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The Challenge of the Côte d'Ivoire crisis for West Africa: exploring options for a negotiated settlement

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RECOMMENDATIONS:

- ECOWAS should re-think its position on the use of force and create the opportunity for negotiated settlement;
- The use of force is likely to prolong the conflict, lead to more civilian casualties with the attendant destruction of properties and does not offer the best opportunity for civilian protection;
- The international community should consider negotiations as the best way out of the situation;
- Negotiated settlement is likely to cost less in terms of human and material cost;
- There should be the immediate search for a more credible person who will be acceptable to all the parties to lead a mediation process in the conflict;
- Targeted sanctions against all whose actions threaten civilian populations and obstruct the search for deepening democratic processes should continue alongside mediation efforts; and
- Those perpetrating violence and killings should be made to face international justice.

Introduction

The second round of the much-postponed presidential elections in La Côte d'Ivoire was held on 28 November 2010. Expectations were that the election will provide the opportunity for lasting peace in a country which has been divided since 2002. On the contrary, intractable disputes have arisen over who actually won the election, and has dashed hopes for a durable peace in La Côte d'Ivoire. The two candidates in the election, the incumbent, Laurent Gbagbo and Alassane Ouattara have both declared themselves presidents. The international community, the United Nations (UN), the Economic Community of West Africa States (ECOWAS) and the European Union (EU) have recognised the opposition leader, Ouattara, as the winner of the elections. However, Gbagbo continues to occupy the presidential palace in spite of calls by the international community for him to step down and

hand over to Ouattara. Meanwhile Ouattara and his cabinet have camped at the Golf Hotel, under the protection of the UN peacekeeping force (UNOCI) which has been in the country since 2004.¹

So far 173 people have been reported dead in post-election violence,² while about 140,000 people are reported to have fled to neighbouring Liberia for fear that the situation will deteriorate further.³ Tension is

¹ France24, 'Ivory Coast faces real prospect of open conflict in 2011' 31 January 2010. <http://www.france24.com/en/20101231-ivory-coast-open-conflict-2011-election-africa-gbagbo-un-uk>. Accessed 1 January 2011.

² France24, 'UN condemns killing of 173 people in Ivorian 'atrocities'' 23 December 2010. <http://www.france24.com/en/20101223-ivory-coast-un-human-rights-council-condemns-killing-173-people-ivorian-atrocities>. Accessed 31 December 2010.

³ France24, 'Gbagbo rejects West African ultimatum as thousands flee' 26 December 2010. <http://www.france24.com/en/20101226-thousands-flee-ivory-coast-gbagbo-rejects-west-african-ECOWAS-threat-force>. Accessed 1 January 2011.

mounting in and around the Golf Hotel, which Ouattara and his supporters have turned into an election headquarters and has become an armed camp. The supporters of Gbagbo have threatened to attack Ouattara's camp at the Golf Hotel, an action considered by the UN Secretary General, Ban Ki Moon, as dangerous and having the potential to spark off civil war.⁴

As Gbagbo continues to resist international pressure for him to step down, targeted sanctions have been instituted by the international community against him and his government. The strongest warning for Gbagbo to step down has come from ECOWAS which has threatened military intervention, should persuasion fail. Yet, there are no indications that Gbagbo will bow down to pressure or persuasion. With the hardening of positions from both sides, continuing tensions, escalating violent rhetoric and accusations of both parties and the real possibility of a renewed civil war in La Côte d'Ivoire, what options are available to pull the country out of the brink of war? Is the use of 'legitimate force' a viable option? Are there potentials for negotiated settlement?

This paper discusses the political deadlock in La Côte d'Ivoire, cautions against the use of force, and calls on the international community to explore options for negotiated settlement. It argues that the use of force in the Ivorian situation will be a zero-sum game in which the civilian populations of the country will suffer. On the contrary, a negotiated settlement presents the best opportunity for a win-win situation in which the Ivorian population can be protected.

