

PREVENTIVE DIPLOMACY AND CONFLICT RESOLUTION IN WEST AFRICA: THE CASE OF THE 2016 GAMBIAN ELECTION CRISIS

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DECLARATION

I hereby declare that the content of this research work is my original work. With the exclusion of quoted references and acknowledged sources used under the supervision of Dr. Ken Ahorsu, no part of this work has been submitted for another degree or purpose.

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DEDICATION

This work is dedicated to God Almighty for the strength, favor and guidance throughout my stay at the Legon Centre for International Affairs and Diplomacy (LECIAD) and in putting this work together.

I also dedicate it to my family for the constant love and support that motivated me to complete this work.

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LIST OF ABBREVIATIONS

AFPRC	-	Armed Forces Provisional Ruling Council
AMISOM	-	Africa Union Mission in Somalia
APRC	-	Alliance for Patriotic Reorientation and Construction
ASEAN	-	Association of Southeast Asian Nations
AU	-	Africa Union
DCA	-	Democratic Congress Alliance
DP	-	Democratic Party
ECCAS	-	Economic Community of Central African States
ECOMIG	-	ECOWAS Mission in the Gambia
ECOMOG	-	ECOWAS Cease-fire Monitoring Group
ECOWAS	-	Economic Community of West African States
ECOWARN	-	ECOWAS Early Warning Network
EU	-	European Union
GA	-	General Assembly
GDC	-	Gambia Democratic Congress
GNA	-	Gambia National Army
GSRP	-	Gambia Socialist Revolutionary Party
ICC	-	International Criminal Court
IEC	-	Independent Electoral Commission
LGBT	-	Lesbians, Gay, Bisexual and Transgender
MCP	-	Muslim Congress Party

MOJA-G	-	Movement for Justice in Africa-Gambia
NADD	-	National Alliance for Democracy and Development
NCP	-	National Convention Party
NGOs	-	Non-Governmental Organizations
NIA	-	National Intelligence Agency
NLP	-	National Liberation Party
NRP	-	National Reconciliation Party
OAS	-	Organization of American States
OSCE	-	Organization for Security and Co-operation in Europe
OSIWA	-	Open Society Initiative for West Africa
PDOIS	-	People's Democratic Organization for Independence and Socialism
PPP	-	People's Progressive Party
PPP	-	People's Protectorate Party
R2P	-	Responsibility to Protect
SADC	-	Southern Africa Development Community
SC	-	Security Council
UDP	-	United Democratic Party
UNASUR	-	Union of Southern American Nations
UN	-	United Nations
UNOWAS	-	United Nations Office for West Africa and Sahel
UNSG	-	United Nations Secretary General
UP	-	United Party

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ABSTRACT

Yahyah Jammeh's refusal to step down created conflict amongst the people of Gambia. Review of literature indicates that an inherently advantageous quality of preventive diplomacy is promoting the rights of citizens in conflict situations. The research methodology for this study was the qualitative approach and relied on primary and secondary sources of data. Findings of the study shows that preventive diplomacy in the case of the Gambia came in the form of appeals to Yahyah Jammeh prior to the elections to sign an agreement to have a free and fair election and the opposition given an equal playing ground to participate in the election. Another finding is that ECOWAS with the consent of the United Nations and President-elect Adama Barrow had a clear legal mandate to threaten the use of force in order to protect democracy in the Gambia following conflict in the country. ECOWAS managed to restore democracy in the country by applying preventive diplomacy tools using mediation, negotiations and the threat of force, but without any use of direct physical violence. The study concludes that preventive diplomacy, an action which requires diplomatic tools to prevent disputes from arising and existing conflict from escalating played an instrumental role in preventing a likelihood of a violent conflict in the Gambia during the election crisis in 2016. Recommendations of the study are made in line of improving track one form of preventive diplomacy as applied in Gambia. Another recommendation is the use of military intervention in preventive mechanism as effective when diplomatic talks fail.

CHAPTER ONE

INTRODUCTION

1.0 Background to the Research Problem

Conflict has always existed in societies due to the constant interaction which exists amongst humans. Through interaction conflict occurs due to differences in ideas or incompatibilities. Conflict occurs when certain underlying factors which persist amongst a group are not dealt with. These underlying factors include identity shaping the views and perceptions of an individual and the world. Through identity, there is the assumption of borders between oneself and others. In other words, identities entail differences. It is supposed that differences are the basis for creating “self” and also “other” where “other” is different.¹ Identity therefore guides interaction amongst a people and forms the basis of class, race, religion and ethnicity; whereby one group perceives itself to be better than the ‘other’ which forms the basis for conflict. This is because an individual or group of people can perceive the ‘other’ to be an enemy due to the differences in worldview, interests and values.

The dysfunctional aspect of conflict poses a huge challenge to the international system due to grievous and gruesome wars experienced over the years which has led to the loss of human lives, resources, psychological effects and financial strain on international organizations. Most post-Cold War conflicts have been civil wars in poor, developing countries or weak democracies, and have been fought over who controls a state and its policies.² These wars often result in the loss of lives, destruction of properties and the migration of people from their country in search of refuge. These wars were of major concern to the international community due to the irreversible effects in the aftermath of these wars and the spillover effect of the war to neighboring states causing insecurity

and disruption of peace.³ The tendency for conflict to break-out and spread to other neighboring states led to international institutions like the United Nations (UN), regional bodies, development agencies, and a host of nongovernmental organizations (NGOs) becoming extremely active in trying to terminate intrastate wars, rebuild war-ravaged societies, and to a lesser extent prevent violent conflicts from erupting in the first place.⁴ This mode of resolving disputes at its early stage to curb the dispute from worsening into violence is referred to as preventive diplomacy.

In conflict management, the UN plays a critical role and highlights the benefits of preventive diplomacy in conflict resolution. The United Nations has re-emphasized the need and benefits of preventive diplomacy since the end of the Cold War. Dag Hammarskjöld, former United Nations Secretary General (UNSG) was the first to introduce the notion of preventive diplomacy. In a 1992 report 'An Agenda for Peace' to the General Assembly, another UNSG Boutros-Boutros Ghali re-emphasized this notion. He defined preventive diplomacy as the most desirable and effective use of diplomacy to relieve tensions before conflict occurs.⁵ The concept of preventive diplomacy is therefore aimed at actors and non-state actors acting swiftly during conflict so as to manage the situation at its early stages and prevent it from worsening thereby minimizing its impact.⁶

In Africa, conflict has led to the lack of progress and development on the continent. Most conflict cases in Africa however, do not suddenly occur.⁷ They occur gradually and are influenced by underlying and behavioral factors linked to identity which are already in existence yet have not been dealt with in its early stages. These factors eventually lead to a full-blown war amongst the different groups of people when triggered. Regional organizations including the African Union (AU) and sub-regional organization, Economic Community of West African States (ECOWAS)

seek to prevent devastating outcomes of conflict by seeking other alternatives to promote peace in Africa. Given the murky aftermath of the Liberian and Sierra Leonean crisis, ECOWAS has passed two protocols: the ECOWAS Mechanism and the ECOWAS Protocol on Democracy and Good governance as well as an observation and monitoring tool, the ECOWAS Early Warning and Response Network with the view of curbing incipient conflicts before they degenerate into complex humanitarian crisis and intractable conflicts.

Since the passing of the Mechanism and ECOWAS working with organizations such as the West African Network for Peacebuilding (WANEP) to set up the ECOWAS Early Warning Network (ECOWARN), a number of violent conflicts have occurred in West Africa.⁸ The question therefore arose on how effective and efficient the preventive mechanism deployed has been during conflict. The aftermath of the 2016 General Elections of Gambia was one such instance where ECOWAS undertook efforts to prevent the post-election dispute from escalating into violence by taking early steps to curb the rising tensions in Gambia from escalating into war.

Then president of Gambia, Yahyah Jammeh who had initially accepted the results of the Gambian elections later declined to concede power to his opponent Adama Barrow. He declined to concede for fear that the new government will prosecute him for human rights abuses against the citizens of the Gambia. This position of Jammeh was based on the comments by Fatoumata Jallow-Tambajang, a key member of Adama Barrow's coalition team.⁹ Yahyah Jammeh had ruled the people of the Gambia for 22 years and he governed the citizens of the Gambia with an iron fist characterized by severe human rights abuses since his inception into power through a military coup d'état. His refusal to hand over as mandated by the constitution of the country led to protests in

the capital of the Gambia, Banjul. The people used the protests to demonstrate their anger against his refusal to step down as president.

The reluctance of Jammeh in stepping down created panic amongst the people of the Gambia, ECOWAS and the international community due to the fear that the political crisis would degenerate into a civil war, serious human rights abuses, and create humanitarian crisis for the sub-region.¹⁰ Jammeh's intransigence was condemned by the UN, African Union, ECOWAS and other international civil society groups; which demanded an unconditional vacation of power by Yahyah Jammeh. During the crisis, various forms of mediation, diplomacy as well as deployment of troops from ECOWAS member states to Senegal, were all employed to get Yahyah Jammeh to step down peacefully. This dissertation seeks to ask: How effective was preventive diplomacy, as employed by ECOWAS, in resolving the Gambian election crisis?

1.1 Statement of the Research Problem

The wide range of factors attributed to intra state wars pose a challenge to the international system, bring about loss of life and raise issues of conflict prevention especially in Africa. These conflicts have resulted in the loss of human lives, properties and produced psychological effects as well as financial strain on international organizations in their quest to stop the wars. The philosophy and advantages of preventive diplomacy are obvious. However, there is a dilemma that confronts peaceful resolutions of conflict and especially preventive diplomacy.

There is a conundrum on whether peaceful resolution of conflict essentially punishes criminality or absolves criminals because of the preponderance for peace. Yahyah Jammeh had ruled the

people of Gambia for 22 years as a dictator who abused the rights of his citizens. His intransigency to vacate the seat of government after being defeated by his opponent Adama Barrow was essentially a slap in the face of the normative values that girded democracy and good governance. However, others believe that, a continued insistence on a retributive justice for the Gambians who have had their rights abused over the years will amount to further bloodshed should the ECOWAS forces engage the loyal troops of Yahyah Jammeh. In this context, this research seeks to examine the role that preventive diplomacy played in addressing the Gambian crisis and how preventive diplomacy can be accessed as upholding ECOWAS and the wider world's normative principles.

1.2 Research Questions

The aim of the study is to answer the following questions:

- What is Preventive Diplomacy?
- What are the ECOWAS mechanisms for Preventive Diplomacy?
- How effective has the ECOWAS preventive mechanism been in resolving the Gambian election in 2016?
- What are the challenges faced during the operationalization of the ECOWAS' mechanism for preventive diplomacy?

1.3 Research Objectives

- Examine the main tenets of Preventive Diplomacy.
- Analyze the preventive diplomacy mechanism deployed during The Gambia crisis in 2016.
- Assess the effectiveness of the preventive diplomacy in The Gambia crisis in 2016.

- Assess the challenges faced during the crisis and resolution.

1.4 Scope of Study

The work covers the operationalization of preventive diplomacy within the remit of the ECOWAS protocol on conflict prevention in resolving the post 2016 Gambian Election Crisis.

1.5 Rationale of the Study

This study seeks to examine ECOWAS' application of preventive diplomacy in West Africa notably in resolving the recent electoral crisis in the Gambia. Conflict remains one of the structural problems of Africa as the degree of effects of conflicts on the continent cannot be overlooked. The election crisis in the Gambia saw ECOWAS implementing the framework of preventive diplomacy to prevent the electoral crisis from worsening. It is worth investigating the electoral crisis in the Gambia to identify the specific preventive diplomatic mechanisms and the effective role ECOWAS assumed in resolving the conflict that might have developed into a full-blown military conflict. This study seeks to add to existing conflict resolution literature about preventive diplomacy and help developing countries in the resolution of conflict peacefully.

1.6 Theoretical Framework

Neo-institutionalism or new institutionalism serves as the theoretical framework for this research. This theory discusses how political actors' conduct is influenced by the institutional situations in which they function.¹¹ This theory emerged in an earlier form in the late 19th century called Institutionalism. Institutionalism focuses primarily on politics, governments and formal institutions. It shows little interest in the construction of cumulative theory as the primary focus is

on description and not on explanation.¹² Institutionalists include T. Veblen, J. R. Commons, J. M. Clark and W. C. Mitchell. Some ideas expressed in this theory were also developed by C. E. Ayres, G. Myrdal, K. Wittfogel and J. K. Galbraith.¹³

The Institutional approach focuses on the normative approach rather than the empirical approach as well as law and legalities. In the 1960's however, there was a steady change from focusing solely on the groups within an institution as the old institutional approach represented. The focus has changed to how the structures, rules and norms in an institution can influence the actors' actions and behavior within the institution. That is the new institutionalism approach. This new form of institutionalism was founded by James G. March and Johan P. Olsen. The era instantly after the Second World War was an unprecedented proliferation of global institutions¹⁴ and the research of global institutions has since grown in parallel with their numbers.¹⁵ However, despite several decades of development in the sector, the concept of institutions remains divided between academics.

Hall defines institutions as the official regulations, compliance processes, and normal working methods which structure the connection between people in different political and economic units.¹⁶ North on the other hand defines Institutions as any form of constraint designed to shape action by humans.¹⁷ Institutions are set up with a plan to address an agenda. They aim at solving problems and challenges facing the actors within the institution. Institutionalists focus on group actions (mainly trade unions and government groups).¹⁸

New-institutionalism focuses on the state deciding which institution is more suitable for it.¹⁹ Thus, in the new form of institutionalism, the core idea revolves around states joining institutions based on the benefits they gain by being members of the institution. Neo-institutionalism theory also discusses how institutional structures, regulations, standards and cultures restrict individual decisions and behavior as part of a political institution. These structures, norms and even rules serve as a guide in the conduct of the members who belong to the said institution. ECOWAS for example, in promoting economic integration and development has laid down rules and regulations that member states must adhere to or face sanctions. ECOWAS in seeking regional integration and cooperation also seeks political stability within a member as development is impossible without stability. The institution therefore has rules outlined in the revised ECOWAS treaty (1993), the Protocol on the Mechanism for Conflict Prevention (1999) and the Protocol on Democracy and Good Governance (2001).²⁰ These rules seeks to ensure that member states practice a good form of democracy where rights of citizens are respected and constitutional change of government is practiced. These principles within the institution applies to all members within the institution and member states adhere to these rules and regulations to avoid any sanctions that can affect their position within the institution. Political actors' conduct is thus, influenced and conditioned by the institutional contexts in which they work.²¹ It can therefore be indicated that institutions can empower and restrict actors differently and enable them to act more or less in accordance with prescriptive guidelines and appropriateness.²²

Institutions including international institutions have purposes and are set up to protect and promote the rights of the citizens of member states. The United Nations for example have a core mandate to maintain international peace and security as stated in Article 1 (1) of the United Nations charter.

Due to this mandate, the UN seeks to protect the rights of people to ensure peace and security in the international system. This was what the first form of institutionalism sought to do. It aimed at setting up institutions which solved issues of concern to the international system.

Neo-institutionalism focuses on the autonomous person who decides which organization is more suitable for him.²³ This form of institutionalism applies largely to domestic issues and is created to solve specific issues. These institutions are founded within the states and at the sub-regional level. ECOWAS for example was established primarily to promote regional peace and integration among its members. Thus, the institution aims at solving economic challenges its members face and promoting development as well as economic growth within the region. Institutions therefore are set up with an aim of solving problems its members may face. This is also done by setting up specialized agencies within the institution to address problems and challenges of its members. In a state like Ghana, there is the existence of institutions like the Commission on Human Rights and Administrative Justice, Economic and Organized Crime Office and the Police Service that are set up to purposely deal with internal issues of importance to the state. Within the ECOWAS for example there is the ECOWAS Warning and Response Network (ECOWARN) which is a “sub-regional peace and observation system²⁴ that ensures the maintenance of peace in the region.”

The neo institutionalist stance makes several hypothesis which are questionable for realists.²⁵ In criticizing this theory, realists consider institutions as governing books written by the powerful for the competitive power politics game .They see institutions as a projection of self-interested nations designing institutions to preserve or enhance their own comparative power²⁶in the anarchical scheme.²⁷ For example, the United Nations has certain states possessing permanent membership

on the Security Council as well as veto powers which gives them the power to block a resolution which may not be in their favor. Consequently, these states pass resolutions that are in their favor regardless of how it may affect other states. To the realist, institutions are primarily reflections of state power that are deliberately formulated to further the security of strong founding states.²⁸ Therefore the existence of institutions hardly constrain the behavior of founder-states or the ‘big powers’ but dictate the conduct and actions of weaker member states.

