶ Source of the table and graphic: www.abidjan.net

³⁰⁷ The appointment process was at times contested by aspiring candidates and activists of the main political parties in which senior party officials allegedly selected candidates who "parachuted in."



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The CEI did not publish results disaggregated by polling station. The Carter Center encourages future electoral management bodies and the National Assembly to consider the legal framework governing the release and posting of results for future electoral cycles. Posting polling station results on an individual basis at the polling station level is recognized as an international best practice in order to increase the transparency of the election and accountability of electoral officials, as well as guarantee the right of access to information.³⁰⁸

THE APPEALS PROCESS

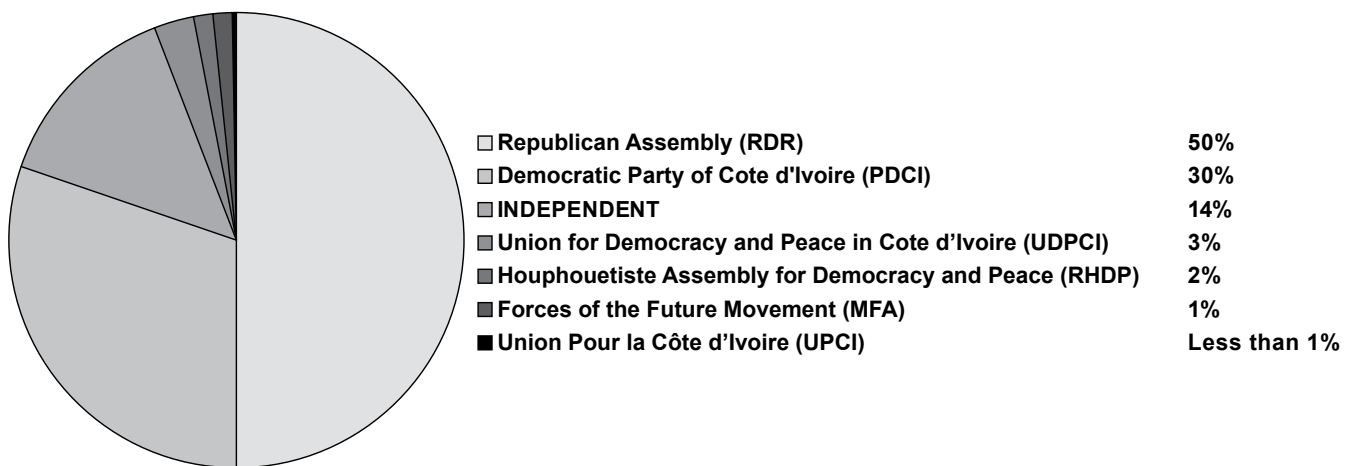
International conventions oblige signatory states to guarantee effective means of recourse against violations of fundamental rights and liberties. This requires the existence of appropriate mechanisms: judicial, administrative, and others.³⁰⁹ Effective means of recourse must be available at each stage of the electoral process, especially with regard to the results.³¹⁰

Conducting the election appeals process is the responsibility of the Constitutional Council. This body comprises a president, appointed by the president of the republic, and six members in principle

appointed for a nonrenewal mandate of six years, half of them by the president of the republic and half by the president of the National Assembly.³¹¹ In July, President Alassane Ouattara appointed new members to the Constitutional Council. These changes were effected outside the normal framework as a result of the exceptional situation arising from the previous council's decision to overturn the results of the presidential elections.

The legal framework that covers the election appeals process is composed of regulations that appear in the law that governs the functioning of the Constitutional Council and in the electoral code. This framework includes some ambiguities regarding the correct procedures and legal deadlines, particularly in light of contradictions between the electoral code and the law governing the council. The general framework resulting from these two texts is as follows.

- i. The general tabulation of votes is conducted by the CEI, which announces the provisional results. There is no legal deadline. In principle, the CEI is only obligated to transmit the tally sheets to the Constitutional Council within three days of polling.



308 ICCPR, art. 19

309 ICCPR, art. 2 (3)

310 ECOWAS, Protocol on Democracy and Good Governance, art. 7

311 Former presidents of the republic are, in principle, full members. President Bédié explicitly renounced this right in order to contest the 2010 election. As for President Gbagbo, his status was obviously related to his legal situation.



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2. Once the provisional results are announced, the right of appeal is open to candidates by means of a written petition filed free of charge.³¹² The law includes the possibility of appealing on the grounds of ineligibility, which according to the electoral code comes into force only when the assembly is seated.³¹³
3. Upon registration with the clerk of the Constitutional Council, the person concerned is informed about the complaint and has 48 hours to submit written information.³¹⁴ The complaint is then submitted to the council, which shall issue a reasoned decision.³¹⁵ When the council upholds an appeal, it may, depending on the case, “annul the election contested or revise the announcement made by the commission responsible for elections and announce the candidate who has been legitimately elected.”³¹⁶ As such, these prerogatives are very different from those accorded to the council in the context of a presidential election during which the council has the authority to accept or annul the comprehensive electoral results, and cannot annul the results of only specific districts.
4. The final announcement of results is then made by the CEI.

The Constitutional Council and the CEI jointly discussed and clarified certain gray areas, especially concerning the calculation of deadlines and the consequences arising from them.

Some complaints were filed at CEI level, mainly by written communication. In these instances, the CEI informed the complainants to address their complaints directly to the Constitutional Council. At the close of the period for filing appeals, the Constitutional Council registered and considered 110 complaints, all of them judged admissible, pertaining to 66 electoral constituencies. In principle, the reasoned decisions of the council should have been issued within 15 days of submission.³¹⁷ This was not the case. On the contrary, after polling, the council, through its president, advanced a different interpretation, establishing the actual deadline as

the month preceding the seating of the National Assembly.³¹⁸ Numerous observers of political life put forward the theory that this deadline could also have been intended to facilitate the election of the prime minister to the post of president of the National Assembly.³¹⁹ The Constitutional Council justified the extended deadline, highlighting the necessity to conduct thorough investigations, as the law entitles the electoral judge. In this regard, The Carter Center welcomes the approach adopted by the council and underscores that such practice represents a positive departure from a purely formalistic approach. However, the Constitutional Council should be afforded sufficient means to settle election disputes as quickly as possible.

The Constitutional Council issued its decisions on Jan. 31, 2012. Results were annulled in 11 constituencies. This affected six RDR seats, four independents, one PDCI, and one UDPCI.³²⁰ By

³¹² Filing this petition may be effected with the CEI or through the corps préfectoral including at subprefecture level. Chapter 6 of the electoral code stipulates the act of contesting the election by any voter, candidate, or list within a time limit of five clear days from the announcement of the results.

³¹³ Art.41: “The Constitutional Council rules on the validity of the election without prejudice to cases of ineligibility which could be subsequently submitted to it.” Art. 102: “Throughout the duration of the legislature, the elected representative whose ineligibility has been established is stripped of his or her mandate by the Constitutional Council to which the candidate or candidates of the same electoral constituency have appealed to that effect.”

³¹⁴ Art. 37, Organic law no. 2001-303 of June 5, 2001, establishing the organization and functioning of the Constitutional Council

³¹⁵ Art. 38, Organic law no. 2001-303 of June 5, 2001, establishing the organization and functioning of the Constitutional Council

³¹⁶ Art. 39, Organic law no. 2001-303 of June 5, 2001, establishing the organization and functioning of the Constitutional Council

³¹⁷ Article 100, electoral law

³¹⁸ Article 62 of the constitution stipulates that the first ordinary session of the National Assembly commences on the last Wednesday of the month of April.

³¹⁹ Prime Minister Guillaume Soro, sole candidate, was elected president of the assembly on March 12. However, it is not clear whether, on that date, he had actually reached the age of 40, a requirement for occupying this governing position.

³²⁰ In Bouna (2 RDR), Bonon (1 FN/RDR), Dikodougou (1 RDR), Duékoué (1 RDR), Facobly (1RDR), Kouibly (1 Independent), Fresco (1 Independent), Agboville subprefect (1 Independent), Tabou (1 independent), Grand-Lahou (1 PDCI), and Biankouma (1 UDPCI).



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April 2012, the finalization date of the present document, the Center had not yet been provided copies of the Constitutional Council's decisions. Therefore, it was not possible to conduct a detailed analysis of the decisions. According to comments by the president of the council during a Jan. 31 press conference, the main grounds for invalidation or irregularities in the conduct of the election campaign included: early election campaign or the intervention of military in

support of candidates; the use of means and symbols of the state for campaign purposes or breaching of the electoral silence period; irregularities during polling with regard to the secrecy of the ballot or the behavior of polling staff; and irregularities related to vote counting and the transmission of results (destruction of ballot boxes, significant anomalies in the reconciliation of results, forced signing or absence of proclamation of results at polling station level).



RERUNS OF ELECTIONS: FEB. 26, 2012, LEGISLATIVE BY-ELECTIONS

On Feb. 26, 2012, elections were held in 11 constituencies where the results had been annulled by the Constitutional Council, as well as in the Logouale constituency, where the death of a candidate during the campaign brought a halt to election operations.³²¹ Competing for the 13 available seats were 66 candidates, compared with 79 candidates in December, due to the withdrawal of several who originally ran for office.

In two constituencies, Bonon and Facobly, serious incidents, which resulted in fatalities in Bonon, occurred again. Consequently, the results in these constituencies were not announced, and the two seats in question remained vacant at the time of publishing. In the nine other constituencies in which the results were annulled, the candidates who had

originally been proclaimed victorious were confirmed by the rerun. The Logouale seat was won by a UDPCI

candidate. According to the CEI, 39.99 percent of eligible voters participated in the elections in the 10 declared constituencies. Two appeals were filed with the Constitutional Council but were ultimately rejected for lack of merit.

The National Assembly, following the composition of parliamentary blocks announced on April 23, includes 136 members from RDR, 88 members from PDCI, nine members from UDPCI as well as 11 members for the “Dialogue” block and eight members of the “Espérance” block. The boundary delimitations as well as the expected realignment of some independents with the president’s party granted RDR an absolute majority.

*In two constituencies, Bonon
and Facobly, serious incidents,
which resulted in fatalities
in Bonon, occurred again.*

³²¹ The Carter Center did not observe the legislative by-elections.



CERTIFICATION OF RESULTS

Partial certification of the legislative elections of Dec. 11, 2011, occurred on Feb. 17, 2012. The U.N. SRSG, Bert Koenders, referred to the shortcomings in the voter registry and encouraged authorities to address these concerns. He also mentioned the lack of clarity that surrounded the adoption of the boundary delimitations and the absence of a structured framework for organizing the media. Nevertheless, the overall conclusion of the certifier was that “the elections of Dec. 11, 2011, were conducted in the great majority of the 204 electoral constituencies in general calm” and that the technical difficulties noted in some cases “did not really compromise the good conduct of the election.” Furthermore, after verification of the tally sheets sent to UNOCI and their tabulation, the certifier noted the similarity with the results of the CEI for the 138 constituencies that were not the subject of appeal and the absence of irregularities that could have affected the results in those constituencies. In the case of the other 66 constituencies, he reserved judgment while awaiting consideration by the Constitutional Council.

On March 9, 2012, following the decision of the Constitutional Council to annul the elections in 11 constituencies and the rerun of the elections in 12 constituencies, Koenders completed his

assessment, declaring that: “the consideration by the Constitutional Council of the appeals concerning them took into account the reality of events and respect for the standards and procedures in force,” thus confirming the conclusions of the council. Regarding the conduct of the elections of Feb. 26, Koenders noted that the elections had been conducted “in a general calm and in conditions conforming to the standards of a free, open and transparent election.” Nevertheless, he noted the isolated but serious incidents in the constituencies of Bonon and Facobly where, owing to the violence and material destruction that occurred, the results could not be announced. In the case of these two constituencies, where the announcement of results was suspended by the CEI, Koenders encouraged the CEI to use its powers to make use of “direct or indirect information on the outcome of voting in these constituencies held by, among others, polling station staff and candidate representatives to whom standard copies of the tally sheets should have been given.” For its part, in an email to Koenders, the CEI declared that it would not announce the results until “conditions allow voters in these two constituencies to cast their votes freely and in peace.”



CONCLUSIONS

Having completed the Dec. 11, 2011, legislative elections, Côte d'Ivoire passed another milestone in re-establishing governing institutions. Polling was held in a context weakened by the political and social consequences of the violent crisis that followed the presidential election of November 2010. The political will to organize the elections before the end of the year, justified by the concern to re-establish the functioning of key governing institutions after the crisis, imposed a particularly tight schedule on the CEI.

Based on direct observation in the areas of deployment, The Carter Center considers that the elections were generally conducted in compliance with international standards. Information shared among the other observation missions, national and international, confirms this assessment.

Voters cast their ballots in a generally peaceful atmosphere. Despite a few prior incidents, there were no major incidents reported on the day of voting. The rate of participation was low—only 36.56 percent of registered voters participated in the elections, according to official figures. While the FPI election boycott is an explanatory factor, it is not solely responsible for the reduced turnout in comparison with the presidential elections. There are other factors to be taken into account, notably the lack of interest in the legislative elections, insufficient voter education campaigns among voters, and the trauma left by the postelection crisis.

In terms of voting operations, the data collected by the observers reveals a satisfactory application of instructions. Nevertheless, certain shortcomings

and inconsistencies were cited with regard to the security of ballot boxes, use of voters lists, and checks to ensure that there were no traces of ink on voters' hands prior to voting. These inconsistencies do not undermine the credibility of the vote but demonstrate the need to pay greater attention to the training of polling station staff. Transmission and tabulation of results generally were conducted in line with procedures. The tabulation of results, however, could have been finalized earlier with the appropriate training of local commissioners.

These steps would have strengthened transparency. Likewise, local commissioners should have received more sustained communications from the CEI. The Carter Center notes the transparency of the voting operations and of counting and tabulation of results. Candidates' repre-

sentatives attended the count in significant numbers while the national and international observers had unhindered access.

Access to candidacy was guaranteed. In this area, the CEI made clear efforts to facilitate candidate registration by ensuring a personal and active follow-up of individual registrations filed. The candidate registration period was extended twice. Two consecutive orders were adopted in order to amend the deadlines to enable political parties to complete their candidate applications and to take into account ongoing negotiations with the opposition. Opposition parties united under the CNRD banner based their participation in the electoral process on a number of conditions.

Based on direct observation in the areas of deployment, The Carter Center considers that the elections were generally conducted in compliance with international standards.



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The measures proposed by the government with the declared aim of guaranteeing an inclusive electoral process were given a mixed reception by the members of the CNRD. While three political parties belonging to that coalition decided to take part in the elections, the FPI chose not to participate. Indeed, it suspended 38 party members who decided to run on independent tickets or as alternates of other candidates. None of the CNRD parties that participated in the elections were successful in their bids for parliamentary seats. Because of these circumstances, the opposition is absent from the country's governing institutions. In the name of building a politically inclusive and democratic Côte d'Ivoire (and to encourage national reconciliation), The Carter Center encourages the establishment of appropriate mechanisms to ensure that the voice of political parties not represented in the National Assembly can be taken into account, especially in all matters related to political and institutional reform.

The electoral campaign appeared generally peaceful, despite tensions observed at local level in some constituencies, in the run-up to polling day. Candidates were mostly able to campaign freely and with security. The recorded incidents do not undermine this assessment. Nevertheless, The Carter Center deplores the negligence of the authorities in terms of overseeing campaigning activities, especially regarding the widespread practice of conducting pre-campaign activities that favor those candidates with considerable resources and the use of state resources by candidates in government posts. The recurrent practice of distributing money or goods as part of the campaign continues to be tolerated despite being prohibited under the penal code. The Carter Center emphasizes the need to establish and implement a regulatory framework for campaign finance in order to guarantee equitable conditions of competition. Similarly, establishing a clear regulatory code for media coverage of the legislative elections is highly desirable in order to ensure equal treatment for candidates. The limited number of female candidates illustrates the need, in the view of The Carter Center,

to implement structural measures to ensure greater representation of women in political life.

The legal framework that governs the legislative elections is an amalgamation of legal texts, political agreements, and decisions taken in response to specific situations. The legal provisions relating to the legislative elections contain gaps, gray areas, and contradictions. The Carter Center recommends a comprehensive revision of the electoral framework, which should also be based on lessons learned from the 2010 presidential elections. The boundary delimitations are the element most open to criticism. There are clear inequalities of representation between regions, particularly between rural and urban areas. These inequalities cannot be justified by the objective criteria recognized by international law. Indeed, the constituency demarcation implemented by the government for the legislative elections resulted in an increase in existing inequalities. It is important that constituency boundaries be reviewed in light of international obligations and the constitutional principle of the equality of the vote.

Technical and budgetary constraints, as well as the election schedule, made it impossible to envisage reopening the voter registry. For various reasons, hundreds of thousands of potential voters, who largely met the conditions of registration, did not appear on the list. The Carter Center encourages the Ivoirian authorities to identify the most appropriate means of ensuring that in the future, elections are conducted on the basis of an electoral roll that is inclusive, reliable, and up to date.

Despite concerns over its composition, in its management of the elections, the CEI appeared to have acted with impartiality. The CEI was not always able to impose respect for all the legal provisions governing the elections. However, its actions did not appear discriminatory. The Carter Center regrets that the CEI made little effort to strengthen the transparency of its work, especially by ensuring that all official documentation was made available in a timely fashion and by adopting a more sustained communications strategy with all the stakeholders in



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

the electoral process. The sporadic activities undertaken by the CEI to inform voters and raise awareness were not sufficient to meet the needs in this area. The Carter Center considers that the resources for strengthening the authority and structures of the electoral administration should be undertaken in the same way and at the same time as the revision of the legal framework. This strengthening should also aim to streamline and professionalize the institution as well as to build confidence toward the institution by all stakeholders.

Following the Dec. 11, 2011, legislative elections, 110 complaints concerning 66 constituencies were lodged with the Constitutional Council. After consideration of the complaints, the council invalidated and ordered the rerun of elections in 11 constituencies.

The decisions of the Constitutional Council were publicly announced on Jan. 31, 2012. The council has underscored that the deadline was due to its concern to conduct, as the law entitles it, more thorough investigations to inform its decisions. In this

In this respect, The Carter Center commends the approach adopted by the council but hopes that in the future, the council will have sufficient means to settle election disputes as quickly as possible.

respect, The Carter Center commends the approach adopted by the council but hopes that in the future, the council will have sufficient means to settle election disputes as quickly as possible. The Center regrets that by the April 2012 finalization of

the present report, it could not obtain copies of the council's decisions. The Carter Center encourages the Constitutional Council to ensure the timely publication and dissemination of its decisions in the future because of the public interest therein.



APPENDIX A

ACKNOWLEDGMENTS

The Carter Center wishes to thank Côte d'Ivoire Prime Minister Guillaume Kigbafori Soro for his invitation to observe the identification operation and the 2010 presidential electoral process at a crucial moment in the country's history. The Center also wishes to thank the CEI for its invitation to observe the 2011 legislative elections. Conscious of all that was at stake in this process, the Center made every effort to understand its complexity in both the political and technical spheres. As such, the Center sought clarifications, opinions, and explanations of principles from all the actors and stakeholders in Abidjan and across the country. This was an ongoing exercise throughout the four years of our presence in Côte d'Ivoire.

The Center was greatly helped in accomplishing this task by the welcome and general willingness to assist demonstrated by the various interlocutors who met with our observers and staff. The Center wishes to express sincere gratitude to all those who gave us their time. These include members of the Independent Electoral Commission and its local offices; representatives of the prime minister's office, the National Commission on the Supervision of Identification, the National Statistics Institute, the National Identification Office and the Ministry of Justice; staff of the corps préfectoral and the General Secretariat of Forces Nouvelles; and members of the Integrated Command Center. Equally, our thanks are given to the representatives of political parties and mayors as well as to traditional and religious leaders. We also wish to thank the civil society organizations and national observer groups with which cooperation was consolidated over time.

The Center wishes to acknowledge UNOCI, and the international observation coordination unit and regional electoral offices in particular, for the various support provided throughout the observation mission.

We also would like to thank the Office of the Special Representative of the Facilitator of the OPA for its constant favorable disposition.

The work of The Carter Center in Côte d'Ivoire could not have happened without the financial support of the donors who supported the project, especially the United States, the United Kingdom, and Ireland. We wish to thank them expressly.

The Center is indebted to the more than 100 observers who joined the various long- and short-term deployments of the Center over the course of four years. The Center thanks the presidential election observation mission leadership team of former Ghana President John Kufuor and Carter Center Vice President for Peace Programs John Stremlau.

The dedication and patience of the international and Ivoirian staff of the Carter Center office in Abidjan greatly contributed to the success of the observation mission. The Carter Center expresses its deep gratitude to Field Office Director Sabina Vigani, without whom the Center's enduring presence and high profile among Ivoirian and international actors would not have been possible. The Center also thanks the various international members of the core team: Baya Kara, observer coordinator; Lori-Anne Thérout-Bénoni, deputy director; Laura Bretea, observer coordinator; and Michel Paternotre, election expert, who joined the mission at different phases of the election observation mission. Their professionalism and commitment were essential to the success of the mission. Last, but not least, the Center thanks the Ivoirian staff whose dedication anchored the Center's work: Youssouf Diabagate, finance officer and accountant; Alexandre Dia and Djibril Coulibaly, logistics officers; Myriam Kouassi, executive assistant; Issiaka Touré, IT manager; and Ahmadou Haidara, logistics assistant and driver.



THE CARTER CENTER

INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

This report is the product of the work of all of the observers and staff and was compiled by several individuals, notably, Sabina Vigani, Sarah Johnson, David Pottie, David Carroll, Jacqueline Segal, and Jennifer Russi.



APPENDIX B

TERMS AND ABBREVIATIONS

African Charter	African Charter on Human and People's Rights	CSO	Civil society organization
BNETD	National Office for Technical Studies and Development	ECOWAS	Economic Community of West African States
CBWAS	Central Bank of West African States	FAFN	Armed Forces of the New Forces
CEA	Committee of Evaluation and Accompaniment (from APO)	FDS	Defense and Security Forces
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	FN	New Forces
CEI	Independent Electoral Commission	FPI	Ivoirian Popular Front
CNCA	National Council of Audiovisual Communication	FRCI	Republican Forces of Côte d'Ivoire
CNP	National Press Council	HACA	High Authority for Audiovisual Communication
CNRD	National Resistance Council for Democracy	HCR	Office of the United Nations High Commissioner for Refugees
CNSI	National Commission of Identification Supervision	HRC	United Nations Human Rights Committee
COFEMCI	Coordination of the Women of Cote d'Ivoire for the Elections and Post-crisis Reconstruction	ICCPR	International Covenant on Civil and Political Rights
CPC	Permanent Committee of Consultation (from APO)	INS	National Statistics Institute
		LIDER	Liberty and Democracy for the Republic
		LMP	Presidential majority
		MFA	Forces of the Future Movement



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

OIF	International Francophone Organization	RTI	Ivoirian Radio and Television Broadcasting
ONI	National Office of Identification	SRSG	Special Representative of the Secretary General of the United Nations
OPA	Ouagadougou Political Agreement		
PDCI	Democratic Party of Côte d'Ivoire	UDPCI	Union for Democracy and Peace in Côte d'Ivoire
PIDCP	International Relative Pact on Civil and Political Rights	UNDP	United Nations Development Program
PIT	Ivoirian Workers Party		
RCI	Côte d'Ivoire Radio	UNOCI	United Nations Operation in Côte d'Ivoire
RDR	Republican Assembly	UNOPS	United Nations Organization for Procurement and Services
RHDP	Houphouëtiste Assembly for Democracy and Peace	UPCI	Union Pour la Côte d'Ivoire



APPENDIX C LETTERS OF INVITATION

UNOFFICIAL TRANSLATION

June 17, 2005

Mr. President

According to the Linas Marcoussis Accord, paragraph 3, line b assigns principal responsibility to the Government of National Reconciliation to prepare “electoral processes that result in credible and transparent elections and to fix their dates.”

I wish to inform you, that based on the recommendation of the Independent Electoral Commission, the Council of Ministers, by the authority of the President of the Republic, has officially scheduled the first round presidential election for October 30, 2005.

The President of the Republic, the Government of National Reconciliation, political actors, and the people of Ivory Coast believe that a fairly conducted, transparent, and equitable presidential election represents a major step in the return to peace for our country.

Given the crucial importance of this election, I am honored to invite your institution to observe these elections in a manner that responds to the Ivorian political context. Based on your institution’s expertise and worldwide reputation, the observation would cover all phases of the electoral process, including voter registration, civic education, the election campaigns, and domestic and international observation of polling day.

The Government of National Reconciliation would also appreciate your support in communicating the need for financial assistance for the elections from the international community and other donor partners.

Knowing your personal commitment to the peaceful resolution of conflicts and democratic consolidation in Africa and the ongoing role of your institution in this regard, I have no doubt that you will be able to assist the Ivory Coast at this critical moment in its history.

Sincerely,

Seydou Eliman Diarra
Prime Minister



THE CARTER CENTER

INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE



Le Premier Ministre

République de Côte d'Ivoire
Union-Discipline Travail

Abidjan, le 14 OCT. 2008

N° 2216 /PM

/-)/
Président Jimmy Carter
The Carter Center
453 Freedom Parkway
Atlanta, GA 30307

Objet : Invitation

Excellence, Monsieur le Président,

Dans le cadre de l'Accord politique de Ouagadougou, l'organisation d'élections libres, justes et transparentes contribuera à couronner le processus de sortie de crise en Côte d'Ivoire.

Dans ce contexte, la présence d'observateurs internationaux pourra renforcer la transparence du processus électoral.

Au nom du Gouvernement ivoirien, j'ai l'honneur d'inviter le "Carter Center" à déployer une mission d'observation électorale en Côte d'Ivoire.

Compte tenu de la complexité du processus, il serait souhaitable de permettre le déploiement d'observateurs en nombre significatif.

En exprimant ma gratitude pour l'intérêt que vous portez à notre pays, je vous prie d'agréer, **Excellence, Monsieur le Président**, l'expression de ma très haute considération.



SORO Kigbafori Guillaume



THE CARTER CENTER

INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE



REPUBLIQUE DE CÔTE D'IVOIRE
Union – Discipline – Travail

Abidjan, le 25 OCT 2011

N/ Réf. : N° 149 / CEI / PDT / ks

LE PRESIDENT

__/(-))_

**Madame la Directrice
du Centre Carter**

ABIDJAN

Objet : Invitation pour
l'observation électorale

Madame la Directrice,

La Commission Electorale Indépendante (CEI) a ouvert le lundi 17 octobre 2011, la réception des demandes d'accréditation des organismes et organisations de la société civile pour l'observation des élections législatives.

La CEI vous félicite pour l'incalculable contribution que vous lui avez apportée aux côtés des milliers d'observateurs crédibles qui nous ont accompagnés lors des deux (02) tours de l'élection du Président de la République, en octobre et novembre 2010.

Dans le constant souci de transparence cher à notre institution, je vous saurais gré des dispositions que vous voudriez bien prendre pour participer à l'observation des élections législatives du 11 décembre prochain.

Comptant sur votre collaboration,

Je vous prie de croire, **Madame la Directrice**, en l'assurance de ma parfaite considération.



Youssouf BAKAYOKO



APPENDIX D

THE CARTER CENTER OBSERVATION DELEGATION AND STAFF

DELEGATION: OCT. 31, 2010,
PRESIDENTIAL ELECTION

DELEGATION LEADERS

President John Kufuor, Ghana
Dr. John Stremlau, The Carter Center,
United States

LONG-TERM OBSERVERS

Lori-Anne Benoni, Canada
Peter Blair, United Kingdom
Pablo Henderson, Guyana
Bettina Kircher, Germany
Joseph Lusamba, Democratic Republic of the Congo
Abdoulaye Mahamat, Chad
Yacouba Moussa Mounkaila, Niger
Giulia Piccolino, Italy
Marguerite Potard, France
Chadia Soilhi, Comoros

SHORT-TERM OBSERVERS

Euloge Aidasso, Benin
Margherita Amodeo, Malta
Lavender Degre, Zambia
Lauren Kent Delany, United States
Dominique Dieudonne, United States
Seydou Diop, Senegal
Karim Djinko, Canada
Charles Djrekpo, Benin

Audrey Fontaine, France
Holly Howell, United States
Chaibou Idrissa, Niger
Shana Kaiser, Canada
Jean-Paul Laham, Guinea
Dorcha Lee, Ireland
Patrick Masuba, Liberia
Sheena W. McMahon, Ireland
Stephane Monney, Cameroon
Jean Emile Vincent Nkiranuye, Rwanda
Alice Nkom, Cameroon
Steve Nothorn, United States
Jordan Pace, United States
Jeremy Pine, United States
Stephanie Rapin, France
Alexandrine Rota, France
Michel Simon, France
Mathias Tankoano, Burkina Faso
Maria João Andrade Thuau, Portugal
Stephan Ziegler, Germany

ATLANTA STAFF

Aaron Collett, New Zealand
Deborah Hakes, United States
Olivia Owens, United States
David Pottie, Canada
Jacqueline Segal, Canada



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

ABIDJAN STAFF

Djibril Coulibaly, Côte d'Ivoire
Alexandre Dia, Côte d'Ivoire
Youssef Diabagate, Côte d'Ivoire
Baya Kara, Algeria
Moustapha Toure, United States
Stephanie Vergniault, France
Sabina Vigani, Switzerland

DELEGATION: NOV. 28, 2010,
PRESIDENTIAL ELECTION

DELEGATION LEADERS

President John Kufuor, Ghana
Dr. John Stremlau, The Carter Center,
United States

LONG-TERM OBSERVERS

Lori-Anne Benoni, Canada
Peter Blair, United Kingdom
Karim Djinko, Canada
Pablo Henderson, United Kingdom
Chaibou Idrissa, Niger
Bettina Kircher, Germany
Joseph Lusamba, Democratic Republic of the Congo
Abdoulaye Mahamat, Chad
Yacouba Moussa Mounkaila, Niger
Giulia Piccolino, Italy
Marguerite Potard, France
Chadia Soilhi, Comoros

SHORT-TERM OBSERVERS

Maurice Aboki, Germany
Firouzeh Afsharnia, United States

Mamadou Barry, Ghana
Emmanuel Batururimi, Canada
Rene Bondima, United States
Molly Byrne, United States
Noemi Dalmonte, Italy
Seydou Diop, Senegal
Tiago Faia, Portugal
Robert Gerenge, Kenya
Karin Grimm, Switzerland
Holly Howell, United States
Andre Kabunda, Canada
Jean-Paul Lamah, Guinea
Dorcha Lee, Ireland
Max Lockie, United States
Giuseppe Luppino, Italy
Patrick Masuba, Liberia
Marie Milward, United States
Stephane Monney, Cameroon
Alice Nkom, Cameroon
Jordan Pace, United States
Stephanie Rapin, France
Alexandrine Rota, France
Laura Salich, Spain
Vanessa Schloer, Germany
Michel Simon, France
Genevieve Swedor, Nigeria
Mathias Tankoano, Burkina Faso
Maria João Andrade Thuau, Portugal

ATLANTA STAFF

David Pottie, Canada
Jennifer Russi, United States
Jacqueline Segal, Canada
Annegret Werner, Germany



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

ABIDJAN STAFF

Ndey Oley Cole, Gambia
Djibril Coulibaly, Côte d'Ivoire
Alexandre Dia, Côte d'Ivoire
Youssouf Diabagate, Côte d'Ivoire
Baya Kara, Algeria
Moustapha Toure, United States
Sabina Vigani, Switzerland

DELEGATION: DEC. 11, 2011,
LEGISLATIVE ELECTION

SHORT-TERM OBSERVERS

Michele Camerota, Italy
Ruben Dogbe, Togo
Marie-Claude Dupont, Canada
Bartozs Lech, Poland
Diane Lepine, Canada
Elizabeth Marty, France
Atem Oben, Cameroon
Alina Serban, Romania

MEDIUM-TERM OBSERVERS

Honesty Abekyamwale, Democratic Republic
of the Congo
Mukalay Banze, Belgium
Brendan Cavanagh, United States
Todd Dusenbery, United States
Lukasz Firmanty, Poland

Sandra Flores, France
Renate Hermanns, Germany
Emily Jacquard, Canada
Samira Keita, Niger
Ermina Martini, Italy
Dieudonne Mweru, Burundi
Edward Mzeka Nsobe, Cameroon
Valerie Petit, France
Marguerite Potard, France
Erick Bayard Rwantago, Belgium
Nadia Samet, Tunisia
Chadia Siti Soihili, Comoros
Fatherrahman Youssif, Sudan

ATLANTA STAFF

Sarah Johnson, United States
Tom Opdyke, United States
Olivia Owens, United States

ABIDJAN STAFF

Laurea Bretea, Romania
Djibril Coulibaly, Côte d'Ivoire
Youssouf Diabagate, Côte d'Ivoire
Myriam Kouassi, Côte d'Ivoire
Ron Laufer, Canada
Lori-Anne Thérout-Bénoni, Canada
Sabina Vigani, Switzerland
Mark Whitcombe-Power, United Kingdom



APPENDIX E

OBSERVER CHECKLISTS

(OI) IDENTIFICATION AND REGISTRATION

FORMULAIRE CARTER CENTER		THE CARTER CENTER 		OBSERVATION DES CENTRES D'ENREGISTREMENT			
Observer Team:	Team No:	Sous-Préfecture:	Date:				
Region:		Ville/Village:	Heure arrivée:				
Département:		Centre de collecte:	Heure de départ:				
I/ ENVIRONNEMENT AUX ABORDS DU CENTRE DE COLLECTE							
		Direct Observation			Reported to TCC		
		Yes	No	N/A	Yes	No	N/A
1. L'atmosphère est - elle tendue ?							
Pourquoi?							
2. L'atmosphère est - elle violente?							
Pourquoi?							
3. Les forces de sécurité sont - elles présentes?							
Lesquelles (FDS, FAFN, CCI)? A l'intérieur ou à l'extérieur du centre? Quel est leur comportement?							
4. Y-a-t-il des pétitionnaires en attente?							
Combien approximativement ?							
II/ LOGISTIQUE DANS LE CENTRE DE COLLECTE							
		Direct Observation			Reported to TCC		
		Yes	No	N/A	Yes	No	N/A
5. Combien d'équipes sont - elles présentes ?							
6. Tous les agents (5 par équipe) sont - ils présents?							
Si non, qui est absent? Pourquoi?							
7. Le représentant CLSI est - il présent ?							
Si non, pourquoi?							

