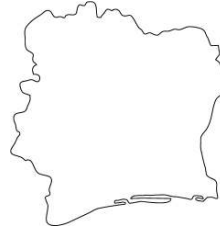


# **REPUBLIC OF CÔTE D'IVOIRE**

(REPUBLIQUE DE CÔTE D'IVOIRE)



## **BACKGROUND AND LEGAL SYSTEM**

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LEGAL SYSTEM	<p>Cote d'Ivoire has a republican constitution with a unitary system of government, made up of a legislature, an executive branch headed by the president, and an independent judiciary, headed by the Supreme Court.</p> <p>As a result of French colonialism, Cote d'Ivoire's legal system is based on the French civil code tradition. Additionally, some institutions, such as the Constitutional Court, are based on the French model. African tradition and Islamic law have also influenced the legal system.</p>
POLITICAL SYSTEM	Republic; Multiparty Presidential Regime.
HEAD OF STATE	President.
HEAD OF GOVERNMENT	Prime Minister.
SUBNATIONAL ENTITIES	19 regions; Agneby, Bafing, Bas-Sassandra, Denguele, Dix-Huit Montagnes, Fromanger, Haut-Sassandra, Lacs, Lagunes, Marahoue, Moyen-Cavally, Moyen-Comoe, N'zi-Comoe, Savanes, Sud-Bandama, Sud-Comoe, Vallee du Bandama, Worodougou, Zanzan.
SUBLOCAL ENTITIES	The 19 regions are further subdivided into 58 departments and 197 communes. Each commune is administered by an elected

	council.
SUPRANATIONAL ENTITIES	Member of the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (UEMOA).
TRANSLITERATION SYSTEM	None.
LANGUAGES	French is the official language.  60 native dialects; Dioula is the most widely spoken.
NOTE ON CÔTE D'IVOIRE LEGAL PUBLICATIONS	<p>According to a November 1995 Ministry of Justice analysis, <i>greffiers</i>, or court clerks, do not show up for hearings, forcing their postponement; important papers from files get lost and can never be found; dossiers are not kept up to date; numerous court decisions await typing and final disposition of cases usually takes one to two years, or even more if the <i>greffier</i> is not paid off. Efforts to improve the <i>greffier</i> system in the 1990s were not successful, and the National Documentation Center, started in 1995, has had trouble receiving financing.</p> <p>Adoption of the <i>Organization pour la Harmonization des Droits du Affaires en Afrique</i> (OHADA) "Uniform Acts" has caused a renovation of business law, including the establishment of the National Legal Documentation Center (<i>Centre National de Documentation Juridique</i>, or CNDJ) and a Service Central des Archives Judiciaires (SCAJ).</p> <p>To receive the text of a case, it is best to call the Tribunal and give the case's reference number and the date the decision was rendered.</p>

## CONSTITUTION

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OFFICIAL NAME	CONSTITUTION DE LA REPUBLIQUE DE COTE D'IVOIRE.
ENACTMENT	The Constitution was adopted by referendum on July 23 and 24, 2000 and was promulgated on August 1, 2000.

CITATION FORMAT      CONST. REP. COTE D'IVOIRE [Constitution], art. <article number> (2000).

*Example*                      CONST. REP. COTE D'IVOIRE [Constitution], art. 1 (2000).

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**STATUTES**

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GOVERNMENT  
STRUCTURE                      Unicameral legislative body, the National Assembly or Assemblée Nationale. It contains 225 seats, and its members are elected for five years by direct popular vote in single- and multi-district elections.

LEGISLATIVE  
PROCESS                        Both bills and motions for resolutions are introduced by individual members of the National Assembly, known as deputies. The deputies elect a leader from their numbers who serves for the duration of the legislature (5 years). This leader conducts the public meetings of the National Assembly, directs debate, and proclaims voting results.

The Assembly discusses proposed legislation article by article, each subject to a vote. After a vote has passed on each article, the Assembly votes on the entire piece of legislation. If it passes, it proceeds to the President for promulgation within fifteen days.

REPORTER                      *Journal officiel de la République de Cote d'Ivoire.*

CITATION FORMAT              Laws:  
Loi no <law number> du <Day month Year> <law title, if available>. *Journal officiel*, <Day-Month-Year of publication>, no <Issue Number>, pp. <page numbers>.

Decrees:  
Décret no <law number> du <Day month Year> <law title, if available>. *Journal officiel*, <Day-Month-Year of publication>, no <Issue Number>, pp. <page numbers>.