Another critique of institutionalism made by realists is the position held by institutionalists that institutions fosters co-operation amongst states and the collective strength of multiple institutions surpasses the impact of pure state authority.²⁹ To the realist, this idea held by institutionalists is false. According to the realists, state authority is the leading referent in global politics rather than institutions and there is no empirical data to prove that cooperation has led to improvements in peace and security. This position of realists is based on the assumption that countries exist in a world of self-help in which authority and self-interest in the lack of a greater order is vital to their survival.³⁰ Thus, states will always co-operate on issues that are beneficial to them and not because of a need to promote co-operation or even peace but rather states may choose to co-operate with other states for their own security.

Institutionalists and realists despite the contrasting opinions acknowledge that institutions do exist, but institutionalists think that institutions form “webs of governance” which prescribe behavioral rules, the realists on the other hand strongly disagree with this idea. Despite the criticisms of this theory, the theory of institutionalism is relevant to this study as in recent times, there has been an emerging normative consensus where strong states in international institutions like the UN,

ECOWAS, EU, AU are co-operating with the ‘weaker states’ to promote global peace and security. Also, due to the pursuit of global peace and security through co-operation amongst states the idea of unilateral or rational choice of action by a state is more of an exception than a rule in states relation with one another. Institutions therefore are essential in the promotion of peace and security within a state and amongst states through co-operation.

Institutionalism addresses problems related to collective-action.³¹ Institutionalism also tackles issues of growth management planning and is useful in looking at negotiated approaches and issues including institutional relations.³² Institutionalism therefore is useful to institutions like the ECOWAS, UN, AU and the World Bank especially in the application of governance to issues in Africa. It is also useful as the existence and the activities of these institutions seek to promote the overall well-being of a state and its citizens.

1.7 Literature review

The idea of preventive diplomacy was re-emphasized by Boutros-Boutros Ghali in his 1992 ‘An Agenda for Peace’ Report. The UN Secretary General Hammarskjöld first created the term ‘preventive diplomacy’ in 1960. He had in mind the UN keeping superpower proxy wars in developing countries from escalating into world-wide confrontations. When the end of the Cold War brought unexpected intra-state wars like in Yugoslavia, UN Secretary General Boutros-Ghali expanded Hammarskjöld’s term to mean not just keeping regional disputes from going global, but from beginning in the first place.³³

Boutros Ghali states that the best strategy for preventive diplomacy is to define circumstances that could lead to conflict as soon as possible and to use diplomacy as a means of removing sources of risk before violence occurs.³⁴ Boutros Ghali defines preventive diplomacy as an “action taken to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occurred.”³⁵ Boutros-Ghali identifies certain factors which are essential in the implementation of the mechanism. These factors include “confidence-building measures”, “early warning based on information-gathering and fact-finding” and “preventive deployment.” Thus, the idea behind using preventive diplomacy by states is to prevent in the first-place disputes from taking place between the parties. In the instance where there are already disputes between the party’s preventive diplomacy is deployed to resolve the conflict and in instances where the dispute is already at a peak, to prevent it from spreading to other states.³⁶

In the process of dispute resolution, confidence building during negotiations is very key as parties having confidence in the mediator brings about trust in the judgement process and the results of judgement will be accepted by both parties. Without confidence in the process, the dispute may even escalate and be worse than before negotiations. The idea of confidence building can only be sustained when the mediator proves himself /herself to be unbiased in the resolution process. The mediator must have an in-depth information from both sides of the parties. This is to help the mediator address issues of the dispute from the root cause, this gives the negotiator a clear sense of what led to the conflict thereby finding an appropriate and suitable way of resolving the conflict. Boutros-Ghali’s report is relevant to this study because it highlights early warning and timely reaction as instruments for successful conflict prevention. It also mentions the use of not only state

actors in the pursuance of preventive diplomacy but the use of International institutions like the United Nations, ECOWAS and the AU playing pivotal roles in the resolution of conflict as seen in the Gambia crisis in 2016. It also considers how the implementation of factors like confidence –building, early warning and information gathering are crucial not only to the mediation process but the overall process in the attainment of peace during a dispute.

Michael Lund in Preventing Conflicts: A strategy for Preventive Diplomacy defines Preventive Diplomacy as an action taken in sensitive areas and times to prevent the threat or use of armed forces and associated forms of coercion by states or institutions to resolve the political disputes that may arise from destabilizing impacts of economic, social and political change.³⁷ Preventive diplomacy seeks to resolve conflict in a timely manner in order to avoid the escalation of current conflicts into violence. He highlights the importance of intelligence gathering and analysis when deploying preventive diplomacy mechanism. A mediator who is seeking to resolve a dispute must first know and understand the root cause of the dispute before tackling the issue at hand. Lund explains that preventive diplomacy is only necessary when there is “unstable peace.”³⁸ He defines this “unstable peace” as a situation where there is high tension and suspicion between sides, but violence is either absent or irregular.³⁹

Lund develops a mechanism he refers to as a ‘toolbox’.⁴⁰ This toolbox is an effective tool in the resolution of conflict. The ‘toolbox’ includes various ways of preventing conflicts through the military approach, non-military approach and development and government approaches.⁴¹ According to Lund, the non-military approach has two parts. The first is the “coercive diplomatic” approach which describes measures without the use of armed force. This includes diplomatic,

economic and moral sanctions as well as the use of tribunals for war crimes as instruments for conflict resolution.⁴² The second approach is the non-coercive measures⁴³ which describes measures without armed force or coercion. This approach includes bilateral negotiations, third-party informal diplomatic consultation, track-two diplomacy, bilateral negotiations between the opposing parties, conciliation, third-party mediation, conciliatory gestures and concessions, non-violent strategies, economic assistance or political incentives to induce party's cooperation.⁴⁴

The third approach in Lund's toolbox is the development and governance approach.⁴⁵ These approaches include policies aimed at promoting national, economic and social growth, promulgating and enforcing human rights, democratic and other norms, and having domestic governing structures aimed at promoting the resolution of disputes. By having such systems in place, the wellbeing of the citizens are considered their rights and respected. The government adapting these approaches will not only promote the well-being of its citizens but will help prevent issues of structural violence which could lead to disputes amongst certain groups within a state and eventually lead to national crisis. Lund concludes that the cost of conflict prevention at its early stages supersedes the cost of intervening in a dispute when it has escalated into violence resulting in irreparable consequences and high cost of peacekeeping and refugee assistance. It is essential to prevent disputes at its early stages as the cost in resolution at the early stages will be minimal compared to resolving conflicts when they have escalated into violent conflicts.⁴⁶

A critique found in the work of Lund is that he makes no direct reference to African conflicts. His work regarding conflict is related to the West and not Africa. It is therefore difficult to evaluate Lund's strategy in relation to conflicts in Africa as most conflicts in Africa are influenced by

ethnic, cultural, religion as well as factors which date back to precolonial days. Thus, the use of a mechanism which may have worked effectively in the resolution of a conflict in one state or in the West does not necessarily imply that it will be effective in another. Every conflict is different and, in the steps, to resolve the conflict it must be handled by dealing with the conflict based on the facts at hand. There is no one clear cut way of dealing with issues of conflict and by understanding the root cause of each conflict there can be a suitable means of resolution which will be favorable to the parties involved. Stedman on the other hand has argued that preventive diplomacy has been used as an alchemy whereby its values and applicability has been over-emphasized.

Stephen Stedman in 'Alchemy for a New World Order: Overselling Preventive Diplomacy' critiques Michael Lund's Preventing Conflicts: A strategy for Preventive Diplomacy. He describes preventive diplomacy as a "concerted action designed to resolve, manage or contain disputes before they become violent."⁴⁷ This definition projects preventive diplomacy as an action taken either by state actors or non-state actors in their quest to prevent a dispute in its early stages from escalating into violence. He observes that in recent times, the practice of preventive diplomacy has been deployed by most policy makers as they believe the mechanism is cheap and a relatively secure option to combat the increase in deadly Post-Cold War conflicts.⁴⁸ The use of preventive diplomacy is regarded as a better alternative in the resolution of conflicts as most of the post-Cold War wars brought with it lots of costs. The use of armies from different states, destruction of properties and livelihoods in a quest to stop these post-Cold War wars were costly and often irreplaceable.

Stedman is of the view that for the implementation of preventive diplomacy to be successful, it requires “prescience”, “prescription” and “mobilization.”⁴⁹ Despite these requirements, the implementation of the mechanism and the outbreak of conflict is often not predictable. This is due to the unpredictable nature of conflict which makes it quite difficult to implement these requirements. He utilizes the collapse of communist rule in Eastern Europe and the Soviet Union as examples of some of the unpredictable outbreaks of disputes.⁵⁰ He states further that certain conditions which prevail in a society (poverty, classism, racism, and ethnicity) can increase the chances for war to occur suddenly. The sudden collapse of a state through the decisions taken by a group of people or an individual can also render it difficult to predict when conflict will erupt in a society.

Besides, the implementation of preventive diplomacy as a mechanism in the resolution of conflict is not one that is “self-evident” or even one that is “value-neutral”⁵¹ According to Stedman, in the conflict resolution process, different choices must be made and these choices include taking sides and coercing powerful parties into concessions.⁵² Thus, in the resolution process of a conflict, a fruitful mediation and negotiation may not be possible if the parties involved are unwilling to come into an agreement by compromising on what they seek to gain. For the implementation of preventive diplomacy to be effective both parties must be willing to make concessions so as to reach an agreement or resolution that can be favorable to both parties in the long run.

He concludes that unlike the perception carried on by scholars and policymakers, the implementation of preventive diplomacy as an instrument to conflict resolution does not necessarily lessen the difficulty of choices for leaders during the resolution of the conflict. This is

because the leaders involved cannot choose to be neutral in the resolution process. They must be willing to make concessions which can satisfy the parties involved.⁵³ Unlike the opinion carried across by scholars that preventive diplomacy is inexpensive, in his view the process does not really lessen costs.⁵⁴ The potency of preventive diplomacy has been oversold by most scholars and policy makers have fallen for the bait of accepting it as potent when in actual fact it is not potent.

Michael Lund in 'Underrating Preventive Diplomacy' responds to Stedman's stance on the unpredictability nature of conflict. Lund states that while some events leading to conflict are unpredictable, early warning specialists are making progress in identifying the likely precipitants of more gradual, public phenomenon such as ethnic warfare, genocide, hate rhetoric, repressive measures and separatist communities forming parallel institutions.⁵⁵ According to Lund, one ignores these indications at one's own risk. Thus, though there are certain conditions that may result in an outbreak of conflict within a society, early warning specialists have developed ways and means of being able to predict the onset of certain conflicts and putting measures in place to curb the dispute at the early stage before it generates into conflict.

He concludes that the cost of preventing conflict at its early stages supersedes the cost of intervening in a dispute when it has escalated into violence and there has been not only lives lost and injuries but also the price of humanitarian relief, refugee aid and peacekeeping.⁵⁶ Preventing disputes at its early phase is therefore crucial as the price of resolving conflicts at the early phase will be minimal compared to resolving conflicts when they escalate and lead to the loss of life and property.

In 'Early Warning and Conflict in Africa', William Nhara states the causative elements of a dispute in Africa need to be understood in order to fully understand and create a practical early warning system.⁵⁷ In Africa, he believes that the constant change within societies especially in the system of distribution and production of resources within a state can result in conflict. He further states that these conflicts within African societies are either political, ethnic or even religious persecutions though, a broader form of conflict in most African states are due to human rights violations by governments⁵⁸ within the state. The conflicts which often break out within the African states are often unpredictable and this raises the need to have an early warning system which can be a tool to quickly determine when a dispute is arising so as to curb them at its earliest stage.

Nhara defines early warning as an information system capable of providing data and signals to predict conflict.⁵⁹ Despite an early warning system that provides data, the provision of data alone may not be enough to constitute early warning. The data must serve a specific purpose thus, to determine the achievement or failure of an early warning system, the receiver of such data and what is achieved with the data supplied becomes critical.⁶⁰

An important aspect of early warning is to identify and address the root cause of a conflict. This enables situations to be properly understood and ensures guidance to better settlement. By identifying the root cause of conflict, there is successful resolution of conflict which alleviates the worst effects of conflict.⁶¹ Institutions within Africa must operationalize a system of early warning which will facilitate preventive diplomacy efforts. This can be developed with the existence of an effective conflict management system which will promote co-operation amongst the states in the

institution to promote peace in the region. This co-operation system will incorporate member states, NGO's, UN agencies, church related organizations, media, academic and research institutions⁶² to promote peace within the society. He refers to this group as “focal points” that will serve as an early warning network in the society.⁶³

Nhara describes these “focal points” as a crucial and integral part of any early warning system, as this group represents individuals on the field that are closer to the conflict and can easily identify the root of the conflict.⁶⁴ They will then report their observations to the conflict management center in place which will determine if these disputes are warning signs of conflict. Hence, the existence of focal points within a society helps to determine early the signs that can lead to dispute and efforts can be made at the earliest sign of dispute to avoid its escalation into conflict. To Nhara, these focal points are very necessary and promote an inclusive form of government as well as co-operation from the leaders of the state and also the local leaders within the society, working together to promote and ensure peace within a country.⁶⁵

In Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War World, Bruce W. Jentleson defines preventive diplomacy as early action to prevent disputes from escalating or aggravating the problem in order to reduce the tension that could lead to war if intensified.⁶⁶ Jentleson argues that early action in conflict is essential to avoid conflict escalation. To him, that is what embodies the idea of preventive diplomacy, the concept of acting early to avoid escalating conflicts or worsening issues and decreasing tensions that could lead to conflict if intensified.⁶⁷

Jentleson and William Nhara make similar arguments in their work. Both writers argue for the importance of identifying the root causes of conflict first to help in a long-lasting resolution. According to Jentleson, identifying the root cause of a conflict helps give a better understanding of the source of the conflict and a better means of resolution during a conflict.⁶⁸ He focuses on early warning as an important component which is key to preventive diplomacy. He views early warning as an important tool which can help determine if a preventive action has any chance of being successful.⁶⁹ However, it is not enough to give information about the situation but understanding and analyzing if a situation can evolve into a conflict.

Jentleson critiques the realist view of preventive diplomacy as having been oversold and having higher costs. He argues that the notion held by realists that it is better to observe how a conflict situation will evolve before interfering will only lead to a situation where resolution will be difficult. Due to the high costs and irreparable effects of violent conflicts, it is necessary to prevent a conflict from escalating to violence as that is more objective than ending the violence once it has begun.⁷⁰ Like Lund, Jentleson argues that the relevance of preventing conflicts from escalating especially at its early stages, which though may bring with it cost, it cannot be compared to the cost which will be incurred by waiting to see the effects or aftermath of a conflict.

Burton Lynn Pascoe in 'Rediscovering Preventive Diplomacy: A View from the United Nations' focuses on UN attempts as an institution to address in conflict situations. He recounts the UN's many contributions to maintaining peace and security through peacekeeping attempts in particular. The UN peacekeeping has however been straining under the burden of trying to contain global conflicts. The world economic crisis which exists in the international system only contributes to

the exhaustion which comes with conflict resolution.⁷¹ The high cost resulting from peacekeeping has influenced the need to find other means of preventing conflicts to reduce costs and save lives. This he opines has resulted in the use of preventive diplomacy and mediation as a cost-effective option for dealing with crises.⁷² Despite preventive diplomacy and mediation serving as potent tools in the resolution of conflicts, Pascoe in 'Rediscovering Preventive Diplomacy: A View from the United Nation' states the challenges that arise with the implementation of the mechanism by the UN.

One such challenge that prevents the UN from implementing preventive diplomacy and mediation smoothly is the lack of UN offices in most troubled countries.⁷³ He opines that an essential tool to the successful implementation of preventive diplomacy and mediation is proximity and this is what the UN lacks. For the UN to intervene early in conflict situations, they must be close to the source of conflict and this can help in an early intervention and prevent an escalation of the conflict.