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(OI) IDENTIFICATION AND REGISTRATION (CONTINUED)

8. Le matériel nécessaire aux opérations est-il disponible et fonctionnel?						
Formulaires						
Mètre						
Ordinateur INS						
Générateur (ordinateur INS)						
Valise SAGEM						
9. Comment la sécurité des équipements est-elle assurée en dehors des heures de travail?						
10. Des défaillances logistiques sont-elles survenues depuis le début des opérations?						
Si oui, lesquelles ?						
11. Les défaillances logistiques survenues ont-elles affecté les opérations de manière ponctuelle ou récurrente ?						
III/ OPERATIONS						
	Direct Observation			Reported to TCC		
	Yes	No	N/A	Yes	No	N/A
12. Les heures d'ouverture et de fermeture sont-elles respectées?						
Si non pourquoi?						
13. La procédure d'identification/enrôlement est-elle conforme au mode opératoire, y compris la circulaire du PM?						
Si non, pourquoi?						
14. Si elle n'est pas conforme, est-ce que cela porte atteinte à l'intégrité du processus ?						
Pourquoi?						
15. Des cas d'irrégularités ont-ils été observés ?						
Si oui, lesquels ?						

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(OI) IDENTIFICATION AND REGISTRATION (CONTINUED)

16. Les irrégularités observées affectent-elles l'intégrité du processus ?						
Pourquoi?						
17. Des tentatives de fraudes (volonté avérée d'enfreindre la loi) ont-elles été observées ?						
Si oui, lesquels ?						
18. Les formulaires d'identification/enrolement sont-ils remplis correctement et lisiblement ?						
19. Toute personne éligible est-elle autorisée à participer au processus ?						
Sinon, pourquoi ?						
20. Les rejets sont - ils motivés ?						
Si non, pourquoi?						
21. Les fiches statistiques sont - elles bien compilées ?						
Si non, pourquoi ?						
IV/ PLAINTES AUPRES CLSI						
	Direct Observation			Reported to TCC		
	Yes	No	N/A	Yes	No	N/A
22. Les pétitionnaires ont-ils été informés de l'existence du mécanisme de plainte ?						
Si oui, par qui?						
23. Des cas de plaintes ont-ils été signalés?						
Si oui, combien ? Pour quels motifs?						

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(OI) IDENTIFICATION AND REGISTRATION (CONTINUED)

24. Quelle suite le représentant de la CLSI a-t-il donné aux plaintes?						
VI/ OBSERVATEURS						
	Direct Observation			Reported to TCC		
	Yes	No	N/A	Yes	No	N/A
25. Des représentants de partis politiques sont - ils présents ?						
Si oui, lesquels ?						
26. Des observateurs nationaux sont - ils présents ?						
Si oui, lesquels ?						
27. Des observateurs internationaux sont - ils présents ?						
Si oui, lesquels ?						
28. Parmi les observateurs, lesquels ont accès au centre de collecte?						
29. Y-a-t-il des personnes non autorisées à l'intérieur du centre de collecte?						
Lesquelles ?						
VII/ ASPECTS QUALITATIFS						
	Direct Observation			Reported to TCC		
	Yes	No	N/A	Yes	No	N/A
30. Maîtrise des opérations, y compris du mode opératoire et circulaire PM, par les agents:						
Insuffisamment maîtrisé						
Suffisamment maîtrisé						
Bien maîtrisé						
31. Compréhension du processus par les pétitionnaires.						
Insuffisante						
Suffisante						
Bonne						

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(OI) IDENTIFICATION AND REGISTRATION (CONTINUED)

32. Y-a-t-il un ou plusieurs agents au sein de l'équipe maîtrisant la langue locale?						
33. L'équilibre des genres est-il respecté au sein des équipes? Pourcentage approximatif ?						
34. Les pétitionnaires ont-ils bénéficié de campagnes de sensibilisation et/ou d'éducation civique ? Si oui, par qui ?						
35. Enumérer les motifs de rejet d'enregistrement observés ou rapportés.						
36. Les pétitionnaires ont-ils rencontré des difficultés pour se faire établir les documents légalement requis pour l'enregistrement (copie d'extrait de naissance, certificat de nationalité, etc...)? Pourquoi ?						
37. Les pétitionnaires ont-ils rencontrés des difficultés pour fournir la photocopie des pièces requises pour l'enregistrement ? Pourquoi ?						
38. Les pétitionnaires ont-ils tendance à se munir de documents supplémentaires par rapport aux documents légalement requis à l'enregistrement ? Pourquoi?						
39. Les pétitionnaires ont-ils rencontrés des problèmes particuliers pour se rendre au centre de collecte ? Pourquoi ?						
40. Par quelles voies les pétitionnaires ont-ils été informés de l'emplacement du centre de collecte (autorités, radio, TV, bouche à oreille, etc...) ?						

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(OI) IDENTIFICATION AND REGISTRATION (CONTINUED)

VII/ STATISTIQUES	
Date première ouverture du centre	
Nombre de jours de travail effectif	
Enrolement journalier	
Hommes	
Femmes	
Enrolement total cumulé	
Hommes	
Femmes	
Moyenne enrolement par jour	
Nombre ivoirien 18 ans et +	
Hommes	
Femmes	
Inscrits sur la liste de 2000	
Hommes	
Femmes	
Non inscrits sur la liste de 2000	
Hommes	
Femmes	
Indéterminé (*)	
Hommes	
Femmes	
Etrangers hors CEDEAO	
Nombre de formulaires annulés	
Nombre de rejets par jour	
Parmi les rejets, combien de personnes s'étaient présentées avec la fiche individuelle ou l'acte de notoriété ?	
(*) Ayant voté en 2000 mais ne figurant pas dans le fichier INS / Ayant voté en 2000 mais figurant dans le fichier avec orthographe différente	
COMMENTAIRES	
Instructions: Dans la ci-dessous, donnez svp les détails de toutes les plaintes et irrégularités qui se sont produites dans les centres d'enregistrement où vous avez fait l'observation. Si vous avez besoin de plus d'espace, vous pouvez joindre svp des feuilles additionnelles au formulaire de rapport ou écrire au verso de cette page.	



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(02) POSTING OF PROVISIONAL VOTER ROLL

Affichage au niveau du Centre de Collecte			Fiche n°
Equipe			Date de la visite
Centre de collecte			Numéro
Sous Préfecture			Commune
Département			Région
Contexte Rural ☐ Chef lieu ☐ Urbain ☐			
	Oui	Non	Commentaires
Présence de pétitionnaires	☐	☐	
Présence d'autorités locales	☐	☐	
Présence de partis politiques	☐	☐	
Présence de forces de sécurité	☐	☐	
Tension	☐	☐	
Liste électorale			
La Liste est-elle affichée?	☐	☐	
La liste est-elle accessible?	☐	☐	
Date affichage de la liste?			
Nombre total d'inscrits			
Nombre d'inscrits sur liste des inscrits positifs (liste 1)			
Nombre d'inscrits sur liste des inscrits aux extensions (liste 2)			
Nombre d'inscrits rejetés			
Dont:	Croisés étrangers		
	Non déterminés		
	Rejets techniques (p.e. données incomplètes)		
Tableau des réclamations			
Le tableau est-il affiché?	☐	☐	
Réclamations introduites?	☐	☐	
Nombre de réclamations			
Dont:	Nb Corrections		
	Nb Omissions		
	Nb Radiation âge		
	Nb Radiation nationalité		
	Nb Radiation décès ou interdiction		

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(02) POSTING OF PROVISIONAL VOTER ROLL (CONTINUED)

S-Prefecture		Commune		Département		Région	
Equipe						Date de la visite	
Sous Préfecture						Commune	
Département						Région	
Opérations							
	Oui	Non	Commentaires				
Affichage à la date officielle							
Logistique adéquate							
Incidents intervenus							
Données statistiques liste							
Nombre total d'enrôlés							
Nombre d'enrôlés sur liste des croisés positifs (liste 1)							
Nombre d'enrôlés sur liste des croisés aux extention (liste 2)							
Nombre d'enrôlés rejetés							
Dont:	Croisés étrangers						
	Non déterminés						
	Rejets techniques (p.e. données incomplètes)						
Données statistiques contentieux							
Nombre de réclamations introduites							
Nombre de réclamations satisfaites							
Dont:	Corrections						
	Omissions						
	Radiation âge						
	Radiation nationalité						
	Radiation décès ou interdiction						
Nombre de réclamations rejetées sur la forme							
Nombre de réclamations rejetées sur le fond							
Commentaires:							



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(03) PRESIDENTIAL ELECTION: POLITICAL ENVIRONMENT

Fiche ENVIRONNEMENT (complément fiche 2)			
Equipe n°	Noms des observateurs		
Heure d'arrivée		de départ	
Région	Département		
Commission locale	Localité		
Nom du lieu de vote			
Contexte	Urbain	Rural	
OUI NON N/A			
CARACTERISTIQUES DU LIEU DE VOTE			
1	Le lieu de vote est-il adapté à recevoir le nombre d'électeur prévu?		
2	Le lieu de vote paraît-il opérer de façon ordonnée?		
3	Le lieu de vote permet-il une sécurisation effective?		
4	Le lieu de vote permet-il un accès raisonnable?		
ACTIVITES PARTISANES			
8	Avez-vous observé des activités de campagne aux alentours immédiat?		
	Si oui, par qui?		
	GBAGBO/LMP	OUATTARA/RHDP	
9	Avez-vous observé des activités de transport organisé d'électeurs?		
	Si oui, par qui?		
	GBAGBO/LMP	OUATTARA/RHDP	
10	Avez-vous observé des situations témoignant d'achat de conscience?		
	Si oui, par qui?		
	GBAGBO/LMP	OUATTARA/RHDP	
11	Avez-vous observé des situations témoignant de pression/intimidation?		
	Si oui, par qui?		
	GBAGBO/LMP	OUATTARA/RHDP	
	Autres	Précisez:	
CLIMAT SECURITAIRE			
12	Avez-vous observé des situations de tensions?		
	Si oui, spécifiez:		
13	Si oui, le dispositif de sécurité était-il adapté à la situation?		
14	Y-avait t'il une présence de forces de sécurité?		
	Si oui, spécifiez:		
	CCI		
	Autres forces ivoiriennes		
	Forces impartiales		
15	L'attitude des forces de sécurité était-elle conforme à leur rôle?		
	Si non, spécifiez:		
QUESTION ADDITIONNELLE			
16			
COMMENTAIRES ADDITIONNELS			



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(04) PRESIDENTIAL ELECTION: POLL OPENING

Fiche 1 - OUVERTURE									
Equipe n°		Noms des observateurs							
Heure d'arrivée				de départ					
Région				Département					
Commission locale				Localité					
Nom du lieu de vote				N° du BV					
Contexte				Urbain		Rural			
Nombre d'électeurs inscrits									
OUI NON N/A									
PERSONNEL DU BV									
1 Le personnel du BV est-il présent (1 président et 2 secrétaires)?									
Si non, précisez qui est manquant									
Combien de femmes sont-elles membres du bureau?									
2 Le BV dispose t'il du matériel nécessaire au scrutin?									
Si non précisez le matériel manquant (plusieurs réponses possibles):									
Nombre suffisant de bulletins									
Nombre suffisant de stickers									
Isoloir									
Encre indélébile en quantité suffisante									
Liste d'émargement									
Tampons encres									
Cachet "A Voté" à apposer sur la carte d'électeur									
5 enveloppes sécurisées pré-imprimées									
Autre (précisez)									
3 Si non à la question 2, des mesures sont-elles prises?									
Précisez:									
4 Du matériel de sensibilisation aux procédures de vote est-il affiché?									
PROCEDURES D'OUVERTURE									
5 L'urne a t'elle été présentée vide à tous ceux présents?									
6 L'urne a t'elle été scellée avec les scellés numérotées?									
7 Les numéros de scellés ont-ils été indiqués au procès verbal?									
8 La case au dos du bulletin où apposer le sticker a t'elle été tirée au sort?									
OUVERTURE									
9 Le BV a t'il ouvert avant 07.30?									
Si non, quelle était la cause du retard? (plusieurs réponses possibles)									
Absence des membres du BV									
Absence de matériel									
Mauvaise gestion des procédures d'ouverture									
Lieu de vote indisponible/inaccessible									
Facteur extérieur (précisez)									
10 Y a t'il plus de 10 électeurs présents à l'ouverture ?									
11 Le nombre d'électeurs présents est-il supérieur à 20% des inscrits?									

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(04) PRESIDENTIAL ELECTION: POLL OPENING (CONTINUED)

AUTRES PERSONNES PRESENTES				
12 Des représentants des 2 candidats étaient-ils présents?				
GBAGBO/LMP		OUATTARA/RHDP		
Combien de femmes sont elles représentantes?				
13 Les représentants pouvaient ils exercer leur mandat selon la loi?				
Si non, précisez:				
14 Des observateurs nationaux étaient-ils présents?				
Combien de femmes sont elles observatrices?				
15 Les observateurs pouvaient-ils exercer leur mandat?				
Si non, précisez:				
16 Une personne non autorisée était-elle présente dans le BV?				
Membre des forces de sécurité				
Chef de village				
Responsable politique local				
Autre		Précisez:		
17 Les personnes présentes ont-elles eu une attitude disruptive ou intimidante?				
PLAINTES ET RECLAMATIONS				
18 Y a t'il des réclamations inscrites au Procès Verbal (PV)?				
19 La possibilité d'inscrire une réclamation existe t'elle?				
20 Vous a t'on fait part de réclamation oralement? Si oui,				
Electeur		Sujet:		
Représentant				
Observateur				
Autre				
EVALUATION GENERALE				
	TB	B	A	M
21 Gestion du BV par les membres de celui-ci				
22 Mise en oeuvre des procédures				
23 Attitude des représentants des candidats				
24 Transparence du processus				
25 Niveau d'organisation (soutien au BV)				
Très bon Aucun incident ou irrégularité constatés				
Bon Quelques incidents ou irrégularités sans possible effet sur l'intégrité du processus				
Acceptable Des incidents ou irrégularités pouvant marginalement affecter l'intégrité du processus				
Mauvais Des incidents ou irrégularités ayant nécessairement un impact sur l'intégrité du processus				
QUESTION ADDITIONNELLE				
26				
Commentaires additionnels				



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(05) PRESIDENTIAL ELECTION: POLLING

Fiche 2 - VOTE									
Equipe n°			Noms des observateurs						
Heure d'arrivée					de départ				
Région					Département				
Commission locale					Localité				
Nom du lieu de vote					N° du BV				
Contexte					Urbain		Rural		
Nombre d'électeurs inscrits (liste d'émargement)									
Nombre de bulletins reçus									
Nombre d'inscrits sur la liste d'émargement additionnelle (astreinte)									
Nombre de votants au moment du départ (total 2 listes d'émargement)									
									OUI NON N/A
ORGANISATION ET PERSONNEL DU BV									
1 Le bureau est-il ouvert à votre arrivée?									
2 Le personnel du BV est-il présent (1 président et 2 secrétaires)?									
Si non, précisez qui est manquant									
Combien de femmes sont-elles membres du bureau?									
3 Le BV dispose-t-il d'un nombre suffisant de bulletins (= min nb d'inscrits)?									
4 Le BV dispose-t-il d'un nombre suffisant de stickers (= min nb d'inscrits)?									
5 Le BV dispose-t-il du Guide pratique et de circulaires?									
6 Le BV est-il disposé de sorte que le vote se déroule dans la transparence?									
7 Du matériel de sensibilisation au vote est-il affiché?									
La question 8 est à adresser au président du BV. SVP, n'intérompez pas les opérations. Si la présente fiche concerne le BV dans lequel vous avez observé l'ouverture, passer directement à la question 9.									
8 Le BV a-t-il reçu la visite d'un membre de la commission locale?									
9 Le BV a-t-il ouvert avant 7h30?									
Si le BV a ouvert en retard, indiquez l'heure d'ouverture									
Si le BV a ouvert en retard ou n'est pas ouvert, indiquez en la raison									
Non maîtrise des procédures				Absence de matériel					
Absence des membres du BV				Incident extérieur					
PROCEDURES DE VOTE									
10 L'identité des électeurs est-elle vérifiée (carte d'électeur ou d'identité)?									
11 La présence de l'électeur sur la liste d'émargement est-elle vérifiée ?									
12 Vérifie-t-on l'absence de trace d'encre sur les mains des électeurs?									
13 Le bulletin est-il marqué d'un sticker (ou d'une autre marque convenue)?									
14 Avez-vous pu observer que l'électeur recevait un bulletin vierge ?									
15 L'électeur est-il correctement informé des modalités du vote?									
16 L'urne est-elle scellée?									
17 Avez-vous observé des cas où la liste d'émargement n'a pas été marquée?									
18 Un cachet "A Voté" est-il apposé sur la carte d'électeur?									
19 Avez-vous observé des cas d'électeurs dont la main n'a pas été encrée?									

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(05) PRESIDENTIAL ELECTION: POLLING (CONTINUED)

20 Avez-vous observé ou identifié l'une des irrégularité suivante?		☐	☐	☐
Bourrage d'urne	☐	Détails:		
Bulletin pré-marqué	☐			
Violation du secret du vote	☐			
Intimidation/pressions	☐			
Abus d'assistance	☐			
Vote en groupe	☐			
Personnification	☐			
Rejet non justifié d'un électeur	☐			
Vote non autorisé	☐			
GESTION DES ELECTEURS D'ASTREINTE				
21 Existe t'il une liste démargement additionnelle?		☐	☐	☐
<i>Si oui, combien de noms y figurent-t'il?</i>				
22 Avez-vous observé le vote d'un électeur indûment considéré comme d'astreinte?		☐	☐	☐
23 Avez-vous observé un électeur d'astreinte admis à voter sans carte d'électeur?		☐	☐	☐
L'original de l'ordre de mission (ou autre document requis) est il conservé par le BV?		☐	☐	☐
AUTRES PERSONNES PRESENTES				
24 Des représentants des 2 candidats étaient-ils présents?		☐	☐	☐
GBAGBO/LMP	☐	OUATTARA/RHDP	☐	☐
<i>Combien de femmes sont elles représentantes?</i>				
25 Les représentants pouvaient-ils exercer leur mandat suivant la loi?		☐	☐	☐
26 Des observateurs nationaux étaient-ils présents?		☐	☐	☐
<i>Combien de femmes sont elles observatrices?</i>				
27 Les observateurs pouvaient-ils exercer leur mandat suivant la loi?		☐	☐	☐
28 Une personne non autorisée était-elle présente dans le BV?		☐	☐	☐
Membre des forces de sécurité	☐			
Chef de village	☐			
Responsable politique local	☐			
Autre	☐			
29 Les personnes présentes ont-elles eu une attitude disruptive ou intimidante?		☐	☐	☐
PLAINTES ET RECLAMATIONS				
30 Y a t'il des réclamations inscrites au Procès Verbal (PV)?		☐	☐	☐
31 La possibilité d'inscrire une réclamation existe t'elle?		☐	☐	☐
32 Vous a t'on fait part de réclamation oralement? Si oui,		☐	☐	☐
Electeur	☐	Sujet:		
Représentant	☐			
Observateur	☐			
Autre	☐			

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(05) PRESIDENTIAL ELECTION: POLLING (CONTINUED)

COMMUNICATION				
33 Le BV dispose t'il d'un moyen de communication?				
34 Le BV a t'il reçu un téléphone configuré pour communiquer les résultats?				
35 Si oui, ce téléphone est-il opérationnel?				
EVALUATION GENERALE				
	TB	B	A	M
36 Gestion du BV par les membres de celui-ci				
37 Mise en oeuvre des procédures				
38 Compréhension des procédures par l'électeur				
39 Attitude des représentants des candidats				
40 Transparence du processus				
41 Niveau d'organisation (soutien au BV)				
Très bon Aucun incident ou irrégularité constatés				
Bon Quelques incidents ou irrégularités sans possible effet sur l'intégrité du processus				
Acceptable Des incidents ou irrégularités pouvant marginalement affecter l'intégrité du processus				
Mauvais Des incidents ou irrégularités ayant nécessairement un impact sur l'intégrité du processus				
QUESTION ADDITIONNELLE				
42				
COMMENTAIRES ADDITIONNELS				



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(06) PRESIDENTIAL ELECTION: POLL CLOSING

Fiche 3 - FERMETURE ET DEPOUILLEMENT					
Equipe n°			Noms des observateurs		
Heure d'arrivée			de départ		
Région			Département		
Commission locale			Localité		
Nom du lieu de vote				N° du BV	
Contexte			Urbain		Rural
					OUI NON N/A
FERMETURE					
1	Le président a-t-il désigné des assesseurs ainsi que prévu (maximum 6)?				
3	Le président a-t-il annoncé la fermeture du BV à 17.00?				
4	Des électeurs attendaient-ils encore à 17.00?				
5	Les électeurs présents à 17.00 ont-ils été autorisés à voter?				
6	Le président a-t-il fait collecter les cartes des électeurs présents?				
7	Des électeurs non présents à 17.00 ont-ils été admis à voter?				
PROCEDURES DE DEPOUILLEMENT					
8	Les numéros de scellés de l'urne ont-ils été vérifiés ?				
9	Le BV est-il réaménagé pour offrir un espace de travail dégagé?				
10	Les conditions sont-elles propices à un dépouillement transparent?				
11	Le nombre de votants sur la liste d'émargement et la liste additionnelle sont-ils comptés?				
12	L'urne est-elle vidée en public?				
13	Le décompte des bulletins est-il transparent?				
14	La réconciliation (émargements/bulletins trouvés) est-elle effectuée?				
15	La réconciliation donne-t-elle des nombres compatibles?				
16	Le BV corrige-t-il ces nombres en suivant les procédures prévues?				
17	La conformité des bulletins est-elle vérifiée (bulletins officiels)?				
18	A-t-on trouvé des bulletins non conformes (non officiels)?				
19	Le contenu des bulletins est-il annoncé publiquement?				
20	Est-il possible de s'assurer que le bulletin est bien comptabilisé?				
21	Des bulletins valides sont-ils annulés?				
22	Des bulletins invalides sont-ils considérés comme valides?				
23	En cas de discussion, les membres du BV décident-ils de la validité?				
	Si non, précisez qui décide:				
24	Une fiche de résultat est-elle remplie?				
25	Les représentants de candidats signent-ils la fiche de résultat?				
26	Les résultats indiqués sur le PV sont-ils conformes?				
27	Est-il établi 5 copies identiques du PV pour transmission?				
28	Est-il établi une copie identique du PV pour les représentants présents?				
29	Les représentants ont-ils la possibilité de signer l'ensemble des PV?				
30	Des représentants refusent-ils de signer les PV?				
	Si oui, indiquez la raison:				

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(o6) PRESIDENTIAL ELECTION: POLL CLOSING (CONTINUED)

31 L'ensemble des mentions requises figurent-elles au PV?				
<i>Si non, précisez les mentions manquantes (plusieurs réponses possibles):</i>				
Heure d'ouverture du BV				
Noms des 3 membres du BV				
Noms des représentants des candidats				
Nombre de bulletins reçus				
Numéro de la case tirée au sort pour l'apposition du sticker				
Nombre de votants				
Nombre de bulletins trouvés dans l'urne				
Nombre de bulletins nuls				
Résultat des candidats				
Noms des scrutateurs				
32 Les résultats sont-ils affichés officiellement à l'extérieur?				
AUTRES PERSONNES PRESENTES				
33 Des représentants des 2 candidats étaient-ils présents?				
GBAGBO/LMP		QUATTARA/RHDP		
<i>Combien de femmes sont elles représentantes?</i>				
34 Les représentants pouvaient ils exercer leur mandat suivant la loi?				
<i>Si non, précisez:</i>				
35 Des observateurs nationaux étaient-ils présents?				
<i>Combien de femmes sont elles observatrices?</i>				
36 Les observateurs pouvaient-ils exercer leur mandat?				
37 Une personne non autorisée était-elle présente dans le BV?				
Membre des forces de sécurité				
Chef de village				
Responsable politique local				
Autre				
Précisez:				
38 Les personnes présentes ont-elles eu une attitude disruptive ou intimidante?				
PLAINTES ET RECLAMATIONS				
39 Y a t'il des réclamations inscrites au Procès Verbal (PV)?				
40 La possibilité d'inscrire une réclamation existe t'elle?				
41 Vous a t'on fait part de réclamation oralement? Si oui,				
Représentant	Sujet:			
Observateur				
Autre				
EVALUATION GENERALE				
	TB	B	A	M
33 Gestion du BV par les membres de celui-ci				
34 Mise en oeuvre des procédures				
35 Attitude des représentants des candidats				
36 Transparence du processus				
37 Niveau d'organisation (soutien au BV)				
Très bon Aucun incident ou irrégularité constatés				
Bon Quelques incidents ou irrégularités sans possible effet sur l'intégrité du processus				
Acceptable Des incidents ou irrégularités pouvant marginalement affecter l'intégrité du processus				
Mauvais Des incidents ou irrégularités ayant nécessairement un impact sur l'intégrité du processus				

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(06) PRESIDENTIAL ELECTION: POLL CLOSING (CONTINUED)

QUESTION ADDITIONNELLE			
38			
COMMENTAIRES ADDITIONNELS			



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(07) PRESIDENTIAL ELECTION: COUNTING

Résultats du dépouillement (Annexe Fiche 3)

Région			
Département			
Commission locale			
Localité			
Nom du lieu de vote	N° du BV		
Nombre d'électeurs inscrits (liste d'émargement)			
Nombre d'inscrits sur la liste d'émargement additionnelle (astreinte)			
Nombre de votants (total 2 listes d'émargement)			
Nombre de bulletins nuls (invalides, non conformes, blancs)			
Nombre de bulletins valides (suffrages exprimés)			
Résultats			
GBAGBO Laurent			
OUATTARA Allassane			
Transmission du PV			
		OUI	NON
Les 5 PV pour transmission ont-ils été placés dans les plis sécurisés?			
Pour	Commission électorale locale (communale ou sous-préfectorale)?		
	Commission Electorale Indépendante (commission centrale)?		
	Conseil Constitutionnel?		
	ONUCI?		
	Facilitateur?		
Les représentants des candidats ont-ils reçu un exemplaire identique du PV?			
GBAGBO Laurent?			
OUATTARA Allassane?			
Les chiffres sont-ils exacts?			
Si Non, précisez les totaux corrects			
Commentaires			



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(o8) PRESIDENTIAL ELECTION: TABULATION

Fiche 4 - RECENSEMENT DES RESULTATS			
Equipe n°		Noms des observateurs	
Heure d'arrivée			de départ
Région		Département	
Commission locale			
			OUI NON N/A
ORGANISATION			
1	Le recensement avait-il débuté au moment de votre arrivée		
	Si non, quand a t'il débuté?		
2	Existe t'il un espace de réception des présidents des BV adapté?		
3	Le lieu permet t'il d'organiser un recensement transparent?		
4	La commission locale a t'elle prévu une procédure de réception?		
5	La commission locale a t'elle prévu une procédure de vérification des colis?		
6	Le classement permet-il la sécurisation des bulletins et enveloppes?		
7	Les commissaires disposent-ils d'instructions écrites?		
8	Les commissaires ont-ils reçus une formation ciblée sur le recensement?		
EQUIPEMENT ET COMMUNICATION			
9	La commission est-elle équipée d'un ordinateur fonctionnel?		
10	La commission est-elle équipée d'un scanner fonctionnel?		
11	La commission dispose t'elle d'une connexion internet?		
12	La commission dispose t'elle d'une couverture téléphonique?		
13	La commission dispose t'elle d'un approvisionnement électrique?		
TRAITEMENT DES PROCES VERBAUX			
Nombre de BV à traiter par la commission locale			
Nombre de BV traités au moment de votre arrivée			
14	Les PV arrivent-ils dans des conditions garantissant leur authenticité?		
15	La conformité des PV réceptionnés est elle vérifiée?		
16	L'exactitude des PV réceptionnés est elle vérifiée?		
17	Des corrections sont elles apportées au PV réceptionnés?		
18	Le traitement des PV et le recensement des résultats est-il conduit en présence de la commission réunie (15 membres)?		
19	Le traitement des PV et le recensement des résultats est-il conduit en présence des représentants des candidats?		
20	Le traitement des PV et le recensement des résultats est-il conduit en présence des observateurs internationaux et nationaux?		
21	Les résultats agrégés sont-ils proclamés publiquement?		
22	Les résultats agrégés sont-ils affichés?		
23	Un PV de recensement est-il établi?		
24	Une feuille de recensement détaillée par BV est-elle établie?		
25	Les représentants des candidats ont ils la possibilité de signer le PV?		
26	Les représentants des candidats reçoivent ils copie du PV?		
27	Le recensement fait-il l'objet d'un traitement manuel?		
28	Le recensement fait-il l'objet d'un traitement informatique?		
	Si oui, précisez: Tableur Excel		
	Programme de tabulation		
29	Le traitement informatique est-il réalisé par les commissaires?		
	Si non, précisez qui effectue le traitement:		

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(08) PRESIDENTIAL ELECTION: TABULATION (CONTINUED)

TRANSMISSION DES RESULTATS			
30	Les résultats physiques (PV) sont-ils directement transmis à la CEI?	☐	☐
31	Les résultats physiques (PV) sont-ils d'abord transmis au niveau décentralisé supérieur?	☐	☐
32	Les résultats sont-ils transmis par voie informatique (système SILS)?	☐	☐
33	Les résultats sont-ils transmis par voie téléphonique (appel/sms)?	☐	☐
34	Y a t'il des moyens de vérifier l'exactitude des résultats transmis par voie informatique ou téléphonique?	☐	☐
35	Les représentants des candidats disposent-ils d'informations leur permettant de comparer les résultats avec ceux recueillis dans les BV?	☐	☐
AUTRES PERSONNES PRESENTES			
36	Des représentants des 2 candidats étaient-ils présents?	☐	☐
	GBAGBO/LMP ☐ OUATTARA/RHDP ☐		
37	Les représentants pouvaient-ils exercer leur mandat suivant la loi?	☐	☐
	Si non, précisez:		
38	Des observateurs nationaux étaient-ils présents?	☐	☐
39	Les observateurs pouvaient-ils exercer leur mandat?	☐	☐
	Sin non, précisez:		
40	Une personne non autorisée était-elle présente durant le recensement?	☐	☐
	Membre des forces de sécurité ☐		
	Responsable administratif ☐		
	Responsable politique local ☐		
	Autre ☐	Précisez:	
41	Les personnes présentes ont-elles eu une attitude disruptive ou intimidante?	☐	☐
PLAINTES ET RECLAMATIONS			
42	Vous a t'on fait part de réclamation ?		☐
	Si oui: Représentant ☐	Sujet:	
	Observateur ☐		
	Autre ☐		
CLIMAT GENERAL			
43	Le recensement s'est t'il déroulé dans des conditions d'ordre adéquates?	☐	☐
44	Le recensement s'est t'il déroulé dans un climat de sécurité adéquat?	☐	☐
45	Le recensement a t'il été interrompu à un quelconque moment?	☐	☐
	Si oui, précisez les circonstances et la durée:		

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(o8) PRESIDENTIAL ELECTION: TABULATION (CONTINUED)

EVALUATION GENERALE				
	TB	B	A	M
46	Transparence du processus			
47	Adéquation des procédures			
48	Compréhension des procédures			
49	Attitude des représentants des candidats			
50	Transparence du processus			
51	Niveau d'organisation			
Très bon Aucun incident ou irrégularité constatés				
Bon Quelques incidents ou irrégularités sans possible effet sur l'intégrité du processus				
Acceptable Des incidents ou irrégularités pouvant marginalement affecter l'intégrité du processus				
Mauvais Des incidents ou irrégularités ayant nécessairement un impact sur l'intégrité du processus				
QUESTION ADDITIONNELLE				
COMMENTAIRES ADDITIONNELS				