<i>Examples</i>	<p>Laws: Loi no 98-743 du 23 décembre 1998 portant amnistie des infractions commises dans le cadre des manifestations dites du "Boycott actif." <i>Journal officiel</i>, 1998-12-24, no 52, pp. 1302-1303.</p> <p>Loi no 91-886 du 27 décembre 1991 autorisant la République de Côte d'Ivoire à adhérer à la Charte africaine des Droits de l'homme et des peuples, adoptée à Nairobi (KENYA) en juin 1981. <i>Journal officiel</i>, 1992-05-14, no 20, p. 416.</p> <p>Decrees: Décret no 95-816 du 29 septembre 1995 portant création, organisation et fonctionnement de l'organe présidentiel de médiation. <i>Journal officiel</i>, 1995-10-05, no 41, p. 834.</p>
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### ADMINISTRATIVE REGULATIONS

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ADMINISTRATIVE SOURCES	<p>Cote d'Ivoire was originally regulated by French colonial administrative law. Administrative regulations were first published in the French gazette, <i>Bulletin de l'Agence generale des colonies</i>. Following independence, Cote d'Ivoire adopted many of these regulations as their own.</p> <p>Current regulations are published along with new law in the <i>Journal officiel de la République de Cote d'Ivoire</i>.</p>
REPORTER	<p><i>Journal officiel de la République de Cote d'Ivoire</i>.</p>
CITATION FORMAT	<p>Ordonnance no &lt;law number&gt; du &lt;Day month Year&gt; &lt;law title, if available&gt;. <i>Journal officiel</i>, &lt;Day-Month-Year of publication&gt;, no &lt;Issue Number&gt;, pp. &lt;page numbers&gt;.</p>
<i>Example</i>	<p>Ordonnance no 92-80 du 17 février 1992 portant répression de certaines formes de violence. <i>Journal officiel</i>, 1992-02-20, no 8, pp. 158-159.</p>

**CASE LAW**

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JUDICIAL  
OVERVIEW

The Supreme Court or “Cour Suprême” consists of three chambers: the Judicial Chamber for appeals in cassation formed against the jurisdictional decisions of the lower courts; the Audit Chamber for the control of public finances; and, the Administrative Chamber for appeals in cassation against the decisions of lower jurisdictions where a legal entity of public law is concerned, and for the proceedings for annulment for abuse of power formed against the decisions of the administrative authorities. Until 1994, there was a Constitutional Chamber, which was abolished when the Constitutional Council was created. The Supreme Court is located in Abidjan.

Article 102 of the Constitution envisages the disappearance of the Supreme Court and its replacement by three autonomous courts: the Council of State, a Supreme Court of Appeals and a Court of Auditors. These institutions are not yet effective and will be installed gradually, given the human and financial resources such reform requires. Additionally, the High Court of Justice will be formed, with jurisdiction over the President for high treason and over members of the government for crimes committed in their official capacities.

The court of appeals is located in Abidjan and there are tribal courts in Abidjan, Bouaké, and Daloa. The tribal court judges may also serve up to twenty-five other towns or special labor and juvenile courts. An assize court also visits Abidjan, Bouaké, and Daloa to deal with serious criminal offenses. There is also a jurisdiction named “Cour d’assises” which deal with the most serious criminal offenses. Finally, the OHADA “Uniform Acts” led to the establishment of the Abidjan Arbitration Court (CACI).

REPORTER

*Gazette des tribunaux ivoiriens.*

CITATION FORMAT  
CONSTITUTIONAL COURT

Case Name, *Gazette des tribunaux ivoiriens*, <Date>, no <Issue Number>, p. <page number>.

*Example*

Arrêt de la Cour suprême d'Abidjan rendu le 04/12/1997, Arrêt N° 317/97, TSA c/ PREMOTO

COURT OF APPEALS	Case Name, Gazette des tribunaux ivoiriens, [Date], no [Issue Number], p. [page number].
<i>Example</i>	Arrêt de la Cour d'appel d'Abidjan rendu le 30/07/2000, Arrêt N° 1032, SCI Les Tisserins (SCPA ADJE-ASSI-METAN) c/ Dame COSTE épouse DIOMANDE Danielle (Me OUANGUI Agnès)
	Arrêt de la Cour d'appel d'Abidjan rendu le 28/07/2000, ARRET N° 912/2000, Société générale de banques en côte d'Ivoire c/ SOFAMO. Le Juris-Ohada, n° 3/2003, juillet-septembre 2003, p. 49
	Arrêt de la Cour d'appel d'Abidjan rendu le 25/07/2000, Arrêt N° 888, N c/ dame T
	Arrêt de la Cour d'appel d'Abidjan rendu le 21/07/2000, Arrêt n° 877, M.G.G.P. c/ B.J

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U.S. Department of State  
<http://www.state.gov/r/pa/ei/bgn/2846.htm>

## **SPECIAL THANKS**

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