

**APPLICATION OF THE CONFLICT RESOLUTION MECHANISM OF ECOWAS ON
THE MANAGEMENT OF THE GAMBIA'S POST PRESIDENTIAL ELECTION
CRISIS.**

BY

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**BEING A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE
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DECLARATION

I hereby declare that the project entitled *Application of the ECOWAS Conflict Resolution Mechanism on the management of The Gambia's Post Presidential Election Crisis* submitted by Ezeilo Ujunwa to Godfrey Okoye University Ugwuomu, Enugu in partial fulfilment of the requirements for the award of the degree of B.SC in International Relations. The original work is mine except the ones specified in the references.

I further declare that the work reported to this project has not been submitted and will not be submitted either in part or in full, for the award of any other degree or diploma in this university or any other university.

Sign

Date

APPROVAL PAGE

This study Application and the ECOWAS Conflict Resolution Mechanism on the Management of the Gambia’s post Presidential Election Crisis has been approved for the award of Bachelor of Science Degree in International Relations of Godfrey Okoye University, Enugu.

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DEDICATION

This study is profoundly dedicated to my late mum Mrs Maryann Ezeilo who from the dwelling place of the Most High has continued to intercede for me in this vale of tears.

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Preliminary Pages

Title page

Approval page

Dedication

Acknowledgements

Table of contents

List of Abbreviation

Abstract

Chapter one: Introduction

1.01 Background of Study

1.02 Statement of the Problem

1.03 Research Questions

1.04 Objectives of the Study

1.05 Significance of the Study

1.06 Scope of the Study

1.07 Hypotheses

Chapter Two: Literature Review

2.01 Review of Related literature

2.02 Summary of the gap in literature

Chapter Three: Theoretical Framework and Methodology

3.1 Theoretical framework

3.2 Research Design

3.3 Method of data collection

3.4 Method of data Analysis

Chapter Four

- 4.01 Data Analysis for Hypothesis one
- 4.02 Data Analysis for Hypothesis two
- 4.03 Data Analysis for Hypothesis three

Chapter Five

- 5.01 Summary
- 5.02 Conclusion
- 5.03 Recommendations

Bibliography

List of Abbreviation

ARIA: Assessing Regional Integration in Africa.

AU: African Union.

AUC: African Union Commission.

ECONEC: ECOWAS Network of Electoral Commission.

ECPF: ECOWAS Conflict Prevention Framework.

ECOMOG: ECOWAS Monitoring Group.

APRC: Alliance for Patriotic Reorientation and Construction.

AFPRC: Armed Forces Provisional Ruling Council.

IOM: International Organization for Migration.

UDP: United Democratic Party.

GOFER: The Gambia Opposition for Electoral Reform.

UNOWAS: The UN Regional Office for West Africa and the Sahel.

WANEP: The West African Network for Peace Building.

INEC: The Independent Electoral Commission.

Abstract

Gambia, which is the smallest country in mainland Africa, has been confronted with countless challenges of electoral malpractices and corruption among the leaders since its independence. These challenges have resulted in the killings of many journalists and members of the opposition party. Yahya Jammeh, having plundered The Gambia's state coffers through his numerous corrupt schemes; and rigging elections has enabled him to run the country as his personal property and estate. Thus, this has resulted in his refusal to relinquish power to the winner (Adama Barrow) of the 2016 presidential election. In resolving the Gambian crisis, ECOWAS adopted some of its already established mechanisms such as the ECOWAS mechanism on Conflict Management, Resolution, Security, and Peacekeeping and ECOWAS mechanism on Good Governance and Democracy. The study adopted Bargaining Theory of Coercion in order to understand the coercive mechanism of ECOWAS in resolving the conflict in the Gambia. For the purpose of data collection, the study relied on documentary method. By so doing, data were collected from secondary sources by reviewing various newspapers, journals, textbooks and online sources. The findings of the study reveal that ECOWAS has been very successful in its Conflict Resolution Mechanisms in West Africa as it has resolved several conflicts with/in the region. These countries include Liberia, Sierra-Leone, Cote d' Ivoire, Togo and recently the country under study (The Gambia). Consequently, this study therefore concludes and recommends that other sub regional bodies should emulate ECOWAS in adopting their conflict resolution mechanism within their sub region. Finally, ECOWAS should also ensure that democratic governance through free, fair and credible elections, rule of law and respect for human rights are fully respected and implemented in her sub region.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Africa has been the most vulnerable and most externally threatened region in the world. She has experienced brutal, exploitative and oppressive form of colonialism; and this has left negatively impacting legacy on the African continent. Since the 1990s, the sub region West Africa has become home to some of the bloodiest and deadliest conflict; and represents one of the sub regions that have the potential to become a real threat to International peace and security. Over the years, the sub region has been affected by many cases of political instability, lack of governance and bloody insurgencies. States like Sierra Leone, Liberia, Guinea-Bissau, Cote d'ivoire and Nigeria have seen civil wars; and coup d'état have been experienced by countries like The Gambia, Niger, Guinea as well as other ethnic and religious clashes in Benin Republic, Nigeria and Mali.

Conflict is derivable from the possession of, and pursuit of divergent ideas, goals, claims, interests and aspirations by people in their relations (Ugokwe, 2006). Conflicts occur between individuals, within states (civil wars), and between states (International Conflict). According to Ross Stagner (2010) conflict is a situation in which two or more human beings desire goals which they perceive as being obtainable by one or the other, but not both. This means that conflict has been part of mankind since creation, and that it will continue to be so. While resolution consists of all actions taken to sustain the resultant peace from the management of the conflict, and the prevention of a reoccurrence of the conflict. This includes post conflict activities (peace building) such as elections, rebuilding of government and infrastructure, rehabilitation of displaced persons and the establishment of mechanism for conflict prevention. In 2011, Otite asserted that because there is hardly any permanent peace or permanent resolution or transformation of conflict, it might be more

appropriate to speak of conflict management as a means of coping with the process of resolving and transforming conflict. Conflict Resolution is defined as the method and processes involved in facilitating the peaceful end of conflict and retribution.

ECOWAS has adopted some mechanisms in conflict prevention and resolution and on Good governance and Democracy. ECOWAS is the major regional economic unit of the sub Saharan western Africa, the region encompasses 15 nations of which one member is an island state. The Economic Community of West Africa State was established on 28th May 1975 in Lagos, Nigeria. The original fifteen states were Benin Republic, Burkina-Faso, The Gambia, Ghana, Guinea, Guinea Bissau, Cote d'ivoire, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togolese Republic. In 1976 the island nation of Cape Verde joined ECOWAS as its 16th member and Mauritania left the organization in 2002. ECOWAS brought together the 15 West African countries, irrespective of their official language or their colonial past. The objective assigned to the community by this initial treaty were at the beginning essentially economic: to promote cooperation and development in all fields of economic activity, accelerated and sustained economic development of member states through effective economic cooperation and progressive integration of economics.

Although security issues have been a problem in sub region. Then in 1999 in Lome, the Heads of State and Government of ECOWAS adopted the protocol on Conflict management, Resolution, peacekeeping and security. Another similar protocol to this is the protocol on Democracy and Good Governance which falls in line with the declaration of political principles of the Economic Community of West African State which was adopted in Abuja in July 1999, on Freedom, People's right and Democratization. It is by virtue of this declaration that the revised treaty prescribed the promotion and consolidation of a democratic system of governance in each member state as a

fundamental principle of the community. Concerning election the protocol also prescribes a set of rules prohibiting any substantial modification of electoral laws in the last six months before the election, encouraging maintenance of up-to-date and reliable voters list, mandating that election elections be held at fixed periods, and calling for independent or neutral electoral commissions, acceptance of election results by all parties concerned, and election monitoring and ECOWAS assistance.

The year 2015 and 2016 were crucial to the Economic Community of West African States ECOWAS from the perspective of its efforts to ensure sustainable peace and stability in the region, through supporting the conduct of peaceful elections and the orderly transfer of power ECOWAS has a rich history of managing political transition and election in the past 18 years following the adoption of the 1999 protocol relating to the mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security as well as the 2001 supplementary protocol on Democracy and Good Governance. December 2016 to January 2017 showed indeed how effective these mechanisms of ECOWAS were, in the intervening in its member state; The Gambia, for the 22 years of its presidency, its government was variously accused of human rights violation and the emasculation of political opponents. Following the disputed December 2016 presidential election in the Gambia, ECOWAS managed to restore democracy in the country by using the threat of force, but without any use of direct physical violence. It should be noted that scholars have not really done much work on the general applicability of the ECOWAS that Both African Union and the United Nations Security Council backed ECOWAS, which gave ECOWAS legitimacy for what was essentially ECOWAS policy, and indeed an African solution to African problems.

1.2 Statement of the Problem

Since the decolonization process began in Africa in the mid-1960s several African leaders who were elected have had serious problem with relinquishing their position or allowing an election to take place in their unending quest for power. Such leaders include Robert Mugabe of Zimbabwe, Teodoro Obiang Nguema Mbasogo of Equatorial Guinea, Jose Eduardo Dos Santos of Angola, Pierre Nkurunziza of Burundi, Paul Biya of Cameroon, General Idris Deby of Chad, Isaias Afwerki of Eritrea and Yahya Jammeh of The Gambia. A significant debate that has not only engulfed the academic sphere, but also the public space, is how to consolidate democracy. This is perhaps because the attempt at consolidating democracy is a more arduous task than the effort at establishing it (Schedler, 2001). The electoral experience of credible and flawed elections, which have put many countries on contradictory trajectories regarding the consolidation of democracy, further underlies the complexities of this challenge.

In some African countries where democracy have thrived, such as Senegal, Ghana and Benin, there are worrying concerns about the manner in which political elites flagrantly and frequently violate the principles of the rule of law, constitutionalism and liberties (Lynch and Crawford, 2011). In the absence of these principles, elections have been reduced to ‘do-or-die affairs’ or a zero-sum game attached to winning elections. By clinging on to political power, they do not only engage in ‘reckless manipulation, but are also engulfed with the politics of brinkmanship and subversion of democratic rule and procedures’ (Adejumobi, 2000:59).

Within the ECOWAS framework they have observed that this is the problem and as such have issued that all members should adopt the protocol on Good Governance and Democracy and the protocol on Conflict Management, Security and Resolution which is in fact the reason why ECOWAS leaders were mandated to seek resolution of the Post Election crisis in the Gambia.

Hence this study is expected to provide empirical facts on conflict resolution mechanism applied in the Gambian crisis.

1.3 Research Questions

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

1. .Did the principle of Non Interference in the ECOWAS treaty weaken early resolution of the Gambia's post election crisis?
2. Did the deployment of Coercive Diplomacy during the post-election crisis contribute to Democratic Consolidation in The Gambia?
3. Can ECOWAS tactics of Coercive Diplomacy serve as a model to other regional bodies in the Continent?

1.4 Objectives of the Study

The general objective of this study aims at evaluating critically the Application of the ECOWAS Conflict Resolution Mechanism. However the specific objectives of this study are as follows:

1. To examine if the Non Interference in the ECOWAS treaty weakened early resolution of the Gambia's post election crisis.
2. To ascertain critically the deployment of Coercive Diplomacy by ECOWAS in consolidating Democracy in the Gambia.

3. To evaluate if the ECOWAS tactics of Coercive Diplomacy in the Gambia has the possibility of General Applicability in the regional bodies in the continent.

1.5 Hypotheses

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

1. The principle of Non Interference in the ECOWAS treaty weakened early resolution of the Gambia's post election crisis.
2. The employment of the Coercive Diplomacy by ECOWAS in resolving the post-election crisis contributed to Democracy Consolidation in the Gambia.
3. The ECOWAS tactics of Coercive Diplomacy in the Gambia has the possibility of General Applicability in other regional bodies in the continent.

1.6 Significance of the Study

This work has both theoretical and empirical significance.

Theoretically, it will be of great importance to the existing body of knowledge on the topic Conflict Resolution mechanism and Democratic consolidation in West Africa; it will also serve as a basis for educating people on electoral conflict and the importance of conflict resolution in Africa and its impact on Democratizing countries. It will also serve as a source of reference for other researchers and for further research.

Empirically, the study of this nature is expected to improve the performance of ECOWAS in making decisions that will enhance peace and conflict resolution in warring countries. It will

also pave way for other African leaders to have democratic consciousness in implementing and executing laws which will be of utmost benefit to all.

1.7 Scope of Study

The work is on Application of the Conflict Resolution mechanism of ECOWAS in the Management of the Gambia's post presidential election crisis. Its content scope is focused on the mechanism used by the ECOWAS in resolving the conflict in the Gambia.

1.8 Limitation

During the course of this study the researcher encountered a lot of constraints, prominent on the list is fund, time and insufficient materials to carry out the research.

Another major constraint was the inability to lay hands on vital information given that the topic is something that happened recently and most work on it are mainly in newspapers and not in Text books. Also during the course of this study people were not too free to give me information for security reasons in the country. Despite these obvious limitations, the researcher was able to pull through, thanks to the information gotten from the state library. All information obtained were carefully scrutinized and placed within proper context to avoid ambiguity.

CHAPTER TWO

Literature review

2.1 Review of Related Literature

This is a critical examination of the past works of others researchers and scholars in the area of African electoral conflict. Therefore the review of this work focuses on the contributions and relevance materials such as textbooks, journals and newspapers. The review is done under the following subheadings. Conflict is defined in so many ways; there is no unanimity among the scholars about what constitute a conflict, one school in North America defines conflict in terms of clash of interests between two parties. Kenneth Building for instance states that conflict over interests are situations in which some change makes at least one party better off and the other party worse off, each in their own estimation. Johan Galtung who represent another school, maintain that “injustice and structural violence” mark a conflict situation; according to him, absence of physical violence and direct confrontation between actions does not necessary mean that structural violence is totally absent.

The word conflict is derived from the Latin word “Confligere” meaning to strike together or to clash (Oyedepo et al (2013; 2). Conflict is as old as humanity and be traceable to the biblical garden of Eden where our first parents: Adam and Eve” had conflict with God which led to their being thrown out of the Garden (King James Version Genesis 1:23). Conflict has no general or scholarly acceptable definition as different scholars defined it according to their perspective.

