

**EFFECTIVENESS OF ECOWAS CONFLICT RESOLUTION  
MECHANISM IN RESOLVING POST 2016 PRESIDENTIAL  
ELECTION IN THE GAMBIA**

By

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A dissertation submitted to

**Faculty of Law**

**Independent College Dublin**

In partial fulfillment for the award of Master's in Dispute

Resolution (MADR)

November 2022

LEARNER NUMBER:	51720728
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COURSE:	MASTER'S IN DISPUTE RESOLUTION
DISSERTATION TITLE:	<b>EFFECTIVENESS OF ECOWAS CONFLICT RESOLUTION MECHANISM IN RESOLVING THE POST 2016 PRESIDENTIAL ELECTION IN THE GAMBIA</b>
SUPERVISOR NAME:	Kalus Walter
WORD COUNT:	17,217
DUE DATE:	4 <sup>th</sup> November 2022
DATE SUBMITTED:	4 <sup>th</sup> November 2022

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**Acknowledgement**

I am grateful to God for his favor. I wish to express my sincere thanks to the government of Ireland for the award of Government of Ireland International Education Scholarship (GOI-IES 2021).

I must commend the teaching and administrative staff of Independent College Dublin for their invaluable support. To my supervisor Klaus Walter, our first meeting gave me the inspiration that I can finish this project and contribute significantly to the production of knowledge. Thank you for giving me to confidence.

To my beautiful family and friends, I say thank you for standing by me throughout this journey. Your love and encouragement make me keep moving.

## **Abstract**

Mediation and other forms of conflict resolution approaches including intervention has always been a priority for the ECOWAS sub-regional bloc in setting sub-regional conflicts. ECOWAS has within its mechanism, protocol on Conflict Management, Resolution, Security and Peacekeeping, protocol on Good Governance and Democracy and Framework on Conflict Prevention and Election Monitoring. It is within these mechanisms that ECOWAS intervened in the civil wars in Liberia and Sierra Leone. ECOWAS dispatched a mission to gather facts and assess the level of preparedness of The Gambia in holding credible elections of December 2016. After the December presidential elections and the subsequent post-election dispute, ECOWAS launched a Military intervention (ECOMIG) as a last resort to restore democracy and ensure the stability of the country when all other peaceful means turned futile.

This study adopted the Bargaining Theory of Coercion as a theoretical framework to examining ECOWAS engagement in resolving the country's constitutional crisis. The findings in the study were centered on the researcher's personal direct experience of the conflict, reviewing secondary publications, including books, journals, newspaper, internet sources and other relevant ECOWAS and UN instruments. The study concluded with providing recommendation to ECOWAS and The Gambia on discussions that could tackle the growing insecurity, such as the reemergence of coup d'état, electoral conflicts and terrorism that the West African sub-region continues to battle with.

Key Words: ECOWAS, Conflict resolution, Coercive diplomacy, Mechanism, bargaining theory.

## **List of Acronyms**

AU: African Union

ECOMIG: ECOWAS Mission in the Gambia

ECOMOG: Economic Community of West African States Monitoring Group

ECOWAS: Economic Community of West African States

GAF: Gambia Armed Forces

GPF: Gambia Police Force

IEC: Independent Electoral Commission

MINUCI: UN Mission in Cote d'Ivoire

NIA: National Intelligence Agency

SADC South African Development Community

UN: United Nations

UNAMSIL United Nations Mission in Sierra Leone

UNMIL: United Nations Mission in Liberia

UNOCI: United Nations Operation in Cote D'Ivoire

WANEP: West African Network for Peacebuilding

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## **Introduction**

### **1.1 Background of Study**

The continent of Africa has had a long legacy of coup d'état and military intervention springing in the aftermath of independence. Out of the fifteen countries that constitute the ECOWAS sub-regional bloc, only two states have not experienced unconstitutional change of government. Coups and civil wars especially in Liberia and Sierra Leone that erupted in the 1980 and early 2000s posed an overwhelming security challenge to the West African Region. The continent has also witnessed a number of periodic elections since independence but most of these elections are often characterized by violence and unconstitutional order. As such, ECOWAS adopted the Good Governance and Democracy protocol in 2001 as a tool to prevent coups and unconstitutional change of Government (Cowell 2011). However, just as recently as 2021-2021, Africa has recorded four successful Military coups, in Mali, Guinea Conakry, Burkina Faso and Sudan (Tazoacha 2022). Three of the four countries are in West Africa.

The Gambia, like most West African States also experienced a successful military takeover on 22nd July, 1994 when some young Lieutenants of The Gambia National Army overthrew constitutional order of the Jawara's government and establishes the Armed Forces Provisional Ruling Council (APRC) under the military leadership of Lieutenant Yaya Jammeh would later resign from the army and contested in the 1996 presidential election which he won. He would later authoritatively rule the Gambia for 22 years (1994-2017), (Odigie 2017). During his reign, elections were seemingly conducted periodically but often marked with voter intimidation, fraud and malpractices (Williams 2017). This period also witnessed a situation during which opposition candidates were often intimidated and detained at the state central prisons without due process of the law. The government was also said to have mounted "systematic attacks on freedom of expression, harassment of human right defenders, arbitrary arrest and detention without trial of political detainees..." (Amnesty International 2002)

On December 1st 2016 president Jammeh was defeated by opposition coalition candidate Mr. Adama Barrow in an election he thought he would win come what may. The erstwhile ousted dictator initially accepted defeat on December 2nd 2016 but a few days later reversed his position and annulled the election result. He filed a petition at the Supreme Court challenging the election results, and maintained that the existence of this legal process meant it would be unconstitutional for Mr. Barrow to be sworn in as president.

Jammeh further used his party's dominance and influence to engineering a parliamentary vote at the National Assembly to extend his presidency by three months claiming these moves would prevent a power vacuum while the Supreme Court considers the legal challenge he has submitted over the election result in which he cited electoral irregularities and errors made by the Independent Electoral Commission. This position plunged the Gambia into a six week (December 9th 2016-17th January 2017) political impasse resulting in mass exodus of Gambians to neighboring countries, predominantly Senegal and Guinea for fear that the country was heading into war. Elections in the West African sub-region are often challenging and often characterized by violence and civil unrest. Guinea Bissau, Guinea Conakry, Mali, Côte D'Ivoire, Burkina Faso, Sierra Leone and Liberia are examples of countries that experienced post-election violence since independence.

In the case with Gambia, ECOWAS dispatched a mission to gather facts and assess the level of preparedness of the Gambia in holding credible elections of December 2016 (Odigie 2017). This initial move by ECOWAS set the growth for dialogue among Gambia politicians as well as manifest how ECOWAS is committed to mediation as a conflict resolving mechanism. Subsequent periods leading to political campaign were sometimes marked with violence and use of derogatory statements, intimidation and misinformation but the election went peacefully and on 1st December 16th 2016, "#Gambia Has Decided#" - a term used to refer to a new political era after twenty-two years of Jammeh's authoritarian regime. After the announcement of the result, Jammeh accepted defeat and congratulated the president elect. Stakeholders and the international community were impressed with Jammeh for conceding defeat but were later taken aback when Jammeh made a broadcast on The National Television

that he has annulled the election results and called for fresh elections (Dwyer 2021). When Initial efforts by the Sub-regional bloc, Economic Community of West African States (ECOWAS) mediation and the international community failed in persuading Jammeh to relinquish power peacefully turned futile, ECOWAS was left with no options but to launch a Military Stabilization Mission (ECOMIG) comprising of forces mainly from Nigeria, Ghana, Togo and Senegal. Thus, ending President Jammeh's two decay repressive regime (Dwyer 2021).

## **1.2 Statement of the Problem**

The period following the defeat of Yaya Jammeh brought with it euphoria of hope for a better Gambia as Barrow promised to offer a democratic era for the Gambia. (Dwyer 2021) The ECOWAS Military Stabilization Mission (ECOMIG) was also seen as essential preserving the country's fragile peace. However, a significant debate has engulfed both political and public space, as to whether the presence of the ECOMIG Forces is necessary five years on. In fact, some claimed that the Senegalese Government is using the Gambia as a Military Base to launch an offensive on the rebellion in the Southern Casamance region. Others opined that the presence of the ECOMIG forces is not necessary hence there is no war in The Gambia. Yet others believe the presence of the ECOMIG forces is necessary to guide the country's transition drive to a democracy by ushering the most anticipated democratic consolidation and Security Sector Reform.

The study shall attempt to provide an empirical overview of how ECOWAS conflict resolution mechanism and the use of Coercive Diplomacy as applied in the post-election political impasse in The Gambia which led to democratic consolidation. The final attempt of the research will be to examine whether the long stay of the ECOWAS Military mission in the Gambia is a tool for the good or for the bad vis-à-vis the current Security situation.

## **1.3 Research Questions**

*The following questions were posed as a guide to this study:*

- i. Did the deployment of Coercive Diplomacy during the post-election debacle contribute to Democratic Consolidation and Democracy in The Gambia?
- ii. Can ECOWAS tactics of Coercive Diplomacy serve as a model for conflict resolution by other regional blocs?
- iii. Can the long-term stay of the ECOWAS mission in the Gambia raise the risk of reducing public support and morals of the security forces?

#### **1.4 Objectives of the Study**

The general objective of this study is to provide a critical overview of how the application of the ECOWAS Conflict Resolution Mechanism in The Gambia prevented war after the December 2016 post-election dispute.

*The specific objectives of this study shall be:*

- i. To examine how ECOWAS response to its early warning mechanism contributed to the resolution of the Gambia's post-election crisis.
- ii. To ascertain critically how the deployment of Coercive Diplomacy by ECOWAS helped in consolidating Democracy in the Gambia and democratic institutions in post Jammeh political dispensation.
- iii. Navigate how ECOWAS intergovernmental conflict resolution, especially mediation mechanisms, is relevant in the intricate policy issues, politics and diplomacy that surround Conflict Resolution debates and how it's various models can ensure peaceful coexistence.
- iv. Investigate as to whether the presence of ECOWAS Military mission in The Gambia is relevant in light of the security situation.

## **1.5 Hypothesis**

The following hypotheses were formulated in the pursuit of the set objectives:

- The employment of the Coercive Diplomacy by ECOWAS in resolving the post-election crisis contributed to democracy and democratic consolidation in the Gambia.
- The ECOWAS tactics of Coercive Diplomacy in the Gambia is an experiment that other regional blocs can use in resolving post-election conflicts.
- The long-term stay of the ECOWAS mission in the Gambia raises the risk of reducing public support and morals of the security forces.

## **1.6 Significance of the Study**

This work is significant because it shall serve a basis for which we shall understand:

The significant role sub-regional Intergovernmental Organizations played in resolving conflicts.

Serve as a basis for understanding how effective ECOWAS Mediation and other conflict resolution mechanisms can yield results when mandates are grounded with institutions' normative and legal instruments.

How The Gambia experience shall serve as a basis for educating people on electoral conflict and the importance of the ECOWAS framework on Conflict Management, Security and Resolution and on good governance and democracy in resolving African problems, by Africans and her institutions.

Study of this nature is expected to improve the performance of ECOWAS in making decisions that will enhance peace and peaceful conflict resolution of post-election crisis and political impasse.

Serve as a Policy guide for governments and the Government of The Gambia in particular on how the long-term presences of The ECOMIG Forces can undermine national security.

### **1.7 Scope of Study**

The study focuses on the role of ECOWAS mediation and intervention played in preventing violent conflict after The Gambia's post 2021 presidential election crisis. Its content scope is focused on how ECOWAS use of coercive diplomacy has helped in restoring democracy in the embattled West African nation.

### **1.8 Limitation**

Considering the fact that I wanted to research about a conflict I directly experienced, I thought of going back home to conduct interviews and gain access to the National Archive especially on the conduct of election since 1996, but I was constrained by time, fund and limited materials to carry out the research in the fashion I initially wanted.

