

January 18, 2011.

H.E. Mr Jean Ping,  
Chairperson,  
AU Commission,  
Addis Ababa.

Your Excellency,

I have the honour to convey my compliments and to request your indulgence to spare some of your valuable time to consider the humble suggestions relating to Côte d'Ivoire as contained in this letter.

Understandably, the efforts of the AU and ECOWAS to resolve the current Ivorian political crisis have focused on settling the issue of who should assume the Presidency of the country.

However, as Your Excellency will recall, in my December 7, 2010 report to you I drew attention to the structural nature of the political crisis.

Specifically I said:

*"The current crisis in the country does not originate from any reality that there is a contest between angels and devils. It is born of deep seated structural problems within Ivorian society which must be properly understood and addressed in a comprehensive manner to arrive at a just, stable, inclusive and lasting settlement."*

Both the Presidential contestants and the political factions they lead are fully aware of these structural problems. Each seeks to assume the Presidency precisely to guarantee the hegemony of his faction in terms of confronting these structural problems.

Accordingly I believe that the difficulty the AU and ECOWAS have encountered in resolving the political crisis does not arise merely from hunger for political power by the two personalities concerned.

I believe that it is exactly because of this that the repeated interventions of both the AU and ECOWAS have so far not yielded any results.

In my December 7 report I also said:

*"Rather than help Côte d'Ivoire to heal the divisions of the past, as was intended, the Presidential elections have further entrenched the divisions and animosities which arose from the 2002 rebellion which divided the country into two parts."*

Having drawn attention to the danger of the outbreak of war, I further said:

*"This war will be informed in part by what the two sides will see as unfinished business arising from the 2002 rebellion, whose negative impact has been worsened by the Presidential elections."*

I am certain that you, Your Excellency, are very familiar both with the fundamental problems which lay at the base of the 2002 rebellion and the consequences of that rebellion. These are the structural problems to which I have referred.

During my discussions in Abidjan with the UN SRSG, Mr Choi, he showed me some maps. These maps demonstrated that the outcome of the voting during the Second Round reproduced and coincided with the division of the country brought about by the 2002 rebellion.

To put the matter bluntly, the consequence of this is that if Mr Ouattara is accepted as President, Mr Gbagbo's faction will see this as awarding the rebellion a victory that cannot be accepted, as it was not from 2002 onwards.

On the other hand, if Mr Gbagbo is accepted as President, Mr Ouattara's faction will see this as opening the way for the Gbagbo faction to entrench the discrimination which sparked off the 2002 rebellion.

On the face of it, the end result of all this seems clear.

I presume that the Gbagbo faction will do everything it can to ensure that it maintains its capacity and possibility to "deny the rebellion its success".

I also presume that, for its part, the Ouattara faction will do everything it can to ensure that "the gains of the rebellion" are not reversed.

It was because of this reality that in my December 7 report I said:

*"The hostility between the two camps of the 2<sup>nd</sup> Round Presidential candidates is very intense and very palpable, with each showing strong determination to prevail over the other as each pursues a zero-sum objective."*

Obviously, the AU cannot subscribe or attach itself to such a 'zero-sum' game.

Exactly because of the fundamentals of the current Ivorian crisis - the structural problems to which I have referred – the AU cannot but seek a 'win-win' solution. It is only such a solution which would produce the "just, stable, inclusive and lasting settlement" to which I referred.

In the light of everything I have said, I believe that we should view our failure to date to resolve the Ivorian crisis not as a setback but as an opportunity.

This is precisely an opportunity to work with the Ivorian parties to elaborate a solution which would take into account and seek to address the "deep seated structural problems" I have mentioned.

This is a solution which would go beyond the resolution of the important but limited question of who occupies the Presidential seat, to address matters that are of fundamental importance to the long-term future of Côte d'Ivoire.

Everything I have said obviously raises the question – what is to be done!

With regard to the proposals below about what the AU should do, I would suggest that this should be done in cooperation with ECOWAS taking into account the important interconnections between Côte d'Ivoire and other West African countries.