He cites distrust as another challenge the UN faces in the implementation of the mechanism.⁷⁴ He opines that in some conflict situations, there is the lack of trust between the parties involved and this hinders the mediation process. Also, the lack of trust on the part of certain governments and leaders as they may not want the UN to get involved in their state affairs.⁷⁵ Such leaders often deny any form of conflict existing so as to prevent the UN from interfering in their affairs. This according to Pascoe only prolongs the situation as by the leaders denying there is a conflict situation, it gives room for the conflict to escalate which only makes it difficult to resolve the conflict.⁷⁶

Pascoe speaks on the need for mediators to be professional during conflict situations. He identifies that in the intervention process of conflict, it is not only essential to respond on time but the people involved in the mediation process must be well equipped and well trained to effectively ensure a good work done.⁷⁷ He proposes that efforts embarked upon by the UN to fund regional groups like the AU and ECOWAS helps to ensure that they are well-funded and capable of addressing conflict issues in the region when they arise.⁷⁸

In ‘Mediating Conflict in West Africa: An overview of regional experiences’ Nicholas Okai, Mustapha Abdallah, Lydia Amedzrator, Serwaa Brewoo and Frank Okyere provide insight into the causes of conflict in Africa and the role of the ECOWAS in the resolution process and prevention of these conflicts within the region. Okai in this article states some of the causes for conflict in West Africa. These causes include the existence of borders in the region by colonial masters. The borders in Africa were demarcated by the colonial rulers without much thought to the identity of the people and their history.⁷⁹ This ignorance on the part of the colonial masters has resulted in conflicts within groups of people in a region due to the difference in identity. Another cause of conflict in West Africa is ethnicity.⁸⁰ This can also be traced to identity as different ethnic groups in a region may have different identities and cultures. Though this is supposed to present a rather beautiful diversity, it creates divisions in society and loyalties that are generally above statehood, which generally lead to inter-ethnic conflicts and irredentist movements.⁸¹ Such instances are seen in multiparty elections in West Africa as citizens choose to align with a party based on tribal lines rather than political ideology. The ethnic group one belongs to is regarded as more important than demonstrating a sense of nationalism and this influences the people to vote not for the development of the nation but rather as an allegiance to their ethnic group.

These underlying issues have led to many conflicts in West Africa and have resulted in enormous effects such as property destruction and the loss of life, particularly among young people. ECOWAS as a sub-regional institution is responsible for ensuring and preserving peace in the region as well as deploying other means apart from war in the resolution of conflict. The ECOWAS devised treaties and mechanisms which aims at conflict prevention, resolution and the promotion of peace in the sub-region.

The ECOWAS architecture for peace and security, which derives its credibility from Article 33(1), Chapter VI of the UN Charter, encourages nations in the region to seek alternatives to conflicts and disputes through mediation, negotiation, arbitration and other peacebuilding interventions.⁸² The existence of the 1999 ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (hereafter the Mechanism) also established mechanisms for conflict prevention, resolution and mediation in the sub-region.⁸³ While ECOWAS' key role is to encourage economic integration and growth in the sub-region, the inclusion of political and security problems on the ECOWAS agenda was based on the belief that economic development would be best achieved in a peaceful and secure setting.⁸⁴

Frank Okyere and Lydia Amedzrator provide an overview of the organizations responsible for maintaining peace within the ECOWAS. This includes the heads of states, the mediation and security council and the executive secretariat. It also includes the peace and mediation council, the council of the wise, the ECOWAS standby force and the early warning system.⁸⁵ Within the ECOWAS, there is the stand-by force which comprises of civilians and security officials. This group of people are deployed during crisis situations in member states. The ECOWAS stand-by

force formerly the ECOMOG is charged with the duty of assessment and supervising, peacekeeping and restoration of peace, military intervention, enforcement of sanctions, preventive deployment; peacebuilding, disarmament and demobilization as well as law enforcement activities.⁸⁶

According to Okyere and Amedzator, the ECOWAS also deploys the use of the early warning system to observe, monitor and identify certain conditions that can lead to a dispute so as to be able to intervene early and prevent an escalation of the dispute.⁸⁷ Within the ECOWAS the ECOWAS Early Warning and Response Network (ECOWARN) is responsible for identifying conditions that can lead to conflict and finding means of resolving the dispute. The West Africa Network for Peacebuilding (WANEP) acts as a focal group, that is the individuals on the field who are close to the source of conflict and can thus, easily identify the conditions that may arise and can lead to conflict.⁸⁸ ECOWAS has established these structures as a means of promoting peace and safety in the sub-region in order to facilitate economic development and integration.

Despite these structures in place, the ECOWAS faces challenges of resource constraints which does not help in the provision of logistics and equipment in the promotion of peace within the sub-region.⁸⁹ There is also the issue of lack of skilled mediators who can help in the resolution process.⁹⁰ This is essential as a mediator must understand his work and be able to do it effectively especially in conflicts where tensions are high. The failure of a mediator to play his role well can only escalate and worsen the conflict and this poses a huge challenge to the ECOWAS.

‘Mediating Conflict in West Africa: An overview of regional experiences’ is essential to this study because it highlights the efforts of the ECOWAS in the promotion of peace and security within the sub-region through the use of preventive diplomacy and mediation. Though the institution faces some challenges, it has made remarkable progress in preventing disputes from escalating into conflicts within the sub-region through the use of its early warning systems. This study will seek to explore if such mechanisms were deployed by the ECOWAS in the 2016 Gambia election crisis.

1.8 Research Methodology

The research methodology for this study uses a qualitative approach. The use of qualitative approach is exploratory as it seeks to explore the subject used in the research and find deeper meaning and understanding of the subject. Creswell describes qualitative approach as the use of open-ended questions in which the inquirer seeks to gain knowledge based on a constructivist perspective.⁹¹ In comparison to the use of quantitative approach, qualitative research has the benefit of allowing the researcher to access a phenomenon, get deeper insights, perceptions and understanding of the phenomena. However, its limitation is smaller sample size.⁹² Primary sources of data will be obtained from field interviews conducted with resource persons who have in-depth knowledge of the conflict in Gambia. Secondary source of data will be obtained from books and journal articles. The methods of sampling used will be focused and purposive. Purposive sampling also described as subject sampling is the use of non-probability technique which allows the researcher to choose members within a population to participate in the study.⁹³ This form of sampling is cost effective and time saving due to the limited number of people interviewed for the study.

Semi-structured interview guides will be administered in this study and this form of interview allows the respondents to answer questions freely in their own opinions. It also grants the interviewer the opportunity to seek for more information due to the open-ended nature of questions in the interview. The interviews were recorded with the permission of the respondents and later transcribed to the letter. Data analysis will be based on content analysis as it gives a “detailed and systematic examination of the contents of a particular material for identifying patterns or themes.”⁹⁴ This study will analyze and review published materials, journal articles and research papers related to the research data collected to ascertain its relevance to the statement problem.

In terms of ethical consideration, letters were obtained from LECIAD and given to the various respondents. Interviews for the study was conducted on agreed dates and respondents gave an informed consent to assist in the study and to record during the interview.

A limitation to this study was the reduction in the number of respondents due to various commitments and unavailability during data collection. This limited my use of primary data thereby resorting mostly to the use of secondary data sources.

1.9 Sources of Data

This study will rely mainly on primary and secondary data. The primary data collection will be based on semi-structured interviews with experts in the field of diplomacy, lecturers from LECIAD and a mediator during the Gambia election. The use of secondary data will comprise of published materials, journal articles and research papers, internet sources as well as unpublished materials (theses).

1.10 Arrangement of Chapters

This research work will be in four chapters.

- Chapter one is the introduction to the study.
- Chapter Two is an overview of ECOWAS: Preventive Diplomacy
- Chapter Three analyzes the 2016 Gambia Elections and the use of Preventive Diplomacy by the ECOWAS
- Chapter Four outlines the Challenges, Summary of the research findings, conclusions and recommendations.

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CHAPTER TWO

AN OVERVIEW OF ECOWAS: PREVENTIVE DIPLOMACY

2.0 Introduction

This chapter provides an in-depth understanding of the concept of preventive diplomacy and its contribution in aiding in the prevention of conflicts. The chapter also looks at the concept of preventive diplomacy focusing on ECOWAS conflict resolution mechanisms.

2.1 The Concept of Preventive Diplomacy

Over the years since the end of the Cold War, the centuries-old notion of preventive diplomacy has evolved. It gained dominance after the failures of the international community in preventing the outbreak of violence in places such as Rwanda and Yugoslavia.¹ This concept of conflict prevention aims at finding ways to prevent disputes from escalating into conflict, human catastrophes and regional instability.²

Preventive diplomacy is an art, not a science.³ In this direction it can be defined as a virtue. An assessment of complexity theory sets the groundwork for arguing that a good preventive diplomatic theory is less helpful than a good meta theory in a complicated diplomatic world.⁴ In the light of defining preventive diplomacy as an art, it is important to note that it embraces some set of virtues. These virtues include temperance. The idea of peace steps implies that there should be no expectation of quick breakthroughs, and any rapid progress should be the exception rather than the norm.

Although in the mid-20th century the concept of preventive diplomacy was adopted, the idea of conflict prevention dates back to the 1815 Vienna Congress. The concept of war prevention was a central theme at the 1815 Vienna Congress which put into practice a number of measures, such as mutual consultations, the establishment of neutral states and demilitarized zones, and peaceful conflict resolution of conflicts.⁵

The ancient form of war prevention focused on states and governments interacting at administrative level with each other and assisted by negotiating diplomats.⁶ This form of preventive mechanism was used by Ancient Kingdoms like the Ottoman Empire to manage wars during the period. The new form of preventive diplomacy emphasizes the use of negotiation, mediation as well as an early warning system to help prevent an impending conflict or to resolve conflict to prevent further escalation if conflict has already erupted.

2.2 Virtues of Preventive Diplomacy

An inherently advantageous quality of preventive diplomacy is that it promotes the rights of citizens. This is similar to the virtues of health diplomacy which also promotes the rights of a citizen.⁷ Another virtue of preventive diplomacy is less destruction in a country experiencing conflict. This indicates that a long-term strategy is also essential when dealing with conflict mediation and temperance.⁸ This implies that preventive diplomacy has enormous advantages. It is less expensive, promotes continuity and costs less in terms of time and money. It should see less destruction and traumatic experiences.

Generally, a number of continuous policy requirements are part of the overall factors for modern early diplomacy and conflict prevention. These include a coordinated focus on implementing extensive approaches that take local situational realities into consideration; the importance of early warning systems; joint evaluation undertakings; Promoting data exchange and cooperation among distinct stakeholders; enhancing women's involvement and role as negotiators and mediators; the leveraging potential of regional institutions such as the African Union (AU), the Organization of American States (OAS), the Organization for Security and Co-operation in Europe (OSCE), and the Association of Southeast Asian Nations (ASEAN); And the basic significance of capacity building for local conflict prevention, including mediator guidance. These recommendations are being inculcated within and throughout the UN system.⁹

Most often, preventive diplomacy is a stepwise endeavor where hopefully one initial meeting leads to a series of productive discussions. Preventive diplomacy brings with it benefits of preventive strategies. A responsive theory of peace building should have layers and sequences of preventive strategies.¹⁰ In regards to successive measures towards peace, original steps may lack direct impacts and only the last preventive tool can have a direct and decisive impact. Another advantage of Preventive diplomacy is its ability to promote continuity in society.

UN Secretary-General Dag Hammarskjold, who served in the UN from 1953-1961, introduced the concept of preventive diplomacy. This idea was first proposed by Dag Hammarskjold in his 1960 report in South Africa.¹¹ This concept was introduced during the Cold War era when states had alliances with either the United States (Western Bloc) or the Soviet Union (Eastern Bloc). It had an objective of keeping “newly arising conflicts outside the sphere of bloc differences” and “in

the case of conflicts on the margin of or inside the sphere of bloc differences...to bring such conflicts out of this sphere through solutions ... [aimed at] their strict localization.”¹²

During this period, Hammarskjold as a UNSG intervened in tensions existing between the United States and China who were allies of the Soviet Union. It was necessary to intervene and use peaceful means of negotiation for the Chinese government to release 15 American servicemen who had been taken hostage during the Korean War.¹³ This was to prevent a retaliation from the US and its allies and an eventual outbreak of violent war. In his tenure, Hammarskjold worked hard to resolve issues that may result in conflicts amongst states, he made efforts to deal with issues facing Congo and their colonialists, the Belgians, as well as the apartheid situation in South Africa. It was in his quest to resolve tensions in these states that he gave a report and introduced the concept of Preventive diplomacy.

Hammarskjold carried out preventive diplomacy personally or through senior employees of specialized agencies and programs, the Security Council or the General Assembly, and regional organizations in collaboration with the United Nations. Preventive diplomacy was considered to require particular confidence-building interventions, early warnings based on data collection and casual or formal fact-finding, as well as preventive implementation in certain circumstances.¹⁴ The concept of preventive diplomacy by Hammarskjold became one of the key instruments used by the United Nations to resolve global conflicts.

The idea of preventive diplomacy was re-introduced by Boutros-Boutros Ghali the UNSG from 1992-1996, after the Cold War. It was anticipated that disputes between states and intrastate would

decrease at the end of the Cold War era. The end of the Cold War reduced the typical East-West ideological contests which often led to both intra-state and inter-state conflicts. Surprisingly these crises and disputes did not cease, rather they multiplied as well as evolved into various forms. In the 1990s, immediately after the end of the Cold War, there was a surge in the involvement of the United Nations (UN) in peacekeeping, peace building, peace building, and even reconstruction of conflict-ravaged states.¹⁵ The surge in wars and the efforts of the UN to maintain international peace and security led to a huge strain on the resources of the UN due to the cost of activities in the quest to maintain peace.

The need to find cost-effective alternatives in the quest to maintain global peace and security led to a call for a different approach in conflict situations. The re-introduction of the concept of preventive diplomacy by Boutros-Ghali was therefore timely and necessary in this period. Boutros-Ghali considered preventive diplomacy to be the most appropriate and efficient use of diplomacy to alleviate tensions before war breaks out or when war breaks out, to intervene swiftly to contain it and to resolve its root causes.¹⁶ Boutros- Ghali in 1992 during his Agenda for Peace report emphasized the need to use preventive diplomacy as the best alternative to conflict resolution. In the report, Boutros-Ghali defined preventive diplomacy as an intervention to avoid disputes between sides from arising, to avoid the escalation of existing disputes into conflicts and to restrict the spread of the latter when they arise.¹⁷ In his report, he emphasized the need to intervene in conflict situations at its early stages to prevent the disputes from escalating and in situations that the conflict has already started, necessary to take steps that will help in its resolution and prevent the situation from worsening.

In his report, Boutros-Ghali indicated that individuals and organizations other than the Secretary-General of the United Nations can carry out preventive diplomacy and that confidence-building measures are essential for conflict management.¹⁸ In cooperation with the United Nations, he also carried out preventive diplomacy personally or through senior staff of specialized agencies and programs, the Security Council or the General Assembly or regional organizations.¹⁹ Boutros-Ghali distinguishes preventive diplomacy from the concept of peacemaking, peace enforcement and peacekeeping and post-conflict peace building and the importance of incorporating all four mechanisms in a conflict prevention situation.

According to him, the notion of peacebuilding is an “effort to introduce hostile parties to a consensus” mainly by such peaceful means as those foreseen in Chapter VI of the United Nations Charter. He also defines the idea of peacekeeping as the deployment of a UN presence on the ground, with the approval of all stakeholders that may include UN army and/or police staff as well as civilians to assist keep peace.²⁰ His concept of building peace after war was an initiative to recognize and promote structures that tend to reinforce and solidify peace to prevent a recurrence in conflict.²¹ To Boutros-Ghali, the ability to incorporate all four mechanisms is instrumental in a conflict situation.

Boutros-Ghali identifies tools which are essential in the use of preventive diplomacy. These instruments include the use of measures to build confidence, early warning systems, and preventive implementation. The concept of confidence-building measures help build confidence between the conflicting sides and the mediator. He also points out the need for an early warning system based on information collection and fact-finding as this will assist the mediator to fully grasp the root

cause of the situation that led to the dispute and to be in a better position to effectively resolve the conflict.

The UNSG Kofi Annan also made instrumental contributions to the concept of preventive diplomacy. Kofi Annan renamed the concept from Preventive diplomacy to “preventive action”. He redefined the notion of preventive diplomacy to preventive action because he understood that there are several other types of actions which could also produce helpful preventive outcomes. These other forms of action include “use of preventive deployment”, “preventive disarmament”, “preventive humanitarian action”, and “preventive peace building”, involving the consent of the relevant government or governments, as well as a wide variety of actions in the areas of effective governance, civil rights, and political stability.²² He stressed, however, that “preventive action” should mainly be restricted to measures laid down in Chapter VI of the Charter, but also noted that enforcement action as provided for in Chapter VII must remain a lawful last resort to avoid huge violations of fundamental human rights or other severe threats to peace.²³

In this report in 2002, he called for a change "from a culture of reaction to a culture of prevention". He believed that conflict prevention was a long-term investment and that the source of conflict could be an outbreak of civil disorder or a protest against a specific event, the root causes of illegal governance, socio-economic inequalities, systematic ethnic discrimination, and denial of human rights, conflicts over civic engagement or long-standing frustrations.²⁴ Conflicts are therefore unpredictable and in order to help resolve disputes, the root cause of the dispute must be identified and this will be an efficient way to prevent the conflict from escalating.