The inability of the researcher to acquire adequate publications on the research topic was another limitation because little research is done about the Gambia and her role in international issues such as international Peacekeeping, Peacebuilding, and peacemaking.

Also as a Police Officer, I could not gain access to some security materials while on study leave or talk about certain issues for national security reasons.

## **Chapter one**

### **Literature Review**

#### **2.1 Review of Related Literature**

The literature review in this piece of work will bring to light the conceptual understanding of the ECOWAS conflict resolution mechanism and how the use of coercive diplomacy as a conflict prevention strategy has contributed to resolving post-election conflict in The Gambia. The chapter will also examine the academic literature on the election dilemmas in West Africa, case study of various civil wars in the sub-region, ECOWAS efforts in ensuring sustainable peace and stability in the region through mediation and other conflict resolution and conflict management strategies. A review of books, journals, articles, policy documents and other sources of research will be used to define conflict, conflict theory, how mediation efforts by ECOWAS has helped in preventing full scale humanitarian catastrophe and prevent the spillage over effect of war in the sub-region . Newspapers both local and international shall also be reviewed as a part of this work shall drive its sources from commentaries from credible media publications. Other refereed journals, peer reviewed documents and relevant ECOWAS working documents shall be thoroughly examined.

The chapter unfolds as follows: first, I provided a brief definition of conflict, electoral conflict and conflict theory drawing discussion from various theorists. Second, I examine the role played by ECOWAS in the civil wars in Liberia and Sierra Leone, Cote d'Ivoire and The Gambia. Using various documents and literature from carefully selected publications, I focused my discussions, terms, examples around conflict and election conflicts in particular and the ever increasing role of ECOWAS in managing conflicts in West Africa and her long theatre of conflict. The review is divided into subheadings and each of these is theoretically and critically discussed. The final phase in this review is centred on a critical analysis of the gaps on the existing literature-majority of which reflects the researcher's observations.

## **2.2 Scope and Definition of conflict**

The term conflict is one that defies a precise definition but the concept is not new and has a very wide connotation. Varying definition has been discussed by different theorists and scholars alike. It is important to note that conflict occurs at all levels of human interaction including family, community, national and international level. Generally speaking, conflict occurs in daily interaction within oneself or with others. Conflict also happened at various levels and might involve a multiplicity of actors and or issues. (Mayer 2010) Critically defined conflict using three lenses, he argues that Conflict may be viewed as occurring along cognitive (perception), emotional (feeling) and behavioral (action) dimensions. By cognitive dimension, he meant conflict can arise when one beliefs their feeling, belief, interest and needs are incompatible with others perceptions and beliefs. By emotional dimension he argues that conflict may arise when one reacts to the feeling of fear, anxiety, sadness, anger, bitterness, bitterness and seeks to understand the underpinning complicated interaction that has occurred over time. Mayer also gauges conflict as action that one takes to meet their needs, articulate their perception, and express their feeling to achieve their desired position, interest and needs in such a way that may interfere with another person's needs and wants.

(Kriesberg 1973) made a simpler definition of conflict as a relationship between two or more people or groups who believe their goals are incompatible with the other or groups. This incompatibility, generally speaking from this scholarly definition, depicts that individual perception and the manner in which such perception is transmitted into behaviors often lead to conflict. Although the focus of this research is not to have an in-depth definition and discussion on conflict and conflict theory, It is important to state that scholars such as (Christopher Moore 1986, 1996) (Nelson 1972), (Karl Marx& Engel 1848) and (Kenneth Waltz 1979) gave some insightful discussions on conflict theory and other cause of conflict.

Well known for his critical thinking about class struggles as the main sources of conflict, German philosopher Karl Marx developed conflict theory in the 19th century to explain the relationship between the ruling/rich (bourgeoisie) and working classes/masses (proletariat) in capitalist



society. To Marx, conflict is inherent as long as there remain a few individuals who control the means of economic production, distribution and exchange and the masses (working class) controls the labor. He idolizes that the relationship is inherently exploitative and inevitably creates class conflict. The theory further argues that these class struggles for scared resources between the haves and have-not would eventually lead to a revolution of the masses against the elites.

Nelson (1972) in his book *Nature/Nature Revisited: A Review of the Biological Basis of Conflict*, journal of Conflict Resolution suggests other causes of conflict aside from human nature and asked "if not human nature what then"? Pointed out other learning; psychological cause and structural cause as other sources of conflict. While he may not have disagreed in totality with theories such as Thomas Hobbs in the *Leviathan* (1651) who argues that "human nature is inherently anarchic and that man by nature and society in general is conflict is /war bound, simply put as "war of all men against all men". Nelson (1972) outlined that people could learn conflict when they live in an environment which is inherently violent as a means to have their daily bread. He identifies the family, social roles, sub-culture and the media as agents via which people can learn conflict. He also identifies psychological causes of conflicts, attaching it to the feeling of being powerless or helpless or man by virtue of his ability to manipulate symbols as a potential cause of violence. He finally identifies the structural cause of conflict as would be explained later in the Marx's theory-when societies and institutions are structured in such a way that there is inequality in terms gender, race, identity and employability etc., conflict may arise as people tend to scramble for scared resources, material and immaterial (Marx and Engel 1848) & (Nelson 1972).

Christopher W. Moore's *Circle of Conflict* first published in 1986 represents another visual illustration of what the main sources of conflict are. The theory identified five sources of conflict: values, relationship, data, interest and structure. This Circle of Conflict was initially theorized to help mediation but it is also used to analyze the nature of conflict as well as resolving them. He also reinforces that such class struggles between elites and masses are likely going to trigger tense completion and conflict over the domination of resources (1986). Moers

theory further highlights four main assumptions: competition, structural inequality, revolution and war. He asserted that people are in constant competition for limited resources such as money, property and materials to provide for their wants and needs. They are also in competition for immaterial things such as power and success. As individuals and groups compete for resources, they inevitably experience inequalities. As a result of this constant competition, a revolution may arise between social classes leading to social movement and change and an apparent shift in power dynamics (Marx & Engel 1848). When discontentment grows to a certain degree as a result of group struggle, they may engage in war at all levels. Major conflicts can either unite societies or provide ways for new social hierarchies and groups to form class struggles between elites and masses and would likely trigger tense competition and conflict over the domination of resources.

In International Relations discourse, conflict may likely exist if an actor feels their survival is being threatened by other actors. If actors feel their survival is jeopardised, they feel insecure and therefore engage in conflict. Kenneth Waltz, a renowned realist in his work *Theory of International Politics* (1972) remarked that “conflict and war are so pervasive in international Relations because states have to defend and pursue their self-interest in a situation of insecurity and inequality” (Waltz 1979). Waltz in his assumptions on various interactions in the international system argues that the international system is inherently anarchic, dog-eat-dog, self-help etc. As such the interaction of a state in relation to other states is fundamentally focused on her desire to survive. Waltz concluded his assumption by arguing that since there is a lack of central moral authority to enforce international norms and authority; states will try to balance against each other to increase their chances of survival. Based on the theories presented by these scholars, it is ideal to deduce that conflict is evitable and occurs at every level of human interaction.

### **2. 3 Stages of Conflict**

Although different stages to progression of a conflict exist as would be discussed below, Allwood, Jens and Ahlsen (2015) in their work *On Stages of conflict escalation,* “In Conflict and Multimodal Communication”(2015) discussed five main stages drawing their argument from

the writings on Friedrich Glasl and his model of conflict escalation published in 1997. Douglas Noll (2000) and Brahm (2003) all identify different stages of conflict. Glasl's model of conflict escalation suggested nine steps of conflict escalation; however, it is the work of Douglas Noll and Brahm that shall be used in discussing the stages of conflict.

**Early Phase: Pre-Conflict/ latent stage**-when there is a conflict but parties are unconscious either deliberately or otherwise because it is not manifested yet. At this stage only one party talk, makes claims, which may take arguments which the other party takes offence.

**Initial stage (Confrontational Stage)** -at this stage, parties are aware that there is conflict by way of challenging or directing attack on the other through adopting an accusing stand. At this stage, the attacker is provocative, sometimes sarcastically and could even interrupt the other.

**Response to Accusation**-The conflict then gradually moved to the felt stage-at this stage, anxiety and stress by one or all parties to a conflict dominates the conflict. At this stage, the accused responds to the accusation. Such responses may take different forms such as a sarcastic smile to make the other feel irrelevant or unimportant. The stage also follows reaction and counter reaction.

**Further Escalation of Conflict**- this is where a conflict is characterized by constant and continuous attack and counterattacks by the parties. It is obvious the conflict is gradually reaching its climax and all affected parties are aware of the bone of contention.

**Climax**- this stage of a conflict is often accompanied by tense argument and disagreement, quarrel and aggression from both parties. Threats and retaliation might also be used by either of both parties. Parties and other interested third parties jointly and collectively intervene to de-escalation of tension, resolve or dissolve the conflict.

### **2.1.1 Understanding Electoral Conflict**

Having discussed conflict and conflict theories, it is worth noting that Electoral conflict is another term that needs a precise definition. However, like conflict, there is no single definition to the term and process. Jeff Fisher (2002; 8) offers a very clear definition of what the Gambia

experience of electoral conflict entails. He defines Electoral conflict as “any random or organised act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder to determine, delay or to otherwise influence an election process”.... In the case with The Gambia, Yaya Jammeh used intimidation and detention of political opponents to influence the electoral process. Birch & Muchlinski (2017) in their proposition condensed electoral conflict as an upset of political conflict. By this he infer like Fisher that electoral conflict happens when the electoral process is perceived as unfair, corrupt and aimed at suppressing a political stakeholder. When this happens, actors are motivated to go outside the established norm to achieve their objectives (Fisher 2002). Thus, electoral conflict and violence become tactics for political competition.

In the Gambia as (Njie 2022) has elaborated, amid fear and intimidation, Gambians home and abroad campaign against Jammeh through the use of boycotts and social media and other means to pressure Jammeh to adhere to the will of the Gambia people and step down. The so called ‘hashtag’ “#Gambia Has Decided” became a weapon of mobilization and protest against Jammeh’s desire to hold on to power. Other important institutions and Civil Society Organizations also used various means to protest against Jammeh’s desire to hold-on to power. The media, academic institutions, women’s rights groups, professional bodies and even members of the foreign services pledge solidarity with the rule of law and the will of the Gambia in legitimately electing a leader of their choice. Some of these groups and people either denounced Jammeh or pronounced allegiance to the President-elect Adama Barrow or resigned from their various portfolios. (Njie 2022 pg. 202-215)

Election conflict is common in most African elections. In the recently concluded presidential election of 9th August 2022 in Kenya, The opposition leader Rila Odinga annulled the election result stating instances of vote-rigging while four commissioners of the electoral body held a press conference of their own denouncing results leading to pockets of violence. Odiang who contested five times and lost in all of them also lost a petition at the Supreme Court challenging the election results (BBC Africa News, 2022).

The factors that prompted the post December 2016 electoral conflict in the Gambia as discussed in the introduction was as a result of the nature of Jammeh's twenty-two years repressive leadership. Having won elections since 1996, Gambians wanted a new face in the political spectrum. That is why a newcomer and Unknown Adama Barrow was able to defeat Jammeh in the December polls (Njie 2022). In an election that ECOWAS, AU and UN certified as free, fair and transparent and a legitimate expression of the will of the Gambia People, Jammeh made a blizzard telephone call televised on the national television congratulating the president-elect and expressed his willingness to work with him for a smooth handover of power but later reversed his decision and rejected the results in totality (Williams 2017& Njie 2022). ECOWAS promptly deployed its conflict resolution mechanism by engaging with Jammeh to step-down and hand over power smoothly to the president-elect but he declined to negotiate forcing ECOWAS in consultation with AU and UN security council unanimously adopt resolution UN Security Council Resolution 2337 of 2016-2017 Gambia constitutional crisis endorsing Adama Barrow and approve for a military intervention and so far present a case of use of coercion as part of ECOWAS, AU and UN conflict resolution mechanism appears to be a success (Williams 2017).