Given the intense focus on the matter of who won the elections and is therefore the legitimate President, it is clear that this issue will have to be resolved.

In this regard, in my December 7 report I said:

*"It is unlikely that the Independent Electoral Commission (IEC), the Constitutional Council (CC) and the UN SRSG will change their assertions about the correctness of their various (electoral) determinations...It was not possible for us to conduct our own investigation of the determinations made by the IEC, the CC and the UN SRSG to assess which of these was the most credible."*

I believe that it is both logical and imperative that this investigation is carried out. This is my **first proposal**.

In this regard the AU should take up the offer made by Mr Gbagbo to constitute and lead an International Investigation Panel (IIP) to conduct this investigation and make a binding ruling about who had legitimately won the elections.

I would suggest that while it should seek the agreement of the Presidential contestants in this regard, the AU and its partners should be ready to take a unilateral decision to conduct such an investigation.

The **second proposal** relates to the implementation of the various agreements relating to the DDR process and the reunification of Côte d'Ivoire.

The AU should negotiate a specific programme and timetable with the Presidential contestants, which would bind any incoming government to implement the DDR and reunification agreements as contained in the Ouagadougou Political Agreement and its predecessors.

The **third proposal** relates to the management of the economy.

In this regard, the AU should engage the contestants to elaborate an agreement which would address all such questions as would relate to equitable access by all Ivorians to economic opportunities and resources. This would include correcting such distortions as would have emerged as a result of the post-2002 division of the country.

This agreement on economic questions would be binding on the incoming government, making it obligatory that this government ensures the availability of the necessary resources to implement the programme for the equitable development of all Ivorians.

The **fourth proposal** addresses the issue of an inclusive system of governance.

The AU should negotiate an agreement with the contestants which would provide for the inclusion of the various Ivorian communities in the system of governance, including the executive, the legislature, the administration and the security services at various levels.

In particular this agreement should seek to address such exclusion as led to the 2002 rebellion as well as such other exclusion as might have developed during the country's five decades of independence.

The **fifth proposal** concerns the election of the National Assembly and lower legislative bodies.

The AU should negotiate an agreement with the contestants that these elections should take place at the earliest twelve months after the DDR process and the reunification of the country have been completed.

The **sixth proposal** relates to Côte d'Ivoire's system of international relations.

The AU should negotiate an agreement with the contestants committing their factions and the Ivorian government to pursue a system of international relations based on respect by word and deed of the requirement that Côte d'Ivoire should continue to develop as an independent and sovereign country.

This means that the commitment would be made that the Ivorian people should be free to determine their destiny without any interference from any other country.

It also means that steps would be taken to review existing international agreements such as the 1961 Defence Agreement with France and such other non-treaty arrangements as might compromise the country's possibility to manage its own affairs.

Of course such review would respect the obligations of Côte d'Ivoire as a member of such organisations as UEMOA, ECOWAS, the AU, the NAM and the UN.

The **seventh proposal** concerns a mechanism to assist the DDR process.

In this regard the AU should negotiate an agreement with the contestants for the deployment in Côte d'Ivoire of a neutral AU Security Reform Support Team which would assist and oversee the DDR process.

In constituting the Team, the AU would have to ensure that the contestants accept that it would carry out its work in a fair, unbiased and non-partisan manner.

The mandate of this Team should be endorsed by the UN Security Council and financed from UN funds dedicated to the UN peacekeeping operation in Côte d'Ivoire.

The **eighth proposal** relates to the challenge the AU would face to follow up the agreements it would have negotiated with the contestants.

I therefore propose that the AU should establish a *Comité de Suivi* whose mandate would last as long as it is necessary to oversee the implementation of the agreements it would have negotiated with the contestants. Again the AU would have to ensure that it constitutes this Committee such that it enjoys the confidence of the contestants.

The **ninth proposal** concerns the sanctions that have been imposed in response to the current political crisis.