Kofi Annan opines in the quest to prevent conflicts, it is necessary to have not only members of the UN and Governments involved but civil societies/NGOs and the private sector also play a crucial role in conflict prevention. He points out that a hurdle in the quest of preventive action is the failure on the part of states threatened by conflict frequently refusing to acknowledge that they have a problem, or to accept external assistance. And many states that are well positioned to help are unwilling to intervene in such circumstances. Those in the first group therefore fail to see the issue and are insulted by aid offers. Those in the second either do not see the risk that their neighbor's issues might spread to them, or they do not want to face their neighbor with unwelcome but necessary pressure and guidance.²⁵ Kofi Annan during his tenure as a UNSG effectively practiced preventive diplomacy in the Cameroon-Nigeria boundary dispute over the Bakassi Peninsula.²⁶

2.3 Major Actors in Preventive Diplomacy

Since its beginnings and since the early 1990s, preventive diplomacy as a concept has undergone enormous changes. Preventive diplomacy has become more and more crowded with actors including NGOs, governments, and global, regional, and sub-regional organizations.²⁷ Major actors of preventive diplomacy fall within the United States and within regional and sub-regional organizations.

The UN plays a key a role in preventive diplomacy on the international level. This is done through the Secretary General who uses his office to pursue peace between conflicting parties either directly or by sending representatives to mediate on the peace process on his behalf. The UNSG's work is further improved by the monitoring efforts of the UN authorities including the Special

Advisors on Genocide Prevention and Protection Responsibility, the Political Affairs Department, the Peace Building Commission and the High Commissioner for Human Rights.²⁸

The UN effectively carries its role of preventive diplomacy through the offices established on regional basis, including Nigeria, Togo and Gambia. For example, the United Nations Office for West Africa and the Sahel (UNOWAS) headed by Mr. Ibn Chambas is used widely for handling crises issues in Africa. The UN Secretary General's office employs preventive diplomacy based on intelligence services. The outcome document of the 2005 World Summit and the 2011 report of the Secretary-General on preventive diplomacy, the first of its kind was exclusively devoted to the issue of preventive diplomacy.²⁹ Thus, understanding the nature of international relations requires the adoption of preventive diplomacy as a tool for transforming society.³⁰

Apart from UN intervention in conflict in Africa, there are also cases of African countries intervening in conflict crises in Africa. For example, President Obasanjo's successful intervention in Liberia could be attributed to Nigeria's gravitas, manpower, military experience, and its well-oiled diplomatic machinery, particularly in the West African sub-region. Another example refers to the event of ECOWAS Defense Chiefs Meeting over Boko Haram.³¹ UN engagement in Somalia through peacekeeping missions in the 1990s provided support for the AU Mission in Somalia (AMISOM) since 2007.³² However, UN is motivated to act primarily by a dispute's history of violence and potential regional contagion.³³ UN has found also that these efforts are generally successful in preventing non-violent disputes from becoming violent.³⁴

The Security Council (SC) of the UN and the General Assembly are also key actors in the UN in preventive diplomacy. The Security Council is authorized with the responsibility for the maintenance of peace and security. The SC must therefore seize the situation when diplomatic measures are accessible to efficiently implement preventive diplomacy. The SC can hold unofficial discussions and issue presidential statements to reinforce preventive efforts and set up working groups to tackle specific disputes.³⁵ The General Assembly (GA) on the other hand is responsible for bringing to the attention of the SC conflict situations within states and making recommendations for peace resolution.³⁶

Actors within the United Nations play an important role. Regional and sub-regional organizations can deter mass crimes by providing necessary political will and operational support independently and in collaboration with the UN.³⁷ Regional and sub-regional organizations that collaborate with the UN in the pursuit of peace and security through the use of preventive diplomacy includes the African Union (AU), Economic Community of West African States (ECOWAS), Association of Southeast Asian Nations (ASEAN), Economic Community of Central African States (ECCAS). The Union of Southern American Nations (UNASUR), Southern Africa Development Community (SADC).

Actors such as Civil Societies play their role through monitoring and diplomacy. In the use of preventive diplomacy, member States can work with civil societies to create efficient domestic surveillance and supervisory systems and can encourage appropriate global and regional discourse, separately or through similar organizations, and advocate dedicating more resources to diplomatic projects.³⁸ This involves institutions such as the women advocacy groups, think tanks, media, and

other NGOs. These institutions can help facilitate early reaction by tracking dangerous situations and alerting actors to possible crises. In addition, participation of civil society in humanitarian aid and diplomatic procedures can build confidence and generate political room for negotiation.³⁹ Civil societies are therefore valuable resource in the use of preventive diplomacy in every state. They are close to the source and can easily detect certain triggers that can lead to conflict and therefore call for necessary action to be taken by member states.

2.4 The Tracks of Preventive Diplomacy

The rise in conflict post-Cold War resulted in renewed calls to encourage the use of preventive diplomacy.⁴⁰ In conflict resolution, there are various ways of applying preventive diplomacy. This includes the use of the track one form of diplomacy, track two form of diplomacy and track 1½ form of diplomacy. The track one form of diplomacy is an official government diplomacy whereby communication and interaction are mainly between governments.⁴¹ With this form of diplomacy, interactions is kept strictly between the governments involved or at a state to state level. In the use of this form of diplomacy during conflict resolution, it is carried out by diplomats, high-ranking members of government and heads of state and aims to influence political power structures. The UN, the Vatican and regional economic and political groups such as the European Union, the Arab League, the African Union (AU), and the Organization of American States (OAS) are also included among the Track One players.⁴² In the use of the track one form of diplomacy negotiation and mediation is key.

In the use of the track one form of diplomacy, political powers are able to influence the direction of negotiations and outcomes. Political forces can affect the direction of negotiations and results

through the use of track one type of diplomacy. This power might include using the threat of military force if a party decides to go against international treaties.⁴³ On the other hand, the use of power can also be a weakness as it can lead to conflict resolution approaches being corrupted by power and State power can be a burden for lasting peace rather than an enabling tool.⁴⁴ Power can therefore suppress the key problems of weaker sides, thereby undermining the sustainability of a peace arrangement⁴⁵ in the dispute resolution process.

The second form of preventive diplomacy is the track two. This term was coined by Montville, and was created to complement the track one form of diplomacy. Montville defines it as an “unofficial, informal interaction between members of adversary groups or nations that aim to develop strategies, to influence public opinion, organize human and material resources in ways that might help resolve their conflict.”⁴⁶ This form of diplomacy deploys non state actors like the West African Network for Peace Building (WANEP) and European Center for Conflict Prevention attempting to prevent, manage and resolve conflicts. A strength in the use of this form of diplomacy is the inhibition by political or constitutional power; therefore, these organizations can express their own viewpoints on issues that directly affect their communities⁴⁷ as well as defend the vulnerable in the society. Track Two is also efficient in both pre-violent and post-violent conflict phases, making it a very efficient tool for violent conflict prevention and peace building after conflict.⁴⁸ A weakness to the use of this form however is the lack of political power by these organizations thus, unlike the track one form where governments who wield political power and can influence policies are involved same cannot be said for the track two.

The third form of preventive diplomacy is the track one and a half (1½). This form of preventive diplomacy builds on the use of track one and a bit of track two thus, the name track one and a half. In Consequential Conflict Transformation Model, and the Complementarity of Track One, Track One and a Half, and Track Two Diplomacy, Mapendere defines track one and a half as a government or private interaction between formal members of competing governments or political entities, such as popular armed movements, facilitated or mediated by a third party not representing a political organization or institution. The objective of such dialogue is to affect behavioral changes between the parties with the goal of altering the structures of political power that caused the conflict.⁴⁹

The track one and a half form includes the use of official representatives from governments as well as organizational bodies therefore presenting a mixed form of diplomacy in the process of conflict resolution. It is unlike the track one which is restricted solely to governments or track two which is restricted to organizations. In the use of a pure form of a track one diplomacy for example, the Resolution attempts are supported or mediated by members of state or political organizations such as the UN and regional organizations. President Clinton's Camp David mediation between Yasser Arafat and Ehud Barak is solely Track One, while the mediation of former Finnish Prime Minister Martti Ahtisaari in Aceh is Track One and Half.⁵⁰ The parties concerned may choose to make the negotiation as well as the mediation method public or private when using this track.

Notwithstanding the divergent forms of preventive diplomacy, the application of any of these forms are dependent on the source of conflict as well as the actors involved in the conflict. An essential part of preventive diplomacy is the ability of the parties involved in the conflict resolution

process to be pro-active and intervene at the early stages of dispute. This is to prevent further escalation of the dispute which can lead to conflict and result in huge losses. Preventive diplomacy aims at intervening in the early stages of conflict to not only reduce the loss of lives and properties but to also avoid costs that may be incurred in the process of managing the conflict.

2.5 ECOWAS and Conflict Resolution

Economic Community of West Africa (ECOWAS) is a regional economic organization. The organization was created to support economic growth and inclusion among member states. Its purpose includes providing an opportunity for a regional trading block as a competitor of the developed countries.⁵¹ The ECOWAS was founded on the 28 May, 1975 as a sub-regional group for West African states, member states within the ECOWAS includes Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Niger, Nigeria, Mali, Togo, Senegal, and Sierra Leone.

ECOWAS' basic principles include the maintenance of peace and safety through good neighborliness, peaceful resolution of conflicts, collaboration between Member States, recognition and advancement of human rights, non-aggression between Member States, equality and interdependence of Member States and inter-State collaboration, policy harmonization and program inclusion.⁵² These principles exist to guide the interaction and conduct of member states within the organization. Article 58 of the revised ECOWAS treaty outlines the significance of Member States working to protect and strengthen relationships conducive to peace and security in the region.

In 1978, ECOWAS created the Protocol on Non-Aggression in its quest to foster peace in the sub-region. The Defense Mutual Assistance Protocol was also created in 1981. The Non-Aggression Protocol addresses problems of inter-state dispute within the sub-region directly and also encourages peaceful resolution of disputes between ECOWAS member states. The Mutual Assistance in Defense, on the other hand, calls on ECOWAS member states to pull together their defense strategies at a regional level against threats of aggression within West Africa backed by external influences.⁵³ The development of these two tools dealt primarily with issues of inter-state disputes at a time when intra-state disputes were raging across the sub-region. Issues of conflict prevention, conflict resolution, and humanitarian action and peace-building problems were also ignored. Subsequent conflict outbreaks led ECOWAS to undertake several conflict management projects.⁵⁴ The huge humanitarian crises triggered by these inner conflicts established severe safety and refugee difficulties in the sub-region, as the conflicts created a climate of instability, encouraged arms trafficking and the proliferation of small arms and jeopardized the economic development agenda. In the lack of reaction from the international community to huge human rights violations in these nations, ECOWAS intervened on solely humanitarian ground. The current ECOWAS legal instruments and protocols were intended to avoid disputes between member states; there was nothing in place for inference in the internal affairs of member states.⁵⁵ This scenario contributed to the inception in August 1990 of the ECOWAS Cease-fire Monitoring Group (ECOMOG) to cope with intra-state and inter-state disputes. The ECOMOG consists of army contingents from member states, formed by the Standing Mediation Committee within the ECOWAS in 1990 to intervene in the inner dispute in Liberia. ECOMOG was therefore required to restore legislation and to generate the required conditions for free and fair elections⁵⁶ in the sub-region.

Over the years, the organization has experienced conflicts that have resulted in the loss of life, destruction and loss of property and the displacement of individuals within the region. Such instances of conflict which includes the prolonged civil war in Liberia (1989-2003) and Sierra Leone (1990-2001), military disturbances in Guinea Bissau (1997-1998) [and of late the armed rebellion in Cote d'Ivoire (2002-2003)] have brought absolute trauma to the people of these nations, which is a significant setback to economic development.⁵⁷ There is no objection to the fact that development of financial growth, cooperation and regional integration thrives in a peaceful, stable and safe setting. Peace and safety are therefore requirements for stable economic advancement as they essentially influence the direction and pace of a country's financial and political reforms.⁵⁸

2.6 ECOWAS PROTOCOL relating to the mechanism for conflict, management, resolution, peacekeeping and security

The institution of the ECOMOG contributed to the end of conflict in states like Liberia, Sierra Leone and Guinea Bissau though it was not devoid of challenges. The success in the implementation of the ECOMOG system led to the creation of the ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (The Mechanism). The mechanism's inception was due to the impotence of the earlier protocols to tackle developing safety problems in the sub-region, particularly the conflicts in Liberia and Sierra Leone.⁵⁹ The mechanism was enacted in Lomé by the ECOWAS Authority of Heads of State and Government on December 10, 1999.

The Mechanism institutionalized a structure that would guarantee broad consultation and inclusiveness of appropriate stakeholders in the management of problems affecting sub-regional security. The structure included organs such as the Heads of State and Government Authority, the Mediation and Security Council, the Executive Secretariat, the Elders Council, the Defense and Security Commission. Others include the Early Warning Observation and Monitoring System while ECOMOG has also been integrated into the Mechanism.⁶⁰

2.7 ECOWAS Warning and Response Network (ECOWARN)

ECOWAS adopted ECOWARN as a conflict resolution mechanism. ECOWARN serves as an early warning mechanism on conflict in areas or regions in West Africa. ECOWARN is an assessment and tracking instrument for conflict prevention and decision-making. Its mandate is set out in Article 58 of the revised ECOWAS Treaty of 1993, the Protocol on the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of December 1999 defines its establishment and functioning. Implementation of this instrument began in 2003.⁶¹

The ECOWARN mechanism is distinctive in Africa through its present setup, development and execution.⁶² It consists of two operational divisions, the Observation and Monitoring Center in Abuja, Nigeria, which has a situation room with analysts, specialists and ECOWAS staff. The second branch is the four sub-regional zone offices. Zone 1 covers Cape Verde, the Gambia, Guinea-Bissau and Senegal. Zone II covers Burkina Faso, Côte d'Ivoire, Mali and Niger. Zone III covers Ghana, Guinea Conakry, Liberia and Sierra Leone.⁶³ In its execution, ECOWARN provided early indications of conflict in Ouagadougou and Monrovia and helped in its resolution.

2.8 Gambia & December 2016 Post election conflict

The Gambia was a British colony between 1821 and gained independence in 1965. It became a republic in 1970, but stayed within the Commonwealth during this era. After 1843, Gambia's state structure consisted of the typical colonial tools of an Executive and a Legislative Council.⁶⁴

The people of Gambia attained independence on the 18th February, 1965 from the British yet remained as a constitutional monarchy of the British Commonwealth. The country was later ruled by the Prime Minister Sir Dawda Kairba Jawara who became the head of state of Gambia. His rule saw two unsuccessful military coup d'états led by Kukoi Samba Sanyang. Sawda Jawara's rule however came to an end when the Yahyah Jammeh led party Armed Forces Provisional Ruling Council (AFRC) organized a military coup d'état which saw Jawara's overthrow from power in 1996.

Yahyah Jammeh won elections in Gambia in the election years 1996, 2001, 2006 and 2011 but lost to Adama Barrow in 2016. His tenure in office was marked with the oppression of anti-government journalists, Lesbian, Gay, Bisexual and Transgender (LGBT) people and the opposition parties. His foreign policy contributed to a constantly strained relationship with neighboring Senegal. Jammeh withdrew Gambia from the Commonwealth of Nations in 2013 and began the process of withdrawing it from the International Criminal Court in 2016.⁶⁵

Prior to the elections in 2016, several previous opposition leaders including Ousainou Darboe and eighteen (18) others from the United Democratic Party (UDP) were jailed after participating in a protest in April 2016. Yahyah Jammeh was described by Adama Barrow, leader of the UDP as a

"soulless dictator" and vowed to reverse some of Mr. Jammeh's contentious moves, including the reversal of choices to remove Gambia from the Commonwealth and the International Criminal Court (ICC).⁶⁶

The 2016 December elections in Gambia marked the first change of presidency in the Gambia since a military coup in 1994, and the first transfer of power by popular election since Independence from the United Kingdom in 1965.⁶⁷ The electoral system of Gambia makes use of marbles instead of ballots papers. In the election, Adama Barrow won by 45% of total votes of which Yahyah Jammeh won 36.7% which resulted in a widespread celebration amongst the people in Gambia over the defeat of Yahyah Jammeh. Yahyah Jammeh unexpectedly conceded defeat and informed Mr. Barrow in a congratulatory telephone call that “the Gambian people have spoken, and I have no reason to contest the will of the mighty Allah.” He promised “guidance on your transition and when selecting a government,” and signaled the beginning of the end of his 22-year rule.⁶⁸ This statement came as a surprise to both the citizens of Gambia and the international community as many were not expecting Yahyah Jammeh to easily accept defeat.