### **2.1.2 Cause of electoral conflict in the Gambia and Possible solutions**

From a Conflict and Development analysis perspective of The Gambia in relation to electoral conflict, West Africa Network for Peacebuilding (WANEP 2018)&( Saine 2015) attributed the cause of electoral conflict to two main factors. Firstly, Jammeh twenty-two years of dictatorship displayed his outright use of national security institutions to brutalized citizens, threatening the use and use of power on opposition, promulgation of stringent electoral law, voter intimidation, use of non-Gambians during voter registration and vote rigging with the help of the Electoral commission. Secondly, the post-Jammeh political environment is generally tense and based on ethnic lines. Jammeh's twenty-years showed him making bigotry statements against the mandinkas. Such tribal sentiments live on, thereby causing profound fracas among different political party supporters. In an attempt to provide some possible solutions to the possible cause of electoral conflict in the Gambia, I used the

Gambia, I used the description on the table below.

*Table 1: Possible cause of Electoral Conflict and solutions for the Gambia*

Possible Cause	Possible Solution
<ul style="list-style-type: none"> <li>The registration underage voters and foreign nationals by the Independent Electoral Commission (IEC)</li> </ul>	The law provides that anyone who is of sound mind and reached the voting age of 18 years is legible to vote in an election. As such, only people who attain the required voting age and are registered by law as nationals of the Gambia should be the only ones qualified to vote in an election.
<ul style="list-style-type: none"> <li>Misrepresentation of election results by the Independent Electoral Commission</li> </ul>	Part of the reasons why Jammeh rejected the election result was the inconsistencies in announcing the result by the IEC. The IEC is expected to be accurate in providing the data from the polling station and disseminate then correctly
<ul style="list-style-type: none"> <li>Unequal playground for political parties especially access to media and unfavorable campaign schedules.</li> </ul>	All political parties must be giving equal access to State media and reasonable campaign schedules.
<ul style="list-style-type: none"> <li>Tribal sentiments, hate speech and use of</li> </ul>	The National Civic Education must come

<p>bigotry statements during political campaigns and party rallies.</p>	<p>out with tangle programs to counter hate speech and other unhealthy statements that are capable of sparking violence. This could be done through voter education and promotion of tolerance among political parties and their supporters.</p> <p>Secondly, the Independent Electoral Commission must engage with Inter-party committees, Civil Society Organizations and other relevant stakeholder to forge attainable Memorandum of Understanding for the advancement of the electoral process in a manner that is free, fair and peaceful.</p>
<ul style="list-style-type: none"> <li>Intimidation of voters before, during and after election.</li> </ul>	<p>Capacity building must be provided from member of the armed and security forces on Public Order Management and other aspects of election security.</p>
<ul style="list-style-type: none"> <li>Draconian electoral laws and the uneven demarcation of electoral boundaries/constituencies</li> </ul>	<p>There is the need for electoral reforms since Jammeh has amended electoral laws several times in the past twenty-two years to suit him.</p>

## 2. 2. Understanding ECOWAS Conflict Resolution Mechanism

The Economic Community of West African States (ECOWAS) was founded on May 28 1975 in Lagos as a sub-regional bloc with a number of aims including, promoting trade and economic cooperation among member states, sub-regional integration and the fostering of the free movement of goods and services (Chambas, 2007). The regional bloc comprises fifteen member countries and has well-structured organs that specialized in various functions. It is obvious that today that ECOWAS has grown substantially to include conflict prevention, management security cooperation and peaceful settlement of conflict through peacekeeping (Odoboo, Andekin & Udegbumam, 2017). Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and security, Protocol on Democracy Good Governance and also on Conflict Prevention Framework (Williams 2017) among others are some of the mechanisms adopted by ECOWAS. As a result of the growing number of threats the sub-region faced, there was the need for the ECOWAS to transform from its original aim as an economic bloc to a geo-political Organisation capable of managing conflicts the sub-region was constantly faced with.

### **2.2.1 Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and security**

In light of the threats posed by the growing cold war confrontations, the regional bloc adopted protocol on non-aggression and on Mutual Assistance and defense in 1978 and 1981 respectively (Chambas 2007) & (Odigie 2017). The civil wars in Liberia and Sierra Leone where partly factors that prompted the enforcement of the protocol on mutual Assistance and Defense (Odigie 2017). Other instruments on Electoral monitoring was also integrated into the ECOWAS framework since 1993 but the obligation to enforce were later ratified in 2008 by 9 of the 15 members states giving it the ability to utilise its military to suppress and any individual who wants to clinch onto power and suppress the will of the people as the case with Gambia (Hartmann 2017). In 2005, the ECOWAS Commission also formed the Election Support Unit to engage parties and monitor and report every aspect of elections in the region to the body, from then on; ECOWAS has systematically followed every election contested in West Africa (Hartmann 2017). This is done as detailed in the Gambia experience through fact-finding missions, sending of ECOWAS election observers, mediation and other means of conflict resolution.



The protocol establishing ECOWAS Mechanism for conflict prevention Management and resolution, Peacekeeping and Security was adopted by the ECOWAS Heads of State and Government in Lome, Togo on December 10, 1990. This protocol was institutionalized as a result of the growing number of security challenges the sub-region was now battling with as an instrument capable of addressing the growing number of conflicts in the sub-region especially after the Liberia and Sierra Leone intervention dilemma. (Odobó ((et al) 2007) and (Aggad and Miyandazi 2017) Aside from the Heads of States, the framework also included other bodies such as Mediation and Security Council, the executive Secretariat, the Council of Elder, Defense and Security Commission, Monitoring and Early warning. It is important to note that The ECOWAS Observation and Monitoring Group were also integrated under the new mechanism. The structure of this ECOWAS Mechanism shall be summarized as stated by (Odobó) (et al), 2007) as follows:

**I. Authority of Heads of State and Government:** The Authority of Heads of State and Government is the highest decision making body of the mechanism. Decisions made at this level are subjected to unanimous decision or common grounds. However, subject to Article 7 of the treaty, the body may delegate its powers to the Mediation and Security Council.

**ii. The Executive Secretariat:** This body is the engine of the Organisation and responsible for the day-to-day administration and organizational function of the body. The body is headed by the president and assisted by a Vice President and Seven Commissioners appointed by the Authority of Heads of State and Government. With its headquarters in Abuja, the main responsibility of the commission is promoting Socio-economic and political integration of the sub-region.

**iii. Mediation and Security Council:** The councils coordinate all issues relating to peace and Security on half of the Authority of Heads of State. It comprises nine member countries out of which seven are elected by the Authority. In what looks like the UN Security Council in microcosm, the Mediation and Security Council, can only make a decision relating to their mandate if concessions attract two-third Majority vote. Like the UN Security Council, it has

authority to authorize any form of intervention; like ECOMOG intervention. The council does this after due consultation with the UN and AU and also has the powers to review and appoint ECOMOG commanders for specific missions.

**iv. Defense and Security Commission:** The body is made up of all Chief of Defense Staff (CDS) of Member States. The function of this body is to analyze all technical and logistical issues before any peacekeeping operation. The Commission assists the Mediation and Security Council with the deployment of troops and organizes peacekeeping operations in the sub-region. The body also views reports for each mission and recommends the appropriate action to the Authority of Heads of state for action. Although the Defense and Security Commission meets every three months, special meetings can be called upon when the need arises.

**v. The Council of Elders:** This council of elders is gradually gaining prominence especially in preventive diplomacy and election monitoring mediation. This body distinguished former Heads of State, diplomats and religious leaders with impeccable character and charisma. They are called upon to utilise their good offices in terms of political and constitutional disturbances and act as mediators, facilitators or conciliators. Inaugurated in Niger in July 2001, the impeccable body was actively involved in The Gambia during her electoral and constitutional turbulence. The body also has a history of engagement in conflicts in Sierra Leone and Togo as well as outside the sub-region, Zimbabwe to be precise.

**vi. Early Warning Observation and Monitoring System:** The early warning system was developed as an ECOWAS strategy for conflict prevention. The observation and early warning systems are centred within four zones- The Gambia (Banjul), Liberia (Monrovia), Burkina Faso (Ouagadougou) and Benin (Cotonou). The Function of this body is to collect data on conflict progression; casualties and triggers, the proliferation of small arms and other components of conflict warnings which are then transmitted to the Observation and Monitoring Center Headquarters in Abuja Nigeria for analysis and necessary action. It is important to note that the body is assisted by other civil society organisations such as the West African Network for

Peacebuilding (WANEP). However, WANEP has no presence in the ECOWAS decision making structures.

**Vii. ECOWAS Monitoring Group (ECOMOG):** Although ECOMOG existed as an ad-hoc body before to respond to regional disturbances, the current Mechanism for conflict prevention Management and resolution, Peacekeeping and Security was established, it was amalgamated to this new conflict management strategy that accompanied the Liberian Civil war of the 1990s. The ECOMOG consists mainly of armies of ECOWAS member states. This often changes name to suit specific operations. In the Gambia, the mission was widely referred to as ECOMIG.

As discussed earlier, the ECOWAS Mechanism for conflict prevention Management and resolution, Peacekeeping and Security was necessitated by the growing insecurity the sub-region was faced with. The protocol was very foresighted as it covered all aspects of conflict, including prevention and preventive diplomacy, resolution, intervention, peacekeeping humanitarian assistance and strengthening of sub-regional peace and security cooperation. Cross-border crime and terrorism, anti-personal mines and the proliferation of small arms were also included to manage and resolve conflicts in the sub-region. (Aggad & Miyandazi 2017)

### **2.2.2 ECOWAS Protocol on Democracy Good Governance**

The Protocol on Democracy and Good Governance served as a supplementary to the tool to addressing the 1999 challenges of democracy and good governance that beset the sub-region bloc (pg. 8). The protocol is an integral part of the protocol on Conflict Prevention Management and Resolution, Peacekeeping and Security that was adopted in 1999 in Cotonou, Benin. Fundamentally speaking, the protocol outlines requirements for achieving democracy, security and peace, respect for the rule of law, and governments' commitment to creating an enabling environment where elections are conducted freely and fairly and the will of the people is withheld. It also highlights the significant role ECOWAS plays in election monitoring. (Odobbo ( et al)2017) Article 6 of the protocol emphasized that “the preparation and conduct of elections and the announcement of results shall be done in a transparent way” (ECOWAS 2001). Section

II and III of the protocol speaks exclusively about the conduct of elections, monitoring of elections and procedures for redress by parties. The protocol in relation to good governance sets the parameters for separation of power between the various arms of government as well as sets the need for the army to be apolitical. The protocol limits the role of serving members of the Army, police and other security formation from actively engaging in politics. The protocol recognizes the important role political parties play in a democracy. It recognizes the importance of freedom and respect for civil and political liberties of member states (ECOWAS 2001a).

The protocol stressed that “as substantial electoral law cannot be changed without the consent of a large majority of the political actors within the six months preceding the election” (ECOWAS 2001b). This is perhaps informed by the long history of unconstitutional change of government and constitutional crisis the sub-region was faced with especially during the 1990s. ECOWAS has a duty under this protocol to ensure elections are conducted in a credible manner.

Furthermore, the protocol calls to “eliminate all prejudicial, degrading and discriminatory practices against women, children and youth (ECOWAS 2001). In line with international best practices, the protocol encompasses all aspects of democracy and good governance as it seeks to address factors that may provoke crises and trigger violent confrontation.