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(09) PRESIDENTIAL ELECTION: COMMUNICATION OF RESULTS

Fiche de communication des résultats du recensement				
Niveau de traitement				
Région		Commune		
Département		Sous-préfecture		
Nom de la Commission locale				
Nombre de BV traités				
Nombre d'électeurs inscrits				
Nombre de votants				
Nombre de bulletins nuls (invalides, non conformes, blancs)				
Nombre de bulletins valides (suffrages exprimés)				
Résultats				
GBAGBO Laurent				
OUATTARA Alassane				
Annonce des résultats				
Date et heure de l'annonce				
			OUI	NON
Lesdélégés des candidats ont-ils reçu un exemplaire identique du PV?				
GBAGBO Laurent?				
OUATTARA Alassane?				
Les chiffres sont-ils exacts?				
Si Non, précisez les totaux corrects				
Commentaires:				



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(IO) PRESIDENTIAL ELECTION: COMPLAINTS

Centre de Collecte		FICHE N°
Equipe		Date
Centre de collecte		Numéro
Sous Préfecture		Commune
Département		Région
Contexte	Rural ☐ Chef lieu ☐ Urbain ☐	
	Oui Non	Commentaires
Présence de pétitionnaires	☐ ☐	
Présence d'autorités locales	☐ ☐	
Présence de partis politiques	☐ ☐	
Présence de forces de sécurité	☐ ☐	
Tension/incident	☐ ☐	
Liste électorale		
La Liste est-elle affichée?	☐ ☐	
La liste est-elle accessible?	☐ ☐	
Date affichage de la liste?		
Nombre total d'inscrits		
Nombre d'inscrits sur liste des croisés positifs (liste 1)		
Nombre d'inscrits sur liste des croisés aux extensions (liste 2)		
Nombre d'inscrits rejetés/non confirmés		
Dont:	Croisés étrangers	
	Non déterminés	
	Doublons pièces (A3)	
	Rejets techniques	
Tableau des réclamations		
Le tableau est-il affiché?	☐ ☐	
Nombre de réclamations		
Dont:	Nb Corrections	
	Nb Omissions	
	Nb Radiation âge	
	Nb Radiation nationalité	
	Nb Radiation décès ou interdiction	
	Nb Autres radiations	
Tableau des décisions		
Le tableau est-il affiché?	☐ ☐	

(continues)



(10) PRESIDENTIAL ELECTION: COMPLAINTS (CONTINUED)

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(10) PRESIDENTIAL ELECTION: COMPLAINTS (CONTINUED)

THE CARTER CENTER		FICHA		Contentieux extraordinaire		FICHE N°	
Equipe		Date					
Sous-Pref.	☐	Comm.	☐	Départ.	☐	Région	☐
Sous Préfecture							
Département							
Vérification par un tiers	Oui ☐	Non ☐	Partis politiques Cadres/Autorités locales Famille Autres				
	PET.	ASC.	A1	A3	C1	C2	C3
Récépissé d'enrôlement	☐	☐	☐	☐	☐	☐	☐
Extrait d'Acte de naissance	☐	☐	☐	☐	☐	☐	☐
Jugement supplétif	☐	☐	☐	☐	☐	☐	☐
Expédition	☐	☐	☐	☐	☐	☐	☐
Attestation du plumitif	☐	☐	☐	☐	☐	☐	☐
Certificat de Nationalité	☐	☐	☐	☐	☐	☐	☐
Certificat d'individualité	☐	☐	☐	☐	☐	☐	☐
Acte de mariage	☐	☐	☐	☐	☐	☐	☐
Décret de naturalisation	☐	☐	☐	☐	☐	☐	☐
Carte d'électeur 2000	☐	☐	☐	☐	☐	☐	☐
Autres documents							
Attestation d'identité	☐	☐	☐	☐	☐	☐	☐
Passeport	☐	☐	☐	☐	☐	☐	☐
CIN verte	☐	☐	☐	☐	☐	☐	☐
CIN Jaune	☐	☐	☐	☐	☐	☐	☐
Livret de famille	☐	☐	☐	☐	☐	☐	☐
Autres	☐	☐	☐	☐	☐	☐	☐
AUCUN/REJET	☐	☐	☐	☐	☐	☐	☐
Commentaires							



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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(I I) LEGISLATIVE ELECTION: POLL OPENING

CÔTE D'IVOIRE LEGISLATIVE ELECTIONS - 11 DECEMBER 2011			
	Observer Team Names:		# Team:
	Region:	PS code:	Arrival Time: __'__
	Department:	# Registered:	Departure Time: __'__
	Constituency:	Type of PS: ☒ Urban ☐ Rural	Yes No N/A
OUTSIDE THE POLLING STATION (take time to observe the environment around the Polling Center)			
1	Was the setup of the polling center configured adequately to accommodate the registered voters?		
2	Was the polling center operating in an orderly fashion?		
3	Did the setup of the polling center allow for adequate security?		
4	Was there a presence of security forces? If Yes, which forces? ☐ FRCI (army) ☐ UN ☐ Traditional Security Forces (Dozos) ☐ Other forces (explain)		
5	Was the polling center accessible to all voters including the disabled?		
6	Was the polling center free from active campaigning?		
7	Was the environment outside the polling center free from pressure/intimidation?		
8	Was the environment outside the polling center free from tension? If No, were the security forces present adequate to address the situation?		
9	Was the process free from interference by security forces?		
INSIDE THE POLLING STATION			
10	Were all the Polling Staff present? If No, who is absent? ☐ President ☐ 1st Secretary ☐ 2nd Secretary Which polling officials were women? ☐ President ☐ 1st Secretary ☐ 2nd Secretary		
11	Were sufficient electoral materials available? If No, which were inadequate? (ask this question to the President) ☐ Voter register ☐ Ballot papers (registered voters + 10%) ☐ Indelible ink ☐ Practical guide of the PS staff ☐ Security stickers ☐ "A voté" stamps ☐ At least 9 numbered seals ☐ Ballot box ☐ Voting booths ☐ 4 transmission envelopes ☐ Voting minutes ☐ Other (explain) If No, were there any measures taken?		
12	Was the ballot box presented as empty to all present, including candidate representatives and observers?		
13	Was the ballot box sealed with four numbered seals?		
14	Were the numbers of the seals recorded in the opening minutes?		
15	Did the polling staff hold a lottery to select where the security sticker will be placed?		
16	Were the opening procedures free of complaints? If No, who made the complaint: ☐ Voter ☐ Candidate Representative ☐ Other		
17	Were all complaints recorded in the minutes?		
18	Did the polling station open by 7h30? If No, what was the reason of the delay? ☐ Polling staff absent ☐ Polling material absent ☐ Poor organization ☐ Polling center unavailable/not accessible ☐ Other (explain)		
19	Is the number of voters waiting to cast a ballot greater than 20% of the registered voters?		
20	Were candidate representatives or délégués present at the polling station to observe opening? (also tick all that apply) ☐ PDCI ☐ RDR ☐ UDPCI ☐ PIT ☐ MFA ☐ LIDER ☐ RHDP ☐ Independents ☐ Other (explain)		
21	Were other authorised organizations present at the polling station to observe opening? (please also tick all that apply) National observers: ☐ Representatives of the Electoral Commission ☐ UN ☐ Convention de la société civile ☐ COFEM-CI ☐ CO.SO.P.CI ☐ LIDHO ☐ WACSO FOSCAO ☐ Other (explain) International Observers: ☐ AU ☐ ECOWAS ☐ Other (explain)		
22	Were all authorised persons allowed to observe the opening process effectively?		
23	Are there any un-authorized persons in the PS? (please also tick all that apply) ☐ Security forces ☐ Traditional authorities ☐ Local politicians ☐ Other (explain)		
24	Was the opening process free from interference? (including by security personnel and candidate representatives)		

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(I I) LEGISLATIVE ELECTION: POLL OPENING (CONTINUED)

OVERALL ASSESSMENT		VG	G	P	VP
	Management of the PS by the Polling Staff				
	Respect of procedures				
	Performance of candidate representatives				
	Transparency of the process				
Very Good	No significant incidents or irregularities				
Good	A few incidents or some minor irregularities, but none that had a significant effect on the integrity of the process				
Poor	Incidents or irregularities that significantly affected the integrity of the process				
Very Poor	Incidents or irregularities of such magnitude that the integrity of the process is in doubt.				
COMMENTS					
In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". Please write the question number on the left column to make clear reference to the question you are commenting about.					
INDIRECT OBSERVATION					
Please use this space for indirectly observed elements, which you haven't witnessed but were brought to you by your interlocutors (PS staff, candidate representatives, observers, electors, etc).					



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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(12) LEGISLATIVE ELECTION: POLLING

CÔTE D'IVOIRE LEGISLATIVE ELECTIONS - 11 DECEMBER, 2011									
	Observer Team Names:				# Team:				
	Region:				PS code:		Arrival Time: __. __. __		
	Department				# Registered:		# Voted:		Departure Time: __. __. __
	Constituency:				Type of PS: ☒ URBAN ☐ RURAL		Yes No N/A		
OUTSIDE THE POLLING STATION (take time to observe the environment around the Polling Center)									
1	Was the polling center configured adequately to accommodate the registered voters?								
2	Was the polling center operating in an orderly fashion?								
3	Did the setup of the polling center allow for adequate security?								
4	Was there a presence of security forces? If Yes, which forces? ☐ FRCI (army) ☐ UN ☐ Traditional Security Forces (Dozos) ☐ Other forces (explain)								
5	Was the polling center accessible to all voters including the disabled?								
6	Was the polling center free from active campaigning?								
7	Was the environment outside the polling center free from pressure/intimidation?								
8	Was the environment outside the polling center free from tension? If No, were the security forces present adequate to address the situation?								
9	Was the process free from interference by security forces?								
INSIDE THE POLLING STATION									
10	Was the Polling Staff present? If No, who is absent? ☐ President ☒ 1st Secretary ☒ 2nd Secretary Which polling officials were women? ☐ President ☐ 1st Secretary ☐ 2nd Secretary								
11	Were sufficient electoral materials available? If No, which were inadequate? (ask this question to the President) ☐ Voter register ☐ Ballot papers (registered voters + 10%) ☐ Indelible ink ☐ Practical guide of the PS staff ☐ Security stickers ☐ "A voté" stamps ☐ At least 9 numbered seals ☐ Ballot box ☐ Voting booths ☐ 4 transmission envelopes ☐ Voting minutes ☐ Other (explain) If No, were there any measures taken?								
12	Was the ballot box properly sealed?								
13	Were polling staff verifying voter identity against required documents?								
14	Were voters without proper identification prevented from casting a ballot?								
15	Were polling staff checking the presence of the voter on the voter register?								
16	Were polling staff examining whether the voter had ink on their fingers?								
17	Were ballot papers properly marked with a security sticker?								
18	Were voters informed of the voting procedures by polling staff?								
19	Were voters required to sign or thumbprint the voter register?								
20	Were the electoral cards stamped "A voté"?								
21	Were voters' fingers marked with indelible ink?								
22	Were voting procedures free of complaints? If No, who raised the complaint: ☐ Voter ☐ Candidate Representative ☐ Other								
23	Were all complaints recorded in the minutes?								
24	What time did the Polling Station open? ☐ 7.00-7.29 ☐ 7.30-7.59 ☐ 8.00-8.59 ☐ 9.00-9.59 ☐ 0.00 or later								
25	Was the process free from irregularities as listed below? If NO please check all the occurred: ☐ Ballot box stuffing ☐ Ballots already marked ☐ Violation of secrecy of the vote ☐ Intimidation ☐ Abuse of assistance ☐ Family voting ☐ Proxy voting								
26	Were candidate representatives or délégués present at the polling station to observe? (also tick all that apply) ☐ PDCI ☐ RDR ☐ UDPCI ☐ PIT ☐ MFA ☐ LIDER ☐ RHDP ☐ Independents ☐ Other (explain)								

(continues)



(12) LEGISLATIVE ELECTION: POLLING (CONTINUED)

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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(13) LEGISLATIVE ELECTION: POLL CLOSING AND COUNTING

CÔTE D'IVOIRE LEGISLATIVE ELECTIONS - 11 DECEMBER, 2011				
	Observer Team Names:		# Team:	
	Region:	Code and name of PS:		Arrival Time: __. __. __
	Department	# Enrolled:	# Votes:	Departure Time: __. __. __
	Circumscription:	Type of PS: ☐ Urban ☐ Rural		Yes No N/A
CLOSING				
1	Has the president designated scrutineers, according to the procedures (maximum 6) ?			
2	Did the Polling Station close on time (17:00h)? If No , please comment.			
3	Were all voters who were in line at closing allowed to vote?			
4	Did the president collect the identification documents of the voters present in line?			
5	Were all voters who arrived after closing time turned away without voting?			
COUNTING PROCEDURES				
6	Were ballot box seal numbers verified?			
7	Was the PS organized to provide an adequate work area?			
8	Were the conditions suitable for transparent counting?			
9	Were the signatures/thumbprints on the voter register counted?			
10	Did the president of the polling station open the ballot box in the presence of candidate representatives and observers?			
11	Could candidate representatives and observeres effectively observe the count?			
12	Did the polling staff compare the number of voters (from #9 above) with the ballot papers found in the ballot box?			
13	If Yes , did the two numbers match?			
14	If the numbers did not match, did the polling staff follow procedures to correct the error?			
15	Was the validity of ballots determined according to the procedures?			
16	Were there any unofficial ballots found in the ballot box?			
17	Were the results of each ballot announced publicly?			
18	Were the results of each ballot recorded accurately?			
19	Did polling staff complete a results worksheet?			
20	Were the materials placed back in the ballot box as per the procedures?			
21	Was the ballot box sealed using the 5 remaining ballot box seals?			
22	Did all the candidate representatives sign the results worksheet?			
23	Were the results transcribed accurately onto the results protocol?			
24	Did polling staff complete four identical copies of the results protocol for the transmission envelopes?			
25	Did polling staff complete identical copies for the candidate representatives?			
26	Did all candidate representatives sign the protocols?			
27	Were closing procedures free of complaints? If No , who raised the complaint: ☐ Voter ☐ Candidate Representative ☐ Other			
28	Were all complaints recorded in the minutes?			
29	Were the following included on the results protocol? If No , tick all that are missing. ☐ PS opening hour ☐ Polling staff names ☐ Candidate representative names ☐ Scrutineer names ☐ Results ☐ Security sticker location ☐ # of voters ☐ # of ballots cast ☐ # of invalid ballots ☐ Seal numbers from closing			
30	Did the polling staff post the results protocol for public display?			
31	Were list representatives present or délégués at the polling station to observe closing? (tick all that apply) ☐ PDCI ☐ RDR ☐ UDPCI ☐ PIT ☐ MFA ☐ LIDER ☐ RHDP ☐ Independents ☐ Others (explain)			

(continues)



(13) LEGISLATIVE ELECTION: POLL CLOSING AND COUNTING (CONTINUED)

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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(14) LEGISLATIVE ELECTION: TABULATION

CÔTE D'IVOIRE LEGISLATIVE ELECTIONS - 11 DECEMBER, 2011											
	Observer Team Names:				# Team:						
	Region:				Arrival Time: __ - __						
	Department:				Departure Time: __ - __						
	Circumscription:				Commission de référence:				Yes	No	N/A
ORGANISATION											
1	Was there enough space to allow for an effective transfer of material to the commission?										
2	Did the space provide for a transparent tabulation process?										
3	Were the commissioners working on the basis of written instructions?										
4	Were the commissioners trained in tabulation procedures?										
5	If No, did the staff establish procedures to receive the electoral materials?										
6	Did the commission verify the content of the incoming electoral materials?										
7	Did the organisation of electoral materials allow for the security of ballot papers and envelopes?										
EQUIPMENT AND COMMUNICATION											
8	Did the commission have a functioning computer?										
9	Did the commission have a functioning scanner ?										
10	Did the commission have a working internet connexion?										
11	Did the commission have cellphone coverage?										
12	Did the commission have electricity?										
RESULTS PROTOCOL (RP) PROCESSING											
13	Had tabulation already started when you arrived?										
14	If not, when did it start?										
15	Number of RP to be processed at the commission										
16	Number of RP processed upon arrival										
17	Did the staff establish procedures to receive the electoral materials?										
18	Did RP arrive in conditions that guaranteed their authenticity?										
19	Were the tamper-proof bags delivered sealed?										
20	If not, how many were not sealed?										
21	Did the commission verify that the results protocols were aggregated correctly?										
22	If not, did the commission correct the RP? If so, please explain.										
23	Did the commission announce the results publicly?										
24	Did the commission fill out a tabulation protocol?										
25	Did the tabulation protocol detail the results for each polling station?										
26	Were candidate representatives provided with an opportunity to sign the tabulation protocol?										
27	Were candidate representatives provided with a copy of the tabulation protocol?										
28	Was the tabulation processed manually or with a computer? ☐ Manually ☐ Computer										
29	If a computer was used, was: ☐ Excel ☐ Tabulation programme										
30	Was the computerized data processing done by commissioners?										
31	If no, by whom? ☐ Private company ☐ Staff of commission ☐ Other (explain)										
32	Was the tabulation process free of complaints? If no, who raised complaints? ☐ Candidate Representative ☐ Other (explain)										
33	Did the commission post the aggregated results protocol for public display?										
TRANSMISSION OF RESULTS											

(continues)



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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(14) LEGISLATIVE ELECTION: TABULATION (CONTINUED)

34	Were the hard copies of the RP delivered directly to the "CEI de référence" or "CEI siège" tabulation center?				
35	Were the intermediary electoral authorities involved in delivery of results (i.e. before it arrived at the tabulation center)?				
36	Were results transmitted electronically?				
38	Were the results transmitted by cell phone (phone calls or SMS)?				
39	If the results were transmitted electronically or by cell phone, were they verified by another person as accurate?				
40	Were candidate representatives and observers given an opportunity to compare the RP with those from the polling stations?				
OTHER PERSON IN CEI PREMISES					
41	Were list representatives present (or délégués) at the tabulation center to observe tabulation? (tick all that apply) ☐ PDCI ☐ RDR ☐ UDPCI ☐ PIT ☐ MFA ☐ LIDER ☐ RHDP ☐ Independents ☐ Others (explain)				
42	Were other authorised structures present at the tabulation station to observe tabulation? (please tick all that apply) ☐ Representative of the Electoral Commission ☐ UN National observers: ☐ Convention de la société civile ☐ COFEM-CI ☐ CO.SO.P.CI ☐ LIDHO ☐ WACSO FOSCAO ☐ Other (explain) International Observers: ☐ AU ☐ ECOWAS ☐ Other (explain)				
43	Were all authorised persons allowed to observe the tabulation process effectively?				
44	Were closing procedures free of complaints? If no, who raised the complaint:				
45	Were there any un-authorized persons in the tabulation center? (please also tick all that apply) ☐ Security forces ☐ Traditional authorities ☐ Local political representative ☐ Other (explain)				
46	Was the tabulation process conducted in an adequate security climate?				
47	Was the tabulation process free from interference? (including by security personnel and candidate representatives)				
OVERALL ASSESSMENT					
		VG	G	P	VP
	Management of the tabulation by the commission				
	Respect of procedures				
	The performance of candidate representatives				
	Process transparency				
	General environment				
	Very Good	No significant incidents or irregularities			
	Good	A few incidents or some minor irregularities, but none that had a significant effect on the integrity of the process			
	Poor	Incidents or irregularities that significantly affected the integrity of the process			
	Very Poor	Incidents of irregularities of such magnitude that the integrity of the process is in doubt.			
COMMENTS					
In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". Please write the question number on the left column to make clear reference to the question you are commenting about.					
INDIRECT OBSERVATION					
Please use this space for indirectly observed elements, which you haven't witnessed but were brought to you by your interlocutors (PS staff, candidate representatives, observers, electors, etc).					



APPENDIX F
2011 ADMINISTRATIVE BOUNDARIES
OF COTE D'IVOIRE

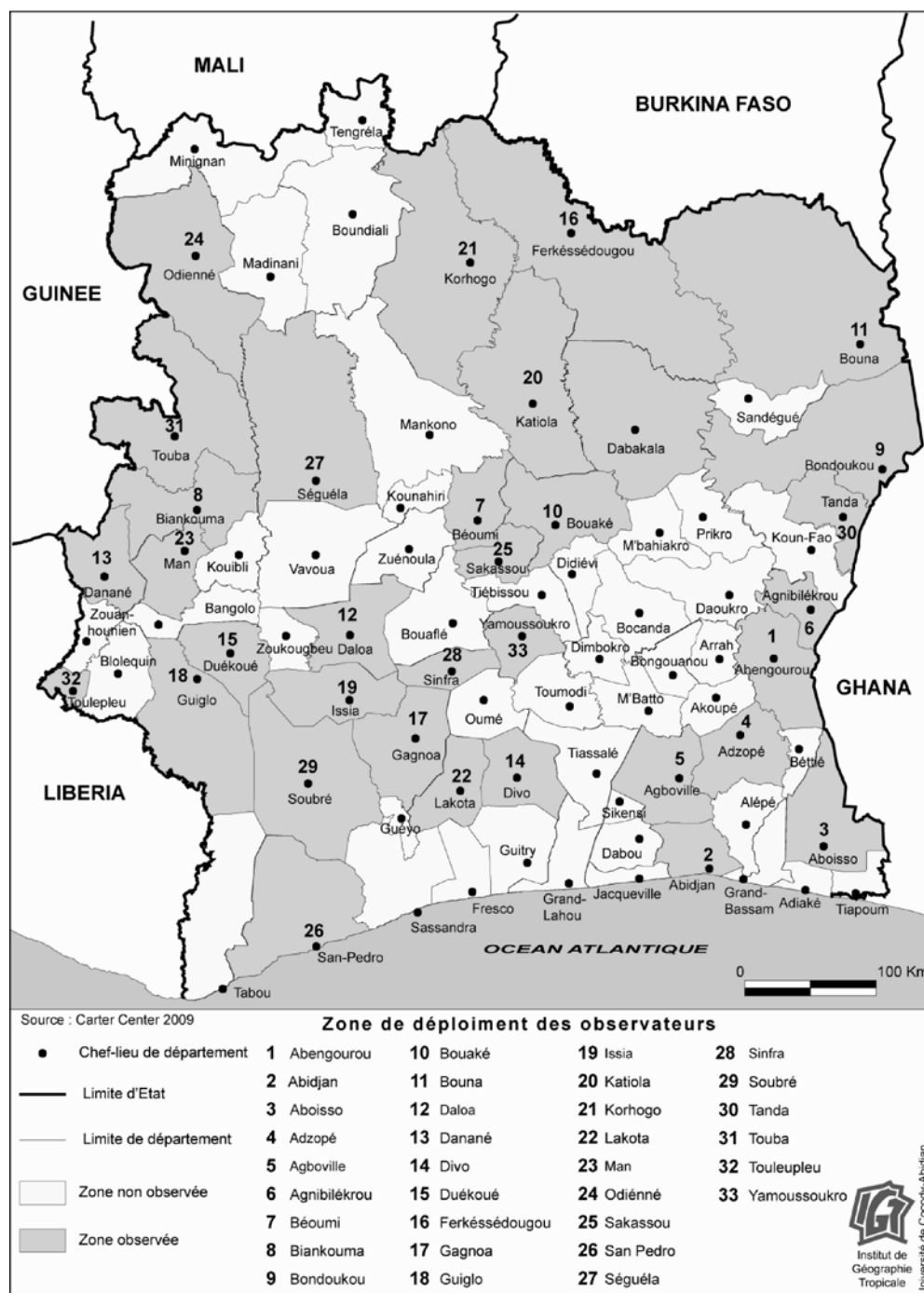




INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

APPENDIX G DEPLOYMENT MAPS

(OI) IDENTIFICATION AND VOTER REGISTRATION, 2008–2009





INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(02) VERIFICATION OF PROVISIONAL VOTER REGISTER, 2010





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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(03) PRE-ELECTION, 2010



Source : Carter center 2010

LISTE DES DEPARTEMENTS VISITÉS

- Chef-lieu de département
- Départements non visités
- Départements visités
- Limites d'Etat
- Limites de département

1 Abengourou	11 Dabakala	21 Duékoué	31 Tiébissou	41 Sakassou
2 Adzopé	12 Daloa	22 Bangolo	32 Toumodi	
3 Agboville	13 Issia	23 Toulepleu	33 Dimbokro	
4 Agnibilékro	14 Vavoua	24 Gagnoa	34 Bongouanou	
5 Akoupé	15 Man	25 Oumé	35 Bocanda	
6 Korhogo	16 Kouibli	26 Divo	36 Daoukro	
7 Ferkéssédougou	17 Danané	27 Guitry	37 Prikro	
8 Boundiali	18 Zouan-Hounien	28 Lakota	38 M'bahiakro	
9 Tengréla	19 Guiglo	29 Yamoussoukro	39 Bouaké	
10 Katiola	20 Bolequin	30 Didiévi	40 Béoumi	



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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(04) OCT. 31, 2010



Source : Carter center 2010

LISTE DES DEPARTEMENTS VISITÉS

●	Chef-lieu de département	1	Man	6	Yamoussoukro	11	Soubré	16	Zouan-Hounien
□	Départements non visités	2	Katiola	7	Daloa	12	Agnibilékrou		
■	Départements visités	3	Duékoué	8	Abidjan	13	Korhogo		
—	Limites de département	4	Bouaké	9	Issia	14	Bondoukou		
—	Limites d'Etat	5	Boundiali	10	Abengourou	15	Ferkéssédougou		





INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(05) Nov. 28, 2010



Source : Carter center 2010

LISTE DES DEPARTEMENTS VISITÉS

- Chef-lieu de département
- Départements non visités
- Départements visités
- Limites de département
- Limites d'Etat

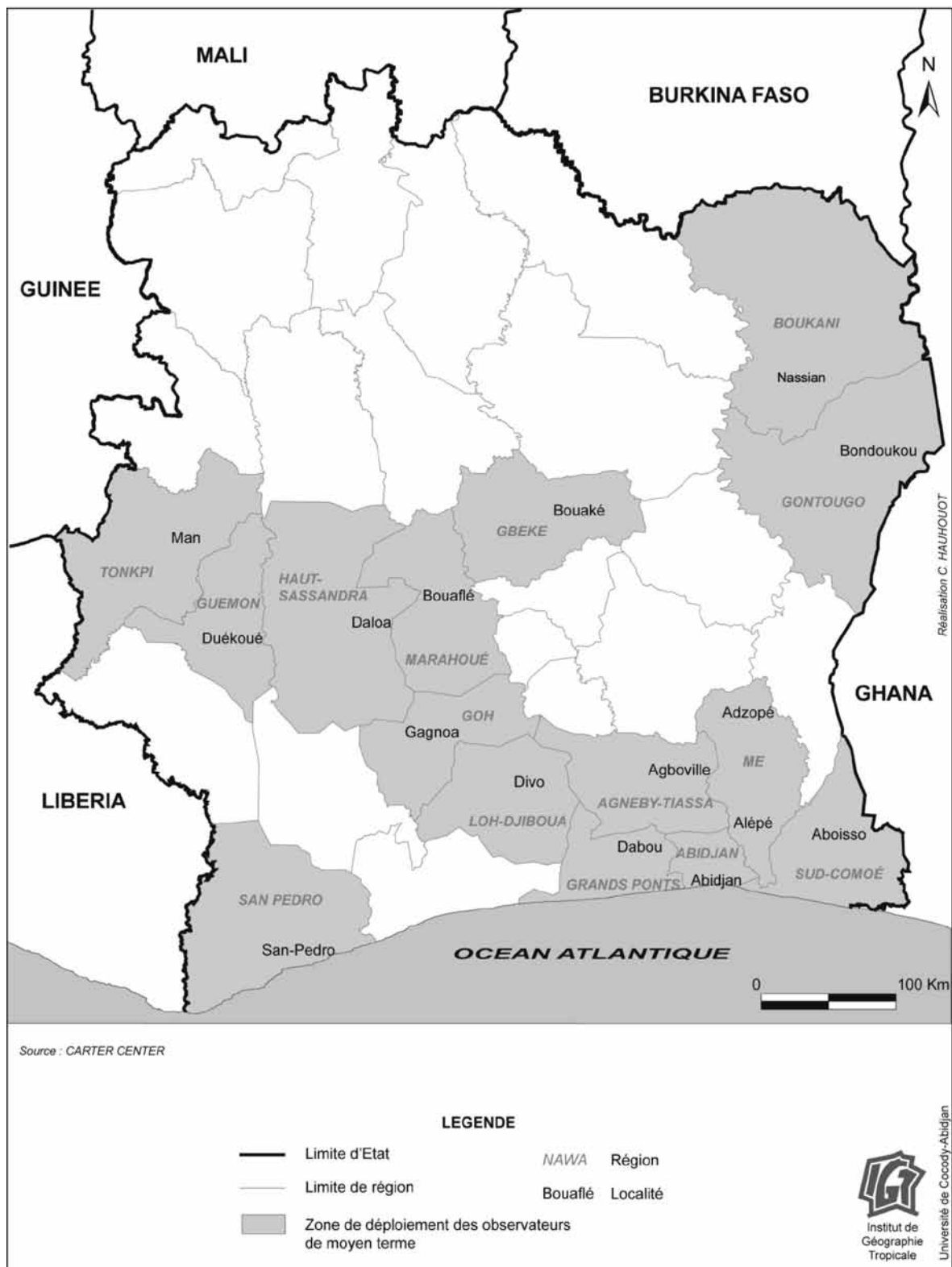
1 Man	7 Korhogo	13 Abengourou	19 Dimbokro
2 Duékoué	8 Ferkéssédougou	14 Agnibilékrou	
3 Guiglo	9 Sassandra	15 Bondoukou	
4 Daloa	10 Bouaké	16 Gagnoa	
5 San Pedro	11 Yamoussoukro	17 Lakota	
6 Soubré	12 Abidjan	18 Divo	





INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(06) PRE-ELECTION, 2011

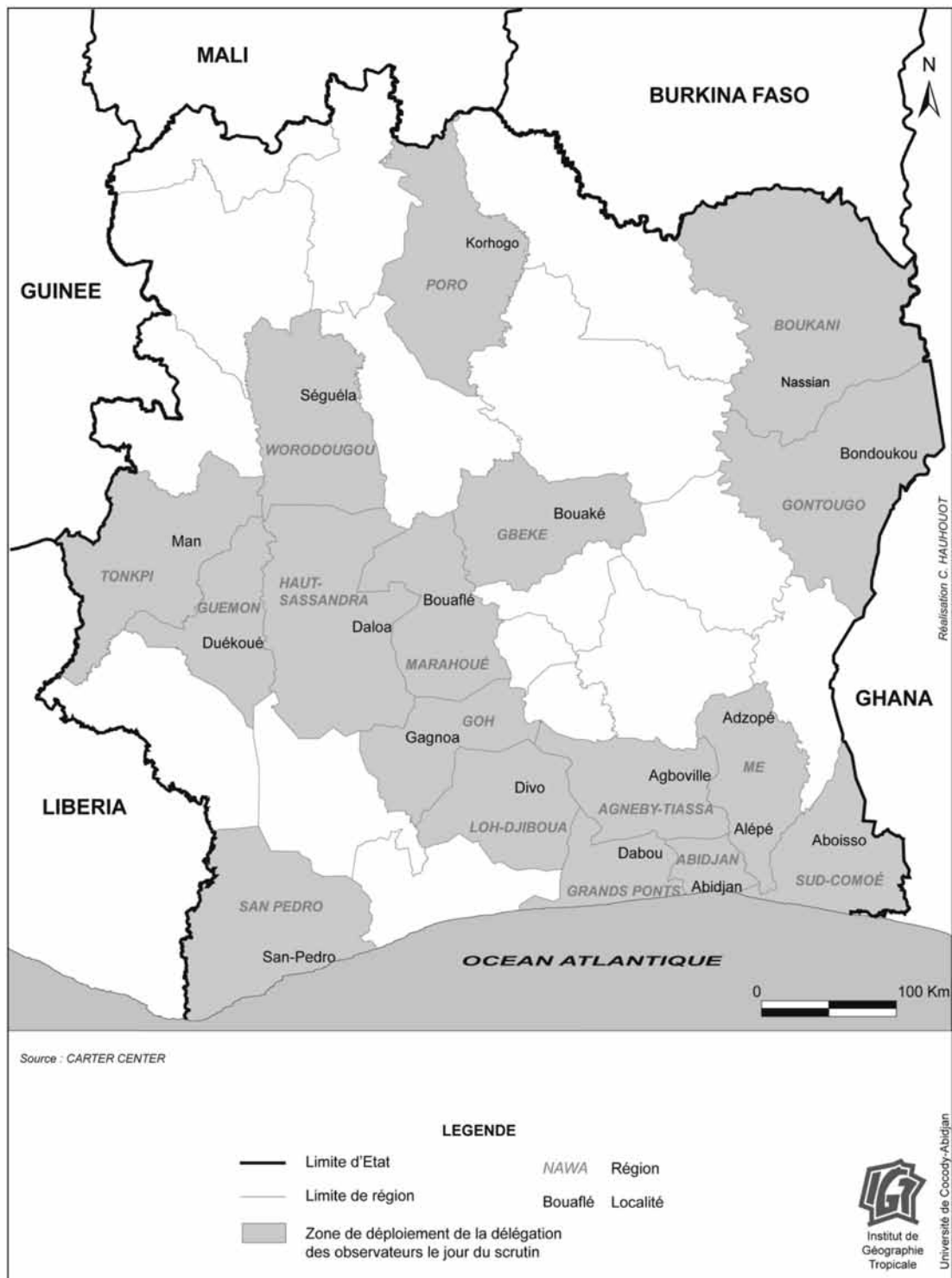




THE CARTER CENTER

INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

(07) DEC. 11, 2011





INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

APPENDIX H

PRESIDENTIAL ELECTION: COMPARISON OF FINAL RESULTS, FIRST ROUND, AND SECOND ROUND

TOTAL	Registered	Voted	Nuls	Valid	Gbagbo	Ouattara	Bedie	Other RHDP
1st Round	5 711 753	4 783 383	220 231	4 569 246	1 738 889	1 473 970	1 142 814	129 013
		83.70%	4.60%				2 745 797	
2nd Round	5,780,804	4,689,366	99,147	4,590,219	2,107,055	2,483,164		
		78.70%	1.80%		difference 376 109			
By Region								
Agneby								
1st Round	212 204	186 087	7 523	178 564	133 726	19 665	21 572	729
		87.60%	4.00%				41 966	
2nd Round	213 018	189 464	2 904	186 560	156 798	29 762		
		88.90%	1.50%		23 072	10 097	12 204	
Bafing								
1st Round	38 766	31 623	2 229	29 394	4 666	21 561	1 519	914
		81.50%	7.00%				23 994	
2nd Round	39 619	33 145	719	32 426	5 555	26 871		
		83.65%	2.10%		889	5 310	2 877	
Bas-Sassandra								
1st Round	349 325	273 498	20 678	252 820	87 690	52 135	104 798	4 469
		78.20%	7.50%				161 402	
2nd Round	339 950	248 859	9 286	239 573	113 371	126 202		
		73.20%	3.70%		25 681	74 067	35 200	
Denguelé								
1st Round	78 374	66 110	3 010	63 100	1 617	58 950	1 587	246
		84.30%	4.50%				60 783	
2nd Round	79 168	72 511	603	71 908	1,551	70 357		
		91.50%	0.80%		66	11 407	9 574	
18 Montagnes								
1st Round	310 018	259 254	17 616	241 638	97 025	36 828	10 479	87 250
		83.60%	6.70%				134 557	
2nd Round	310 879	247 447	9 786	237 661	121 641	116 020		
		79.50%	3.90%		24 616	79 192	18 537	
Fromager								
1st Round	188 126	164 861	6 794	158 067	84 168	33 116	38 627	840
		87.60%	4.10%				72 583	
2nd Round	190 394	161 167	3 670	157 497	105 776	51 721		
		84.60%	2.20%		21 608	18 605	20 862	