However, on December 9, 2016. Mr. Jammeh cited irregularities in the election and called for its annulment. Fear of unrest, intimidation and arrest forced citizens to flee to neighboring Senegal. One of those who fled was Mr. Barrow, the president-elect⁶⁹ as he sought for asylum in neighboring state Senegal. ECOWAS as a sub-regional organization in its quest to promote regional peace and security undertook efforts to restore peace in the country through its conflict resolution processes. This raises the question of what challenges were faced by the ECOWAS during the conflict resolution process in Gambia. Findings will show in Chapter three.

2.9 Conclusion

This chapter has shown that the concept of preventive diplomacy applies in conflict situations and aims at finding means to avert conflicts from escalating into war, human disasters and regional instability. This is related to the Gambian Conflict Situation. Using preventive diplomacy as a measure applies to the conflict situation in Gambia. For example, it is useful in the line of mutual consultations and peaceful settlement of conflict among the political parties.

ECOWAS has adopted preventive diplomacy as a cost-effective alternative to maintain peace in Gambia. It is important to assess if preventive diplomacy has been efficient in resolving conflict in Gambia. The chapter has also shown that there is the need to intervene in conflict situations at its early stages to prevent it from escalating.

In relation to the Gambian situation, the chapter has shown that ECOWAS can adopt preventive diplomacy in conflict resolution, but it is important to put in confidence building measures to manage the conflict. In the case of Gambia, it is not clear if tools essential for building preventive diplomacy have been applied. Moreover, it is not established if a full understanding of the root cause of the situation that led to the conflict in Gambian has been resolved successfully by ECOWAS. Issues of preventive disarmament, preventive humanitarian action and preventive peace building needs to be considered. However, in the case of Gambia, there were actors apart from ECOWAS, and their contributory role towards preventive diplomacy needs exploring in the light of the shortfalls of the ECOWAS conflict resolution mechanisms in the conflict situation that was as a result of the disputed December 2016 presidential elections in Gambia.

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CHAPTER THREE

THE 2016 GAMBIA ELECTIONS CONFLICT AND ECOWAS

3.0 Introduction

This chapter provides the findings of the research on the 2016 Gambia Elections and the use of preventive diplomacy in addressing the crisis arising after the elections by ECOWAS. The chapter begins with the political background of Gambia. The political background of Gambia is considered from movements prior to independence to Gambia's first democratic rule. The background also includes The Gambia's 1981 and 1994 Coup d'états. The political background of Gambia is extended to the country's second democratic rule. Following a presentation on Gambia's second democratic rule is a brief presentation of Gambia's elections in 2016; before a description of the Post-Election crisis in Gambia. Other sections of the chapter detail the application of preventive diplomacy.

3.1 Political Background of Gambia

3.1.1 Independence of Gambia

The Gambia attained independence in 1965. It, therefore, was the last amongst the British colonies in West Africa to attain independence.¹ Preceding independence, The Gambia was one of the four British colonies along the West African Coast with less than 500,000 thousand in population prior to independence.² Statistical information depicts an ethnically and religiously fragmented country with ethnic groups including the Mandinka, Wolof, Fula, Serahuli, Jola and Aku. However, the Mandinka and Fula represent the majority in rural regions, while the Wolof and Aku represent the majority in metropolitan centers.³

Post-Second World War witnessed an increase in nationalist movements within the British colonies. This was as a result of the elites seeking greater participation and involvement of Africans in government and eventual independence.⁴ The British government began granting privileges which included the recognition of African political parties led by the elites who had been educated in the West. Eventually, independence was negotiated for by these elites in the colonies. Present day Ghana, (formerly Gold Coast), Nigeria, and Sierra Leone, all British colonies in West Africa attained independence between 1957 and 1961. The Gambia was therefore the only area in West Africa still under British control.⁵ However, from 1880 to 1960 the elites in the Gambia enjoyed a restricted form of privilege which gave them room to have representation on the Legislative Council in the Gambia.⁶ This period also marked the formation of political parties which were run by the elite in the Gambia. The political party system emerged in the Gambia in the early 1950's and with it came the emergence of four political parties with differences in views and interests. The People's Protectorate Party (PPP), The Democratic Party (DP), United Party (UP) and the Muslim Congress Party (MCP) were the dominant political parties in the Gambia during this period.⁷

The Gambian political elites in preparation towards independence welcomed the British form of aggressive party politics as the standard way of governance that they had to imitate as an independent state. An aggressive form of party politics emerged in the context of the Colony/Protectorate topographical division, which accompanied a clear pattern of ethnic demographic distribution.⁸ Thus, the new political leaders appealed to voters on the basis of the Colony/Protectorate rivalry and subsequently appealed to their ethnic and religious allegiances.⁹

The quest for political power resulted in an eventual merge between the Gambia Democratic Party and the Gambia Muslim Congress. This merge resulted in the formation of the Democratic Congress Alliance (DCA). The DCA therefore became an integrative party in the sense that it served as a unifying factor between the Muslim leadership of the Congress and the Christian leadership of the Democratic Party.¹⁰ Dawda Jawara, leader of the PPP adopted an inclusive form of politics bringing together the Wolof, Aku, Mandinkas and Jolas. The People's Protectorate Party adopted an unconventional name to reflect an all new ethnic and inclusive style of politics. The PPP was changed into the People's Progressive Party.¹¹ In 1962, the PPP organized the Mandinkas and Jolas to challenge the dominant and popular urban based UP¹² during the 1962 elections. The PPP also formed alliances with other existing political parties and eventually emerged as the leading party with a significantly weakened opposition parties.¹³

The 1962 elections in the Gambia marked the first demonstration of a multiparty system democracy by the people of Gambia. Dawda Jawara became the first prime minister of Gambia with the Queen of England, Queen Elizabeth acting as the Head of State during the period. In April 1970, following the introduction of a new constitution approved in a referendum, Dawda Jawara was named Gambia's first President.¹⁴

3.1.2 Gambia's First Democratic Rule

Prior to the 1962 Elections in the Gambia, political parties were formed along ethnic and religious lines. The emergence of the PPP however changed the dynamics of the political system that was in existence in the Gambia. The Protectorate People's Party, renamed the People's Progressive Party (PPP) demonstrated its national and modern credentials.¹⁵ The PPP was formed in 1959 by

a “small group of educated provincials, anxious to ensure that political power would not be transferred to the urban elite.”¹⁶

The Protectorate supported the PPP led by Dawda Jawara. This was because he was from the Mandinka tribe and leaders in the PPP were mostly Mandinkas. The Mandinkas had over the years emphasized how much the Protectorate had been ignored in the past.¹⁷ Thus, to finally have a Mandinka-led party resulted in their support. Whilst the PPP identified with the Mandinka ethnic group, the UP also identified with the Wolofs and Fulas.¹⁸ The UP on the other hand was led by P. S. N’Jie, who had great expectations and higher chances towards the 1962 Elections. N’Jie had gained a name for himself in the Gambia as one of the few to who oppose the policies undertaken by the British government. His public clash with the Governor Wyn Harris in 1955-1956 also endeared him to lots of Gambians. There was therefore a higher expectation of N’Jie winning the 1962 elections.¹⁹

The PPP in a quest to adopt an ‘ethnic-inclusive style of politics’ changed their name to People’s Progressive Party.²⁰ The PPP by adapting this ‘all-inclusive ethnic strategy’ garnered lots of support from Gambians. The party also formed alliances with other existing political parties in the Gambia resulting in the PPP emerging as winner in the 1962 Elections. Dawda Jawara, leader of the PPP emerged as the first elected leader in the May 1962 Elections in the Gambia.²¹

In October 1963, the Gambia was granted full self-government, with Jawara as prime minister²² and by February 1965 the Gambia attained its independence from the British. Jawara in a quest to unify the country embarked on a deliberate agenda of changing the PPP from a “Mandinka-

dominated organization into a nationwide party.”²³ He did this by having an inclusive form of government with members from the opposition parties.²⁴ This strategy adopted by the Jawara government contributed to the eventual fall of the strongest existing opposition party in the Gambia, the UP.²⁵ This strategy gave much room to the PPP to dominate the political scenes in the Gambia during this period.

Most intellectuals were of the view that the collapse of Gambia's strongest opposition party will serve as grounds for Jawara to establish a dictatorial form of government due to the dominance of a single political party. President Jawara, however, stayed “personally committed to multiparty democracy.” Also, the internal wrangling within the PPP resulted in the creation of a new opposition party in the 1970’s to challenge the political hegemony of the PPP.²⁶ This party (National Convention Party) was led by Sheriff Dibba, former vice president and founding member of the PPP.²⁷ Despite the National Convention Party (NCP) competing against the PPP in the 1977 elections, they lost in the elections.

President Jawara was considered “the father of the nation” in the Gambia. He differentiated himself as a humble and devout man, a smart politician and “one whose reputation is likely to lie in his contribution to democracy, human rights and the rule of law.”²⁸ In Jawara’s tenure, the Gambia was projected as a shiny spot in post-independence Africa .In his more than three decades in office, President Jawara developed a “multi-party democracy, allowed free press, and banned capital punishment.” Prior to the AFPRC takeover, the Gambia was longest-surviving democracy in Africa and Jawara was the ‘last of its promising crop of 1950s and 1960s nationalist leaders still in office.’²⁹

3.1.3 The Gambia 1981 Coup D'état

The PPP dominated the Gambian political scenes post-independence. President Jawara's own standing as the first democratically elected President as well as 'a steady growth in the economy and the distribution of social and economic benefits resulted in the success of the Jawara government.'³⁰ Despite the successes chalked by the PPP, the practice of cronyism resulted in an unacceptable toleration of corruption and misuse of office by political leaders within the party. Also, their unwillingness to involve the youth in the running of the party or opposition parties resulted in 'alienation and hostility' from the youth towards the party.³¹

In the late 1970's and early 1980's, there was the formation of 'new radical organizations'. This included the Movement for Justice in Africa-Gambia (MOJA-G), the National Liberation Party (NLP) led by Cheyassin Secka and the Gambia Socialist Revolutionary Party (GSRP).³² The formation of the radical organizations was influenced by the decline in the economy of Gambia within the period. It was also influenced by the surge in corruption, droughts and the excessive acquiescence to the West.³³

The Gambian Field Force, 'a paramilitary force' which was formed with a number of young men to maintain order and ensure civility during elections suffered serious dissatisfaction due to internal rivalries within the force. The Force eventually attempted a coup in October 1980, which was successfully prevented with assistance from Senegal.³⁴ However, another coup attempt came into materialization on July 30 1981. This was led by Kukoi Samba Sanyang, an individual who had failed at becoming the NCP candidate in the 1977 Election. He was assisted by the NLP leader, Cheyassin Secka. The actors of the 1981 coup almost succeeded in this mission due to the absence

of President Jawara. However, the timely intervention from the police force and the Senegalese military contributed to the failure of the coup d'état.³⁵

The sabotaged coup in 1981 resulted in an estimated 500 individuals being murdered.³⁶ The post-coup period was marked with mass arrests and trials. The PPP government in a quest to solve the economic and security challenges in Gambia sought for assistance through the World Bank and International Monetary Fund in 1985 by accepting the 'Economic Recovery Program.'³⁷ Through this program, the Jawara government succeeded in "reducing inflation and setting the economy on a path to boost recovery."³⁸

The Gambian Field Force was dissolved and new defense units made up of the 'paramilitary Gambia National Gendarmerie, trained by the Senegalese and Gambia National Army (GNA) with assistance from the British army' was established. A 'treaty confederation' was established between the Senegalese and Gambia governments to make legitimate the presence of the Senegal army in the Gambia. There was a commitment from the PPP government to ensure democratic governance and economic development. However, these expectations held by the PPP government were destroyed due to another military coup d'état in July 1994.³⁹

3.1.4 The Gambia's 1994 Coup D'état

The establishment of the GNA resulted in the emergence of a 'new power contender in the political system' in Gambia. The military with its new found power gained much influence in the Gambia. This contributed to the marginalization of the existing opposition parties, giving the military more

power. The new army posed a security threat to the civilian government as it became a new power contender with the ability to seize power due to the one-party system operating in the Gambia.⁴⁰ The Armed Forces Provisional Ruling Council (AFPRC) led by Lieutenant Yahyah Jammeh abolished the 1970 constitution on July 22, 1994. He was aided by a group of alienated junior army officers and seized power through a bloodless coup. Yahyah Jammeh declared the Armed Forces AFPRC as the ruling government and outlawed existing political parties excluding the People's Democratic Organization for Independence and Socialism (PDOIS). He also arrested members of the past government still in the country.⁴¹ President Jawara and some members of his government however gained safe passage to Senegal in an American warship⁴² where they were granted political asylum.

The 1994 coup was influenced by the persistent corruption and failure of the PPP government to develop the country over the twenty years in power. Also, personal grievances on the part of the rebellious soldiers and expectations of acquiring wealth were also important reasons for the coup.⁴³ The 1994 coup d'état was successful this time as there was no internal nor external resistance. Reports by the Gambian media indicated that the coup d'état was welcoming news to the majority of Gambians.⁴⁴ Unlike the previous failed coup which had the Senegalese government intervening, the Senegalese government failed to intervene in this coup due to sour relations existing between Gambia and Senegal after the signing of the confederation in 1982.⁴⁵

The AFPRC in the early stages was popular especially among the youth in the Gambia. Promises of economic transformation were made to the public by the AFPRC. Commissions of inquiry were established to 'punish corrupt politicians and officials to recover stolen public assets.'⁴⁶ The Armed

Forces Provisional Ruling Council (AFPRC) experienced an increasing regional and global demand to restore democratic principles and end military dictatorship. States including Japan and the United States suspended supporting Gambia through aid. Britain, Sweden and Denmark also discouraged their citizens from visiting the country by informing them that it was an “unsafe destination.”⁴⁷ This resulted in a sharp decline in the number of tourists visiting The Gambia.

In a quest to heed to calls from international donors and the international community to return to a civilian form of government, a transitional program was established in March 1995. Jammeh only heeded to this call to ‘accommodate the interest of foreign donors and his own interest.’⁴⁸ It was also aimed at re-establishing relations with foreign donors who had cut off aid to the Gambia resulting in a decline in the economy of the state.⁴⁹ The transitional program was set up to aid in a smooth change from the military rule to a civilian rule. The transitional program had to “ensure that a comprehensive system of democratic governance in the Gambia will attain the national progress and sustain human development.”⁵⁰ The entire transitional program and process was controlled by ‘Yahyah Jammeh who was not accountable to anyone’ including the traditional donors who supported the transitional program financially.⁵¹

During the transitional program, the minimum age of 30 years for presidential candidates was adopted despite the varying views held by the public.⁵² The transitional process was not ‘transparent’ and Yahyah Jammeh made no efforts to comply with the recommendations given by the public during the transitional program. In his quest to be in power, he adopted the legal age of 30 for presidential candidates which will enable him to vie for the elections. There was also the absence of a term limit in the newly created constitution. This was intentionally done by Jammeh

to ensure he remained in power for a long time.⁵³ There was also an attack on the opposition parties as the new constitutional arrangements discouraged ‘broad-based participation’ due to an increase in the cost of fees for participating in an election. Opposition parties in Gambia therefore did not have much freedom nor room to operate in the Gambia.⁵⁴ In an interview with Nana Ato Dadzie, a senior United Nations consultant on political transitions, he described the opposition parties in Gambia as having ‘as much room as prisons’ to operate depicting the least amount of freedom available to the opposition parties in Gambia.⁵⁵

A new constitution with several flaws was adopted in August 1996 to replace the 1970 Constitution. This constitution did not indicate the presidential term limit, maintained laws used during the military era, limited the freedom of the media as well as introduced death penalty.⁵⁶ Opposition parties including the PPP, NCP and GPP had their bans lifted though they could enjoy a limited amount of freedom to operate. These flaws in the constitution limited the operation of democracy that was to be practiced in the Gambia.⁵⁷

The existence of the new constitution gave Jammeh tremendous political and economic power in the affairs of Gambia. He formed the Alliance for Patriotic Re-orientation and Construction (APRC) as the new constitution did not permit a member of the military to contest an election.⁵⁸ In 1997, he represented the APRC as its presidential candidate and emerged victorious by winning 56% of total votes.⁵⁹ He defeated the two new opposition parties, United Democratic Party (UDP) led by Ousainou Darboe and National Reconciliation Party (NRP) led by Hamat Bah.⁶⁰ This period therefore marked the beginning of the Gambia’s Second Republic⁶¹ and an end to military rule.