### **2.2.3 ECOWAS Conflict Prevention Framework**

The goal of ECOWAS Conflict Prevention Framework of 2008 arose as a response to the implementation and preventive dilemmas of the 1999 Mechanism for conflict prevention, Management and resolution, Peacekeeping and Security. The preventive framework seeks to address the gaps that existed in the existing mechanism. The framework is a creative transformative approach of conflict management with the intent to diffusion tension and prevents the outbreak of violent conflicts. This transformative approach adopted by ECOWAS in 2008 setout mechanisms to prevent escalation and spillover effect of conflicts (Odobbo et al 2017). The strength of the framework is not to prevent conflict at all, but rather to identify factors that can escalate a conflict to a climax and address them at the initial stage. This

preventive framework is a proactive alternative to military intervention and serves as the best form of conflict monitoring and forecasting. The ECOWAS Conflict Prevention Framework has embedded in it Early warning, preventive diplomacy, Human Rights and Rule of Law, media, Democracy and Political Governance, woman, peace and security, Natural Resources and Governance, Peace education and Peacebuilding initiatives among the fourteen components the community outlined (Aggad & Miyandazi 2017).

One very important component of the prevention framework is the Early Warning Component. As discussed earlier, the early warning network is designed to monitor, provide data, predict an emerging conflict within a specific conflict jurisdiction and engage in means to transform the conflict from one of competition and possible annihilation to helping parties realize that they can collectively diffuse tension and avert violence. The framework also seeks to help conflicting parties by separating people from the problem, and allowing substantive issues to be dealt with independently. The early warning component that was not well incorporated in the previous mechanism and the protocol appears to play a significant role in the monitoring of sub-regional conflicts. The regional Observation and Monitoring Zones coordinate with West Africa Network for Peacebuilding (WANEP) and transmit all relevant data and information of conflicts to the Observation and Monitoring Headquarters in Abuja Nigeria for the Commission's response planning and action (Odobbo (et al), 2017).

ECOWAS has so far proven that these mechanisms and other relevant supplementary conflict prevention and conflict management framework could serve as tools for reducing conflicts and promote Peacebuilding in the sub-region, protect citizens against violence and monitor human rights violations and prevent unconstitutional change of government. Since its formation in 1975, ECOWAS has striven to intervene in conflict situations in various countries in West Africa. Despite the challenges in capacity and operation the sub-regional bloc has registered numerous gains in bringing an end to the civil wars in Liberia and Sierra Leone, Guinea Bissau and post-election conflict in Côte D'Ivoire and The Gambia.

### **2.3 Case of ECOWAS intervention in Conflicts in West Africa**

The last two decades of the twentieth century witnessed a number of third party mediation and other forms of peaceful intervention mainly by regional intergovernmental Organisation (IGOs). Such a peace agreement was negotiated in Central America in El Salvador and Nicaragua by the Organisation of American States (OAS). In West Africa, ECOWAS mission and intervention in the wars in Liberia and Sierra Leone in the 1990s and early 2000s helped in bringing an end to the civil wars. Efforts were made by the Arab League to mediate in the Iraq-Kuwait conflict, although unsuccessful. The Europe Union (EU) was fully involved in the war in the Former Yugoslavia ranging from the use of good offices to boots on the ground in the form of peacekeeping operations (Elgstorm, J. Bercovitch & C. Skau, 2016). These examples offer a glimpse into the relevant role IGOs play in resolving conflict. At times such initiatives are initiated in conjunction with the UN, or independently of the UN (Elgstome et. al, 2016).

ECOWAS has a long history of intervention in resolving conflict in the sub-region. Assessing its roles in addressing regional conflicts, ECOWAS perhaps have the most advanced mechanism in addressing regional peace in Africa. (Obi 2009 pg. 119) This view could be attributed to factors such as: the role of ECOWAS cease-fire monitoring Group (ECOMOG) in restoring peace in Mano-River conflicts (Liberian and Sierra Leone) Guinea-Bissau and Cote d'Ivoire. ECOWAS/ECOMOG intervention in the Liberia civil wars of (1987-1996 and 1999-2003) were justified on several grounds, aside from preventing further loss of lives and the burden of refugee and other humanitarian catastrophe, the intervention was necessitated for "African solutions to African problems" (Obi 2009 pg. 122). Similar could be said of interventions in other countries Sierra Leone (1991) Guinea-Bissau (1998), Côte d'Ivoire (2010) and The Gambia (2017).

Although many could attribute the restoration of peace in Liberia and Sierra Leone due to ECOMOG ECOMIS intervention, other parties also played a significant role in supporting the missions. In Liberia, the United States provided logistical support to the ECOMOG mission. In Sierra Leone, the British government mobilised diplomatic support for UN intervention. The British intervened briefly by sending paratroopers to free British hostages captured by

Commander Mosquito and his rebel faction. In fact, the United Kingdom did send a contingent of military personnel to Sierra Leone, although briefly, mainly to protect the European civilian population and UN staff working on the ground (Adebadjo 2002; 94.)

Similar to Sierra Leone and Liberia, ECOWAS and France also mediated in the civil war in Cote d'Ivoire of 2002 and had a breakthrough in 2003, in what would later be referred to as the Lanis-Marcoussis Peace Accord. The Peace Accord was for a cease-fire agreement between the warring parties and the agreement to form an inclusive Transitional Government of National Reconciliation. ECOWAS made a follow-up by sending a cease-fire monitoring mission ECOMICIC composed of forces mainly from the Francophone West African countries: Senegal, Benin, Niger, Togo and Ghana to aid the peace process and pave the way for peaceful elections. (Obi 2019) France also maintained a military Force (LICORNE) that was operating alongside the ECOWAS cease-fire monitoring unit. In May of 2003, with France playing a key diplomatic role in UN (as the case with British in Sierra Leone) ECOWAS got some support from the UN Security Council resolution 1479 which established the UN Mission in Côte d'Ivoire (MINUCI) and sent seventy-six military liaison officers to support the ECOWAS and French peacekeeping troops on the ground (pg.129).

Again, following successful reports of improved operation and coordinated efforts between the missions in Cote d'Ivoire (MINUCI,) Liberia (UNMIL) and Sierra Leone ( UNAMSIL) and the UN Secretary general's report, the UN Security Council adopted resolution 1524(2004) which established the United Nations Operation in Cote d'Ivoire (UNOCI) and transferring MINUCI and ECOMICI to UNOCI in April 2004. The mission has since been extended with new UN resolutions such as resolution 1865&1880 until January 2010 (pg. 130) in resolving post-election debacle in Cote d'Ivoire (2010) and The Gambia (2016/2017) offers ECOWAS commitment to uphold to her existing protocol on mutual assistance and defense and on unconstitutional change of government. It also shows her commitment to management of election conflicts to avert full scale civil war.

In Côte d'Ivoire, AU and ECOWAS held a number of high-level meetings and sent several diplomatic delegations to de-escalate tension and convince Laurent Gbagbo to respect the result of the election and hand over power to Alassane Ouattara. This mediation effort occurred well before AU and ECOWAS appointment in late January 2011 of the panel of five (Crook 2011). Although Gbagbo refused to accept defeat and transfer power to Ouattara peacefully, the AU did not relent in supporting the ECOWAS peace effort through mediation. As such, on the very day both Alassane Ouattara and Laurent Gbagbo both inaugurated themselves as head of state, AU chairman Jean Ping requested the former Head of State of South Africa Thabo Mbeki to travel to Abidjan and mediate for a peaceful settlement to the dispute. Mbeki landed in Abidjan the following day but he could not negotiate for any agreement as both parties refused to change their stance (Crook 2011). Although there was a threat of Military Intervention by ECOWAS heads of states on December 24, no force was deployed. ECOWAS would further send the former Military ruler and president of Nigeria Obasanjo to deliver an ultimatum but despite imminent threat for removal by force of arms Obasanjo like his predecessors could not have a breakthrough. (Crook 2011; 25-34).

As late as March 2011, mediation by ECOWAS, AU and other third parties yielded little result but it was obvious that Gbagbo had already been slapped with numerous sanctions and that was gradually isolating him. Unlike Gambia, ECOWAS did not directly intervene militarily but other conflict resolution processes such as negotiation, mediation and sanctions by governments and International Nongovernmental Organizations played a crucial role in de-escalating tensions in the post December 2010 elections in Cote d'Ivoire.

The role played by ECOWAS and other third parties intervention is not unique to Liberia, Sierra Leone, and Cote d'Ivoire alone. Since its establishment in 1975, ECOWAS seeks to guarantee political stability and social integration of member countries (O. Elgstorm et al, 2016) & (Obiozoe et al 1999; 19). The civil war that erupted in Liberia in 1989 and Sierra Leone in 1991 respectively and the impending refugee crisis revealed that instability in one country can affect the stability of the whole region. Motivated by this reality, ECOWAS was engaged and continues to engage in regional peace efforts from the use of good offices, negotiation, and mediation,



coercive diplomacy in some cases, and reconciliation to democratic consolidation to Peacekeeping and Peacebuilding.

## **2.5 ECOWAS Intervention in The Gambia: From Mediation to the use Coercion**

ECOWAS military operation in the Gambia is part of international efforts to discourage what AU call “unconstitutional change of government” and support for peace enforcement as part of AU/ECOWAS conflict management strategies. (Williams 2017). AU and ECOWAS, conscious of its choice of words had explicatively used the term “employ all necessary means” to uphold the election result, asking the fundamental question on what legal basis ECOWAS intervened in The Gambia. Williams (2017) argues that such threats could be illegal as there is no pro-democratic intervention in International Law. While this is quite interesting, it is important to focus on the events in which both AU (on December 12) and ECOWAS (on December 17) engaged in coercive diplomacy-threatening the use of force- against Jammeh and any loyalist who intends to carryout unconstitutional change of government (Williams 2017). This is informed by the fact that there were intelligence tips that some members of The Gambia Army Forces who were loyal to Jammeh wanted to camouflage a coup like situation, seize power, discredit the election results, arrest the president-elect and eventually handover power back to Jammeh.

ECOWAS pre-election engagement with authorizes in The Gambia started with the dispatch of a four-man joint fact-finding mission of 16th July 2016 comprising of Marcel Alain de Souza of the ECOWAS Commission, Africa Union Commissioner for Political Affairs, Dr. Aisha Labara and the special representative of the UN Secretary General, Dr. Muhammad Ibn Chambas of United Nations Regional Office West Africa and the Sahel (UNOWAS). The team also included the Office of the High Commissioner for Human Rights through its regional representative for West Africa. Being the man he is, Jammeh refused to grant them an audience (Odigie, 2017). The mission of the team during this pre-election engagement was to systematically study the election environment and report to the ECOWAS their findings on challenges that could hinder the conduct of a free, fair and credible election. Notable among their findings were the

government's denial of equal access to the media to the opposition; the lack of press freedom, intimidation, unlawful arrest and detention of opposition politicians, and unfair denial to equal access to campaign (Odigie, 2017).

It is worth noting that ECOWAS Commission declined to send observation mission to the Gambia during the December 1st 2016 presidential election because of lack of cooperation from Yaya Jammeh and as such, opted to deploy a four member-technical observation team comprising of political, early warning and human rights experts to conduct surveillance on rights and freedoms and monitor the political process. Unfortunately, they were denied accreditation by Gambian authorities noting that the request came late. Notwithstanding, ECOWAS observed the election keenly from a distance, and stood as a watchdog in defense of Democracy and the will of the Gambian people (Odigie 2017). Pure of his character, Jammeh would often say on National media outlets that such action by ECOWAS, AU and UN were tantamount to meddling in the internal politics of a sovereign state.

After Jammeh has annulled the December polls in which he earlier conceded defeat, ECOWAS made a swift responses by sending a high-level mission to The Gambia comprising President Johnson Sirleaf of Liberia, President Buhari of Nigeria, President Ernest Koroma of Sierra Leona, Former President John Mahama of Ghana, Ibn Chambers among others to impress Jammeh to relinquish power to president-elect Adama Barrow (Odigie 2017) Jammeh rejected all the proposal offered by the ECOWAS high-power delegation and was not ready to negotiated as he insisted on fresh polls, and that the ECOWAS should facilitate the deployment of judges from ECOWAS member states to hear his petition before the supreme court.