Note. First round: Oct. 30, 2010; second round: Nov. 28, 2010

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

PRESIDENTIAL ELECTION: COMPARISON OF FINAL RESULTS,
FIRST ROUND, AND SECOND ROUND (CONTINUED)

Haut-Sassandra								
1st Round	293 198	249 065	11 973	237 092	106 928	66 268	59 448	1 996
		84.90%	4.80%				127 712	
2nd Round	298 177	233 580	5 974	227 606	128 785	98 821		
		78.30%	2.50%		21 857	32 553	28 891	
Lacs								
1st Round	219 358	180 869	7 376	173 493	22 529	26 631	119 754	780
		82.40%	4.00%				147 165	
2nd Round	214 739	164 409	3 446	160 963	31 632	129 331		
		76.50%	2.00%		9 103	102 700	17 834	
Lagunes								
1st Round	1 918 737	1 625 884	41 677	1 584 207	742 945	496 944	305 882	14 143
		84.70%	2.50%				816 969	
2nd Round	1 966 817	1 486 241	19 402	1 603 183	864 856	738 327		
		75.50%	1.30%		121 911	241 383	78 642	
Marahoué								
1st Round	181 952	153 090	8 123	144 927	65 789	31 499	44 742	766
		84.10%	5.30%				77 007	
2nd Round	182 576	144 071	3 981	140 090	77 239	62 851		
		78.90%	2.70%		11 450	31 352	14 156	
Moyen Cavally								
1st Round	141 924	119 738	6 319	113 419	60 405	19 682	26 778	4 528
		84.30%	5.20%				50 988	
2nd Round	145 158	116 190	3 088	113 102	72 146	40 956		
		80.00%	2.60%		11 741	21 274	10 032	
N'Zi Comoé								
1st Round	264 975	222 192	13 340	208 852	50 631	15 031	136 851	976
		83.80%	6.00%				152 858	
2nd Round	260 796	196 048	6 281	189 767	69 456	120 311		
		75.10%	3.20%		18 825	105 280	32 527	
Savanes								
1st Round	377 640	318 187	21 059	297 128	19 312	255 238	14 620	1 654
		84.20%	6.60%				271 512	
2nd Round	379 399	334 323	5 590	328 733	21 203	307 530		
		88.10%	1.60%		1 891	52 292	36 018	

(continues)



INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

PRESIDENTIAL ELECTION: COMPARISON OF FINAL RESULTS,
FIRST ROUND, AND SECOND ROUND (CONTINUED)

Sud Bandama								
1st Round	177 933	150 070	7 083	142 987	67 884	31 260	41 357	989
		84.30%	4.70%				73 606	
2nd Round	194 775	156 124	4 197	151 927	93 775	58 152		
		80.10%	2.60%		10 187	26 892	15 454	
Sud-Comoé								
1st Round	154 410	129 822	5 721	124 301	68 445	27 954	25 163	604
		84.00%	4.40%				53 721	
2nd Round	154 683	126 789	2 734	124 055	78 632	45 423		
		81.90%	2.10%		10 187	17 469	8 298	
Vallée du Bandama								
1st Round	374 122	305 335	15 216	290 119	27 305	144 637	111 881	1 370
		81.60%	4.90%				257 888	
2nd Round	376 552	292 704	6 444	286 260	41 789	244 471		
		77.70%	2.20%		14 484	99 834	13 417	
Worodougou								
1st Round	108 940	91 993	4 641	87 352	6060	76 110	3 595	364
		84.40%	5.00%				80 069	
2nd Round	110 701	100 562	1 309	99,253	5 263	93 990		
		90.80%	1.30%		797	17 880	13 921	
Zanzan								
1st Round	199 657	162 151	13 896	147 955	53 576	36 912	44 943	5 823
		81.20%	8.50%				87 678	
2nd Round	201 251	155 419	6 428	148 991	70 113	78 878		
		77.20%	4.10%		16 537	41 966	8 800	
Etranger								
1st Round	19 561	14 263	530	13 733	4 702	6 923	1 660	97
		72.90%	3.70%				8 680	
2nd Round	19 545	13 745	292	13 453	5 404	8 049		
		70.32%	2.10%		702	1 126	631	



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APPENDIX I CARTER CENTER STATEMENTS AND REPORTS

NEWS

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ONE COPENHILL ATLANTA, GA 30307

Carter Center Launches Election Observation Mission to Côte d'Ivoire

Nov. 7, 2008

FOR IMMEDIATE RELEASE

Contact:

**In Atlanta: Deborah Hakes, +1-404-420-5124, dhakes@emory.edu
In Abidjan: Sabina Vigani, +225-08-23-55-23, sabinavigani@yahoo.fr**

The Carter Center deployed three teams of observers to regions around Côte d'Ivoire this week to formally launch its international election observation mission. Observers will focus on ongoing voter registration and assess overall preparations for the presidential elections.

They plan to meet with government and election authorities, political parties, civil society organizations, and domestic observer groups, as well as the United Nations and the international community. Côte d'Ivoire's elections are scheduled for Nov. 30, 2008, but are widely expected to be delayed to 2009.

The Carter Center is honored to have been invited by Prime Minister Guillaume Soro to observe the electoral process. The Center's international observers are drawn from African, European, and Latin American countries. They are supported by an office in Abidjan, established in December 2007 and headed by Carter Center country director Sabina Vigani.

"The Carter Center supports peaceful, transparent, and credible elections in Côte d'Ivoire," said Dr. David Pottie, associate director of the Carter Center's Democracy Program. "We are concerned about the repeated delays in election preparations but hope that any further deadline extensions will be used to create the necessary conditions for viable elections. We also hope that our presence will contribute to building confidence in the electoral process and ultimately in the overall peace process."

The Carter Center conducts its activities in a nonpartisan, professional manner in accordance with applicable national laws and international standards for election observation set forth in the Declaration of Principles for International Election Observation that was adopted at the United Nations in 2005. The Center will release periodic public statements, which will be available on its Web site: www.cartercenter.org.



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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

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The Carter Center International Election Observation Mission to Côte d'Ivoire Report #1

Observation of Identification and Voter Registration Dec. 22, 2008

Upon invitation of the Ivorian authorities, The Carter Center launched an international election observation mission to Côte d'Ivoire in October 2008. The main objective of the mission is twofold: to help reinforce confidence in the electoral process and to support free, fair, and transparent elections in Côte d'Ivoire through non-partisan and professionally executed election observation, in conformity with national laws and in accordance with the Declaration of Principles for International Election Observation. A free and fair election in Côte d'Ivoire is an essential component for the successful achievement of the Ivorian peace and reconciliation process outlined in the Ouagadougou Political Accord.

The Carter Center conducted a preliminary assessment mission in October 2007 to meet with political leaders and gain a first-hand understanding of the political situation. President of Côte d'Ivoire Laurent Gbagbo, Prime Minister Guillaume Soro, and President of the Independent Electoral Commission (CEI) Robert Beugré Mambé acknowledged the importance of international election observation. As further confirmation of the interest on the part of Ivorian authorities to reinforce the transparency of the electoral process, Prime Minister Soro sent an official letter of invitation to former U.S. President Jimmy Carter, inviting the Center to deploy an international election observation mission to Côte d'Ivoire.

The Center deployed three teams of observers to assess the identification and voter registration operations Nov. 7 -Dec. 15, 2008. The Carter Center field office based in Abidjan managed the coordination of the observation mission. After a week of observation in the district of Abidjan, the teams moved to the interior of the country and continued to follow the process. To ensure an evenly balanced examination throughout the regions, observers were deployed in the following administrative departments: Divo, Gagnoa, Issia, and Duékoué in the West; Bouaké, Béoumi, Katiola, and Sakassou in the Center; and Korhogo and Ferkessedougou in the North. Staff from the Abidjan office observed in the district of Abidjan.



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Observers met with actors involved all aspects of the identification and voters' registration operation: branches of the Independent Electoral Commission (CEI) at regional, departmental, and local levels; agents responsible for the identification and voter registration operations; members and supervisors of the Local Commissions for the Supervision of Identification; local authorities; members of the *Forces Nouvelles*; political party representatives; civil society organizations; populations; as well as electoral advisors of the U.N. Mission in Cote d'Ivoire (UNOCI). The Center's observers were well-received by everyone with whom they met.

With this report, The Carter Center wishes to share with national authorities, the CEI, and other political actors these preliminary observations, key findings, and recommendations. This report is meant to provide constructive and non-partisan analysis, maintaining the objective of transparency towards the Ivorian authorities and all stakeholders in the process. A second phase of observation is tentatively planned for January 2009.

Assessment of the Identification and Voter Registration Operation

The identification and voter registration operation was assessed on the basis of six main criteria, derived from the legal and regulatory framework put in place by the national authorities including the Procedures for Identification and Voter Registration (*Mode Opératoire*) and the Prime Minister's Circular of Oct. 21, 2008:

- Surroundings adjacent to the collection centers
- Logistics
- Registration operations
- Supervisory and monitoring mechanism;
- Presence of observers and political party representatives
- Other related factors

1. Surroundings Adjacent to the Collection Centers

In the assessment of the surroundings adjacent to the collection centers, the following was considered:

- Number of people petitioning
- General atmosphere in the surroundings of the center
- Presence of security forces

The official launch of identification and voter registration operations saw substantial public participation. A majority of those seeking identification and voter registration confirmed that they had been waiting for this operation to take place for quite some time. Particularly in urban areas, this interest resulted in large crowds of at times hundreds of petitioners outside collection centers, even before the centers were open for the day. In the district of Abidjan, a decline in the number of petitioners was noticed from the beginning of December up to the close of operations on Dec. 14.



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Altogether, the atmosphere at and around the centers was calm, despite the often long waiting time and large number of petitioners. In some cases though, tensions were observed due to one or several of the following factors:

- Disputes among petitioners irritated by the long wait and anxious to be enrolled.
- Suspicions regarding the management of queues. Petitioners complained about others cutting in line, favoritism, or unfair advantage being given to acquaintances and/or political party members or supporters. Suspicions arose particularly when lines were managed by political party representatives or local youth.
- Petitioners originally from the village or specific area felt they should be registered before those who were not considered native to the community where the operation was taking place.
- There were two cases reported where individuals attempted to police the queues in an attempt to stop supposed foreign nationals from enrolling.

Over the course of the period observed, the Center's observers noted a progressive increase in the security of collection centers in the district of Abidjan. By the end of the observation period, the security forces were present in approximately one out of every two centers. Security patrols were also seen at regular intervals and the collection center managers had the appropriate contact details to call upon security forces should the need have arisen when security personnel were not present.

In the town of Bouaké there was a significant presence of security forces from the start of operations. At a majority of visited sites, two or three security officers were often present and the mixed patrols executed by Ivorian Security and Defense Forces (FDS) and the Forces Nouvelles Armed Forces (FAFN) appeared to work harmoniously together under the management of the Integrated Command Center.

Outside of Abidjan and Bouaké, security forces were seldom visible. Various explanations were given to justify the absence of security forces:

- Security forces did not receive official orders despite operations having been launched.
- The lack of means of transport made it difficult for security forces to travel to collection centers located outside towns.
- The collection center manager deemed the constant presence of security forces unnecessary, stating that security could be called upon should security forces be needed.

In cases when the centers did have security forces present, they were positioned along the exterior periphery of the center. In Bouaké, the security forces were sometimes observed inside the collection centers, contrary to the stipulations found in the Prime Minister's Circular. According to the Circular, the head of center alone is responsible for calling the police into the center should a need arise.



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2. *Logistics*

When considering logistical aspects of the operation, the Center's observers included all elements necessary for the functioning of the collection centers and for the timely implementation of each step of the identification and voter registration procedure, including:

- The presence of the entire collection center staff: one CEI head of the center, one CEI agent responsible for identification, one ONI (National Office of Identification) agent responsible for identification, one INS (National Institute of Statistics) agent, and one agent from SAGEM (French private company providing technical services).
- The availability of all properly functioning equipment and materials (includes registration forms, a ruler for measuring height, a computer for the INS, an uninterruptable power supply, a generator for centers lacking electricity, SAGEM equipment with a battery as needed for centers lacking electricity).
- Security of equipment and materials during non-working hours.
- Coordination centers functioning at the administrative departmental level.

At the start of the observation period, the operations in the district of Abidjan had been disrupted by a strike action of numerous agents in the process. The strikers protested several aspects of their contracts including deployment prior to the signature of a contract and the level of remuneration. Though not always followed by all agents at the same time, strike by an agent from any one of the agencies involved in the process was sufficient to disrupt the entire operation, particularly when it involved agents from the National Institute for Statistics (INS) or SAGEM.

The number of staff in most of the collection centers in the district of Abidjan was increased from one to two teams in an effort to accelerate the operations and reduce the wait time of the petitioners. However, in some cases the second team was not ready immediately following the call to be deployed and this often resulted in several additional days of delay before all the members of the team were assembled for deployment.

Equipment was readily available in the district of Abidjan though some cases of technical failure of INS computers or SAGEM equipment were reported. In most cases, these problems were resolved in anywhere from a half to a full day.

Delays in restocking the registration forms were noticed in various collection centers across the district of Abidjan. In extreme cases these shortages caused operations to be stopped for three to five days. Such delays were attributed to SAGEM agents not receiving sufficient funds for fuel for vehicles to deliver the forms where needed.

Outside of Abidjan, Carter Center observers witnessed the launch of operations in several administrative departments. The opening of centers was carried out in several successive steps beginning with the larger towns and spreading to the smaller surrounding villages. Most collection center teams were fully complete the first day of operations though in a few cases operations were delayed several days. There were several reasons that caused the delays, including:



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- Late arrival of material and equipment.
- Errors in the deployment of teams or material, possibly having been directed to the wrong site or the late arrival of the list of centers prevented the various actors from efficient coordination.
- There were cases where collection centers were falsely said to have electricity though this was not realized until the team arrived at the site. Delays thus ensued due to a lack of a generator or other equipment necessary for the center to function. It was often the case that information about each center location was not properly verified by the CEI because they lacked the means to visit and verify the information for every site.
- Generators that were not operational or cases where there was no means to purchase fuel to run them.
- In one specific case, the regional CEI refused to participate in the process in the absence of an operations budget.
- Other financial problems.

Technical problems were observed or reported more frequently outside of Abidjan. The generators needed to power the INS computers often broke down owing to the poor quality of fuel available in the CNO zone (the former rebel-held areas of the center, north and west of the country), the inadequate generator capacity to power the necessary equipment, and/or agents by some means damaged the generator. SAGEM equipment also had problems stemming from improper functioning of the battery or failure to hold a charge, but normally these issues were resolved within a day. A lack of sufficient light rendered it difficult to take ID photos.

There was also no standardized procedure for securing material outside of working hours. CEI officials reported that they had suggested that the material be stored in their premises but the administrators were hesitant to do so. In practice, the agents themselves became responsible for the security of equipment. When the collection center was located in a school, INS and SAGEM agents quite often found a place within the school to keep the equipment secure. In cases where agents did not find an appropriate place, the material was usually entrusted to the local chief, the mayor, or in rare cases in the homes of residents living nearby the location of the collection center.

For some of the centers located in towns, a system to ensure equipment was securely stored was eventually organized with the assistance of UNOCI. The equipment was dropped off after the close of operations each day and picked up the following morning, left under the watch of the local CEI or SAGEM agents at coordination centers. This system often caused delays in the opening times of collection centers because a lack of vehicles prevented the equipment from being systematically redistributed on time.

The official procedures for the identification and voter registration operation foresaw regular data transmission – a “daily flow” according to the official procedures – from collection centers to coordination centers located at the administrative departmental level. Once data are received in the departmental coordination centers, a satellite transmission system was to transfer data to the principal site in Abidjan for further review. However, this complex system of transmission and treatment of data is not operational. It seems that neither the technical preconditions that must be in place to enable such a system as defined by SAGEM nor the physical structures needed to accommodate the coordination centers have been established. It is evident that the



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scale of the logistical challenges to implement such as system was underestimated from the start. When and how the authorities will settle this predicament is unknown to The Carter Center at this time.

3. Registration Operations

In general, the agents carrying out the operations had a good grasp of the process, after what was a short breaking-in period during the earliest days of the operation. During the first several days of operation, agents made a significant number of mistakes on the registration forms that resulted in a number of forms being cancelled and the individual registration operation restarted again. Agents also appeared to follow the directives listing the required documentation to register and the means to check its authenticity. In some instances however, individual agents pursued in-depth questioning of petitioners who had names thought to be of a foreign origin. This tendency was acknowledged by some agents and heads of collection center, and seemed to be at least partly attributable to a case of arrest and sentencing of a National Identification Office (ONI) agent who registered a foreigner on the voter list. However, it was also possible that an overly-exhaustive interrogation by some agents may have led them to act beyond their terms of reference – which were limited to the checking of the formal elements outlined in the Circular – resulting in undue rejections.

Other irregular implementation of the Circular was observed. For example, the verification of dates appearing on the documents was sometimes subject to interpretation that could have resulted in unmerited rejections of petitioners. This situation seemed to have been corrected by verbal instructions communicated to agents in the collection centers. The verification of the official stamp on documents did not always follow the same criteria: the monetary value of the stamp was sometimes considered and sometimes not. In this case also, it appeared that verbal instructions had been given to agents to accept the validity of identification documents regardless of the monetary value of their stamps. The lack of uniformity in implementing these instructions appeared to be attributable to the fact that agents did not receive the instructions at the same time.

The following is a list of the most frequent reasons for rejections based on official procedures:

- Some petitioners under the age of 18 were not in possession of a certificate of nationality. This was observed in all the regions visited but with higher frequency in the CNO zone (the former rebel-held areas of the center, north and west of the country) due to the previous absence of tribunals competent to deliver such documents.
- Petitioners presented a notarized deed issued by a judge or a record of individual civil status issued by a state officer; this case occurred most frequently for citizens displaced as a result of the war.
- Illegible documents; due normally to mold or general deterioration as a result of bad conservation.
- A worn seal on the original document.
- Absence of the signature and/or capacity of the administrative authority on the original documents.
- Unreadable photocopies.



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Other less frequent causes for rejection in conformity with the Circular were observed or reported:

- The petitioner was born before the civil registry was started.
- The original document and photocopy did not match.
- The written name on the document did not match that given by the petitioner.

Some irregular cases of rejection were observed or reported, including instances when:

- A petitioner whose name is common in neighboring countries, even though their parents were born in Cote d'Ivoire, was unable to register without a naturalization document.
- A petitioner had a foreign father and an Ivorian mother.

Representatives of political parties, in particular in the CNO zone and in the West, alleged fraud occurred before and during the operations through the distribution of false papers. It is important to note that, with one exception, these allegations were not substantiated with reference to particular cases or evidence. The Center's observers were unable to verify these allegations of fraud.

4. Supervisory and Monitoring Mechanism

The identification procedures mandate that all the steps that fall under the responsibility of ONI are to be monitored by the National Commission for the Supervision of Identification (CNSI) and its local branches called Local Commission for the Supervision of Identification (CLSI). Save for the complaints about the identity of individuals, the CNSI is responsible for all complaints relative to operations under its area of competence. Complaints can be introduced by individuals, political parties, and the technical structures involved in the operation.

The Center's observers noticed a general ignorance of the existence of the CNSI. Most petitioners and political party representatives at the local level were not aware of the existence of the administrative recourse entrusted to CNSI. The dispute mechanism regarding the provisional voters list was often confused with the administrative recourse offered by CNSI.

During the observation period, the ten CLSI of the district of Abidjan progressively sent their agents into collection centers. In Bouaké, where there should have been 174 CLSI agents deployed, observers found them in fewer than half of the collection centers. In other administrative departments visited where operations were launched at the beginning of December, the CLSI was only rarely present.

In general, very few complaints were brought to the CLSI. Most disputes appear to have been settled on the spot by those officials who were present, reportedly, to the satisfaction of all concerned. However, the absence of CLSI in most places could compromise the effective and just settlement of any future disputes that arise and become subject to legal proceedings.



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5. Presence of Observers and Political Party Representatives

In general, Ivorian civil society organizations are not yet involved in the observation of the identification and voter registration operation. It appears that certain civil society organizations were still waiting for the official CEI authorization necessary to access and observe the operations in the collection centers.

On the other hand, political party representatives were involved in the identification and voter registration. The prime minister's Circular allows access to the collection centers only to those authorized by the CEI. Political party representatives were generally found nearby the collection centers. In only one instance was a political party representative found inside a collection center. Party representatives assisted their supporters and members, notably in verifying the spelling of names recorded on the registration receipts. Representatives of one political party established lists with names and receipt numbers of supporters and members who registered to keep for their records so they could assist voters who might lose their receipt to check the provisional voter list.

6. Other Related Factors

Several other factors affected public participation in the process, including:

- Difficulties in providing the documents required to register.
- Difficulties with making photocopies of the required documents.
- Accessibility of collection centers.
- Public awareness and understanding of the process.

Members of the public who tried to acquire the necessary documents to register faced additional challenges, including:

- Overcrowding of state offices as the number of requests for copies of birth certificates doubled or more after the start of identification and voter registration. The high volume of requests resulted in greater delays.
- Underage petitioners could not obtain a nationality certificate in the CNO zone.
- Petitioners affected by lost or destroyed civil registers were unable to register as long as those registers remained in need of reconstitution.

In urban areas, most members of the public did not appear to have too much difficulty finding a photocopier but it is likely to be more difficult once the process is extended to rural areas.

Accessibility of the collection centers did not seem to constitute a problem, especially since most of the collection centers opened to this point have been located primarily in towns. Accessibility is likely to become more of an issue once the operation is extended to rural areas.

In general, petitioners were well informed about the location of collection centers and the documentation they needed to register. Word-of-mouth appears to have been the most effective way that information about the operations was transmitted. Heads of communities, village chiefs, religious leaders, local governmental authorities, local radio stations, political party



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representatives, the UN mission radio ONUCI FM and television were among the sources of information for most people.

Key Findings and Recommendations

The launch of the identification and voter registration process was a significant step in implementing the Ouagadougou Political Accords. There is also a strong public interest to participate in this process. Despite several security incidents that occurred in the beginning of the operation in Abidjan, the process has been unfolding peacefully. The agents and supervisors from all of the different institutions involved in the operation seem motivated and serious, even as they worked in what were often difficult conditions.

The operation progresses, however slowly. In the heavily populated district of Abidjan, the operations closed on Dec. 14, 2008, with more than two million people registered. The opening of collection centers in the interior of the country starting on Nov. 18, 2008, took place in successive waves beginning with the larger towns of the administrative departments. The operation has not yet started in the smaller localities (sub-prefectures). In addition, the coordination centers at departmental level are not yet functioning. The slow progression of the operation raises serious questions about the capacity of authorities to handle the logistical and financial management demands of the process. Generally speaking, it seems that the scale of these logistical challenges and their implications for planning, organization, and financing were not given adequate consideration from the outset.

Throughout the country equipment breakdowns delayed the operations from the outset. Due to the complexity of the operation, the number of institutional actors involved, and the realities on the ground, some problems were inevitable. Having said that, more careful planning and increased coordination between all of the structures involved in the operation could improve efficiency. Centralized coordination efforts have not always produced the expected results at the local level and it appears that local actors, notably the local CEI, were not really involved in the initial operational planning and once initiated, they lacked the means to implement the process efficiently.

The agents appeared to have proven knowledge of the official procedures regarding the required documentation and methods of verification. Limited cases of irregular rejection and registration were reported or observed, but overall this did not seem to affect the integrity and credibility of the operation. Although the tendency of certain agents to go beyond the terms of their mandate may have led to irregular rejections of petitioners, in general agents limited their verification efforts to the formal elements.

Some petitioners were unable to participate in the process at this stage due to the earlier absence of tribunals in the CNO zone and the problem of lost or destroyed civil registers. Furthermore, the significant increase in requests for new documents required for registration has overwhelmed the limited capacity of state offices.

The activities of the National Commission for the Supervision of Identification started far behind schedule. Once again, financial constraints seem to have been at the root of this delay but the



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result is that potential beneficiaries were usually unaware about the existence of such a mechanism.

Outside of Abidjan and Bouaké, the security of collection centers often appeared limited or nonexistent, including in areas where the security situation was considered volatile. Limited transportation restricted security forces capacity to patrol collection centers outside the main cities and towns. There was no uniform procedure put in place from the start outlining how equipment and materials should be secured outside of working hours and therefore this responsibility falls principally on agents themselves.

The representatives of the main political parties regularly followed the operations particularly in towns. By contrast, the presence of national civil society organizations in the observation of these operations was very limited. In spite of repeated requests to the CEI for authorization to observe the identification and voter registration process, some interested civic organizations are still waiting for a response.

The Carter Center makes the following recommendations:

- CEI and other actors should renew their cooperation in order to reallocate available resources more rationally and efficiently.
- Improved planning, assessment, and more efficient coordination between the different structures could be reached by a more effective involvement of their representatives at decentralized level, especially to take advantage of their knowledge of local conditions.
- Authorities should implement an improved payment system to avoid additional late payment of funds to various agents working in the operation.
- CEI should develop and publish a more realistic electoral calendar based on a coherent estimation of deadlines (considering the delays already incurred) and the applicable legal framework.
- The prompt redeployment of tribunals in the CNO zone will facilitate the inclusion of minors in the identification process and enable the proper adjudication of any legal disputes that may arise related to the electoral process.
- The identification and voter registration and the reconstitution of civil registers lost or destroyed during the war must be effectively linked to ensure that all eligible petitioners have the opportunity to be included.
- All institutions involved in the identification and voter registration should remind their agents of the limits and of the exactitude of their mandate especially regarding the determination of the validity of documents (and likewise strengthen public information efforts). In cases where clarifications, adaptations, or other procedural changes are made, it is recommended that they be written in an official addendum to the existing procedures and distributed to all of the affected agents.
- The National Commission for the Supervision of Identification (CNSI) should do everything possible to ensure that their agents are present from the first day of operation in the collection centers so as to ensure a balanced supervision throughout the country and to provide all petitioners with the same information. The role and mandate of CNSI should also be more widely communicated.



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- As the operation is extended to the sub-regions of the country, it would be useful to organize a patrol system for the security forces that will enable them to intervene quickly if needed. Furthermore, it would be useful to start identifying possible sites for keeping equipment and materials secure in rural areas.
- Political parties should continue to ensure that their agents observe all phases of the electoral process in a constructive manner. The Carter Center also underlines the important role of civil society organizations in civic education and non-partisan election observation and calls on the CEI to provide the appropriate authorization for qualified groups who wish to deploy observers.

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"Waging Peace. Fighting Disease. Building Hope."

The Carter Center conducts election observation activities in a nonpartisan, professional manner as set forth in the Declaration of Principles for International Election Observation. The Center coordinates closely with other international and domestic observer delegations and publishes its statements on its Web site: www.cartercenter.org.

A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide.



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General Conclusions on the Cote d'Ivoire Identification and Voter Registration Process

**The Carter Center
May 6, 2009**

The credibility of the forthcoming elections is an essential component for the success of the Cote d'Ivoire peace process. Following an invitation from the Ivorian authorities, the Carter Center launched an international election observation mission in November 2008. Coordinated by an office in Abidjan, the Center deployed three teams of observers in two phases: November 7 to December 15, 2008 and February 15 to March 30, 2009.¹ The overall conclusions below are based on these observations and the ongoing assessment of the Abidjan office.

The Cote d'Ivoire peace process has been guided by the Ouagadougou Political Accord (OPA) of March 4, 2007 and its accompanying agreements which place free and transparent elections as an essential step in the peace process. To prepare for the elections, the OPA called for the conduct of a joint population identification and voter registration process. Moreover, this process was to be preceded by two additional operations: mobile courts and the reconstruction of civil registries lost or destroyed during the civil war. These mobile courts issued some 700,000 birth certificates to those who were not registered during the civil war and in May 2008 the reconstruction of civil registries was officially launched though public participation was only enabled after the identification and voter registration was already underway.

The operational framework for the identification and voter registration was adopted May 31, 2008 but several months of political wrangling passed before agreement was reached on fully detailed plans. There were four distinct phases to the operation: population identification, data processing and verification to generate a provisional voter roll, public review of the provisional roll, and distribution of voter cards and identity cards. A private sector firm, SAGEM, was contracted to provide technical services for the population identification process, in collaboration with the National Identification Office (French acronym ONI) and under the supervision of the National Commission for Supervision of Identification (CNSI). For the voter registration component, SAGEM worked with the National Institute of Statistics (INS) under the supervision of the Independent Electoral Commission (CEI). Both operations were complex and onerous

¹ See attached full reports from each deployment phase and a map that illustrates observer deployment.



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owing to the complex nature of the technology, challenges related to its application, and the large number of participant institutions.

The identification and registration process was to be effected through the use of 6,000 kits supplied by SAGEM and a similar number of INS computers dispatched to 11,000 collection centers staffed by 30,000 agents. The process was launched September 15, 2008 and planned to last six weeks. In fact, the process lasted 30 weeks until its suspension on March 31, 2009. A catch-up phase was launched April 25 in Abidjan and is to be extended to 1,500 collection centers across the country. During this phase, some 200 centers that never opened will be operational along with overseas centers.

From its inception the operation faced important financial, logistical and organizational difficulties. Insufficient funds were available to enable the simultaneous deployment of 6,000 technical teams, rendering the original schedule of operations untenable. Consequently, teams were deployed in stages, with a maximum of 3,500 teams operational at any one time. The slow disbursement of funds caused frequent work stoppages by technical agents over arrears in salary payment. Logistical problems also disrupted the activities of all of the institutional actors engaged in the operation. An excessive centralization of authority in Abidjan and poor communications between the central structures and regional units also hampered operations. A downward spiral resulted. The financial constraints and logistical problems, compounded by the organizational framework, delayed progress, and once the original schedule was breached, added contract costs with SAGEM required yet more government expenditure.

The process was also delayed by other factors apparently overlooked by the original implementation plan. Ivorians were keen to participate but, upon arrival of the technical teams, especially in rural areas, many people were informed they lacked the required documentation. People were thus pressed to acquire the necessary paperwork in haste, underscoring the need for a stronger public awareness campaign than was the case. The documentation requirements also highlighted the many practical difficulties facing the population. Local government offices were overwhelmed with the demand, were often distantly located, photocopiers were unavailable in rural areas, birth certificates were difficult to trace on the basis of existing identity cards, and applicants faced additional costs if they had to submit a judicial request to receive a birth certificate. The national authorities might have facilitated the identification process if they had communicated the appropriate birth records to local offices or offered free identification documents from the mobile courts. In addition, the public demand for the required documentation could not be met for several months, forcing people in the former rebel zone (CNO) to await the arrival of mobile courts as well as the launch of the process to reconstitute civil registries (the judicial phase of the reconstruction of civil registries is to conclude May 20). Overall, the documentation requirements and practical difficulties of complying with the process may have excluded certain categories of the population, notably the poor.

