

THE ROLE OF ECOWAS IN MANAGING POST-ELECTION CRISES IN WEST AFRICA: THE CASE OF IVORY COAST AND THE GAMBIA



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DECLARATION

With the exception of the quoted references and acknowledged sources, I hereby declare that this dissertation is a result of an original research conducted by me under the supervision of Dr. Ken Ahorsu and that no part has been submitted anywhere else for any purpose.

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DEDICATION

This work is dedicated to the Lord Almighty without whom it would not have been impossible for me to come to the Legon Centre for International Affairs and Diplomacy (LECIAD) and for His guidance throughout my study. This work is also dedicated to my entire family for their continuous support.

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LIST OF ABBREVIATIONS

AAFC	Allied Armed Forces of the Community
AFRC	Armed Forces Revolutionary Council
AFRC	Armed Forces Provisional Ruling Council
APRC	Alliance for Patriotic Re-orientation and Construction
APRC	Alliance for Patriotic Reorientation and Construction
AU	African Union
CMS	Committee for Mediation and Security
CPLP	Community of Portuguese Language Countries
CRC	Constitutional Review Commission
DCG	Democratically Constituted Government
DP	Democratic Party
DPP	Declaration of Political Principles
DSC	Defence and Security Commission
EC	Electoral Commission
ECOMIG	ECOWAS Mission in the Gambia
ECOMOG	Economic Community of West African States Monitoring Group
ECOWARN	Early Warning and Response Network
ECOWAS	Economic Community of West African States
FANCI	Forces Armées Nationales de la Côte d'Ivoire
FDI	Foreign Direct Investment
FN	Forces Nouvelles

FPI	Front Populaire Ivoirien
FRCI	Forces Républicaines de Côte d'Ivoire
GNA	Gambian National Army
IEC	Independent Electoral Commission
INPFL	Independent National Front of Liberia
KAIPTC	Kofi Annan International Peacekeeping Training Centre
LECIAD	Legon Centre for International Affairs and Diplomacy
MCP	Muslim Congress Party
MFDC	Movement of Democratic Forces in the Casamance
MJP	Movement for Justice and Peace
MPCI	Mouvement Patriotique de Côte D'Ivoire
MPIGO	Mouvement Populaire Ivoirien du Grand Ouest
MSC	Mediation and Security Council
NCC	National Consultative Committee
NCP	National Convention Party
NIA	National Intelligence Agency
NPFL	National Patriotic Front of Liberia
NPRC	National Provision Ruling Council
NRP	National Reconciliation Party
PAP	Pan-African Parliament
PDCI	Parti Démocratique de Côte D'Ivoire
PDOIS	People's Democratic Organisation for Independence and Socialism

PMAD	Protocol on Mutual Assistance Defence
PNA	Protocol on Non-aggression
PPP	Peoples Protectorate Party
PSC	Peace and Security Council
RECs	Regional Economic Communities
RUF	Revolutionary United Front
SADC	Southern African Development Community
SLA	Sierra Leonean Army
SMC	Standing Mediation Committee
SRSG	Special Representative of the Secretary-General
UDP	United Democratic Party
UN	United Nations
UNAMISIL	United Nations Mission in Sierra Leone
UNOCI	United Nations Operation in Côte d'Ivoire
UNSC	United Nations Security Council
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UP	United Party

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ABSTRACT

The study examined ECOWAS's consistency in its operationalisation of the 1999 and 2001 protocols in managing post elections crisis. The 2010/2011 Ivorian Crisis and the Gambian 2016/2017 crisis bordering on unconstitutional change of government were the case studies. Given the provisions of the 1999 and 2001 Protocols, it was obvious that ECOWAS was bound to intervene in the two crises to shore up to its legitimacy and redeem its image. In the two cases, ECOWAS deployed its pacific and enforcement mechanisms in resolving the crises. To that extent, the study concludes that ECOWAS has been consistent in deploying its protocols in managing post-election crises. However, social phenomena are ambivalently similar and dissimilar. The structural properties of the two crises are similar but are as they are unique because of the context. Besides, French interests in the Ivorian crisis was preponderant, which eventually rendered ECOWAS' role in the Ivorian Crisis peripheral. The Gambian Crisis counted only as an aberration to global normative consensus on unconstitutional change of government. As such ECOWAS played the dominant role in resolving the Gambian crisis. The work recommends that ECOWAS, the Media and Civil Society Organisations should be more proactive to incipient conflict in order to save cost and time and enhance its expediency; because the use of force, though within the remit of ECOWAS is putative, and may yield unintended consequences.

CHAPTER ONE

INTRODUCTION

1.0 Background

The Economic Community of West African States (ECOWAS) was founded in 1975. The overarching objective for the formation of ECOWAS was to champion trade and economic cooperation among member countries and also facilitate the free movement of peoples, services, and capital. Weary of the external threats to the peace and stability of the community during the Cold War, ECOWAS adopted the “Protocol on Non-Aggression” and the “Protocol on Mutual Assistance of Defence” in 1978 and 1981, respectively. The pursuit of peaceful settlement of disputes was a complete reflection of the ideology that engendered the 1978 Protocol, in reaffirming the prohibition of the use of force enshrined in Article 2(4) of the United Nations Charter. Three considerations informed the position of ECOWAS to adopt the idea of a security mechanism in the early years of its coming into being.¹ “First, the responsibility in maintaining regional peace and security; second, the aspiration of ECOWAS leaders for security, stability, development and cooperation; and third, exploiting its collective power for its own defence.”² The Protocol relating to “Mutual Assistance on Defence” adopted in 1981 made provisions for a multinational ECOWAS defence force, and stressed the need to give mutual aid for defence against any external armed threat or aggression. The desire to enhance regional security and the attempt to champion military cooperation in the community was influenced by the need to maintain the territorial integrity of the Community.³

Internal political crisis in member countries during the immediate post-Cold War era which culminated in civil conflicts compelled the organization to redefine its mission and objectives to

include the management of violent conflicts within member states. This necessitated the revision of the original treaty of the organization in 1993 to include the new roles of ECOWAS. The revised treaty, known as The Cotonou Treaty of 1993 introduced new mechanisms, with regard to issues of peace and security, and strengthened existing ECOWAS institutions.⁴ A number of additional protocols have since been agreed to and eventually ratified that have a more direct relationship with peace, security, governance and democracy issues. These protocols are the “1999 Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security” and the “Supplementary Protocol on Democracy and Good Governance” in 2001 which form the framework for managing the sub-region’s security and governance related problems. The new roles in maintaining peace and stability in the West African community resulted in the establishment of a nexus between security and development. The 1999 Protocol mandates ECOWAS, among other things, to deal with threats posed to peace, and security in the sub-region.⁵ The “2001 supplementary protocol” gives ECOWAS the oversight responsibility to intervene in member states and impose sanctions in cases of unconstitutional change of government and where there is evidence of massive violation of Human Rights in a member state.⁶

Aside the humanitarian and the political crises that beset the African continent, at large, and the West African sub-region, in particular, has also been the scene of the most dramatic political changes in the post-Cold War era. Samuel Huntington labeled this change from predominantly authoritarian regimes to a proliferation of democratic governments as the “third wave of global democratization”⁷ A number of factors contributed to the massive political change in Africa. The failure of African elites and various governments to fulfill the anti-colonialist political promises to the people, and structural adjustment and economic recovery programs that the World Bank, IMF

and other development partners of Africa initiated to rectify Africa's economic challenges, especially, its debt crisis jumpstarted democratic reforms across Africa. The increase in the number of educated and unemployed youth across Africa and their clamor for constitutional changes, equally, and positively impacted on the quest for democratic reforms.⁸ Eventually, Western governments and donor agencies made democratic reforms conditionalities for economic assistance.⁹ By the end of the Twentieth Century, almost all countries in West Africa had undertaken some form of political transition to multiparty constitutional rule. The results, though, have been mixed. While some countries such as Ghana, Senegal, Botswana, Cape Verde, Benin, South Africa, Namibia, Zambia and Tanzania smoothly transitioned to multiparty rule; others such as Nigeria, Gambia, Guinea, Guinea Bissau, Burkina Faso and Mali experience civil disturbances and other forms of political crisis. Nevertheless, the basic tenet of the concept of democracy was reintroduced in West Africa. People became free to form political parties and contest elections and also voted for their preferred candidates through free and fair elections.

Despite the protocols and faith in democracy, West African states' present democratic dispensation has produced mixed results. A number of countries in the West African sub-region have still experienced political crisis such as: coup d'états, political violence, ethnocentrism and contestation of political results that necessitated ECOWAS intervention in the past decade. ECOWAS has since applied these Protocols unilaterally or in collaboration with the UN and the AU in resolving the emergent political crises, ranging from electoral disputes and violence to post-election violence even civil wars that occurred in the sub-region. Ivory Coast and the Gambia are some of the countries that experienced varying degree of constitutional crises. This study uses Ivory Coast and the Gambia as case studies of ECOWAS's management of political crisis in the sub-region.

The political woes of Ivory Coast began in 1993 after the demise of President Felix Houphouët-Boigny. Before, Ivory Coast was one of the most politically stable and socio-economically prosperous countries in Africa. Boigny's death brought about a prolonged power struggle among the country's political elites. The emerging political leaders used electoral strategies dominated by ethnic interests. This brought about marginalization of some groups, issues of identity, coup d'états, power sharing and a division between the north and south. These led to Civil War between 2002-2011. After the 2010 presidential elections, Alassane Ouattara was declared President by the Ivoirian Independent Electoral Commission (IEC) and recognized by the international community. Gbagbo contested the election results and appealed to the Ivoirian Constitutional Council. The results were reviewed and annulled and Gbagbo was proclaimed as the legitimate president elect. The contestation of power between Gbagbo and Ouattara resulted in the second Ivorian Civil War. ECOWAS together with the AU, France and the United Nations intervened for the restoration of political stability and democratic rule.¹⁰

In Gambia after Yahya Jammeh ceased power in a nonviolent coup in 1994, he was re-elected as president in 1996, after which he consolidated his hold on power. Jammeh was reelected in 2001, 2006, and 2011, even though these elections fell below international standards of "free and fair" elections.¹¹ After the December 1st, 2016 Elections, Jammeh accepted defeat and promised to peacefully transfer power. Conversely, on the 9th of December, in an equally surprising U-turn, Jammeh stated that he was rejecting the election results alluding to what he called "serious and unacceptable abnormalities." This turn of events received outright condemnation from the international community and ECOWAS. ECOWAS, using its Protocol, took steps to restore democracy. After the initial attempts at mediation failed, the regional organization resulted to the

threat of use of force.¹² The role played by ECOWAS, in terms of consistency in resolving the two-political crises is the central concern of this study.

1.1 Problem Statement

Since the late 1980s, ECOWAS has redefined itself as a security community organization given the nexus between security and development. As stated earlier, the “1999 Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security” Protocol and the adoption of the “2001 Supplementary Protocol on Democracy and Good Governance” empowers ECOWAS to use preventive diplomacy, mediation, sanctions and military actions against states, governments and other actors in events of unconstitutional change of government and human right abuses. The provisions of the protocols notwithstanding; there is a wide gap, between policy formulation and policy implementation in the annals of regional organizations especially in times of socio-economic and political crisis. This challenge nevertheless, ECOWAS faces the problem of activism and non- activism, as well as consistency and inconsistency in applying its protocols or mandates in defense of democracy in the West African community. This is especially so, given that, ECOWAS 1999 and 2001 protocols mandated to resolve political crisis in member states were instituted when member states were still in the process of democratization. Again, Vivienne Jabri argues that conflict resolution is not necessarily altruistic, the notion of success is never universal, and conflict management is essentially conflict dynamics. Besides, she argues that, interventions and their outcomes depend on varied interventionist analysis, issues involved in the conflict, the affected others, the strengths and actions of the parties to the conflicts, the interventionist context of social values, resources, normative expectations, institutional prerogative and evaluation of results as well as unintended consequences.¹³

Given the above challenges of consistency in intervention, this study seeks to examine how consistent or otherwise ECOWAS has been in operationalizing its protocols in defense of democracy in the Ivorian and Gambian crisis.

1.2 Research Question

- What are the main causes or sources of post-election crisis in West Africa?
- What are the main dangers post-election crisis pose to ECOWAS values, principles and legislations?
- How consistent has ECOWAS 2001 protocol been in resolving post-election crisis?

1.3 Research Objectives

The general objective of the study is to see how consistent ECOWAS has been in resolving post-election crises in the sub region and specifically to:

- Review the ECOWAS's 1999 and 2001 protocols and how it's been used in managing political crises in West Africa.
- Analyze the principles that constituted the bases of ECOWAS intervention in Ivory Coast and The Gambia.
- Examine how consistent ECOWAS has been in applying its protocol and managing the crisis in Ivory Coast and The Gambia.
- Examine the factors that are responsible for ECOWAS' consistency and inconsistency in intervening in the Ivorian and Gambian crises.

1.4 Rationale

ECOWAS has played a very laudable role in conflict resolution in the sub-region. However, a

clear structural problem that remains is the fact that not all member states of ECOWAS are endowed with the same quantum of resources. Besides, ECOWAS member states have different colonial heritage such as Anglophone, Francophone and Lusophone and their socio-economic and political culture are largely influenced by their colonial heritage. Despite these differences, ECOWAS's consistency on the operationalization of its 1999 Mechanism for "Conflict Prevention, Management, Resolution, Peacekeeping and Security" Protocol and "2001 protocol on Democracy and Good Governance" are very important to the continued legitimacy that ECOWAS enjoys both within the sub-region and internationally. It is therefore important that the results of this comparative study of Ivory Coast and the Gambia will help governments, ECOWAS and African statesmen address issues of consistency in managing post-election crises.

1.5 Scope

The research covers ECOWAS intervention based on the 1999 Mechanism and the 2001 ECOWAS Protocol on "Democracy and Good Governance" and how it was used to resolve the 2010/2011 Ivorian crisis and the 2016/2017 Gambian crisis.

1.6 Hypothesis

ECOWAS has largely been consistent in the application of its protocols depending on the dynamics of the conflicts.

1.7 Theoretical Framework

This research uses communitarian security as its theoretical framework. The theory evolved from Karl Deutsch's concept of security community. He defined the security community as a group of states that had become integrated to the point at which there is "real assurance that the members

of that community will not fight each other physically but will settle their disputes in some other way”¹⁴ Hence, states which constitute a community security are connected by the “sense of community”: common understanding, trust, and shared interests. Thus, war is excluded in this community. This is because of the normative values, history, mechanisms for conflict prevention principles used to solve problems that arise in the community. He identified two kinds of security communities, being amalgamated and pluralistic. An amalgamated security community exists when there is a formal merger of two or more previously independent units into a single unit, with some type of common government after amalgamation.¹⁵ With sovereign independent states merging to form a federal singular unit as realized in the case of USA. On the other hand, in a pluralistic security, the community members “retain the legal independence of separate governments.”¹⁶ Examples include Western Europe, the Baltic States region and the relationship between the United States and Canada.

Adler and Barnett observe that there is an evolution of a security community from nascent and ascendant to mature. A nascent security community from their point of view meets the fundamental prospects of peaceful change, whilst a mature community security on the other hand is defined by some collective security instruments and supranational features.¹⁷

Deutsch’s concept assumes that there are several requirements that a security community must meet. States must share “dependable expectations of peaceful change”¹⁸ Firstly, there must be an absolute absence of armed conflict among members who make up the community. This does not mean that, there will be no disagreements or disputes among member states, but affirms alternative means to prevent the governments involved from resorting to the use or threat of force. Secondly,

Deutsch stresses on the absence of arms race among member states of the community. Thus, members of the community must abstain from offensive weapon systems and the mobilization of resources for war against other states in the community.¹⁹ The third requirement has to do with the existence of institutions and practices, be it formal or informal which are to help reduce, manage, prevent and resolve conflicts among member states in the community. To ensure this, the institutions and practices must be well established and functioning properly in order to assure members of peaceful change. This has been a challenge expressed by Amitav and Acharya on how only a few regional groupings have performed this task with distinction and stood the test of time.²⁰ Finally, a high degree of political and economic integration is a necessary pre-condition of peaceful relationships. When this requirement is met, there will be high degree of interdependence both economically and politically and reduces the will of the use of force among states promoting peaceful coexistence.²¹ With this not restricted to warding off instability between states belonging to the community, internal wrangling of any of the members possess the attribute of distorting the stability of the entire community through the spill-over effect.

The community security theory applies most to the first or developed world. However, since the end of the Cold War, the community security theory has developed in to communitarian security. Some proponents of the theory include; Peter J. Fromuth, David Scheffer and Stevens Goldman.²² This theory challenges the Westphalian notion that states are sovereign and are characterized with intrinsic rights of sovereignty.²³ Indirectly, a state's right of sovereignty entails its total right, control and exclusive rule over its territory.²⁴ In other words, nation-states were not accountable to any authority with regards to happenings within its geographical territory. Conversely, Goldman, a proponent argues in contrast to the exclusivity of state's sovereign rights. In his paper

titled “The Rights of Intervention based upon impaired sovereignty”, Goldman is of the view that, some states are legitimate whilst others are illegitimate.²⁵ He defined the illegitimate states as undemocratic states that abuse and infringe upon the rights and liberty of its citizens. The activities of such states threaten the peace and security of the international community. He also defined legitimate states as ones which protects the rights of its citizens as well as ensuring their safety.