At the 50th Ordinary session of ECOWAS Heads of State and Government held in Abuja Nigeria, a review of the post-election impasse report recommended to uphold the December 2016 election result and ensure the safety of the president-elect was agreed by members of the ECOWAS Authority. Consequently, ECOWAS appointed President Buhari of Nigeria and Former president John Mahama of Ghana as co-mediators in the Gambia post-election debacle. They were giving a mediation mandate to engage with Jammeh and Barrow to adhere to the

constitution and the December 1st 2016 will of The Gambian people; determined a comprehensive political timetable for the smooth transfer of power on 19th January 2017 in consultation with AU and UN; develop a mechanism for mediated settlement for outgoing president for the maintenance of peace and stability in The Gambia. One could infer that the terms of reference for the mediators were non-negotiable and as sure, the mediators have a responsibility to work to achieve the predetermined outcome (Odigie 2017).

In the last phase of the mediation efforts to persuade Jammeh to relinquish power, ECOWAS mediators offered Jammeh a number of options including asylum outside the Gambia but Jammeh refused (Odigie 2017). Despite condemnation and isolation by the international and diplomatic community at home and abroad, Jammeh still clinch on top power prompting for an ECOWAS backed military operation to uproot Jammeh mainly Nigeria, Senegal, Ghana, Mali and Togo intervention prompting Jammeh to relinquish power on 17th January 2017.( Odigie 2017). Jammeh would later flee to Guinea Conakry and to Equatorial Guinea for an undetermined number of years in exile. (APC News Feb.15, 2021)

Despite its contentions with International Law as some would argue because there is no justification for pro-democratic intervention, many people especially in The Gambia at the time greeted the news as it would prevent a humanitarian crisis in the tiny West African Nation. The UN Security Council went ahead to authorize ECOWAS Military Intervention backed by Resolution 2337 of 16th January 2016. The ECOMIG mission was launched and the mandate was graced by members of the ECOWAS bloc through mobilization and deployment of ground troops, Air and Naval forces to The Gambia. On 18 January 2016, Ghana's president Nana Akufa Addo, stated that the mandate of ECOWAS mission in The Gambia is "to create an enabling environment for the effective enforcement of the rule of law, and, in accordance with the constitution of The Gambia, facilitate the inauguration of the president-Elect Adama Barrow, on Thursday, January 19, 2017. The ECOMIG force commander General Francois Ndiaye, in retrospective explained on 31st January 2017 that their mandate is in three parts: to uphold the December 1st 2016 election results and ensue the President-elect Mr. Adama Barrow was sworn into office as the constitution dictated on 19th January 2017(which he did at the Gambia

embassy in Dakar), ensuring the safety of the president, political leaders and the entire population. These unclear mandates as in themselves demonstrate the gaps in the processes leading to ECOWAS military intervention in the Gambia.

## **2.5 Summary of Gap in the literature**

After a thorough review and in consultation with various resource materials, it was revealed that ECOWAS has defiled the basic principle of mediation especially on self-determination to avert a looming violent conflict in The Gambia. Thus, ECOWAS did not only impose its dictatorial tendencies but excessively used coercive diplomacy in dealing with the post-election conflict in the Gambia. While many scholars extensively talked about the use of ECOWAS conflict resolution mechanism in dealing with conflicts in Liberia, Sierra Leone, Guinea Bissau, Cote d'Ivoire and The Gambia of recent, the success and challenges and Challenges of ECOWAS/ECOMOG military wing in other conflict situations, not many had researched on the effectiveness of the ECOWAS Conflict Resolution Mechanism especially with its new tactics on the use of coercion to restore democracy and constitutional order.

ECOMIG mission in The Gambia is thought to be one of which coercive diplomacy was used and worked to its best. However, five years after it was launched, it is important to investigate how it was launched, why it was launched and why it is still extended despite no war or active physical confrontation in The Gambia. Thus, the purpose of this study is to contribute to filling that gap especially on the local perception of Gambians on the presences of ECOMIG forces in The Gambia.

Based on the available research predominantly on the general applicability of the ECOWAS conflict resolution mechanisms, Conflict management and Security, one could reference that ECOWAS has perhaps the most effective conflict management tools in Africa, the experience and success in bringing an end to direct military confrontations in Liberia, Sierra Leone and Cote d'Ivoire could attest to that. The aforementioned successes in the case of ECOWAS

interventions as stated in this study could allude to that fact the applicability of such mechanisms is not well interrogated within the scholarly community. Although the sub-region is recently faced with a reemergence of military coups notable in Burkina Faso, Mali and Guinea Conakry, ECOWAS sub-regional leadership is actively involved in resolving these disturbances through negotiation, mediation and use of good offices/Council of elders to strategize and set a timeline to the return to civilian rule and adherence to the principle of rule of law. The study provides how these mechanisms has been used for over two decays and perhaps, the Gambia experiment can serve as a guide or strategy other sub-regional bodies in Africa can use especially on how early warning response and the possible threat to the use of force can prevent a humanitarian challenge and ensue democratic consolidation and transition in the sub-region.

## **Chapter Two**

### **Theoretical Framework and Methodology**

This chapter covers the research methodology. It includes the research design, source of data to be used in the research, method of data collection, analysis etc. As such, a qualitative descriptive method was used in content analysis in the research to study the effectiveness of the ECOWAS conflict resolution mechanism in the post 2016 presidential election in the Gambia. The research also proposed the use of the bargaining theory to navigate the philosophical underpinning in explaining the circumstance for coercive intervention in The Gambia.

### **3.1 Theoretical Framework**

Although many theorists developed the Bargaining Theory to refer to different phenomenon, the Carl von Clausewitz theory as an International Relation Theory on the war and the various aspects of interactions in the international system shall be my starting point. The main theme of his 1950 work on the Bargaining Model of War, presupposes that the potential outcome of war is either win or loss for either party. He then asked the fundamental question why people would then engage in war when there is a predetermined outcome. In fact, the Carl theory provides an alternative to war when he refers to individuals as rational actors who can engage with each other in reaching an agreement and avoid war. By regarding “man rational”, the theory does not imply man is all-knowing but rather that man is capable of gauging other options based on the information available to him. On his thought about war, Carl von Clausewitz argues that war could only be justified when debates are no longer adequate. It must yield result by transforming the live of her citizen. (Clausewitz 1950). As a military officer and thinker himself, Clausewitz offers a thoughtful insight on how war and peace must be fought.

Other early proponents of the Bargaining Theory include Thomas Schelling whose work five decades ago on coercive diplomacy drew the attention of the world on how the Bargaining Theory can prevent unimaginable damage. Thinkers such as Toddy Secsher also argue that most conflicts and especially World War II ended as a result of bargaining interaction rather than military terms. His work on Arms and Influence and other contributions on the theory focus on

how policy makers in possession of nuclear arsenal and related materials must use it as a form of deterrence and influence and not for Mutual Assault Destruction.

The primary focus on this theory shall be drawn from the writings of Toddy Secsher, whose 2004 work on coercive diplomacy serves as a vintage point to the writings of Thomas Schelling. Toddy in his discussions argued that “coercion is fundamentally related to bargaining, hence in bargaining, achieving one’s coercive objectives entails a process of demands, offers, counteroffers, concession and trades”. In this respect, coercive diplomacy is actually bargaining for what one party wants by threatening the use of force or military might in terms of war. The theory is conscious of the fact that the coercers have two main objectives. Firstly, they want to gain as much as possible a great deal of concession from the target. Secondly, they want to win without paying for the cost of war. A critical look at these two objectives is that they are characterized by tension and therefore imperative to say maximizing gains and minimizing risks are two fundamental pillars of coercive diplomacy. Demanding too much may lead to actual war or confrontation while demanding too little or efforts to avoid war may depict backing down in defeat. Having discussed the bargaining theory of coercion we can now observe how the ultimatum game was used by ECOWAS in solving the Gambia election conflict.

### **3.1.1 The Application of the Theory**

The relevance of the bargaining Theory in resolving the 2016 post-election dispute between ECOWAS and the then president may well be evident in this conflict can be drawn from the ultimatum game of coercion. The coercer (ECOWAS) approach to conflict with the intention to have the target (Yaya Jammeh) concede defeat in what appears a win-win deal and pave ways to finding mutually beneficial solutions or face ECOWAS military confrontation. Jammeh, aware of the strength of his army and its inability to withstand such armies, insisted on the use of objective criteria as the basic approach to settling the dispute. These objective criterions involve empirical/scientific evidence, industrial standards, court rulings and requirement of the law as well as applicable procedures for redress (Uary and Fishe 1981). Jammeh’s use of objective criteria involved the use of applicable procedure to petition the election result. Whether this was a tactical calculation to annul the result or not, the constitution of the

Gambia provides for such challenges to be made where one of the parties felt they have been robbed, in an election.

ECOWAS has also issued an ultimatum to pressure Jammeh to relinquish power to president – elect Adama Barrow and be sworn in as new president on 17th January 2017 as would be evident in one of the three ECOMIG mandates. The ultimatum game in relation to coercive diplomacy depicts a scenario where one party, especially the coercer makes specific demands and the other must respond. Such responses reflect their ability to maximise or minimize their gains in a bargaining encounter.

Another relevance of the theory is efforts made by the ECOWAS Authority meeting in Abuja in which President Bahari who himself was a military leader and General in the Nigerian Army was appointed a co-mediator. Secondly, Nigeria having the strongest and largest army in the sub-region shows how strategies ECOWAS were in choosing their options. In bargaining for a desired outcome, the options presented make the adversary better-off doing what others want and worse off doing what they don't want when they take into account the penalty for such threats. In the case with Jammeh the demands were realistic and clear: relinquish power peacefully or be forced out militarily.

While the ultimatum game of coercion appeared to be dominant throughout the study, it is important to note that the principled approach was also used during negotiations. Propounded by William Ury and Roger Fisher & Bruce Patton (1991) all of the Harvard project in the 1981 publication and reinforced in the 2<sup>nd</sup> edition of 1991 of "Getting to Yes", the principled approach to negotiation took prominence. Unlike the traditional adversarial approach, seeks to reach wise and fair agreements efficiently and civilly (Fisher, Ury & Patton 1991). The approach invent options for mutual gain and offers disputants the opportunity to think beyond only a single option to settling a dispute by presenting a veneer of options to choose from. For example, ECOWAS mediators have presented Jammeh with a number of options such as lofty retirement in his own town of Kanali, protection of his personal assets, offer of asylum to his county of choice in Africa asylum and a comfortable retirement in another African country,



Morocco has been mooted as a possible destination if he concedes defeat and relinquish power, truly represent the assertion. During negotiation, brainstorming and offering options, refusing to be hanged to a single option makes the other party feel they are part of the resolution process.

### **3.2 Methodology**

The methodology used in this dissertation in answering the research questions will be qualitative research methods because of its interactive nature and ability to give understanding of a situation (Asper & Corte 2019). This methodology is significant to this study because it helps in analysing quantitative data mainly from reviewed publications and contributing to already existing literature and facts about the topic under research. In their work on Research methods for Business (Saunders, Lweis & Thornhill 2007) describes qualitative data as all non-numerical data or data that cannot be quantified and can be a product of all other research strategies and its analysis are linked to the process of completing a jigsaw puzzle whose various components represents a data. (Grbich 2022) stated that this research method has the ability to give insight into people's experience of a phenomenon. Others such as (Blumer 1969), who provides a substantial work on qualitative research argue and condensed qualitative research to mere interpretation of a phenomenon.