Quincy Wright (1990; 19) defined conflict as an opposition among social entities directed against one another. This definition emphasizes that conflict erupt during social interaction among people when there is antagonism among them.

Kriesberg (1973:17) simply defined it as a relationship between two people or more parties who believe they have incompatible goals. This definition attributes conflict to perception among two people or more seeking to achieve conflict to perception among two or more people seeking to achieve some goals which they feel is irreconcilable. From the above scholarly definition it could be deduced that conflict is inherent in human life in as much as there are interaction among them.

Robin (1997) and Rao and Narayana (1998:398) posits that conflict is a process in which an effort is made by one person to unit to block another that results in frustrating the attainment of another's goal or the furthering of his interest. In the above definition the scholar asserts that whenever the someone group deliberately, intentionally, unjustly and consciously obstruct another from attaining a set goal or interfere, conflict occurs.

Ifesinachi (2009:73) opines that conflict as the pursuit of incompatible interests and goals by different groups. The use of force and armed violence in pursuit of interests are goals, or produce armed conflicts.

Adam Curie present a broader definition, for him conflict is a situation where “potential development’ of one party is impeded on another. However, the most widely used definition links a conflict situation with “incompatible goals” of parties. According to Michel Nicholson a conflict exits when two people wish to carry out acts which are mutually inconsistent.

2.1.1 Types of Conflict

Okoli (2000) in his book discussed the types of conflict as shown here:

1. Intra- Personal Conflict: This is the type of conflict that occurs within an individual. It is common but very dangerous it can be caused by transferred aggression or choice of a partner, use of time, bad mood etc.
2. Inter-Personal Conflict: this type of conflict occurs between two parties or more. Whenever two persons or parties are in competition over certain goals or interests they are involved in inter personal conflict. This could manifest in two families, husband wife, coworkers etc.
3. Intra-Group Conflict: This type of conflict occurs within a group and among individuals within the group. It could be religious group, ethnic group or political group or party.
4. Inter-Group Conflict: This type of conflict occurs between two groups or more. It may be in the form of class versus class.
5. Communal Conflict: This type of conflict occurs in our respective communities or a particular geographical location it can arise mostly because of land dispute or chieftainy dispute.
6. Intra - State conflict: This type of conflict that involves different groups within a state. This may occur because of political differences, ethnicity, as well as religious differences among groups within a state. The Gambian post-election crisis of 2016 is a good example of this type of conflict, which this study is currently looking at or examining.

7. Inter-State Conflict: this type of conflict cut across states within a country. Some of the causes includes revenue allocation dispute, interstate boundary dispute, and natural resource deposit dispute.
8. National Conflict: This is the type of conflict that occurs within a sovereign state that took a national dimension and could be intra or inter-state in nature examples of this are the national industrial action by ASUU in Nigeria, the organized labor over fuel subsidy in early 2012 among others, the occupy wall street in USA and the Nigerian civil war and so on.
9. International Conflict: This type of conflict occurs between two or more countries of the world. It could also occur when a multilateral action is taken against a recalcitrant state like when NATO through the UN mandate invaded Libya during the reign of Col. Mummar Gaddafi which caused a civil which caused a civil war that led to the death of the of the former Libyan man. Another example of where multilateral action was taken against a recalcitrant regime was when the UN authorized military action against Iraq over its invasion of Kuwait. International conflict could be caused, precipitated or triggered by terrorism, ideological differences, territorial claim, political interference in internal affairs of another country, cold war.

Other examples of international conflict include Nigeria and Cameroon dispute over the Bakassi peninsula, conflict between Argentina and the Britain over Falkland Island, Iran-Iraq conflict of the 1980s, the cold war (1945-1989) between soviet led Eastern Europe and the US led Western European nations, the Arab-Israel conflict of 1960s, and Israeli-Hezbollah conflict among others.

2.1.3 Stages of Conflict

In the “Latent Stage,” the first stage in the five stages of conflict, people may be in conflict without being aware that they are in conflict. An example of this could be that a server at a restaurant may have inputted an order incorrectly and the food being made for a table is the wrong food. The manager and table do not know this yet and conflict has not arisen yet.

The “Perceived Stage” is when the people involved in a conflict become fully aware that there is a conflict, so the table has now been made aware and complained to management. Management will now go over to speak with the employee about it.

During the “Felt Stage” stress and anxiety are felt by one or more of the participants due to the conflict, the manager does not enjoy causing conflict and the employee does not enjoy being under scrutiny.

This will undoubtedly lead to the “Manifest Stage,” during which the conflict can be observed. The Manifest Stage can take a number of shapes including: e-mails, phone calls, phone messages, face-to-face meetings, or any situation in which the conflict could be observed. When the manager pulls the employee aside to speak with him or her, others perceive the conflict and it has manifested.

The final stage is the “Aftermath Stage,” which takes place when there is some outcome of the conflict, such as a resolution to, or dissolution of, the problem. When the manager corrects the mistake with the customer and takes appropriate steps to ensure the server is more careful in the future.

2.2 A Clear Understanding of Conflict Resolution

Having enumerated the various kinds of conflict it should be noted that it can be solved or managed. Otite (1999) asserted that because there is hardly any permanent peace or permanent resolution or transformation of conflicts, it might be more appropriate to speak of conflict management as a means of coping with the process of resolving or transforming conflicts. As a defined field of study, conflict resolution started in the height of the cold war when the developments of nuclear weapons and the conflict between the superpowers seemed to threaten human survival.

Wallenstein (2000) in his Book Understanding Conflict Resolution defines conflict resolution as a situation where the conflicting parties enter into an agreement that solves their central incompatibilities accept each other's continued existence as parties and cease all violent action against each other. This means of course that conflict resolution is something that necessarily comes after a conflict. Let us scrutinize key elements in this definition. The "agreement" is normally a formal understanding, a document signed under more or less solemn conditions. Such agreement may exist in secret document or as deals about which the parties have been more or less explicit. However, such informal pacts require considerable trust between the parties. They are most likely not made without there being a formal arrangement; thus the formal agreement is important in any peace process.

The definition talks about parties accepting "each other's continued existence as parties" this is an important element as it distinguishes a peace agreement from an agreement of capitulation. An agreement of capitulation is the strongest agreed expression of victory and defeat. It means that one sided lays down its struggles, dissolves its organization, departs from the disputed territory,

and the in short ceases to be an actor of influence and significance. An example is a withdrawal agreement. This is an agreement where one side agrees to remove troops from the area of dispute and where this is the only matter the agreement regulates. The withdrawing party is not likely, however, to see it as a matter of capitulation although the essence of the agreement is to end that party's participation in the conflict. An example is the Soviet Union in internal Afghanistan affairs. Another example is the Charles Taylor who leaves the country in 2003, thus ending a civil war and opening a chance for long term peace building in the war torn country. Lately there have been victories without agreements or acts of capitulation. The USA declared defeat of Hezbollah to be one victory in a war of terror; on May 1, 2003 the Government of Sri Lanka won over the Tamil tigers in May 2009 without a formal consent [i.e. capitulation] from the LTTE. The formulation that "the parties" is most important. Many times it can be done as a separate undertaking often the cessation of violence is made public at about the same time as the peace agreement is concluded. To the public at large, it means that the war ends and dangers of being killed are reduced, the armistice line drawn in 1949 separating Israel from its Arab neighbors were using in the agreement with Egypt 30 years later the same territorial division are relevant for a final agreement between Israel and Palestine. The lines now exist for more than 60 years.

Miall [2003; 8] defined Conflict Resolution as 'a variety of approaches aimed at terminating conflict through the constructive solving of problems, distinct from management or transformation of conflict'.

Miall et al (2001:21) indicate that by conflict resolution, it is expected that the deep rooted sources of conflicts are addressed and resolved, and behavior is no longer violent, nor are attitudes hostile any longer, while the structure of the conflict has been changed. Mitchell and Banks (1996) use conflict resolution to refer to

1. An outcome in which the issues in an existing conflict are satisfactorily dealt with through a solution that is mutually acceptable to the parties, self-sustaining in the long run and productive of a new positive relationship between parties that were previously hostile adversaries; and
2. Any process or procedure by which such an outcome is achieved

Putting all these ideas together, it can be said that in principle Conflict Resolution connotes a sense of finality, where the parties to a conflict are mutually satisfied with the outcome of a settlement and the conflict is resolved in a true sense.

2.3 The Nature and Character of Conflict in Africa.

Lewis Coser (1956) describes conflict as “a struggle over values, claims to status, power and scarce resources in which the aims of the opposing parties are not only to gain the desired values but also to neutralize, injure or eliminate rivals”. The conflict between Cameroon and Nigeria over the Bakassi Peninsula is an example of conflict over the benefits and advantages accruing from the environment. The history of environmental conflict in Nigeria can be attributed to the inter-ethnic struggle for resources, the most crucial being the control of rent from oil. The conflict in Niger Delta is an example of conflict within nations over natural and environmental resources.

In addition, the existence of classes in Africa's political economy is real and not imaginary; the heart of political conflict in societies is the issues of class. The distinctive character and crucial factor in the definition of classes is the domination of economic, political, ideological wealth, power and values by one social group over the other group. The struggle amongst competing groups for political power are said to assume the nature of classes and the struggles and conflict that follow it. Class conflict in Africa countries is patterned along the following feature; the general non-uniformity of identified class and their composition, the multiplicity and centrality of

bourgeois factions as the inevitable conflicting class; the attribution of a non-material basis for the classes identified, and their motives for conflict (Ehimika, 1999).

Even though the explanation of class conflict in Africa is varied, there is still a convergence of opinions with respect to its general character and basis. Central to the incidence and occurrence of class conflict in Africa is power. Claude Ake (1989) contends that there is an irreconcilable struggle between an existent dominant class and subordinate classes in respect of their hold on power. This triggers off conflict and violence. According to Bade Onimode, the idea of class politics is central to explaining national conflict in Nigeria, to him a central feature of political interaction amongst and between these classes is that of a “terrain of struggle between bourgeois ideology proper and working class ideology”, a struggle he describes as “inter-class” and “intra-class” (Onimode,1988).

Sam Nolutshungu (1990:89-115) also conceives conflict in the Nigerian political society as resident in the political class. To him, the Nigerian political class right from inception had always presented an image of a class in perpetual conflict. Central to Ake and Onimode analysis is expanded by the emphasis on the role of the state. The state is described to be an actor in the Production, mediation and control of class conflict. Eme Ekekwe sees the state as the major source of struggle amongst social classes because of the political power invested in it (Ekekwe, 1985).

Larry Diamond attributes crisis and conflict in post-colonial politics in Nigeria (Africa) to the emergence of a modern state with vast economic resources. To him, “the legacy that colonial rule left was the development of a modern state that dwarfed other organized elements of the economy and society”

(Diamond, 1988). The substance of the conclusion is that even though there is a semblance of truth in the conclusion that conflict in Nigeria (Africa) can be explained via the channel of class and class politics, the idea of class conflict is also subsumed in the incidence of conflict in other forms. Religion forms an integral part of identity construction and re-construction in politics all over the World.

Finally, there has been the dynamics of both inter-and intra- communal conflicts, which are increasingly becoming interesting in Africa as well as the social and political implications of such conflicts. The nature of this conflict is such that they occur within particular countries themselves or between two or more different communities. Sometimes, the conflict is between two states such as when there is a federal policy with respect to state creation. The limit to boundary adjustment between these states that were formerly one have often sparked off violent conflicts between them. They have a federal dimension to it in the sense that such conflicts may be borne out of the entitlement to some privileges. Again, the careless manner in which the colonial masters administered the relations between these communities have been cited as responsible for inter-and intra-communal conflicts in Africa practicing federalism has been a favorable precursor to the incidence and outbreak of these conflict. Rather than solve inter-ethnic conflict the federalism has been a favorable precursor to the incidence and outbreak of these conflict. Rather than solve inter-ethnic conflict the federal agenda has contributed to it in many ways. This is because federalism, as practiced in most Africa countries, is flawed; because it allows for domination by a single ethnic group.

2.3.1 West African Sub-Region as a Theatre of Conflicts

West Africa is a heterogonous and diverse sub-region made up of Anglophone, Francophone and Lusophone countries. The diversity in their political history is reflected in their different socio-

cultural, ethnic and religious orientations which has often led to political disputes and tensions between neighboring countries to the extent that the leaders are suspicious of the others intentions especially if they are not from the same “colonial bloc” (Francis, 2009). This colonial divide has manifested copiously in the sub-region’s quest for integration and cooperation.

While West African states may not be homogenous in terms of socio-cultural, ethnic and linguistic affiliations, what they however have in common is multiple layers of insecurity, underscored by poverty, under-development, instability and criminality. In fact, the sub-region has the highest incidence of military coups and interventions in civilian politics in Africa (Francis, 2001:11) which owes a lot to poor and irresponsible leadership whose policies have failed to translate into any meaningful form of development or security for the people. Governance in West Africa is not people oriented rather than provide security for the populace, West African leaders have become a source of insecurity and instrument of oppression and dictatorship (Adedeji, 2004). They have demonstrated flagrant abuse of state power which they have used to terrorize the citizens to the extent that Will Durant (1959:502) is of the view that “the greatest evil of the state is its tendency to become an engine of war, a hostile fist shaken in the face of a supposedly inferior world”. The drought of good governance or governance deficit as Adedeji (2004) puts it has resulted in rebellion and other forms of violent resistance by insurgents and rebel groups who emerged to challenge the legitimacy of the state. This has led to state failure and civil wars as the Liberians, Sierra Leoneans, Nigerians, Malians and Ivoirians know to their case.

2.3.2 Conflict resolution role of ECOWAS in West Africa

ECOWAS successfully transformed from being an economic body into an eco-political union and took upon itself the task to perform conflict management, peacebuilding and security stabilization functions in the West African sub-region. That the body has had a huge influence on the West African sub-region with regard to conflict management and conflict resolution cannot be disputed.