This theory clearly contradicts the Westphalian notion of exclusive sovereignty of states devoid of the state being legitimate or illegitimate. The theory rather suggests that; “Where conditions of anarchy or international crimes or of genocide take place within the geographic confines of a political entity whose sovereignty may be described as impaired, or perhaps in suspension, the previously impenetrable wall of state sovereignty should not be allowed to present legal obstacle to outside intervention by legitimate states,”²⁶

According to Scheffer, the interventions by such legitimate states are done for these reasons:

- To give protection to citizens and foreigners whose lives are endangered.
- To give protection to religious and ethnic groups which are in minority from oppression and genocides.
- To bring an end to crimes against humanity and internal aggressions.
- To manage issues of mass migration, settle displaced people back into their legitimate homes, repatriate refugees and migrants as well as protecting them from life threatening situations.
- To react to human sufferings caused by natural disasters.
- To support anti-rebellious movements of self-determination from repressive regimes.

- The theory stresses on the need for the international community and other regional bodies to intervene on humanitarian basis in situations of domestic crisis which pose a humanitarian threat to international security.²⁷

Realists strongly contend that communitarian security theory does not highlight the importance of domestic policy in the formulation of foreign policy and also it is not real in analyzing external security threats. Nonetheless, it is important to note that The formation of ECOWAS is structured along the neo-liberal institutionalism notion to integrate economies belonging to the regional bloc so that its members maximize their gains from trade. With elements such as democracy, rule of law, respect for human rights reigning supreme in the ideology espoused by neo-liberal institutionalism, any act that undermines these principles destabilizes the activities of the community.

Recognizing that the organization's inactivity had largely been caused by crises and conflicts, the member states decided to come up with a substantial reforming with the view of developing the regional cooperation process further into a direction that would also contribute to the region's stability and peace. Hereby the awareness of the regional dimension of neighboring crimes and conflicts and notably the risk of regional spill-over largely underlay and fostered the initiative of giving new dynamics to regionalism in the case of ECOWAS. Strengthening and intensifying cooperation was considered by the states as a vital approach towards promoting development, not only through economic growth but also through consolidated peace and security. In view of this, the connection between security and regional co-operation has risen since 1993. This clearly explains ECOWAS's intervention in member states such as Liberia, Sierra Leone, Guinea, Guinea

Bissau, Burkina Faso, Ivory Coast, Mali and the Gambia. It intervened mainly on the concept of communitarian security in order to promote peace and security in the sub-region and also protect the rights of citizens since their respective governments failed to do so.

1.8 Literature Review

Ferim's article, "Dictatorship in Africa", throws light on Africa's long-held dictatorship trajectory. Ferim defines dictatorship as a totalitarian form of government largely dominated by a single individual. He however argues that in contemporary Africa, this definition does not hold because most African rulers, one way or the other, try to adhere to constitutional and judicial proceedings of their countries. Ferim, therefore, qualifies a dictator as a long-serving ruler who invokes constitutional provisions to suit his end and prolong his stay in power.²⁸ Ferim based his argument on Plato's elitist theory of the philosopher king. He argues that African leaders after attaining Independence often resort to one-party systems which is characterized by highly centralized government bureaucracies. Because African leaders believe that operating a one-party system limits competition, reduces undue hostility against the ruling party, whilst limiting conflicts that might be associated with partisan/ethnic politics. "Multipartyism was thus seen as a vehicle for the politicization of ethnic and other social cleavages and as a result, a major obstacle to development in a new society" hence their choice of a one-party system.²⁹ Ferim also points out some factors contributing to the existence of long-serving rulers in Africa which include; the deification of leaders in the African tradition of respect for elders, familiarity is safe, fear of prosecution after term of office.

He concludes that in order to overcome dictatorship, long-serving leaders and gerontocracy, there must be a radical change of the mindset, which venerates individuals because they occupy leadership positions and that respect must be earned through service, devotion and faithfulness to the common people. In addition, African people and parliaments must institute and strictly abide by constitutional term limits; the international community should shoulder the responsibility of maintaining a hard stance on the non-acceptance of undemocratic leaders and dictatorial rule.³⁰

Gilles Olakounle Yabi, “The Role of ECOWAS in Managing Political Crisis and Conflicts: The cases of Guinea and Guinea Bissau” talks about ECOWAS’ continuous transformation from principally a peacekeeping security organisation in the late 1990s to an increasingly normative sub-regional organisation which confidently started to manage issues of governance, human rights abuse and security predicaments in Guinea (2007-2010) and Guinea Bissau (2005-2010) using its 1999 Protocol on the “Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security” and the “2001 Supplementary Protocol on Democracy and Good Governance”. The ECOWAS Commission by deploying its electoral observer missions, fact finding, condemning human rights violations, appointing mediators and special representatives and its institution of international contact groups was able to manage both crises in the sub-region.³¹

Jeremy Levitt, “Pro-democratic intervention in Africa” highlights on Africa’s regional and sub-regional interventions to protect democracy. According to Levitt:

An intervention by a state, group of states, or regional organization in another state involving the threat or use of force in order to protect or restore a democratically constituted government (DCG) from unlawful and/or violent seizures of power, especially when the circumstances that underpin such seizures threaten a substantial part of a state’s population with death or suffering on a grand scale.³²

Levitt states that, the aim of a pro-democratic intervention is not to bring democracy into existence where it does not exist but rather preserve democracy where it does exist. He lists some pro-democratic interventions by the ECOWAS, SADC and AU in infant and transitional democracies in “Sierra Leone (1997), Guinea-Bissau (1998), Côte d’Ivoire (1999), Lesotho (1998), São Tomé and Príncipe (2003), and Togo (2005).”³³

His work further highlights several types of unconstitutional change of government in the African Continent which include; “military coups, tenure prolongation through constitutional amendment by sitting presidents, manipulating the political system to facilitate father-to-son succession and rigging elections by incumbent governments or their refusal to concede defeat”. His analysis of Africa’s democratic challenge and consolidation, includes an examination of the institutional mechanisms in place for averting undemocratic change of government in Africa. These mechanisms among others include; “Article 30 of the AU’s Constitutive Act, the Lomé Declaration and ECOWAS’s protocol on Democracy and Good Governance”. The innate shortcomings of these mechanisms are seen mainly, at their level of implementation. Inferring from empirical data to demonstrate the trends and forms of unconstitutional changes of governments on the African continent, Levitt’s work shows how these threaten the democratic stability of the region and Africa’s consolidation of democracy. He also states that, some of the threats to Africa’s democracy arise from the nature of and inconsistencies within its democratisation process. They include; “the substance of democratic politics, the nature of its ownership, marginalisation of ordinary people and rather weak democratic institutions, which struggle to structure electoral rules and ensure compliance by the main political players.”³⁴

Shola Omotola's work on "Unconstitutional Change of Government in Africa: What Implication for Democratic Consolidation?" analyses the different types of "unconstitutional change of government" across the African continent. Omotola's work supports the argument that "unconstitutional change of government" poses a principal threat to Africa's democratic solidification and stability. She points out the fact that, military coups will continue to be the main source of democratic regression on the African continent since much effort has not been made to curb its predisposing factor which mainly is bad governance among others. She mentions three main kinds of "unconstitutional change of government" in Africa, namely, military coups d'états, change of the constitution with the aim prolonging one's tenure and the refusal on the part of incumbents to cede power after losing an election and their adoption of strategies such as power sharing as it was made evident in the cases of Zimbabwe and Kenya.³⁵

Omotola posits that at the regional level, the Article 30 of the AU's constitutive Act which posits that "Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union" is used to address the challenge of "unconstitutional change of government". The AU also suspends member states that assume power through unconstitutional means. She also identifies the ECOWAS "2001 protocol on Democracy and Good Governance" and its 1999 mechanism as instruments used in addressing these challenges at the sub-regional level.

She concludes that, the failure of the sub-regional and regional governance structures to steadily respond in accordance to their principles and norms in situations of unconstitutional change of government is accounted for by some domestic forces at play in the various African countries and

the involvement of some hegemonic powers. She points out “insatiable ambition, ethnocentrism and the entrenchment of some institutions such as the military” as the domestic forces responsible for unconstitutional change of government. However, she attributes the external factors to the quest of colonial masters to promote long term economic welfares, and the quest of emerging powers to protect their valued relations etc.³⁶

Kathryn Sturman, “Unconstitutional Change of Government: The Democrat’s Dilemma” presents a fascinating debate on “unconstitutional change of Government” in Africa. Her work outlines the challenge facing the African Union’s emphasis on constitutionalism as a procedural rule with regards to governance using its “Constitutive Act of 2000” and other protocols, charters and ensuing decisions. The AU has since 2002, rejected “unconstitutional change of government”. According to Sturman, the AU’s 2000 Lomé Declaration defines unconstitutional change of government as an “unacceptable and anachronistic act which contradicts the commitment to promote democratic principles and conditions”. In this regard, “unconstitutional change of government” constitutes a coup led by the military against a government elected democratically, an intervention by mercenaries aimed at ousting a democratically elected government, rebels and armed dissent’s attempt to replace an elected government, the refusal of an incumbent to cede power to the winning party after a democratic election among others.³⁷

Sturman also points out that, the challenge of the AU is mainly what to do about “good coups”. She makes reference to Francis Ikome’s argument of the existence of “good coups” and “bad coups”. Sturman emphasized that coups occur for two reasons which include; ambitions and opportunism of the coupists and bad governance which hinders the use of peaceful and democratic

means of changing governments. As such, “good coups”, in situations where an ousted government brings about jubilation on the streets, presents a “dilemma” for the AU’s “blanket injunction” against coups since it begs the question “what options are left for an oppressed people, when the oppressors constrain all avenues of peaceful change?”. She further stated that, a solution for the dilemma of “good coup” and “bad coup” would necessitate the pointing out of the AU’s definition of what “unconstitutional change of government” applies to all coups against any government that is democratically elected.³⁸

She also uses the Arab Spring and its consequences in Libya, Egypt, Tunisia, to demonstrate the drawbacks and limitations inherent in the AU’s “Constitutive Act of 2000”, its protocols, charters and decisions emphasizing on constitutionalism. She concludes that the shortcomings of the AU’s view of democracy in Africa is seen in the manifestation of the 2011 Arab Spring. She states that whereas the AU’s reaction to each case is envisioned to be unbending, however, judgements on how to act in response to the cases takes place in the events of several issues outside the issues of principle. She suggests that, the “Pan-African Parliament (PAP)” should encourage national parliaments to ratify the Africa Union Peace and Security Council (PSC) to clarify when and why a civilian-led uprising against a government does not constitute an “unconstitutional change of government”, PAP should also delineate principles for the AU on how it must to guide civilian-led rebellion towards constitutional democracy and PAP must champion the course for a consistent and strenuous application of the principle of “unconstitutional change of government” in situations where an incumbent president fails to abide by the constitution of its country.³⁹

Alexander K.D. Frempong, in “The Economic Community of West African States (ECOWAS): The Search for Peace and Democratic Governance” examines how ECOWAS has transitioned from an economic organization into a communitarian security organization. He further examines ECOWAS’ performance in conflict management and democratic governance.⁴⁰

Frempong states that, the absence of ECOWAS’s security related protocols when the organization was initially established presupposes that, ECOWAS had to deal with several security crises from then 1990’s in the sub-region etc. As such, ECOWAS in 1978 adopted the “protocol on Non-aggression” in order to maintain peace and security in the sub-region. The 1978 protocol called on member states to refrain from acts of aggression towards each other and asked that they settle disputes in a peaceful way. The PNA however fell short since it didn’t address issues of threat coming from outside the community and within a member state. The limitations of the PNA, led to the adoption of the “Protocol on Mutual Assistance Defence (PMAD)” in 1981. The PMAD provides for among others a response mechanism for external threats and issues of domestic conflict. The PMAD was firstly used by ECOWAS to intervene in the Liberian Crisis and later in Sierra Leone and Guinea Bissau. Also, the community adopted Declaration of Political Principles (DPP) in 1991 where members committed themselves to democratic principles, rule of law, respect for human rights etc. This led to the revision of the ECOWAS treaty in 1993 which gave ECOWAS a supra-nationality status and also assigned member states with the task of conflict prevention and settling of disputes. In 1999, the community adopted the Protocol relating to the “Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security” to promote peace and security in the sub-region. To further complement the 1999 Mechanism and strength the democratic dispensation of the sub-region the “2001 supplementary Protocol on Democracy and

Good Governance” was adopted to address issues of unconstitutional change of government, corruption etc.⁴¹

In his assessment, Frempong states that, notwithstanding the efforts of ECOWAS, the crises in the sub-region, have followed in a quick sequence and further producing a glaring disconnection between the community’s stated objectives and practices. He concludes by calling on member states to unite to help reduce the occurrence of conflicts in the region. He also recommended that member states improve the living standards of their citizens and respect their human rights. He also states that, member states should not underestimate the importance of “principles and norms” and that, ECOWAS must adopt some mechanisms for overseeing the peace-building segment in conflicts in which it intervenes.⁴²

Natalie Brown, in “ECOWAS and the Liberia Experience: Peacekeeping and Self Preservation,” examines how ECOWAS has transformed itself into a “collective security” organisation regardless of failure in achieving a significant economic integration goal. Through its transformation, the sub-regional body was able to maintain peace and security in Liberia with the help of ECOMOG. She also highlights the challenging formative years of ECOWAS regardless of some opposition from some Francophone member states. The community played a massive role in bringing an end to the Liberian Civil War from 1998. This was achieved through fighting rebels, negotiating peace accords and ceasefires, disarming of the rebels, evacuating expatriates and shaping conditions necessary for democratic election.⁴³

Bappah Habibu Yaya's article on "ECOWAS and the Promotion of Democratic Governance in West Africa", acknowledges that "shared values", is what have prompted all regional bodies in Africa to foster for peace and prosperity. The Department of Political Affairs of the African Union defines "shared values" as those "norms, principles and practices that were developed or acquired which provide the basis for collective actions and solutions in addressing the political, economic and social challenges that impede Africa's integration and development" (AU, 2012: 2).⁴⁴

ECOWAS acting intandan the African Union initiative stood firm in protecting constitutional rule and denying Gbagbo to unconstitutionally rule entrench himself in power. Bappah argues that, West Africa still suffers from democratic recession because ECOWAS has not been able to deploy its preventive mechanism effectively and efficiently. He also criticized the ECOWAS supranational institutions such as the court, parliament and commission as being weak and ineffective.⁴⁵

Odobo argues in his work on "Assessing the ECOWAS conflict mechanism and democracy protocol in the light of the electoral crisis in Cote d'Ivoire" that, in comparing ECOWAS's intervention in Liberia and Sierra Leone, there was a need for a more robust intervention as to deter future unconstitutional change of government. The protocols under which ECOWAS intervened prescribes cases of external aggression, conflict between member states, internal conflict leading to serious humanitarian crisis or serious violation of human rights and rule of law, and the removal or attempt to remove a democratically elected government, are the conditions that gives the regional body the authority to sanction any form of intervention it unanimously deems appropriate.⁴⁶

The Ivorian Crisis was largely about the concept of Ivorianite which has to do with who qualifies to stand for presidential and parliamentary elections as well as who qualifies to vote. From the tensions these acts generated and other related factors with regards to the 2010 elections, the Constitutional Council invalidated the verdict of the Electoral Commission in the 2010 election results in which Ouattara had emerged winner and the unanimity of ECOWAS and the international community's recognition of Ouattara as president elect ignited wide spread protests and clashes across the country.⁴⁷

ECOWAS stood by its decision to recognize Ouattara and applied the 1999 and 2001 protocols accordingly to remove Gbagbo from office. Despite the intent and resolve of ECOWAS, Odobo argues that, ECOWAS did not live up to the expectations of its peace and security architecture. According to Odobo, it was evident that, in spite of Gbagbo's disrespect for democracy, human right abuse and violations of the rule of law, ECOWAS did not enforce its enforcement mandate but rather resorted to mediation and diplomacy. Most probably, ECOWAS was afraid that its intervention might lead to a renewed Ivorian civil war or ECOWAS being bogged down in a prolonged peace enforcement operation that it lacked the capacity to sustain. This explains ECOWAS hesitancy in deploying ECOMOG forces but perhaps most importantly, ECOWAS was faced with logistics, financial and other operational challenges. Besides, ECOWAS lacked consensus on the use of force as Nigeria was concerned about its then upcoming elections and Ghana did not believe in military solution.⁴⁸

Christof Hartman in "ECOWAS and the restoration of democracy in the Gambia" gave a detailed account on the Gambian 2016/2017 political crisis and ECOWAS's role in restoring democracy

by the threat of force without using direct physical force. He attests to the fact that both the AU and the UN Security Council welcomed and encouraged the decisions of the ECOWAS summit giving ECOWAS the legitimacy.