3.1.5 The Gambia's Second Democratic Rule

The Second Republic of the Gambia was one that had “its roots in an authoritarian military rule” though governed by a constitution. Yahyah Jammeh oversaw the electoral process and manipulated the constitution in his favor to win the elections, “the process of elections in the Gambia was neither free nor fair and could not possibly lead to a democratic climate.”⁶² The military possessed much power in Jammeh’s government and this was demonstrated in his budget speech in 1999. He announced reorganizing the military and giving them various roles to play in his government. It was therefore clear that Jammeh had ‘no intention of putting the military under civilian control.’⁶³ Despite having electoral reforms, these reforms did not improve the representation of the opposition in the National Assembly or grant the opposition parties room to operate.⁶⁴ The opposition in the Gambia faced ‘frequent arrests, disappearance, suppression and marginalization.’ Both Jawara and Jammeh shared a similar attitude towards the opposition as both leaders were unwilling to tolerate or make room for a strong opposition.⁶⁵ On the other hand, despite the partial lift of the ban on opposition parties, these parties were unable to unite and defeat Jammeh due to a number of factors that ranged from ‘irreconcilable ideological differences’, rivalries and personal aspirations. The opposition leaders therefore failed during this period to unite into one opposition party to defeat Jammeh.⁶⁶

Yahyah Jammeh’s regime was characterized with the abuse of the rights of Gambians and limit of press freedom. The creation of the National Intelligence Agency (NIA), a security agency, was used as a tool by the government to promote fear among citizens. The NIA also contributed to the ‘manufacturing of a culture of silence’ as it committed attacks, murder and abductions on journalists, media houses and individuals who spoke out against the Jammeh government.⁶⁷ This

period was marked with the death of Deyda Hydera, an editor of the Point newspaper and an attempted murder on Ousman Sillah in December 16, 2003. Both murder and attempted murder respectively were suspected to have been done by a government sponsored vigilante group.⁶⁸

These circumstances in the Gambia encouraged fear amongst the citizens. In an interview with Nana Ato Dadzie and Ambassador Satuh, both alluded to the fact that fear was a major factor contributing to Yahyah Jammeh's long reign as President of Gambia. They were of the view that most of the citizens were afraid to protest against the government for fear of losing their lives.⁶⁹ Due to this reason, citizens were unable to speak out against the government through the media as the media of Gambia was state-owned and state-controlled resulting in a 'repressive political environment' in the Gambia.⁷⁰

Economically, the APRC was committed to 'economic liberalization more than political liberalization.' Jammeh sought loans from the World Bank and the International Monetary Fund through the Enhanced Structural Adjustment Facility program for three years (1998-2000). These funds were to help promote economic growth and development in the country. It was also to help in infrastructural development in the Gambia.⁷¹ However despite the aid from international donors towards boosting economic growth, Jammeh used these loans for other projects one of which was the building of Arch 22 in Banjul to celebrate the military's coming to power. This Arch reportedly cost US\$1.5million and resulted in a wide spread outrage in the Gambia.⁷²

The Jammeh led government was unable to project itself as being corruption free 'despite its public pronouncements against corruption during the Jawara era.' The Jammeh government was also

guilty of committing the same and even worse corrupt practices for which it condemned the Jawara government and demanded the removal of the Jawara government.⁷³ In the 2001 election, President Yahyah Jammeh won the elections for a second five-year term despite the human rights abuses on the citizens of Gambia. He changed the 51 percent margin required for Presidential victory as stated in the constitution to a ‘first-past-the-post’ form of electoral system. This was Yahyah Jammeh’s way of limiting political change and leadership rotation and robbing Gambians of their political voice and right to choose their leaders.⁷⁴

Yahyah Jammeh’s political campaign finances were boosted by foreign governments including Taiwan, Libya and Cuba. Taiwan for example supported the Jammeh government due to the quest for ‘international recognition and representation’ in the UN. Libya on the other hand through Muammar al-Gadhafi support for Yahyah Jammeh was driven more for continent wide power and influence.⁷⁵ Thus, through the support of these states Jammeh was able to acquire funding to contest for the elections in 2001. However, the period after the elections was characterized by acts of violence especially against the opposition parties. He also dismissed civil servants who were not in support of his reelection. He cited the reason for the dismissal of these civil servants as the lack of ‘professionalism’.⁷⁶

The major opposition parties came into an alliance and formed the National Alliance for Democracy and Development (NADD) in May 2005. This alliance was made up of five political parties which included the UDP, NRP, PPP, PDOIS and NDAM. The formation of the NADD was greeted with lots of excitement and expectations of an eventual overthrow of the Jammeh led government.⁷⁷ However like opposition parties in the past, the NADD was unable to set aside their

differences to win the elections in 2006. This resulted in Jammeh winning in 2006 with 67.33 percent of the vote.⁷⁸ The after-math of the 2006 Elections revealed several electoral malpractices. These malpractices included foreigners from other states voting during the elections, violent acts towards the opposition, the abuse of citizens and the lack of press freedom rendering the electoral process as not free and fair.⁷⁹

In the 2011 election, Yahyah Jammeh faced Ousainou Darboe, leader of the United Democratic Party (UDP) as well as Hamat Bah, who was backed by a coalition of four opposition parties in the 2011 elections in Gambia. Prior to the elections, ECOWAS had stated that the elections would not be free and fair because of high levels of intimidation by the ruling party as such the ‘opposition and electorate were cowed by repression and intimidation.’⁸⁰ With this statement by the ECOWAS, the organization did not allow any of its observers to observe the 2011 elections. ECOWAS however urged the opposition not to boycott the elections and endanger the “democratization of the country.”⁸¹

During the 2011 polls, Jammeh stated that “In 17 years I have delivered more development than the British were able to deliver in 400 years. Do I look like a loser? There is no way I can lose unless you tell me that all Gambian people are mad.”⁸² Such statements made by Jammeh projects his unwillingness to accept defeat in any elections. However, Jammeh won by 72 percent of total votes cast in the 2011 elections.

3.1.6 The 2016 Gambia elections

The 2016 Gambia election was contested by the ruling APRC led by Yahyah Jammeh, The Coalition of 2016 which was made up of seven opposition political parties. This included the People's Democratic Organisation for Independence and Socialism, National Reconciliation Party, National Convention Party, United Democratic Party, Gambia Moral Congress, Gambia Party for Development and Progress, and the People's Progressive Party.⁸³ The Coalition of 2016 was led by candidate Adama Barrow who had emerged winner as the leader of the biggest opposition party, UDP. He was the successor to Ousainou Darboe who had exceeded the 60-year limit for presidential candidates. The final contestant to the 2016 elections was Mamma Kandeh, who formed a new political party called Gambia Democratic Congress (GDC).⁸⁴

Prior to the December 1, 2016 Elections, in April, there were reports of the arrest of the organizing secretary of the opposition United Democratic Party (UDP), Solo Sandeng. He was tortured to death whilst in custody after his arrest for participating in a demonstration. UDP leader Ousainou Darboe was also arrested some few days after Sandeng's arrest during a peaceful protest to demand transparency about the fate of Sandeng and the release of political detainees. In July, Darboe and 29 other people were sentenced to three years in prison for their roles in the protests.⁸⁵

In 2016, more than 90 opposition activists were arrested for participating in peaceful protests. The courts in Gambia convicted 30 opposition members and sentenced them to three-year terms. This included UDP leader Ousainou Darboe and other leading members of the UDP. Jammeh also repeatedly threatened opposition parties. "Let me warn those evil vermin called opposition," he said in May, "If you want to destabilize this country, I will bury you nine-feet deep."⁸⁶ The abuses

committed since April, as well as Jammeh's repeated threats, reinforced a climate of fear among many opposition politicians and activists that limited their ability to criticize Jammeh and his government.⁸⁷

Prior to the December 1 Elections, Jammeh had issued a statement welcoming observer to observe the credibility of the electoral process. In the 2011 elections, the ECOWAS refused to send observers and cited intimidation of the opposition and the electorate as their reason.⁸⁸ The European Union, on the other hand, was ready to deploy a small team to provide 'technical assessment' during the elections. They were, however, 'informed by the Ministry of Foreign Affairs of the Gambia that the mission will not be accepted'⁸⁹ to observe proceedings during the elections. The African Union was the only organisation present with a small group of observers to oversee proceedings of the elections.⁹⁰

In 2016, despite preparations towards the December elections, Jammeh consistently abused and enforced laws that infringed on the rights of his citizens. Alagie Abdoulie Cesay, owner of the Teranga FM was one of the many Gambian citizens detained on sedition charges by the Jammeh government. Also, a popular activist in the Gambia, Sheriff Dibba was also arrested and died whilst in custody.⁹¹

3.2 Post Electoral Conflict in 2016 and Preventive Diplomacy in Gambia

On December 1, 2016, Gambians went to the poll and Adama Barrow, leader of the Coalition 2016 emerged winner of the elections. In an interview, all four resource persons who were interviewed for this study were of the view that, the declaration of Adama Barrow as President came as a

surprise not only to the citizens of the Gambia but the world as many were not expecting his victory. This was due to Jammeh constantly rigging electoral results over the years to his favour. Thus, many expected him to do same during the 2016 Elections.⁹²

Jammeh's consistent abuse of the human and political rights of Gambians contributed to his loss in the elections. International observers were not permitted into Gambia before the Presidential Election in December 2016, and on Election Day internet and telephone services were cut. Despite these and other obstacles to a free and fair election, the Independent Electoral Commission (IEC) was apparently able to conduct an impartial vote count, declaring that Barrow had won with 43.3 percent, followed by Jammeh with 39.6 percent and Mama Kandeh of the Gambia Democratic Congress (GDC) with 17.1 percent.⁹³

Jammeh failed to realise the changes made in the electoral system after the 2011 elections impacted his shot at victory in the 2016 polls. One change included the emergence of a united opposition party. Analyst Mathias Hounkpe of the Open Society Initiative for West Africa (OSIWA) said 'on-the-spot counting used for the first time in a presidential election also made it difficult to fix the polls in his favour.'⁹⁴ In an interview with Penda Tommy, a member of the electoral coalition team in Gambia during the 2016 elections, she stated that, having on-the spot-counting as well as the presence of local observation teams contributed to a transparent form of elections in 2016, making it difficult for any form of rigging to take place.⁹⁵

Jim Wormington of Human Rights Watch in a report stated that Jammeh depended on the same tactics as the four prior electoral wins, without taking into account the opposition's job to create

support. "Jammeh believed... his domination of state media, mobilising of local officials in support of his candidacy, muzzling of independent journalists and imprisonment of key opposition figures, would once again guarantee victory.⁹⁶ In an interview with Nana Ato Dadzie, he also expressed that Jammeh's over-confidence and belief that he would certainly win the elections also contributed to his loss in the elections and thus, the reason why unlike past elections made no attempt to rig the elections.⁹⁷ Thus, despite the changes made in the constitution prior to the 2016 elections, Jammeh was very confident that he would still emerge victorious.

Alieu Momar Njie, chairperson of the Independent Electoral Commission called for correct counting on the spot in one region as the results for the said region had been 'marred by an error' when the results were tabulated centrally.⁹⁸ In an interview with Penda Tommy, she confirmed this and was of the view that the results had to be recounted again due to an error in the coalition of results and not due to an issue of voting irregularity.⁹⁹ On December 5, changes were made to the electoral results after the recount. This however did not affect the outcome of the elections as Adama Barrow still emerged winner but dropped from a lead of 9% to 4%.¹⁰⁰

Jammeh initially conceded defeat, however fear of being prosecuted after stepping down caused him to rescind on his decision. This was after a statement was made by Fatoumata Jallow-Tambajang, a key member of Adama Barrow's coalition team to prosecute Jammeh for all his crimes after handing over power to Adama Barrow.¹⁰¹ Three out of the four experts interviewed were of the view that the statement from Adama Barrow's team was an influencing factor leading to Jammeh rescinding on his decision due to the fear of facing prosecution for the crimes committed similar to Charles Taylor of Liberia.¹⁰² Penda Tommy was of the view that Jammeh

was unwilling to concede initially taking into consideration the period of time he took to concede and congratulate Adama Barrow. She was also of the view that if he was willing to accept the results, he would have conceded as soon as the electoral results had indicated that he was losing in the Elections.¹⁰³

On December 9, Jammeh reversed his position and called the election flawed. He stated the need to have a new vote as there were 'serious and unacceptable abnormalities in the vote.'¹⁰⁴ He submitted a petition to the Supreme Court, which had been crippled by vacancies since 2015 and appeared unable to hear the case.¹⁰⁵ This according to experts was a strategic move adapted by Jammeh and aimed at prolonging his term in office. All four experts interviewed however were of the viewpoint that, though Jammeh had the constitutional right to submit a petition to the Supreme Court, the submission of a petition did not equal a standstill in the transition process for the declared President-elect.¹⁰⁶

Jammeh had the support of some members of the Gambia Army as the Gambia's army chief, Ousman Badjie, for example, pledged his loyalty to him. The Gambian security forces and soldiers took control over the country. The electoral commission headquarters which had the original poll records was seized and the head of the elections commission was commanded to leave. The fear of losing his life caused Alieu Momarr Njai to leave the Gambia.¹⁰⁷ This situation caused panic amongst the citizens due to the fear of unrest.¹⁰⁸ Two out of the five experts interviewed were of the view that the support from the military gave Jammeh much confidence to go against the electoral results as he believed with the military at his side he could influence the electoral results to his favour.¹⁰⁹

3.2.1 Domestic and International Community Reaction to the Volte face

Jammeh's refusal to concede came as a surprise to the citizens of Gambia and the International Community. Jammeh in a broadcast on Gambia's state television stated that "I am not a coward. My right cannot be intimidated and violated. This is my position. Nobody can deprive me of that victory except the Almighty Allah", depicting an image of the Presidency as his property and therefore his unwillingness to hand over power to Adama Barrow.

Domestically, the President elect of Gambia, Adama Barrow stated that "Yahyah Jammeh has no constitutional authority to reject the results of the December 1 polls and call for fresh elections."¹¹⁰

The leader of the Gambia Democratic Congress, Mamah Kandeh, also rejected Jammeh's call for another election. In a statement, he said "Your swift decision earlier to concede defeat and your subsequent move to call Adama Barrow to congratulate him was lauded throughout the world, we therefore prevail on you to reconsider your decision."¹¹¹

Unions and civil societies in the Gambia also demanded that he leave office. The bar association stated that his volte-face was "tantamount to treason", the teachers' union said it was "a recipe for chaos and disorder which undoubtedly endangers the lives of all Gambians particularly our children". The press union, the medical association and the university association all added their voices to the clamor of condemnation. The Supreme Islamic Council, formerly a strong ally of Jammeh also came out in favor of Barrow promising to work together with the President elect.¹¹²

The prevailing situation in the Gambia resulted in fear and panic as well as uncertainty of the future. This led to thousands of citizens, mostly women and children fleeing the country to seek refuge in Senegal and Guinea-Bissau.¹¹³

The regional West African bloc, ECOWAS also agreed to take “all necessary actions” to uphold Barrow’s victory. This included the use of military intervention if diplomatic means failed. A delegation of four African presidents (Liberia, Ghana, Sierra Leone and Nigeria) arrived in Gambia’s capital, Banjul, to engage in diplomatic talks with Jammeh to convince him to change his mind .They were however not successful in the early stages of diplomatic talks with Jammeh.¹¹⁴ ECOWAS, AU and UN called jointly for all parties to “reject violence and peacefully uphold the will of the people, they also called on armed forces to remain neutral.”¹¹⁵ The President of the regional bloc Marcel de Souza however stated that the deadline for Jammeh’s mandate expires on January 19 and if “he doesn’t go we have a standby force, which is already on alert. And it is this standby force that should be able to intervene to restore the will of the people.”¹¹⁶

The AU also in a statement warned of "serious consequences in the event that Jammeh’s action causes any crisis that could lead to political disorder, humanitarian and human rights disaster, including loss of innocent lives and destruction of properties."¹¹⁷ The AU referred to Jammeh’s rejection of the December 1 polls as ‘null and void’ as he had already conceded defeat.¹¹⁸ The UN special representative for West Africa and the Sahel, Dr. Mohammed Ibn Chambas in a visit to Gambia after Jammeh’s refusal to concede stated that, “a legal process was separate from Jammeh’s mandate and Jammeh has to step down when it ends on January 19, 2016.” This was due to Jammeh and members of his party promising to take up results from the election to challenge results in the Supreme Court.