Commenting on Grbich preposition, I could authoritatively say I experienced first-hand knowledge of the post-election conflict in The Gambia in 2016/2017 and I participated directly or indirectly in the conflict and its resolution as a senior member of The Gambia Police Force and the observation I made regarding this conflict is drawn from my experience. Grbich further argued that a fundamental characteristic of the qualitative research method is its flexibility of the method to adopt any research paradigm. In this research, I conducted a structured analysis on the mechanisms and how it has helped in avoiding conflict through the early warning mechanism. I tried as much as possible to avoid making a comparative analysis with other cases of use of coercive diplomacy by ECOWAS in other conflict situations because the Gambia experience presents a unique case of successful use of coercive diplomacy.

### **3.3 Research Design**

Overall, the effective nature of the ECOWAS Conflict Resolution Mechanism and the use of coercive diplomacy as a resolution strategy based on already available data shall be the basis for analysis. The goal of a good research design is to ensure and elaborate on internal polemics in the design and provide answers to the research questions (Giuffer 1997). In order to find the appropriate design in answering the research questions, I used the Ex-post facto method. It is ideal to use this research design method because not only does it study events that have already occurred, it also has the possibility of teasing the antecedents of events that have happened but cannot be manipulated by the investigator (Simon & Goes 2003).

### **3.4 Methods of data Collection**

The method used in collecting data in this research involved the identification and collecting of all relevant previous primary and secondary data from works that relates to the role of ECOWAS in resolving sub-regional conflict. These include previous research on the ECOWAS use of early warning systems, negotiation, mediation, military intervention and all other aspects of peacekeeping and Peacebuilding. Other relevant documentary (internet based) secondary data were used. Relevant documents such as ECOWAS Treaty of 1975 and other supplementary protocols on Good Governance and Democracy, framework on conflict prevention and on Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and security, Article 2(4) of the UN Charter shall be examined, and if intervention was necessary, whether or not parties consented as per principle for military intervention.

All other relevant policy documents and policy papers in relation to this work shall be examined. Reports of the 50th Ordinary session of ECOWAS Heads of State and Government held in Abuja Nigeria, 17 December 2016, UN Security Council Resolution 2337(2017) at the 7866th meeting of 19 January 2017 among others were used to gather facts.

### **Chapter Three**

#### **Presentation of Data**

Information collected from different research materials were analyzed in this study using the content analysis method. This method was the preferred method because it provides useful information to examining trends and patterns in documents (Stemler 2000). It also categorizes data to identify consistent patterns of relationship between variables, as well as reducing them and driving meaning (Julien 2008; 121). From this standpoint, content analysis is the most suitable method since emphasis is on ECOWAS conflict resolution frameworks. Moreover, since the study identifies conceptual frameworks on the extent to which ECOWAS protocols on Good Governance and Democracy, framework on conflict prevention and on Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and security can contribute to resolving sub-regional disturbances, content analysis provides best outline for explanation because it is independent of theories (Julien 2008; 121).

#### **4.1. ECOWAS use of Coercive Diplomacy effectively contributed to Democracy and Democratic Consolidation in The Gambia.**

After weeks of negotiation and other diplomatic engagements to persuade Jammeh to depart the State House and handover power peacefully to Adama Barrow failed, ECOWAS Chiefs of Staff converged in Abuja, Nigeria on 14th January 2017 to discuss and set the ground for the establishment of the ECOWAS military intervention in the Gambia. Before the gathering of ECOWAS Military Chiefs of 14th January, a number of domestic and international condemnations were already issued to Yaya Jammeh but he was naive to relinquish power even though the international Community was committed to reorganising the Barrow's government as the only legitimate government by 19th January 2017 (Hartmann 2017).

ECOWAS commented in a statement that president Jammeh's refusal to step-down and hand over power to the president-elect was unacceptable and a threat to peace not only in the Gambia but the whole sub-region (ECOWAS 2016a). Following further failed mediation between President Muhammad Buhari and Jammeh of 13th January 2017, and the approaching of a

deadline of 18th January, military intervention was more realistic as ECOWAS would not want to be rendered a toothless bulldog or irrelevant to enforce its mechanism. On 14th January 2017, president-elect Adama Barrow travelled together with ECOWAS mediator to Bamako to meet other ECOWAS Heads of State at the West African-Franc summit, there he engaged with them to pave the way to install him into power as the constitution of the republic dictates (Hartmann 2017). During the gathering at the UN Security Council Meeting that authorized Resolution 2337, Senegal's representative said "Barrow made a request" for "help to ensure respect for the Sovereign will of The Gambia people". If this claim is something to go by, ECOMIG presents a case of intervention by Invitation (Williams 2017). However, this to some degree triggered a debate from some quarters as to whether an elected leader in exile, as it were, has the mandate to request for intervention by invitation for the ECOMIG in a country in which he is not residing and has not taken the oath of office.

Relying on The UN Security Council Resolution 2337 of 17th January 2017, ECOWAS troops mainly from Senegal and Nigeria moved towards the Gambia border. Mali, Togo and Ghana also mobilised troops for a military intervention in The Gambia and restoration of democracy by force (Hartmann 2017). The invasion also included a naval blockage and a Nigerian Military Warship was reportedly on its way to The Gambia. Reports of unidentified Aircrafts were also spotted in The Gambia Airspace making ECOWAS fully ready for a full scale military operation in The Gambia. While no actual military confrontation took place, there were reports that sporadic confrontation between the rebels in the Casamance Region-Movement for Democratic Force of Cassamance (MFDC) and a segment of the Senegalese contingent in the Southern Senegalese Region as the troops were heading to Banjul (Hartmann 2017).

The nature of ECOWAS intervention in The Gambia was later referred to as a case of use of coercive Diplomacy deployed by the sub-regional bloc. Williams (2017) asked if coercive diplomacy was the new form or model of intervention employed by ECOWAS in managing conflicts in the sub-region and Africa as a whole. While ECOWAS intervention in The Gambia presents a recent case of the use of coercive diplomacy by an Intergovernmental Organisation, evidence of use of coercive diplomacy mainly by states against other states was earlier

employed before the winter war of 1939 and during the Cuban Missile Crisis of 1962 as would be discussed later. Based on the description of the tactic that was used to resolve the Gambia constitutional crisis, it is imperative to describe Coercive Diplomacy as the threat to the use of force without actual physical violence.

In the autumn of 1939, Soviet leader Josef Stalin engaged in an ambitious coercive campaign against Finland mainly for strategic reasons. Stalin wanted to obtain a series of territorial concessions from Finland such as using the Finnish Gulf as a fortification against Nazis naval assault to secure Leningrad. The Soviet first tried to use friendly persuasion but later used the threat of war to acquire concessions. The use of threat of war/coercive diplomacy was not successful and by November 30th 1939, Stalin launched a prolonged assault on Finland in what would later be referred to as the winter war. Due to heavy loss of men despite resistance, the Finnish authority sent a delegation to Moscow to negotiate an armistice leading to the signing of the Moscow treaty of March 12th 1940. Finland could not withstand the might of the Soviet army and did surrender to their demands, losing greater territory to the Soviet than earlier demands (Sechser, 2015).

The 1962 Cuban Missile Crisis at the height of the cold war also presents another case of use of coercive diplomacy by the United States that turned out to avoid a full scale nuclear war with the USSR. The Soviets who were an ally of the Cuban Regime of Fidel Castro had deployed medium-range ballistic missiles in Cuba for the purposes of detonating them when the need arose. The US response was well calculated as President Kennedy would use coercive diplomacy by ordering a naval blockade of Cuba and threat to invade Cuba to induce Khrushchev to withdraw his campaign and remove the missiles. In line with Kennedy's obvious preferences for a clandestine plan for an operation, the Joint Chief of Staff gave their approval for an operation in Cuba and by mid-March, the Bay of Pigs plan has emerged.

Soviet leadership would later withdraw its fleet of missile ships and strike a deal with the United States or face full force of United States Aggression. Khrushchev weighing between the two options and realising that President Kennedy was not bluffing, opted for a withdrawal and

sent a communiqué to Washington about his decision to disengage and withdraw his missiles from Cuba ending a standoff between the Soviet Union and the United States in what was very closed to a nuclear war between the great powers. (White, 1995)

While the use of coercive diplomacy mainly by ECOWAS, backed by the AU and UN in resolving the Gambia constitutional crisis of 2016/17 turns successful, it does not represent a new model of conflict resolution by ECOWAS. It does confirm however that Intergovernmental Organization such as AU and ECOWAS in particular is now more than ever willing to deploy sub-regional military force to counter any threat to sub-regional peace as part of its conflict management and resolution strategies.

#### **4.2.1 ECOWAS and the Use of Coercive Diplomacy in the Gambia**

Following Jammeh's highly unlikely constitutional defeat in the December 1st 2016 presidential elections, in what was widely regarded as a peaceful election and his original concession defeat, the ECOWAS together with AU and UN representatives congratulated the Gambian people from the peaceful exercise of their civil rights (ECOWAS 2016b). Members of the international community were also impressed with the courage taken by Yaya Jammeh in accepting defeat and willingness to work with the president-elect for a smooth transfer of power when his term ends on midnight 18th January 2017. However, a dramatic turn of event happened when on Friday 7th December, Jammeh made a televised statement condemning the outcome of the election and resolved to annul the election result he had earlier regarded as an expression of the sovereign will of the Gambia people. ECOWAS was actually not the least impressed with Jammeh's position and thus made the following statement.

*"It is fundamental that the verdict of the ballots should be respected, and that the security of the president-elect, Adama Barrow, and that of the Gambian citizens fully ensured"* (ECOWAS 2016c). The statement was clear and the wordings were well calculated. International community also followed similar steps by ECOWAS. The fundamental question to ask is "how was ECOWAS able to uphold the core principles of Democracy in a member state?"

Firstly, ECOWAS has a legal mandate to deal with domestic politics of member states (Hartmann 2017). This is backed by the protocol on Good Governance and Democracy 2001. Article 1b and 1c provides a justification for restoration of Democracy where threatened. “Every accession to power must be made through free, fair and transparent election” (ECOWAS 2001d). The article did not only serve as a justification for ECOWAS legal mandate in intervening in domestic politics of member states, but it stressed the ECOWAS Zero tolerance to unconstitutional change of government. Article 45 also empowers the Authority to implement sanctions where democracy is brought to an end by any means undemocratic. These sanctions may include suspension of the member's decision-making rights and other actions deemed necessary by the ECOWAS Mediation and Security Council. The Gambia being a pioneering member of ECOWAS and having ratified the ECOWAS treaty and the protocol on Good Governance, Democracy that came into force in 2008, is obligatory to abide by such provisions.

Secondly, The Gambia is a small country with a minimal defence budget and an army of (approximately 1,200 personnel) (Hartmann 2017; 93). I personally disagree with this estimate and this is informed by my position and Knowledge as a member of the Armed and Security Forces of The Gambia. However, The Gambia Army is relatively small compared to other ECOWAS member states. There was no doubt that the Senegalese and Nigeria Army with more sophisticated weaponry and military budget was no match for the Gambia Army. Furthermore, speaking from experience, there was divided loyalty within the army and some members of the army have made public support for the president-elect, Adama Barrow. In fact, the Chief of Defense Staff of The Gambia Army was quoted by Barrows spokesman as having made a telephone conversation to the president-elect pledging his loyalty to him as the new Commander in Chief (Reuters Africa 7th Dec 2016) and (Jollofnews 8th Dec 2016).

Thirdly, even though there were mounting suspicions that Yaya Jammeh hired foreign Mercenaries and has a buy-in of the MFDC rebels due to his long standing relationship with them; it was obvious that there was a regional powerful neighboring state especially Senegal was commitment to the restoration of Democracy in the Gambia. Senegal saw this as an

opportunity to revenge against Jammeh whom they had a very difficult relationship with for two decades and suspected him of supporting the MFDC rebel faction in the Casamance region. Senegal could be seen as having a strategic interest in the intervention and a means to resolve the long standing conflict between the two neighboring countries. Nigeria on the other hand took the lead in the mediation and military intervention without any clear interest in the tiny West African Nation (Hartmann 2017; 94).