However, what remains controversial is whether its institutional framework for dealing with conflict has yielded maximum impact. In other words, is the ECOWAS conflict management framework effective enough in managing the current conflict triggers facing the region today? First, the ability or capacity for any organization including ECOWAS to undertake any security role can be found either in its constitutional provisions or the treaty establishing the body mandating that body to perform conflict management function or institutional mechanism through which such mandate can be exercised (Fanta, 2009). For ECOWAS, specific legal protocols have been adopted on how it intends to operate in peace and security affairs such as the Mechanism, the Democracy Protocol and the ECPF. However, the organization has neglected the need to adopt constitutional provision on these as the United Nations has done. It can be argued that ECOWAS has a relatively comprehensive institutional mechanism for dealing with conflict. For example, its decision to establish a peace organ attests to the fact that the organization is committed to sustainable peace in the sub-region. Either operating under Chapter VI or Chapter VII of the UN Charter, ECOWAS has shown to have considerable experience in peacekeeping, peacemaking and peace enforcement as its intervention in Liberia (1990-1998; 2003); Sierra Leone (1997-2000); Guinea Bissau (1998-1999); Niger (2005-2010); Togo (2009-2010); Cote D'Ivoire (2002-2004, 2007, 2010-2011), and so on depicts. Arguably, ECOWAS has a clear mandate and a considerably strong organizational capacity for peacemaking, peacekeeping and peace enforcement.

At the level of conflict prevention, ECOWAS Protocol on Democracy and Good Governance prescribes measures urging its member countries to respect democratic principles which would go a long way to ensure that unwanted conflicts do not arise. Although these measures have not entirely eliminated the problem of bad governance, coups and so on, they have helped to reduce threats to democratic governance and the negatives it can have on the sub-region. The ECPF is

another good example of ECOWAS efforts to prevent conflict and promote regional stability. A central part of the ECPF is the recognition that development, peace, security, and democratic governance are fundamental to the development of the ECOWAS region.

A crucial objective of the framework is to prevent the outbreak of violent conflict. In 2005, political events in Togo challenged the ECOWAS Protocol on Democracy. ECOWAS responded positively; unconstitutional ascension to power of Faure Eyadema was strongly condemned by ECOWAS. Togo was sanctioned, and suspended from participating in the ECOWAS activities; ECOWAS also placed travel ban on its leaders as well as imposition of arms embargo against the country (Clayton, 2005). ECOWAS' hard diplomacy paid off, Faure resigned as interim President of Togo. Presidential elections were conducted. However, to the disappointment of many, Faure Eyadema won about 60% of the total votes cast and was elected president (Levit, 2010).

Whatever the case, the threat of instability in the country was effectively reversed by the ECOWAS in a peaceful and non-violent manner. Fanta (2009) is of the view that ECOWAS remains at the forefront in terms of early warning. ECOWAS has worked with Civil Societies to establish four early warning bureaus in Banjul, Ouagadougou, Monrovia, and Cotonou (ECOWARN, 2008). Notwithstanding, ECOWAS early warning system (ECOWARN) has faced certain challenges. ECOWAS lacks the necessary human and material resources to effectively cover a vast region as West Africa with its enormous problems associated with underdevelopment, poverty, electoral and political violence and the general issues of human security.

Through diplomatic maneuvering, ECOWAS has been able to arrange a number of ceasefires between hostile parties and ensure some level of compliance through the employment of peacekeeping forces. In Guinea Bissau (1998), ECOWAS mediation efforts resulted in a truce

between President Vieira and the rebel leader, General Mane. Similarly, its intervention in Sierra Leone secured the Abuja Ceasefire Accord. This agreement subsequently led to the Abuja meeting in May 2001 where both the RUF and the Sierra Leonean government committed to the disarmament process. In 2002, ECOWAS also dispatched a high-level ministerial delegation to Abidjan, Cote d'Ivoire to mediate between Laurent Gbagbo's government and rebel leaders in order to restore peace to the troubled country. Furthermore, ECOWAS also played a crucial role in 2003 in terms of de-escalating tensions between Senegal and Gambia over the disputes in Casamance (N'Diaye, 2007). According to a UNOWA (UN Office for West Africa) report, "ECOWAS mediation has led to the signing of nearly two dozen peace agreements to end destructive conflicts in West Africa". Even at that, it is argued that the organization has not even fully exploited the potentials of its Council of Elders. Particularly, Fanta (2009) is of the view that some members of the body still do not have the required training and skills in conflict mediation and management. Arguably, within the African continent, ECOWAS is considerably ahead of others in terms of experience in military deployment by a sub-regional organization.

ECOWAS has effectively used peacekeeping and peace enforcement forces, including threat, imposition of sanctions and deployment of ECOMOG in the management of a number of conflicts. In spite of ECOWAS operational experience in peacekeeping and peace enforcement, a critical analysis shows specific weaknesses exist which include: the lack of a united command and control structure, as members states still retain considerable national control over their contingents; clear differences in capacity, capability, and professionalism of contingents; lack of a central logistics system; absence of capacity in logistics support; and lack of capacity in transition from a Peacekeeping mission to Peace enforcement as the Sierra Leone example demonstrated (Levit, 2010). Some ECOWAS deployment (otherwise known as ECOMOG Missions) include: Liberia

(1990-1997; 2003); Sierra Leone (1997-1999); Guinea Bissau (1998-1999); and Cote d'Ivoire (2003-2004); (The Gambia 2016-2017).

ECOWAS peacebuilding activities have been centered on election observation which is only one aspect of a comprehensive peacebuilding framework which must include, respect for human right and rule of law, imbibing the culture of strict adherence to democratic principles, civil service reforms, security sector reforms (SSR), reforms of the judiciary and properly addressing the root causes of the conflict, these reforms must also be adequately implemented (Fanta, 2009). The events unfolding in The Gambia present a crucial test for the regional body's commitment to this principle.

2.3.2 The Case for Third-Party Interventions in Conflict Situations in Africa

Most African countries implemented democratic reforms and organized multiparty elections in the 1990s, which signaled a move away from one-party politics and the proliferation of military regimes that had characterized Africa's polity in the immediate post-independence period. There was an opening of the space for civil society and independent media to check on government excesses and hold public officials to account.

Elections became a regular feature in African politics and some countries amended their constitutions by including provisions to respect the rule of law and promote good governance. This meant a new dawn for most African countries, especially when compared to the immediate post-independence period, when ruling parties captured power and imposed severe restrictions on the political opposition and civil society.

However, this period also witnessed gruesome and devastating conflicts in countries like Burundi, the DRC, Liberia, Rwanda, Sierra Leone, Somalia and Sudan. While every one of these conflicts

was intra-state, all had serious implications for their respective regions, and some actually spread beyond national borders. While belligerents waged war and committed gross violations of human rights—killing, lynching and abducting civilians—there were calls for the international community to use all means necessary to intervene to halt these atrocities. In certain instances, questions were asked about the inability or unwillingness of African organizations and of the international community to stop atrocities and human rights abuses in some of these conflicts (Klingebiel 2005).

Since the end of the Cold War, in fact, there have been debates about the roles and responsibilities, the timing and the aspirations of third parties (particularly, the UN, former colonial powers and regional actors) to intervene in conflict-affected areas. In making the case for third-party interventions in conflict situations, Zartman (2005:1) argues that foreign actors cannot ‘hide behind the fear of their own casualties or of long term involvement as an excuse for inaction’. The challenge for third parties in intervening in conflicts lies in rapidly putting together viable forces to enforce peace and combining such military actions with diplomatic negotiations between warring factions. In cases where conflicts erupt and there are gross violations of human rights and atrocities committed by those involved in the conflict, there have been concerns about the length of time it takes to authorize and put together peacekeeping forces.

Despite the strong case for why third parties should intervene in certain conflicts, Mays (2002) reminds us that ‘[t]he sanctioning of peace keeping operations and interventions in conflicts or the expanding of ongoing operations depends on the approval of all UN Security Council members’. In addition, there are concerns that the permanent members of the Security Council have made decisions about where and when to intervene depending, not on the need to protect civilians or enforce a peace agreement, but on the strategic relationships they have with countries affected by

conflict (Adebajo2011). It can also be argued that the lack of action by the Council in certain conflicts emanates from the lack of particular economic, political or strategic interests members of the Council have with countries in conflict or their pre-occupation with other crises.

The genocide in Rwanda, for example, and the withdrawal of the United Nations Assistance Mission in Rwanda (UNAMIR) demonstrates the relationship between nations and members of the Security Council and the aspirations of the latter in intervening in certain conflicts over others (May 2002). The fact that most members of the Council did not have major strategic interests in Rwanda at the time.

In the post-Cold War era, the confluence of conflicts that required the attention of the international community during that period and the experiences of the United States in Somalia dissuaded members of the Council from fully committing to the Rwandan conflict. In addition, it has been noted on occasion that the Council has seldom responded adequately and on time to crises in Africa, even though most of its discussions on peace and security matters concern African countries (Adebajo 2011).

The question is, if the international community failed to intervene in certain conflicts, what could regional organizations do to prevent mass atrocities when conflicts erupted in Africa? In the aftermath of the Rwandan genocide and other conflicts, the OAU was often criticized for failing to take this responsibility to intervene to enforce peace and stop human rights violations. While the OAU did have a mechanism to redress conflict and violence, in the form of the Commission on Mediation, Conciliation and Arbitration, Mwanasali (2008: 41) argues that this transition from non-interference to non-indifference ‘signals a major shift in African political thinking and augurs the dawn of an interventionist phase in the continental management of peace and security’. This shift in attitude was evident in the intervention of African-led peace keeping forces with a mandate

from the AU in Burundi (2003– 04), Sudan (2004–06), (Somalia 2007–present) and Central African Republic (2013– present). The interventions in these countries have produced mixed results but show a major shift in the approach of the AU, even though the AU states clearly that it respects the right to sovereignty and territorial integrity of its members.

In the cases of the Central African Republic and Sudan, the AU realized the material and financial costs of peacekeeping missions and this demonstrated the need for support from the international community. Despite its change in attitude to efforts aimed at intervening in conflict situations to bring peace, and the mixed successes following its interventions in Burundi, Côte d’Ivoire and Sudan, the AU has found itself in a situation not unlike that of its predecessor. This is particularly true in the case of Burundi, which was plunged into conflict in April 2015 following a decision by President Pierre Nkurunziza to stand for a third term in office, which resulted in opposition from political parties, civil society and ordinary citizens. The AU voted not to send troops to Burundi despite the fact that close to 1,000 Burundians had been killed following months of violent protests, an attempted coup d’état in May 2015, an increasingly dire humanitarian situation and concerns that Burundi could completely implode at the time the AU made its decision.

In West Africa, the intensity and complexities of conflicts in the 1990s—particularly in Liberia (1989–97 and 1999–2003), Sierra Leone (1991–2002) and Guinea-Bissau (1998–99)—called for urgent interventions to stop mass atrocities, killings, destruction of property and state institutions, and the total collapse of society. The nature of the violence had regional implications with massive flows of refugees across borders which threatened the stability of the region. The intervention of ECOWAS in Liberia and Sierra Leone helped stop the killings and the wanton destruction of property. Military intervention, particularly in Liberia, Sierra Leone and later in Côte d’Ivoire, was preceded by, accompanied or followed diplomatic efforts that led to the signing of peace

agreements like the Cotonou, Abuja and Accra Peace Agreements in the case of Liberia and the Lomé Agreement in the case of Sierra Leone. Also as seen in The Gambian crisis where ECOWAS intervened militarily with the use of threat without shedding a drop of blood can show how important third party can be to the continent as a whole.

2.4 ECOWAS Organization

At the time of the establishment of ECOWAS in 1975, its main objective was the economic integration of its Member States. To achieve this objective, to a large extent hampered by political crises in the region and rivalries between heads of state for the leadership of the regional organization, there was the need to gradually attach greater importance to peace, defense and security issues.

The decade of the 1990s has been particularly decisive for ECOWAS' evolution into an organization capable of intervening diplomatically and militarily in cases of serious threats to the security of a Member State and within the community space in general. ECOWAS consequently played a key role in the arduous resolution of protracted and devastating civil wars in Liberia (1990-97 and 2003- 2007) and Sierra Leone (1991-2002) which sometimes spilled over into Guinea and threatened to cause unrest in the entire West African region.

ECOWAS then intervened on the diplomatic front through its mediation organs comprising Heads of State and Government of a core of Member States, and militarily by sending thousands of soldiers of the ECOWAS Ceasefire Monitoring Group drawn from the Nigerian Federal Army and other Member States of the organization. It was after several years of ECOMOG's military presence under extremely difficult material and security conditions and at the instigation of the regional military power, Nigeria that Sierra Leone and Liberia received United Nations Peacekeeping Operations. ECOMOG was indeed accused of behaving as a warring party to the

conflict in Liberia and Sierra Leone or as an occupation force. However, its presence at the height of the fighting and chaos in these two countries, when there was no peace to be maintained, played a major role in the stabilization of the Mano River Basin region. ECOWAS was led to intervene vigorously in the management of conflict in the 1990s before establishing the institutional and operational basis of a regional mechanism for peace and security (Olakounle'Yabi 2010).

2.4.1 Evolution of ECOWAS Security Role

Although ECOWAS was not originally commissioned to play security role, the threat of conflict arising in the sub-region or it becoming protracted would compel the body whose membership include the Republic of Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal Sierra Leone and Togo; (Mauritania pulled out in 2000) to assume such duty (NIIA: 1991: 116-117). Domestic and external threats to sub-regional security led to the signing of the 1978 Protocol on Non-Aggression and the 1981 Protocol on Mutual Assistance on Defense. The Protocol on Non-Aggression basically applied to conflicts between member states and stresses the sanctity of national sovereignty while encouraging member states to pursue peaceful resolution of disputes (Ayissi, 2001:31). On the other hand, the Mutual Assistance on Defense was borne out of the conviction by ECOWAS leaders that economic progress can only be realized when the necessary conditions for peace and stability has been institutionalized. Hence the West African leaders agreed to pull resources together in a solidarity pact to prevent external aggression (Adebi, 2002:115).

