
Legal system of Cote d'Ivoire

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Main objective :

This presentation aims to briefly introduce the legal system of Cote d'Ivoire to legal information professionals in the United States and encourage them to learn from our experience.



Plan

1. Introduction
2. The principles of the Legal System of Côte d'Ivoire
3. The mains institutions of the Ivorian system
4. The functioning of the Ivorian legal system
5. Sources of applicable law in the Ivorian legal system
6. Access to legal information in Cote d'Ivoire

– 1. Introduction

Cote d'Ivoire is located in Western Sub-Saharan Africa and is a member of ECOWAS and the African Union. It covers a territory of 322,462 km², with borders to the north with Mali and Burkina Faso, to the west with Guinea and Liberia, and to the east with Ghana. To the south is the Atlantic Ocean.

Cote d'Ivoire is a former French colony that became independent on August 7, 1960. The Ivorian legal system is based on the Constitution. Due to the country's colonial history, the legal system of Cote d'Ivoire is heavily influenced by the French legal system that prevailed in Cote d'Ivoire until its independence in 1960.

2. The principles of the Legal System

Presidential System

2.1 Principle of separation of powers:

- Executive branch : The Executive is composed of the:, and the Government.
 - The President of the Republic
 - The Vice President of the Republic
 - The Government (Prime Minister and Ministers);
- Legislative branch :
 - National Assembly
 - Senate
- Judicial branch :

2 Duality of jurisdiction

3. The main institutions of the Ivorian judicial system

- 3.1 The President of the Republic
- 3.2 The Vice President of the Republic
- 3.3 The government
- 3.4 The Parliament
- 3.5 The Constitutional court
- 3.6 The Judiciary

3. The main institutions of the Ivorian judicial system

3.1 The President of the Republic

The President of the Republic is the Head of State. He is the embodiment of national unity. He ensures respect for the Constitution. He ensures the continuity of the State. He is the guarantor of national independence, of the integrity of the territory and of respect for international commitments.

The President of the Republic is elected for five years by direct universal suffrage. He may be re-elected only once.

The current President of the Republic is Alassane OUATTARA. He was elected on October 31, 2020

3. The main institutions of the Ivorian judicial system

3.2 The Vice President of the Republic

The President of the Republic chooses a Vice President of the Republic in agreement with the Parliament

The Vice-President of the Republic acts by delegation on behalf of the President of the Republic.

The Vice-President of the Republic replaces the President of the Republic whenever the latter is outside of the national territory. In such a case, the President of the Republic may, by decree, delegate to him the presidency of the Council of Ministers, on a specific agenda.

3. The main institutions of the Ivorian judicial system

3.3 The Government

The Government is composed of the Prime Minister, Head of Government, and the ministers.

The Government is responsible for the implementation of national policy, such as is defined by the President of the Republic.

The Prime Minister organizes and coordinates government action.

The Prime Minister presides over the Council of Government, a preparatory meeting of the Council of Ministers.

The Prime Minister replaces the President of the Republic whenever the latter and the Vice-President of the Republic are outside of the national territory.

The current government has 41 members including 37 ministers and 4 Secretaries of State

3. The different institutions of the Ivorian judicial system

3.4 The Parliament

Legislative power is exercised by the Parliament. The Parliament is composed of the National Assembly and Senate.

Missions:

Parliament enacts legislation and approves taxes.

It monitors the government's action and assesses public policy.

The deputies in the National Assembly are elected by direct universal suffrage for five years.

The Senate ensures the representation of territorial communities and of Ivoirians established outside of Côte d'Ivoire.

The current parliament has 255 deputies and 99 senators

– 3. The different institutions of the Ivorian judicial system

The legislative procedure

- Right to initiate laws:

- The President of the Republic has the initiative of laws (bills), concurrently with the members of the Parliament (members' bill);

- Referral to the President of the Chamber (National Assembly or Senate);

- Examination in committee :

- Allocation of texts to committees;

- Examination in the presence of the representative of the President of the Republic

- Adoption of the committee report;

- Plenary discussion (consideration):

- Presentation and adoption of committee reports;

- Presentation and vote of the text Adoption of the minutes of the plenary

- Transmission of adopted texts to the Government (drafts) or directly to the President of the other chamber (proposals), within the framework of the “shuttle” between the two chambers of Parliament;

- **Promulgation by the President of Republic :** Transmission of the text to the PR, Assignment of number;

- **Publication in the JORCI** (Official gazette)

– 3. The different institutions of the Ivorian judicial system

3.5 The Constitutional Council

The Constitutional Council is a constitutional jurisdiction. It is independent and impartial.