Backtracking on the use of force

On the 24 December 2010, at the second Extraordinary Session of the Authority of Heads of State and Government of ECOWAS on La Côte d'Ivoire in Abuja Nigeria, leaders of West Africa took a decision to apply 'legitimate force' to oust President Gbagbo if he refuses to stand down for Alassane Ouattara, the man the organisation believes won the November 28 elections, to be

inaugurated as President. In a statement issued at the end of the meeting, ECOWAS re-iterated its earlier call for Gbagbo to hand-over power to his rival, Ouattara, and further stated that 'in the event that Mr. Gbagbo fails to heed this immutable demand of ECOWAS, the Community would be left with no alternative but to take other measures, including the use of legitimate force, to achieve the goals of the Ivorian people.'⁵

We argue that ECOWAS's 'threat' or 'actual' use of force can complicate the Ivorian crisis for several reasons discussed below.

A costly experiment

First, should it happen, it will be the first time ECOWAS is intervening against a president and national army without consent. The ECOWAS interventions in Liberia and Sierra were with consent of their respective governments which were failing at the time and therefore welcomed intervention. In this case, military intervention will be another experiment by ECOWAS whose outcome can neither be predicted nor guaranteed. Just like previous ECOWAS interventions in Sierra Leone and Liberia, military intervention in Côte d'Ivoire is likely to be costly and protracted. La Côte d'Ivoire is not a failed state. It still has a strong military force (that for now appears united and loyal to the president). Military intervention in that country is therefore not likely to succeed.

Few states in West Africa are likely to commit troops to military action

Second, given that military intervention is likely to be complex and prolonged, there is the likelihood that few West African states will be willing to provide troops for it. Previous military intervention in Sierra Leone and Liberia saw the involvement of few West African countries (notably Nigeria and Ghana) and this is not likely to change in the case of La Côte

⁴BBC News, 'Ivory Coast: UN warns attack 'could reignite' civil war', 31 December 2010. <http://www.bbc.co.uk/news/world-africa-12096855>. Accessed 31 December 2010.

⁵Final Communiqué, Extraordinary Session of the Authority of the Heads of State and Government on Cote d'Ivoire, Abuja 24 December 2010.

d'Ivoire, where the task appears to be even more difficult. Ghana has announced it would not send any troops to Ivory Coast on grounds that it has overstretched its capacity in peacekeeping operations elsewhere. And Nigeria, traditionally the largest contributor of troops to ECOWAS peacekeeping missions, has pressing security needs back home with upcoming elections and outbursts of sectarian violence and the oil militancy.⁶ Troops for the military operations in La Côte d'Ivoire will thus be hard to come by.

Again, most West African leaders are unlikely to send their forces to work in a dangerous environment where casualties could be high, and the resultant domestic political consequence equally high. Also, morally, some quasi-democratic leaders, who came to office through contested election results will not be in position to send their military to restore democracy in a neighbouring country, for fear that they will suffer the same fate in future.

Military force is a zero-sum game

Third, in an attempt to resolve conflict, it is important to ensure that the approach does not produce a 'zero-sum' situation in which all the parties are likely to lose. In the Ivorian situation, it will be important to avoid a zero-sum situation that the military option is likely to produce. This is because, should civil war break out, both parties will lose. In the long run it is their supporters who will become casualties or be forced to flee the country.

The use of force does not guarantee civilian protection

Fourth, the objective of preventing conflict in La Côte d'Ivoire should be the protection of civilians. In this case, the question to answer is, under what condition will civilians be protected? We argue that in the event of the use of force, it will be difficult to guarantee the safety of the Ivorian population. An attack on Abidjan (the capital) to oust Gbagbo could

create a humanitarian disaster in which civilian will be most affected.

The nature of ethnic balancing

Finally, national identity is still a delicate issue in La Côte d'Ivoire. In the 2002 conflict, identity and exclusion was part of the grievances of the rebellion. In the event of another conflict, ethnicity will be manipulated by the parties. This is likely to lead to further divisions in La Côte d'Ivoire, and possible, genocidal tendencies. Thus, in calling for the use of force to oust Laurent Gbagbo, the international community should bear the ethnic underpinnings of the conflict in mind, and the fact that it could be exacerbated.