According to Hartmann, ECOWAS had a clear legal mandate to trigger military action in order to protect democracy in Gambia since it's a signatory of its protocols. The Gambia is a signatory of the ECOWAS's treaties and protocols; and ECOWAS had the legal directive to intervene in the internal politics of its members when it deems it necessary. ECOWAS as a communitarian security organization does not only ensure the promotion of democratic development in the sub- region, but also demands that its members to adhere to the fundamental principles of democracy and good governance.⁴⁹

The “supplementary protocol on democracy and good governance” adopted by ECOWAS in 2001 outlines 12 constitutional values shared by all member States. Articles (1) b and c emphasizes that “every accession to power must be made through free, fair and transparent elections” highlighting the principle of “zero tolerance for power obtained by unconstitutional means”. The 2001 supplementary protocol clearly empowers ECOWAS to implement sanctions in “the event that democracy is abruptly brought to an end by any means”. These sanctions range from suspension of decision-making rights within ECOWAS to any other measure considered appropriate by the “Mediation and Security Council and the Authority of Heads of State and Government”. Since the 2001 protocol has been ratified by The Gambia, it is lawfully bounded by the provisions of both the ECOWAS treaty and the supplementary protocol. Secondly, there was consensus that ECOWAS forces could have coped with the Gambian with about 1,200 personnel in its standing

army. Thirdly, the Gambian president unlike Gbagbo in the 2010/2011 Ivorian crisis, could not depend on peers in the sub-region or some external powerful force. Besides, Yahya Jammeh, had become an embarrassment for the sub-regional leaders, due to his erratic rule. Finally, some member states such as; Nigeria and Senegal credibly committed themselves to the intervention both in terms of peaceful mediation and a probable use of force. Hartman described the role played by ECOWAS as an “African solution to an African problem.”⁵⁰

1.9 Sources of Data and Methodology

This research adopts the qualitative study. Qualitative analysis records people’s attitudes, feelings and behaviors in greater depths. This study uses qualitative analysis because, this form of analysis creates openness, avoids pre-judgements, provides depth and looks deeper into the issue and stimulates people’s individual experiences. Hence the research will use content analysis. Data for this research was sourced from both primary and secondary. The purposive sampling method was used in sampling specific individuals and organizations interviewed for the study. This shall serve as the primary source. Also, personalities who had once served on regional or sub-regional bodies like Professor Henrietta Mensa Bonsu (Director of LECIAD), Ebenezer Asiedu (Head of ECOWAS Mediation), Mr. Samuel Ofori Boateng (Acting Director of the ECOWAS bureau of the Ministry of Foreign Affairs and Regional Integration), Mr. Sebastian Beliwine (Acting Director of Africa and Regional Integration, the Ministry of Foreign Affairs and Regional Integration), Mr. Moussa Khady Cisse, (Charge d’Affaires- Deputy Chief of Mission of the Senegalese Embassy) and the cultural attaches of Ivory Coast and the Gambia were interviewed. In addition, semi-structured interview guidelines and snow-balling sampling were used. The secondary sources on the other hand comprise of data collected from journal articles, reports, books, unpublished works, and articles from the internet, magazines, and newspapers, reports recommendations from

symposia, workshops and seminars relevant to the research.

1.10 Arrangement of Chapters

This study is arranged into four chapters; Chapter one: constitutes the research design; Chapter two: is an overview of the 2001 ECOWAS Protocol on Democracy and Good Governance; Chapter three: ECOWAS's management of the Ivorian and Gambian political crises; Chapter four: summary of findings, conclusions and recommendations.

Endnotes

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CHAPTER TWO

THE ECOWAS AND IT'S SEARCH FOR DEMOCRATIC PEACE AND GOVERNANCE

2.0 Introduction

This chapter focuses on ECOWAS' history, its transition from an economic union, to a communitarian security organization in the sub-region; and how it has maintained peace, stability and security via the implementation of its 1999 and 2001 Protocols on conflict resolution.

2.1 The Historical Trajectory of ECOWAS

The creation of an economic Union in the sub-region have preceded several events. The former president of Liberia, William Tubman, was the first to talk about sub-regional integration.¹ His proposal of an economic union led to an accord signed by Ivory Coast, Sierra Leone, Liberia and Guinea in 1965. Yakubu Gowon and Gnassingbe Eyadema reintroduced the idea in April 1972. The two Heads of States drafted proposals and treaties for the new community which was later reviewed in Lomé, Togo in December 1973 by potential members. Finally, in Monrovia, Liberia in 1975 the draft formed the basis for the Lagos Treaty. ECOWAS came to being on the 28th of May 1975.²

ECOWAS is a regional economic bloc with the aim of attaining collective self-sufficiency by creating a single trading bloc for its member states through the integration of its member states into a single market area. The Community is to improve the standard of living of its people, maintain and enhance their economic security and foster inter-state economic cooperation. ECOWAS originally comprised sixteen members, made up of five Anglophone states; Gambia,

Ghana, Liberia, Nigeria and Sierra Leone, and nine Francophone states; Benin, Burkina Faso, Cote d'Ivoire, Guinea, Mali, Mauritania, Niger, Senegal and Togo, and two Lusophone nation states; Guinea-Bissau and Cape Verde which later joined in 1976.³ Mauritania however withdrew its membership in 2000. Morocco formally asked to join ECOWAS in February 2017 and its request has been certified in June 2017 at the summit of Heads of States.⁴ The fundamental principles of the ECOWAS as found in its Treaty is “to promote equality and interdependence of member states, inter-state cooperation, solidarity and collective self-reliance, harmonization of policies and integration programmes, non-aggression between member states, maintenance of peace; stability and security; peaceful settlement of disputes; promotion and protection of human rights; promotion and consolidation of democracy and accountability; and economic and social justice.”⁵

These principles were borne out of the realization that even though its member states share different historic trajectories (colonization, language, and administrative cultures) they have similar socio-economic conditions. There was, therefore, the need for their economies to be integrated in order to be globally competitive. Regional integration was therefore seen as the way to achieving development and improving the living standards of people. ECOWAS, however, fell short of its aspirations of integrating the sub-region economically because it encountered myriad of challenges.

The 1980s was a period of great economic and political recession in Africa. Many scholars refer to it as the lost decade. During this period, the sub-regional body was confronted with several political crises ranging from civil wars, armed conflicts to coup d'états. These challenges caused major set-backs to ECOWAS from realizing its set goals. The conflict landscape was changed

from inter-state to intra-state conflict. ECOWAS therefore redefined itself as a security community organization given the link between security and development.

2.1.1 The Evolution of the ECOWAS Conflict Management Mechanism

The end of the Cold War was coupled with the clamor by the world's super-powers for global dominance. The West African sub-region, lived in the shadow of the super powers and ever since, has experienced the creation of factions, violence and conflicts within states that became victims of their ideological battle. This rendered the ECOWAS incapable of fulfilling its core socio-economic development.⁶

Since the 1990's most of its member states including Liberia, Sierra Leone, Guinea-Bissau, Cote d'Ivoire, Senegal, Burkina Faso, Guinea etc. have experienced civil wars. During the Cold War, African states did not intervene in intrastate affairs because of Article 2(7) of the UN charter which states; "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII".⁷ Many states abused the rights of their citizens. Boutros Boutros Ghali's "An Agenda for Peace, 1992" changed the perception, it became acceptable that states could intervene in the domestic affairs of members states. Since then, sovereignty has been seen as a shared responsibility to protect citizens.

Initially, ECOWAS's mandate did not consider security as a primary concern due to the rivalry that preceded its formation and the need to prevent the violation of the sovereignty of their member states.⁸

The ECOWAS, in its first attempt, adopted a “Protocol on Non-Aggression (PNA)” in 1978 with the objective of creating a friendly atmosphere among member-states. In its preamble, ECOWAS leaders concurred they “cannot attain its objective in an unsafe atmosphere of peace and non-harmonious understanding”⁹. The PNA, required among other things that members states in their relations with each other refrain from the threat or use of force or aggression against the territorial Integrity of other member states, refrain from condoning acts of subversion against the political independence of other member states; and to use to all peaceful means in the resolution of disputes among themselves.¹⁰

It affirmed the non-use of force in Article 2(4) of the UN Charter and respect for the sovereignty of each member state. While the 1978 Protocol upheld the principle of non-intervention, it did not rule out the right of individual or collective self-defense nor the possibility of enforcement under Chapter 7 of the UN Charter. The 1978 protocol though valuable, fell short since it only addressed aggression among member states of the community. The protocol was limited since it made no reference to external aggression or issues of domestic conflicts.¹¹

In 1981, a more inclusive protocol relating to “Mutual Assistance of Defense (PMAD),” was signed which was based on the principles of collective action, security and defense. This protocol supplemented the 1978 protocol on non-aggression. Member states were “firmly resolved to safeguard and consolidate the independence and sovereignty of member states against foreign intervention”.¹² In Article 2, “armed threats or aggression” towards any member-state was seen as a threat directed towards the whole community; and Article 3 requires members to give “mutual aid and assistance” for defence against any form of aggression .¹³ In situations of “internal armed conflict within any

member state engineered and supported from the outside” and is “likely to endanger the peace and security” in the community, the Protocol authorizes ECOWAS to initiate armed or collective intervention. Where armed intervention (Article 9) is to occur, the Protocol authorizes the Authority to determine the suitability of armed intervention (Article 6(3). If necessary, the Authority shall interpose the “Allied Armed Force of the Community” between the troops engaged in the conflict.¹⁴ Units from the armies of members would make up the “Allied Armed Forces of the Community (AAFC)” during emergencies.¹⁵ It also created institutions such as; a Political Defence Council supported by a military Defence Commission.¹⁶ The protocol was used to create ECOMOG that intervened in the 1990 Liberian Civil War.¹⁷

2.2 ECOWAS’ Search for Peace and Democratic Governance

The Liberian crisis which began in 1989 set precedence for ECOWAS’s intervention in the domestic affairs of its member states.¹⁸ The Liberian crisis most importantly, gave room to West African leaders to re-consider their policy of non-intervention in the internal affairs of states. The Liberian Civil war is attributed to Samuel Doe’s military regime’s failure to initiate democratic reforms and return the country to constitutional rule. The coup was as a result of the America-Liberians which made up 5% of the population’s monopolistic rule for 130years over indigenous people who form the majority. The country’s indigenous people were in support of the coup since it beckoned an end to an oppressive and hostile regime.¹⁹

Charles Taylor, an Americo-Liberian of the “National Patriotic Front of Liberia (NPFL)” launched an armed raid to oust the Samuel Doe regime in 1989. The situation had degenerated into ethnic carnage and killing of innocent citizens.²⁰ It led to the internal displacement of about 2.6 million

of its population. Externally, Liberians who sought refuge were estimated at 700,000.²¹ Many left as refugees, settling in Guinea and Ivory Coast. Doe was taken captive and murdered by Prince Johnson and his rebel group, the “Independent National Front of Liberia (INPFL),” a faction of the NPFL, on September 9, 1990.²²

The United Nations took no action. There was an international intervention fatigue since the international community was saddled with several wars and conflicts. International concerns were therefore on the Gulf, the former Yugoslavia and Somalia.²³ As the situation worsened, it became evident that ECOWAS could no longer regard the situation as a Liberian internal problem. It intervened to restore peace and stability in Liberia. The Liberian crisis spread to Sierra Leone, a direct consequence of the Liberian civil war. Elements of NPFL joined the “Revolutionary United Front (RUF)” rebel group of Sierra Leone and overthrew Joseph Momoh in March 1991.

The leaders of ECOWAS realized that, the sub region can only attain its economic goal only if it is free from internal conflicts. ECOWAS also realized that the security, stability and development of its member states were linked together. At the 13th Summit of ECOWAS, held in May 1990, the “Authority of Heads of State and Government” of ECOWAS established the ECOWAS “Standing Mediation Committee (SMC)” made up of Nigeria, Ghana, Mali, Togo and The Gambia. On the 6th of July 1990, the Committee met in Banjul, The Gambia, and adopted the ECOWAS Peace Plan for Liberia. The Peace Plan among other things, called for the following:

- a. a cease fire by all warring factions
- b. the creation of an “ECOWAS Cease Fire Monitoring group (ECOMOG)” with the mandate of monitoring the cease fire.

- c. the establishment of an interim government in Liberia;
- d. the holding of elections within a year; and
- e. the establishment of an ECOWAS observer group to monitor elections to ensure transparency.²⁴

Based on this decision by the SMC, on the 25th August 1990, 3,000 troops from ECOMOG landed in Monrovia. The leaders of ECOWAS set up a special emergency fund which was initially estimated at 50million US dollars. This special fund was financed through voluntary contribution. The peace-keeping operations by ECOMOG in Liberia commenced on the 24th of August 1990. The ECOMOG was welcomed by Samuel Doe and Prince Yomi Johnson but Charles Taylor strongly opposed the presence of ECOMOG.²⁵

ECOMOG, in its attempt to restore peace in Liberia and return the country to constitutional rule, encountered several legal and operational setbacks. Strong objection to the deployment came from the French speaking countries, particularly, Burkina Faso and Ivory Coast. They saw the initiative as being advanced by Nigeria. They perceived Nigeria was using the Liberian crisis as a means to exert her hegemony in the sub-region.²⁶ Legally, the deployment of ECOMOG raised questions on ECOWAS' legitimacy to deploy peacekeepers without the prior approval of the UN Security Council. In addition, there was a major debate over the democratic qualifications of the heads of states who contributed troops to ECOMOG: Babangida of Nigeria, Rawlings of Ghana, Lansana Conteh of Guinea Jawara of Gambia and Momoh of Sierra Leone.

After several years of ECOWAS' peace keeping initiative in Liberia, the regional body was able to achieve peace in Liberia in 1997. ECOWAS, learnt a great lesson from the crisis. The regional body realized that the only way to achieve its economic goal was to focus on democratic governance as well. It adopted the "Declaration of Political Principles (DPP)" in 1991 where members dedicated themselves to democratic governance, respect for human rights and rule of law. The declaration's main objective was the promotion of democracy, political pluralism and respect for human rights. It also stressed on the promotion of stable and secure political environment for citizens of member states to live freely and in peace where they are protected from threats to their safety. The declaration also frowns on any seizure of power by force.²⁷

The ECOWAS treaty was revised in 1993 to officially mandate the community with the task of preventing and resolving conflicts in the sub-region. This new treaty, made provisions for adherence to non-aggression among member states; maintenance of peace, stability and security as well as peaceful settlement of dispute in Article 4(d-f). Article 58 of the revised treaty, outlines the organization's legal basis for conflict prevention, management and resolutions in the sub-region. The revised treaty also provided for various aspects of conflict prevention, management, peace keeping and peace building. Further enshrined in the article are details relating to the provisions governing political cooperation, regional peace and stability.²⁸

This revised treaty clearly changed ECOWAS' mandate from a purely economic organization into a community security organization. Article 4 (g-j), of the treaty provides for the "respect promotion and protection of human and people's rights; accountability, economic, social justice and popular participation in development; and promotion and consolidation of a democratic system of

governance in each member states”. Article 61, 66 and 81 provides for the mobilization of various sections of the population, press freedom and the consultation of civil society groups respectively.²⁹

2.2.1 The Sierra Leone Crisis

The Sierra Leonean civil conflict began in March 1991 with the “Revolutionary United Front (RUF)” led by Foday Sankoh supported by the special forces of Charles Taylor’s NPFL. Initially, the RUF rebellion was regarded as an extension of the Liberian conflict but it however assumed a life of its own and thrived till the 25th of May 1997. Following the government’s ineffective ability to deal with the disruptions of the RUF rebellion during the first year of the war, the National Provision Ruling Council (NPRC) precipitated a military coup in April 1992.³⁰

ECOWAS delayed in intervening in the Sierra Leonean crisis because it was overburdened or was experiencing an intervention fatigue due to the Liberian crisis. ECOWAS was also of the view that, the resolution of the Liberian crisis will bring an end to the Sierra Leonean crisis. However, ECOWAS intervened in the crisis due to the overthrow of Kabbah’s government on the 25th of May 1997 by the merger of both the Sierra Leonean Army (SLA) and the RUF forces.