However, the 1978 and 1981 protocols have been criticized for narrow definition of "security" to mean security at the national level against external security threats or the use of military force engineered and supported by states outside the sub-region. It is argued that since domestic threats emanating from ethno-religious conflicts, poor governance, political repressions human right

violations and abuses and flagrant abuse of state coercive apparatuses were not captured as part of threat to national or regional security, it therefore meant that the two protocols were merely regime protection strategies which were designed to serve the interests of ECOWAS leaders and “insure” them against both external and internal threats (Francis, 2009). The defense protocols could therefore be said to have provided legitimacy to the repressive use of state powers by West African leaders to suppress internal opposition and deal with political instability with the guarantee of military assistance from ECOWAS member countries. However, the outbreak of civil war in Liberia in December 1989 and the accompanying humanitarian disaster impressed upon ECOWAS leaders that measures needed to be taken to institutionalize a formal peace and security architecture to deal with future conflicts (ECOWAS, 1990).

2.4.2 Formation of the ECOMOG (The Military Wing of ECOWAS)

The Economic Community of West African States Monitoring Group (ECOMOG) was a West African multilateral armed force established by the Economic Community of West African States (ECOWAS). ECOMOG was a formal arrangement for separate armies to work together. It was largely supported by personnel and resources of the Nigerian Armed Forces, with sub-battalion strength units contributed by other ECOWAS members — Guinea, Sierra Leone, The Gambia, Liberia, Mali, Burkina Faso, Niger, and others. Nigeria and other ECOWAS members agreed to a Protocol on Mutual Defense Assistance, in Freetown, Sierra Leone, on 29 May 1981. Among other organs such as a Defense Committee and Council, it provided for the establishment of an Allied Armed Force of the Community (AAFC) as needed.

Anglophone ECOWAS members established ECOMOG in 1990 to intervene in the civil war in Liberia (1989–96). Nigerian scholar Adekeye Adebajo wrote in 2002 that "there was merit...in the argument that the establishment of ECOMOG did not conform to the constitutional legal

requirements of ECOWAS". Within Africa, ECOMOG represented the first credible attempt at a regional security initiative since the Organization of African Unity (OAU) tried to establish an 'Inter-African Force' to intervene in Chad in 1981.

Anglophone members of ECOMOG acted because several Francophone ECOWAS members strongly opposed the deployment. The leaders of Burkina Faso and Cote d'Ivoire supported Charles Taylor in his attempt to depose Samuel Doe. Unlike the typical UN mission of its day, ECOMOG's first deployment entailed fighting its way into a many-sided civil war, in an attempt to forcibly hold the warring factions apart (Adebayo 2000).

The first Force Commander was Ghanaian Lieutenant General Arnold Quainoo, but he was succeeded by an unbroken line of Nigerian officers. Major General Joshua Dogonyaro took over from Quainoo after Quainoo had left Monrovia for consultations with senior ECOWAS officials soon after the death of Samuel Doe at the hands of Prince Johnson's Independent National Patriotic Front of Liberia on 9 September 1990. After some prompting from Taylor that the Anglophone Nigerians were opposed to him, Senegalese troops were brought in with some financial support from the United States Their service was, however, short-lived, after a major confrontation with Taylor forces in Vahun, Lofa County on 28 May 1992, when six were killed when a crowd of NPFL supporters surrounded their vehicle and demanded they surrender their jeep and weapons All of Senegal's 1,500 soldiers were withdrawn by mid-January 1993. Throughout the mission, corruption and organized looting by ECOMOG troops led some Liberians to re-coin the acronym ECOMOG as "Every Car or Movable Object Gone." Stephen Ellis reports one of the most egregious examples as being the total removal of iron ore processing machinery for onward sale while the Buchanan compound was under ECOMOG control (Anieke 1999).

Following Charles Taylor's election as President of Liberia on 19 July 1997, the final Field Commander, General Timothy Shelpidi, withdrew the force fully by the end of 1998. The gradual abandonment of a regional security strategy led the Economic Community of West African States (ECOWAS) to seek all means to ensure regional peace and security among member states. Nigeria and some other members of ECOWAS comprising of 16-nation group formed in 1975 were concerned about the war threat to the regional peace and stability. And as the result of western countries refusal to intervene in the Liberia civil war (1990) and then, Nigeria the regional giant, felt something had to be done. Hence, ECOWAS gave birth to the Economic Community of West African States Monitoring Group (ECOMOG) and it became a non-standing military force consisting of land, sea and air components. The first contributors to ECOMOG deployed in Liberia were made up of about 4,000 troops from Nigeria, Ghana, Guinea, Sierra Leone and Gambia.

The birth of ECOMOG created a new security strategy of peacekeeping that has never existed in West Africa. The primary goal of the ECOMOG peacekeeping operation was to halt armed conflict and prevent its recurrence. And this goal was to be achieved by acting as the physical barrier between hostile parties and monitoring their military advancement. Their secondary goal was to create a stable environment for negotiations, which could lead to a peaceful resolution among parties involved. The peacekeeping operation was to defuse tension between concerned parties by giving each party time to calm down without of imminent attack by their opponents. Nevertheless, ECOMOG approach was not always the best because no approach to peace is ideally suited to every situation.

Peacekeeping operations should always achieve two important things. First, the operation should prevent the renewal of hostilities between disputing parties and secondly, they should facilitate final, peaceful resolution to the dispute. However, there are a number of factors that has contributed to the success or failure of ECOMOG and their peacekeeping operations.

2.4.2 The ECOWAS Conflict resolution Mechanism

The ECOWAS mechanism on conflict prevention elaborated more clearly the objectives of ECOWAS intervention in conflicts in West Africa. The conditions that could trigger intervention in any member state include: cases of external aggression, conflict between two or more member states, internal conflict that may lead to serious humanitarian disaster or serious violation of human rights and the rule of law; and the removal or attempts to remove a democratically elected government (Protocol Relating to the Mechanism, Article 25).

There are three key organs in the ECOWAS Mechanism: the Mediation and Security Council, Defense and Security Commission and the Council of Elders (Bekoe and Mengistu, 2002). The mediation and Security Council decides all matters relating to peace and security on behalf of the Authority of Heads of State and Government. It is composed of nine members states elected for a two year period on a rotational basis with no permanent seat. The Council is a replica of the UN Security Council but it functions at a sub-regional level. Decisions in the Council are taken based on a two third majority of votes. The Council Implements the provisions of the Mechanism through the Defense and Security Commission, the Council of Elders and ECOMOG (ECOWAS Mechanism 1999, Article 17).

To ensure adequate preparedness for action, ECOMOG was integrated into The Mechanism as a useful tool for maintaining peace in the region ECOMOG troops consist of contingents from

national armed forces of member countries. In June 2004, ECOMOG was renamed ECOWAS Standby Force (ESF). The ESF is designed to have the capability for rapid deployment within 14 days to halt sub-regional crisis (Kabia, 2011). The task of the ECOWAS standby Force include military and observation missions where ECOMOG will supervise and monitor ceasefires, disarmament, demobilization, elections, respect for human rights and humanitarian activities among other tasks (Article 30-31).

The ECOWAS conflict mechanism also makes provision for an Early Warning and Response Network (ECOWARN), as part of its conflict prevention strategy. The Observation and Monitoring Centre (OMC) is the hub of ECOWAS early warning system. ECOWAS has four observations and monitoring zones within the sub-region. Zone 1 comprises: Cape Verde, Gambia, Senegal and Guinea-Bissau. Zone 2: Burkina Faso, Cote d'Ivoire, Mali and Niger, Zone3: Liberia, Sierra Lone, Guinea and Ghana, and Zone 4: Benin, Togo and Nigeria. These four zones have their capitals in Banjul (Gambia), Monrovia (Liberia) Ouagadougou (Burkina Faso) and Cotonou (Benin). The function of ECOWARN is to collect data on potential causes of disputes or conflict triggers and report to the central ECOWAS Observatory at the headquarters in Abuja, Nigeria.

2.4.4 ECOWAS Protocol on Democracy and Good Governance

With a view to strengthening the 1999 Conflict Mechanism, which has become ECOWAS' foundational regional security framework, ECOWAS leaders signed the Protocol on Democracy and Good Governance in December 2001 as a supplementary to the Protocol Establishing the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

The main focus of the Democracy Protocol was addressing the linkages between internal conflicts, democracy and good governance (Lar, 2009).

In addition to dealing with conflicts as specified in the 1999 Mechanism, the 2001 supplementary protocol takes into account the need to address the deep-seated political causes of conflicts and instability in member countries. The ECOWAS Protocol on Democracy and Good Governance obligates member states to put in place structures and institutional mechanisms that will strengthen democracy, good governance, respect for human rights and the rule of law. It tasks member states to enshrine democracy not only as a matter of law and policy, but as an institutionalized process of decision making and societal learning and not merely as a normative formula for a regime (Barnes, 2001, cited in Levitt, 2010).

The Protocol also prohibits human rights violations and inhuman treatment of civilian population. It places premium on respect for freedom, civil and political rights, and the importance of political parties participating freely without discrimination in all electoral matters. Under the Protocol, the armed forces must remain a political and respect the constitution, every accession to power must be through free fair and transparent elections. It specifies zero tolerance to power obtained through unconstitutional means and ultimately; that democracy and good governance must be protected, respected and preserved in West Africa by all means and through pro-democratic intervention if necessary.

2.5 Background to the Conflict

When Gambians went to the polls on 1 December 2016, few of them might have thought that this election was going to mark a watershed in the political history of their country. Never before in the 50 years since independence had a power change occurred through elections, and the strongly authoritarian regime of President Yahya Jammeh had shown little sign of erosion. Much to the contrary, under Jammeh even the slightest hints of independent political activity were repressed,

and opposition leader Ousainou Darboe had ended up in prison together with 19 other politicians for simply having participated in a demonstration calling for political reforms in April 2016.

After having seized power as a young military officer in a bloodless coup in 1994, Jammeh was elected president in 1996, after which he consolidated his rule and grip on power. He was reelected in 2001, 2006, and 2011, although these contests were generally not in line with international standards of “free and fair” elections (Perfect 2010; Saine 2009).

Human rights organizations had repeatedly stressed the high level of systematic human rights violations, torture, disappearance of journalists and activists, and the general atmosphere of intimidation in the country (Amnesty International 2016; HRW 2015). In the run-up to the elections, the regime also refused to register international election observers (with the exception of a small African Union contingent), and it shut down the internet and text messaging services on Election Day.

The Gambia in December 2016 was thus a highly unlikely context for the defeat of the incumbent in presidential elections. So it took almost everyone by surprise when on 2 December 2016 the Electoral Commission of The Gambia declared opposition candidate Adama Barrow to be the winner of the election. Barrow had succeeded Darboe as leader of the opposition, and had managed to secure the support of most of the fragmented opposition parties. Under the plurality electoral system, 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 cent (IEC 2016).

The real surprise was Jammeh’s initial reaction. In a television speech, even before the official results were released, he conceded defeat and congratulated Barrow on his victory. He further said on television he would not contest the results, and vowed to return to his farm “to eat what I grow and grow what I eat.”(Odigie 2017)

While in the wake of Barrow's victory many people were celebrating on the streets of the capital city Banjul, the drama was far from over. A week later, on 9 December, Jammeh declared in another speech that he no longer had trust in the electoral process, and that he would not only contest the results as declared by the Electoral Commission but also, given some irregularities in aggregating results from one region, ask for fresh elections under a different electoral administration. The commission had in fact, on 5 December, readjusted the votes counted, reducing the number of votes won by each of the three candidates but ultimately confirming Adama Barrow's victory.

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 offices of the Electoral Commission were occupied by the army on 13 December, staff hindered from entering the building. Jammeh no longer appeared committed to handing over power to the elected president by 18 January 2017, the legal end of his term in office.

In a context of rising domestic and international condemnation of Jammeh's refusal to accept the electoral results and hand over power, the outcome of this constitutional crisis was far from certain. Fearing for his life, President-elect Barrow went into hiding and eventually fled to Senegal, and by January 2017 the international community had recognized his government as the only legitimate one. It was only when ECOWAS members prepared for a military invasion of the country – and, following the inauguration of Barrow as new president in the Gambian embassy in Dakar on 19 January, when some Senegalese troops effectively surrounded the country and started to march towards Banjul to make this threat credible – that Jammeh could be convinced in a final round of negotiations to accept exile. He eventually left The Gambia on 21 January, with Barrow assuming office in the capital city on 26 January 2017 (Hartmann 2017).

2.5.1 ECOWAS and the Constitutional Crisis in the Gambia

The Gambia had been a member of ECOWAS ever since the organization was created in 1975. Initially formed to promote economic cooperation and integration in West Africa, beginning in the 1990s ECOWAS assumed a more political role following the wave of political reforms and the growing number of protracted domestic violent conflicts in the region. The revised ECOWAS treaty (1993) and especially the Protocol on the Mechanism for Conflict Prevention (1999) and the Protocol on Democracy and Good Governance (2001) formally enshrined the commitment of the organization to promote democracy and good governance and to adopt what was later to be called the Responsibility to Protect (R2P). Electoral observation had been part of the ECOWAS mandate since the revised 1993 treaty, but responsibilities were further clarified with the 2001 protocol. The ECOWAS Commission created the Electoral Assistance Unit in 2005, and this is roughly the moment when ECOWAS began to systematically observe all national elections in member countries (Hartmann 2013: 42). Electoral observation requires an invitation from national authorities, and in a quite unusual step, President Jammeh refused to allow the ECOWAS Observation Team to monitor the December 2016 presidential elections (ECOWAS 2016c).

Following Jammeh's original concession of defeat, ECOWAS, together with the AU and the UN Official Representative for West Africa, congratulated the Gambian people and its leaders for the smooth and peaceful election and transition (ECOWAS 2016a). 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. (ECOWAS2016b).

According to ECOWAS, the reversal of position by President Jammeh was unacceptable and threatened peace not only in The Gambia but the entire West African sub region. ECOWAS leaders thus decided to send a mediation commission to Banjul. As acting ECOWAS chairperson, Liberian president Ellen Johnson-Sirleaf headed the delegation that travelled to 13 December 2016, together with the presidents of Nigeria, Ghana, and Sierra Leone (respectively: Muhammadu Buhari, John Draani Mahama, and Ernest Bai Koroma), and the UN Special Representative for West Africa (also a former ECOWAS Commission president), Ghana's Mohammed Ibn Chambas. Despite the high-ranking composition (comprising all Anglophone heads of state within ECOWAS), however, the commission did not manage to convince Jammeh to modify his position.