Marked by these difficulties, the operation nevertheless unfolded calmly and signaled a strong public interest to participate in a peaceful political process. Moreover, the Center found that technical agents generally sought to apply the appropriate official procedures



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regarding identification. In some cases, agents may have been excessively exigent in their questioning of would-be registrants, possibly resulting in unfair rejections and a limited number of irregular registrations were also observed by the Center.

The difficulties described above created the opportunity for local elected officials and political party members to become involved through offers of material support (e.g. money to pay for fuel, food and lodging for technical agents). This assistance tended to favor presumed supporters of the eventual candidate or his political camp, lending a campaign-like atmosphere to the proceedings. On occasion, disputes and sporadic tensions erupted, typically sparked by individual claims of procedural irregularities or alleged foreigners ineligible seeking registration. Such accusations were frequently found to be baseless, with many of the “accused” eventually being able to register. These instances did illustrate what might be described as spontaneous, informal, local ‘regulation’ or determination of identity and nationality. In addition to these local dynamics, the official identification process had to contend with a national political climate sometimes punctuated by the (unproven) allegations of several Ivorian political party leaders and media outlets that massive fraud was being perpetrated.

The identification and voter registration process includes several procedures to control for potential irregularities such as cross-checking for multiple registration against digital fingerprints and photographic visual comparison and to verify nationality claims against the 2000 electoral list. Although the digital fingerprint check was to have proceeded simultaneously with identification and registration, the necessary coordination centers were never established.

In light of these findings, the Carter Center concludes that the many systematic weaknesses evident in the operation stem from political choices that shaped the procedural and practical elements of implementation which in turn, was further undermined by inadequate planning. And yet, despite these limitations, Ivorians still seized the opportunity to participate and the technical agents and local CEI staff, often working with insufficient means, conducted themselves appropriately. A catch-up phase and registration of Ivorians abroad that is now underway will provide an additional opportunity to include those who have thus far been unable to participate.

President Gbagbo has recently stated tentatively, that based on CEI estimates, the elections could be held in late 2009. Though welcome, this announcement falls short of resolving the lingering uncertainty that hangs over the Ivorian electoral process. Several important questions will have to be addressed to establish a meaningful electoral calendar: How will irregular registrations be handled during the verification process? Which historical records will be used and in what manner to verify the nationality of persons who do not appear on the 2000 electoral list? How will authorities treat persons whose nationality may still be in question following the verification process? The CEI and other actors involved in these decisions must quickly establish clear and realistic means to manage these issues during the data processing and verification period.



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The Carter Center also encourages the CEI to publish a detailed electoral calendar based on a realistic plan for the many election preparations yet to take place, including the printing and posting of the provisional voter roll, the final voter register, the distribution of voter cards, printing of ballot papers, logistical arrangements for the delivery of election materials, recruitment and training of election workers, establishment of voting, counting and tabulation of results procedures, and so on. In light of these elements, the timely announcement of an election date will provide Ivorian political leaders with the clear signal to commit themselves to the electoral process.

Cote d'Ivoire cannot live in a state of permanent transition. The people of Cote d'Ivoire must enjoy their right to choose freely and elect representatives who may then apply themselves to the work of restoring the day-to-day functioning of political institutions and the challenges of socio-economic development. It is therefore the responsibility of the Ouagadougou Political Accord signatories to sustain the momentum towards credible elections. The Carter Center is conscious of the complex requirements of the peace process – legal arrangements, security of the election process, restoration of government authority throughout the country, security sector reform, national reconciliation – but believes that many of these processes are in place or underway. In this spirit, the full implementation of the OPA and its supplementary agreements must progress with the necessary urgency in tandem with electoral preparations.



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The Carter Center International Election Observation Mission to Côte d'Ivoire Report #2

Observation of Identification and Voter Registration May 8, 2009

Framework of the Mission

A transparent and democratic election is an essential part of the peace and reconciliation process in Cote d'Ivoire as outlined in the 2007 Ouagadougou Political Accord and its complementary accords.

Following an invitation from the Ivorian authorities, The Carter Center launched an international election observation mission in November 2008. The objective of the mission is twofold: to help reinforce confidence in the electoral process and to support free, fair, and transparent elections in Cote d'Ivoire. The Center's election observation is conducted in a non-partisan and professional manner, in conformity with Cote d'Ivoire's national laws and the international standards described in the Declaration of Principles for International Election Observation.

Observation Methodology

In November 2008, the Center deployed three teams of international observers to assess the identification and voter registration process. A report published on Dec. 22, 2008 summarizing the findings of the first phase of deployment was distributed to national authorities, political parties, to representatives of the international community, and posted on the Center's Web site www.cartercenter.org.

Three teams of observers were re-deployed from Feb. 15 to March 30, 2009, principally to rural areas, including:

- Lakota, Gagnoa, Soubré, San Pedro
- Duékoué, Guiglo, Toulepleu, Danané, Man, Biankouma, Touba, Odienné
- Daloa, Séguéla
- Agboville, Akoupé
- Aboisso, Abengourou, Agnibilekrou, Tanda, Bondoukou, Bouna
- Yamoussoukro, Bouaké



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The Center's observers met Independent Election Commissions (CEI) at regional, departmental, and local levels, technical agents at collection centers, members of the Local Commissions for the Supervision of Identification (CLSI), local authorities, representatives of the *Forces Nouvelles*, judges, political party representatives, civil society organizations, and representatives of the U.N. Mission in Cote d'Ivoire (UNOCI).

The Carter Center hopes that the findings and recommendations of this report will contribute to the conduct of credible elections in Cote d'Ivoire.

Assessment of the Identification and Voter Registration Operation

Bearing in mind the Official Procedures for Identification and Voter Registration (*Mode Opératoire*) and the Prime Minister's Circular of Oct. 21, 2008, The Carter Center assessed the identification and voter registration process based on the following eight criteria:

- The opening of collection sites in rural areas
- The surroundings adjacent to the data collection centers
- Human resources and logistics
- Registration operations
- Supervisory and monitoring mechanism
- Presence of observers and political parties representatives
- Other related factors
- Allegations of fraud

Key Findings

1. *The opening of collection centers in rural areas*

The opening of collection centers in the rural sub-regions has suffered from significant logistical shortfalls. The lack of means of transport for the technical teams and supervisors was particularly acute. In general, only one vehicle per administrative department was available for all the agents involved but even in cases when a vehicle was available, the teams still lacked sufficient provisions for fuel.

In order to help remedying this logistical problem, UNOCI provided some transport, though this too had its problems. UNOCI personnel were required to travel long distances – as much as two and a half hours one-way - from the U.N. base to the collection centers and then to return to base before dusk.

Only since late February 2009 has the CEI received a budget (funded by international donors) for daily vehicle rentals to help alleviate these constraints and facilitate the transportation of material and the teams working at the collection centers.

These continuous logistical problems had the following consequences:

- The opening of collection centers was slow and haphazard, characterized by last minute planning and logistical constraints that inhibited coordination between the different agencies.



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- Work was often interrupted for two or three days as teams and equipment were redeployed from one collection center to the next.
- Some collection centers were “relocated” or opened in a single location with only one technical team rather than as initially planned at several locations in various villages.

In some cases, administrative restructuring created new sub-regions and administrative departments *after* the division of electoral constituencies by the CEI. The allocation of human and material resources had to be adjusted to fit this restructuring, adding to the delayed opening of certain centers.

In some villages, the opening of the collection center was delayed at the request of local authorities because most eligible people did not have the required documentation to register.

Carter Center observers reported that in a limited number of villages, mainly in the west of Côte d'Ivoire, village chiefs opposed the opening of a collection center in settlements nearby their village. This opposition was usually for one of two reasons: 1) the village chief considered the adjoining village or settlement to be inhabited principally by non-Ivoirians or 2) he felt that those living in the adjacent settlement ought to be registered only at the same time as those of the village. Some actors believed that this attitude demonstrates a deliberate intent to monitor/control the electorate in a given region and that it may be used to prevent some eligible voters from going to the polls on election day. Others saw it more as an affair of local governance, that the village chief was concerned more about his authority than the voter registration per se, and he wished to exercise his leadership by influencing the administrative and governmental decisions being made within a territory that is traditionally his own. Following the intervention of government authorities, the affected collection centers were opened as planned.

2. The Surroundings Adjacent to the Collection Centers

The following aspects were considered in the evaluation of the surroundings adjacent to the collection centers:

- The number of people petitioning
- The general atmosphere in the surroundings of the center
- The presence of security forces

The number of petitioners was moderate to high during the first days of operation with anywhere from 30 to 60 petitioners per day. This number usually fell visibly after the second or third day of operations even though the identification and registration of the target population had not been reached. One possible explanation is that many people realized that they did not yet possess the documentation required to register. Additionally, in some areas petitioners may have decided to register in neighboring villages or in the nearest larger town. Out of fear that the technical teams might not come to their village of origin.

The atmosphere at the collection centers throughout the rural areas appeared generally calm, although several sporadic incidents were reported, usually when indigenous populations believed that Ivoirians not native to the area ought to register in their birthplace rather than their current place of residence. The intervention of members of the local CEI generally alleviated these baseless efforts to restrict access to registration.



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In some villages, traditional authorities conducted an informal, preliminary screening process that determined which petitioners were fit to present themselves at the collection centers. The justification for this was that “we know one another in our village” and thus the village chief can judge who is Ivorian and merits registration. However, this imprecise method of determining suitability was an obvious abuse and may have excluded some otherwise eligible people from registering.

In some of the administrative departments visited, other reported incidents included:

- Groups of youth approached collection centers proclaiming the presence of “known foreigners” waiting in line as petitioners. These youth were often identified as members of the groups Pan-African Youth Congress (COGEP) or Federation of Students and Scholars of Cote d'Ivoire (FESCI).
- SAGEM and INS equipment and materials were confiscated by groups of youth claiming to have witnessed irregularities in the operations. The material was given back following the intervention of local authorities but without the perpetrators being sanctioned for their acts.
- Security forces intervened in several instances when they were alerted by phone calls to apprehend petitioners who were supposedly non-Ivorian.

These disruptions reveal an informal monitoring of petitioners even before they presented themselves at collection centers. The petitioners in question had often been made to supply supplementary proof of their nationality and, at times, they were even taken to the police station to verify their identity. It appears that in most cases, the person was ultimately proven to be Ivorian and therefore able to proceed with registration at the collection center. These instances were plausibly perceived as acts of intimidation by the people concerned as well as the communities and the political parties with which they identify.

The presence of security forces was intermittent, being occasional in the sub-prefectures and departmental towns, and nonexistent in villages. The absence of security forces was typically not perceived as worrisome by the collection center teams based in rural villages, though in the towns the local authorities and collection center teams complained more often.

3. Human Resources and Logistics

The basic human and material requirements for the proper functioning of a collection center include:

- The presence of the entire technical team: one CEI head of the center, one CEI agent responsible for identification, one ONI (National Office of Identification) agent responsible for identification, one INS (National Institute of Statistics) agent and one agent from SAGEM.
- The availability of all properly functioning equipment and materials (includes registration forms, a ruler for measuring height, a computer for the INS, an uninterruptable power supply, a generator for centers lacking electricity, SAGEM equipment with a battery as needed for centers lacking electricity).
- Security of material during non-working hours.
- Coordination centers functioning at the administrative departmental level.



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Several management problems were observed, including:

- At the launch of operations in certain administrative departments, an inadequate number of INS and ONI staff was recruited. This situation delayed deployment of several teams to field sites as they waited for their full team complement to be appointed.
- The reduced number of INS supervisors was particularly problematic during the sub-prefectural deployment because the INS computer had to be reconfigured for the opening of each collection center.
- In most of the areas visited, late salary payment for agents resulted in repeated work stoppages and even the confiscation of the equipment and material by the staff. At times staff had not been paid for up to two months.
- In some areas, the departmental commissioners of the CEI also stopped work in protest against late payment. Some local CEI commissioners also criticized legal uncertainties regarding the legitimacy of their involvement in the process, as they had not received an official document attesting to the opening of identification and voter registration operations in their area.

There were many recurrent problems with the INS equipment:

- In some cases, the number of computers was insufficient. Collection center teams had to wait several weeks for more equipment to arrive, compounding the other deployment delays.
- The number of generators was also usually insufficient. Since most of the rural collection centers did not have electricity, the computers could not function without the essential generators.
- In most cases, the fuel provided for the generators was used after one or two days of operation. In some cases, there was no fuel allowance for the teams deployed to the villages.

Given these logistical problems, elected local officials or businesspeople often provided generators or donated fuel, though these gestures did not wholly compensate for the deficiencies. Sometimes, the local population provided generators and/or contributed to buy the fuel. Not only did this make the identification and voter registration process dependent on local goodwill, but it also imposed a cost for a process officially free of charge to the population.

Collection centers sometimes ran out of materials and had to wait for resupply. Even when agents promptly reported problems with INS computers or SAGEM equipment, or a shortage of registration forms, inadequate transport left the teams waiting for remedy.

The security of equipment and material outside of working hours was not a particular problem in the rural areas as it was usually stored in the same places where center staff members were housed.

Further to the Center's Dec. 2008 report, government authorities have still failed to establish the planned regional data coordination centers intended to transmit registration information regularly to a central location in Abidjan.



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4. Registration Operations

The agents at the collection centers generally proved to be informed about the official procedures for the identification and registration process. Nonetheless, as mentioned in the Center's first report, there continued to be a certain lack of standardization for verifying the validity of documents. This observation concerns two aspects of the verification of documents:

- First, agents needed to confirm that the monetary value of the official stamp and the date the document was created corresponded.
- Second, they had to check the consistency of all dates on the document (e.g. the year of the register, the date the birth was registered, and the date of birth) and match the birth certificate's number with the date the birth was registered.

It appears that the lack of standardization was due to the fact that some agents received complementary instructions from their superiors while others did not. The understanding of the procedures also varied depending on the initial training of the agents. As a result, it was difficult for the Center's observers to determine if any irregular admission or rejection of certain citizens was intentional or not. That said, some limited cases of irregular rejections and registration were observed. Additionally, some petitioners who received documentation through the mobile court proceedings of 2008 were pressed by collection center teams to produce an official copy of their birth certificate although the mobile court-issued document was supposed to be valid to register.

Collection centers were not always established at the predetermined location planned by the CEI. Sometimes they were set up inside a private residence, such as that of the village chief or an inhabitant in the village. These changes were justified for various reasons:

- The predetermined location was considered inappropriate because it was too small or derelict, or because the initial location was inside a school where classes were being held.
- The village chief provided equipment such as generators to the technical teams and in doing so asked that the set up take place wherever the generator happened to be located.
- Local individuals offered the use of a site that already had electricity installed, thus avoiding the need to a generator and fuel.

The local CEI was not always informed in good time of these changes. When informed of such changes, some local commissioners objected, arguing that the collection center location (which would also serve as the polling station in the future) must be a public space rather than a private one. This principle was ignored at times because the technical team lacked the means to carry out the proceedings without the assistance of certain local actors who agreed to provide this sort of assistance. Some agents remarked to observers, "How can you go against the will of someone who provides his own generator and fuel, who also provides meals for the team and a place to sleep, and all without asking for any monetary compensation?"

5. Supervisory and Monitoring Mechanism

The National Commission for the Supervision of Identification (CNSI) was in charge of supervision and monitoring of identification with the support of the Local Commission for the Supervision of Identification (CLSI) and the additional support of other agents hired for this purpose. Altogether it seems that the CLSI and their agents were able to operate at the



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communal level and/or in the central towns of the sub-prefecture despite supervision being visibly weaker in rural areas. The level of supervision decreased in rural towns as the operation continued, mainly due to the inability to guarantee that the agents would indeed be paid for their work. According to observers, petitioners presented only a very limited number of complaints to CLSI agents.

6. *Presence of Observers and Political Party Representatives*

Few Ivorian civil society organizations were involved in the observation of the identification and voter registration operation. Two factors appear to explain the low number of organizations playing a role at this stage in the electoral process: first, the lack of financial means necessary to observe the process in a professional manner over the long term (compared to shorter term observation of election day), and second, some organizations with the means to deploy observers were unable to obtain the necessary authorization from the CEI despite their multiple requests since the beginning of the operation.

Several political parties deployed party witnesses to collection centers throughout the country, including rural areas, to observe the operations and to encourage their members and supporters to participate in the identification and voter registration. They also helped people to acquire the documentation they needed to register, and in some cases paid for the cost of doing so. At the same time, it also appeared that political parties were engaged in informal surveillance to block those individuals they deemed ineligible for registration for whatever reason.

7. *Other Related Factors*

Several other factors affected the registration process, including:

- The acquisition of documents required for registration
- The need for photocopies of documents
- Accessibility of the collection centers
- Public awareness of the identification and voter registration process

As collection centers opened in rural areas, a significant number of petitioners were unable to register because:

- The documents they provided were often in such poor condition (worn, illegible, etc) that they could not be accepted in the registration process. Thus, petitioners needed to request new copies of official documents from local government authorities.
- There is still a portion of the Ivorian population that has never been registered officially, particularly in the most remote, rural areas that were never visited by the mobile courts.

Petitioners also had to contend with several bureaucratic and other hurdles, often not of their own making:

- Congestion at local government offices overwhelmed by the high number of requests for documents.
- The long distance from many villages to the government office responsible for generating the required papers.



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- The late redeployment of mobile courts in the CNO zone meant that a number of minors (who could seek identification though not voter registration) could not participate in the proceedings for several months because they did not have the opportunity to obtain their nationality certificate.
- The late launch of the public phase of the reconstitution of civil registers' operation.
- The absence of a birth certificate reference number on the national identity (green) card made it difficult to track down the birth certificate. A tracking procedure was established by the authorities, but this was done late in the process and the procedures appeared to be complicated and time consuming.
- Making photocopies of documents was a difficult, if not impossible task, in rural areas where there were few or no machines available. Anyone seeking a photocopy under such conditions had to travel, often by foot, several dozen kilometers to reach the nearest photocopier.
- The cost of papers, such as the nationality certificate and additional documents issued by local courts, excluded that sector of the population too poor to pay. In some areas, the local authorities and magistrates agreed to reduce the cost to obtain the preliminary identification papers.

The Center also assessed the administrative and legal phase of the reconstitution of civil registries. This phase officially began on Jan. 27, 2009, but most of the commissions responsible for this actually started working only four or five weeks later. Although the commissions established the necessary dossiers in accordance with official procedures, the district attorneys often insisted on additional proof in order to give a ruling on the requests presented to them. This pattern seems to indicate communication and coordination problems between the various actors involved in the reconstitution of the civil registries. It also seemed that the affected population was slow to participate, which may have been the result of the remote location of many rural residents and the fact that the reconstruction of civil registries took place at the same time as identification and voter registration.

Overall, the remote location of some collection centers and the resulting travel distances for the population did not seem to present a problem to most people, despite the fact that in some rural areas petitioners had to travel more than ten miles to reach their collection center.

Although political parties, local CEI commissioners and civil society organizations helped to spread the word about the identification and voter registration process, these efforts did not compensate entirely for the absence of a public awareness campaign. Such a campaign would have been especially useful in rural areas where many members of the population do not consider the possession of state administered identity papers to be completely essential. Moreover, although most people had a general awareness about the ongoing identification and voter registration, they were often not aware of the specific requirements to be registered such as the necessary documents to be presented, the need for an official stamp to be affixed to the document, as well as the presence of a visible official seal and signature, etc. In rural areas, local government authorities usually informed traditional leaders who in turn informed the population of the arrival date of the technical teams but the lack of a precise deployment calendar for the technical teams, as well as the various reasons for delays outlined in this report, meant that villagers were often surprised by their arrival and they didn't have the chance to acquire the necessary documents in advance.



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8. *Allegations of Fraud*

Frequent media reports of voter registration fraud were exacerbated by the public fraud allegations of some political actors. For example, some members of the ruling party, the Ivorian Popular Front (FPI), even described the level of fraud as “massive.” However, the Center has not seen evidence to support these claims. Carter Center observers did learn of a limited number of proven cases of fraud that were subject to legal proceedings. Instances of fraud involving false civil registry documents revealed the existence of forgery networks that were subsequently shut down and those involved were condemned. There were also some cases of fraud involving petitioners of foreign origin (usually involving nationals of ECOWAS countries) who also faced legal proceedings.

It is important to remember that the official procedures call for the application of several security measures and cross-checks to rule out irregular registrations and other errors prior to the publication of a provisional voter roll. Once the list is published, there will be an additional period for public verification and requests for corrections.

Conclusions

The shortcomings noted by The Carter Center in the first phase of observer deployment included financial constraints and delays in disbursement, logistical deficiencies, and coordination and communication problems between the various actors in the operation. These problems persisted during the second phase of Carter Center observation and appear to have worsened as the operation reached rural areas. Inadequate or poor planning, last-minute decisions, and changes in the face of mounting logistical problems further undermined the efficient delivery of the operation.

The lack of material means available to the local CEI constituted a weakness in the administration of the identification and voter registration operation. In such circumstances, it was often difficult for the local CEI to establish their authority and ensure an adequate follow-up of an important phase of the electoral process.

The pace of operations in rural areas equally suffered because of the added burden posed to rural residents seeking the necessary documents to get registered (e.g. the distance needed to travel to reach the government office or the local court where such documents are obtained as well as the unavailability of photocopy machines). It seemed that rural residents were slow to respond or unprepared for the arrival of the technical teams because of the very limited public awareness campaign in rural areas that explained the conditions required to participate. Additionally, a number of rejections at the collection centers were due to worn or illegible identity documents.

Except for a few incidents, the voter registration process was carried out in an peaceful atmosphere throughout the rural areas. It is important to underline that the population itself assisted the operation, not only providing food and shelter to the technical teams but also by providing logistical material such as generators and fuel necessary for the equipment to function.



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Additional irregularities that were observed include the changed location of some collection centers, instances of irregular or invalid rejections and/or admissions of some petitioners, though it appeared that overall the collection center teams attempted to apply the correct means to verify documents.

Keeping in mind the verification procedures that must be applied at the next stage of the process, the Center's observation do not call into question the credibility and integrity of voter registration operation at this stage.

The Center will continue to observe the follow up stages of the registration process, including the official procedures that will cross-check the data from collection centers and eliminate invalid or multiple registrations. As noted above, a parallel system of departmental data coordination and transmission to the central level was to have operated but this important process was never implemented. These and other delays experienced thus far should be taken into consideration if the CEI is to establish a credible voter register and a realistic electoral calendar.

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"Waging Peace. Fighting Disease. Building Hope."

The Carter Center conducts election observation activities in a nonpartisan, professional manner as set forth in the Declaration of Principles for International Election Observation. The Center coordinates closely with other international and domestic observer delegations and publishes its statements on its Web site: www.cartercenter.org.

A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide.



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NEWS

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ONE COPENHILL ATLANTA, GA 30307

CARTER CENTER CALLS FOR OBJECTIVE AND TRANSPARENT RESOLUTION OF FRAUD ALLEGATIONS IN COTE D'IVOIRE ELECTION PREPARATIONS

Jan. 20, 2010

For Immediate Release

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Former U.S. President Jimmy Carter, responding to recent allegations of attempted fraud in Cote d'Ivoire's election preparations, called for an objective and transparent resolution of the issue, noting that the claims "should not be used to discredit the other important achievements, to delay unduly the election, or to challenge previous political agreements that serve as the basis to conduct the elections."

The Independent Electoral Commission (IEC) , and in particular its president, have been accused by President Gbago's spokesperson of a fraudulent attempt to add individuals to the final voter list in contravention of the established procedures. Given the importance of producing a credible voter register, these allegations should be investigated objectively and transparently on the basis of factual evidence. The Carter Center calls on all political leaders and other stakeholders in the electoral process to act responsibly and to avoid distorting the current situation.

The litigation process during public inspection of the provisional voter list has thus far been conducted by local election commissions on a consensus basis and it should be possible to determine within a reasonable timeframe whether voter list entries have been made outside the agreed procedure. Based on the official procedures governing administrative disputes relating to the provisional list, all decisions taken by the local IEC are to have been recorded in writing and available in summary tables. Authorities should therefore be able, with this information in hand, to examine the existing data and verify whether irregular entries have been validated.

As illustrated by the current controversy, the need for clearly recorded voter register data at each level of the structures involved in the process is not only good administrative practice, but also provides the means for greater transparency in the collection and dissemination of this information. Ivoirian authorities should use these tools to ensure the transparency of decisions and data beyond policy makers to allow everyone to be convinced that the electoral process is being conducted in the best interest of the nation and its citizens.



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Prime Minister Guillaume Soro recently announced the establishment of 70 follow-up committees comprising representatives of all structures involved in the identification of the population and voter registration operation. The Carter Center encourages Prime Minister Soro and the members of these structures to make the committees operational as soon as possible. Ivorian parties can also make productive use of the mandate of the Special Representative of the Secretary General of the United Nations in Côte d'Ivoire for assistance.

The Carter Center has previously reported on the complexity of the population identification and voter registration processes, which have been compounded by delays and cumbersome difficulties in implementation. Political actors are reminded that these processes are the result of their own decisions, and they should therefore continue to work in the spirit of cooperation and mutual consent.

Following an invitation from the Ivorian authorities, The Carter Center launched an international election observation mission in November 2008. Previous public reports may be found at www.cartercenter.org in English and French. The Carter Center conducts its election observation missions in accordance with applicable national laws and with the Declaration of Principles for International Election Observation, endorsed at the United Nations in 2005.

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NEWS

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ONE COPENHILL ATLANTA, GA 30307

The Carter Center Calls on Cote d'Ivoire Political Leaders to Keep Election Preparations on Track

FOR IMMEDIATE RELEASE

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April 9, 2010

The Carter Center calls on political leaders in Cote d'Ivoire to renew their commitment to genuine democratic elections and ensure necessary steps are taken to realize that goal as soon as possible. Cote d'Ivoire has made important strides to keep the peace process on track, but further delay could reverse those achievements.

Invited by the government of Cote d'Ivoire to observe the country's elections, The Carter Center deployed observers on several occasions during 2008 and 2009 and has maintained a field office there since 2008.

The overall electoral process was seriously disrupted on Jan. 7, 2010, following allegations made by President Gbagbo's spokesperson that the Independent Electoral Commission (CEI) attempted to commit fraud ([Read Carter Center statement from January 2010](#)). These claims led to a major political deadlock and President Gbagbo's decision to dismiss the government and the leadership of the CEI.

With the assistance of the facilitator of the Ouagadougou Political Accord (OPA), Burkina Faso President Blaise Compaore, Ivorian political parties agreed to form a new government and new CEI leadership has been named. This chain of events exposes an underlying mistrust among the major political actors in Cote d'Ivoire that poses a constant threat to efforts to build institutions and procedures that sustain the peace process. While political parties rightly promote their self-interest and compete for every possible vote, mechanisms of the peace process and those implementing it must not be held hostage to persistent partisan political upheavals.

Elections in Cote d'Ivoire are nearly five years overdue, Ivoirians have shown their belief in the electoral process by coming out in large numbers to be identified and registered as



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voters, and the United Nations and many individual countries have provided years of political and financial support to the government of Cote d'Ivoire.

In November-December 2009, Carter Center observers assessed the posting and public verification of the provisional voters list and the claims and objections period. These operations were the main means through which the CEI enabled Ivoirians to verify the quality of the voter list. The CEI demonstrated improved operational ability during the public posting of the provisional voter list.

However, as in previous phases of the voter registration process, these efforts were too often hindered by the absence of clear and timely guidance on procedures from the central CEI. Deficiencies in communications between central CEI and local branches and discrepancies in the interpretation of instructions by local election officials coupled with inaccurate application of those procedures created irregularities in the verification process. The CEI needs to strengthen the quality and timing of training of local electoral commissioners.

Long distances between rural CEI branches, coupled with continuing challenges of logistical planning and supply also created opportunities for political parties to exceed their legitimate roles, including instances when they provided financial and material support to the CEI and assumed some of the duties of election officials. Such practices revealed a de facto privatization of some CEI responsibilities.

The absence of robust public awareness and education campaigns left many individuals uncertain about the requirements of the verification process. Those individuals who found themselves struck from the voter lists for technical reasons were to have been eligible to re-register through the week of Dec. 14, 2009, but the CEI never implemented this provision. The period for the resolution of claims and objections was extended on multiple occasions, and the agreement to install a new election commission called for an additional 21-day extension, though this step too has yet to be implemented.

The early 2010 suspension of election preparations is an opportunity to remedy these and other deficiencies in election administration but avoid undoing past achievements. The planned upcoming distribution of identity and voter cards will provide a final opportunity to fine tune these operations before the elections themselves. If unaddressed, serious difficulties may arise during the critical phases of voting, collection, and consolidation of results. Finally, the reunification of the country, cantonment of Forces Nouvelles volunteers for the new army, and disarmament of ex-combatants and militias are vital facets of the peace process that must go hand in hand with election preparations.

The Carter Center will continue to maintain a presence in Cote d'Ivoire and hopes that its ongoing assessment will contribute to a successful peace process and genuinely democratic elections.



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Nov. 2, 2010

Statement of Preliminary Findings and Conclusions

This statement is preliminary; a final report will be published several months after the end of the electoral process. For previous Carter Center statements on Cote d'Ivoire's elections, please visit www.cartercenter.org.

Political Context

The presidential election of Oct. 31, 2010, is an important step in Cote d'Ivoire's peace process to end the longstanding political crisis in the wake of the 2002 civil war, offering Ivoirians an opportunity to participate in the country's first truly open contest, with 14 candidates on the ballot, including the three main political leaders of the past two decades.

Since the end of the constitutional mandate of President Laurent Gbagbo in October 2005, presidential elections have been repeatedly postponed, mainly due of the lack of progress in the implementation of successive peace agreements, beginning with the Linas-Marcoussis Agreement (Jan. 24, 2003), the Accra III Agreements (July 31, 2004), Pretoria (April 6, 2005), and up to the Ouagadougou Political Agreement (OPA) of March 4, 2007. The OPA endorses the principles set by previous agreements and the framework formed by successive resolutions of the Security Council of the United Nations.

As with the previous agreements, the OPA faced multiple bottlenecks, including delays in the timing of application (for example, the agreement called for presidential elections to be held within ten months), and successive rounds of negotiations. The Carter Center established a presence in Côte d'Ivoire in December 2007 and has witnessed the lack of political will in implementing the OPA on several occasions, and closely followed the development of the Agreement's electoral components. With one of the signatories of the Agreement also being a candidate (President Gbagbo), election issues came to dominate the peace process and affected its overall pace.

Legal Framework

The OPA has led to many amendments to the comprehensive legal framework with adaptations to reflect changing political circumstances. Many provisions highlight the importance of elections to resolve the country's political crisis and the resulting legal framework for the elections, as well as the ensuing national identification and voter registration processes, bear the signs of politically negotiated solutions.



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The democratic principle affirmed in Art. 32 of the Constitution provides the basic legal framework governing these elections: "The people exercise their sovereignty by means of referendum and through their elected representatives... The Constitutional Council controls the regularity of the referendum and the election of People's Representatives. The organization and supervision of the referendum and elections are provided by an independent commission as provided by law."

Law No. 2000-514 of the Aug. 1, 2000, Electoral Code was amended by Order No. 2000-133 of April 14, 2008, with adjustments to the electoral code for elections to end the crisis. This order reflects the policy framework negotiated in the context of the crisis, particularly with regard to candidate eligibility for the presidential election. Other specific arrangements for the election are provided in decrees signed by the head of state and by instructions issued by the IEC for commission members and election officials. Decree No. 207 issued on Aug. 5, 2010, established Oct. 31, 2010, as the election date.

The president is elected for five years by direct universal suffrage. The vote is to be conducted by single ballot including the candidate's symbol and photograph. If no candidate receives an absolute majority of votes, a second round is held between the two candidates who received the most votes. The first round of voting must take place in the month of October during the sitting president's fifth year in office.

Voter Registration

Sound voter registration processes that ensure an accurate and complete voters' list are a principal means of ensuring that universal suffrage and the right of every citizen to vote are fulfilled.

Within the framework of the OPA, voter registration and identification of the national population were conducted jointly. Individuals identified through this special process were to receive new voter cards and national identity cards respectively.

On this basis, Decree 2008-136 of April 14, 2008, specified the conditions for the new voter register: those on the 2000 voter list and those not on this list who otherwise met the requirements established by the Electoral Code and other political accords (Ivoirian citizens who are at least 18 years old with proof of birth have the right to vote). In practice, these distinctions were not applied and individuals seeking to be on the voter list did not have to demonstrate proof of nationality.

The OPA was thus ambiguous. In effect, the voter registration process deviated from the normal requirements of national identification, which require proof of citizenship. In the Ivoirian context, it became inevitable that the differing basis for inclusion in the two processes would cause problems for the establishment of a final voter list.

Operational implementation of these prerogatives would also prove to be complicated, especially as the process had to respond to both political and technical considerations. The political implications appear to have been underestimated and significant logistical, operational, and financial challenges further delayed the process. Conceived to last six weeks, voter registration lasted nine months.

Verification of the data collected during registration was to be cross-checked with other public records to determine the nationality of individuals. Once again, operational limits became clear and in the end,



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of a total potential voter list of 6,384,257 names, the nationality of 1,083,667 individuals could not be verified with reference to other existing records.