Nigeria unilaterally intervened in the crisis militarily and tried to restore peace before seeking the approval of ECOWAS. Nigeria adduced to the existence of a military defence pact between their two states. The failure of the Nigerian intervention to overturn the coup brought about a coalition with the “Armed Forces Revolutionary Council (AFRC)” teaming up with the rebel RUF.³¹

Nigeria's intervention created a predicament for ECOWAS. An outright authorization of Nigeria's unilateral action which was mainly to restore democracy in Sierra Leone albeit was in line with ECOWAS protocols, would have given the entire community the impression that they could interfere in the internal affairs of other member states under the authority of ECOWAS if they had the capability and capacity to do so.³² ECOWAS formally extended ECOMOG's operations into Sierra Leone following three months of ill-fated negotiations with the AFRC. Faced with both domestic and global pressure the AFRC and ECOWAS signed the "Conakry Peace Plan", which among other things, called for: "immediate cessation of armed hostilities; the reinstatement of the of the Kabbah government within six months; immunities to the junta leaders; cooperation between the junta and ECOMOG on disarmament, demobilisation and reintegration; and modalities for broadening the power in Sierra Leone". But the execution of the Conakry peace plan lacked good faith on the AFRC's part. In February-March 1998, ECOMOG was successful in ousting the AFRC and restoring democracy by reinstating Kabbah. ECOWAS success was short lived since the AFRC/RUF alliance returned and invaded the Freetown capital in 1999. ECOMOG was replaced by the UNAMISIL under the resultant July 1999 Lomé Accord, in a transition which left issues of the ECOWAS-UN task sharing still not resolved properly.³³

2.2.2 Guinea Bissau

In June 1998, a civil war broke out in Guinea-Bissau. Just as Nigeria unilaterally intervened in the Sierra Leonean crisis without the consent of ECOWAS, Senegal and Guinea on the other hand, did same in the case of Guinea-Bissau. Following the removal of the Army Chief of Staff Ansumane Mane by the President Bernardo Viera who was accused of providing the "Casamance separatists [MFDC]" in Senegal with arms, in June 1998, brought about the crisis in Guinea Bissau.

Senegal and Guinea alluded to a bilateral defence pact and sent troops to Guinea Bissau to support President Viera. Senegal sent a 3000 strong force to oppose Mane's support for the MFDC.³⁴

The ministers of the "Community of Portuguese Language Countries (CPLP)" Angola, Brazil, Cape Verde, Mozambique, and Sao Tome and Principe mediated the crisis at the initial stages. In July, ECOWAS held its first ministerial meeting condemning the uprising and reiterated support for the democratic regime; expressed support for Guinea and Senegal's swift intervention; recommended the extension of ECOMOG's directive and activities to Guinea Bissau; and established a Committee of Seven made up of Burkina Faso, Ivory Coast, Gambia, Ghana, Guinea, Nigeria and Senegal, to help in the implementation of the recommendations which have been put in place.³⁵

ECOWAS's initial reaction to the crisis was seen as one of contradiction. By expressing support for the Guinean and Senegalese intervention and the primary assumption that the Senegalese and Guinean forces would form the core of the operation, implied that, like Nigeria's intervention in Senegal, any country or group of countries, with the capacity and capability could use ECOMOG to seek its own interests or purposes.³⁶ Nonetheless, the Abuja Accord of November 1998, under the aegis of the ECOWAS which was signed between Viera and Mane gave member states hope. The Accord demanded for the withdrawal of all foreign troops from Guinea Bissau. The agreement also contained other provisions which include; the deployment of a buffer force of ECOWAS peace-keepers to fill the void; the immediate establishment of a unified government; and elections by March 1999.³⁷ The delayed withdrawal of the Guinean and Senegalese troops as a result of a failure on the part of ECOWAS to raise adequate troops, brought about some complications. The

712 ECOMOG forces deployed was relatively small and proved unequal to the task. The ECOMOG forces were withdrawn from Guinea-Bissau following the May 1999 coup which saw the overthrow of Viera.

2.3 The ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security

The lessons learnt by ECOMOG in its intervention in the Liberian and Sierra Leonean crises and the problems encountered by the peacekeeping force in the conflict management process, forced the regional body to take initiatives to regularize future interventions. The 1993 Revised ECOWAS treaty represents ECOWAS's first attempt at establishing such permanent mechanism. It sought to create a security framework for the sub region, establishing supranational institutions such as the ECOWAS parliament and the ECOWAS Court of Justice which were meant for the purpose of driving regional integration and development. The weakness of this security protocol was evident after the failure of the Liberian state. A new security architecture was designed to prevent future crisis and state failures.³⁸

An important conference was held in December 1997 which led to the ultimate adoption of the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security (thus ECOWAS Mechanism) in December 1999. This protocol is based on the principle of supra-nationality which replaces the protocols established earlier and the 1993 Revised Treaty. This mechanism is seen as the sub-regional body's framework on collective security and its main legal framework. It is the first time that an international organization has legalized the use of force to help solve the problem of overthrowing a democratically elected regime.³⁹

This mechanism gives ECOWAS the oversight responsibility to intervene in the internal affairs of its member states, as a result of actions that represent a massive violation of human rights and the breakdown of the rule of law. This provision however contradicts Article 18 of the PMAD which states that, “Community forces shall not intervene if the conflict remains purely internal”.⁴⁰ The 1999 mechanism seeks to empower ECOWAS in its conflict prevention, management and resolution capacity. It also aims at building an effective peacekeeping, humanitarian support and peace-building capabilities. The mechanism further addresses cross border crimes. Article 2 of the mechanism therefore captures the link between socio-economic development, good governance and security.⁴¹

The ECOWAS 1999 mechanism provides for the establishment of the Early Warning System and organs such as the Council of the Wise, Special Mediators and Offices of the Special Representatives for the gathering and analyzing of conflict indicators and diplomatic work. The mechanism is seen as the most ambitious tool on the regulation of collective security within the West African sub-region. Article 3 provides for the wide range of objectives of the mechanism. Within these objectives, ECOWAS incorporates aspects of the previous protocols and also covers new grounds. These include:

- Implementing of the pertinent requirements of the protocol on Non-Aggression, mutual assistance in defense, free movement of persons, the rights of residence and establishment;
- Strengthening cooperation in the areas of conflict prevention, early warning, peace keeping operations, the control of cross border crime, international terrorism and proliferation of small arms and anti-personnel mines;
- Maintaining and consolidating peace, security and stability within the sub-region;

- Establishing institutions and formulating policies that would allow for the organizing and coordinating humanitarian relief mission;
- Promoting close cooperation among members in the areas of preventive diplomacy and peacekeeping;
- Constituting and deploying military force to maintain and restore peace within the sub-region, wherever the need arises;
- Formulating and implementing policies on anti-corruption, money laundering and illegal circulation of fire-arms;
- Preventing, managing and resolving domestic and inter-state conflicts; and
- Implementing the relevant provisions of article 58 of the revised treaty.⁴²

The mechanism also provides for the various organs that have the authority to implement the provisions of the protocol in Chapter II. In Article 4 these organs are set in hierarchy.

(a) The authority and The Mediation and Security Council (MSC)

The authority, made up of the Heads of State and Government of Member States is the main organ, and has been tasked with responsibility of the “general direction and control of the Community”. Article 6(1) defines the Authority as the highest decision-making body. The Authority “without prejudice to its wide-ranging powers under Article 9 of the Treaty and Article 6 above, the Authority hereby mandates the Mediation and Security Council to take, on its behalf, appropriate decisions for the implementation of the provisions of this Mechanism”.⁴³ Per the provisions of Article 7, the Authority empowers the “Mediation and Security Council (MSC)” to take appropriate decisions on its behalf. This shows that the authority has delegated all its power to the MSC because the two most essential powers of the Authority under the Mechanism are: Article

6(2) which authorizes it “to act on all matters concerning conflict prevention, management and resolution, peacekeeping, security, humanitarian support, peace building, control of cross border crime, proliferation of small arms, as well as all other matters covered by the provisions of this Mechanism”, and Article 26, authorizing it to initiate any action under the Mechanism. The functions of the MSC include; authorizing “all forms of intervention and deciding particularly on the deployment of political and military solutions approving all mandates and terms of reference periodically, on the basis of evolving solution; reviewing the mandates and terms of reference periodically, on the basis of evolving situations; and, lastly, appointing the Special Representative of the executive Secretary and the Force Commander”, is said to weigh heavier than the two powers of the Authority under Article 6, of which one has been delegated permanently.⁴⁴

Also, there is a great impossibility of the Authority overruling the decision of the MSC with regards to the authorization of an action. Under Rule 6 (3) of the Draft Rules of Procedure of the MSC, the “Heads of State and Government of the Security Council shall inform the Authority of all actions taken in pursuance of the mandate given to them by the Authority”. However, there’s no provision under the mechanism which mandates the Authority to overrule the decisions of the MSC.

The MSC has also set up a “Committee for Mediation and Security (CMS)”. The CMS has no permanent seats and it’s made up of nine countries which are elected rotationally for a period of two years. It is, thus, an improvement of what functioned during the Liberian crisis as a committee of nine. Its main purpose is to harmonize decision making with regards to deployment.⁴⁵ It operates at the level of Heads of States, ministers of foreign affairs and Ambassadors with dual accreditation to ECOWAS and Nigeria.

Article 17 of the mechanism institutes the following arrangements to support the MSC. They include; “The Defence and Security Commission (DSC), The Council of Elders, and the ECOWAS Cease-fire Monitoring Group (ECOMOG)”. The DCS has its origin from PMAD as (DS). The DSC consists of “Chiefs of Defence Staff or their equivalent, officers responsible for internal affairs and security, experts of the Ministry of Foreign affairs, and, depending on the preferences of individual member states, heads of Immigration, Customs, Drugs and Narcotic Agencies, Border Guards, and Civil protection”. Article 19 provides for the DSC to “examine all technical and administrative issues and assess logistical requirements for peace-keeping operations”. The DSC is also responsible for formulating mandates for peacekeeping forces, defining the terms of reference for the force, appointing the Force Commander and determining the composition of the contingents.⁴⁶ The Council of Elders is composed of prominent personalities who make use of their good offices and experiences to mediate facilitate and conciliate on behalf of ECOWAS.

(b) ECOWAS Standby Force

The provision also establishes a standing army where member states have agreed to make troops available and this can be found in chapter 6, Article 28 of the mechanism, “Member States ... agree to make available to ECOMOG units adequate resources for the army, navy, gendarme, police and all other military, paramilitary or civil formation necessary for the accomplishment of the mission”.⁴⁷ The ECOMOG is placed under the direct control of the MSC.⁴⁸ ECOMOG is mandated among other things with the task of observing and monitoring, peacekeeping and restoration of peace, enforcement of sanctions, including embargo, preventive deployment, peace-building, disarmament and demobilization, policing activities including the control of organized fraud and

crime. Article 22 also mandates ECOMOG to embark on “humanitarian intervention in support of [sic] humanitarian disaster.”⁴⁹

(b) Early Warning and Response Network (ECOWARN)

An Early Warning System has been established under the Observation and Monitoring Centre. It has four observation and monitoring zones within West Africa. The zonal centers have the task of observing and analyzing the social, economic, and political situation in their zones, which have the potential of degenerating into conflicts and reporting to the Executive Secretary on their perceptions of threat.⁵⁰

The zones established include; Zone 1: Cape Verde, the Gambia, Guinea Bissau, and Senegal with Banjul as the capital; Zone 2: Burkina Faso, Cote D’Ivoire, Mali and Niger with their headquarters(HQ) in Ouagadougou; Zone 3: Ghana, Guinea, Liberia and Sierra Leone, HQ Monrovia; Zone 4: Benin, Nigeria and Togo, HQ Cotonou. The incoming reports are used by the Executive Secretary and the Committee for Mediation and Security to develop response strategies.⁵¹ The Executive Secretary and the Committee for Mediation and Security empowered by the mechanism, have four options for overcoming potential threats. These include; (a) the setting up of a fact-finding commission; (b) the use of the good offices of the Commission President; (c) calling on the services of a Council of the Wise; and if all else fails (d) the employment of military force.⁵²

The organization’s resolve was brought to test barely two weeks after the mechanism was adopted following the 1999 coup d’état in Cote d’Ivoire. Konan Bedie, who was a signatory to the

Mechanism, was overthrown by General Guei which was in contradiction to Article 25(f) of the mechanism. ECOWAS however, went back on this provision and negotiated with the coupists instead of intervening on the side of Konan Bedie who was the elected government.

2.4 The ECOWAS Supplementary Protocol on Democracy and Good Governance

Since the sub-region has adopted democracy, it was pertinent for the ECOWAS to adopt a protocol which will focus on the promotion of democratic governance and democratic institutions within member states. This is paramount to the prevention of conflict and promotion of human rights and freedoms. A supplementary protocol was therefore adopted in December 2001 called the supplementary protocol on democracy and good governance to complement the 1999 mechanism since it did not address issues in relation to democracy and good governance. This supplementary protocol seeks to address issues of corruption, the rule of law, human rights, free and fair elections, unconstitutional change of government and civilian control of the military.⁵³

The adoption of this protocol, clearly demonstrates, ECOWAS's preparedness to lead its member states on the path of meeting political and institutional standards so as to promote peace, security and stability in the sub-region. The 2001 protocol most importantly, provided for constitutional convergence principles, which constitute the basis of ECOWAS's interventions in member states with regards to issues of unconstitutional change of government and practices.⁵⁴ Section I, (Article 1) of the protocol mandates that "every accession to power must be made through free, fair and transparent elections; zero tolerance to power obtained or maintained by unconstitutional means; popular participation in decision-making, strict adherence to democratic principles and

decentralization of power at all levels of governance” among others.⁵⁵ For instance, in Guinea and Mali where power was obtained through unconstitutional means specifically, coup d’états, these regimes were short lived due to pressure from ECOWAS.

Enshrined in the 2001 protocol is also provisions on principles with regards to elections, how elections ought to be monitored, role of the police, security forces, armed forces and ECOWAS in the institutionalization and promotion of democracy within member states in the sub-region. This is to prevent governments and other institutions from undermining the democratic process.⁵⁶ It postulates among others that “the army and public security forces shall be under the command of a legally constituted civilian authority”, forbids “the use of arms to disperse non-violent meetings or demonstrations”, approves “the recourse to the use of minimal or proportionate force in case violent demonstrations” and outlaws “in any case the recourse to cruel, inhuman and degrading treatment.”⁵⁷

The 2001 protocol also provides for some principles of democratic governance which are now part of the strategic goals of ECOWAS which its institutions are striving to achieve. These include agreement on the recognition and promotion of rule of law in the member states, institutional capacity building for human rights protection, pluralism in the information sector, fighting corruption, and transparent, equitable management and distribution of resources.⁵⁸ Lastly, the 2001 Protocol provides for sanctions that the Authority of Heads of State and Government can meter out to Member States who contradict the dictates of the protocol in cases where “democracy is abruptly brought to an end by any means or where there is massive violation of human rights”.⁵⁹

2.5 Overview of ECOWAS Performance in Security Management and Unconstitutional Change of Government

The sub region has witnessed countless coups that were regular distractions to the consolidation of democracy. Despite the occurrence of these recent coups, there has been a reduction in the number of coups in the region since 2000. Nonetheless countries which have witnessed coups since 2000 are still substantial according to ECOWAS's zero tolerance for coups. They include Cote d'Ivoire, Guinea, Guinea Bissau, Togo, Niger and Mali. ECOWAS has played a laudable role in helping its member states embrace the rule of law and political toleration and the development of their political institutions which have not been without problems. ECOWAS's intervention in its member states indicated it could lawfully and effectively mediate and arbitrate in matters outside traditional economic integration.⁶⁰ This demonstrated its resolve to instill constitutional rule and provide an African solution to an African problem. Its resolve to halt to the ousting democratically elected governments and political leaders from holding unto power through unconstitutional means for example; Sierra Leone in 1991, Burkina Faso in 2014, Ivory Coast in 2010, the Gambia in 2016 etc. depicts the sub-regional body's commitment in promoting a conflict-free region anchored on the rule of law.⁶¹

ECOWAS needs to be commended for its ability to co-ordinate with the UN in task sharing even though there have been few difficulties. Also, its institutions have become functional though they lack capacity. There has also been some growth in multinational field training exercises where members now offer peace-keeping forces at their "national staff colleges" and have also called on other member states to participate. In addition, ECOWAS's quest to develop its peacekeeping and

conflict management abilities established the “Kofi Annan International Peacekeeping Training Centre (KAIPTC)” in Accra, Ghana which was inaugurated in January 2004.⁶²

ECOWAS encountered a few challenges in its operations. It is faced with institutional and financial incapacity hindering it from achieving some of its objectives. This is mainly attributed to the inability of members to pay their community levies which is characterized by their weak economic status. ECOWAS depend largely on external aid to finance its projects and boost its capacity.⁶³

The mutual support given by member states to help each other’s mutineers and dissident groups is a major challenge because it undermines the ECOWAS’s quest for collective security principles in the ECOWAS peace and security mechanisms.⁶⁴

ECOWAS also faces the challenge of slow implementation and ratification of its policies by member states. For example, as at the mid of 2003, only one country had ratified the ECOWAS “Supplementary Protocol on Democracy and Governance” after two years of its adoption. Also, since the Convention on Small Arms was signed in 2006, it took nearly 4 years for it to come into effect due to the delay of member states in ratifying the convention. This has been a major problem toward the regions aspirations of achieving peace and security.⁶⁵

2.6 Conclusion

ECOWAS was established mainly to attain collective self-sufficiency, and to foster inter-state economic and integration. The organization’s intervention in mainly the Liberian civil war in 1989 and the Sierra Leonean civil war in 1991, led to the establishment of several protocols on security. In the face of these challenges, its revised 1993 treaty emphasized clearly, ECOWAS’s focus of maintaining its economic goal with several articles of the treaty making reference to how its

economic goal ought to be achieved. The organization has been faced with several challenges including historical background of its member states, issue of capacity and financial constraints. Nonetheless, it has also chalked several successes with regards to maintaining peace and security, promoting democracy, good governance, rule of law and respect for human rights in the sub region.