Finally, due to the intense mediation, Jammeh was given little room to articulate his Position, Interest and Needs at this material time. Whether or not elections were stolen from him, there was no justification whatsoever to refuse to step aside while his petition is heard. His rejection of the election result in totality and refusal to cooperate with the ECOWAS fact finding team as well as refusal to give accreditation to the ECOWAS team triggered swift yet strict response from ECOWAS. The mandate of the ECOWAS mediation team was predetermined and lack of cooperation from Jammeh would result in removal by force.

#### **4.3 The ECOWAS tactics of Coercive Diplomacy in the Gambia is an experiment that other regional blocs can use in resolving post-election conflicts.**

ECOWAS has a norm in terms of providing an “African Solution to African problems”. Despite its long theatre of conflict; the sub-region is seen as a beacon of democratisation in Africa. Looking at the Democratic Density in the whole African Region, it is obvious West Africa has presented a lesson other sub-regional blocs can learn from in terms of democratisation process.(Hartmann 2017). This would explain why the ECOWAS sub-region is more likely to push for democratisation and restoration of Democracy as they did in the Gambia compared to their counterparts in sub-regional blocs whose members expect South Africa came to power often through other means rather than the ballot box. While Democracy might still face a lot of obstacles in West Africa, alternatives provided by the ECOWAS mechanisms since the Cotonou Agreement of 1993, and especially the 1999 protocol on Conflict prevention, Management, Resolution, Peacekeeping and Security and the 2001 protocol on Good Governance and Democracy as well as other sub-regional policies is more likely to lead to democratic restoration where threatened (Stoddard 2017; Hartmann 2017).



Table 2: “Democratic Density” of African Regional Organizations

Regional Organisation	Average number of years in office of all Heads of state
ECOWAS (WEST AFRICA)	5.7 (Without Jammeh/The Gambia)
SADC(SOUTHERN AFRICA)	8.8
EAC (EAST AFRICA)	13.2
IGAD(EASTERN AFRICA)	16.2
ECCAS (CENTRAL AFRICA)	19.5

*Note: this table is copied from Hartmann (2017;95) it shows a determinant of democratic density of Regional Organisation across the Africa. The analysis shows West Africa with 5.7 average numbers of years of heads of states in office which ECCAS at the bottom of the table at 19.5 years average. The calculation refers to January 2017. For the parliamentary systems of Ethiopia and Lesotho, data is for measure of prime ministers, Data is not recorded for Somalia.*

Since the fundamental idea of conflict prevention is to prevent to outbreak of violent conflict (Lund, 1997), the use of coercive diplomacy is effective to that end measuring from the successes ECOWAS recorded in the Gambia, typically because Jammeh would not have departed power if such treats were not imminent and Barrow and his supporters would never have surrendered in unseating Jammeh. This would have led to a devastating violent conflict that could have caused a humanitarian catastrophe in the sub-region.

Another fundamental effect of internal disturbances is not only its ability to displace its population but the effect of war in one country may have spillover effects in other parts of the region. Since most West African countries share porous borders, such spillover effects would have led to devastating consequences.

Based on these factors, and by far the successes of ECOWAS particularly in The Gambia in relation to the economic and logistical demands of peacekeeping, other sub-regional blocs such as the South African Development Cooperation, Eastern African Community, Arab Maghreb

Union, Economic Community of Central African States and others can utilise coercive diplomacy rather than full scale intervention because it has the ability to prevent atrocities and humanitarian crisis.

#### **4.6 The long-term stay of the ECOWAS mission in the Gambia raises the risk of reducing public support and morals of the security forces**

The ECOMIG mandate that was supposed to expire in 2018 has been extended to 2019 (Freedom Newspaper 2019) and has been extended several times to date (Olawoyin, 2021), making some people conclude that ECOMIG extension is mainly because the president of the republic does not trust his own army yet (Jaw 2018). Since its deployment in 2017, ECOWAS has largely been providing security to the president and his family, taking charge of key security installations such as the State House and strategic entry points such as Barra and Kanali. ECOMIG has also been conducting joint patrols with members of the Gambia Armed Forces and training of both personnel of the Gambia Armed Forces and Gambia Police Force as part of its capacity building initiative. Despite training of members of the GAF and GPF on VIP protection and Public Order Management and other aspects of defense and policing in general, ECOMIG is still largely in charge of providing the country's security (Mutangadura 2020). This has raised fundamental debate and sporadic reaction by some Gambians as to whether the current security situation of the country requires ECOMIG extension. In fact, some believe that the long term presence of the ECOMIG forces is undermining the country's sovereignty and internal security arrangement. However, in an interview held at the State House, the president Adama Barrow confirms that the extension of the ECOWAS mandate/mission in The Gambia as a stabilizing force would help in strengthening the country's fragile democratic institutions, training of security personnel and fostering Security Sector Reform (Olawoyin, 2021). In view of the extension of ECOMIG mandate, some commentators have it that such extension is a recipe for further fragmentation (Dwyer 2021).

Many Gambians anticipated that the ECOWAS mission was going to end once Jammeh was willing to relinquish power to the president-elect Adama Barrow. Five years later, the mission is still active after an appeal from The Gambia Government for an extension which brought mixed

reaction among Gambians and raising the fundamental debate as to whether the long-term presence of ECOMIG is necessary. In what was once a glowing relationship between ECOMIG and the citizens there has become growing discontentment about the purported long stay of the ECOMIG forces (APC news Feb 2021). The clash between ECOMIG forces and protesters in June 2017 that led to the death of Haruna Jatta and wounding of Foni protesters, the alleged killing of two Gambians and wounding of six others on a tricycle at the Mariama Kunda junction along Salajie Road by a member of the ECOMIG contingent on 6th September 2021, might have reinforce this discontentment among Gambians (Point Newspaper 2021).

One of the first voices to speak out against the long term stay of ECOMIG forces in the Gambia was Dr. Ismila Ceesay, a reformed political Science lecturer at The University of The Gambia. In a statement he made in 2018 to a local newspaper, Dr. Ceesay insisted that the extension of ECOMIG forces was not necessary and that the long term security of The Gambia will be in the hands of Gambian Security Forces. (News 24, 2018) This does not go down well with the authority so he was arrested and charged and detained at the Police Headquarters for incitement to violence among a trump of other others charges. He was later release and all charges against him were dropped on 1st February 2018 without condition after widespread local and international condemnation including the Institute for Human Right and Development in Africa (IHRAD).

Although the implementation of the Security Sector Reform is moving at a very slow pace, it could be noted that one fundamental achievement of the SSR program is putting into measure to restructuring the defunct National Intelligence Agency (NIA) and initiating civilian oversight bodies over security institution, in line with the SSR priority area three (Mutangadura 2020). The formation of the Human Rights Commission and others are an indication that the government is moving progressively towards Security Sector Reform. However, there is a lack of dedication and effective coordination mechanism to yield the much needed result. The need for a new all-inclusive constitution that debunks all draconian laws passed by Jammeh to suppress Gambians is imperative. Capacity building of security officers in respect to Human Rights and application of International best practices and conduct in policing will go a long way in fostering

the needed reforms. Without a new all-inclusive constitution, however, the future of security sector reform remains in limbo.

## **Chapter Four**

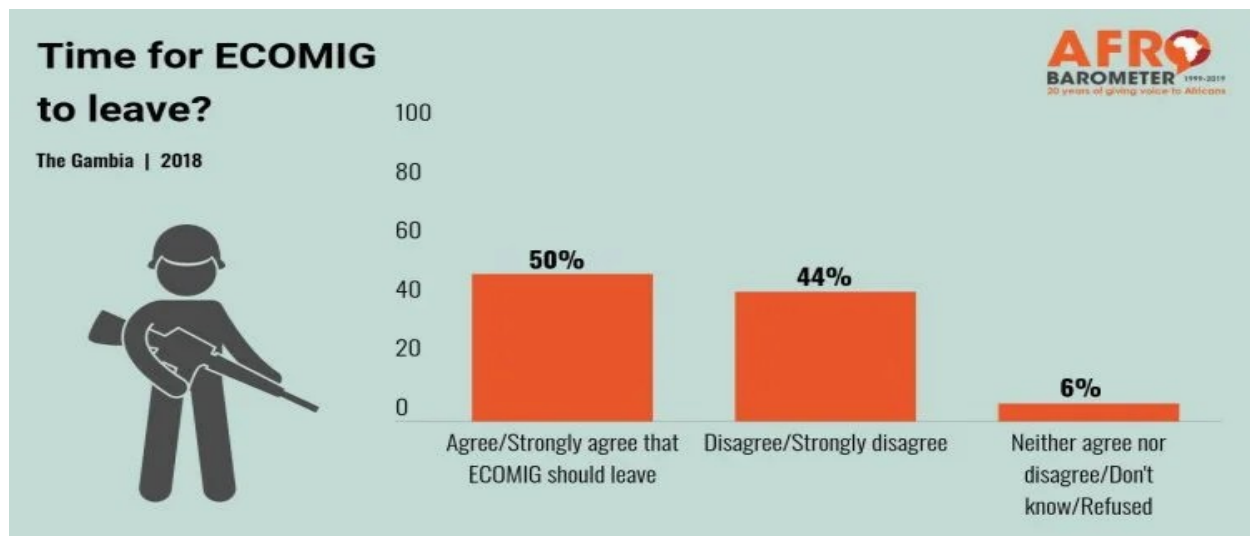
### **Data Analysis and Findings**

This research adopted the descriptive method of data analysis because it is simple and a portion of it reflects the researcher's direct experience and participation in the conflict. In the

case of ECOWAS intervention in the Constitutional crisis in the Gambia and by measure of its success, the research deduces that the ECOWAS response strategy was necessary and may replicate in other countries. Also, owing to the effectiveness of the ECOWAS conflict resolution mechanism; there is likelihood that third party intervention especially in conflicts in Africa will take a more indirect approach in which sub-regional conflict resolution mechanisms will undertake preventive actions while the international community is represented by the United Nations Security Council.

The research revealed that there is a growing discontentment of citizens against ECOWAS extension five years after their intervention. In 2019, an Afrobarometer conducted a survey in which respondents were asked “whether it is time for ECOMIG to leave and for the Gambia Armed Forces and Police to take charge of security matters in the country”. It was revealed that 50% of Gambians do not support the continued presence of ECOMIG in the Gambia and agreed or strongly agreed for their imminent departure. Another 44% of the respondents thought the ECOMIG should stay while 6% remained neutral. The numbers revealed that a larger proportion of Gambians has confidence in the Gambian Army and Police Force and that ECOMIG must be withdrawn. The figure below is a representation of Afrobarometer findings.

Figure 1: *Afrobarometer survey on “whether or not ECOMIG should withdraw, conducted 2018-2019.*



Source: Afrobarometer Dispatch No. 317 | Sait Matty Jaw (2019)

In the same survey, it was also revealed that six in every 10 Gambians (61%) has trust in the Gambia Armed Forces in providing the country with the need security against external threats. (See figure 3 of the dispatched on page 5)

While there is growing discontentment among Gambians about the long term presences of the ECOMIG forces in the Gambia, It is important for government to put in place more strategic security measures and speedup it's Security Sector Reform Initiative that will enhance capacity delivery and tackles the growing security challenges in the Gambia is faced with. The de-politicization of the army as enshrined in the protocol on Good governance and Democracy 2001 is relevant in keeping them in the barracks and preventing them from engaging in unconstitutional change of government.

It is further revealed that the although a combination of resistances from home and abroad, pressure from the international community, intensive negotiation and coercive mediation contributed to forcing Jammeh to surrender power and subsequently went for exile in Equatorial Guinea, it is Imperative to state that threat to the use of force by ECOWAS contributed immensely to Jammeh's reluctant departure from the presidency. So far, ECOMIG's deployment in Gambia appears to be a successful case of coercion well-coordinated by ECOWAS, AU and the UN (Williams 2017).