The existence of this 'residual' population posed additional problems when the provisional voter list was published in two parts. First, a 'cleared' list of 5,300,586 individuals for whom positive matches could be established against public records and these names was to be reviewed through normal public display and verification. A second 'grey' list of 1,083,667 names was created for people for whom no public records confirming nationality could be found, so these individuals were subject to a special verification process.

The verification procedures for the provisional voter register faced additional obstacles following fraud allegations made by the presidential spokesperson in early 2010 against the IEC and in particular its president. Thus, following the conclusion of the first verification process of the provisional voter list, a second extraordinary verification of some 400,000 names on the 'grey' list who could prove national citizenship was to be conducted. In parallel, responding to the concerns of the presidential camp, a computer and manual verification process was launched to validate the authenticity of a category of registrants who had demonstrated their nationality through parental ancestry. This process set aside 55,990 individuals for whom identity would have to be clarified at a later date.

The final voter list held 5,725,721 people who also had the right to receive a new national identity card based on Decree 238-201 of Sept. 9, 2010. Cote d'Ivoire's main political leaders expressed their satisfaction with this list, which subsequently received certification from U.N. Special Representative of the Secretary-General Y.J. Choi.

Ivoirians living abroad also have the right to vote and some 33,000 members of the diaspora were included on the voter register. Many other potential voters abroad were effectively unable to vote due to their distance from registration and voting locations. Future steps could be taken to make more effective rights promised under the electoral law for Ivoirians abroad by facilitating their registration.

Election Administration

An independent and impartial electoral authority that functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic election and that other international obligations related to the electoral process can be met.

The responsibilities of organization and oversight of all phases of the electoral process fall under the Independent Electoral Commission (IEC), whose duties and powers are defined by Art. 32 (4) of the Constitution, by Act No. 2001-634 of Oct. 9, 2001, which established the CIS, supplemented by the implementing decree of Nov. 7, 2001, and amended by Act No. 2004-542 of Dec. 14, 2004, and by the decisions of 2005-06/PR July 15, 2005, and Aug. 29, 2005-11/PR 2005.

In principle, the IEC has the authority to supervise or carry out activities related to the electoral process and may, in part, be assisted by other administrative state structures to carry out its mission. The IEC is responsible for voter registration, managing the electoral register, the establishment of electoral lists, the printing and distribution of voter cards, and to ensure geographic distribution of polling stations.



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The current configuration of the IEC was established in Feb. 16, 2006, and consists of 31 members appointed according to the formula in the Pretoria Agreement to include two representatives of each of the ten party signatories of the Linas Marcoussis Agreement, as well as other members from governmental, ministerial, justidicial, and presidential bodies. This composition often revealed the potential for partisan interests to erode the functional independence of the IEC. The IEC composition and its decision-making by political consensus, sometimes severely constrained the development of its technical capacity. This has been the case for many operational decisions, including the processing and transmission of election results. These processes have often undermined the important principle of transparent election administration.

The IEC is also responsible for the creation of various administrative offices at different geographic levels: 19 regional commissions, 55 departmental committees, 46 municipal committees, and 297 sub-prefectural committees. Their composition is based on the same formula as the national election commission, for a total number of 12,865 local commissioners.

The distribution of voter cards and national identity cards was conducted jointly by the IEC and the National Identification Office (ONI) beginning the first week of October. Both organizations were supported by U.N. Operation in Cote d'Ivoire (UNOCI) and the U.N. Office of Project Support (UNOPS). Carter Center long-term observers noted delays in the delivery of cards to polling stations in some places owing to operational shortcomings in the cooperation between Ivorian national structures and the UNOPS in particular.

According to the electoral law, the distribution of voter cards is to end no later than eight days before the election. Given the delays in delivery and the significant number of cards that remained to be collected, distribution was extended until the eve of the election. This important demonstration of flexibility by the IEC proved to be in the best interests of voters and enabled strong voter turnout on election day. Further, Art. 16 of the Electoral Code provides for cards to also be available on election day at polling stations.

In the final weeks before the election, with the significant support of UNOCI, the IEC transported non-sensitive election material to its branches across the country. The strong cooperation between the two bodies is commendable. A total of 20,073 polling stations at some 10,000 locations with a maximum of 400 voters per station were established.

Universal and equal suffrage are closely linked to ability for all voters to be awarded an equal opportunity to cast their ballots.¹ Discrepancies in preparation, material allocation, and training in different parts of the country can lead to inequalities with regards to the effectiveness of polling. At worst, the scenario described above can produce a geographically-based disenfranchisement of people living in isolated or rural areas, who are often the poorest, undermining the principle of universal and equal suffrage.

Carter Center observers found that the training of local commissioners, especially the training of polling station staff, occurred very late, with most receiving training less than 48 hours before polls opened. In previous phases of the electoral process, Carter Center long-term observers found similar late training

¹ ICCPR, Art. 25b



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often resulted in too little time for trainees to acquire more than a superficial understanding of the linked procedural elements of their duties.

Communication between the national IEC office and its branches was inconsistent throughout the process. IEC branch officials across the country have frequently expressed their dissatisfaction with this situation to Carter Center observers, remarking on their inability to get answers to questions and concerns raised by citizens in their local jurisdictions. Weak or delayed operational planning may partly explain this lack of regular communication between the different levels of election administration. Nevertheless, local IEC branches felt that the lack of information communicated to their administrative level was a factor in their sometimes diminished capacity to serve the local population.

Owing to the central importance of transparent and independent election administration in the conduct of democratic elections, the Center's final report will provide in-depth focus on these issues.

Candidates, Political Parties, and the Campaign

The right of individuals to participate in public affairs, including through the establishment of and free association with political parties and participation in campaign activities, is protected by international principles and fundamental electoral rights.²

The definitive list of 14 presidential candidates was approved by the Constitutional Council announcement of Oct. 19, 2009, following the examination of 20 nomination submissions for the elections then scheduled for Nov. 29, 2009. Given the subsequent delay in the election date, the question of re-opening candidate nomination was raised by jurists and some civil society organizations.

It is important to note that electoral law provisions for candidacy for the presidency were affected by the Linas-Marcoussis Agreement, which established preferential consideration for signatories to the accords. In effect, candidates from signing political parties or groups were exempted from the demonstration of any legal requirements (such as proof of citizenship, tax payment, or health certificate) other than the personal declaration and signature of candidacy.

Accordingly with Art. 28 of the Electoral Code, Presidential Decree 2010-282 of Oct. 12, 2010, fixed the official start of the campaign period at Oct. 15 to close at midnight on Oct. 29.

Art. 32 of the Electoral Code prohibits all political campaign meetings and propaganda of any type outside the official campaign period. In practice, all political parties and most of the candidates conducted informal campaign activities well in advance of the official campaign, without any such violations being sanctioned.

The Carter Center notes with concern many of the statements made by candidate representatives and in some cases the candidates themselves during this 'pre-campaign.' Personal attacks on other candidates were often spoken while slogans such as "we win or we win" implicitly prepared the ground for rejection of results.

² ICCPR, Art. 25(a); CEDAW, Art. 7(b)



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Prior to the campaign, the IEC encouraged candidates to abide by a Code of Conduct that was adopted on April 24, 2008, by more than 40 political parties in the presence of the U.N. Secretary-General. All presidential candidates committed themselves to respect the provisions of this Code. Overall, this commitment was honored by the candidates during the official campaign period. Carter Center long-term observers attended campaign rallies and other events that appeared to reflect the freedoms of expression, movement, and assembly.³

However, tensions between opposing camps, in particular, members of the Rally for Republican Democracy (RDR) and Laurent Gbagbo supporters, were evident in many areas, especially in the towns of Korogho and Katiola. Isolated acts of violence, provocation and vandalism, including tearing down campaign posters, were reported by Carter Center long-term observers.

Voter Education

Voter education is recognized in international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote. In a country that suffers from a high rate of illiteracy and has numerous local languages, voter education is a challenging task.

The state, and the IEC as an organ of the state, should be responsible for providing voter education to better ensure the uniform distribution of information to the voting population. While non-governmental organizations may have a role in the education of the electorate, it is ultimately the responsibility of the state to ensure that non-partisan information is available. The IEC relied to a large extent on external actors including civil society, political parties, and the international community to provide this service.

Carter Center long-term observers frequently saw party members and candidates during the campaign explaining how to vote with reference to sample ballot papers supplied by the IEC. In some cases, observers found voter education posters produced by the IEC but they were relatively few in number and displayed in principal towns, limiting their reach to segments of the population that could have benefited from the information.

For those with access to national television and local radio stations, IEC public service announcements explained voting procedures and encouraged a peaceful election.

On election day, observers found few cases of posted information explaining voting procedures either inside or outside polling stations. Stronger institutional cooperation between the IEC and non-governmental actors such as political parties and civil society organizations could broaden and strengthen the reach of such voter education materials.

Polling

The voting process is the cornerstone of the obligation to provide the free expression of the will of the people through genuine, periodic elections. Certain participatory rights must be fulfilled for the voting process to accurately reflect the will of the people. Foremost among these are the right to vote, to

³ Freedom of expression, movement and assembly are enshrined in the ICCPR, Art. 19(2), 12(1), and 21 respectively. The African Union Declaration on the Principles Governing Democratic Elections in Africa, Art. 4.5 further states that “Individuals or political parties shall have the right to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land.”



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participate in public affairs, and to enjoy security of the person.⁴ The state must take all necessary steps to ensure such rights are fully protected and awarded to all citizens in an equal and non-discriminatory manner. The state must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and non-discriminatory manner.⁵

Illustrating the strong voter turnout (estimated at 70-80 percent by observers based on unofficial results), many voters were at the polls in the early hours of Oct. 31, well before opening at 7:00 a.m.

Most polling stations opened on time or with delays ranging from 30 minutes to two hours. Reasons for delays in opening varied across the country:

- Late arrival of the president of the polling station staff
- Late delivery of essential election materials
- Absence of other polling station staff

Several operational difficulties appeared to be attributable to weak understanding on the part of election officials about the full details of their responsibilities. In particular, observers noted that the numbered ties to seal the ballot box were not used and where they were employed, the numbers were not registered in the polling station record. In nearly half the polling stations visited by Carter Center observers, the polling officials did not check voters' fingers for indelible ink before issuing them a ballot paper.

Electoral procedures were established to allow party agents and domestic observers at each polling station to observe the voting process and record any concerns for legal scrutiny.⁶ Candidate representatives serving as poll witnesses were present in every polling station visited with at least two different parties represented in every case. Non-partisan domestic observers were less prevalent though the Center took note of their presence where encountered.

No major incidents of such magnitude as to undermine the integrity of the polling process were reported.

Voter turnout was very strong over the course of the morning, with most polling stations largely empty by late afternoon. The use of a single ballot and the decision to limit the number of voters to 400 per polling station were positive features that likely contributed to the ability of polling stations to process the high voter turnout.

The presence of security forces at polling stations varied by location across regions. No significant security incidents were observed by the Center on election day. Security forces were highly visible

⁴ ICCPR, Arts. 2, 25(a) and 9

⁵ The State must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and non-discriminatory manner. ICCPR; I: Art. 1, Art. 2(2).

⁶ The right to participate in the public affairs of one's country, including the electoral process, is recognized at the regional and international level. See, for example, African Charter on Human and Peoples' Rights, Art. 13 (1); African Union Declaration on the Principles Governing Democratic Elections in Africa, Art. 7; and ICCPR, Art. 25 (a)



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across Abidjan and proved themselves able to police polling locations where voters became frustrated and impatient at delayed poll openings.

The participation of women voters was notable and Carter Center observers did not report instances of discrimination in polling operations.

Vote Counting and Tabulation

Polls closed on time at 5:00 p.m., allowing polling officials to prepare their stations for vote counting.

The criteria for deciding on ballot validity were recalled by polling officials who read aloud the instructions to accept as valid those ballots where the voter marked or otherwise indicated their preference in the space provided. The counting process and completion of tally sheets was conducted in accordance with procedures. Transport problems delayed the physical delivery of election materials and results to local election commission offices.

As at polling stations, candidate representatives served as witnesses to the receipt and tabulation of results at the various levels of election commission offices. Most results were tallied manually with some locations using computers. Organizational preparations for the receipt of results was often found to be wanting. Tabulation was slowed for several reasons:

- Slow transport and delayed arrivals of materials
- Poor physical organization of the tabulation process as the local election commission
- The demands of both electronic and manual tabulation.

In general, vote tabulation has proceeded in a calm environment and without obstruction of observer access. In Yamoussoukrou, Carter Center observers were asked to leave the regional election commission offices by the president of the commission, leaving them unable to observe tabulation on Nov.1.

Participation of Women

State obligations to promote de facto equality for women derive, in part, from broader political obligations regarding absence of discrimination⁷ and the right of all citizens to participate in the public affairs of their country regardless of gender.⁸ Through ratification of international and regional treaties, Cote d'Ivoire has pledged to promote the political participation of women on an equal basis with men.⁹ Art. 1 of the constitution provides for the equality of all persons before the law with men and women sharing equal rights.

For the first time in Côte d'Ivoire, a woman ran for the office of president. Ms. Jacqueline Oble Lohoues ran as an independent candidate among 13 other male candidates. This imbalance reflects the the active, but not equal, involvement of women in the electoral process. With the recognition of

⁷ ICCPR, Art. 25; 2(1); 26

⁸ UDHR, Art. 21(a); ICCPR, Art 25(9)

⁹ See, for example CEDAW; Convention on the Political Rights of Women, and ACHPR.



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difficulties faced by female candidates in financing their campaigns, The Carter Center encourages Côte d'Ivoire to take into account the disproportionate impact that the requirements of a large financial deposit for candidacy has on female candidates.

During the campaign period, Carter Center observers noted the active presence of women in political parties and political rallies. On election day, women participated as election agents in polling stations, political party representatives, and observers. Carter Center observers estimated that at about 40 percent of the polling sites visited had at least one woman among the representatives of political parties in the polls.

Women also participated in electoral administration, as members of the national IEC and its local branches, but in significantly smaller numbers than men. Notably, on election day, few polling station presidents were women.

Resolution of Election Complaints

Efficient electoral dispute mechanisms, including, as necessary, the provision of a fair and public hearing before a tribunal, are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.¹⁰

The preliminary results are to be announced by the IEC within three days of the election, with official results proclaimed by the Constitutional Council seven days later.

Art. 40 of the constitution recognizes of all candidates to appeal election procedures and Art. 60 provides for complaints to be submitted in writing to the president of the Constitutional Council.

A weakness in the legal provisions for election complaints gives candidates only three days following the close of polls to submit their petition. In the event that the IEC uses all three days to announce preliminary results, candidates may be left with little or no time to assess the results should they wish to submit a complaint about irregularities in the results process.

Furthermore, though the constitution assigns the Constitutional Council the authority to proclaim final official results, neither the constitution nor the electoral law provides any definitional guidance on the nature of irregularities or how the Council may consider them in the event that it annuls an election result. Constitutional Council decisions are final and not subject to appeal. These arrangements could be reviewed to ensure that the right to effective remedy is enabled.

Civil Society Organizations

Many civil society organizations were active participants in the electoral process from the preliminary stages of voter registration. Their activity focused on three principle projects: voter education, national election observation, and the upholding and observation of the Code of Conduct and its political party signatories.

A cooperative initiative among several civil society organizations, the Code of Conduct observation was launched to coincide with the beginning of the presidential election campaign.

¹⁰ International Covenant on Civil and Political Rights, Art. 2(3), UNHRC; General Comment No. 32, para. 18



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The primary tenet of this project was to ensure the respect of the Code of Conduct signed by the political parties and all 14 candidates running for presidential office, and to publicly denounce any violations.

For the first time in Cote d'Ivoire, a group of national domestic observers, made up of the members of the Ivorian Civil Society Convention (CSCI), deployed long-term observers to follow the presidential election. Some 250 observers strong, the CSCI reported on all the key steps of the political process, from voter registration through the elections. These long-term observers were joined by 700 additional short-term observers for the elections. The CSCI has released several public reports outlining their findings following each critical step of the electoral process, with recommendations for future improvements.

Other civil society organizations also deployed election observers, notably the Ivorian league of human Rights (LIDHO), West African Network for Peace) WANEP, and the Ivorian Women's Coalition for the Reconstruction of Cote d'Ivoire and Post-Crisis Elections (COFEMCI-REPC), and CONOPSI.

Domestic observers (and international observers) faced significant obstacles in the timely issue of accreditation badges from the IEC; more effective election observation could be enabled by the dedication of more attention and resources to this important aspect of the Electoral Code.

Media

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive, and impart information through a range of media.¹¹ The Carter Center did not conduct comprehensive media monitoring but offers the following observations on the overall media framework.

The preamble to the constitution refers to the inalienable and fundamental freedoms which are defined in the Universal Declaration of Human Rights and the African Charter on Human and Peoples Rights, with Art. 9 of the constitution specifically guaranteeing the freedom of expression.

The National Council for Audiovisual Communication (CNCA) and the National Commission of the Press (CNP) provide for freedom of the media in Cote d'Ivoire and ensure pluralism, and respect for the legal texts, rules and ethical standards applicable to journalists during the election campaign, with particular attention paid to fairness between candidates in the written press and in the broadcast media.

Freedom of expression appears to have been prominent throughout the campaign and these two agencies sought to ensure fair competition among candidates through the dissemination of different political views to the electorate on the whole territory.

¹¹ ICCPR, Art. 19



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The Carter Center regrets that throughout the period before the official opening of the campaign, the candidate for the presidential majority dominated National Television (RTI), whereas Art. 30 of the Electoral Code stipulates that "parties and candidates have equitable access to state media from the date of publication of the provisional list until polling..."

Conclusion

The Oct. 31 elections were marked by a number of logistical and operational challenges, most notably the timely distribution of voter cards, delivery of essential election materials throughout the country, poll worker training, and effective distribution of information regarding election day procedures. The IEC manifested ongoing planning and operational difficulties.

However, despite these difficulties, the elections were marked by broad political participation, a peaceful election campaign, and strong voter turnout. International goodwill and support have been significant features of Cote d'Ivoire's peace process and the conduct of these elections.

The Carter Center offers these observations and recommendations in the spirit of cooperation and respect. The Center wishes to thank the Ivoirian officials, political party members, civil society members, individuals, and representatives of the international community who have generously offered their time and energy to facilitate the Center's efforts to observe the electoral process.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit: www.cartercenter.org to learn more about The Carter Center.



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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

NEWS

THE
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ONE COPENHILL ATLANTA, GA 30307

Nov. 24, 2010

FOR IMMEDIATE RELEASE

Carter Center Urges End to Negative Campaign Rhetoric in Cote d'Ivoire's Presidential Run-Off Election

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Abidjan...The Carter Center urges Cote d'Ivoire's presidential candidates to refrain from the use of negative campaign rhetoric, including personal attacks made in a threatening tone, and reminds candidates and their supporters of the code of conduct and other rules governing electoral behavior. The Center hopes that the two presidential candidates and their representatives will use the opportunity to participate in debates broadcast on Ivoirian Radio and Television (RTI) to share their political programs for Cote d'Ivoire.

"I hope that both presidential candidates will encourage their supporters to respect the right of all Ivoirians to choose their leader without fear of intimidation or reprisal," said Carter Center delegation co-leader and former Ghana President John Kufuor. "Africa and the rest of the world are watching with hope that this electoral process will be conducted for the benefit of its entire people and that Cote d'Ivoire will be restored to a path of peace and socio-economic prosperity."

The Carter Center notes that press commentary often repeat rumors and reinforces polarizing viewpoints. The Center supports the efforts of the National Press Council to restore more professional journalism.

The Center also is concerned about increasing reports from its long-term observers that tensions are rising in several parts of the country as the campaigns heat up. The security environment in Cote d'Ivoire still requires a commitment from all political actors, security forces, and citizens to participate in the election in the spirit of national reconciliation and respect for diversity.

The Carter Center will deploy a delegation of 50 observers to the Nov. 30 presidential election run-off between current President Laurent Gbagbo and former Prime Minister Alassane Outtara.



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The Center has observed the election process in Cote d'Ivoire since 2008, and deployed observers on three occasions during voter registration and public inspection of the provisional voter list. In October, the Center deployed a 40-person delegation, including long-term and short-term observers, led by former Ghana President John Kufuor and Dr. John Stremlau, vice president for the peace programs at The Carter Center.

The Carter Center will release a public statement shortly after election day to share preliminary observations. The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation.

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A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide.



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NEWS

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ONE COPENHILL ATLANTA, GA 30307

PRELIMINARY STATEMENT

Cote d'Ivoire Presidential Run-Off Election: High Voter Turnout Amidst Political Tension

Nov. 30, 2010

FOR IMMEDIATE RELEASE

Contact:

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Executive Summary

Abidjan... The Carter Center found high voter turnout for the presidential run-off election in Cote d'Ivoire despite an often tense and sometimes violent political campaign. The Center notes with special concern that several deaths occurred in election day violence and calls on the two presidential candidates, Laurent Gbagbo and Alassane Ouattara, to remind their supporters of the need to wait for the announcement of results without further incident.

The Carter Center will continue to observe the completion of the tabulation of results and reminds the candidates and their supporters of the right of voters to choose their own leaders without fear of reprisal in the best interests of the nation's future. The Center also calls on national authorities to maintain strict neutrality in their conduct of their duties and for political actors to respect these responsibilities.

- The election campaign for the run-off was marked by increased political tension among Cote d'Ivoire's various ethnic and regional groups. Documented incidents of violence and intimidation occurred across the country. Confrontations between the supporters of the two candidates were especially heated in Abidjan, prompting the Nov. 27 decision by the president to implement a nationwide curfew. This announcement, without consultation of other political actors, sharpened an already tense political environment.
- The Carter Center notes the responsibility of the candidates, their supporters and the politically-affiliated media for their contributions to the creation of this charged political climate. To varying degrees, their negative and confrontational campaigning fueled the suspicion and hostility among their two camps.



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- The live candidate debate was a positive development and the Center appreciated the civility and respect demonstrated by the candidates. They should be held accountable for their pledges to accept the results.
- The Center is encouraged by the efforts of the IEC to correct some of the weaknesses observed in election administration during the Oct. 31 election, especially in logistical operations and the training of election officials with the important support of international partners.
- Despite the restrictions on mobility and association posed by the curfew, the polls opened on election day with limited delays and polling station workers generally administered voting without major irregularities. Observers reported improvement in the quality of decisions regarding ballot validity, strengthening the quality of the counting process. Important procedural irregularities were noted, including management of the voter list, failure to check consistently for indelible ink on voter's fingers, and inking the voter's fingers after they voted.
- With some exceptions, including the national election commission, Carter Center observers obtained access to the tabulation process at various IEC offices throughout the country.
- Serious election crimes were committed, including the destruction of election materials, voter intimidation, and ballot box theft. While the gravity of these incidents should not be overlooked, The Carter Center cautions against a rush to judgment regarding the overall credibility of the election. Authorities, however, must investigate these incidents, and their perpetrators should be held responsible, in accordance with the law.
- Both campaigns have been prone to provocative claims against the other and should base any election complaints on evidence. Although the formal adjudication of election petitions is the responsibility of the Constitutional Council, the IEC national president and members can help to stem rumors through the timely publication of detailed provisional results.
- Following the IEC's announcement of provisional results, the Constitutional Council will have the responsibility to review any petitions submitted by candidates where the Center trusts they will be handled promptly and transparently to serve the best interests of all Ivoirian voters.

The Center's full preliminary report is available at www.cartercenter.org

The Carter Center has been present in Cote d'Ivoire since December 2007 and launched a formal election observation mission following an invitation from Prime Minister Guillaume Soro in October 2008. Ten long-term observers were deployed throughout the country in early-October to assess election preparations. For election day, a total delegation of 50 observers from 23 countries to observe voting and counting. Carter Center observers continue to assess the conclusion of vote tabulation and will remain in Cote d'Ivoire to observe the post-election environment. The mission is assessing Cote d'Ivoire's electoral process against the Constitution and the electoral law, commitments made in the Ouagadougou Peace Accords, other agreements, and regional and international commitments.¹ The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation.



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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

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Nov. 30, 2010

Statement of Preliminary Findings and Conclusions

Main Findings and Preliminary Conclusions

This statement is preliminary; a final report will be published several months after the end of the electoral process. For previous Carter Center statements on Cote d'Ivoire's elections, please visit www.cartercenter.org.

Political context

In the presidential election of October 31, 2010, outgoing President Laurent Gbagbo and former Prime Minister Alassane Ouattara won the two highest shares of the vote, 38.04% and 32.07% respectively, qualifying them for a second round run-off election. Former President Henri Konan Bedie (PDCI) came third with 25.27%, while the other eleven candidates combined for a total of 4.65%.

The losing candidates announced their support for one of the two remaining camps. Members of the political coalition, Rally of Houphouetists for Development and Peace (RHDP), which includes former President Bedie, announced their support for Ouattara.

The campaign environment intensified between the two rounds with each candidate hardening their tone and sending significantly more negative messages in both the press and their campaign activities, leading to clashes between party supporters.

The Oct. 31 results revealed strong communal voting patterns, with three important regional vote blocks emerging: the interior of Cote d'Ivoire, Abidjan, and the forest area on both sides of the Valley of Sassandra. In these areas, the Baoule community, who in the first round largely supported Bedie, is either the majority or is strongly represented. Neither candidate could assume that he would automatically garner Baoule support and many believed that capturing their support was a key factor to winning the election. As a result, both campaigns pursued Baoule support, through courtship, especially of traditional community leaders, and intimidation tactics.

In more diverse voting districts, there was a noted increase of community tension, especially in the forest zone, where resentment over land ownership was tied to the election campaigns. In some areas, Carter Center long-term observers were able to verify and confirm several first voting round incidents of intimidation and obstruction of voting by residents with roots outside the area as well as threats of reprisal.



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In the north and central parts of the country, tensions were less evident due to the relative homogeneity of the population. Nevertheless, independent observers remarked upon the hostile comments made by representatives and supporters of different political parties towards their opponents.

The hardening of attitudes during the campaign period highlights the ongoing sensitivity of citizenship and land ownership issues, and the manipulation of historical grievances by the candidates contrary to the spirit of national reconciliation.

It is unfortunate in this context that public authorities, notably the Minister of Interior, exercised selective memory in his communications, culminating in the citation of only the Ouattara camp for its role in violent incidents.

Legal framework

The determinants of the Ivoirian peace process have shaped the contours of the legal framework for elections. In effect, the Ouagadougou Political Agreement supersedes the Ivoirian Constitution and electoral law, conditioning the amendments to existing laws to produce a framework valid only for the elections to end the crisis. Throughout the electoral process, presidential decrees have proved to be the main instrument of amendment. The Carter Center regrets the tendency of political actors to use the legal framework not to resolve political differences by referring to the legal basis for decisions but to sharpen them by ignoring it when it did not suit their agenda.

The subjection of the legal framework to political agendas was particularly evident throughout the identification and voter registration process with the establishment of technical procedures to challenge the voter list based on political advantage rather than to establish consensus based on rights and obligations.

A further example of ad hoc adjustment was evident with the Nov. 6 announcement of the final results of the Oct. 31 election by the Constitutional Council. Since Art. 36 of the Constitution provides for a run-off election two weeks after the announcement of the result, the Constitutional Council identified Nov. 21 as the election date. Deemed impractical by the IEC, given the logistical preparations, the date was then postponed to Nov. 28, again based on a decree.

During the run-off election campaign attention focused on the Constitutional Council's literal interpretation Art. 60 of the election law, limiting the period for lodging election petitions to three days after polling day. The Center suggests that a review of both elements of the time line be reviewed for future elections.

Voter Registration

Within the framework of the Ouagadougou Political Agreement (OPA), voter registration and national identification were conducted jointly. This process unfolded over an exceptionally long period of two years, characterized by operational difficulties and political obstacles. It produced ambiguous results, albeit ones ultimately endorsed by political actors and certified by the Special Representative of the Secretary General of the United Nations.



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The final list of 5,725,721 voters was comprised of eligible voters holding the new national ID card. The political endorsement of the voter register does not eliminate reservations about the overall technical success of the operation or its fulfillment of the ambitious goals of the OPA.

The total number of registered voters is significantly lower than the initial estimate of the eligible voting population of 7,835,768 cited in 2008 by the National Institute of Statistics (INS). Based on this estimate the final list of registered voters represents 73% of eligible voters. Ivoirian political actors minimized this difference by emphasizing that voting, and thus registration, is not compulsory. The Carter Center notes however, that the voter registration was coupled with national identification and that all Ivoirians aged 16 and over are obliged to be in possession of a national ID card.

Among other concerns, it is important to note that since April 1, 2010, those identified as minors in the sense of the APO (e.g. born between April 1, 1990 and March 31, 1992, have since reached the age of majority. However no measures were taken to accommodate them in the voter list for either presidential election or any of the other elections understood as part of the peace process. Other persons who receive national ID will find themselves in a similar situation. The Center finds that the importance of a political consensus regarding the voter list is an insufficient reason to justify continued lack of an update to the voter register. Too many potentially eligible voters remain off the list and should regain the opportunity to exercise their right to vote.

Election administration

Carter Center long term observer team assessed IEC efforts to strengthen election management between the two rounds. During the first round observers noted the late and apparently inadequate training of polling station workers, illustrated, for example, by their repeated difficulties in determining the validity of ballots, or in completing the written polling station record. In another example, transportation of ballots and other sensitive polling station materials to local election commission offices was slower than originally planned. Preparations for the run-off election appear to be limited not only by financial constraints, but reflect an embedded institutional environment observed throughout the earlier phases of the electoral process, characterized by a lack of coordination and operational integration across the IEC. The IEC has been an unreliable pilot of the complex administrative and logistical requirements of the election process. Generally dependent on partners for the provision of many services, the IEC did not always establish a sufficiently robust and clear operational framework to coordinate this activity.

The IEC has generally been reluctant to share unambiguous and timely information regarding electoral operations. There have been persistent gaps in the communication of instructions throughout the institutional structures, with significant variations manifest in the personal management style and decisions of commission officials, rather than operational consistency.ⁱⁱ

The national election commissioners met to take stock of the Oct. 31 election and adopted several new procedures, including, reformatting the polling station record, re-deployment of supervisors to the outlying regions to intensify the training of commissioners and polling station staff, and the production of support materials for polling station officials. In areas where Carter Center observers gained access to IEC training, substantial improvements in the training methodology were reported. Unfortunately, IEC officials denied observer access to training in several regions (Savannah, Lakes, and Bandama Valley).



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The lack of clear information regarding the tabulation and transmission of results process noted in the first round persisted. The IEC was also slow to communicate several important procedural revisions adopted on Nov. 13 (received by the Carter Center mission on Nov. 25 through an indirect source) and even when contacted, IEC commissioners (for unknown reasons) refused to admit such a document existed. The document provided important information about the manual tabulation of election results.

Two other parallel systems of results transmission were proposed: transmission by SMS of polling station results from 7,000 polling locations and electronic transmission of results forms local election commission offices to the national office. The degree of implementation of these systems was, as in the first round, unclear, as was their location vis-à-vis the overall results process. The publicly available information about these systems was limited and insufficient for the mission to fully appreciate this aspect of election operations. The technical requirements do not appear to have been met, providing another illustration of lack of transparent decision making and procedural clarification. Carter Center observers noted however, a general improvement in the overall processing of results in many of the local election commissions, thereby contributing to more timely results.

Logistical support to the IEC was strengthened for the run-off but it is apparent that some of the inadequacies of the first round remained, particularly related to inventory and distribution of election materials. However, overall the run-off revealed improved operations, reflected in apparently fewer late poll openings and especially in the more rapid collection of ballot boxes and results by local election commissions. Despite misgivings about the nationwide curfew imposed, few incidents appear to be related. It is notable that significant delays were reported in the Sassandra Valley region as a result of political tension and violence the night of the elections.

The election campaign

As provided by the electoral law, the IEC fixed the formal campaign period for the run-off election at one week, running from midnight Nov. 20 to midnight Nov. 26. As with the first round, candidates did not wait for the official opening of the campaign to hold public gatherings. Again as before, the IEC did not cite this contravention of the election law.

Contrary to the first round campaigns which the Center and others noted were generally peaceful, the run-off climate quickly degenerated with widespread personal, communication strategies based essentially on negative portrayals of the opposing camp, and the use of politically affiliated newspapers to spread rumors.ⁱⁱⁱ

On the eve of the campaign, Laurent Gbagbo's spokesman set an early tone, naming Alassane Ouattara as the instigator of the 1999 coup and 2002 armed forces rebellion. Similar messages had begun to circulate earlier, by SMS and by the screening in several areas of the country of a controversial, and later forbidden, movie depicting crimes committed during the war ostensibly by Ouattara. The opposition was not exempt from negative tactics, as both campaigns resorted to name-calling and party supporters from both sides were involved in acts of violence and intimidation, in some cases, aimed at election observers.

Although reliance on rhetoric based on past actions was used often, the two candidates demonstrated a sense of public responsibility during their live debate aired by the public broadcaster RTI on Nov. 25. In largely moderate and respectful tones, each candidate appealed for a peaceful democratic election



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and the end to violence. The debate was a notable first for Cote d'Ivoire, but the relaxed and constructive character of its exchanges was not enough to prevent campaign tensions from persisting. The press associated with each candidate did not abandon the aggressive tactics that bracketed the debate. The candidates should be held accountable to the higher standard of civility and public service they expressed during the debate.