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CHAPTER THREE

THE 2010/2011 IVORIAN CRISIS AND THE 2016 GAMBIAN POST ELECTION IMPASSE AND THE RESPONSE OF ECOWAS AND THE INTERNATIONAL COMMUNITY

3.0 Introduction

This chapter focuses on ECOWAS's management of the Ivorian and the Post-Election Gambian crises. It discusses the political history and impasse of the 2010/2011 Ivorian and the Gambian 2016/2017 elections. It highlights the role played by ECOWAS in resolving the political impasse in both countries with regards to its protocol on "Democracy and Good Governance."

3.1 Overview of the Political History of Ivory Coast and the Antecedents to the 2010/2011 Crisis

3.1.1 Colonial Period and Independence

Ivory Coast, a West African country, is bounded by Liberia, Guinea, Mali, Burkina- Faso and Ghana. Ivory Coast has a total area of 322,460sq km.¹ The French gained control over Ivory Coast and it became a French protectorate from 1843-1844. Following Europe's scramble for Africa, it became a territory of France in 1893. It also became part of the French overseas African company and also became a member of the French West African Federation in 1904.² It became a republic within the French community in 1958.³ After the French had established themselves and their rule over the Ivorian territory, they established coffee and cocoa plantations which attracted many West Africans to migrate into Ivory Coast. These West Africans served as a source of cheap labour for them.

Boigny in 1944, formed a union of African farmers. An organization that helped improve the conditions of African farmers which later transformed into the “inter-territorial African Democratic Rally” and formed the nucleus of the “Parti Démocratique de Côte d’Ivoire” (PDCI) in 1946 to oppose the French government .⁴

The party was made up of entire villages at the time. An individual became a member of a party because of his/her ethnic affiliation. This made it easier for a large number of people to rally behind Boigny’s party. This served as the commencement of political parties formed along ethnic divides which further led to prolonged and violent conflicts in the nation’s history. With time, the membership of the party grew quickly and was made up of the majority of the ethnic groups in the country especially the Akan and precisely the Baoulé. The PDCI benefited largely from multi-ethnic networks of open support as the country’s economy improved.⁵

Boigny became one of the first African Cabinet Ministers in the French administration in 1956. He also gained influence in the national legislature of the French government. With his strong political influence, Boigny was able to acquire aid and Foreign Direct Investment (FDI) from France to benefit his country. He established strong political and economic ties between his country and France. Boigny became the first prime minister of Ivory Coast in 1959.⁶ In 1960, France granted Ivory Coast its independence. Boigny was elected as the country’s first president. He however maintained close ties with France as it inured to the benefit of the Ivoirians and this largely contributed to the country’s political and economic stability.⁷

3.1.2 Boigny's Era

Boigny was reelected as president of Ivory Coast four times unopposed. Boigny won over his opponents to his one party rule using methods of cooperation, co-optation, consensus and compromise. Boigny's regime was threatened with three coup attempts as a result of increasing dissatisfaction among the people due to his one party rule. In the midst of all these coup attempts, Ivory Coast was seen as a model of prosperity and stability in West Africa.⁸ Due to this, large numbers of economic immigrants flocked the country.⁹

Boigny's regime, in May 1960, created the country's army called "Forces Armées Nationales de la Côte d'Ivoire (FANCI)". FANCI was created with the notion of using the personnel for developmental and political activities, and serving in the capacities of civil servants as ambassadors, ministers, doctors and hospital directors.¹⁰ FANCI, which was used as a developmental tool was engaged in the construction of roads and the development of agriculture and the running of Air Ivoire. As a fighting force, FANCI's capacity was limited since it was not engaged in any military aggression or serious peace-keeping. The role played by FANCI brought about economic prosperity in Ivory Coast in the first decade of Boigny's government. Although FANCI continued with its mandate, Ivory Coast experienced economic recession until the death of Boigny in December 1993.¹¹

By the early 70s the country had become the largest producer of cocoa in the world. However, in the 1980s Ivory Coast experienced a sharp economic decline due to the fall in world prices of its main export goods.¹² The decline in the economy coupled with drought and bush fires that destroyed almost "400,000 hectares of forest and 250,000 hectares of coffee and cocoa plants" led

to a fall in the living standard of the Ivorian citizens and increasing rate of unemployment.¹³ Data from the “World Bank” shows that the number of Ivorians living under the poverty limit increased from “11% in 1985 to 31% by 1993.”¹⁴ This fueled strong social agitations and led to the formation of groups which protested against the government. Students and other protesters, who formed a pro-democratic organization, took to the street in large protest against Boigny’s regime. The pro-democratic organisation was met with force from the government to keep them silent. Prior to the economic decline, the era of economic boom made the country stable and prevented civilian agitations.¹⁵

Domestic and international condemnation of the attacks on the pro-democratic fighters forced Boigny to bow to the pressure and hold the nation’s first multi-party elections in 1990 with Laurent Gbagbo who was a populist Pan Africanist and a critical opponent. Boigny won convincingly with 85% of the votes. Though president Houphouet–Boigny won the elections, the transition to multiparty democracy became a problem.¹⁶

The political woes of Ivory Coast began in 1993 after Boigny’s demise. Boigny’s death brought about a protracted power play and political struggle among the Ivorian political elites. The up-and-coming political leaders resorted to electoral mechanisms underpinned by ethnic interests. This brought about marginalization of some groups, issues of identity, coup d’états, power sharing and a division between the north and south. This led to Civil War from 2002-2011.

3.1.3 The Aftermath of Boigny's Death

The death of Houphouët Boigny sent the Ivorian state into a prolonged power struggle and challenges of succession. The power struggle was between Alassane Ouattara, who was the Prime Minister at the time, and Henri Konan Bédié who was the speaker of the National Assembly. Through a constitutional revision made by Boigny before his death, which mandates the “Speaker of the National Assembly” to take over the position as President until a new presidential election was held in the case where the President is absent, Henri Konan Bédié succeeded Boigny after his death.¹⁷

Upon getting hold of power, Bédié declared a policy which was ethnically toxic which brought about issues of identity, nationality and citizenship called “Ivoirité.”¹⁸ The concept of Ivoirité was about being a true citizen of the Ivorian land with undiluted blood where both parents must be Ivorians by birth. During his power struggle with Ouattara, Bédié continuously stressed on the concept of Ivoirité as means of ensuring that he excluded all political opponents especially Ouattara. His move was an invidious use of ethnicity to create a power interplay where the Akans and more precisely the Baoule, who were from the south were regarded as the best to rule to the exclusion of all other ethnic groups, which were mainly from the north. It was also to exclude Alassane Ouattara, his main rival, who was of Dyula ethnicity from the north. Ouattara's mother also originates from Burkina Faso.¹⁹

The National Assembly, following the concept of Ivoirité, adopted a new electoral code which mandated that, presidential candidates must be of parents who are also purely Ivorians. Gbagbo, a populist who was in opposition furiously stated that the electoral code was “liberticide, racist,

xenophobic and dangerous”²⁰. Ouattara was prevented from contesting the 1995 elections which Beddie won. Under the presidency of Beddie, the role of the FANCI which was mainly developmental under Boigny’s regime was changed to a political tool for suppressing political opponents. This gave rise to tensions within the ranks in the army which eventually led to the dismissal of General Gueï, the Commander of the armed forces at the time.²¹

3.2 The 1999 Coup and Its Aftermath

The suppression of his political opponents, low payment of soldiers, decline of the economy, ethnic marginalization, corruption and other factors led to a coup attempted in 1996, and a successful coup d’état by a group of disgruntled soldiers in 1999. Gueï, the former army commander, was called to lead the revolution. Even though the military regime denounced the Ivoirité policy, Gueï’s denunciation ceased after his decision to participate in presidential elections. A referendum was approved on July 2000 where the ideology of Ivoirité was officially accepted.²²

Ouattara was again barred from contesting the October 2000 elections on the policy of Ivoirité. Some procedural reasons were used to prevent other major candidates including Bedie from contesting the elections. Only Robert Guéï and Laurent Gbagbo a populist and critic of Boigny’s regime, and leader of the “Front Populaire Ivoirien (FPI)” were eligible to contend. The motive was that Guéï would cautiously rig the electoral process. However, Gbagbo surprisingly won and was recognized by the international community²³

3.3 The 2002 Civil War

Gbagbo like his predecessors, upon assumption of power, continued with the Ivoirité policy and also marginalized the north. Gbagbo had earmarked about 800 soldiers which he believed were loyalist of General Gueï for retrenchment from FANCI.²⁴ The soldier's revolted against Gbagbo's regime on 19th September 2002. The attacks were well coordinated and took place in the cities of Abidjan, Korhogo and Bouake. When the coup was unsuccessful, the soldiers withdrew to the north, formed the "Mouvement Patriotique de Côte D'Ivoire" (MPCI) and established their headquarters in Bouake. About 400 people including Guei and his entire family lost their lives in the first few days.²⁵

The FANCI in an attempt to retake control of northern cities of Bouaké and Korhogo was resisted by the rebels. It took French troops which were already based in Ivory Coast to rescue foreign nationals from Bouaké. France reinforced its Licorne forces from 600 to 3000. The revolt inadvertently separated the nation into two parts. The rebel held north and the Gbagbo held south.²⁶ This resulted in restraining the movement of people, goods and services from the North to the South and vice versa. The leader of the rebel group, Soro Guillaume, in his book "Pourquoi Je suis Devenu un Rebelle" explained that, the rebellion was against the long marginalization of the north and its people out of the implementation of the policy of Ivoirité.²⁷ Two other rebel movements later sprang up in the western side of the country. These groups, the "Mouvement Populaire Ivoirien du Grand Ouest (MPIGO)" and the "Movement for Justice and Peace (MJP)" terrorized and vandalized the citizens. Most Ivorians eventually fled the country.²⁸

Gbagbo's regime lost effective control of the entire nation. Several diplomatic procedures which involved France, ECOWAS, AU, and the UN brought into fruition, the "Linah-Marcoussis Agreement" signed in 2003. Gbagbo was made to share power with the North as part of the concessions to end the armed conflict. This new agreement paved way for Ouattara to stand for the presidential office having been deprived of that opportunity twice on the basis of Ivoirité.²⁹

3.4 The 2010 Presidential Elections and the Post-Election Crisis

After series of negotiations and diplomacy, Ivory Coast successfully conducted the much prolonged presidential elections on the 31st of October 2010. This was a great step towards ending the protracted crisis in 2002 that divided the country into a rebel held north and the Gbagbo held south.³⁰ Independent Electoral Commission (IEC) was mandated to conduct the elections. Per the electoral code of Ivory Coast, the Central Commission of the IEC was mandated to declare only the provisional election results in the presence of representatives of the candidates.³¹ The Ivorian constitution mandates the Constitutional Council to declare the final results of both the presidential and legislative elections. The Council is also empowered to rule on the constitutionality of legislations and treaties and certify good conduct of referenda. The electoral candidates are also given the right to challenge irregularities of the voting process by appealing to the seven-member Constitutional Council.³²

The first round of the October 2010 elections was held under the supervision of the UNOCI with the "Special Representative of the UN Secretary-General" Choi Young-Jin. It was generally peaceful. Mr. Youssouf Bakayoko, chairman of the IEC announced the provisional results on 4th November, 2010. All the three main candidates failed to attain the 50% threshold required to win

the first round. President Laurent Gbagbo of LMP ranked first with 38.3% of the vote, Alassane Ouattara of the RDR party ranked second with 32.08% and Bédié came third with 25.24% out of the 14 candidates competing. The results of the first round, were certified without any contestation. Since none of the candidates attained the 50% threshold, a second round was scheduled for Gbagbo and Ouattara who attained the first and second.³³

The runoff was held on the November 28, 2010. Both Gbagbo and Ouattara claimed victory of the votes and separately inaugurated themselves as head of states on December 4 and formed rival governments. Ouattara based his victory on the UN certified results of the IEC which showed he won the elections with a 54.1% share of votes, against 45.9% for Gbagbo. The UN certified results was endorsed by the international community and Ouattara was recognized as the legitimate President and demanded that Gbagbo cedes power. Gbagbo however appealed to the Ivorian Constitutional Council who reviewed and annulled the results, declaring Gbagbo president, with 51.5% of votes against 48.6% for Ouattara. Gbagbo claimed victory on this basis and refused to cede power to Ouattara. The electoral standoff was characterized by tensions and violence which resulted in many deaths, human right abuses and provoked attacks on UN peacekeepers.³⁴ The president of the Constitutional Council, Paul Yao N'Dré, reviewed and annulled the results on the basis that, the results announced by the IEC was not within the legal period under the new electoral laws. The council stripped the IEC of its powers on this basis.³⁵ The IEC head Bakayoko announced Ouattara's victory in a room at the Hotel du Golf which was the headquarters for Ouattara's election campaign. He did so in the absence of his colleagues from the commission and the representatives of the respective candidates which was contrary to the Ivorian constitution.³⁶

The new electoral law required the IEC to declare the results within three days which the IEC failed to do. Hence the declaration of the results falls within the jurisdiction of the Constitutional Council since the IEC failed to seek additional time from the council as required by law. The issue became very complicated when the same electoral law mandates the “Special Representative of the United Nations” for Côte d’Ivoire, Choi Young-Jin to certify the results.³⁷ Choi Young-Jin certified the IEC’s results and declared Ouattara winner without regard to the results declared by the Constitutional council. His role and neutrality in this matter was further questioned by some scholars. The action of the UN representative, begs several questions. Could the Ivorian civil war be prevented if the UN representative had not certified the IEC results and called for a thorough investigation of the results? Scholars such as Alain Dogou, Leslie Varenne etc. are of the view that, the UN is the basic cause of the Ivorian 2010/11 crisis.

Thabo Mbeki contends that the SRSR took an extraordinary decision to exceed his mandate in Ivory Coast in declaring who had won the presidential election, contrary to his tasks as detailed by the SC. Hence, UNOCI became partisan instead of being a neutral peace maker.³⁸ Mbeki felt a section of the international community were dismissive of Gbagbo’s claim for an independent international commission to look into the issue. Hence many international actors acted in a way that prejudged the Ivorian situation to mean they wanted Gbagbo out by all costs. In an interview with Mr. Cisse, he also alludes to the fact that Gbagbo’s constitutional right was not respected.³⁹ Four out of the five experts interviewed stated that France wanted a regime change in Ivory Coast. It was more about economic interest of the French and Gbagbo’s strong stance to liberate his state from the imperial control of France.