The Constitutional Council is the organ regulating the functioning of public bodies.

The Constitutional Council is the judge of the conformity of the law with the constitutionality block.

The Constitutional Council is the judge of the supervision of the presidential and parliamentary elections.

– 3. The different institutions of the Ivorian judicial system

The Constitutional Council is composed of:

- a President;
- the former Presidents of the Republic, with the exception of an express waiver on their part;
- six councilors, three of whom are appointed by the President of the Republic, two by the President of the National Assembly and one by the President of the Senate.

The Constitutional Council is renewed by half every three years.

The President of the Constitutional Council is appointed by the President of the Republic for a non-renewable period of six years among persons recognized for their proven competence and expertise in legal or administrative affairs.

– 3. The different institutions of the Ivorian system

3.6 The Judicial power

Justice is served throughout the national territory, on behalf of the Ivoirian people, by the Court of Cassation, Court of Auditors, Courts of Appeal, Courts of First Instance, administrative courts and Regional Audit Chambers.

The Court of Cassation, the Council of State and the Court of Auditors are the representative jurisdictional institutions of the judicial power.

The Court of Cassation ensures that the law is applied by the courts of the judicial order.
judicial order.

The Council of State ensures the application of the law by the administrative administrative order.

– **3. The different institutions of the Ivorian system**

3.6 The Judicial power

The Court of Auditors is the supreme audit institution.

It has jurisdictional, supervisory and advisory responsibilities.

The Court of Auditors supervises the management of accounts concerning Government services, national public institutions, territorial communities, independent administrative authorities and any body benefiting from financial assistance from the State or from another legal person governed by public law as well as from any other body benefiting from financial assistance from public enterprises and their subsidiaries and/or affiliates.

– **3. The different institutions of the Ivorian system**

3.6 The Judicial power

The High Court of Justice is a court of exceptional jurisdiction.

It judges the President of the Republic, the Vice-President of the Republic and members of the Government.

– 5. Access to the legal information in Côte d'Ivoire

5.1 National sources of applicable law in Côte d'Ivoire

5.1.1 The Ivorian Constitution

5.1.2 The law

5.2 International sources of applicable law in Côte d'Ivoire

– 5. Sources of applicable law in the Ivorian legal system

5.1 National sources of applicable law in Côte d'Ivoire

5.1.1 The Ivorian Constitution

- 1959 : Parliamentary system led by the Prime Minister
- 1960 : First Republic marked by the establishment of a presidential regime, revised 12 times
- 2000 : Second Republic, ending the military transition from 1999 to 2000
- 2016 : Third Republic marked by the creation of a vice-presidential post and the Senate

– 5. Sources of applicable law in the Ivorian legal system

5.1 National sources of applicable law in Côte d'Ivoire

5.1.2 The law

Relative to Article 101 of the Constitution, the law covers the following domains: citizenship, civil and political rights, fundamental guarantees for the exercise of public liberties, nationality, state and capacity of persons, matrimonial regimes, successions and liberalities with procedure, and various other laws including organic laws and ordinary laws.

The body of legislation in force in Côte d'Ivoire is composed of texts promulgated by the colonial government either on Ivorian territory or in relation to it.

It also includes the texts that the country's Parliament has adopted since 1960

– 5. Sources of applicable law in the Ivorian legal system

5.2 International sources of applicable law in Côte d'Ivoire

Contrary to the system in use in the United States, where treaties and Congressional laws are at the same level in the legal hierarchy, in Côte d'Ivoire treaties regularly ratified are, upon publication, a superior authority to domestic law, so long as the treaty is also applied by the other party.

Treaties of peace, international organizations treaties, and those modifying Côte d'Ivoire internal laws can be ratified only following a law. It is the President of Republic who negotiates and ratifies treaties and international agreements. The Minister of foreign affairs is the only one in charge of the preparation of the ratification and publication of conventions, agreements protocols, and international rules signed by Côte d'Ivoire or in which Côte d'Ivoire is engaged.

– **6. Acces to legal informations**

- Official journal (JORCI);
- National Center for Legal Informations (CNDJ),
- Official websites of the Institutions;
- Libraries and public informations services ;
- Civil Society ;

– 7. Projects

- Continue exchanges to make our experience better known
- create a network of libraries and legal information services in Côte d'Ivoire
- remained committed to AFLLIP

Sorry for my English !

Thank you !