Voter education

The national rate of invalid ballots cast during the first round of voting was 4.66 percent. This average, though relatively good in a context where no election has been conducted for 10 years, masks significant regional variations in the numbers of invalid ballots casts, ranging from 2.34 percent of ballots casts in the district of Abidjan, to 8.58 percent in the region of Zanzan.

These percentage differences could reflect discrepancies in levels of regional development and may also demonstrate the impact of media access on voter education. These numbers also illustrate the limits of local voter education campaigns, and, in this context, the Center notes that efforts to undertake large, national scale voter education campaigns were stymied by delays in decision making by those responsible for clarifying procedures and providing the material needed to implement voter education.

After the high voter turnout of 84 percent for the first round, some speculated that the absence of former president Henri Konan Bedie as a candidate in the run-off could fuel significant voter apathy. Carter Center observation of the run-off campaign suggests however, that voter interest remained high and did not dissipate despite his absence.

Voting Procedure

The voting process is the cornerstone of the obligation to provide the free expression of the will of the people through genuine, periodic elections. Certain participatory rights must be fulfilled for the voting process to accurately reflect the will of the people. Foremost among these are the right to vote, to participate in public affairs, and to enjoy security of the person.^{iv} The state must take all necessary steps to ensure such rights are fully protected and awarded to all citizens in an equal and non-discriminatory manner. The state must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and non-discriminatory manner.^v

Carter Center observers found that the training of poll workers for the second round of voting was better developed, and more comprehensive than in the first round of elections. These efforts, however, did not succeed in guaranteeing the perfect implementation of voting procedures. In some instances there was confusion over last minute changes in the assignment of polling station staff with many new replacements who did not appear to have received training. The Center identified important weaknesses in several voting day procedures, including the lack of inspection of voters' fingers for indelible ink in nearly half the polling stations visited. Another noted deviation from procedure was that one in ten polling stations did not follow the proper steps for voter signature of the voters' list or use of indelible ink to mark their fingers after voting.



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The handling of voters eligible to cast their ballot in a location other than their place of registration also varied. A government-issued 'ordre de mission' certificate establishing the right of such voters was supposed to be retained by polling station staff after the voter cast his or her ballot (to prevent multiple voting). In one quarter of all stations visited, this official documentation was not kept.

Carter Center observers also reported potential voter intimidation in some 5 percent of the polling stations visited, a higher level than was reported for the first round, and perhaps a reflection of the hardened tactics of the run-off campaign.

While several allegations were made by both campaigns of obstructionist practices used against their supporters in polling stations, Carter Center observers found representatives from both candidates present in most polling stations visited.^{vi}

It should be noted that poll workers recorded an official complaint in only one of the polling stations visited by Carter Center observers. This could be a consequence of intimidation but given its generalized nature, a more likely explanation is the low level of training for candidates' representatives, rendering them either ignorant of the provision to register their complaints about improper procedure, or they were unable to recognize procedural irregularities.

The IEC's timely release of provisional election results, by polling station, could provide the basis for further analysis of irregularities noted throughout the voting process, and point to future improvements.

Counting and tabulation

The IEC instruction to post vote results outside of polling stations was unevenly applied as nearly less than half of the polling stations visited by Carter Center observers lacked posted results. The IEC thus appears to have incompletely implemented this provision during both rounds of the presidential election.

It also appears that the serious election day irregularities occurred after the close of polling stations. Although not directly involved in some of the incidents reported, The Carter Center intends to examine reported cases of efforts to obstruct the physical transfer of ballot boxes and results, the destruction of election materials, and the theft of ballot boxes. Regardless of an assessment of the potential impact of such incidents on the results process, the Center believes it is essential for there to be an investigation of these incidents, and calls on Ivorian prosecutors investigate and pursue these incidents and their perpetrators in accordance with the law.

The Carter Center is particularly concerned by the several deaths and injuries arising from various election-related incidents and trusts that the two candidates and their supporters will ensure that the proclamation of election results is not tarnished by more violence. The Carter Center hopes that candidates will publicly call on their supporters to receive the announced results with patience and restraint.

Carter Center observers present in local election commissions for where the first level of vote tabulation is conducted reported high level of disorganization in the receipt of election materials, but



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did not find that these conditions were the result of efforts to manipulate results. In all of the observed locations, both candidates were represented and no complaints were registered.

Women's participation

State obligations to promote de facto equality for women derive, in part, from broader political obligations regarding absence of discrimination^{vii} and the right of all citizens to participate in the public affairs of their country regardless of gender.^{viii} Through ratification of international and regional treaties, Côte d'Ivoire has pledged to promote the political participation of women on an equal basis with men.^{ix} Art. 1 of the constitution provides for the equality of all persons before the law with men and women sharing equal rights.

The final voter list does not reveal gender discrimination in the voter registration process. Women were visible participants in the electoral process as polling station officials, political party representatives, domestic election observers and voters. Carter Center observers reported that approx. 20 percent of candidate representatives in polling stations were women. By contrast, female representation in the IEC, especially at senior levels, is much more limited. Similarly, while women were very present in the election campaign, their contribution has often been reduced to the mobilization of women's wings of political parties and the female segment of the electorate.

In this context, the Carter Center encourages Côte d'Ivoire to further promote women's participation in the political process through effective measures of encouragement, incentives and human rights guarantees.

Resolution of election complaints

The effectiveness of the administrative procedures used to address electoral disputes is weakened by the legal provision that restricts the time allowed for submission of complaints under standard practices. In contrast to the majority of electoral laws evolved from a similar legal tradition, the Ivorian electoral code is written in such a way that the Constitutional Council can significantly reduce the possibility of an effective right to remedy.^x

In decision No. CI-2010-EP-33/08-11/CC/SG, the Constitutional Council declared a petition submitted by candidate Konan Bedie inadmissible, because the given deadline had passed. Article 60 of the electoral law, which states the period for the filing of petitions is three days from the close of voting, was interpreted by the Council as beginning at the close of polls (Sun. Oct. 31 at 5:00 p.m.). This timeframe could seriously limit the introduction of relevant appeals, as the IEC's deadline to announce their preliminary results adheres to the same 3-day deadline. This interpretation of electoral law does not consider the fact that the polling operations extend beyond voting and counting. Faced with this possibility, it seems appropriate that the Council should consider and undertake a more constructive reading of the text in question, and if possible, to establish a more reasonable timeframe to lodge petitions.

Declaring that no valid petitions were received, the Council proclaimed the final results of the first round on Nov. 6, confirming the provisional results of the IEC. It should be noted that the electoral law regarding the presidential election leaves little room for maneuver and the Constitutional Council



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has the sole option to either approve the provisional results, or, if deficiencies are likely to affect the overall result, to annul the election.

In the absence of extensive legal precedent, there is little evident guidance as to what the Constitutional Council would consider a serious irregularity. It would prove helpful in the future if the Council was more explicit prior to the election regarding the criteria by which it intended to base its decisions, its approaches and working methods. In this vein, The Carter Center hopes that the Constitutional Council will draw on the experience of other francophone courts and constitutional bodies with experience in electoral complaints which have developed elements of doctrine.

Civil Society Organizations

As in the first round, domestic election observers from civil society organizations benefited from international donor support. Though the level of preparation among organizations may have varied, the importance of the role of domestic observers is indisputable. It is regrettable that the IEC failed to engage sufficiently with civil society groups, making their work more difficult, through, for example, the late issue of accreditation, which hampered their efforts to conduct long term observation.

By contrast, the involvement of civil society organizations in voter education attained a high water mark in Cote d'Ivoire.

The presence of multiple civil society organization networks with overlapping membership may have undermined a more effective role of some organizations in the election process. This pattern may have served as a reason for some to call into question the integrity of civil society groups but should not be used to undermine the long-term interests of democracy when it is best-strengthened by a diverse and active civil society.

Media

Media conduct was flawed in several ways. State media RTI proved its long-standing tendency to favor the activities of President Gbagbo, and only covered the rest of the national political landscape – and even then very limited - during the official campaign period.

The press, especially politically-affiliated papers, did not play a constructive role, and were, at times, inflammatory. It is worth noting however, that the national daily, *Fraternite Matin*, provided equitable and balanced coverage of the two candidates.^{xi} International support in the creation of ONUCI FM provided important broadcasts of public service.

Although the Carter Center did not conduct formal media observation, the mission assessed the contributions of the monthly statistics provided by the National Audiovisual Communication Council (CNCA) and the National Press Council (CNP). These regulatory bodies have specific responsibilities during an election process. They are responsible to guarantee equitable access to state media for political parties and groupings starting at the point of publication of the provisional voter register through election day and equal access to all candidates during the formal campaign period.



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The CNP appears to have demonstrated more commitment to its tasks whereas the CNCA failed to show much interest in playing an effective role.

CNCA statistics for the month of October remain unavailable, suggesting a degree of lack of transparency on its part. Based on the September statistics from CNCA, the Center finds a misrepresentation of the media time allotted to parties and political groupings. The CNCA distinguishes between political parties and political support groups. It calculated time allotted to national campaign activities of candidates in the latter group. This approach masks, unsuccessfully, the net predominance of the presidential camp in national television coverage.

Unfortunately, the Center finds that this pattern continued uncorrected. The credibility of the CNCA as an impartial regulatory body was particularly damaged by the definitional gymnastics that enabled Laurent Gbagbo to receive the final broadcast access at the close of the first round campaign.

During the formal campaign period, the Center noted the media monitoring effort of the non-governmental organization Reporters Without Borders and its report of Nov. 10. Their report underscores the importance of the CNCA to fulfill its responsibilities in an impartial manner.

Conclusion

Cote d'Ivoire's Nov. 28 presidential election unfolded against the background of a tense and often, negative, campaign. Long-standing disputes about national identity issues and land ownership were often brought to the surface, inflamed by negative political rhetoric and fueled by a partisan media. Sporadic incidents of violence, including several deaths, occurred in the days preceding the election and on election day itself.

Ivoirians came to the polls in large numbers, showing once again their determination to participate in an election that, in allowing Cote d'Ivoire to regain institutional stability, will advance the peace process.

In spite of procedural irregularities, voting and counting operations were largely well-conducted by polling station officials. Representatives of the two candidates were present in the vast majority of stations visited by Carter Center observers.

Pending the announcement of preliminary and final results, the Center reminds the candidates of their commitment to respect the choice of voters to select their own leaders without fear of intimidation or reprisal.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit: www.cartercenter.org to learn more about The Carter Center.



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ⁱ Côte d'Ivoire is a member of the United Nations, the African Union, and the Economic Community of West African States and has ratified a number of international treaties with provisions regarding electoral processes, including ECOWAS Protocol on Democracy and Good Governance (signed Dec. 2001); the African Charter on Human and Peoples' Rights (ACHPR signed June 11, 2009); the International Convention on Civil and Political Rights (ICCPR ratified March 26, 1992); and the Convention on the Elimination of Discrimination Against Women (CEDAW ratified Jul. 17, 1980, signed Dec. 1995).

ⁱⁱ The uniform application of election procedures provides an important means for states to meet their obligation to universal and equal suffrage by awarding all voters an equal opportunity to cast their ballot. ICCPR, Art. 25b

ⁱⁱⁱ Freedom of expression, movement, and assembly are enshrined in the ICCPR, Art. 19(2), 12(1), and 21 respectively. The African Union Declaration on the Principles Governing Democratic Elections in Africa, Art. 4.5 further states that "Individuals or political parties shall have the right to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land."

^{iv} ICCPR, Arts. 2, 25(a), and 9

^v The State must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and nondiscriminatory manner. ICCPR; I: Art. 1, Art. 2(2).

^{vi} The right to participate in the public affairs of one's country, including the electoral process, is recognized at the regional and international level. See for example, African Charter on Human and Peoples' Rights, Art. 13 (1); African Union Declaration on the Principles Governing Democratic Elections in Africa, Art. 7; and ICCPR, Art. 25 (a)

^{vii} ICCPR, Art. 25, 2(1), 26

^{viii} UDHR, Art. 21(a); ICCPR, Art. 25(9)

^{ix} See, for example CEDAW; Convention on the Political Rights of Women, and ACHPR.

^x Efficient electoral dispute mechanisms, including, as necessary, the provision of a fair and public hearing before a tribunal, are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process. International Covenant on Civil and Political Rights, Art. 2(3), UNHRC General Comment No. 32, para. 18

^{xi} International obligations related to the media elections include freedom of expression and opinion and the right to seek, receive, and impart information through a range of media. ICCPR, Art. 19



THE CARTER CENTER

INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

NEWS

THE
CARTER CENTER



ONE COPENHILL ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Dec. 4, 2010

Carter Center Statement on the Cote d'Ivoire Election

CONTACT:

In Atlanta, Deborah Hakes 1 404 420 5124 or in Abidjan, Oley Cole, +225 5764 5986

The Carter Center congratulates Alassane Ouattara on his election as president of Cote d'Ivoire. The Center equally appreciates the efforts of Prime Minister Guillaume Soro to ensure the credibility of the entire electoral process.

The Center calls on all Ivoirian political leaders to respect the will of the Ivorian people as expressed through the election results announced by the Independent Electoral Commission (IEC) and certified by the Special Representative of the Secretary General of the United Nations.

As noted in the Center's Nov. 30 statement, Carter Center observers saw no evidence of systematic irregularities that would have a significant impact on the results. The Carter Center's overall assessment is that the conduct of the run-off election met international standards. The Center finds the Constitutional Council has misapplied the electoral law by choosing to annul partial results.

The Center welcomes the recent statements of support for the integrity of the electoral process from many of Cote d'Ivoire's international partners, including the African Union, Facilitator of the Ouagadougou Peace Accord President Blaise Compaore of Burkina Faso, Nigerian President Goodluck Jonathan, U.N. Secretary General Ban Ki-Moon, the European Union, and several other governments, including France, the United States, United Kingdom, and Canada.

The Center is concerned about the extremely confusing political situation since the Constitutional Council's decision, and the numerous incidents of violence among party supporters and in some instances involving security forces.

The Center echoes the appeal of U.N. Secretary General Ban Ki-Moon to outgoing President Laurent Gbagbo to cooperate in a smooth political transition in Cote d'Ivoire. All political actors must work together to restore stability and an enduring peace.



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NEWS

THE
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ONE COPENHILL ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Nov. 29, 2011

**CONTACT: In Atlanta, Deborah Hakes +1 404 420 5124; In Abidjan, Sabina Vigani
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The Carter Center Launches Election Observation Mission to Côte d'Ivoire

Following an invitation from the Independent Electoral Commission, The Carter Center has launched an international election observation mission to Côte d'Ivoire to monitor preparations and the conduct of legislative elections anticipated on Dec. 11.

"These elections are an essential step to renew the mandate of the parliament in Côte d'Ivoire," former U.S. President Jimmy Carter said. "The Carter Center urges a peaceful and open electoral process, laying the ground for national reconciliation and stability."

The Carter Center deployed 18 medium-term observers to monitor electoral preparations. A group of short-term observers will be deployed shortly before election day. The observers and the Abidjan-based core team— a group of 22 election experts representing 16 countries — are meeting with election officials; political parties and candidates; civil society representatives, including domestic observers groups; other international election observation missions; and other relevant stakeholders. The mission is monitoring the election administration and preparations, the campaign period, voting and counting operations, tabulation of results, and the post-election period.

The Carter Center will assess Côte d'Ivoire's electoral process against the Constitution and the electoral law, commitments made in the Ouagadougou Peace Accords, other agreements, and regional and international commitments. The Center conducts its election observation activities in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005 and has been endorsed by 37 election observation groups. The Center will release public statements on the electoral process, available on its website: www.cartercenter.org.

The Carter Center has been present in Côte d'Ivoire since 2008. The Center monitored the identification and voter registration process, the verification of the provisional voter list, and the 2010 presidential elections. The Carter Center mission in Côte d'Ivoire is supported by an office in Abidjan, led by Sabina Vigani.



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ONE COPENHILL ATLANTA, GA 30307

Dec. 14, 2011

CONTACT: In Abidjan, Sabina Vigani +225 08 23 55 23; In Atlanta, Deborah Hakes +1 404 420 5124

The Carter Center Notes Peaceful Elections in a Fragile Political and Social Context

Carter Center Election Observation Mission Preliminary Statement Côte d'Ivoire,
Legislative Election, December/2011

This statement is preliminary; a final report will be published after the end of the electoral period.

Executive Summary

Côte d'Ivoire's 2011 legislative elections represent an essential step in re-establishing the constitutional order in Cote d'Ivoire and achieving a key goal of the peace process laid out by the Political Accord of Ouagadougou. The Carter Center highlights the generally peaceful voting environment and the absence of major security incidents during the polls, which took place in the fragile political and social context of the post-electoral crisis of 2010-2011.

The question of participation in the electoral process was a central issue in negotiations between the opposition and the government. The government's efforts to fulfill the opposition's demands were unevenly appreciated. Certain political parties decided to take part in the elections, while others, most notably the *Front Populaire Ivoirien* (FPI), chose not to participate.

In this context, the Center welcomes not only the respectful attitude of the Ivorian people, but also political leaders during the polls, independent of their respective views and despite the rise in tensions observed on a local level in certain constituencies in the lead-up to the elections. While the voter turnout – which is not yet official – seemed relatively weak, it is likely because of several factors and interpretations in that regard should be nuanced.

The Carter Center encourages the government to pursue dialogue in a spirit of national reconciliation. The Center notes that important electoral reforms should be considered before a new electoral cycle begins. The Center calls on Ivorian actors to seize the opportunity presented by the municipal elections to pursue reconciliation. Authorities should prioritize the continuation of the identification process of the population and address the shortcomings of the voter registry.

The Carter Center continues its observation of the tabulation of results and calls upon the national institutions and authorities to maintain strict neutrality in the exercise of their duties.



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The principal preliminary conclusions of the Center's assessment of the electoral process are the following:

- **An open process.** The Carter Center notes the openness of the nominations process and respect of the right to be elected, giving all eligible candidates and parties an opportunity to participate in the process. At the same time, it is the personal choice of individual actors whether to exercise their right to participate in the polls. The Center notes that the Dec. 11 elections are the third consecutive legislative elections characterized by the non-participation of one of the major political parties. This trend leads one to question the reasons why the political process is dysfunctional.
- **A significant drop in turnout.** The Carter Center notes that the legislative elections did not generate the same enthusiasm as the presidential elections. The reasons for this phenomenon are nuanced and should be attributed to multiple factors. The voter's choice to abstain from voting is a decision that could be motivated by numerous considerations, notably the disinterest often noted in legislative elections, in which the electoral dynamics appear to be less well understood, insufficient voter outreach, voter cynicism following the crisis after the presidential elections, the candidate nominations process within political parties, lower level of voter outreach, and a uneventful electoral campaign. FPI's abstention is an important element, however this alone is not the sole reason for lower voter turnout.
- **An ad hoc legal framework.** The legal framework that governs the legislative elections is based on a series of laws, political agreements and decisions that responded to focused specific considerations. The legal provisions related to the legislative polls contain important gaps, gray areas, and contradictions. The Carter Center strongly recommends comprehensive reform of the electoral law on the basis of lessons learned during the 2010 and 2011 electoral cycles, with particular emphasis on the constituency delimitations which should reflect the principle of equality of suffrage.
- **The impartiality of the election administration.** In spite of debates surrounding the composition of the IEC, the electoral authorities appeared to manage the elections in an impartial manner. The IEC was not always able to enforce legal provisions under its authority, but its actions were not discriminatory. The authority and structures of the electoral administration should be strengthened at the same time that reforms of the legal framework are considered. Without a doubt, the commission would benefit from increased professionalism and restructuring.
- **Gaps in the voter registry.** The technical and financial constraints, as well as a tight electoral timeline, did not allow for an update of the voter registry. Hundreds of thousands of potential voters were left off the registry prior to the presidential elections for a variety of reasons, mainly because of the conditions on which the registry was created. The Carter Center urges the Ivorian authorities to identify the most appropriate mechanisms to ensure that in the future, elections are conducted on the basis of an inclusive, reliable, and up-to-date voter registry.
- **A generally peaceful electoral campaign.** Candidates were generally free to campaign in an open and secure environment. The incidents reported did not affect this assessment. The Center deplores the laxity of the electoral authorities regarding the violations of the electoral code, particularly political activities before the official start of the campaign period, which favors candidates with significant financial resources, as well as the use of



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state resources by candidates holding government office. Electoral authorities also allowed unabated the widespread practice of distributing cash or gifts during the campaign, although prohibited under the penal code.

- **Absence of regulation on campaign financing.** There are no campaign finance regulations governing the source, expenditures, or regulation of campaign funds. The absence of regulations favored candidates with large financial resources and stifled a transparent competition. The imbalance in financial resources was particularly visible between political party and independent candidates, and was not offset by public support. The Carter Center underscores the need to develop and implement campaign finance regulations in order to create a more level playing field.
- **A low participation of women in the electoral competition.** The limited number of female candidates running for the National Assembly illustrates the necessity to implement structural measures to help ensure the increased representation of women in public affairs. Although it is difficult to introduce effective measures to encourage gender balance within the constraints of a majoritarian system, incentives for political parties to integrate women in leadership positions, including as candidates, should be seriously considered.
- **Underestimated need for voter education.** The Carter Center regrets that this essential aspect of the electoral administration continues to be neglected. The IEC's information and messages were disseminated mainly through TV and radio, which are not necessarily accessible to a large majority of the population. While welcoming initiatives by civil society, The Carter Center underscores that these initiatives alone do not respond to existing needs. The State and electoral authorities have the primary responsibility for voter and civic education, and should ensure that long-term strategies are put in place to attain these goals.
- **Party agents and observer participation.** The Carter Center commends the significant presence of candidate representatives, including for independent candidates, in the polling stations during the polls and tabulation of results. Despite delays in the delivery of accreditation badges by the IEC, domestic observer also deployed across the national territory to observe the conduct of the elections.
- **Absence of coherent media regulations.** The electoral code does not regulate candidate access to the public media during the legislative elections campaign. The Carter Center notes that the High Authority of Audio Visual Communication, which is founded on the principle of equal access, took the initiative – although late in the process – to remind the media of the need to ensure equality between candidates in constituencies where the media covered campaign activities.

Background: The Carter Center received a letter of invitation from the IEC to observe the legislative elections. The Center deployed 18 medium-term observers three weeks before the polls and 12 short-term observers the week preceding the elections. The observers, deployed across the country, visited more than 140 polling stations. The diverse mission, composed of 19 nationalities, was led by Ms. Sarah Johnson, assistant director of the Democracy Program of The Carter Center. The Carter Center will stay in Cote d'Ivoire to observe the final phases of the tabulation process, the resolution of electoral disputes, and announcement of final results.



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The Carter Center has been present in Côte d'Ivoire since 2008. The Center monitored the identification and voter registration process, the verification of the provisional voter list, and the 2010 presidential elections. The Carter Center mission in Côte d'Ivoire is supported by an office in Abidjan, led by Sabina Vigani.

The Center assesses Côte d'Ivoire's electoral process against the constitution and the electoral law, commitments made in the Ouagadougou Peace Accords, other agreements, and regional and international commitments. The Center conducts its election observation activities in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005 and has been endorsed by 37 election observation groups. Carter Center public statements on the electoral process are available on its website: www.cartercenter.org.

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INTERNATIONAL ELECTION OBSERVATION MISSION TO CÔTE D'IVOIRE

Statement of Preliminary Findings and Conclusions

POLITICAL CONTEXT

The Dec. 11 legislative elections were intended to bring closure to an extended period of crisis in Côte d'Ivoire. The polls were essential for renewing the mandate of the parliament in Côte d'Ivoire.¹ The elections are also an important step for the new Ivorian authorities to restore constitutional order and political stability after several years of conflict.

The presidential elections held at the end of 2010 were highly contested. After the Nov. 28 run-off, the Independent Electoral Commission (IEC) announced the preliminary results, which pronounced Alassane Ouattara, candidate of the *Rassemblement des Républicains* (RDR), the winner. However, the Constitutional Council cancelled the results of 13 northern administrative departments and declared that the incumbent president and candidate of *La majorité présidentielle* (LMP) Laurent Gbagbo, had won.

As noted in public statements, Carter Center observers saw no evidence of systematic irregularities that would have had a significant impact on the results. The Center's assessment concluded that the conduct of the run-off election had met international standards and that the Constitutional Council had misapplied the electoral law by annulling a portion of the results.

The results announced by the IEC were certified by the Special Representative of the Secretary General of the United Nations (SRSG) in Côte d'Ivoire and recognized by the international community. This situation plunged the country into a five-month period of intense violence that culminated in April when Abidjan fell to the newly created *Forces Républicaines de Côte d'Ivoire* (FRCI) largely made up of former *Forces Nouvelles* troops. Former President Gbagbo was arrested on April 11, 2011.

The electoral and military defeat of the former presidential camp profoundly modified the Ivorian political landscape. The *Front Populaire Ivoirien* (FPI) and several small parties associated with Gbagbo – which coalesced in 2006 under the umbrella of the *Congrès National pour la Résistance et la Démocratie* (CNRD) – were destabilized with many party leaders in exile or prison. New political entities such as *Liberté et Démocratie pour la République* (LIDER) and *Cap-Unir pour la Démocratie et le Développement* (Cap-UDD) emerged in advance of the legislative elections. The CNRD parties conditioned their participation in the electoral process on specific demands, including the release of Gbagbo. Negotiations with the government stalled on this issue, and the FPI boycotted the 2011 legislative elections. The party suspended the membership of 38 FPI members who registered as independent candidates. Other CNRD parties oscillated between opting out and participating in the elections.²

On Nov. 29, less than two weeks before the elections, Gbagbo was transferred to the International Criminal Court (ICC) to face four counts of crimes against humanity. Some CNRD-affiliated parties that had registered candidates withdrew from the electoral process briefly before

¹ The National Assembly's five-year term expired in 2005.

² This resulted in some parties registering candidates (e.g. UDCY, Cap-UDD, and MNC-alternative), some party members participating under the banner of Cap-UDD (URD, UDCY, UNG, AIRD).



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again confirming their participation after receiving government incentives, including the release of some of their party members. Conversely, 16 of the 38 independent candidates affiliated with the FPI withdrew from the process.

During the presidential election, Ouattara benefitted from the support of a coalition of parties, the *Rassemblement des Houphouëtistes pour la Démocratie et la Paix* (RHDP), following the first round of the presidential election.³ The coalition intended to coordinate candidate nominations for the legislative elections.⁴ However, with the exception of two candidate lists, the parties were unable to come to an agreement, leading the RHDP to run essentially as separate entities. This created some tension as allies competed against one another within constituencies. Within the respective RHDP parties, the nomination process also created discontent and resulted in the independent candidacies of several members.

Through the 2005 Pretoria Agreement on the Peace Process in Cote d'Ivoire,⁵ the Ivorian parties invited the United Nations to play a role in the electoral process during the presidential and legislative elections. This confidence-building mechanism took the form of a certification mandate through which the SRSG would monitor and certify "that all stages of the electoral process provide all the necessary guarantees for holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards"⁶ and other "agreed criteria."⁷ Working closely with the SRSG, President Blaise Compaoré of Burkina Faso, the facilitator of the 2007 Ouagadougou Peace Agreement,⁸ also maintained contacts with various stakeholders and worked to create a constructive climate for political dialogue.

LEGAL FRAMEWORK

The Constitution of the Republic of Côte d'Ivoire guarantees basic human and political rights, including the right to vote for all citizens 18 years of age; the freedom of assembly, speech, and to demonstrate; and the right to form political parties among others. Political parties formed on regional, religious or ethnic basis are prohibited. Article 32 enshrines the obligation for an independent electoral commission to organize elections. Public authorities have a constitutional obligation to respect, protect and promote basic individual rights.

Côte d'Ivoire has also signed and ratified a series of international conventions pertaining to the conduct of elections. These treaties include: the International Covenant on Civic and Political Rights (ICCPR);⁹ Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Political Rights of Women; African Charter on Human and Peoples' Rights; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of

³ The coalition was composed of the RDR, PDCI, UDPCI, MFA, a faction of the PIT and the newly created UPCI.

⁴ The coalition members agreed to coordinate lists in those areas where RHDP did not gain more than 50 percent of the vote during the presidential elections.

⁵ Signed April 6, 2005.

⁶ SC 1765 (2007).

⁷ SC 2000 (2011). The additional criteria, previously elaborated in the 16th Report of the Secretary General on the UNOCI included: peace, inclusivity, state media, voters list and results monitored via media monitoring, reports from field-based monitoring teams, parallel tabulation of tally sheets, and the analyses of complaints.(S/2008/250, § 32).

⁸ Signed March 4, 2007.

⁹ Ratified on March 18, 1969.



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Women in Africa; the African Charter on Democracy, Elections and Governance; the African Union Convention on Preventing and Combating Corruption; and the ECOWAS Protocol on Democracy and Good Governance.¹⁰

The national electoral framework has been regularly adapted to accommodate political considerations on an ad-hoc basis. The framework for the legislative elections is composed of several legal texts, primarily the constitution and the electoral code,¹¹ the Ouagadougou Peace Agreement,¹² and its subsequent components as well as amendments to the legal framework imposed by these agreements. The result is a fragmented framework, composed of various texts of unequal legal value, providing contradictory provisions and leaving several gaps.

Electoral and political actors frequently disregarded legal requirements that did not meet political expectations or concerns. While this dynamic can be attributed to the complex political situation, it has weakened the law as a tool to guide the electoral process. Although the electoral code was amended in 2008 in preparation for the presidential elections, the sections related to the legislative elections were left unchanged.

The Carter Center encourages the newly elected National Assembly to review and reform the electoral framework to address legal gaps and inconsistencies well in advance of the next electoral cycle.

ELECTION SYSTEM

The National Assembly is elected under the simple majority system. There are 169 single seat constituencies and 36 multi-seat constituencies for a total of 255 seats. The government increased the number of seats from 225 to 255 in 2011.¹³ Seats are allocated to the candidate or lists that attain the highest number of valid votes.

In majoritarian systems, the establishment of constituency boundaries is particularly critical. According to international obligations as well as constitutional principles, the equality of the vote should be respected.¹⁴ In Côte d'Ivoire, the IEC proposes constituency boundaries, and the final decision is vested with the government. The initial IEC proposal on new constituent boundaries was never made public, preventing an assessment of the impact of the final decision made by the government. While there is no legal text to support it, the 2011 distribution of seats and the subsequent electoral map was allegedly based on the estimated population, the size of electoral districts, the number of localities as well as other factors related to the ability to guarantee one seat per district and avoid reducing the number of seats previously allocated to each district.¹⁵ A

¹⁰ Protocol A/SP1/12/01 on Democracy and Good Governance, Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security

¹¹ Law No. 2000-514 of the Aug. 1, 2000 Electoral Code was amended by Order No. 2000-133 of April 14, 2008.

¹² The Ouagadougou Political Agreement was signed on March 4, 2007.

¹³ Decree No. 2011-264 from Sept. 28, 2011. Regarding the determination of the electoral constituencies for the 2011-2016 legislature.

¹⁴ U.N., ICCPR, Art. 25(B).

¹⁵ The formula for constituency delimitation was based on population density (55 percent), the size of districts (25 percent) and the number of localities (20 percent). Other political factors were taken into consideration, including the number of seats that had been previously allocated to that area, so that the number of seats would not be reduced.



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national census was last conducted in 1998. Newly introduced administrative boundaries also affected the constituency delimitations.

The Carter Center expresses serious concern that Côte d'Ivoire's constituent boundaries perpetuate major distortions in the representative value of each seat. In the most extreme, a seat in constituency 122 in Kabadougou represents an electorate of 2207 eligible voters, while a seat in constituency 41 in Abidjan represents 106,834 eligible voters. As such, the variations in the relative weight of each vote range from 1 to 48. The distribution of seats also favors the northern regions that have a low population density and heavily discriminates against urban areas. This is particularly true in Abidjan, which represents almost 30 percent of the electorate but holds only 10 percent of the seats. While TCC recognizes that distributing seats among regions in a situation where a single major urban center dominates and the population density varies significantly is difficult, especially in a unicameral system, the State's obligations in terms of fair representation or constitutional rights to equal treatment should prevail.¹⁶ The government and future electoral bodies should also endeavor to make transparent decisions based on legal and objective criteria.¹⁷

ELECTION ADMINISTRATION

An independent and impartial electoral authority that functions transparently and professionally is recognized internationally as an effective means of ensuring that citizens are able to participate in genuine democratic elections and that other international obligations related to the electoral process can be met.¹⁸

As an independent election management body, the IEC is responsible for implementing and supervising all electoral operations and has considerable legal authority. The current composition of the IEC was established in 2006, and consists of 31 members¹⁹ appointed based on the Pretoria Agreement formula which required two representatives of each of the ten party signatories of the Linas-Marcoussis Agreement, as well as other members from governmental, ministerial, judicial, and presidential bodies.²⁰

In light of the 2010 change in government, the IEC was shuffled in August 2011,²¹ with the nomination of new members representing the president of the republic, relevant ministries, the Superior Council of Magistrates and bar association. The RDR, PIT and the ex-rebel movements also took this opportunity to designate new representatives. Representatives appointed by the former administration on regional, departmental and local commissions, save for a few exceptions, have not been systematically replaced.²²

¹⁶ The principle of the equality of the vote is at the base of all pertinent international legal treaties, starting with ICCPR, Art. 25(b). Article 33 of the constitution stipulates that "Suffrage is universal, free, equal and secret."