The experts interviewed were of the view that post-election violence in West Africa are caused by the refusal of the incumbent to cede power after elections, the ineffective management of the pre-electoral and electoral phases of elections, high suspicion of political opponents, lack of independent electoral management bodies, the unwillingness of the opposition parties to accept electoral results because they usually overestimate their strength, unfair rules governing the electoral process, partiality of electoral official and challenges associated with the voter's register etc. Some problems they said are unique to Francophone countries. For example, most Francophone countries lack standing independent management bodies. They have different bodies managing elections which play overlapping roles and this is a major source of conflicts. Also, the composition of their electoral management bodies which is on proportional basis is another source of conflicts.⁴⁰

The experts interviewed also emphasized the point that the contemporary democracy of the West African sub region is still in a transitional stage and often time transitional democracies are fraught with challenges, tensions and suspicions as compared to mature democracies. Unlike transitional democracies, mature democracies have trust in their systems because their institutions are independent. However, some progress has been made in the sub-region. ECOWAS has also played a laudable role in making this progress possible. Its "2001 Protocol on Democracy Good Governance" has been the mechanism for regulating democratic governance in member states in that whenever any member state falls short, ECOWAS intervenes notwithstanding some of the violence.⁴¹

In an interview with Professor Henrietta Mensah-Bonsu, the Director at LECIAD, Mr. Ebenezer Asiedu, the Head of ECOWAS Division for Mediation and Facilitation and Mr. Samuel Ofose Boateng, the Acting Director of the ECOWAS Bureau of the Ministry of Foreign Affairs and Regional Integration, they were of the view that political election itself is not a major source of conflict in the sub-region. They emphasized the fact that elections are meant to be an objective means of selecting the choice of the people except that the mechanisms used are often tainted with irregularities and partiality, and sometimes deliberately manipulated to distort the results to achieve a particular political end. In their view, elections in general are not bad but it's how they are conducted and the players involved that has given it a bad name. They further stated that any distortion of the electoral mechanism in the sub-region attacks ECOWAS's values and principles, tests the robustness of ECOWAS's instruments, poses a challenge to the unity of the community and also undermines ECOWAS's collective stance.⁴²

3.4.1 ECOWAS Response to the Crisis

ECOWAS, the sub-regional body, took responsibility in collaboration with the AU, UN and France to end to the crisis. Both the ECOWAS and the AU recognized the UN certified results. The sub-regional body, recognized Ouattara as the legitimate winner of the November 28 elections. ECOWAS held a summit on December 7. At the summit, Ivory Coast was suspended from all the decision-making bodies. ECOWAS further asked Gbagbo to cede power without delay and also condemned Gbagbo's "attempt to go against the will of the Ivorian people."⁴³

Series of diplomatic and mediation procedures ensued but failed to yield any positive results. On December 4, the South African President Thabo Mbeki was sent by the AU in collaboration with

ECOWAS to mediate a peaceful outcome between the parties but the mediation process yielded no positive result. He however left making a general call for peace and democracy.⁴⁴

On December 18, the AU Commission (AUC) Chairman Jean Ping, AU Peace and Security Council Chair Ramtane Lamamra, and ECOWAS Commission President Victor Gbeho met with Gbagbo to restate the AU and ECOWAS position that the two organizations recognize Ouattara as president-elect, and that Gbagbo should immediately cede power to Ouattara in order to prevent renewed conflict and loss of life. He was offered amnesty and also help to resettle outside of Ivory Coast.⁴⁵

On the 24th of December, the “ECOWAS Heads of State and Government” in an extraordinary session held in Abuja reviewed the developments in Ivory Coast. The Head of States however, upheld their prior stance of recognizing Ouattara as the legitimate president. ECOWAS further threatened that failure on the part of Gbagbo to abide by its “immutable demands” would be met with the community’s use of all necessary means as well as the use of legitimate force to oust him from power.⁴⁶ The community also imposed diplomatic and financial sanctions on Gbagbo’s regime, and was subsequently pressured by the UN to impose “serious sanctions” against Ivory Coast.⁴⁷

The “United Nations Security Council (UNSC)” endorsed the deployment of UN forces to Ivory Coast through UNSCR 1975. The UN resolution “urged all Ivoirian parties and stakeholders to respect the will of the people and outcome of the election in view of the Economic Community of West African States (ECOWAS), and African Union’s recognition of Alassane Draman Ouattara

as president elect of Cote d'Ivoire and representative of the freely expressed voice of the Ivoirian people as proclaimed by the Independent Electoral Commission."⁴⁸

Even though Gbagbo was threatened with military action by ECOWAS, the ensuing military action was however executed by French and UN forces.⁴⁹ Gbagbo was later captured by pro-Ouattara's forces (Forces Républicaines de Côte d'Ivoire (FRCI) who were largely made up of ex-Forces Nouvelles (FN) rebel troops dedicated to Ouattara backed by the French and UN troops.⁵⁰ The civil war came to an end in April 2011 but several civilians lost their lives, a lot of infrastructure destroyed and most of them sought refuge in other countries.⁵¹ According to the UN, 3000 lives were lost.⁵²

The interviewees argue that ECOWAS at the time was not very successful in the Ivorian crisis because it lacked the military and financial capacity to unilaterally intervene. They were of the view that, ECOWAS did not own the process unlike in Gambia. Most member states failed to pay their dues. ECOWAS was also faced with the problem of group solidarity on the issue of military intervention. They also stated that, both ECOWAS and the AU faced the problem of building consensus and reaching an agreement on a solution suitable for the Ivorian crisis. The West African countries involved in the resolution also had their own interests at stake.⁵³

3.5 The Political History of Gambia

The Gambia became a British colony in 1821. The post-world war II saw a rise in nationalist awakening and movement which sought for emancipation, participation in government and eventual independence in British Africa. The British made concessions to the middle class and

western educated Africans. They recognized the political parties of the African countries and also negotiated for the independence of the African states. Between 1957-1960, Ghana (formally known as Gold Coast), Nigeria and Sierra Leone became independent with the exception of the Gambia.⁵⁴

The Gambia was the last West African country granted independence in 1965. The country was granted independence following the agreements between the British and the governments of Gambia in July 1964. Thus the Gambia was granted independence on the 18th of February, as a constitutional monarchy within the commonwealth.⁵⁵ From 1880 to 1960, there was a limited franchise between Gambians and the British which gave room to the Gambian elites to have representation on the legislative council. Britain further approved a new constitution which allowed for the extension of the franchise to a protectorate in 1960. The new constitution which also allowed for adult suffrage and gave the elites in the protectorate, validity to form political parties of their own.⁵⁶ This led to the formation of the Peoples Protectorate Party (PPP) in 1959 which was renamed the People's Progressive Party to validate its modern and national identifications by a group of educated provincials who were determined to prevent the transfer of political power to the urban elite. The PPP was formed to add up to the already existing Colony parties – the Democratic Party (DP), the United Party (UP), and the Muslim Congress Party (MCP).⁵⁷

Hence, Gambia at independence was said to be practicing multiparty democracy. In October 1963, “Sir David (later Dawda) K. Jawara” became the prime minister and was the head of the Gambian administration while the Head of State was Queen Elizabeth II. The nation was transformed into a

republic in April 1970 following a new constitution, approved in a referendum with Jawara becoming Gambia's first President.⁵⁸

3.6 The First Republic

Following the preparations towards the 1962 elections, political parties clamoured for votes on the basis of the colony or protectorate geographical divisions.⁵⁹ Unlike the colony parties that drew their support from the urban areas, the PPP drew its support from the protectorate stressing how the protectorate has been ignored in the past. The PPP was identified with the Mandinka ethnic group which formed the majority largely because its leaders were primarily Mandinka's. The UP on the other hand, was identified with the Wollofs in the colony.⁶⁰ The PPP under the leadership of Dawda Jawara in its attempt to prevent ethnic clashes, adopted a deliberate policy of converting the Mandinka dominated PPP to a nationwide party that was ethnic inclusive. This policy which was aimed at ensuring the reconciliation of historic divisions between the ethnic groups brought about the collapse of the UP. The PPP won the 1962 elections which saw the swearing in of the Dawda Jawara as the first president of the Gambia successfully challenging the dominant and popular based UP.⁶¹

His success was based on co-optation and alliances. After the elections, key members of the opposition were persuaded to join the ruling party. They were promised ministerial appointments and development resources for their home or ethnic areas. His policy sought to co-opt the leaders of the major opposition parties in the country since the PPP also lacked trained personnel for the administrative and legal branches of the state hence the quest for better-educated Bathurst elites. This further led to the disintegration of most opposition parties since their functional leaders

resigned to join the PPP. These events saw the PPP emerge as the dominant political party in the Gambia with weak opposition parties⁶²

However, President Jawara did not allow for one-party or autocratic rule under his presidency in the light of these developments but encouraged multi-party democracy. Some scholars are of the view that, the envisaged authoritarian presidency of Jawara owing to the dominance of his party failed to happen because, the president Jawara was committed to multiparty democracy or democratic principles and also PPP was faced with internal mayhems which led to the establishment of a new opposition party to challenge its political supremacy.⁶³

President Jawara, was re-elected five times without accusations of electoral malpractice. The Gambia, under his administration, enjoyed relative peace. With regards to human rights, the record of the administration was an exemplary one. He allowed for multi-partyism, free and independent press and non-restriction of trade union operations. His regime, saw major developments in the Gambian educational and health sectors. However, till the mid-1990s, next to no measures were put in place to help reduce poverty hence, in 1992, 34% of Gambians were considered as “poor”. The Gambia was hailed as African’s longest and surviving multiparty democracy for more than a quarter of a century until an unsuccessful coup in 1981 and a successful military one in 1994 totally betrayed its past tradition of constitutionalism and political tolerance.⁶⁴

3.7 The 1981 Attempted Coup

The relative peace and stability enjoyed by the Gambians was disturbed by a coup attempted in 1981 prior to the 1982 elections. This armed uprising against the government was spearheaded by

some radical civilians, mainly Kukoi Samba Sanyang, who was an unsuccessful “National Convention Party (NCP)” contender in 1977 and Pap Cheyassin Secka, the head of the “National Liberation Party”. These two were joined by some people from the Gambian “Field Force” and the Gambia’s “Paramilitary force” (no army existed at the time).⁶⁵ The coup which took place for almost a week claimed the lives of about 500 people but it was however repressed by troops from Senegal under the defence agreement of 1965. The PPP government was reinstated to power. The “Field force” was dissolved and substituted by the “Gambian National Army (GNA)” in 1984 and a Mobile Police Force based on the requirements of the Defence Protocol of the Senegambia Confederation. The Gambia and Senegal established a Senegambia Confederation in 1982. The Senegambia confederation aimed at combining the armed forces of both the Gambia and Senegal. It was also to bring about a Unification of the economies and currencies of both countries. However, in 1989, the Gambia withdrew from the confederation due to some tensions. It has been replaced by a looser treaty of friendship which was agreed upon in 1991.⁶⁶

3.7.1 The 1994 Coup

The Jawara regime, which had been in power for three decades was toppled in a bloodless coup led by Yahya Jammeh and a group of junior army officers in 1994.⁶⁷ The military intervention was mainly because of the grievances within the military due to the appointment of Nigerians to senior command positions, late salary payments and poor standard of living in the barracks, failure of the Jawara regime to curb the growing corruption and mismanagement in the public sector and amongst senior ranks of the army. Jammeh was alleged of having a personal grievance against president Jawara for transferring him from being a Commander of the Presidential Guard after

only four months of service, disarming and returning him to the barracks. This happened a day before the coup.⁶⁸

The 1994 coup led by the GNA was successful because they received no resistance from both domestic and external sources. This time around, the Senegalese government refused to intervene militarily due to the soured relationship between the two countries since the early days of the Senegambia Confederation neither was the United States prepared to instruct its visiting warship, La Moure County, to bring an end to the insurrection. Nonetheless, the US naval ship allowed the deposed president, his family and some ministers to take refuge on the ship. They later landed in Senegal where they were granted political asylum. The Jawara government was abandoned. Its external friends were only prepared to cut off aid to the AFRC till the country was restored to constitutional rule. The response from the Gambian public was neither an authorization of military rule nor an empathy with the grievances of the army. It rather had more to do with the idea that the PPP had finally been toppled. However, certain section of the urban professional classes were worried about the shift to military rule and called for the quick transition to be made to constitutional rule.⁶⁹

On the evening of the coup, Captain Jammeh along with the other coupists who promised to be soldiers with a difference declared the creation of the “Armed Forces Provisional Ruling Council” with the justification of the corruption of the PPP government.⁷⁰ The AFRC were made up of the four coup leaders “Lieutenants Yahya Jammeh, Sana Sabally, Sadibou Hydara and Edward Singhateh” and Yankuba Touray, who joined later. The AFRC was headed by Jammeh clearly demonstrated that they were not soldiers with a difference. Just like all military officers who seize

power, the AFRC banned all political parties, they suspended the country's 1970 constitution and the members of the PPP regime who were in the country at the time were detained. A dusk-to dawn curfew was also imposed and the press operated in hostility.⁷¹

The coupists were of the view that, their unconstitutional seizure of power would be legitimized if they played to the disaffection of the public for the toppled regime. The AFRC continued with the implementation of its neo-liberal economic policies of the PPP government because it lacked its own economic vision.⁷²

The international community and donors placed immense pressure on Jammeh to hold democratic elections and return the country to constitutional rule following the military coup. The Gambia is one of the aid dependent countries in the world. The Gambia is said to have had one of the highest level of per capita external aid in the sub-Saharan African region.⁷³ The financial supporters and donors of the toppled regimes in their attempt to protest the removal of the PPP government, suspended aid flows, imposed other penalties and continuously mounted pressure on the AFRC to end military rule.⁷⁴

The European Union cut its aid assistance by half, Japan suspended its aid. The US also suspended the Financial and private Enterprise Project, the Banjul Airport Phase II Expansion Project and the Women's Horticultural Project. Citizens of Britain, Sweden and Denmark were also discouraged by their governments from visiting the Gambia because it was unsafe. This led to a reduction in tourism and since the country benefited largely from the revenue generated in the tourism sector, there was a drastic decline in the economy.⁷⁵

Several hotels were closed down, worsening the unemployment conditions in the country. The aid suspension and decline in the earnings from the tourism sector created an economic crisis for the AFRC. As the pressure mounted, it sought help from Libya and Taiwan whilst Kuwait and Saudi Arabia continued with their assistance. These sources of aid could not measure up to the vacuum created by the US, Britain, Japan and the European Union.⁷⁶

The AFRC regime was left with no other option than to address the issue of restoring constitutional rule if it wanted any economic relief from Western donors. The AFRC began by revising its initial four-year transitional programme to two years which aimed at restoring civilian rule. The AFRC reluctantly established a task force in March 1995 to be in charge of the implementation of the transitional programme. The transitional programme was to be implemented in two phases. Phase one included activities that will restore civilian rule. The second phase was the medium-to-long term aspects of good governance through the promotion of popular participation and strengthening of government institutions.⁷⁷

Although, the traditional donors of the Gambia pressurized the Jammeh regime to implement the transitional programme, they failed to ensure that the process was democratic. Jammeh was completely in charge of the programme since he was not answerable to anyone. He appointed a National Consultative Committee (NCC) made up of 23 members. The body was tasked to scrutinize the transitional timetable and a Constitutional Review Commission (CRC) to encourage popular participation and conduct open hearing. The process was not transparent because Jammeh rejected some of the key decisions and recommendations of the public since he had no intentions of abiding by them.⁷⁸ Much of the public debate was with regards to the minimum legal age for

presidential candidates. However, a minimum age of 30 was later adopted contrary to what had been advocated by the public. Jammeh's motive was to stay in power, hence the manipulation of the Constitutional Review Process which approved an age that made him eligible.⁷⁹

Jammeh survived an attempted coup by Sana Sabally and Sadibou Hydara who were members of the AFPRC, in January 1995, a new constitution was quickly adopted on 8th August 1996. It allowed Jammeh to contest for elections at the age of 30 with no restrictions on term limit. The issue of term limit was absent in the new constitution just like the previous, 1970 constitution. The Presidential election took place the following month.⁸⁰

Prior to the elections, Jammeh disbanded the AFPRC, stepped down from the GNA and declared his candidacy for a new party, the "Alliance for Patriotic Re-orientation and Construction (APRC)". He also declared a partial lifting of the restriction on the political parties, although he prohibited the PPP and a vast majority of the pre-coup political parties in exception of the PDOIS. The banning of these pre-coups political parties, undermined the democratic environment that was required. Jammeh was opposed by Sidia Jatta of the PDOIS, A. N. M. Ousainou Darboe of the "United Democratic Party (UDP)" and Hamat N. K. Bah of the "National Reconciliation Party (NRP)".⁸¹

The presidential election which was held on the 26th of September, 1996, was won by Jammeh with 55.8 percent. This marked the end of the military regime.⁸² On the other hand, all the opposition parties accused the APRC of wining the elections by rigging the new constitution and the elections. The APRC was also accused of using state resources improperly.⁸³

3.8 The Second Republic

With the transitional programme interfered with by the authoritarian military regime, there is little hope for optimism that a democratic political culture will be practiced in The Gambia's Second Republic.⁸⁴ The transition programme was manipulated by Jammeh and was not without contention. The views and key recommendations of the public and the panel of constitutional expert were unheeded to.⁸⁵ Jammeh manipulated the new constitution which led to a reduction in the minimum age requirement to allow him contest for the presidential elections. The entire process can neither be described as free or fair and this cannot lead to a democratic environment in The Gambia. In his quest to entrench himself in power, Jammeh ensured that the new constitution wielded him so much power. As a result of this, he enjoyed unchallenged political and economic power.⁸⁶

The Jammeh administration failed to talk about a strategy for political subordination of the army in the Gambia. Instead, Jammeh's 1999 Budget speech was to reorganize and expand the roles and functions of the military.⁸⁷ This emphasize the point that the APRC regime had no intentions to put the military under civilian rule. Thus it can be said that his failure to subject the military to civilian rule was to keep him in power at the expense of the opposition political parties. Opposition political parties were marginalized and suppressed. The representation of the opposition in the National Assembly remained low under both the Jawara and the Jammeh era.⁸⁸ The attitude of both leaders towards the opposition was similar. The Gambia is said to have a democratic smokescreen established on a one party hegemony. The opposition under the Jammeh regime were sidelined. They were subjected to frequent arrests, legal harassment and intimidation. They were

financially insolvent and their ideologies were variant. For this reason, Jammeh's hold on power was aided by his control of the national media and state resources.⁸⁹

The Gambian economy was characterized by a mixed performance over the years, there were key developments whilst there were major failures. By 2003, the portion of the population categorized as poor had increased to 61 per cent.⁹⁰ The Jammeh regime was condemned for human right abuses unlike the Jawara regime. Jammeh has over the years reacted strongly against any media criticisms. There was an unfriendly political environment aided by the "National Intelligence Agency (NIA)" which brought about a "culture of silence". He used methods such as harassment, violence, detentions and regulation to constrain the work of the press.⁹¹ Some of the media houses were shut down whilst some members of the press were assassinated. For example, the assassination of Deyda Hydra, the editor of *The Point* was widely attributed to the Jammeh regime. Other suspicious deaths were also ascribed to his administration. In addition, the coup d'état attempted in November 1994 was stifled by extreme inhumaneness and violence. Most of the army personnel involved in the coup were killed on the spot. Sadibou Hydara, a co-accomplice of the January 1995 coup was assassinated in a suspicious manner in June 1995. With regards to the March 2006 unsuccessful coup, some of those involved disappeared before the trial date. Some Gambians have however accused the Jammeh regime for their disappearance.⁹²

Jammeh won the 2001 presidential elections by 53 percent defeating the other four candidates. Even though, human rights had deteriorated prior to the presidential election which is described by Abdoulaye Saine as a "civilianized military government", a "fear of escalating violence probably led many to vote for Jammeh". Gambians turned out in their numbers to vote regardless.