However, Dr. Ibn Chambas stated that he did not think a military intervention would be necessary to force Jammeh from power. He further stated a military option “may not be necessary. Let’s

cross the bridge when we get there.”¹¹⁹ The Government of Botswana also issued a statement saying that it will no longer recognize Yahyah Jammeh as President of Gambia. According to the statement, Jammeh's decision not to respect the will of the people of Gambia weakens continuing efforts aimed at strengthening democracy and good governance in Gambia and Africa as a whole.¹²⁰

UN Secretary-General Ban Ki-moon and the US also instructed the Gambian security forces to abandon the office of the electoral commission they had captured. Ban Ki Moon stated that seizing the headquarters of the electoral commission was a shameful act of disrespect for the will of the Gambian people and defiance towards the international community at a moment when a high-level team was in the nation to negotiate a peaceful transfer of power.¹²¹ The US embassy in Banjul also ordered that the security forces withdraw, stating "the unnecessary and unprovoked display of force is seen as a bid to undermine the democratic process.”¹²²

3.3 Application of Preventive Diplomacy during the crisis

The Economic Community of West African States (ECOWAS) was formed in 1975 to promote cooperation among West African states. ECOWAS was formed to promote economic cooperation and integration in West Africa. ECOWAS took on a more political role in the 1990's due to the political changes in the region as well as cases of protracted intrastate violent conflicts within the region.¹²³ The revised ECOWAS treaty (1993), the Protocol on the Mechanism for Conflict Prevention (1999) and the Protocol on Democracy and Good Governance (2001) formally enshrines the commitment of the organization to promote democracy and good governance and to adopt the concept of Responsibility to Protect (R2P).¹²⁴ This concept of R2P adopted by the UN,

gives mandate to the ECOWAS as a regional body to intervene in the affairs of a state when a state fails to fulfill its obligation to its citizens.¹²⁵

ECOWAS in its framework lists protecting a state's democracy as an acceptable reason to undertake a responsibility to protect action. In the Protocol on Democracy and Good Governance, the ECOWAS as part of its regional mandate can embark on pro-democratic interventions. That is interventions that increase the probability of people to be governed in a political structure and by people of their choice.¹²⁶ The protocol also lists 12 constitutional principles. This includes accession to power through free, fair and transparent elections and zero tolerance for power obtained by unconstitutional means. The protocol also empowers ECOWAS, with respect to democratic interventions, to implement sanctions ranging from suspension from ECOWAS to any other appropriate intervention.¹²⁷

ECOWAS is therefore mandated by its 1993 revised treaty and 2001 Protocol on Democracy and Good Governance to observe elections in its member states of which Gambia is a signatory. ECOWAS' observation of elections in any of its member states requires an invite from the national authorities of the member state holding the elections. Nana Ato Dadzie in an interview affirmed this and stated that in the pursuance of a peaceful democratic as well as transparent elections, the ECOWAS designates observers to observe the situation in the country pre-election, during the election and post-election. Reports are taken after these observations to ensure the elections was free and fair and the will of the people respected.¹²⁸ However, Jammeh failed to invite and give accreditation to the ECOWAS Technical Observer Team that was to be deployed for the 2016 Presidential Elections. Despite the lack of invitation, ECOWAS in a statement was committed to

working with the government and people of The Gambia to ensure that the process leading to the elections were executed in line with the ECOWAS Protocol on Democracy and Good Governance.¹²⁹

Yahyah Jammeh's initial concession to Adama Barrow was accepted through congratulatory messages from The ECOWAS Commission, the African Union Commission and the United Nations Office for West Africa and the Sahel (UNOWAS). The election was regarded as a transparent, free and fair election in line with the provisions of the ECOWAS Supplementary Protocol on Democracy and Good Governance and the AU Charter on Democracy, Elections and Governance.¹³⁰ When Jammeh later changed his position, ECOWAS was quick to react, calling on the Gambian government to "abide by its constitutional responsibilities and international obligations," going on to state, "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."¹³¹

ECOWAS took a firm stance on December 17, stating it "shall take all necessary measures to strictly enforce the results of the 1 December 2016 elections." On December 21, the UN Security Council also issued a presidential statement on The Gambia commending ECOWAS's position.¹³² In an interview with Nana Ato Dadzie, he was of the view that Jammeh reneging on his word especially after the people of Gambia had expressed their choice of government was on the grounds of morality not right. Thus, the international community felt the need to step in at this point to ensure the rights of the people of Gambia are respected.¹³³ This was done through the application of preventive diplomacy in the early stages of the crisis.

In the case of the Gambia, the track one form of preventive diplomacy was applied. In this form of diplomacy, the negotiation process is carried out by diplomats, high-ranking government officials, and heads of states and is aimed at influencing the structures of political power.¹³⁴ The track one diplomacy follows a protocol to which the state is a signatory¹³⁵ as in the case of the Gambia. Gambia as a signatory to the protocols of the ECOWAS must abide by the set-out protocols. It is also applied behind closed doors without the presence of the media to help in achieving an effective discourse without any misrepresentation of facts to the public, as any form of misrepresentation of facts can cause mayhem in an already volatile environment.

Also, in this form of diplomacy, there is the threat of military force if a party involved in the crisis refuses to abide by international laws and regulations. In an interview with two out of five experts, they agreed that often successful prevention through negotiations and persuasion takes place behind closed doors in the absence of the media.¹³⁶ This same sentiment was expressed by the UNSG Antonio Gutiérrez that "...Perhaps because successful prevention does not attract attention. The television cameras are not there when a crisis is avoided."¹³⁷

3.3.1 Legality of ECOWAS in the Gambia

The Economic Community of West African States (ECOWAS) was formed in 1975 to further economic cooperation among West African states. Initially, ECOWAS was created to foster economic cooperation and inclusion in West Africa. In the 1990s, ECOWAS took on a more political position following the wave of political reforms and the increasing amount of protracted intra-state violent clashes in the region.¹³⁸ The amended ECOWAS Treaty (1993) and in particular the Mechanism for Conflict Prevention Protocol (1999) and the Protocol on Democracy and Good

Governance (2001) officially enshrined the organization's commitment to encourage democracy and good governance and to embrace what was later called the Responsibility for Protection (R2P). This addition of 'promotion of democracy and good governance' was tested in 2016 when ECOWAS voted to intervene in the Gambian crisis.¹³⁹

ECOWAS lists protecting a state's democracy as a permissible reason to conduct a responsibility to protect action. In its Protocol on Democracy and Good Governance, ECOWAS introduces, as part of its regional mandate, pro-democratic intervention that is, interventions that increase the probability of people to be governed in a political structure and by people of their choice.¹⁴⁰ The protocol also lists 12 shared constitutional principles, including accession to power through free, fair and transparent elections and zero tolerance for power obtained by unconstitutional means. In addition, the protocol empowers ECOWAS, with respect to democratic interventions, to implement sanctions ranging from suspension from ECOWAS to any other appropriate intervention.¹⁴¹

ECOWAS is therefore mandated by its 1993 revised treaty and its 2001 Protocol on Democracy and Good Governance to observe elections in its member states of which Gambia is a signatory. ECOWAS' observation of elections in any of its member states requires an invite from the national authorities of the member state holding the elections. Nana Ato Dadzie in an interview affirmed this and stated that in the pursuance of a peaceful democratic as well as transparent elections, the ECOWAS designated observers to observe the situation in the country pre-election, during the election and post-election. This is done and reports taken to ensure the elections was free and fair and the will of the people respected.¹⁴²

3.4 Legality of ECOWAS Intervention and Mediation Efforts in The Gambia

According to ECOWAS, President Jammeh's reversal of his stance was unacceptable and endangered peace not only in Gambia but in the entire sub-region of West Africa. Three out of the five experts interviewed were of the view that it was necessary for ECOWAS to intervene to avert any form of crisis that could have dire consequences not only in the Gambia but also a spill-over effect to member states within the region.¹⁴³

Lund in Preventing Conflicts: A strategy for Preventive Diplomacy expresses that an individual or institution cannot solely 'monopolize' the application of the mechanism.¹⁴⁴ Therefore there is the need for institutions and individuals to work hand in hand to implement effectively preventive diplomacy. In the case of the Gambia, the ECOWAS did not work alone as an institution. A request was made on behalf of the ECOWAS by the Senegal President. This request was authorized by the UN in the resolution 2337. This request aimed at seeking authorization from the UN to intervene in the crisis in the Gambia. The authorization from the UN invoked ECOWAS' decision in implementing the supplementary protocol on democracy and good governance. This protocol allows "zero tolerance for power obtained or maintained by unconstitutional means."¹⁴⁵ The ECOWAS also invoked Article 25 of its Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, which authorizes the use of military intervention when "democracy is abruptly brought to an end by any means or where there is massive violation of human rights in a member state" as was in the case of the Gambia.¹⁴⁶

In an interview with Nana Ato Dadzie, he stated that the ECOWAS could not have intervened even on humanitarian grounds without the consent of the UN due to the concept of sovereignty of a

state. This is clearly spelt out in the UN charter, Chapter VIII, Article 53 that ‘no enforcement action by any regional organization is permissible without express, affirmative UNSC authorization.’¹⁴⁷ ECOWAS therefore by getting the consent of the UN had the mandate, support and legal grounds as a regional body to intervene in the brewing crisis in the Gambia.¹⁴⁸

ECOWAS as a regional body was invited to intervene in the brewing crisis in the Gambia by the President-elect Adama Barrow. In a resolution sent to the UNSC, it stated “an appeal made today by President Adama Barrow to the international community and in particular the ECOWAS” to intervene in the crisis in the Gambia. Thus, on this grounds ECOWAS was not putting into disrepute the sovereignty of the Gambia as they had been given an invitation by the recognized head of state, Adama Barrow to intervene.¹⁴⁹

ECOWAS leaders sent a mediation team to engage in diplomatic talks with Jammeh in Banjul. The team was led by the Acting ECOWAS chairperson, Liberian President Ellen Johnson-Sirleaf on 13 December 2016, together with the presidents of Nigeria, Ghana, and Sierra Leone (respectively: Muhammadu Buhari, John Dramani Mahama, and Ernest Bai Koroma), and the UN Special Representative for West Africa (also a former ECOWAS Commission president), Mohammed Ibn Chambas.¹⁵⁰ Despite the high-ranking structure, the organization was unable to persuade Jammeh to change his position. At this stage, ECOWAS Heads of State were persuaded to embrace more reliable sanctions after the failure of the first mediation.¹⁵¹

According to Lund in Preventing Conflicts: A strategy for Preventive Diplomacy, third parties get involved in conflict situations when there is a potential for the crisis to have a ‘wider regional

significance or threats' in the international system. Hence, based on the potential threat of violent conflict breaking out in the Gambia, the ECOWAS on 17 December 2016 in Abuja, decided to embark upon a course of action. ECOWAS decided to continue mediation initiatives through President Buhari of Nigeria and former President Mahama of Ghana, and also called on the AU and the UN to endorse their choices and mediation attempts. ECOWAS however agreed to "undertake every necessary action to strictly enforce the results of the December 1, 2016 elections."¹⁵² In an interview with Nana Ato Dadzie, he opined that it was necessary ECOWAS had the endorsement of the UN as without an endorsement from the UN, the ECOWAS could not embark on an intervention in the Gambia. He also opined that, President Buhari of Nigeria was chosen due to his background as a general in the Nigerian army who had also undertaken several coup d'états in the past and was currently elected democratically as resident of Nigeria. He being a Muslim was also a factor for being chosen to engage in talks with Jammeh. President Mahama of Ghana on the other hand was chosen to also engage in talks with Jammeh as he had also during the period accepted peacefully and gracefully the electoral results from the 7th December elections in Ghana. He therefore represented an example of good governance and leadership.¹⁵³ These factors influenced the decision of the ECOWAS to allow these leaders engage in talks with Jammeh to peacefully step down for his good and the good of his nation.

However, ECOWAS gave a final option to Jammeh to depart from the Presidency by midnight of 19 January or face the implications. However, this deadline was extended to noon and then 4 pm.¹⁵⁴ Nana Ato Dadzie in an interview stated that it was within the constitutional right of Jammeh to act as President till January 19 as this was the transitional period before a new president is sworn in. This was the reason ECOWAS had to wait till January 19 to embark on any form of action.¹⁵⁵

ECOWAS was compelled to take all needed measures to strictly implement the outcomes of the elections.¹⁵⁶ Michael Lund in Preventing Conflicts: A strategy for Preventive Diplomacy expresses that in the application of preventive diplomacy there can be the use of military intervention or the threat of the use of force,¹⁵⁷ this is however applied when diplomatic talks fail. To that end, ECOWAS alerted standby forces and formally authorized them to intervene militarily if Jammeh did not step down. Three out of the four experts interviewed opined that though the ECOWAS made use of preventive diplomacy by engaging in closed door talks with Jammeh they had the military troops from member states as a last resort diplomatic talks failed.¹⁵⁸ In an interview with Nana Dadzie, he expressed that there was the need to have a military contingent on standby due to Jammeh constantly flouting international laws and abusing his citizens. Thus, on these grounds, the international community could not deal with Jammeh on the basis of trust hence the need to have the military as a stand-by when all options fail.¹⁵⁹

By January 14, ECOWAS had established the ECOWAS Military Intervention in The Gambia (ECOMIG) and tagged the intervention as ‘Operation Restore Democracy’. ECOMIG was mandated to “facilitate the exit of Yahyah Jammeh, restore the popular will of the Gambian people as expressed in the December 9 elections and create conditions for normalizing the political and humanitarian situation in Gambia.”¹⁶⁰ Lund emphasizes that in the application of preventive diplomacy, it is crucial for the various actors involved in the process of preventive diplomacy to mobilize resources to aid in the effective application of the mechanism.¹⁶¹ This was successfully done by the ECOWAS as the ECOMIG constituted 7,000 troops from member states including Ghana, Nigeria, Mali and Togo with a Senegalese commander at the helm of affairs.

Jammeh however remained defiant during this period and declared a three-month state of emergency which started from January 17 to April 17, 2017. Jammeh cited external interference in "the internal affairs of The Gambia and the unwarranted hostile atmosphere threatening the sovereignty, peace, security and stability of the country."¹⁶² In a report by Aljazeera's Nicolas Haque, Jammeh's declaration of a state of emergency for 90 days projected Jammeh's intention of remaining in power beyond the January 19¹⁶³ deadline as mandated by the constitution. He also ordered the security forces in The Gambia who pledged allegiance to him to maintain law and order in the country during the period.¹⁶⁴ The election crisis eventually took a crucial toll as thousands of Gambians fled to Senegal fearing the possibility of an outbreak of violence with Jammeh's refusal to step down.¹⁶⁵

On 18 January, the ECOMIG comprising troops mostly from Senegal, as well as Nigeria, Ghana, Mali, and Togo moved towards The Gambia. A naval blockade was also implemented by the ECOMIG.¹⁶⁶ The objective of establishing the ECOMIG was to provide an appropriate atmosphere for efficient implementation of the rule of law and, in compliance with the Gambian Constitution, facilitate the inauguration of President-Elect Adama Barrow on Thursday 19 January 2017.¹⁶⁷ ECOWAS assured that military intervention would be a last resort while it attempted to use diplomatic means to convince Jammeh to step down.¹⁶⁸ Adama Barrow however took the oath of office at Gambia's embassy in Senegal during this period.¹⁶⁹

In an interview with Ambassador Satuh, he was of the view that though ECOWAS threatened the use of force and military intervention it was more of 'saber rattling' and aimed at imposing fear in Jammeh. He was of the view that ECOWAS was committed to deploying diplomatic means for

the peaceful resolution of the crisis and not necessarily an intention to use force.¹⁷⁰ Penda Tommy in an interview expressed that though military intervention was a last resort for the ECOWAS in Gambia, the same approach may not be used in different state as different situations and circumstances calls for difference in response. Thus, whilst the use of preventive diplomacy and the threat of force through, military action seemed like the best choice in Gambia same cannot be applied in another state.¹⁷¹

3.5 The Use of Military Intervention and threat of force in the Gambia

Military intervention was undertaken as a preventive mechanism act by the ECOWAS if diplomatic talks failed. In an interview with Ambassador Satuh, he stated that the moment military intervention is used there is no more use of preventive diplomacy as diplomacy has failed. Thus, the ECOWAS resorting to military intervention and the threat of force only depicts the use of an alternative means to get Jammeh to leave. ECOWAS placed standby forces on alert and officially permitted them to intervene militarily if Jammeh did not step down.¹⁷² Lund also expresses same in Preventing Conflicts: A strategy for Preventive Diplomacy. He states that the application of preventive diplomacy ceases to work when there is full-blown violence after the failure of processes.¹⁷³

However, in the case of the Gambia, it can be said that the use of military intervention in the application of preventive diplomacy was a contributing factor which led to Jammeh accepting the final rounds of negotiations headed by the ECOWAS. The presence of the military troops around the borders of the Gambia posed a credible threat to Jammeh as the army in the Gambia were no match for the ECOWAS Mission in the Gambia (ECOMIG).¹⁷⁴ Therefore, through effective

collective efforts at preventive diplomacy by regional actors the ECOWAS, the AU, and the UNOWAS, a potential armed conflict and widespread civil unrest was averted.¹⁷⁵

In spite of ECOWAS' approach towards preventing violence and promoting democracy in the Gambia, many criticized the approach of the ECOWAS and raised questions as to why Jammeh was not prosecuted immediately for his crimes but given an exile to Equatorial Guinea. He was also allowed to leave with most of his possessions valued at USD 11.4 million and a fleet of luxury cars, leaving Gambia's coffers empty.¹⁷⁶ However, all four experts interviewed were of the view that exile was the best way out during this period.¹⁷⁷ Nana Ato Dadzie stated that, it was necessary to agree to an exile and not an immediate arrest or prosecution for crimes committed due to the support Jammeh still had in the Gambia. He was of the view that ECOWAS needed an immediate option that would restore peace and neutralize the potential for violence or the outbreak for violence, thus, ECOWAS agreeing to an exile for Jammeh was the best resort at that point.¹⁷⁸

3.5.1 Effectiveness of ECOWAS Preventive diplomacy in the Gambia

ECOWAS preventive mechanism in the Gambia and the use of an early warning and response network was effective because the intervention was done in a firm and timely manner. This helped in preventing the crisis in the Gambia from escalating into a war. ECOWAS as a body observed and monitored the situation in Gambia and stepped in immediately when they saw an impending crisis. They therefore adopted and implemented strategies that aimed at preventing any form of conflict in the Gambia. As rightly expressed by Ambassador Satuh and Lund, the application of preventive diplomacy is effective when applied in a timely manner in the early stages of a crisis.