In this respect, the AU should work to ensure that these elections are lifted as soon as the President is installed, consistent with the determination that would be made by the IIP.

In addition, the AU PSC and the UN Security Council could adopt enabling resolutions committing them to take action against any party which deliberately obstructs the implementation of the agreements.

The **tenth proposal** is that is that once agreement is reached on the various matters I have mentioned, the National Assembly of Côte d'Ivoire or

other legitimate authority should formally adopt the agreements to give them legal force.

This would give confidence to the contestants and their factions that the agreements would be implemented, protected from wilful amendment or abandonment by any of the parties.

As Your Excellency can see from the foregoing, what I am suggesting is that the AU should resolve the Ivorian political crisis within the context of a **negotiated Global Political Agreement** (GPA) which would also address the issue of who should serve as the country's President.

From the very beginning of the current Ivorian crisis, the AU took the absolutely correct decision that the solution of this crisis should address the two interrelated issues of **democracy and peace**.

I firmly believe that the GPA I have proposed would achieve this objective. The absence of a negotiated GPA would create the possibility that whichever faction assumes the Presidency would impose its solutions to resolve the country's challenges.

This would serve further to exacerbate the polarisation which characterises Côte d'Ivoire, making it inevitable that the country would, at a later date, slide back into a destructive conflict.

The peace which the AU seeks to achieve makes it imperative that the future of Côte d'Ivoire should be decided jointly by the contending factions rather than unilaterally by either one of these – hence the need for a negotiated GPA.

I am aware of the many voices that have already rejected the proposal to have a negotiated solution to the Ivorian crisis. Such rejection fails to take into account the incontrovertible fact that without this negotiated solution, Côte d'Ivoire will inevitably be condemned to further prolonged conflict.

The AU cannot and should not be party to such proceeding as would produce this result which would constitute a betrayal of the interests and aspirations of the Ivorian people. I remain convinced that the current Ivorian political crisis presents an opportunity for the AU to act decisively to help heal the divisions which have lasted too long and cost the Ivorian people dearly.

Your Excellency, you will recall the joint letter Presidents Abdusalami Abubakar, Pierre Buyoya and I sent to you last month concerning the situation in Côte d'Ivoire.

To underline the foregoing, I take the liberty to quote two paragraphs from this letter. They read:

*"Accordingly the search for political and national reconciliation in Côte d'Ivoire, urged by both the AU PSC and the UNSC, should not be assessed only on the basis of the announced election results, without reference to the painful reality of a deeply divided Ivorian society, which division was further entrenched by the Presidential elections.*

*"As Your Excellency knows, that division contains within it an interconnected complex of nationality, ethnic, religious, economic, balance of power, historical, ideological, foreign relations and other issues all of which were codified in and by the division of Côte d'Ivoire into two parts as a result of the 2002 rebellion."*

I am also certain that you, Your Excellency, are familiar with the tragic situation which befell the people of the United States of America when a gunman shot and killed six people and injured fourteen others in Tucson, Arizona ten days ago on January 8.

When President Barack Obama spoke at a public meeting to honour the dead and the wounded he made this moving plea:

*"But at a time when our discourse has become so sharply polarised – at a time when we are far too eager to lay the blame for all that ails the world at the feet of those who think differently than we do – it's important for us to pause for a moment and make sure that we are talking with each other in a way that heals, not a way that wounds."*

I strongly believe that these important words are immediately applicable to Côte d'Ivoire, which faces a disaster far worse than the tragedy which was visited on the American people in Tucson, Arizona.

More than ever, today the highly polarised Ivorian society needs processes that heal rather than wound, as would be provided by a negotiated agreement which would take into account the fundamental interests of all the people of Côte d'Ivoire, including those represented by the contestants.

We continue to rely on you, Your Excellency, to lead us to arrive at a settlement of the Ivorian crisis which would promote democracy, peace and reconciliation, unity and development for the people of Côte d'Ivoire.

Please accept, Your Excellency, the assurance of my highest esteem.

Thabo Mbeki.