Perhaps because they approved of certain developmental policies of Jammeh such as electrification.⁹³

Again, the 2006 presidential elections may not have “appreciably moved” The Gambia “any closer to a more democratic political culture”. Voter turnout was low. This reflected greatly, the disappointment of voters with the failings of the opposition parties. Three candidates contested this time around. Jammeh won again with 67 per cent of votes.⁹⁴ During the 2011 presidential elections, many regular monitors from the international community had lost interest in participating due to “an unacceptable level of control of the electronic media by the party in power and an opposition and electorate cowed by repression and intimidation.”⁹⁵ Turnout was low. Jammeh’s regime was also accused of rigging the elections. The elections were largely not in accordance with global criterion of “free and fair” elections. He won 72 per cent of the votes.⁹⁶

3.9 The December 2016 Elections and the Post-Election Crisis

On 1st of December 2016, the Gambians went to the polls again to exercise their franchise in the presidential elections. Three candidates contested the elections. These include the Yahya Jammeh of the “Alliance for Patriotic Reorientation and Construction”; Mr. Adama Barrow (who succeeded Darboe as leader of the opposition) of Coalition 2016 (made up of seven political parties and one independent candidate) and Mama Kandeh of the Gambia Democratic Congress.⁹⁷

Characteristic of Jammeh, he “believed his domination of state media, mobilising local officials in support of his candidacy, muzzling independent journalists and imprisonment of key opposition figures, would again guarantee victory” without considering the hard work of the opposition to

build unity and support. He also failed to recognize that several changes have occurred since his re-election in 2011. Also, the new change in the electoral rule which included on-the-spot counting, made it challenging for the polls to be rigged in his favour. He is said to have predicted his best outcome of the December 1st elections during his campaign saying; “By the grace of the almighty Allah, there will be the biggest landslide in the history of my elections.”⁹⁸

Alieu Momar Njie, chief of the “Independent Electoral Commission (IEC)”, declared the opposition candidate, Barrow, the winner of the December 1st elections by a significant margin of 50,000 votes out of 551,583 cast on the 2nd of December. This came as a surprise to almost everyone including the international community.⁹⁹ Barrow ranked first with 43.3% of the votes, Jammeh, 39.6 percent of the votes and Mama Kandah winning the remaining 17 percent.¹⁰⁰ Before the official results were declared, Jammeh congratulated Adama Barrow for winning and further conceded defeat in a television speech on the 2nd of December. He was commended by regional and international community for accepting defeat. He also said he will not challenge the electoral outcome, and promised to go back to his farm “to eat what I grow and grow what I eat.”¹⁰¹

On the 5th of December the Independent Electoral Commission (IEC) had readjusted the election results stating that some miscounting had occurred previously leading to a reduction in the total number of votes won by each candidate. They issued the revised results reaffirming Adama Barrow’s victory. Jammeh however declared on the 9th of December that he no longer trusts the electoral process. He contested the results and demanded for fresh elections to be held under the supervision of a different electoral commission due to the mix up. His volte-face came as a bolt in the blue to everyone. He also lodged a complaint at the Supreme Court to overturn the results due

to abnormalities which invalidated the results.¹⁰² In an interview with Mr. Cisse from the Senegalese embassy, he believed that Jammeh had the constitutional right to contest the elections. However, his constitutional right was not respected or acknowledged.¹⁰³

Following this new development, Jammeh deployed troops on the 10th of December on the streets of Banjul as an indication of control of the security apparatus. He also deployed the military on the 13th of December to the offices of the Electoral Commission (EC). The military prevented the EC personnels from having access to the building. Jammeh was by no means prepared to cede power to Barrow by the 18th of January 2017 which marked the legal end of his tenure.¹⁰⁴ Jammeh's rejection of the election outcome and his call for fresh elections can be possibly attributed to his fear of prosecution. Fatoumata Jallow- Tambajang a principal coalition member (who is now the vice president of the coalition government) called for the prosecution of Jammeh within a year of leaving office and warning that he had enough resources to cause a possible insurrection to oppose the new government.¹⁰⁵ Also, Hamat Bah in a radio interview, stated that the new government would set up a commission of inquiry to look into Jammeh's human rights abuses.¹⁰⁶

3.9.1 Response of the International Community to the Volte Face

Jammeh's surprising U-turn, where he rejected the electoral outcome citing what he referred to as "serious and unacceptable abnormalities" was met with outright condemnation from the Gambia, the international community, and some European powers. Jammeh's statement triggered a political crisis. Both the AU and the UN who had earlier described the results as "peaceful, free, fair and transparent presidential election" and as a legitimate expression of the people of the Gambia,

demanded that Jammeh hands over power and further condemned the volte-face.¹⁰⁷ Both the AU and UN endorsed the election results and declared that they would not recognize Jammeh as president after the 19th of January, 2018. The AU On December 12th, termed Jammeh's rejection of the results as "null and void" since he had already accepted defeat and warned Jammeh of "serious consequences."¹⁰⁸ The US Department of State in its statement emphasized the fact that, Jammeh's volte-face was a strategic means of undermining the credible election held and as a means to legitimately hold on unto power.¹⁰⁹

Mogherini, the "high representative of the European Union for Foreign Affairs and Security Policy", stated that, the European Union entreated Jammeh to respect the electoral verdict and cede power. He further stated that, "any attempt to reverse carries the risk of serious consequences".¹¹⁰ The "United Nations Special Representative for West Africa and the Sahel", Ibn Chambas, said in a statement that, "For Mr. Jammeh, the end is here and under no circumstances can he continue to be president. By the time his mandate will be up, he will be required to hand over power to Mr. Barrow". When Dr. Ibn Chambas was questioned if the UN would consider military action to oust Jammeh, he replied by saying, "It may not be necessary. Let's cross that bridge when we get there"¹¹¹

3.9.2 ECOWAS Response to The Gambian Election Impasse

The ECOWAS whose original purpose was to stimulate economic cooperation and regional integration in the West African Sub-region, assumed a more political role where it played the role of a communitarian security organization due to the increasing rate of prolonged internal conflicts in the sub-region at the beginning of the 1990s. ECOWAS's "1993 revised treaty, its 1999 protocol

on the Mechanism for Conflict Prevention and its 2001 Protocol on “Democracy and Good Governance” legally and formally establishes ECOWAS’s mandate of promoting democracy and good governance so as to implement what was later called the “Responsibility to Protect (R2P).” The Gambia has been a member of the ECOWAS since its inception in 1975.¹¹²

The ECOWAS is mandated by its 1993 revised treaty and its 2001 Protocol on Democracy and Good Governance to observe elections in its member states. ECOWAS’s observation of elections in any of its member states requires an invite from the national authorities of the member state holding the elections. However, Jammeh failed to invite the “ECOWAS Observation Team” to observe its 2016 Presidential elections.¹¹³

After, Jammeh’s initial concession, ECOWAS together with the AU and United Nations Special Representative for West Africa and the Sahel (Dr. Mohamed Ibn Chambas), congratulated the leaders and people of the Gambia for a smooth and peaceful election.¹¹⁴ When Jammeh went back on his position and tried to cling to power, ECOWAS was quick to react, as it would not tolerate any unconstitutional means of clinging to power. ECOWAS, in its quest to uphold the democratic values it stands for, called on the government of the Gambia to “abide by its constitutional responsibilities and international obligations.”¹¹⁵ ECOWAS further stated that 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 all Gambian citizens be fully ensured.¹¹⁶

Jammeh’s inaction according to ECOWAS threatens the stability of the sub-region. ECOWAS in its quest to restore the democratic principles which the sub-region upholds, decided to use

diplomatic means to resolve the impasse peacefully. A presidential mediation team which was head by ECOWAS's acting chairman and President of Liberia, President Ellen Johnson-Sirleaf, together with Muhammudu Buhari of Nigeria, John Dramani Mahama of Ghana and Ernest Bai Koroma of Sierra Leone and the United Nation's Special Representative for West Africa and the Sahel, Dr. Mohamed Ibn Chambas. The delegation however, failed to convince Jammeh to cede power to Ouattara. Unlike in other African conflicts and power struggle where power sharing was an option, ECOWAS, was bent on pushing its democratic agenda and would not compromise.

After mediation attempts had failed, ECOWAS, at a summit of its Heads of States, adopted a resolution on December 17th, recognizing the December 1st election results, pledging to attend Barrow's inauguration on the 19th of January, 2018 in conformity with the constitution of Gambia and further deciding to take "all necessary measures to strictly enforce the results of the 1st December 2016 elections." Whilst ECOWAS waited for the AU and the UN to endorse their actions, they decided that, President Buhari and President Mahama, would continue with the mediation process.¹¹⁷ Buhari was used because both he and Jammeh are of the same religion and John Mahama because just like Jammeh he has also lost an election in which he had conceded defeat.

An ultimatum was issued Jammeh to either hand over power by midnight on January 19th or ECOWAS will forcefully intervene to install Barrow. To this end, ECOWAS forces mostly from Senegal, Nigeria, Togo, Mali and Ghana which formed the ECOWAS Mission in the Gambia (ECOMIG) were placed on stand-by on the Gambian border. Further negotiations by Buhari and

Jammeh came to an end on the 13th of December without any positive results and as the deadline neared, the threat of military intervention became more realistic.¹¹⁸

In response to ECOWAS threat of force, Jammeh insisted to hold onto power until the supreme court decides on his election petition in May. He further argued that there were several irregularities that flawed the December polls and echoed his earlier stance for fresh elections. He also asked the mediators to do away with the threat of military intervention which was unhelpful in his point of view. He also demanded that they respect the sovereignty of the Gambia and warned that his regime will defend Gambia against any armed attack.¹¹⁹

President-elect Barrow left for Bamako, Mali with the ECOWAS mediators to attend the Africa-France summit with other Heads of State. Barrow at the summit gave first hand report on the political standoff. Ibn Chambas, the Special Representative of UN, stated that the sub-regional body would inquire of the UN Security Council (UNSC) to endorse the deployment of its forces if Jammeh fails to relinquish power.¹²⁰ ECOWAS Chiefs of Staff met on the 14th of January 2018 in Abuja to deliberate on the preparations towards the creation of the “ECOWAS Military Intervention in The Gambia (ECOMIG).”¹²¹

On the 21st of December, the President of the Security Council in a statement stated that, “the Council welcomed and is encouraged by the decisions of the ECOWAS summit”. The “African Union Peace and Security Council” also recognized the December 1st results and declared that it would not recognize Jammeh’s regime after the 19th of January.

Events kicked into high gear as the deadline elapsed. Barrow who left for Senegal after the summit in Mali for his own safety, was sworn into power in the Gambia's Embassy in Senegal. The UNSC also unanimously adopted Resolution 2337 the same day, which is its first for 2017. The resolution endorsed the move of the ECOWAS and the AU to recognize Barrow as President of the Gambia, welcomed ECOWAS's resolution of December 17th, and expressed its support for ECOWAS's pursuit to "ensure, by political means first", that "the will of the people of The Gambia as expressed in the results of 1st December elections" be honored. The security council however did not authorize military action against the Gambia according to Chapter 7 of its Charter. Nonetheless, some troops invaded the Gambian territory to put into effect ECOWAS's resolution of December 17th, apparently pursuant to a request by now President Barrow and the UNSC Resolution 2337. The operation was named, "Operation Restore Democracy". Marcel Alain de Souza, President of ECOWAS, stated that, "By land, sea and air, Gambia is surrounded. A total of 7,000 men will participate in the mission to re-establish democracy in Gambia".¹²² Following an eleventh-hour talk by Mauritania's president Abdel Aziz, Guinea's president Alpha Condé, and Ibn Chambas to encourage Jammeh to step down in order to prevent bloodshed, the military intervention was halted. Under the pressure and threat of military intervention, most of Jammeh's ministers and other appointees resigned and abandoned his government. His Vice- President also resigned. Several Gambians fled to Senegal for safety. Following all these events, Jammeh realized he was alone and ultimately agreed to relinquish power and go into exile. The ECOWAS forces then safeguarded the Gambian territory and per the request of Barrow, they stayed in the Gambia for three months.¹²³ Jammeh later announced he was stepping down on state television.¹²⁴ In an interview with the Director of LECIAD, the Head of ECOWAS Division for Mediation and Facilitation, Acting Director of Africa and Regional Integration and the Deputy Chief of Mission

of the Senegalese embassy, they emphasized the point that, ECOWAS's threat of force was very credible and was not just a smokescreen. They pointed out that, Jammeh underestimated the resolve of ECOWAS from the onset. He initially thought they would just pass resolutions or put other options on the table.¹²⁵

Three out of the five experts interviewed, accused Senegal as the only ECOWAS country that could have had a "hidden agenda" in its use of sub-regional body's mandate to oust Jammeh due to Jammeh's support of the rebels in the Casamance region.¹²⁶ The others were of the view that, even though Jammeh backed the rebels in the Casamance region, Senegal's main reason was its believe in democracy and its inability to support an autocratic regime. It was in Senegal's best interest to prevent bloodshed since both countries speak the same language and have same ethnic groups and families.¹²⁷

Per the agreement reached, Jammeh received guarantee approved by the ECOWAS, AU and the UN. The ECOWAS, AU and the UN made commitments with the Gambian government to ensure "the dignity, security, safety, and rights" of Jammeh and his immediate family and members of his regime. They are also to ensure that no legislative actions are taken against Jammeh, his immediate family and regime and also to prevent their assets from being seized. The ECOWAS, AU and the UN are also to make sure that there is no intimidation, witch-hunting and harassment of Jammeh's regime among others .¹²⁸ Jammeh left for exile in Equatorial Guinea on the 21st of January 2017 where he will neither be arrested nor prosecuted for his past criminal offences and human right abuses. He took away most of his belonging which was valued at 11.4 million US Dollars including

several luxury cars. The opposition however stated that, the state treasury was totally emptied.¹²⁹

Does this not imply that Jammeh left with impunity?

Two out of the five people interviewed were of the view that, Jammeh left with impunity. They stated that perhaps if ECOWAS had not guaranteed his protection, there may have been some bloodshed and that under the circumstance that was the best decision.¹³⁰ In contrast, the Deputy Chief of Mission of the Senegalese Embassy, the Director of LECIAD and the Head of ECOWAS Division for Mediation and Facilitation, were of the view that, Jammeh did not leave with impunity. They stated that ECOWAS may have allowed him to go into exile in Equatorial Guinea but it does not mean he will not be prosecuted someday. He also pointed out that, with recent developments where Jammeh has been accused of killing some 44 Ghanaians and the African diaspora clamoring for his prosecution, they were of the opinion that Jammeh will be brought to justice since the case Ghanaians has petitioned the office of the presidency to seek Justice.¹³¹

3.9.3 Cause of the Political Deadlock

The main cause of the Ivorian case was linked to the policy of Ivorianite and identity issues, Gbagbo's refusal to accept defeat and the fact that positions have been taken by both domestic and international players. However, four out of the five experts interviewed were of the view that, the Ivorian crisis was about geopolitics and imperialism.