¹⁷ U.N. Human Rights Committee, General Comment, Art. 25

¹⁸ Idem. Art. 25, para. 20

¹⁹ The current number is 30, as the position entitled to the representative of the president of National Assembly is vacant, after the mandate of the National Assembly was terminated by President Ouattara.

²⁰ Twenty members for signatories, with the right to vote, and 11 for ministries and institutions with no right to vote.

²¹ Decree no. 2011 – 207, Aug. 10, 2011, Nomination and replacement of members of the IEC.

²² IEC officials informed The Carter Center that reappointing election management officials on the local level would have been such a long process that it would have affected the election timeline.



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Opposition parties, most notably the FPI, but also the CNRD parties and the recently created Lider, criticized the composition of the IEC and called for the appointment of a “more neutral” election management body. In response, a fifth vice-presidential position was created for the FPI, however that position remained vacant as the party deemed the measure insufficient to meet their demands.

In order to conduct its work, the IEC established lower level commissions, at each administrative level including 19 regional commissions, each placed under the direct supervision of an IEC commissioner, 75 departmental commissions, 45 district commissions and 263 local commissions.²³ These bodies essentially duplicate the composition of the central commission, and include over 10,000 commissioners. The current IEC structure corresponds to previous administrations and was left untouched in spite of successive redistricting. Considering the tight deadlines left to the IEC, it would have been impossible to reconfigure the lower level election administration structure, even to adapt it to the new constituent boundaries before the elections were held.

The commission addressed the inconsistencies between the structure of the electoral administration and the newly reconfigured constituency delimitations by appointing 150 locations as special “*commission de reference*.” These centers were in charge of receiving and tabulating the results on a local level before sending the results to the departmental and regional bodies. Unfortunately, the list of the 105 “reference commissions” was only transmitted the week preceding the polls, making it difficult for local commissioners to plan accordingly.

In the aftermath of the post-election crisis, the Carter Center encouraged key stakeholders to consider provisional adjustments to the election management body, so as to re-build confidence among all parties in preparation of the legislative elections. Although this was not undertaken, the commission appears to have exercised its duties in an impartial manner.

While the IEC originally suggested holding the legislative elections during the first trimester of 2012, the December 2011 date was ultimately driven by external considerations unrelated to the election administration. The Carter Center notes that the IEC had to prepare for these elections within a tight timeline, leaving little flexibility.

During the process of organizing presidential elections, the IEC had to take political circumstances into consideration. As a result, it generally avoided making politically sensitive decisions. This again happened during the 2011 legislative elections, when, for example, the window for candidate registration was twice extended for the benefit of political parties. The delays imposed by major political parties during the candidate nomination process also impacted the delivery of ballots, which put considerable pressure on the commission and its partners to pack and deliver sensitive materials to the local constituencies on time.²⁴ While it demonstrates the limits of the IEC autonomy and the difficulties to fully exercise its competencies in a

²³ *Commission Electoral Regional (CER), Commission Electoral Departemental (CED), Commission Electoral Sous-Prefectoral (CESP), and the Commission Electoral Locale (CEL).*

²⁴ In Bondoukou, Koun Fao, and Bouna, sensitive material arrived at department level less than 48 hours before the elections, as opposed to the five days advance initially planned.



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sensitive political context, the commission's efforts were intended to support an open electoral process without exacerbating political tensions.

Unfortunately, these efforts did not extend to effective external communication and the transparency of the commission and its work. Both electoral stakeholders and the public had difficulty to receive information from the commission about its work and decisions. Commission meetings were generally closed to the public and information was rarely shared through formal channels.

Although the IEC regularly communicated information about the process through press conferences and public statements, detailed information about decisions, instructions and procedures adopted by the IEC were not generally made available to the public. Internal communication and coordination between the IEC and their subsidiary bodies was also insufficient. At times, local commissioners received essential information through the telephone or during meetings with the regional supervisors, rather than official communications. According to observer reports, local commissioners were informed of electoral procedures, such as the deployment of sensitive electoral material and process for the tabulation of results only seven days before the polls during the trainings held by the regional supervisors.

A local commissioner also informed Carter Center observers that he learned about certain key procedural changes on television, rather than receiving an official notification from the IEC, such as the ability for an individual to vote with a "proof of identity" for voters who lost their ID and voter card. The Center's observers reported that the IEC failed to follow up on the announcement with an information campaign at the local level, undermining the opportunity for people to obtain information from local authorities that could have affected their ability to vote.²⁵

In contrast to other information, polling and counting procedures, which were quite similar to those applied during the presidential elections, were issued in a timely manner by the IEC. Local commissioners and polling staff were trained on polling and counting procedures in cascading levels in the week preceding the elections.

Procedures on the transmission and tabulation of results however remained unclear until the eve of the elections. The IEC issued a press release on Dec. 2 stating that, as in the presidential elections, officials would conduct both a manual as well as electronic tabulation of results. The Carter Center requested and obtained a document from the IEC outlining the procedures to be applied, which was identical to the protocol for transmission and tabulation of results drafted by the IEC between the two rounds of the presidential elections, with the date written in by hand. Carter Center observers reported that a majority of departmental and local commissions were still awaiting instructions less than a week before the elections about the transmission and tabulation of results.

²⁵ Local commissioners were also challenged to conduct their work due to a lack of material support. During the postelection crisis, many election administration offices were destroyed or ransacked. A number of them were relocated. Despite efforts by the IEC in cooperation with UNOCI to replace equipment damaged in the post-election violence, observers reported cases of local commissions still missing essential office equipment, such as computers and chairs in Gagnoa, Duekoue, Man, Bangolo, Agboville, Bouaké, Gboguhe, and Bonoua.



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The timely issuing and communication of procedures by election authorities is essential to allow for adequate training of election officials and to inform stakeholders and the general public. The Carter Center strongly encourages future electoral management bodies to strengthen both internal and external communication, enhancing the capacity of electoral stakeholders to follow the process effectively. The Center also encourages the commission to publish its decisions and documents more systematically through a diversity of channels and to open meetings to public participation.

VOTER EDUCATION

Voter education efforts are necessary to ensure an informed electorate is able to effectively exercise their right to vote.²⁶ The fulfillment of the international obligation of universal suffrage is partially dependent on effective voter education.²⁷

The IEC produced little in terms of efforts to provide Ivorians with voter education. It produced some billboards in the two weeks prior to election day as well as posters, however, outreach materials were largely absent in the polling stations. With the support of international partners, the IEC also produced a short video simulating voting and counting operations. The video was broadcast on national TV four times after the evening news in the week prior to the elections. While this effort contributed to voter education efforts, the Carter Center notes that voter education disseminated mainly through the mass media is insufficient in addressing existing needs, especially given that populations who could have benefited the most from voter education did not necessarily have access to the mass media.²⁸

Carter Center observers met with civil society organizations engaged in voter education activities in several regions. However, significant discrepancies were discernable among regions.²⁹ As election day neared, several political parties reached out to their supporters to explain how to cast their ballot.

While political parties and civil society organizations can contribute to voter education efforts, internationally recognized good practice indicates that impartial and consistent voter education is the primary responsibility of state organs, chiefly the election management body.

Carter Center observers reported personal initiatives by local commissions to reach out to the electorate; however such activities were limited in scope and mainly relied on the motivation of individuals involved. The IEC should have made better use of lower level commissions throughout the country to increase voter education efforts, though these activities should have been budgeted and mobilized in a timely manner.

²⁶ ICCPR, Art. 25; United Nations Human Rights Committee, General Comment no. 25, para. 11

²⁷ Norwegian Helsinki Committee, Manual for Election Observation, sec. 5.5

²⁸ Statistics about invalid ballots established by the IEC after both rounds of the presidential elections highlighted significant regional differences, with the least developed regions recording four times the number of invalid ballots than in Abidjan. These statistics demonstrate the limits of voter education through the mass media and the need for increased grassroots outreach.

²⁹ Civil society organizations were especially active in voter education in Abidjan and other bigger cities such as Bouake, Daloa, and San Pedro. Carter Center observers encountered little or no voter education activities in Aboisso or Bondoukou.



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The post-presidential election crisis also demonstrated that voter education needed to go beyond the mobilization of voters and information on polling procedures. Increased communication to clarify the respective roles of institutions involved in the electoral process as a whole would have been useful, as well as efforts to enhance information about the role of the National Assembly.

The Carter Center urges future electoral management bodies to seriously consider the need for comprehensive voter education, and for the state to provide funding for these activities.

VOTER REGISTRY

Voter registration is recognized as an important means to ensure every citizen the right to vote. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.³⁰

The president of the IEC, Youssouf Bakayoko, declared in a Nov. 24 interview that the 2010 voter registry would be used for the legislative elections. This was the first time that the issue of the registry was discussed publicly. The IEC president argued that it was preferable to avoid reopening the existing registry, given the post-election crisis.

The voter registry for the presidential elections, which included 5,725,721 voters, was endorsed by the main political stakeholders in September 2010, and certified by the SRSG. Voter registration was carried out with an *ad hoc* identification process aimed at delivering new ID cards. This operation stretched over an exceptionally long period, almost two years from the launch of registration to the final voter list, and was marked by difficulties in practical implementation and recurrent political deadlocks.

In its preliminary statement following the run off of the presidential elections, the Carter Center acknowledged the political acceptance of the voter list, while expressing reservations with regard to the overall results of the voter registration process in light of the initial targets set by the Ivorian actors and international good practice. The Center also highlighted that some 800,000 persons who participated in the identification and voter registration process, were not included, for varying reasons, on the final voter list.³¹ The Carter Center also underlined that, due to the administrative requirements to be able to register and the difficulties the process faced, several hundred thousand registrants were likely to have not been able to register.³²

The voter register is thus far from as inclusive as it should be with regard to the right of citizens to effectively participate in public life, as entrenched in international law. The Ouagadougou agreement set April 1, 1990 as the static date for the youngest citizens to participate in the

³⁰ U.N. HRC, General Comment no. 25 “The right to participate in public affairs, voting rights and the right of equal access to public service,” para. 11.

³¹ These persons can be grouped into four categories: some 500,000 people on the “gray list” who could not provide evidence of their Ivorian nationality; 207,000 people who registered for the purposes of getting a new ID card, but turned 18 since Apr. 1, 2010; 55,000 people withdrawn from the provisional list after the administrative verification of the list against civil registries; and 20,000 people rejected for technical reasons.

The Permanent Consultative Framework of the Ouagadougou Political Agreement, including during the time of President Gbagbo, Prime Minister Soro, PDCI President Bédié, and RDR President Ouattara, explicitly committed to address the situation of the third and fourth categories after the presidential elections.

³² Côte d'Ivoire Presidential Runoff Election: High Voter Turnout Amid Political Tension, Nov. 30, 2010.



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election. As no adjustments were made, the register does not meet the constitutional right for citizens that are eighteen years of age and older to participate in the elections.

Still, considering the tight electoral timeline driven by political considerations, and the technical and financial implications of reopening registration, the Carter Center understands that it was effectively impossible for the IEC to update the voter register. Furthermore, the decision to not allow citizens the right to alter their principle address of registration, even if adopted prior to the presidential election, could effectively disenfranchise many who moved for personal reasons or because of the post-electoral crisis.

The Carter Centre urges the Government of Côte d'Ivoire and the IEC to seriously consider how to include those who could not register as voters, as well as to explore how to set up a registration mechanism that would allow building upon the current voter register while guaranteeing inclusivity and sustainability of the State's investment in the register.

CANDIDATES, PARTIES AND THE CAMPAIGN ENVIRONMENT

The right of individuals to participate in public affairs, including the establishment of political parties and freedom of association, expression and assembly are obligations under international law.³³

Nominations. In order to be eligible for the legislative assembly an Ivorian citizen must be between the age of 25 and 75 and enjoy the right to vote.³⁴ Additionally, continuous residency in Côte d'Ivoire for five years prior to election day is required as well as a relatively modest deposit of 100,000 FCFA (\$201 USD) and proof of financial solvency. Each candidate must present their nomination papers along with a replacement candidate, who must submit to the same conditions of eligibility, other than the deposit). The law requires certain classes of civil servants running for public office to offer a letter of resignation to avoid a potential conflict of interest if the candidate wins.³⁵ While the overall framework for candidacy complies with most commonly agreed principles, there are a few troubling aspects. First, the law does not allow for naturalized citizens to stand for public office.³⁶ Second, given the various categories of citizens who were excluded from the voter register, some of those who were eligible to stand for office were deprived of their right to candidacy.³⁷

The registration process, which opened on Oct. 17, was affected by several factors. According to law, the process should have closed on Oct. 26. However, the main political parties failed to submit their nominations papers by the deadline and thus the IEC extended registration to Oct. 31. RDR and PDCI both filed their candidates' nomination papers late on Oct. 31. These files were being processed by the IEC, when on Nov. 3, the IEC chairman made an announcement

³³ ICCPR, Art. 25(a); ICCPR, Art. 21; U.N.HRC General Comment no. 25, para. 26

³⁴ The criteria to be registered, related to age, nationality, and judicial status. However, in the current context, most are related to the negotiated conditions for establishing the register. The Carter Center previously issued several documents specifically dealing with the issue of voter registration: Dec. 22, 2008; May 8, 2009; and Feb. 1, 2010.

³⁵ Professionals including civil servants, magistrates, army officers, and others working in an official capacity for the state are required to present a resignation document confirming upon taking office.

³⁶ Art. 71 and 72 contain apparent contradictions. Art. 71 bans naturalized citizens to run while Art. 72 allows candidates who have been citizens for at least 10 years.

³⁷ U.N., ICCPR, Art. 25(b)



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that candidate registration would be reopened for one additional day on Nov. 4 ostensibly to accommodate candidates from three small CNRD parties. The RHDP also took advantage of this opportunity to reorganize their candidate lists and in particular for the PDCI to submit additional nominations following disagreements within the coalition. Two consecutive laws amending the Electoral Code were adopted to adjust the law regarding the registration deadlines. These extensions are illustrative of an atmosphere in which electoral participants failed to adhere to clear standing laws and procedures, placing the IEC in an unenviable political situation in order to enforce the law or accommodate important political actors.

The IEC registered a total of 946 candidates or lists of candidates³⁸ and rejected 18 nominees, including 12 candidates who withdrew their candidacy prior to the registration deadline. The IEC made commendable efforts while considering candidate nominations in communicating with individual candidates to ensure they had the possibility of completing their nomination packages when supporting documents were missing. Twenty-two complaints were filed with the Constitutional Council regarding 17 registrants. Out of these, the Constitutional Council deemed three candidates ineligible, bringing the total number of candidates to 943.³⁹

Campaign Period. The official campaign period started on Dec. 3 at midnight and closed on Dec. 9. While a one-week campaign is prohibitively short, many political parties' candidates engaged in campaign activities before the official period. Two weeks ahead of the campaign opening, observers reported several political parties organizing public meetings to present their candidates.⁴⁰ Throughout the week before the official campaign period, many candidates canvassed door-to-door and held meetings with traditional chiefs and other influential personalities.

The election code explicitly forbids electoral propaganda before the officially prescribed period, and provides for sanctions against breaches. IEC Vice-President Yacouba Bamba spoke out specifically on the display of posters before the campaign opening, highlighting its prohibition under the electoral code. The IEC failed to sanction candidates who campaigned outside of the official campaign period. The Carter Center recognizes the constraints given the abbreviated campaign period, but notes that the commissions comment was the only acknowledgment by the IEC of systematic violations of the electoral code.

Campaign activities increased with the opening of the official period. The imbalance in financial and logistical resources between candidates, in particular between independents and those sponsored by political parties, were clear. This trend was accentuated by the blatant violation of the electoral code by several candidates holding official positions. Observers noted in particular government ministers who used state means, including cars, human resources and public security forces, to campaign.⁴¹

³⁸ In two constituencies, the PDCI candidate ran unopposed.

³⁹ Nov. 23, 2011 Press Release from the Constitutional Council. The Constitutional Council has not made the basis for their decision public.

⁴⁰ In one notable case, the RDR organized a tour of the country one week before the start of the campaign to present its candidates. Rallies had approximately 300 attendees in Gaguoa, 2,000 in Man, and others in Divo and Bouaké.

⁴¹ These actions were observed in Man, Agboville, Koumassi, and Bondoukou.



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Penal code provisions related to vote buying were also ignored throughout the electoral campaign. The media widely reported on candidates who distributed gifts⁴² and donations, including cash, to potential supporters.⁴³ Carter Center observers overheard candidates discussing how much money they planned to distribute to various villages and also reported a widespread practice of candidates distributing money during campaign events. The Carter Center encourages future electoral management bodies to sanction candidates who engage in vote buying and other activities that violate the penal code and impede a competitive electoral process.

Freedom of assembly was generally upheld throughout the campaign period. However, certain parties abused the use of public space, monopolizing prime public locations for the duration of the campaign. The government and IEC should take steps in future elections to ensure equal access to public areas to all political parties, particularly during an abbreviated campaign period.

Despite the overall peaceful environment, tension increased towards the end of the campaign. Campaign messages initially focused on reconciliation, peace and development made way, in certain areas, to personal attacks against contenders, references to ethnicity and calls to the electorate not to vote for candidates who were not of the same ethnic group. Observers deployed in the regions of Tonkpi (18-Montagnes), Agnèby-Tiassa and Haut Sassandra reported such instances. Observers also reported localized cases of violent election-related incidents in Man, Facobly, Gbeke, and Aboisso, as well as instances of intimidation and harassment of candidates in Abidjan, Gagnoa, Tanda, Daloa, and San Pedro. In some constituencies, tensions were palpable between RDR official candidates and the party's members running as independent candidates, especially in cases where the official candidate was an influential personality. The Carter Center deplores verbal attacks and threats by senior party officials, echoed by the press, against disgruntled members who decided to run independently of the party structures.

In the aftermath of the post electoral crisis, the FPI was destabilized as many of the party leaders were jailed or in exile. In that context, the party conditioned its participation in the electoral process on specific demands. Those included the release of Gbagbo and other party leaders, allowing for the safe return of exiled party leaders, removing a freeze on the assets of FPI leaders, guarantees regarding security, the restructuring of the IEC. The negotiations between the government and FPI and the larger CNRD coalition stalled, and on Nov. 23, the FPI announced it would boycott the 2011 legislative elections.

The Carter Center's observers also monitored the impact of the FPI's call to boycott the elections. In some areas, FPI actively campaigned for the boycott and in Daloa, the party succeeded in forcing an independent candidate close to the party to withdraw. In other areas, however, FPI instructed voters to support CNRD candidates.

Campaign financing There are no campaign finance regulations governing the source or expenditures of campaign funds. The Ivorian government however provides public funding to

⁴² Gifts distributed included 60,000 school kits for Facoubly, cash, generators, lamps, medicine, and payment of medical fees, meals, and other items.

⁴³ The distribution of cash was reported at most rallies in Daloa, Agboville, Man, and others in Bouaké and Gagnoa.



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political parties, groupings, and presidential candidates.⁴⁴ The law stipulates that parties in the National Assembly receive government financing proportionate to the number of seats held in parliament.⁴⁵ An exception was made for the 2000-2005 legislature to allow political parties who have elected representatives at local levels to benefit from this funding even if they are not represented in the assembly. This action was intended to even the playing level among the parties, most notably allowing the RDR which boycotted the 2000 National Assembly elections, to receive public funding. This approach continued from 2006 through 2010. After the presidential election, the FPI and the other parties did not receive their final installment due to the post-electoral crisis. The Carter Center regrets that the last installment for 2010 was finally paid to the FPI shortly before the elections.

Added to the lack of any provisions limiting and reporting on campaign financing, if the impunity observed in terms of the use of state resources or vote buying is not addressed, widespread political cynicism among voters will increase and may instill a climate of defiance among political competitors. The Carter Center stresses the need to establish, in view of future electoral cycles, a set of implementable regulations to enforce the principles enshrined in the International Convention against Corruption and to establish the means to enforce existing legal provisions effectively.⁴⁶

PARTICIPATION OF WOMEN

International human rights treaties foresee that women shall enjoy equal rights to men,⁴⁷ and that in some cases, states shall take special, temporary measures to achieve *de facto* equality for women.⁴⁸ State obligations to promote *de facto* equality for women derive, in part, from broader obligations regarding absence of discrimination⁴⁹ and the right of all citizens to participate in the public affairs of their country regardless of gender.⁵⁰

Following the 2000 legislative elections, women made up 8.9 percent of the National Assembly. Prospects for increased female representation are limited considering that only 128 female candidates contested the 2011 legislative elections.

The Ivorian government provided ad hoc funding to support female candidates in conducting their campaigns. President Ouattara allocated 1 million CFA for each female candidate. While the Center welcomes efforts to achieve greater representation of women in the National Assembly, this symbolic does not address the structural and social issues impeding women's participation.

⁴⁴ Decision No. 2005-07/PR, July 15, 2005

⁴⁵ Art. 4 to 7 of Decision No. 2005-07/PR. One one-thousandth of the budget of the states is distributed among political parties and groupings represented in the National Assembly using a formula that splits funding, providing 40 percent to political entities based on the number of votes they received during legislative elections, 40 percent based on the number of seats that political entities got in the National Assembly, and 30 percent based on the number of deputies registered within parliamentary groups.

⁴⁶ General Assembly resolution 58/4 Oct. 31, 2003

⁴⁷ ICCPR, Art. 3

⁴⁸ CEDAW, Art. 3

⁴⁹ ICCPR, Art. 25; 2(1); 26

⁵⁰ UDHR, Art. 21(a); ICCPR, Art. 25(9); ICERD, Art. 5(c)



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Considering the difficulties women face as candidates and the limited number of women who were endorsed by political parties (11.3 percent), the concept of introducing credible incentives should be seriously considered in the future. While measures guaranteeing minimum representation in the national assembly and effective integration into political life are difficult to implement within the limits of a majoritarian system, public support could act as a significant incentive to parties to integrate women into their decision-making bodies, field a significant percentage of women candidates or manage to elect women into parliament or executive positions.

MEDIA ENVIRONMENT

A previous formulation of the election law required equal access to state media during election campaigns.⁵¹ The current article was amended in 2008 with regards to public access for presidential candidates, but did not consider legislative races. Whether intentional or not, the amended law specifically restricted the equal treatment requirement in presidential elections. Consequently, there are no direct obligations in terms of coverage of the campaign on State television, radio or newspaper. In the case of RTI, the contract of service refers to obligations from Article 16 that are non-existent, leaving the remaining general obligations for pluralistic coverage to Article 3.⁵²

In spite of the legal vacuum, the IEC still had the authority to adopt measures providing equal access for all candidates to official electronic and written media.⁵³ Though difficult, considering the high number of candidates for the legislative elections, a specific framework on coverage for these legislative elections could have been established. Instead, the High Authority for the Audiovisual Communication (HACA) issued four decisions, adopted on Dec. 5, two days into the official campaign period. These decisions outlined the main principles to be followed by audiovisual media during the campaign period. It stated that: public radio and TV should ensure equal access to candidates and political parties running in the constituencies where media coverage is provided; that public media should aim to cover campaign activities in the most constituencies possible; and refrain from broadcasting hate and xenophobic speeches, speeches inciting violence and mocking candidates or their representatives. The HACA also noted that local radio stations (*radios de proximité*) were not allowed to cover campaign activities or broadcast debates related to the elections.

As well, the HACA continued to monitor state media during the campaign period. HACA officials explained to the Carter Center that the monitoring of local radio stations is difficult to implement as their broadcast radius is limited. Instead, the HACA acts on complaints and during the campaign period it investigated five cases of local radio broadcasters that allegedly covered campaign activities. The HACA summoned the managers of two local stations in Beoumi and Adzopé.

⁵¹ Art. 30 of the 2005 election law.

⁵² Art. 3 of the RTI contract of service. An additional obstacle to the broadcasting of campaign programs on RTI is that the public media, although having public service obligations, request specifically allocated funds to do so, as stated in Art. 16. It does not seem that funds were budgeted for this purpose.

⁵³ Law 2004/642



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The Carter Center welcomes the initiative taken by the HACA to provide for regulation of the media during the electoral period, and encourages review and reform of the media framework to include also legislative elections in addition those imposed during the presidential elections.

CIVIL SOCIETY AND DOMESTIC OBSERVATION

Fifty domestic observer groups were accredited by the IEC. Several of them, among others the CSCI, COSOPCI, LIDHO, OFACI and COFEMCI had monitored the presidential elections. However, the relative short notice in the announcement of the election date made it difficult for domestic organizations to organize internally as well as raise funds for activities. The Carter Center regrets that although a new system was implemented by the IEC for the production of accreditation badges, important delays in the accreditation process complicated the task of national observers. Some elements of civil society were also involved in the voter education, but again had little resources to play a significant role.

ELECTORAL DISPUTE RESOLUTION

The Constitutional Council exercises jurisdiction over electoral disputes. The court is composed of seven members. The President of the Republic appoints three members and the president, while the other three members are selected by the President of the National Assembly.⁵⁴ In principle, the judges are appointed to an irrevocable six-year mandate. Due to the exceptional circumstances resulting from the reversal of the results of the presidential elections, President Ouattara took extraordinary action to remove several members of the court, appointing a new president and some of the judges.

The legal framework for electoral disputes resolution comprises provisions from the election law and elements of the law organizing the Constitutional Council. This framework leaves several uncertainties on the procedures to be followed and the timeframe in which disputes may be adjudicated. The Constitutional Council and the IEC discussed and agreed on common interpretation on some of the grey areas in the legal framework, including when various legal deadlines would be triggered and what happens as a consequence. However, little to no communication was provided to the public regarding the legal deadlines to file complaints which may restrict citizens' right to due process.

Some complaints were lodged at the IEC level, mostly by written communication, but as there are no administrative mechanisms to address complaints, the IEC likely did not process them. On the other hand, the Constitutional Council, which has jurisdiction to hear electoral complaints, generally only hears cases after election day. In this instance, the complainant must prove that the respondent caused a harm that altered the results in order to receive a favorable ruling.

The Election Law does not provide a clear deadline for the announcement of the provisional results. It only states that the IEC must transfer the polling stations protocols to the Constitutional Council within three days following the elections. According to the law, the only the "administrative constituency", which no longer exists, may announce the results. For the purpose of these elections, the Constitutional Council and the IEC agreed that an announcement

⁵⁴ Former presidents of the republic are in principle full members of the council. President Bedié explicitly waived this right in order to run for the 2010 election. President Gbagbo's case obviously relates to his legal situation.



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of provisional results would be done at the national level and that the announcement would initiate a five-day period for candidates, parties, coalitions of parties or voters to bring their complaints to the Constitution Council for consideration. In principle, this can be done directly at the Council, but may also be completed through the IEC or the Ministry of Interior (through the *préfets* and *sous-préfets*). The Council has 15 days to treat the complaints and issue decisions and has the authority to not only nullify results, but also redress them, unlike during the presidential elections. Considering the very limited existing experience in dealing with electoral challenges and the highly controversial role the Council had after the presidential election, the role of the current Constitutional Council may be regarded as critical for the future in establishing jurisprudence and restoring the Institutions standing.

VOTING

The atmosphere on election day was calm and voting generally took place in an orderly and transparent manner throughout Côte d'Ivoire. The turnout figures, which are not yet official, appear low which could be attributed to the boycott encouraged by FPI, but could also be attributed to, among other considerations, having just completed the 2010 presidential elections which led to levels of violence that traumatized the electorate.⁵⁵

Unfortunately, five polling stations in Beoumi did not open at all, as village chiefs refused to release election materials they were charged with storing overnight as they did not want the election to go ahead. Most other polling stations in the country opened approximately 30 to 60 minutes late, which in many cases was due to an absence of polling staff but in other cases was a result of a lack of materials.⁵⁶ The delayed openings did not ultimately affect the integrity of the elections given the low turnout.

Carter Center observers assessed the voting process very positively in the 140 polling stations visited. However, electoral procedures were not consistently followed, in some cases leaving sensitive materials vulnerable, such as ballot boxes that were not correctly sealed.⁵⁷ As well, observers noted many cases of polling staff neglecting to check voters' hands for indelible ink.⁵⁸ In such procedural cases, no intent to harm the integrity of the election was observed, but rather reflects a lack of training and guidance. A further lack of guidance could be seen with the new concept of having two voter lists at polling stations, but what the staff did with these lists varied enormously. In some cases voters were required to sign both voter lists, while in others one list was either used as a reference or not at all.

Observers assessed that polling staff conducted their duties effectively, though were not always informing voters about voting procedures. Women were noted as holding nearly 10 percent of

⁵⁵ Other potential reasons for the low turnout may include a lack of interest for legislative elections as Ivoirians have less knowledge of legislative powers and the many candidates seeking office compared to the presidential office.

⁵⁶ Carter Center observers noted 62 delays in opening of greater than 30 minutes out of 140 polling stations visited. However, in Bouake and Man, a few polling stations only opened at 16:00 due to a lack of materials and provided extended hours until 21:00 to attempt to compensate the late start.

⁵⁷ Carter Center observers reported that in 23 percent of polling stations visited, the ballot boxes were not effectively sealed. As well, 20 percent of stations did not receive nine or more seals to be able to effectively seal the ballot box both at the opening of election day and again for the transportation of materials to tabulation.

⁵⁸ Observers noted that 34 percent of polling stations staff did not check voters' hands for ink.



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the president positions in polling stations, while serving as secretary in approximately 30 percent of the cases.

No specific procedures were provided for voters to cast a ballot outside of their registered constituency, this was particularly problematic for the many internally displaced persons (IDPs) that for a variety of reasons did not want to go back to their registered region to vote. In some cases, Carter Center observers noted that some would be voters were unable to cast their ballot because of a lack of identification, especially in the case of IDPs that may have lost their identification during the recent violence. One week prior to the election, the IEC decided to allow such voters to cast a ballot using a temporary proof of identity document (attestation d'identité), however attaining this document is not a simple process and requires both a birth certificate and court order.

Circumstances in and around polling stations were rated very positively by Carter Center observer and the high number of list representatives present contributed to greater transparency in the electoral process.⁵⁹ A total of 30 national observers were seen in the polling stations visited by the Carter Center throughout the day.

COUNTING

The general assessment of the count was positive in the polling stations observed. Procedures were generally followed and in situations where voter marks were not made in the marking area of the ballot, decisions were made using the template or procedures provided by the IEC. In some cases, materials were not packed in the prescribed manner, but again not out of malice, but simple poor training. During the transport of materials from the polling station level to tabulation, in the west of the country, armed individuals attacked polling station staff and stole materials, including ballots and protocols for 14 polling stations.⁶⁰

The tabulation of polling station results was completed relatively quickly, made possible by the fact that commissions were not verifying protocol results or processing them utilizing control checks to ensure figures were correct. This removes an important method of checking for mistakes in reporting and could create serious delays at the national level if polling numbers do not add up. Observers generally had access to all aspects of the tabulation process, though in one case the tabulation commission did not initially allow for Carter Center observers to view the tabulation process.⁶¹ Tabulation is ongoing, though results in some regions have begun to provide preliminary results.

BACKGROUND

The Carter Center received a letter of invitation from the IEC to observe the legislative elections. The Center deployed 18 medium-term observers three weeks before the polls and 12 short-term observers the week preceding the elections. The observers, deployed across the country, visited over 140 polling stations. The diverse mission, composed of 19 nationalities, was led by Ms. Sarah

⁵⁹ The two most represented lists observed with representatives in polling stations were RDR and PDCI with 122 and 119 representatives respectively in the 136 stations visited.

⁶⁰ In Bonon and Duekoue, staff transporting materials from polling stations was attacked and all the election materials were stolen, while in Vavoua, a ballot box was burnt after closing.

⁶¹ Carter Center observers were initially requested to wait for tabulation results in a separate room from the tabulation process in Koumassi.



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Johnson, Assistant Director of the Democracy Program of the Carter Center. The Carter Center will stay in Cote d'Ivoire to observe the final phases of the tabulation process, the resolution of electoral disputes and announcement of final results. This statement is preliminary; a final report will be published after the end of the electoral period.

The Carter Center has been present in Côte d'Ivoire since 2008. The Center monitored the identification and voter registration process, the verification of the provisional voter list, and the 2010 presidential elections. The Carter Center mission in Côte d'Ivoire is supported by an office in Abidjan, lead by Sabina Vigani.

The Center assesses Côte d'Ivoire's electoral process against the constitution and the electoral law, commitments made in the Ouagadougou Peace Accords, other agreements, and regional and international commitments. The Center conducts its election observation activities in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005 and has been endorsed by 37 election observation groups. Carter Center public statements on the electoral process are available on its website: www.cartercenter.org.

The Carter Center conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observation adopted at the United Nations in 2005.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit: www.cartercenter.org to learn more about The Carter Center.

THE CARTER CENTER AT A GLANCE

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

Accomplishments: The Center has observed more than 85 elections in 34 countries; helped farmers double or triple grain production in 15 African countries; worked to prevent and resolve civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

Budget: \$96.0 million 2011–2012 operating budget.

Donations: The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

Facilities: The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, (404) 420-5112.

Location: In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. (404) 865-7101.

Staff: 160 employees, based primarily in Atlanta.



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THE
CARTER CENTER



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