



## **The Carter Center International Election Observation Mission to Cote d'Ivoire**

### **Report on Voter Verification, Claims, and Objections of Provisional Voters List November-December 2009**

As part of its long-term observation of the electoral process in Cote d'Ivoire, The Carter Center deployed five teams of international elections observers from Nov. 29 to Dec. 20, 2009, to assess the process of posting and public verification of the provisional voters list and the claims and objections period. Observers visited 14 regions of the country, where each team maintained contact with regional and local election officials, local authorities, political party representatives, and civil society organizations.

The following summary report reflects key points of the Center's December 2009 assessment. It should be recalled that the period for the resolution of claims and objections was extended on several occasions, first to Jan. 6, 2010, then to Jan. 9, 2010, and then re-opened Feb. 4-14.

The electoral process was seriously disrupted on Jan. 7, 2010, following allegations made by the spokesman of the president of the Republic of Cote d'Ivoire that the Independent Electoral Commission (CEI) attempted to commit fraud ([read Carter Center statement](#)). These claims led to a deadlock in the electoral process and a major political crisis, which resulted in the dissolution of the government and the CEI by President Laurent Gbagbo.<sup>1</sup> 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 a new CEI. They also agreed to the resumption of adjudication of claims and objections to the provisional voter list for a period of 21 days, though this step has yet to take place.<sup>2</sup>

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<sup>1</sup> Section 48 of the Ivoirian constitution allows for the President to take exceptional measures when the state's institutions are threatened. In French, it states: *Lorsque les Institutions de la République, l'indépendance de la Nation, l'intégrité de son territoire ou l'exécution de ses engagements internationaux sont menacées d'une manière grave et immédiate, et que le fonctionnement régulier des*

## **Voter Verification and Claims and Objections Procedure**

The public posting and verification of the provisional voter list followed by the claims and objections period is the formal operation through which the CEI allows Ivoirians to verify the quality of the voter list. This period serves the CEI and all interested and eligible citizens:

- to read and review the provisional voter register;
- to challenge and correct the posted provisional voter register;
- to re-enroll those registrants who lacked the appropriate documentation during the registration period and who have been left off of the provisional register; and,
- to provide reasons for non-valid registration based on a system of coded classification.

This process was to be carried out by the CEI central offices and their regional, departmental, prefectural, communal, and foreign sub-branches over a thirty-day period. As noted above, the period was extended on several occasions to compensate for administrative and judicial delays.

Throughout the process, CEI officials were requested to remain politically neutral and to respect the presence of political party representatives, international observers, civil society organizations, and other national institutions. Claimants could argue for changes

***Application of legal regulations:*** A substantial number of local CEI officials did not follow the proper method for posting lists and claimant information, which is to display the lists side-by-



***Exogenous factors affecting the process:*** A strike by judicial clerks was particularly paralyzing to a section of the tribunal system throughout several weeks, though these delays varied in duration by region and by the clerks' regional adherence to union strike orders. In the affected areas, the strike created an administrative bottleneck, slowing the proceedings of judicial appeals for inclusion in the voters list.

When considering other structural factors, the distance between local CEI offices, posting centers, and surrounding villages, particularly in rural zones, proved a deterrent for many individuals and a logistical hindrance for the qu

privileging or impeding citizen access to their democratic rights.<sup>7</sup> Carter Center observers found distinct differences in the interpretation of instructions by local election commissioners regarding the processing of claims. For the most part, these wrinkles were smoothed out over the course of the observed duration of the process. The Center was well aware of the potential difficulties arising around specific groups of voters (e.g. elderly registrants with insufficient documentation to prove their Ivorian identity or newly eligible youth registrants with inadequate access to receive government documentation), and observed ad hoc measures developed in the treatment of these cases. This situation suggests that the CEI needs to pay special attention to strengthening the quality and timing of training of local electoral commissioners.<sup>8</sup>

3. If the current phase of appeals and identification is any indication of the effectiveness of Cote d'Ivoire's electoral administration, it is evident that, if not addressed, serious difficulties will arise during the critical phases of voting, collection and consolidation of results. For example, the CEI appears to favor a strong decentralization of the tabulation of results. It is therefore of crucial importance that all procedures related to polling, counting, and tabulation be adopted sufficiently in advance and outlined in full detail to avoid the complications of last minute, ad hoc provisions. Appropriate and timely training of local election officials will also be crucial if decentralized administration is to succeed.
4. Carter Center observers identified several cases of difficulties and delays regarding the distribution of information to local CEI commissioners, including the relay of information from local centers back to central CEI offices. These communication difficulties likely contributed to the emergence and persistence of different interpretations of procedure at the local level.
5. In the same vein, it is necessary to emphasize that while the working conditions of some local commissions were generally improved in terms of their equipment, many offices remain in poor working condition, which could jeopardize the secure and effective transmission and consolidation of election results. In addition to some local commissions not having premises within their jurisdictions, many of their offices lacked electricity. Unless remedied, this deficiency will negatively affect the CEI's ambitious plan for the electronic transmission of polling results.
6. Finally, it should be said that the conduct of a reliable observation mission also requires the receipt of clear information from election officials, particularly where it relates to the procedures and instructions in use. As the election approaches, the CEI will undoubtedly be approached by more information requests from political parties, election observation groups and other individuals. The CEI will be well-served if it

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<sup>7</sup> UNHCR, General Comment 25, para.11: "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right."

<sup>8</sup> African Union African Charter on Democracy, Elections and Governance, art. 32 (8) states that "State Parties shall strive to institutionalize good political governance through: 8. Entrenching and respecting the principle of the rule of law." UNHRC General comment 25, para. 4, "Any conditions which apply to the conditions outlined in article 25 should be based on objective and reasonable criteria."

anticipates the demands for transparent election administration and implements a comprehensive public information and relations strategy.<sup>9</sup>

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*At the invitation of the Ivorian authorities, The Carter Center launched an international election observation in November 2008. Teams of international observers were deployed on two occasions as part of the population identification of and voter registration. During five weeks between November and December 2008 and four weeks between February and March 2009, Carter Center observers traveled to 64 sub-prefectures across the country. Based on these observations, the Center has published two reports and a general assessment on the identification and electoral census, which are available at [www.cartercenter.org](http://www.cartercenter.org). The Carter Center conducted its work in monitoring compliance with international standards contained in the “Declaration of Principles for International Election Observation” adopted by the United Nations in 2005.*

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<sup>9</sup> African Union Convention on Corruption, art. 9 states that, “Each party shall adopt such legislative and other measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offenses.”