Out of the five experts interviewed for the purpose of this work, the results of the 2016 Gambian election came as a surprise to two. Jammeh was well known for rigging elections in the Gambia, allegedly in previous elections. So, before the elections, it was assumed that results might have

been already decided. Hence, he losing was quite unexpected. The others on the other hand did not see it as a surprise. Jammeh had become dictatorial and one of the few African leaders that have stayed in power for long. The entire community had become fed up with him because of the alleged oppression and human right abuses of his opponents. The Gambia had also come to both an economic and a political standstill. In addition, opposition parties for the first time formed a coalition and were united. The unity of the opposition coupled with the introduction of on spot counting, the results came as no surprise. Nonetheless, Jammeh's announcement where he conceded defeat came as a surprise to all of them. They are of the view that the political deadlock was caused by the technical error of the Gambian Electoral Commission, insecurity on the part of Jammeh and political pronouncements of the opposition.¹³²

3.10 Comparative Analysis

ECOWAS's interventions in Ivory Coast and the Gambia were expected, given the letter and spirit of its two protocols. They have a responsibility as a regional organisation to protect the integrity of the structural properties of ECOWAS's resolve against unconstitutional change of governments, uphold the human security of its peoples, member states' structure to maintain law and order within its member states. The dereliction of these duties could have had dire consequences for human security in the sub-region. ECOWAS, indeed, intervened in these states as a communitarian security organization; however, the circumstances for intervention were the differing conflict situations even though there were some similarities.

It must be emphasized that The Gambia and Ivory Coast are signatories to the "2001 Protocol on Democracy and Good Governance" and are bound by the values and principles enshrined in the

protocol. Enshrined in the 2001 Protocol are 12 constitutional principles “shared by all member states.” Articles 1b and 1c states that “every accession to power must be made through free, fair and transparent elections” reflecting the principle of “zero tolerance for power obtained by unconstitutional means”.¹³³ In an interview with some experts, they were of the view that ECOWAS has largely been successful and consistent in deploying its protocols in managing both crises.¹³⁴

Odobo *et al* (2016), assesses ECOWAS’s performance in Ivory Coast in comparison to other post-election crises in which ECOWAS had intervened and commended the regional body for early acknowledgment of the election results but criticized its delay in preventing the ensuing crisis until it degenerated into full blown conflict. He concluded that ECOWAS haphazardly handled the Ivorian crisis because of “lack of resource excuse.”¹³⁵ In the case of the Gambia, ECOWAS, exhausted all its mechanisms, from shuttle diplomacy to the threat of the use and actual deployment of force. The deductions from ECOWAS’s lethargy in Ivory Coast could be due to many reasons. Unlike Gambia, Ivory Coast is a resource rich region that contributes financial resources to ECOWAS. Secondly, Gbagbo and many leaders in the region had established camaraderie and further, have sound bilateral relations. He was a Pan Africanist that resonated with the many African leaders such as Dos Santos of Angola, Thomas Mbeki of South Africa and Atta-Mills of Ghana. It was therefore very difficult for all these leaders to collectively approve an ECOWAS resolution to invade Ivory Coast. Besides, a full-blown military intervention would have possible repercussions for Ivory Coast’s neighbours. In the case of Gambia, which is a small state in terms of size, economic power, military might, and development, and without much influence on ECOWAS and the individual states, the states have little to lose hence, the

willingness to see off Jammeh. So as enunciated succinctly, there was clear selective application of the laws in the two states.

On Gbagbo and Jammeh's loss at the elections there were two emerging discourses. They have grievances which some argued necessitated being addressed. On the other hand, the two leaders were accused of attempting to unconstitutionally hold onto power. ECOWAS condemned their attempt to undermine the will of their citizens and decided not to recognize them as the legitimate governments of their respective countries. During the Ivorian 2010/2011 crisis ECOWAS took the lead role in shaping the perception of the international community of who the winner of the 2010 presidential elections was.¹³⁶ With reference to the election results provided by the Ivorian Electoral Commission and certified by the UN which declared Alassane Ouattara winner of the elections, the ECOWAS commission out rightly condemned "any attempt to go against the will of the Ivorian people" on the day of Gbagbo's inauguration. The Commission's position was reiterated by the "Authority of Heads of State and Government" of ECOWAS who was on the side of the opposition candidate Ouattara.¹³⁷ Even though ECOWAS threatened Gbagbo's regime with military intervention, the main military action was undertaken by the French and UN forces.¹³⁸ France's relation with Ivory Coast and its interest in the crisis in many ways subverted ECOWAS authority and independence.

In contrast to the Gambia 2016 elections, the constitutional crisis and the assessment of the results in Ivory Coast were more challenged and ECOWAS's decision to recognize Ouattara as the lawful Head of State was more liable to dispute.¹³⁹ This is because Article 43(2) of the Gambian constitution empowers solely the country's Electoral Commission to officially declare the results

of the presidential elections whereas the crisis in Ivory Coast arose from the capability of the “Constitutional Court” which was largely made up of loyalists of Gbagbo to announce the final electoral results.¹⁴⁰ In the light of Jammeh’s weak claim that the elections were rigged and his pedigree as untrustworthy politician, ECOWAS’s strong position in assessing the situation in the Gambia came as no surprise given the stipulations of its protocols.¹⁴¹ The Jammeh regime was threatened by ECOWAS and the military intervention was led by the ECOWAS forces till a last-minute talk with Jammeh led to a halt of the military action. ECOWAS was fully in charge of the process and managed to restore democracy.¹⁴²

Also, in the Ivorian case, ECOWAS’s military action was hindered by some factors. ECOWAS lacked capacity and consensus among its member states about whether military action was the appropriate action to be used to oust Gbagbo. Ghana was the first ECOWAS country to decide that she did not believe in military solution and will not partake in a military intervention in Ivory Coast. This was mainly because of the good relations nurtured with the Ghanaian ruling party.¹⁴³ The Ivorian military which had been well trained and involved in armed conflicts required an enormous well equipped and highly trained ECOWAS army to engage in an open military threat and confrontation. However ECOWAS was faced with logistics, financial and other operational challenges to face the challenge of military intervention.¹⁴⁴ Also, Nigeria, the regional hegemon was unwilling to risk the lives of its soldiers and also invest some amount of its resources partly because of its upcoming 2011 elections.¹⁴⁵ In addition, Gbagbo was mobilizing part of the world on the view that ECOWAS’s threat of military intervention was a conspiracy by both US and France against his administration. He further stated that, the immigrants from other West African countries who reside in Ivory Coast will be victims of ECOWAS military intervention.¹⁴⁶

In contrast, the Gambia which is a relatively small nation with a military force of about 1,200 personnel, it was obvious that the Gambian army did not have the capacity to defeat the combined ECOWAS forces, who had superior military equipment even though Jammeh had some mercenaries to help boost his military capability.¹⁴⁷

Jammeh had also become an embarrassment for the West African leaders due to his erratic personal behavior and his claim to have found a cure for HIV and several cancers. To this end, unlike Gbagbo in the 2010/11 Ivorian crisis, Jammeh could not depend on companions amongst his regional peers or some powerful friends outside Africa to assist him in his quest to hold on to power.¹⁴⁸ Jammeh also referred to homosexuals as “vermin” and irreligious people as “lower pigs.”¹⁴⁹ In addition, he conferred several titles of honor upon himself. Jammeh desired to be known as “Sheikh Professor Alhaji Dr. Yahya A.J.J. Jammeh Babili Mensa”.¹⁵⁰ Gbagbo on the other hand, had won sympathies for coming up with his own kind of nationalism and tried to defend his reason for the ruling out the “non-indigenous” Northerners from political and economic participation. Gbagbo had also developed good relations with South Africa and Angola which were his major African allies. He also fostered good relations with the Ghanaian ruling party.¹⁵¹ Many therefore believed that but for France’s preponderant interest and influence in Ivory Coast the turn of events would have been different. With regards to the Gambian crisis, the regional powers and some prevailing neighboring states were fully committed to restoration of the rule of law in the Gambia.¹⁵²

Even though both Jammeh and Gbagbo had violated the rights of their citizens during their tenure as presidents, Gbagbo has been captured and sent to the ICC whilst Jammeh has been allowed by

the ECOWAS, AU and the UN to go to exile in Equatorial Guinea. The experts interviewed for this work, praised ECOWAS as the most effective REC in Africa both economically and politically though its fraught with some challenges. In the Ivorian case, ECOWAS was praised for its early acknowledgment of the election results and its successful deployment of the protocols. However, France and the United Nations carried out the main military action but in the case of Gambia, the success was fully attributed to ECOWAS since it owned the entire process.¹⁵³ Mr. Cisse was also of the view that the “success” attributed to both France and the UN is relative. He argued that, they were only successful in installing Ouattara as president but not in addressing the root cause of the problem which is Ivoirite.¹⁵⁴

3.11 Conclusion

Both the Ivorian and Gambia incumbent presidents refused to cede power to the legitimate winners of the elections. ECOWAS, the sub-regional organization which plays both an economic and security role was consistent and successful in deploying its protocol on “Democracy and Good Governance” to demonstrate the willingness of the region to instill democracy as norm in the region. Despite the fact that ECOWAS has been consistent in operationalizing its protocols by intervening in situations of unconstitutional change of government, the conflict situations were different as much as they were similar. Just as Vivienne Jabri argues that conflict resolution is not necessarily altruistic, the notion of success is never universal, and conflict management is essentially conflict dynamics. Hence the resources that were available in both Ivorian and Gambian crises were different, so we cannot have *pari passu* (that is) the same consequences and outcomes in the mediation or management of the conflict. Besides, she argues that, interventions and their outcomes depend on varied interventionist analysis, issues involved in the conflict, the affected

others, the strengths and actions of the parties to the conflicts, the interventionist context of social values, resources, normative expectations, institutional prerogative and evaluation of results as well as unintended consequences.¹⁵⁵

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CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.0 Introduction

This study is based on the role played by ECOWAS in resolving post-election crises in West Africa using the Ivorian 2010/2011 and the Gambian 2016 electoral crises as case studies. The research sought to investigate how consistent ECOWAS has been in the application of its protocols depending on the dynamics of the conflicts. The research covered ECOWAS intervention based on its 1999/2001 protocols and how they were used to resolve the 2010/2011 Ivorian crisis and the 2016/2017 Gambian crisis.

4.1 Summary of Findings

The “Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security” simply called the 1999 Mechanism was adopted as a peace and security promoting tool in the sub-region. The 1999 mechanism, establishes various organs such as the Authority, the Executive Secretariat, the Mediation and Security Council, ECOMOG etc. with the mandate of implementing the provisions of the provisions of the protocol. To further complement the 1999 Mechanism and strength the democratic dispensation of the sub-region a supplementary protocol was adopted in 2001 called the “Supplementary Protocol on Democracy and Good Governance”. This protocol seeks to prevent issues of corruption, election fraud, human rights abuses, poverty, and seizure of power by the military etc. which are seen as possible causes of conflicts and violence in the sub-region.

The Ivorian civil wars can be linked to the policy of Ivoirite which brought about issues of identity. This policy divided the Ivorian community along social and ethnic lines which lead to the 1999 coup, the 2002 civil war and the 2010/2011 civil war.

The 2010/2011 Ivorian crisis began following Laurent Gbagbo's refusal to cede power to Alassane Ouattara after a second round that was heavily contested by the two foremost parties per the first-round electoral verdict. Following the results of the IEC which was certified by the Secretary-General's representative from the UN, Ouattara was declared winner. However, the chairperson of the Constitutional Council cancelled and annulled some results from Ouattara's stronghold. This led to the second Ivorian civil war characterized with human right abuses, destruction of properties, crime against humanity, war crimes etc. ECOWAS on the back of its 2001 supplementary protocol quickly condemned Gbagbo's act which it described as an act against the will of the Ivorian people. The community recognized Ouattara as the legitimate President of Ivory Coast and further threatened him with military intervention after several attempts at mediation failed. However, the ensuing armed intervention was undertaken by the French and UN forces. Gbagbo was later captured by Pro-Ouattara forces backed by the French and UN troops.

The Gambian 2016/2017 followed after Jammeh's refusal to cede power to Adama Barrow. Jammeh initially accepted defeat and agreed to hand over power to Barrow. However, in an equally surprising volte-face, Jammeh refused to hand over power when he allegedly claimed that there was some serious error and abnormalities in the electoral results. He contested the results and called for fresh elections. ECOWAS, on the back of its protocols condemned Jammeh's attempt to hold on to power and asked that he "respect the will of the Gambian people" and further

demonstrated the community's stance to promote democracy and good governance in the region. After several attempts at mediation had failed, ECOWAS threatened to intervene militarily however; the actual deployment of force was halted following a last minute talk Jammeh where he agreed to step down.

In both cases, both Jammeh and Gbagbo refused to cede power to their opponents over what they termed as irregularities or abnormalities in the electoral processes. ECOWAS in both cases, used preventive diplomacy through mediation to ensure that the will of the both the Ivorian and Gambian people were respected. However, these initial attempts at mediation in both crises failed and the regional organisation threatened to intervene forcefully. In the case of Gambia, the threat was used and troops were deployed. In Ivory coast, the threat of was used but the troops were fully deployed by France and the UN. Also, ECOWAS in both cases, acknowledged the electoral results very early. In addition, ECOWAS was consistent and successful in deploying its protocols in ensuring that the will of the people was respected.

Even though ECOWAS threatened the Gbagbo regime with military intervention, the main military action was undertaken by the French and UN forces. Hence ECOWAS did not fully own the process unlike in the case of the Gambia. ECOWAS was faced with the issue of group solidarity, lack of resources and capacity on the Ivorian crisis. ECOWAS lacked consensus among its member states about whether military action was the appropriate action to be used to oust Gbagbo.

The Gambian crisis was different. In the light of Jammeh's weak claim to have been rigged out by both the Electoral commission and the opposition, ECOWAS's strong position in assessing the situation in the Gambia came as no surprise given the stipulations of their protocols. The Jammeh regime was threatened militarily by ECOWAS and the military intervention was led by the ECOWAS forces till it was halted following a last-minute talk. ECOWAS was fully in charge of the process and managed to restore democracy in the Gambia. Unlike in Ivory Coast, ECOWAS did not encounter any problem in the case of the Gambia. There was no bloodshed in the case of the Gambia compared to Ivory Coast where several lives were lost, and properties were destroyed.

4.2 Conclusion

As the organization for promoting regionalism and maintaining peace and security in the sub-region, ECOWAS has intervened in many conflicts beginning with the Liberian crisis and ending with the most recent which is the Gambia crisis which pose as a threat to the principles and values of the regional organisation. Indeed, its involvement in both the Ivorian and Gambian crises shows its quest to promote its democratic principles, respect for human rights and respect of the will of the people and stand against unconstitutional change of government.

The adoption of the 1999 Mechanism and the 2001 supplementary protocol on democracy and good governance gave ECOWAS the political will, justification and legitimacy to intervene in both the Ivorian 2010/2011 and the Gambian 2016/2017 crisis. In the long run, democracy was restored in both countries even though the UN and France played a major role in the Ivorian crisis. Nonetheless, the challenges of funding, capacity, group solidarity and logistics were pertinent to the Ivorian crisis. From the above analysis, ECOWAS has been consistent in applying the

stipulations of its protocols. However, the circumstances and dynamics are different in both the Ivorian and Gambian crises due to influence and strength of the two countries in terms of size, economic power, military might and development.

4.3 Recommendations

- ❖ ECOWAS peace and security roles in West Africa must be commended. As it has been shown in the work, ECOWAS has largely been consistent in operationalizing its protocols on conflict prevention and good governance and it has gained international acclaim in standing firm against unconstitutional change of government. However, ECOWAS could have done better with its preventive diplomacy and early warning systems. The Ivorian and Gambian crises did not just occur out of the blue. There were a lot of antecedents which pointed to the fact that there was the likelihood of post-election conflict in both countries. The study therefore recommends that ECOWAS should review its conflict prevention diplomacy and early warning mechanisms and begin warning the main actors in elections about the possible consequences of their intransigence should there be any.

- ❖ ECOWAS in playing its role in peace, conflict and security in Africa, collaborates with the civil society organisations. Given the fact that elections in the sub-region are not always conducted within the remit of good governance but often in zero sum situations, Civil Society Organisations should not only concentrate on capacity building for political parties on how best elections can be conducted. Much attention should be paid by the Civil Society Organisations in also preparing political parties for life after they have lost elections. This could be done through emphasizing peaceful resolution of post-election conflicts and research into why political parties performed in certain ways during the elections.

- ❖ The press has a role to play due to their presence among societies and communities where elections are conducted. Often the press in West Africa pay attention to projecting political candidates and carrying out polls on which candidate or political party is most likely to win. The act and omission of the press often become sources for conflict and violence. The press can do a very important service to the West Africa community if they also highlight areas of potential conflicts and possibly conflict arousers. When the press pays attention to where conflicts may occur and the probable forms they may take, they may invariably shame political parties and activists into good political behaviour.

- ❖ ECOWAS is made up of post-colonial states. And one of its weaknesses is their overdependence and overreliance on their former colonizers. This phenomenon has been identified in the literature as a neo-colonialism. For sure, there is an emerging global normative consensus. However, ECOWAS stands to lose its independence and credibility if it is seen largely as condoning the preferences of their former colonial masters. This was evident in ECOWAS' collaboration with France during the Ivorian crisis. It would have been more helpful if ECOWAS has led throughout the Ivorian crisis. It will therefore be helpful for ECOWAS to own the processes of managing political crises in the sub-region without its deference to France.

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