The successes and lessons learnt from The Gambia can well be utilised by other regional blocs within the African Union. What constitutes a debate in the Gambia case can be drawn from the legality of the intervention itself. While this thesis does not focus on the legality of the intervention, it is worth noting

that comments and observation had it that the intervention has violated the UN provision on consent to the use of force as provided for in Article 2(4) of the charter making it dictatorial because Barrow was in Exile and do not command the legitimate authority to negotiate for a military intervention (Babatunde 2017; 53). The deployment of troops in the Gambia by ECOWAS was not endorsed by the UN, However, troops had already made advance into Gambian territory and was ready for an attack (Hartmann 2017; 90), (Williams 2017; Babatunde 2017; 55) which also contravenes the spirit of dialogue and cooperation in the maintenance of international peace and security.

## **Chapter Five**

### **Discussion, Recommendations and conclusion**

#### **5.1 Discussion**

This study has found out that ECOWAS has very effective conflict resolution mechanism both in theory and application. The various ECOWAS conflict resolution mechanisms have significantly contributed to guiding the sub-regional bloc in addressing the issue of insecurity. Since its inception in 1975, ECOWAS has proven that regional military cooperation is capable of yielding results if mandates are guided on sub-regional bloc's normative conflict resolution tools. The ECOMOG missions in Liberia and Sierra Leone in the late 1990 were generally successful in bringing an end to the two civil wars in despite its logistical and operational challenges. In the Gambia, early intervention through the use of coercive mediation and threat to deployment of military force by ECOWAS leadership has prevented the outbreak of violent conflict after the post December 2016 election dispute. Building upon the challenges faced in early interventions in Liberia, Sierra Leone, Guinea Bissau, Cote d'Ivoire and others, ECOWAS adopted the framework on conflict prevention in 2008 to better enhance its intervention framework and incorporate all aspects of human rights and security. The framework on conflict prevention inculcated more robust, proactive and transformative mechanisms and policies in dealing with the ever evolving security challenges that continues to beset the continent of Africa.

In analysing the reason why West African leaders were successful in restoring Democracy in the tiny West African country, Hartmann (2017) argue that ECOWAS was successful in showing the seed of democracy because most of the sub-regional leaders involved in resolving the Gambia's constitutional crisis were all oppositions who came to power through the opposition ranks. Owing to institutionalisation of democratic norms, values and principles established by



ECOWAS, few of them felt solidarity with Jammeh because they became heads of state owing to such established democratic norms and values.

If ECOWAS had failed on her part to force Jammeh to relinquish power and suppress the will of the Gambian people, this could not have only rendered ECOWAS a toothless bulldog but would have delegitimized the whole sub-regional democratisation aspirations. ECOWAS, conscious of how this important decision could shape the future of democracy in the sub-region, deployed coercion to uphold her democratic norms and values in line with the ECOWAS Conflict Prevention Framework and other international legal instruments. While installing Adama Barrow as president might not have made the Gambia a democratic beacon of hope, it however, created the precondition for the restoration to democratic governance after over two decades of dictatorship.

For ECOWAS as for other sub-regional intergovernmental Organizations in Africa actively involved in strengthening cooperation, enforcing democratic norms and values, rule of law and respect for the supreme will of its citizens, conflict of interest or double standards in the enforcement of acceptable rules in resolving conflict may jeopardize the whole democratisation agenda. In the 2010 Cote d'Ivoire post-election dispute for example, despite rising casualties and threats for more violent conflict and war, ECOWAS and AU have divided opinion over military intervention. ECOWAS boasted of an intervention with a standby force of 6,500 troops, in case diplomatic efforts to persuade Laurent Gbagbo to relinquish power failed. Unfortunately, some ECOWAS members, especially Ghana and Nigeria were reluctant to intervene, depicting some level of conflict of interest. Ghana declined to participate in a potential intervention in Cote d'Ivoire citing her engagements and overburden of international peacekeeping deployments in other trouble zones-a preference for "quiet diplomacy", and the presence of over 600,000 plus Ghanaian in Côte d'Ivoire. Nigeria, the sub-regional military powerhouse eventually declined citing domestic security concerns as the reason for not militarily participating in the intervention (Cook; 31-33). In the case with the post-election 2016 presidential election dispute in the Gambia, Nigeria and Ghana led the mediation and

intervention even though the UN did not endorse military action according to Chapter VII of the UN (Hartmann 2017: 90).

At a time when there is growing superpower struggle for political, economic and ideological domination of the continent of Africa between United States of America and Russia on one hand, and between United States and China on the other, and the European Union Community, sub-regional intergovernmental organisations such as ECOWAS continues to play significant roles in resolving their next door conflict. The ECOWAS intervention in the Gambia mostly coordinated by West African leadership is an indication of how, when regional intergovernmental institutional conflict prevention mechanisms and frameworks are utilised in resolving regional conflicts, successes that might be yielded will outshine multi-intervention approaches with varying conflict of interest. ECOWAS efforts in effectively resolving Gambia's constitutional crisis without actual military confrontation is a classic example of "Africans solution for African Problems", for better or for worse (Hartmann 2017; 96).

## **Recommendations**

As this research aims to provide a policy guide for the Economic Community of West African States and Gambia government on the management of election and electoral conflict, the following recommendations might be useful in dealing with emerging security challenges in the Sub-region.

- i. ECOWAS must enhance the capacity of the regional Early Warning Networks to enable it to detect and transmit all conflict dynamics and data in a timely and analytical manner within their area of jurisdiction for timely intervention.
- ii. The international community together with the African Union must provide logistical support and robust election monitoring systems to compliment the ECOWAS Election Monitoring Unit in providing timely assistance to contain all forms of threats to peaceful election and election violence.
- iii. The success of ECOWAS in resolving the constitutional crisis in the Gambia is an indication that when regional intergovernmental Organisations are empowered to manage their disputes without conflict of interest from various countries and international players, collective security can be achieved. As such, any sense of national bias or conflict should be discouraged among different actors.
- iv. The ECOWAS Commission, The Government of the Gambia, Security Institutions and other relevant stakeholders must rigorously engage in building public awareness around the ECOMIG mandate and its role as a stabilization force and not an occupation force. This will enhance constructive community relations with ECOMIG; reduce confusion and skepticism about the domination of the Senegalese forces and their direct role in providing security for the presidency and the president's family.

- v. On the matter of Security Sector Reform, the government of The Gambia must take up more pragmatic approaches such as developing programs and policies that will foster exchange programs between Gambia and partner countries that have successfully advised upon, and implemented Security Sector Reforms programs that are sustainable and yield positive results.
- vi. In the wake of emerging coups in the sub-region, ECOWAS must speed up efforts to institutionalize the presidential term limit as part of its conflict prevention framework. This will discourage unconstitutional change of government and foster democratic dispensations within member states.
- vii. As the West African sub-region has seen a siege in terrorism and terrorist related activities in recent times by groups such as Boko Haram, Al-Qaida and ISIS West Africa, mainly in Nigeria, Mali and Burkina Faso, ECOWAS must come up with strategies and programs to countering violent extremism as well as train and fully equipped Sub-regional Counter terrorism force that will collaborate effort in the global fight against terrorism.

### 5.3 Conclusion

The past twenty-two years (1994-2016) of Jammeh's leadership has placed the Gambia in history books for the wrong reasons. Jammeh who himself came to power as a young Lieutenant through a military coup promised a better Gambia for all Gambians but ended up presiding over a repressive regime categorized by voter intimidation, rigging of elections, blatant abuse and missed use of power, extrajudicial killings and force disappearances. What made him stay in power for over two decades is not because he legitimately got elected but because he used fraudulent means to win elections. When he lost the 2016 presidential election to a political newcomer Asama Barrow in which he initially conceded defeat, he was praised for accepting defeat but reversed his decision days later plunging the country into a constitutional crisis.

The period following his refusal to accept the outcome of the election result and hand over power to his successor witnessed intense mediation coordinated by ECOWAS, AU and United Nations. ECOWAS, aware of how this conflict, if not managed well, could disrupt the already fragile sub-regional peace quickly reacted by dispatching a mediation team at different phases to encourage Jammeh to peacefully exit power. Initial efforts could not make a breakthrough in persuading him to respect the sovereign will of The Gambian people as expressed in the December 1st 2016 polls. As fear loomed large and the deadline fast approaching, ECOWAS deployed threats to the use of force in conjunction with coercive mediation to force Jammeh out of power. Jammeh would later reluctantly relinquish power when the ECOWAS Mobilization Force made advance into Gambian territory ending his twenty-two years of autocratic regime.

ECOWAS conflict prevention and conflict management strategies especially the supplementary protocol on Democracy and Good Governance and the Conflict Prevention Framework are effective conflict resolution mechanisms deployed by ECOWAS in resolving the 2016/2017 constitutional crisis in The Gambia. However, as the findings have revealed that there is

growing discontentment about ECOMIG mission and in light of current security situation, the ECOWAS leadership and Gambia government must coordinate for the eventual withdrawal of ECOMIG forces and hand over National Security Matters to established security institutions of the country.

## **Reflection**

Having spent the past twelve months preparing myself for the award of Master's in Dispute Resolution, there has never been a time throughout my academic and professional training where I could wake up at any time of the night and start putting my thoughts into writing. Occasionally, I would also call friends and ask about their opinion about my opinion on ECOWAS conflict resolution mechanisms. This is also the first throughout my academic journey to write a project of this nature. It was intensive and demanding, yet the most interesting research I have ever conducted. With the help and guidance of my supervisor, the dissertation Handbook and friends in academic cycles, I was able to tailor down my research topic to avoid ambiguity. I have learnt a number of things throughout this journey.

One important thing I learnt that impacted in me the most while doing this research is the ability to communicate with myself. Throughout the research, I had advanced and counter-advanced my opinions within me to make a balance and non-bias conclusions. This helped me to transmit my knowledge and ideas in a scientific manner. The research has improved my writing skills and understanding of academic research. My first intention was to research about restorative Justice and how effective restorative policing strategies helped in fostering victim-offender relations in Ireland Prisons Services. However, because mediation in itself should be conducted in total confidentiality and remain so, I felt it was going to be difficult to get the right data needed for the research.

I had always wanted to research about my environment in relation to its socio-political interactions. This is the reason why my area of study focuses on the conflict within my own country, The Gambia. With a population of about two million people, the country has a very high illiteracy rate. Little is known about The Gambia because only little is written about her. It

is against this backdrop that that I conducted this research on the conflict I had firsthand knowledge to contribute to the production of knowledge, through research and publication about my The Gambia and West Africa in general. The extensive research and application of relevant theoretical framework give this piece of work the basis for further research. The research is based on the knowledge I gained about International Mediation processes and principles while reading for Master's in Dispute Resolution.

I have learned from a number of research, policy documents and commentaries by distinguish individuals and scholars and knowledge gained from these researchers gave me the zeal to share my thoughts which might not necessarily be true but constitutes my opinions. For example, in an Analysis of the Afrobarometer findings conducted in 2019 about the growing discontentment about ECOMIG in The Gambia (see figure 1, page 53), I also have the opinion that the long term presence of ECOMIG Force, especially the Senegalese Contingent is undermining The Gambia's sovereignty and internal security establishment. I therefore beacon their withdrawal now as their presence continues to trigger scepticism among Gambian.

The biggest challenge of my study was how to structure my ideas, choose the right research approach on one hand, and methods of analysis on the other hand. Reviews analysed revealed that ECOWAS probably has the most effective conflict prevention, resolution and conflict management strategies in Africa. Finding these results encourages me to investigate and learn more about the mechanism as an aspiring international conflict mediator.

This research has had an impact on my curiosity about the relevance on international mediation and how regional intergovernmental organisations conflict resolution mechanisms work. While I am convince of a good job, I still think more need to improve in the research and looking back, I am proud I came this far and this research shall be basis for conducting further research on ECOWAS conflict resolution strategies.

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