Following the failure of this first mediation, ECOWAS heads of state were apparently convinced that they needed to adopt more credible sanctions. When asked whether the UN would consider military action to force Jammeh's departure, Chambas did not rule out this possibility (Farge and McAllister 2016). At their regular summit on 17 December 2016 in Abuja, they decided upon the following course of action: ECOWAS would continue mediation efforts through President Buhari and President Mahama, and request that the AU and UN endorse their decisions. The heads of State would attend the inauguration of President-elect Barrow, to be sworn in on 19 January 2017 in conformity with the Gambian Constitution. ECOWAS would be obligated to take all necessary means to strictly enforce the results of the elections (ECOWAS 2016d). To that end, ECOWAS placed standby forces on alert and formally authorized them to intervene militarily if Jammeh did not step down. Further negotiations between Buhari and Jammeh in Banjul ended on 13 January without any breakthrough, and as the deadline of 18 January approached, the option of military intervention became more realistic. On 14 January, Barrow travelled together with the ECOWAS mediators to Bamako to meet most of the other ECOWAS heads of state, who were attending the

France–Africa Summit there. UN Special Representative Chambas declared that ECOWAS would ask the UN Security Council to approve the deployment of troops to The Gambia if Jammeh refused to cede power (*Vanguard* 2017).

ECOWAS chiefs of staff gathered on 14 January in Abuja to discuss the preparations for the establishment of the ECOWAS Military Intervention in The Gambia (ECOMIG). On 18 January, troops (most from Senegal, with contingents from Nigeria, Ghana, Mali, and Togo) started to move towards the border with The Gambia (which is surrounded by Senegalese territory), and together with Nigerian forces also implemented a naval blockade. In the afternoon of 19 January, under the Sponsorship of ECOWAS and in the presence of many international diplomats, Adama Barrow was sworn in as president in the Gambian embassy in Dakar, Senegal. The same day, the UN Security Council unanimously approved Resolution 2337, expressing its full support for ECOWAS’s quest “to ensure, by political means first,” that “the will of the people of The Gambia as expressed in the results of 1st December elections” be honored, though the Security Council did not endorse military action according to Chapter VII of the UN Charter (UN 2017).

On 19 January, some troops nevertheless invaded Gambian territory, but the invasion was quickly halted by a last-minute negotiation by Mauritania’s president Abdel Aziz, Guinea’s Alpha Condé, and Ibn Chambas. Under the imminent threat of military invasion, with thousands of Gambians fleeing to Senegal, and with Jammeh’s own army chief pledging his allegiance to President Barrow, Jammeh eventually agreed to step down and go into exile. The ECOWAS contingents then secured the territory, and it was decided that ECOMIG would stay for a further three months in The Gambia, as requested by President Barrow.

In a nutshell, ECOWAS managed to “restore democracy” in The Gambia by using the threat of force without using any actual physical violence. On 19 January, there was apparently some sporadic fighting on Gambian territory which involved Senegalese troops and rebel units from Casamance, but the negotiated departure of Jammeh avoided any military confrontation between the Gambian army or affiliated mercenaries and the ECOWAS troops. Ever since Jammeh had reneged on his commitment to respect the electoral results, ECOWAS heads of state and the ECOWAS Commission had been quite clear in their position and remained steadfast.

The scenario of military invasion had been openly discussed since the ECOWAS summit in Abuja on 17 December. The organization had also won legitimacy through being backed by both the African Union and the United Nations Security Council (the latter with some reservations) for what was essentially an ECOWAS strategy and policy. Only when the scenario of military invasion became credible did the Gambian regime accept the defeat. With Senegalese troops stationed on the border and the Nigerian air force patrolling the sky above Banjul, most of the president’s Remaining allies clearly realized the ship was sinking.

It has been pointed out that the negotiated departure of Jammeh might not be considered an entirely successful operation, as he flew to a country (Equatorial Guinea) where he will face no prosecution for past violations of human rights or other criminal offences, and he was allowed to take with him most of his belongings (valued at USD 11.4 million, including a fleet of luxury cars). According to the opposition, the state coffers were practically emptied (Burke 2017). It is, however, clear that Gambians themselves could not hold their leader accountable without the support of the international community, and it is very unlikely that ECOWAS would have been able to achieve a peaceful transition and the restoration of democratic order without having made these compromises.

2.6 Explaining the Success of ECOWAS

But how was ECOWAS able to enforce democracy in a member state? The academic literature has been increasingly interested in the capacity of regional arrangements to impact regime dynamics in member states, but imposition of democracy is an option which has been discussed mainly in the context of post-conflict international administration such as in Iraq, post–World War II Germany, or Bosnia-Herzegovina (Chesterman 2005; Whitehead 1996). Coups d'état and other anti-democratic developments have led in many cases to suspension from the given regional organization (which can be costly in the case of advanced economic integration) or other economic sanctions (such as closing of borders), but in the absence of violent conflict and the related humanitarian emergencies, the threat and use of violence has not been considered as an instrument of democracy restoration outside West Africa (Legler and Tieku 2010). We will discuss four different reasons that might explain both the decision to use these instruments and their success in the case of The Gambia: the legal mandate; ECOWAS's history of pro-democracy interventions; ECOWAS's capacities for intervention; and the role of neighboring states and regional powers.

ECOWAS has a legal mandate to deal with the domestic politics of member states. The organization not only promotes democratic development in the region and in member states, but also requires member states to fulfil core principles of democratic governance. The 2001 Protocol On Democracy and Good Governance defines constitutional principles “shared by all member States.” Articles 1b and 1c state that “every accession to power must be made through free, fair and transparent elections,” reflecting the principle of “zero tolerance for power obtained by unconstitutional means” (ECOWAS 2001).

The protocol also explicitly empowered ECOWAS to implement sanctions in “the event that democracy is abruptly brought to an end by any means” (Art. 45); these sanctions range from

suspension of decision-making rights within ECOWAS to any other intervention deemed appropriate by the Mediation and Security Council and the Authority of Heads of State and Government. The 2001 protocol entered into force in 2008, upon its ratification by 9 of the 15 member states, including The Gambia. While ECOWAS has not disclosed all the details of its decision-making process in the Gambia crisis, there is no doubt that The Gambia was legally bound by the provisions of both the ECOWAS treaty and the 2001 protocol.

The adoption of such a powerful pro-democratic norm in West Africa might be considered puzzling enough (Hartmann and Striebinger 2014), but ECOWAS leaders had made it very clear that this anti-coup norm would not remain a dead letter and that the organization would claim a right to intervene in domestic political conflicts. During the 2010/11 constitutional crisis in Côte d'Ivoire, ECOWAS had been decisive in shaping the international community's perception of who the winner of the 2010 presidential election really was (Aning and Edu-Afful 2016; Mehler 2012). Based on the results provided by the Ivorian Electoral Commission and certified by the UN (which established Alassane Ouattara as the winner), the ECOWAS Commission, on the day of Laurent Gbagbo's inauguration, publicly condemned "any attempt to go against the will of the Ivorian people," a position reaffirmed by the ECOWAS Authority of Heads of State and Government, who thus clearly sided with opposition candidate Ouattara (Hartmann 2013: 40).

ECOWAS also threatened the Gbagbo regime with military intervention and started preparations for it, but the subsequent military action was mainly carried out by French and UN forces (Abatan and Spies 2016). In contrast to The Gambia's December 2016 elections, the assessment of the electoral results and the constitutional crisis in Côte d'Ivoire was more contested, and the decision by ECOWAS to recognize Ouattara as the legitimate president more subject to dispute: The Gambian Constitution defined the country's Electoral Commission as the sole authority to

formally declare the results of the presidential elections (Art. 43 (2), while the constitutional crisis in Côte d'Ivoire had emerged from the competence of the Constitutional Court, dominated by Gbagbo's loyalists, to declare the final results of the elections. Given this history of heavy ECOWAS political intervention (which repeated itself in Guinea-Bissau and Mali) and in the light of the arguably weak legitimacy of Jammeh's claims to have been rigged out of power by the opposition and the Electoral Commission, the strong role of ECOWAS and the clear stance of their officials in assessing the situation in The Gambia should have been expected.

The differences to The Gambia are quite obvious: The Gambia is a small country with a small standing army (approximately 1,200 personnel), even though it seems Jammeh invited a number of mercenaries to boost his military capacities during the crisis. There was little doubt that the Nigerian and Senegalese forces and their superior military equipment could have defeated the Gambian army. Laurent Gbagbo had been a university teacher and won sympathies for having developed his own brand of nationalism, intended to justify the exclusion of "non-indigenous" Northerners from economic and political participation. Yahya Jammeh, on the contrary, had become an embarrassment for the regional leaders, not primarily because of his repressive rule, but due more to his erratic personal behavior. Not only did Jammeh claim to have successfully cured HIV and various types of cancer with herbal remedies, he had also called homosexuals "vermin" and described non-religious people as "lower than pigs" (Loftin 2017). In what seemed unfortunately reminiscent of the 1970s, he also conferred upon himself a range of honorary titles, and wanted to be called "Sheikh Professor Alhaji Dr. Yahya A.J.J. Jammeh Babili Mensa" (IEC 2016).

The final consequential factor was the commitment on the part of regional powers and powerful neighboring states to the restoration of democracy in The Gambia. Nigeria claimed leadership of

the mediation and participated in the military intervention without any clear material interests in the small country. Senegal, while not a regional power, was still an overwhelmingly powerful neighbor, due to the geographical situation.

The attempt to build a Senegambia Confederation (1981–1989) had failed due to the perception that Gambian interests were marginalized in the larger entity. The Senegalese government had all reason to push for regime change in The Gambia. Jammeh had been a difficult partner for two decades, particularly in regard to his support for rebel leaders from the Casamance, the part of Senegal territorially separated from the north by The Gambia (Marut 2010). The separatist movement in Casamance had been splitting into various factions since the early 2000s and no longer represented a threat to the Senegalese army. But Jammeh’s tacit support for one of the factions might have indeed been one reason why no comprehensive peace agreement could be reached in this protracted conflict. The Gambian government was also not hindering large-scale smuggling of goods to Senegal, whose trade policies were more protectionist (Golub and Mbaye 2008).

Senegal was thus the only ECOWAS member state that could have been accused of having a hidden agenda in its use of the ECOWAS mandate to promote democracy in The Gambia. It would, however, be erroneous to interpret ECOWAS’s actions throughout the crisis as an attempt by Senegal to solve a political conflict with a neighboring state. Given the history of the strained bilateral relationship and the potential additional inflow of refugees, the Senegalese government was certainly relieved that it was able to avoid a full-fledged invasion of The Gambia. Speaking about Russia and China, Levitsky and Way (2010) and Tolstrup (2015) discussed the role of powerful foreign allies who bolster authoritarian regimes as “black knights.” But Africa’s

“loneliest despot” (Hunt and McCormick 2017) could rely neither on any of his West African peers nor on extra- African powers to assist him in his efforts to cling to power.

2.7 Summary of the Gap in Literature

After carefully examining the body of literature that relates to this study, it is somewhat evident that the doctrine of coercive Diplomacy actively employed in resolving the post-election crisis in the Gambia has not been adequately documented by scholars in this field; Thus it is the objective of this study to fill in such gap.

Finally, it should be noted that no scholar has effectively written on the general applicability of the ECOWAS role in other sub region. This study has provided valuable insight as regards to how other sub regional groupings in the continent can adopt and emulate the ECOWAS strategy of the use of threat in the consolidation of Democracy in the Gambia as it can also serve as a model to other sub region which is noted as been somewhat scanty prior to this time.

Chapter Three

Theoretical Framework and Methodology.

3.1 Theoretical Framework

A theory is a set of principles or ideas that explain the philosophical underpinnings of a phenomenon or a situation. This study adopted Bargaining Theory of coercion propounded by Todd Secher in 2004. It is instructive to point out that the Bargaining theory of coercion is an offshoot of Thomas Schelling's theory of coercive diplomacy which is espoused in his seminal book on Coercion, *Arms and Influence*, "successful threats are those that do not have to be carried out". A bargaining perspective sees both threats and military force as central elements of coercive diplomacy. Violence and negotiation are not distinct entities; they are both part of the same bargaining process. As Thomas Schelling wrote nearly 50 years ago: "Coercion requires finding a bargain, arranging for [the adversary] to be better off doing what we want – worse off not doing what we want – when he takes the threatened penalty into account." In coercive diplomacy, coercers have two basic objectives. First, they want to wrest the largest possible concessions from the target. Second, they want to win without having to pay the costs of war. Yet these two objectives are often in tension: demanding larger concessions carries a greater risk of war. Avoiding war, by contrast, may require backing down in defeat. In this section I elaborate the assumptions of the bargaining perspective and explore the dynamics of coercion using a simple model of bargaining. The model draws its inspiration from the famous ultimatum game," a bargaining model often used by economists to represent situations in which one actor attempts to impose its will on another. The format of the basic ultimatum game is elegantly simple: one actor proposes a division of a valuable item, and the second actor may accept or reject the proposal. If

the second actor rejects the offer, however, both parties get nothing. The ultimatum game is useful for thinking about coercive diplomacy for several reasons. First, it describes a situation in which one actor makes a clear demand and the other must respond. Coercive encounters in international relations often fit this mold, with one side making a demand and the other deciding between accepting and rejecting it. The ultimatum game allows us to analyze the bargaining dynamics of these encounters. Second, the proposer in the ultimatum game must think strategically about its demand. If it demands too much, it risks the possibility that the recipient will reject the demand and leave it with nothing. The proposer therefore must weigh the temptation of larger gains against the risk that if it overshoots, it may get nothing at all. If the proposer asks for too little, its demand will surely be accepted, but the gains from the deal will be small. A third useful aspect of the ultimatum game is that there is a price to be paid for failing to reach a bargain. In coercive diplomacy, failing to reach a settlement might lead to a costly military conflict. Both sides therefore have an incentive to strike a deal. Before applying the ultimatum model to coercive international bargaining, we need to make a few modifications. First, the model will retain the two-player format of the original ultimatum game, but we will henceforth refer to the players as the “coercer” and the “target.” Next, it stipulates that the item in dispute is already owned by the second actor. In international relations, there are few equivalents to an unclaimed \$100 bill in the middle of the street – most objects of value already have an owner. In this respect, then, the game resembles Schelling’s characterization of a “compel lent” threat: one actor demands something from an adversary and threatens some kind of punishment if the adversary does not act. Finally, we adjust the outcome of the game. In the standard version of the ultimatum game, the parties receive nothing if they fail to reach an agreement. However, we modify this outcome such that the parties fight a winner-take-all war over the disputed item if the proposer’s offer is rejected. In this war, each side

enjoys some probability of winning the entire item, but also pays a fixed cost for fighting whether it wins or loses – though not necessarily the same cost as its opponent. In other words, a rejection of the coercer’s threat triggers a “costly lottery” in which both sides pay a price for a chance at winning the entire item.