Negotiations as the best alternative to force

The Ivorian situation has deteriorated so fast that there is the need to explore new options to pull the country from the brink of civil war. So far, both the international community and Gbagbo have taken entrenched positions that can only exacerbate the situation: the international community insists that Gbagbo steps down, while he refuses to do so. The Ouattara camp sides with the international position. It is these extreme positions that are moving the country towards conflict. Positions have been hardened further since ECOWAS took the decision to use force in the event that Gbagbo refuses to step down.

To avoid civil war in La Côte d'Ivoire, hard positions will need to change. This can be achieved by exploring options for negotiated settlement. Choosing the path of negotiation holds a lot of prospects for the country at this point in time for several reasons. First, negotiation will help reduce the current tension and preparations for war. Once the parties in the conflict begin to talk, it will give the Ivorian population the assurance that war is avoidable. Second, negotiation will offer the parties the opportunity to revisit the contentious issue of the election results. It may become necessary to look at the elections figures again given claims of irregularities in some constituencies. Third, negotiation will also provide the opportunity to identify outcomes that are best alternative to war.

⁶ France24, 'African military chiefs plan Gbagbo ouster if talks fail' 31 December 2010. <http://www.france24.com/en/20101231-west-african-military-chiefs-plan-ouster-gbagbo-if-talks-fail-ecowas-ivory-coast>. Accessed 1 January 2011.

This will ensure that in this situation there is a win-win outcome. Finally, negotiation will offer the opportunity to discuss issues of human right abuses following the elections and ensure that perpetrators face international justice.

To ensure that negotiations lead to the best possible outcome that will satisfy the parties in the conflict, it will be necessary for the international community to hunt for a more credible mediator to lead the negotiation process. It is our view that negotiated outcome can best be enhanced if it is led by a more credible, impartial and experienced mediator.

Conclusions and Recommendations

The current political situation in La Côte d'Ivoire presents veritable challenges to the ability of the international community to resolve conflicts through peaceful means in a manner that offers the best protection for civilians. For now it appears that voices for the use of force to dislodge Gbagbo are high. However, this does not make it the best option because the use of force is a zero-sum game for Gbagbo, Ouattara and West Africa, and worse for the population of La Côte d'Ivoire. On the contrary, negotiations, if well managed can bring about a win-win situation that offers the best protection for the people of la Côte d'Ivoire.

Based on the above arguments, we make the following recommendations which can help avoid prolonged civil conflict in La Côte d'Ivoire:

- First, that ECOWAS should re-think its position on the use of force and create the opportunity for a negotiated settlement;
- Secondly, the use of force is likely to prolong the conflict, lead to more civilian casualties with the attendant destruction of properties and does not offer the best opportunity for civilian protection;
- Thirdly, the international community should consider negotiations as the best way out of the situation;
- Fourthly, a negotiated settlement is likely to cost less in terms of human and material cost;
- Fifthly, there should be the immediate search for a more credible person who will

be acceptable to all the parties to lead the mediation process in the conflict;

- Sixthly, targeted sanctions against all whose actions threaten civilian populations and obstruct the search for deepening democratic processes should continue alongside mediation efforts; and
- Seventh, those perpetrating violence and killings should be made to face international justice.

²³ See also the address by the UN Secretary-General in Berlin, July 2008 on 'Responsible Sovereignty : International Cooperation for a Changed World' at <http://www.un.org/News/Press/docs/2008/sgsm11701.doc.htm>. Access 2 July 2009.

²⁴ The Report of the UN Secretary-General on the R2P (A/63/677) p. 8.

²⁵ See Edward C. Luck (2008), *The United Nation and the Responsibility to Protect*, Policy Analysis Brief, Stanley Foundation.

²⁶ The Africa Standby Force is to become operational in 2010.

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