Thus, by the ECOWAS intervening the time they did they were able to put into effective use preventive diplomacy to stall an impending crisis.¹⁷⁹

ECOWAS managed to “restore democracy” in the country by applying preventive diplomacy tools through the use of mediation, negotiations and the threat of force, but without any use of direct physical violence.¹⁸⁰ This form of preventive diplomacy is described by Michael Lund as coercive diplomacy. ‘Coercive diplomacy’ refers to a defensive approach to achieve a peaceful settlement of a severe conflict and use the threat of force as a last resort.¹⁸¹ According to Lund coercive diplomacy is when ‘soft’ measures are followed by ‘hard measures’, the more a conflict escalates. Thus, diplomacy must precede the use of force.¹⁸²

Effective collaboration amongst member states within the ECOWAS and support from the international community also contributed to the success in the restoration of democracy in the Gambia. Throughout January 2017, ECOWAS leaders and UNOWAS responded to the Gambia crisis with consistent diplomatic and military pressure. This included clear requirements and deadlines for Jammeh to agree to a democratic transition or face the risk of being forcibly removed from the state.¹⁸³

According to the ECOWAS, President Jammeh's volte-face was unacceptable and threatened the peace not only in the Gambia but in the entire sub-region of West Africa. This influenced the decision of the ECOWAS to send a mediation commission to Banjul.¹⁸⁴ However, the commission failed to persuade Jammeh to change his stance¹⁸⁵ influencing the decision of the ECOWAS to introduce a military intervention. Ambassador Baah Duodu was of the view that the application of

preventive diplomacy does not exempt the use of military intervention. He opined that the use of military intervention and the threat of force is part of the mechanisms deployed in the effective use of preventive diplomacy. Ambassador Satuh on the other hand opined that preventive diplomacy aims at using peaceful means through negotiations and mediations. According to him, the moment military intervention takes place preventive diplomacy is no longer in use.

The ECOWAS strategy was also efficient because it upheld the values of liberal democracy. Nothing would be more incorrect than to suggest that ECOWAS officials defended the values of liberal democracy in Gambia in order to please the Western donor community. West African leaders and bureaucrats had clear possession of the process and effectively discovered an ‘African alternative to an African issue, for good or for worse.’¹⁸⁶ The ECOWAS did this successfully by shouldering their own financial responsibilities in preparing, deploying and sustaining the force. This contributed to the swift and decisive action taken by ECOWAS without having to seek external help.¹⁸⁷

3.5.2 ECOWAS Conflict Resolution and Challenges in Gambia

The key challenge of ECOWAS conflict resolution in the Gambia centered on the behavior of military leaders to cling to power by army command. This behavior was exhibited when ECOWAS adopted preventive diplomacy in Gambia, after the 2016 elections. On 10 December, troops were deployed on the streets of Banjul as a sign that Jammeh was still in control of the “security apparatus.” The Electoral Commission's offices were occupied by the military on December 13 and employees were prevented from entering the building.¹⁸⁸ Never before in the 50 years since

independence has there been a power shift through elections, and President Yahyah Jammeh's heavily authoritarian government has shown little sign of exiting.¹⁸⁹

The next challenge ECOWAS faced was the unwilling attitude of Jammeh to hand over power in spite of all indicators that he has lost power. Under the plurality electoral system in the Gambia, Barrow won with 43.3 per cent of the votes, with Jammeh obtaining 39.6 per cent and a third candidate winning the remaining 17 per cent¹⁹⁰ yet Jammeh refused to step down. Jammeh did not seem committed to handing over power to the elected president and to support his stance, he claimed the elections had been rigged.¹⁹¹

Also, Gambia as a state during the December 2016 elections was an extremely unlikely context for the defeat of an incumbent in Presidential Elections. Though some citizens supported the opposition, they did not believe the opposition could win the elections. So, it took almost everyone by shock when the Gambia Electoral Commission declared opposition candidate Adama Barrow the winner of the election on 2 December 2016.¹⁹²

A challenge again was Jammeh's assertions to have been rigged out of power by the opposition and the Electoral Commission.¹⁹³ Such declaration made by an incumbent President has the potential to result in the outbreak of violence between followers of Jammeh and Adama Barrow. Thus, the early intervention of the ECOWAS was very key to avert forms of violence from breaking out in the Gambia.

Another challenge faced by the ECOWAS conflict resolution in Gambia was its restriction from observing the 2016 presidential elections. President Jammeh refused to permit the ECOWAS Observation Team to oversee the December 2016 presidential elections.¹⁹⁴ This indicated that the Jammeh administration did not favor disagreements. Disagreement was discouraged. Participatory politics was limited in its expression to areas regulated by the State.¹⁹⁵ The role of the opposition in government was weak as they lacked access to state resources.¹⁹⁶

3.6 Conclusion

The concept of preventive diplomacy under the ECOWAS is clearly stipulated and operationalized through the provisions in Article 58 of the Revised Treaty, Articles 3, 8-27, 31-32 of the ECOWAS Mechanism. It includes Article 36 of the Protocol on Democracy and Good Governance.¹⁹⁷ It is aimed at lessening tensions to ensure the peaceful resolution of dispute within and between member of states through good offices, mediation, conciliation, dialogue, arbitration and negotiation.¹⁹⁸ The application of preventive diplomacy in the Gambia was done through dialogue, mediation and negotiation by the various heads of states within the ECOWAS.

Preventive diplomacy in the case of the Gambia came in the form of appeals to Yahyah Jammeh prior to the elections to sign an agreement to have a free and fair election and the opposition given an equal playing ground to participate in the election.¹⁹⁹ Nana Ato Dadzie in an interview stated that in the institution of democracy, ‘the rules of democracy are preset’ and parties must pre-agree that no matter the outcome of an election they are bound by the results of the election.²⁰⁰ Thus, by Jammeh agreeing to the rules of elections prior to the elections, he was expected to comply with the results of the elections.

In addition, ECOWAS, with the consent of the United Nations and President-elect Adama Barrow, had a definite legal mandate to threaten the use of force to safeguard democracy in one of its member states. However, there is a general agreement that the ECOWAS forces could have easily handled the comparatively tiny Gambian army. The Gambian president was also unable to rely on friends among his regional allies or some strong ally from outside Africa and regional leaders such as Nigeria and Senegal as these nations made a reliable commitment to regional intervention.²⁰¹ Preventive diplomacy therefore played an instrumental role in preventing a likelihood of a violent conflict in the Gambia through the support of ECOWAS, the AU and the United Nations to ensure that the verdict of the people delivered at the polls of 1st December 2016 is upheld.²⁰² The timely intervention of the ECOWAS in the 2016 Gambia election crisis was therefore a victory for pro-democratic activist regionalism.

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CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.1 Summary of findings

This study outlined the importance of preventive diplomacy in the international system and prevailing factors that influenced the implementation of the mechanism. The concept of preventive diplomacy was introduced during the Cold War era due to the irreversible effects suffered from wars which includes the loss of lives, loss of properties, traumatic effects suffered by victims and peacekeepers and the high cost of war in the international system. This influenced the need to introduce a mechanism that can aid in preventing conflicts from breaking out and in instances where there are outbreaks, putting in place mechanisms to curb it so these conflicts do not escalate. This mechanism is referred to as preventive diplomacy.

In meeting the objectives and answering the questions of the study,

- The study revealed preventive diplomacy as a mechanism introduced at the initial phase of a crisis to prevent an escalation of the crisis into conflict. The study also identified that in the application of preventive diplomacy, the establishment of confidence between the parties in conflict and the mediator is key as it helps in the effective resolution of the conflict. Also, identifying the root cause of the crisis is essential in the successful resolution of a dispute.
- The study revealed the instrumental role played by the ECOWAS in the resolution of the conflict in the Gambia. ECOWAS as a regional organization in seeking to promote regional peace and integration is concerned with the maintenance of stability and good governance

within the region as the absence of political stability does not promote economic stability. ECOWAS through their bodies which includes WANEP and ECOMOG worked together to curb the crisis in the Gambia from escalating.

- The study revealed ECOWAS enforcing its protocol on democracy and good governance and the ECOWAS Mechanism in the crisis in the Gambia. By enforcing these mechanisms, the body condemned the actions of Jammeh and demanded that he step down. The study identified the use of the track one and coercive form of preventive diplomacy in the Gambia. Thus, a continuous mediation processes undertaken by Heads of State from the ECOWAS and the threat of the use of force was used in a quest to influence Jammeh to step down.
- The study also established the use of all possible means through dialogues and negotiations as well as the threat of the use of force by the ECOWAS to get Jammeh to step down. This was done through the invocation of Article 25 of the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. ECOWAS therefore placed standby forces on alert and decided to use military intervention as a final option if diplomatic talks with Jammeh failed.
- The study established the collective action undertaken by the states within the ECOWAS by instituting the ECOMIG to help in dealing with the crisis. The presence of the military and constant dialogues with the members of the ECOWAS played a crucial role in Jammeh eventually accepting to step down and going into exile in Equatorial Guinea.
- The study revealed the application of preventive diplomacy through constant dialogues and effective negotiations by the ECOWAS as firm and timely. Though ECOWAS faced challenges and opposition in the course of applying preventive diplomacy, their resolute

stance and co-operation amongst member states as well as support from the International community contributed to the eventual restoration of peace and democracy in the Gambia.

- The study revealed the challenges faced by the ECOWAS in the application of preventive diplomacy. One challenge included the support demonstrated by some members of the military towards Jammeh despite his loss to Adama Barrow. The unwilling attitude of Jammeh was also a challenge the ECOWAS had to deal with to ensure the will of the people of Gambia was respected. The lack of invitation to international observers by the Jammeh government to observe the 2016 Elections was another challenge the ECOWAS had to deal with during the 2016 Election crisis.

4.2 Conclusion

The people of Gambia suffered abuses and limitation of freedom under the authoritarian rule of Yahyah Jammeh. The constitution in the Gambia was also amended to favor Jammeh during his tenure of power. However, changes made in the constitution in 2011 which includes the introduction of the on-spot voting as well as the unification of the opposition parties changed the dynamics of the 2016 December elections which resulted in Jammeh's loss.

ECOWAS preventive mechanism was undertaken through the activity of monitoring electoral activities in the Gambia prior to the elections, during the elections and after the elections. The UN, AU and the ECOWAS worked together to ensure the will of Gambians was respected post-elections. Preventive diplomacy was therefore applied to prevent the post-election crisis resulting from Jammeh's refusal to step down from escalating into bloody conflict. ECOWAS activities in Gambia can be described as a track one form of preventive diplomacy as ECOWAS engaged in

communication between governments. The conflict resolution strategy of ECOWAS included United Nations as a key player. Diplomacy, negotiation and mediation characterized the activities of ECOWAS during the crisis. Despite the series of dialogues undertaken in the early stages of the crisis, it was the presence of the military in the Gambia that influenced Jammeh's decision to finally agree with the proposals of the ECOWAS.

In the end, the application of preventive diplomacy in a timely manner by the ECOWAS resulted in no blood-spill of innocent civilians. Cost was also reduced as there was no destruction of properties and the military presence in the Gambia were catered for by the Heads of States within the ECOWAS. There was also the restoration of democracy as Adama Barrow, the President elect returned to the Gambia upon the exile of Jammeh to begin his tenure of office. Thus, from the above analysis, ECOWAS played a crucial role in ensuring that democracy and good governance were restored in Gambia. This was effectively done by the ECOWAS by intervening in a timely manner and maintaining a firm posture in ensuring the right thing was done through the application of preventive diplomacy in the 2016 Gambia post-election crisis.

4.3 Recommendations

- In the application of preventive diplomacy in any crisis, it is essential for regional and sub-regional organizations like the African Union and the ECOWAS to strengthen their early warning systems within member states. The presence of early warning systems in member states must influence early response to crisis by the regional organizations. This can be through the establishment of 'focal points' or people/institutions within a state helping regional and sub-regional organizations by informing them early of activities or situations

that are likely to lead in conflict. This will help ensure timely intervention during crisis. These focal points will also have a better understanding of the root cause of the brewing crisis and be able to assist the mediation team on how best to solve the crisis. This helps in early prevention as well as addressing the crisis by dealing with the root cause thereby efficiently solving the crisis. Though ECOWAS has the ECOWARN, this must be strengthened through cooperation with member states through the establishment of early warning systems. Early warning and early response are key in the application of preventive diplomacy as conflicts that have escalated are difficult and sometimes impossible to deal with without any damage or cost been caused. The study therefore recommends international, regional and sub-regional organizations to strengthen their early warning and early response systems through the establishment of focal points to help early detect situations that can lead to crisis to enable early prevention.

- Collective action and support by the international community is very key and instrumental in regional and sub-regional organizations intervening in crisis within member states. Unlike the Rwanda genocide, the ECOWAS in the Gambia post-election crisis had the support of the International community. This gave ECOWAS the authority to intervene in the crisis. ECOWAS also had the support of its member states as all member states within the region were not in support of the stance of Jammeh. This encouraged ECOWAS to pursue its preventive diplomacy mechanism and military intervention. Member states of the ECOWAS also willingly allowed their soldiers to engage in the intervention and provided the needed resources themselves to ensure the mechanism was successful. It is therefore essential that in cases of crisis, the international community swiftly supports

regional and sub-regional organization to intervene in these crises to prevent an escalation of the crisis. It is also recommended that member states within an organization co-operate in crisis situations as it helps make intervention easier.

- Leaders within the sub-region who violate their presidential term limit and abuse the constitutional rights of their citizens must be sanctioned and made to face trial for their actions. Such cases can be handled by the regional bodies without necessarily seeking the help of the West. This can be made possible when courts of justice within the regional bodies are well resourced and equipped to handle such sensitive cases. The ability of the regional bodies in Africa in ensuring a strict enforcement of sanctions and trials to leaders who violate the constitutional rights of their states will aid in ensuring that leaders respect the protocols and regulations of the regional bodies they belong.
- The media and civic societies have a role to play in educating citizens within a state of their rights during elections. This can be done by educating citizens and informing them on what to do prior to an election, during and after an election. The media and civic societies can also educate citizens about the power they possess in choosing any government of their choice without any fear. Citizens must also be educated on the role of the electoral commission during elections and the power the electoral commission possess as being the only body that has the mandate to announce who wins and loses an election. Such constant education by the media and civic societies will encourage citizens to trust in the constitution and believe in the power they possess as citizens of a state. The media can also constantly give updates to the citizens on electoral processes by taking live coverages of

events prior, during and after the elections. When this is done, the citizens within a state are aware of happenings within the state and can make informed decisions.

- Regional and sub-regional organizations like the AU and ECOWAS must be equipped with the needed tools and resources to aid in dealing with crisis when they emerge. Often, there is the limitation in intervention when these organizations lack the needed resources to aid them. This can be done through the mobilization of resources from within the organization. Also, training schools can be established within these organizations to train skilled mediators. Former Heads of States can also be encouraged to partake in mediation processes due to their experience in governance. This will ensure that individuals who partake in mediation processes are skilled and capable of solving a crisis and not escalating the crisis. Also, by internally mobilizing resources, African states can do away with over-dependence on the West especially in handling issues within the continent.

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