Some additional assumptions are in order. The first and most basic of these is an assumption about the actors in a coercive encounter: we will assume that the players in our model are rational and that they seek to maximize their gains (or minimize their losses) from the encounter. Stipulating that the actors are rational does not imply that they are all-knowing, but it does mean that they are able to make optimal decisions given the information available to them. Second, we will assume that military conflict only takes one form: “war.” In other words, the coercer does not choose how much military force to employ. Third, we stipulate that the players have full and accurate information about one another’s payoffs. Finally, let us assume that the players in the model are very slightly risk-averse, such that when peace and war offer identical expected payoffs, they prefer peace. Wars entail substantial human, material, and psychological costs that leaders would prefer to avoid if possible. As Schelling wrote in his seminal book on coercion, *Arms and Influence*, “successful threats are those that do not have to be carried out.” For a coercer, then, the basic challenge is to devise a threat that attains the greatest gain at the least possible cost.

3.2 Application of the theory

In the Gambian crisis, the coercer (ECOWAS) want to wrest the largest possible concessions from the target which is Yahya Jammeh and also they want to win without having to pay the cost of war. This theory also develops a simple model of bargaining which draws its inspiration from the ultimatum game and the format for this tool is elegantly simple: ECOWAS proposes Conflict

Resolution and Democracy and Yahaya Jammeh may accept or reject the proposal in other words if the second actor rejects the offer however both parties get nothing. This ultimatum game is useful in thinking about coercive diplomacy for several reasons:

First, it describes the situation in which ECOWAS makes a clear demand from Yahya Jammeh, which he must respond to. Any attempt at refusal will result in the use of force. Thus the ultimatum game allow us to analyze the bargaining dynamics of these encounters.

Second, ECOWAS must think strategically about its demand. If the demand is unrealistic, then it risks the possibility that Yahya Jammeh may reject the demand and leave it with no choice than to use military force which will be costly

Thirdly, there is a price to be paid for failing to reach a bargain. In the Gambian issue Yahya failed to reach a bargain and the ECOWAS employed the last choice which is the threat to the use of force. The advantage of this ultimatum model lies in its simplicity and ease of analysis, and the interpretation of the ultimatum game is a success which occurs when the target (Yahya Jammeh) accepts the coercer's demand. But, failure occurs when the target rejects it. For example in the Gambian crisis, ECOWAS issued a coercive threat against Yahya Jammeh demanding that he relinquishes power to the president elect (Adama Barrow); and also for Barrow to withdraw his statement of intent to probe his predecessor. This ultimatum game worked as it eventually resolved the crisis in the country.

3.3 Research Design

A research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure in fact, the research design is the conceptual structure within which research is conducted; it

constitutes the blueprint for the collection, measurement and analysis of data Kothari and Garg (2014). Asika (2012) sees it as the structuring of investigation aimed at identifying variables and their relationship to one another. It is used for the purpose of obtaining data to enable the researcher test hypothesis or answer the research question.

This study adopted Ex-post facto research design due to the fact that there was no experiment conducted in the research, and also because it is studying facts that have already occurred in the past. Kerlinger and Rint (1986) opined that ex-post facto investigation seeks to reveal possible relationships by observing an existing conditions or state of affairs and searching back in time for plausible contributing factors. This design enabled us produce data to answer the research questions and test our research hypothesis. In this study we make use of already collected data.

3.4 Method of Data Collection

Data collection is a very crucial process while undergoing a research. Ngu (2005) defines data collection as the process of gathering information for the purpose of verification of hypothesis which themselves have bearing on the problem under study p.30. Hence this study will use secondary data.

The documentary method was used to generate data for this research work. This method was used to obtain in-depth information and concept clarification so as to facilitate instrument designs. Documentary method is most useful, when used to illuminate and extract valued information so as to draw inference from the available evidence to reach conclusion.

Obikeze cited in Nnabugwu (2006:372) argued that the advantage of documentary/qualitative method lies in the fact that it is able to gain access to organizational structure, bureaucratic discovery of the unexpected phenomenon. Asika (1990) noted that secondary data refer to a set of

data gathered or authored by another person, usually data from the available data, archives, either in the form of document of survey result and code books, journal and other written works on the same topic in addition to internet materials that treated the same topic.

3.5 Method of Data Analysis

Qualitative descriptive method based on content analysis was adopted in this research work because of the nature of the research Data analysis is simply the breaking down and ordering of collection of information obtained through research (Asika, 1991).

Qualitative descriptive analysis is used to verbally summaries the information generated in the research (Asika 2009). In most cases, the description may make use of some qualitative information but in most cases, it does not make use of qualitative information (Asika 1991).

It also involves working with data, organizing it, breaking it into units, synthesizing, searching for patterns, discovering what is important and what is to be learned and deciding what will tell others (Bogden and Biklen, 1982). In this study ECOWAS as an organization that has participated actively in conflict mediation management and resolution in West Africa sub region can be said to be legendary. This is so because it has a traceable pattern with its conflict resolution mechanism within the sub region. In light of above, we can clearly deduce, that ECOWAS will continue to ensure the ineffective promotion of peace, security and good governance in the sub region

Content analysis method was adopted as a tool of analysis in the work because it summarizes the information generated in this research work. It also shows relationship between the two variables (Independent and dependent variables).

Chapter four

Data Analysis and Finding

4.1 The Non Intervention in the ECOWAS treaty weakened early resolution of the Gambia Post-Election crisis.

4.1.2 Intervention by invitation Thus we are left, as pointed out previously, with the classic case of intervention by invitation in order to establish the lawfulness of the use of force in The Gambia under current international law. The principle that a state which uses force in the territory of another state with that state's valid consent does not violate the prohibition of the use of force set out in Article 2(4) of the UN Charter remains unchallenged, not least in the jurisprudence of the International Court of Justice (ICJ). Beyond this principle, however, one rapidly comes across rough ground. A number of the issues concerning the application of the notion of intervention by invitation does not need to be fully analyzed for the purposes of the discussion in this editorial. In the case of The Gambia, only two issues are decisive: The first is whether The Gambia had already given its prior consent to a use of force in the circumstances that took place on 19 January 2017.

As this is not the case, the second question is whether or not Barrow could validly consent to the external intervention in The Gambia under international law. With respect to the first question, it is important to note that The Gambia is both a member of the ECOWAS regional organization, as well as a party to the Lomé Protocol. Article 25 (e) of this Protocol provides for the possibility of regional pro-democratic intervention in the case of an 'overthrow or attempted overthrow of a democratically elected government'. Whether the consent to a forcible intervention can be given in advance in such a way is at issue under international law, state practice is not yet clear on this point. Even if such prior consent were to be considered valid, the question arises of whether such

consent would not have to remain fully revocable. State practice in The Gambia case does not help to answer these two questions. It is not impossible to interpret the explicitly declared willingness to intervene by the West African states as a legal claim for intervention based on prior treaty-based consent.

But in the case of international treaties which are used to justify an external intervention, departing from the fundamental prohibition of the use of force in international relations, without the current consent of the territorial state and without UN Security Council authorization, a strict and narrow interpretation is required. Thus international legal analysis of the situation leads to the question of when Barrow could validly consent to pro-democratic intervention with effect for The Gambia. That depends on when he commenced governing The Gambia within the meaning of international law. According to classical understanding, a person governs a state when he or she has effective control over the territory of that state. In light of recent state practice as emerged in the cases of the military coups in Haiti (1994) and Sierra Leone (1997–1998), as well as in accordance with the emerging democratic standards in international law (as mentioned previously), it is unclear if and to what extent there must be an exception. This uncertainty is just as important in the case of The Gambia as the question of how to decide in situations in which the effectiveness and legitimacy is ambiguous or disputed. At the time of his first known request for assistance Barrow was located in Senegal. At that time he was not in a position to enter The Gambia; accordingly, he did not exercise unproblematic effective control over its territory.

The practice of coercive diplomacy is widely employed by states in the international system as it proves to be a viable means to achieve political objectives without resorting to war, which is costly also for the winner.

4.1.2 The role of ECOWAS in restoring the democracy in The Gambia worked well.

The sub region was threatened by violent intra-state conflicts, which started in Liberia in 1989. With little or no prospect of intervention by the international community, ECOWAS was provoked to venture into conflict management, resolution and peacekeeping in Liberia in 1991. That development came with some resistance and lack of consensus among the member states as it was seen as an aberration. A year after, ECOWAS Monitoring Group (ECOMOG), the peace-keeping outfit of ECOWAS that was given birth to as a result of the war in Liberia, had its mandate expanded to include Sierra Leone, where another violent crisis was looming. Since Liberia and Sierra Leone, ECOWAS has seen its purpose and objectives transformed to include political and security matters. New legal and institutional frameworks were developed to safeguard and promote new values such as peace, security, democracy, good governance, and human rights. In 1991, the member states of ECOWAS made a Declaration of Political Principles in the pursuit of freedom, people's right and democratization within the Community which later became sixteen (16) with the accession of Cape Verde, and then returned to fifteen (15) with the exit of Mauritania

They called on each other to work towards enthroning democracy and respect for fundamental human rights. Safeguarding these shared values is seen as sine qua non for the economic integration and development of the West African sub region. Therefore, in 1993 a revised Treaty was enacted by the Authority of Heads of State and Government, which explicitly set our security and political goals for the Organization. Articles 56 and 58 of the Treaty urged members of the Community to cooperate in realizing objectives set in agreed instrument the Community Declaration of Political Principles and the African Charter on Human and Peoples' Rights, and to establish and strengthen appropriate mechanisms for the timely prevention and resolution of intra-

State and inter-State conflicts respectively. The Treaty also established supranational institutions like the ECOWAS Parliament and the ECOWAS Court of Justice. This was done based on the conviction of the member states that ‘the integration of the Member States into a viable regional Community may demand the partial and gradual pooling of national sovereignties to the Community within the context of a collective political will; and their acceptance of ‘the need to establish Community Institutions vested with relevant and adequate powers’ (ECOWAS, 1993:1).

Therefore, one of the principles of the Mechanism was the promotion and consolidation of democratic governance as well as democratic institutions in each Member State. On the whole, however, the 1999 Protocol was more focused on conflict management and security leaving out the important component on the promotion of democratic governance and democratic institutions in member states, which is pertinent for conflict prevention and protection of human rights and freedoms. Therefore, two years later (December 2001), the supplementary protocol on Democracy and Good Governance was enacted to complement the Mechanism through the provision of issues on prevention of internal crises, democracy and good governance, the rule of law, and human rights (ECOWAS, 2001:6). One of the contributions of the supplementary law was the provision of constitutional convergence principles, which have become the basis of recent ECOWAS actions with regards to unconstitutional practices in the sub region. Section I, Article (1) of the supplementary protocol contains the consensus of the ECOWAS member states that ‘every accession to power must be made through free, fair and transparent elections; zero tolerance to power obtained or maintained by unconstitutional means; popular participation in decision-making, strict adherence to democratic principles and decentralization of power at all levels of governance’ (ECOWAS, 2001:8) among others. For instance, regimes that came to power most recently through coup d’état in the sub region, precisely in Guinea and Mali, were somewhat cut

short by pressure from ECOWAS. Moreover, the supplementary protocol contains detailed provisions on general principles regarding elections, election monitoring and the role of ECOWAS, and the role of the armed forces, the police and the security forces in a democracy.

The provisions are aimed at forestalling any decisions or actions on the part of governments or any of their institutions to manipulate or undermine democratic processes. Some undertakings and consensus regarding democratic governance were also provided in the supplementary protocol. These include agreement on the recognition and promotion of rule of law in the member states, institutional capacity building for human rights protection, pluralism in the information sector, fighting corruption, and transparent, equitable management and distribution of resources (ECOWAS, 2001). These provisions now form part of the strategic goals of ECOWAS, which its institutions are working to achieve.

4.1.3 Conflict resolution role of ECOWAS in West Africa

ECOWAS successfully transformed from being an economic body into an eco-political union and took upon itself the task to perform conflict management, peacebuilding and security stabilization functions in the West African sub-region. That the body has had a huge influence on the West African sub-region with regard to conflict management and conflict resolution cannot be disputed. However, what remains controversial is whether its institutional framework for dealing with conflict has yielded maximum impact. In other words, is the ECOWAS conflict management framework effective enough in managing the current conflict triggers facing the region today? First, the ability or capacity for any organization including ECOWAS to undertake any security role can be found either in its constitutional provisions or the treaty establishing the body

mandating that body to perform conflict management function or institutional mechanism through with such mandate can be exercised (Fanta, 2009).

For ECOWAS, specific legal protocols have been adopted on how it intends to operate in peace and security affairs such as the Mechanism, the Democracy Protocol and the ECPF. However, the organization has neglected the need to adopt constitutional provision on these as the United Nations has done. It can be argued that ECOWAS has a relatively comprehensive institutional mechanism for dealing with conflict. For example, its decision to establish a peace organ attests to the fact that the organization is committed to sustainable peace in the sub-region. Either operating under Chapter VI or Chapter VII of the UN Charter, ECOWAS has shown to have considerable experience in peacekeeping, peacemaking and peace enforcement as its intervention in Liberia (1990-1998; 2003); Sierra Leone (1997-2000); Guinea Bissau (1998-1999); Niger (2005-2010); Togo (2009-2010); Cote D'Ivoire (2002-2004, 2007, 2010-2011), and so on depicts. Arguably, ECOWAS has a clear mandate and a considerably strong organizational capacity for peacemaking, peacekeeping and peace enforcement.

At the level of conflict prevention, ECOWAS Protocol on Democracy and Good Governance prescribes measures urging its member countries to respect democratic principles which would go a long way to ensure that unwanted conflicts do not arise. Although these measures have not entirely eliminated the problem of bad governance, coups and so on, they have helped to reduce threats to democratic governance and the negatives it can have on the sub-region. The ECPF is another good example of ECOWAS efforts to prevent conflict and promote regional stability. A central part of the ECPF is the recognition that development, peace, security, and democratic governance are fundamental to the development of the ECOWAS region.

A crucial objective of the framework is to prevent the outbreak of violent conflict. In 2005, political events in Togo challenged the ECOWAS Protocol on Democracy. ECOWAS responded positively; unconstitutional ascension to power of Faure Eyadema was strongly condemned by ECOWAS. Togo was sanctioned, and suspended from participating in the ECOWAS activities; ECOWAS also placed travel ban on its leaders as well as imposition of arms embargo against the country (Clayton, 2005). ECOWAS' hard diplomacy paid off, Faure resigned as interim President of Togo. Presidential elections were conducted. However, to the disappointment of many, Faure Eyadema won about 60% of the total votes cast and was elected president (Levit, 2010).

Whatever the case, the threat of instability in the country was effectively reversed by the ECOWAS in a peaceful and non-violent manner. Fanta (2009) is of the view that ECOWAS remains at the forefront in terms of early warning. ECOWAS has worked with Civil Societies to establish four early warning bureaus in Banjul, Ouagadougou, Monrovia, and Cotonou (ECOWARN, 2008). Notwithstanding, ECOWAS early warning system (ECOWARN) has faced certain challenges. ECOWAS lacks the necessary human and material resources to effectively cover a vast region as West Africa with its enormous problems associated with underdevelopment, poverty, electoral and political violence and the general issues of human security.

Through diplomatic maneuvering, ECOWAS has been able to arrange a number of ceasefires between hostile parties and ensure some level of compliance through the employment of peacekeeping forces. In Guinea Bissau (1998), ECOWAS mediation efforts resulted in a truce between President Vieira and the rebel leader, General Mane. Similarly, its intervention in Sierra Leone secured the Abuja Ceasefire Accord. This agreement subsequently led to the Abuja meeting in May 2001 where both the RUF and the Sierra Leonean government committed to the

disarmament process. In 2002, ECOWAS also dispatched a high-level ministerial delegation to Abidjan, Cote d'Ivoire to mediate between Laurent Gbagbo's government and rebel leaders in order to restore peace to the troubled country.

Furthermore, ECOWAS also played a crucial role in 2003 in terms of de-escalating tensions between Senegal and Gambia over the disputes in Casamance (N'Diaye, 2007). According to a UNOWA (UN Office for West Africa) report, "ECOWAS mediation has led to the signing of nearly two dozen peace agreements to end destructive conflicts in West Africa". Even at that, it is argued that the organization has not even fully exploited the potentials of its Council of Elders. Particularly, Fanta (2009) is of the view that some members of the body still do not have the required training and skills in conflict mediation and management. Arguably, within the African continent, ECOWAS is considerably ahead of others in terms of experience in military deployment by a sub-regional organization.

ECOWAS has effectively used peacekeeping and peace enforcement forces, including threat, imposition of sanctions and deployment of ECOMOG in the management of a number of conflicts. In spite of ECOWAS operational experience in peacekeeping and peace enforcement, a critical analysis shows specific weaknesses exist which include: the lack of a united command and control structure, as members states still retain considerable national control over their contingents; clear differences in capacity, capability, and professionalism of contingents; lack of a central logistics system; absence of capacity in logistics support; and lack of capacity in transition from a Peacekeeping mission to Peace enforcement as the Sierra Leone example demonstrated (Levit, 2010). Some ECOWAS deployment (otherwise known as ECOMOG Missions) include: Liberia

(1990-1997; 2003); Sierra Leone (1997-1999); Guinea Bissau (1998-1999); and Cote d'Ivoire (2003-2004); (The Gambia 2016-2017).

ECOWAS peacebuilding activities have been centered on election observation which is only one aspect of a comprehensive peacebuilding framework which must include, respect for human right and rule of law, imbibing the culture of strict adherence to democratic principles, civil service reforms, security sector reforms (SSR), reforms of the judiciary and properly addressing the root causes of the conflict, these reforms must also be adequately implemented (Fanta, 2009). The events unfolding in The Gambia present a crucial test for the regional body's commitment to this principle.

4.1.4 Restoration of Democracy to the Gambia

On 2 December President Yahya Jammeh conceded defeat shortly before the Independent Electoral Commission announced that opposition leader Adama Barrow had won the election. A week later he withdrew his concession. Even before the elections it had been widely expected that Jammeh would try and rig the outcome. This would not have been out of character for a regime that has consistently suppressed political dissent and critical media. Prior to the December election, ECOWAS challenged Jammeh's behavior in power. Based on a pre-election assessment it concluded that the minimal conditions for free and fair elections were not being met. It said it would not be sending observers, a decision it had also taken ahead of The Gambia's 2011 presidential election

The Gambian election dispute is not the first that ECOWAS has confronted. Côte d'Ivoire's 2010 presidential election is a case in point. The country's electoral commission declared that Alassane

Ouattara had won the second round. But, with the power to review the election, the Constitutional Court headed by an ally of the incumbent Laurent Gbagbo cancelled the results in several Ouattara strongholds and handed Gbagbo the election. ECOWAS, cooperating with the United Nations in Côte d'Ivoire, rejected what it viewed as an obvious manipulation of the result by the court. It went on to reject any power-sharing arrangements being negotiated. This was despite the fact that the African Union (AU), in particular Gbagbo's ally Angola, had floated the idea.

ECOWAS's stance was driven by a number of factors. These included:

The failure of power-sharing agreements in Kenya (2008) and Zimbabwe (2008). ECOWAS feared that a power-sharing arrangement would open the door to similar agreements spreading like a cancer in the region. This would mean that losing candidates and parties would always expect power-sharing agreements. Its view that power-sharing puts a country outside normal constitutional procedures, contravening the norms of constitutionalism. Another factor influencing its decision was Gbagbo's poor relations with neighboring countries, including Burkina Faso, Togo, and Nigeria. As a result ECOWAS sided with Ouattara and, with backing from the UN and France, organized military intervention.

There are certainly differences between The Gambia and Côte d'Ivoire. But a similar dynamic appears to be at work. In The Gambia the election commission also declared the opposition the winner. Despite its critical stance before the elections ECOWAS accepted the result because the poll had taken place in line with The Gambia's constitutional framework.

But, just as Gbagbo had done, Jammeh looked for ways to stall the process. He did this by pursuing an elections dispute resolution at the Supreme Court. The problem was that the Supreme Court did

not have the requisite judges to hear a case. In addition, as in Côte d'Ivoire's Constitutional Court case, the independence of the court is questionable. ECOWAS is unlikely to be fooled by Jammeh's legal acrobatics, just as it wasn't in Côte d'Ivoire. This stands in contrast to comparable tactics working in other regions. One example was Robert Mugabe's move in Zimbabwe to suppress Morgan Tsvangirai and his supporters before the second round of the 2008 presidential election. Even though SADC observers and states condemned the violence, the regional body did not facilitate a fair solution to prevent wholesale manipulation.

Likewise, the EAC attempted to mediate the political dispute around Burundi's flawed 2015 election. Yet the selection of Uganda's Yoweri Museveni to lead mediation efforts – a man who doesn't support term limits – showed that the EAC was not serious about political dialogue. ECOWAS is likely to behave differently when it comes to The Gambia. It has shown that it believes constitutionalism and the transfer of power is a priority. Article 9 of the ECOWAS Protocol on Democracy and Good Governance states that the party and/or candidate who loses the election shall concede defeat to the political party and/or candidate finally declared the winner, following the guidelines and within the deadline stipulated by the law. The seriousness of this commitment was seen in Côte d'Ivoire.

It is further buttressed by a burgeoning coalition of heads of state who were formerly opposition leaders. Nana Akufo-Addo (Ghana), Muhammadu Buhari (Nigeria), Macky Sall (Senegal), Ellen Johnson Sirleaf (Liberia), and Ouattara in Côte d'Ivoire all have significant experience in the political opposition before being elected. The fact that they are the product of a transfer of power makes them more willing to push for a transfer of power in The Gambia to reinforce the regional norm. This is not the case in the EAC or SADC where countries are still largely beholden to the

old guard of ruling political parties and elites. There are another three crucial factors such as: (i) Regional isolation allows ECOWAS to be tough on Jammeh and there is little evidence that he has friends in West Africa. (ii) He made himself unpopular by announcing that The Gambia was leaving the ICC. (iii) He also alienated neighbors by vetoing the ECOWAS norm of establishing presidential term limits.

Following Jammeh's original concession of defeat, ECOWAS, together with the AU and the UN Official Representative for West Africa, congratulated the Gambian people and its leaders for the smooth and peaceful election and transition (ECOWAS 2016a). 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. (ECOWAS 2016b) According to ECOWAS, the reversal of position by President Jammeh was unacceptable and threatened peace not only in The Gambia but the entire West African sub region. ECOWAS leaders thus decided to send a mediation commission to Banjul. As acting ECOWAS chairperson, Liberian president Ellen Johnson-Sirleaf headed the delegation that travelled to Banjul 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), Ghana's Mohammed Ibn Chambas. Despite the high-ranking composition (comprising all Anglophone heads of state within ECOWAS), however, the commission did not manage to convince Jammeh to modify his position. Following the failure of this first mediation, ECOWAS heads of state were apparently convinced

that they needed to adopt more credible sanctions. When asked whether the UN would consider military action to force Jammeh's departure, Chambas did not rule out this possibility (Farge and McAllister 2016). At their regular summit on 17 December 2016 in Abuja, they decided upon the following course of action: ECOWAS would continue mediation efforts through President Buhari and President Mahama, and request that the AU and UN endorse their decisions. The heads of state would attend the inauguration of President-elect Barrow, to be sworn in on 19 January 2017 in conformity with the Gambian Constitution. ECOWAS would be obligated to take all necessary means to strictly enforce the results of the elections (ECOWAS 2016d). To that end, ECOWAS placed standby forces on alert and formally authorized them to intervene militarily if Jammeh did not step down. Further negotiations between Buhari and Jammeh in Banjul ended on 13 January without any breakthrough, and as the deadline of 18 January approached, the option of military intervention became more realistic. On 14 January, Barrow travelled together with the ECOWAS mediators to Bamako to meet most of the other ECOWAS heads of state, who were attending the France–Africa Summit there. UN Special Representative Chambas declared that ECOWAS would ask the UN Security Council to approve the deployment of troops to The Gambia if Jammeh refused to cede power (Vanguard 2017). ECOWAS chiefs of staff gathered on 14 January in Abuja to discuss the preparations for the establishment of the ECOWAS Military Intervention in The Gambia (ECOMIG). On 18 January, troops (most from Senegal, with contingents from Nigeria, Ghana, Mali, and Togo) started to move towards the border with The Gambia (which is surrounded by Senegalese territory), and together with Nigerian forces also implemented a naval blockade. In the afternoon of 19 January, under the sponsorship of ECOWAS and in the presence of many international diplomats, Adama Barrow was sworn in as president in the Gambian embassy in Dakar, Senegal. The same day, the UN Security Council unanimously approved Resolution 2337,

expressing its full support for ECOWAS's quest "to ensure, by political means first," that "the will of the people of The Gambia as expressed in the results of 1st December elections" be honored, though the Security Council did not endorse military action according to Chapter VII of the UN Charter (UN 2017).¹ On 19 January, some troops nevertheless invaded Gambian territory, but the invasion was quickly halted by a last-minute negotiation by Mauritania's president Abdel Aziz, Guinea's Alpha Condé, and Ibn Chambas. Under the imminent threat of military invasion, with thousands of Gambians fleeing to Senegal, and with Jammeh's own army chief pledging his allegiance to President Barrow, Jammeh eventually agreed to step down and go into exile. The ECOWAS contingents then secured the territory, and it was decided that ECOMIG would stay for a further three months in The Gambia, as requested by President Barrow. In a nutshell, ECOWAS managed to "restore democracy" in The Gambia by using the threat of force without using any actual physical violence. On 19 January, there was apparently some sporadic fighting on Gambian territory which involved Senegalese troops and rebel units from Casamance, but the negotiated departure of Jammeh avoided any military confrontation between the Gambian army or affiliated mercenaries and the ECOWAS troops. Ever since Jammeh had reneged on his commitment to respect the electoral results, ECOWAS heads of state and the ECOWAS Commission had been quite clear in their position and remained steadfast. The scenario of military invasion had been openly discussed since the ECOWAS summit in Abuja on 17 December. The organization had also won legitimacy through being backed by both the African Union and the United Nations Security Council (the latter with some reservations) for what was essentially an ECOWAS strategy and policy. Only when the scenario of military invasion became credible did the Gambian regime accept the defeat. With Senegalese troops stationed on the border and the Nigerian air force patrolling the sky above Banjul, most of the president's remaining allies clearly realized the ship

was sinking. It has been pointed out that the negotiated departure of Jammeh might not be considered an entirely successful operation, as he flew to a country (Equatorial Guinea) where he will face no prosecution for past violations of human rights or other criminal offences, and he was allowed to take with him most of his belongings (valued at USD 11.4 million, including a fleet of luxury cars). According to the opposition, the state coffers were practically emptied (Burke 2017). It is, however, clear that Gambians It seems that the experiences in (Libya and) Côte d'Ivoire mattered here, when China and Russia felt their support for Resolution 1975 had been abused to promote regime change (Bellamy and Williams 2011). The African pressure for military enforcement of regime change thus met some resistance among SC members.

4.2 The deployment of the Coercive Diplomacy by ECOWAS contributed to the Democracy Consolidation in The Gambia.

Coercive diplomacy is an alternate means for economic diplomacy instead of resorting to military intervention in order to change the adverse behavior of a target state. Coercive diplomacy is a diplomatic method used by a country in which the application of economic sanctions or embargoes, as well as the use of force or military action, is threatened or hinted at in order to force another country to give in to a certain demand or not engage in a particular course of action. Coercive diplomacy can be more clearly described as "a political-diplomatic strategy that aims to influence an adversary's will or incentive structure. It is a strategy that combines threats of force, and, if necessary, the limited and selective use of force in discrete and controlled increments, in a bargaining strategy that includes positive inducements. The aim is to induce an adversary to comply with one's demands, or to negotiate the most favorable compromise possible, while simultaneously managing the crisis to prevent unwanted military escalation." Coercive diplomacy is, in fact, an attractive strategy because it offers the possibility of achieving political objectives without resorting to the use of traditional military force and with less bloodshed and political costs. In the history of international conflict, it has proved to be particularly efficient to intimidate, with little risk, weaker adversaries. Nevertheless, it is also a dangerous option as it can backfire, quicken the escalation and lead to an unanticipated war. This happens when the coercing power boxes into the corner a highly motivated adversary which is inclined to escalate the crisis in order to avoid a humiliating defeat. Moreover, the opponent can reject the request thinking it is a bluff, and challenge the coercing power, especially in the case of ultimatum. Thus, two key-variables of coercive diplomacy are the magnitude of the demand made on the opponent and his motivation

not to comply with it; these two variables are strictly connected as the strength of the adversary's reluctance to comply with the request is deeply sensitive to the magnitude of the request advanced by the coercing power. Below are the two case studies where Coercive Diplomacy was used.

4.2.1 Cuban Missile Crisis (15-28 October 1962)

In front of the Soviet deployment of medium-range ballistic missiles in Cuba, U.S. President Kennedy decided to avoid the option of military intervention and adopted coercive diplomacy ordering a naval blockade that, in his intentions, would demonstrate his strong resolution to order an invasion of Cuba and induce Khrushchev to remove the missiles. The U.S. President adopted a "try-and-see" approach as he slowed the implementation of the naval blockade and of the build-up of military forces, waiting for the reaction of the opponent. Throughout the crisis, both Kennedy and Khrushchev adhered to strict principles of crisis management and gave clear signaling of their interests at stake and their preference for a peaceful settlement of the crisis. Following dramatic events that could potentially lead to war, such as the shooting down of a US U-2 spy plane over Cuba, Kennedy decided to exert a stronger pressure on the USSR, conveying the equivalent of an ultimatum to the Soviet Ambassador; at the same time, however, he adopted a "carrot and stick" approach accepting in secret the removal of U.S. Jupiter missiles from Turkey. Khrushchev accepted Kennedy's formula and put an end to the crisis.

The strategic environment and the policies of both leaders made the use of coercive diplomacy – hence a pacific solution of the crisis – possible in this case. On the one hand, Kennedy limited his objective and the means he employed on its behalf: e.g. he rejected the option of using the crisis for toppling Castro or eliminating Soviet influence in Cuba. He gave the Soviet leader enough time to evaluate costs and risks of non-compliance and coupled his threats with positive inducements. On the other hand, Khrushchev clearly understood the asymmetry of interest in favor of the United

States and its resolution to achieve its objective: it was more important to the United States to remove the missiles from Cuba than it was to the USSR to keep them there. Thus, he backed off accepting the quid pro quo before the crisis escalated to war.

4.2.2 The First Gulf War (August 1990-February 1991)

The First Gulf War represents a tough case for scholars of coercive diplomacy. After the Iraqi invasion of Kuwait in August 1990, the USA summoned Saddam Hussein to back off. The USA, together with the UN, took all the steps deemed as necessary in order to make their threats credible: they were successful in constructing a multilaterals sanctions regime (economic embargo) and in putting together a massive coalition of thirty-five states; U.S. President Bush deployed military forces to Saudi Arabia and, in October, threatened the use of force against Iraq; finally, in November, U.N. Resolution 678 issued an ultimatum which called on Iraq to comply with the request of withdrawal from Kuwait by 15th January 1991. Notwithstanding all these measures, Saddam refused to comply and Iraqi troops retreated from Kuwait only after being defeated in a ground military campaign in February 1991.

Different reasons can account for the failure of coercive diplomacy in this case: Even though the U.S. and the UN gave clear signaling of their intentions since early August, their threats were not considered to be credible by Saddam: he underestimated the international resistance that annexing Kuwait would generate and believed that even if the USA embarked on a war, it would not be able to sustain domestic support in case of heavy casualties suffered by U.S. troops. He was also convinced that, in case of war, all the Arab countries would come to his support against the American enemy. Furthermore, Saddam's motivation and interests at stake were extremely high in the dispute: he had depicted Iraq as the emerging Middle Eastern power after the end of the Cold War and himself as the undisputed Arab leader; backing off in front of U.S. threats would

have irreparably damaged his public image as champion of Arab interests. He believed that the risks to his personal power from surrender without fighting outweighed the risks of defeat in war; accordingly, he decided not to back off and escalated the crisis to war. The UN, African Union (AU) and ECOWAS recently averted a potential unconstitutional change of government in The Gambia. In Paul Williams' eyes, the instrument used to ensure a smooth handover of power – the Economic Community of West African States Military Intervention in The Gambia (ECOMIG) – does not necessarily represent a new model of coercive diplomacy by African states. It does confirm, however, that the AU is now more willing to use military force as part of its conflict management strategies.

4.2.3 How ECOWAS Deployed Coercive Diplomacy in The Gambia.

ECOMIG was developed as part of the international response to ensure respect for the results of The Gambia's presidential election on December 1, 2016. Surprise victor Barrow defeated longtime dictator Jammeh, who had come to power in 1994 via a military coup. In a bizarre telephone call beamed live across the country on December 2, Jammeh conceded defeat. Later the same day, ECOWAS, the AU, and the UN endorsed the result of what they described as the "peaceful, free, fair and transparent presidential election" as a legitimate expression of the will of the Gambian people. On December 9, however, Jammeh changed his mind and said he would contest the election result, citing "serious and unacceptable abnormalities." In response, on December 12 the AU Peace and Security Council stated it would take "all necessary measures" to ensure compliance with the election results. On December 17, the ECOWAS Authority took a similar position, 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 issued a presidential statement on The Gambia commending ECOWAS's position.

The practice of coercive diplomacy is widely employed by states in the international system as it proves to be a viable means to achieve political objectives without resorting to war, which is costly also for the winner. On December 9, after initially accepting the results however, Jammeh changed his mind and said he would contest the election result, citing “serious and unacceptable abnormalities.” In response, on December 12 the AU Peace and Security Council stated it would take “all necessary measures” to ensure compliance with the election results. On December 17, the ECOWAS Authority took a similar position, 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 issued a presidential statement on The Gambia commending ECOWAS’s position.

There followed a series of diplomatic initiatives, including by the presidents of Liberia, Ghana, and Nigeria, and then later Guinea and Mauritania, to convince Jammeh to commit to leave office and transfer power to Barrow according to the official schedule, on January 19, 2017. As that deadline approached, on January 13, the AU declared that it would cease to recognize Jammeh as the legitimate president of The Gambia as of January 19. With air, naval, and ground troops from several ECOWAS states actively engaging in contingency planning and operational preparations, on January 17 ECOWAS gave Jammeh an ultimatum: depart by midnight 19 January or face the consequences (the deadline was later extended to midday and then 4pm). Barrow was subsequently sworn in as president of The Gambia at 4pm GMT in Dakar. At 1pm EST (6pm GMT) the UN Security Council met in New York to pass Resolution 2337. Shortly thereafter, ECOMIG forces entered The Gambia and their presence made Jammeh on January 21 to sign a political agreement setting out the terms of his departure.

4.2.4 No UN Security Council authorization: UN Security Council Resolution 2337 (2017) did not authorise the use of force. ECOWAS had sought such an authorization but was ultimately

unsuccessful. First of all, the UN Security Council did not refer to Chapter VII or Chapter VIII of the UN Charter and did not characterize the event as a threat to international peace and security. Above all, no formulation was used in the text of the resolution, which, according to the Council's established practice, could have been interpreted as an authorization to use force as a collective security measure. Apparently to accommodate Russia's concerns, the Council refrained from picking up the concrete terms of the AU and ECOWAS resolutions. Although these two regional organizations had resolved, as discussed in section 2, to take 'all necessary measures', directly following the Security Council's standard formulation, the Security Council merely welcomed these resolutions. Accordingly, statements of the UN Security Council members Uruguay, Bolivia and Egypt after the Council vote left little doubt that the resolution does not provide an express authorization to use force.¹⁸ The absence of UN Security Council authorization clearly indicates that the use of force in The Gambia also cannot be justified as a regional forcible measure under Chapter VIII UN Charter, since the second sentence of Article 53(1) expressly links the lawfulness of a regional forcible measure to UN Security Council authorization. Uruguay made this clear in its statement clarifying its vote: Uruguay reiterates its position, pursuant to Article 53 of the Charter of the United Nations that no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council. Such authorization must be express, affirmative and prior. Uruguay underscores that nothing in resolution 2337 (2017) can be interpreted as express authorization of the use of force.

The use of force in The Gambia can therefore not be justified as a collective security measure under Chapter VII of the UN Charter. At the same time, it should be noted that the Gambian incident is not a precedent that could be used to establish a practice of the UN Security Council of characterizing an internal threat to democracy within a state as a threat to peace within the meaning

of Article 39 of the UN Charter. The possibility of such a practice had been suggested in 1994 in the case of Haiti. However, the inclusion of Resolution 940 (1994) in this case remains doubtful, because cross-border refugee flows supported the activation of Chapter VII. Moreover, there is no clear, subsequent practice of the UN Security Council in the sense of a classification of internal threats to the democratic constitution of a state as a threat to peace within the meaning of Article 39 UN Charter. In the much-discussed Sierra Leone case (1997), the outbreak of violence caused by the military coup in that country led to the Security Council's determination of a threat to peace. And with respect to a threat to peace in the case of Ivory Coast (2011), in which a Head of State as in the case of The Gambia had refused a democratic transfer of power, the Security Council also took into account the attacks against the civilian population in that country which, according to the Council's assessment, met the threshold of crimes against humanity.

However, the Gambia case did not involve the extent of internal violence that was present in the cases of Sierra Leone (1997) and Ivory Coast (2011). The clear statement of Bolivia in the Security Council debate clarified that in this case 'we do not feel that at this stage this situation poses a threat to international peace and security.' While it is entirely certain that Resolution 2337 (2017) in the case of The Gambia did not authorize a pro-democratic intervention, it is important to note that the resolution nonetheless does not prohibit a forceful solution of the conflict. To the contrary, the resolution is elegantly formulated to express support for the possibility of a military solution called for and threatened by Senegal, ECOWAS and the AU. In the sixth operative paragraph of the resolution, the UN Security Council expressed its full support for ECOWAS' resolution 'to ensure, by political means first, the respect of the will of the people of The Gambia as expressed in the results of 1st December elections'.

In this manner, the Security Council gave the impression that military resources may be deployed if the final political mediation attempt proved unsuccessful. This is consistent with the fact that the Council welcomed the two decisions of ECOWAS and the AU, which also announced a military solution, in the fifth operative paragraph of the resolution. As, explained in this subsection, the Security Council appears to indicate that the legal basis for the military operation, with which it expressed sympathy, is to be found outside the system of collective security established by the UN Charter. The fact that the right of the intervention by invitation was borne in mind was made clear in comments by Russia and the United Kingdom following the Council meeting. Russia was quoted with the statement that Barrow may request military help, should the negotiations fail. And the UK stated, in agreement, that 'it's very clear that if President Barrow asks for assistance, then that's something as the legitimate president of Gambia he's perfectly entitled to do.'

4.3 ECOWAS Tactics in The Gambia has the possibility of General Applicability in the other countries of the region.

Using a combination of diplomacy and muscle, the Economic Community of West African States (ECOWAS) forced longtime Gambian President Yahya Jammeh to cede power this month to challenger Adama Barrow, who won the nation's general election. Neighboring Senegal amassed troops and threatened to remove Jammeh by force. Regional powerhouse Nigeria threatened to help. The presidents of Mauritania and Guinea conducted shuttle diplomacy between Gambia's capital of Banjul and Senegal, where Barrow had fled. Jammeh finally agreed to go into exile on January 20.

Despite the successful outcome, some question the wisdom of ECOWAS intervening on behalf of the people of the Gambia. Sadiq Ibrahim, a member of the ECOWAS parliament and a lawmaker in Nigeria's National Assembly, said that although the regional body must respect the sovereignty of each member nation, there are exceptions that demand direct action. "If we have a situation that can threaten the security of a member nation and the entire region, the ECOWAS can collectively intervene to ensure peace in that country," he said.

4.3.2 Gambia was 'peculiar situation'

This was not the first time ECOWAS has intervened in the affairs of one of its member states. In 1990, the military intervention known as ECOMOG led largely by Nigeria helped end the Liberian civil war. Another ECOWAS intervention took place in Mali in 2013 where soldiers from ECOWAS countries worked in collaboration with French and other African forces. ECOWAS used Article 58 of its revised treaty relating to regional security to justify the intervention,

according to Nigerian legal expert Barrister Hassan Liman. he elaborated the law stipulates that member states must work to safeguard and consolidate relations to maintain peace, stability and security within the region. He added that the article does not give ECOWAS the right to use force to oust a leader. “The peculiar situation we have in Gambia is that there was a peaceful election and the president lost but refused to concede defeat. Obviously in this case the regional force can act to ensure regional peace,” he said. Liman said that Africa’s continental body, the African Union, could look to follow the example of ECOWAS as it tries to resolve crises in Burundi, the Democratic Republic of Congo and in South Sudan.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATION.

5.1 Summary

In this study we have to come to realize that West Africa is known for its conflict ridden zone and ECOWAS has once again resolved the conflict in The Gambia as it has always done in the region. The post-electoral crisis in The Gambia following outgoing President Yahya Jammeh's decision on December 9, 2016, to contest the presidential election results has been peacefully resolved.

Considering the implications of Jammeh's refusal to step down, the UN Security Council, the AU and ECOWAS took the unanimous decision to consider all their options, including military intervention, to enforce the will of the Gambian people. However, ECOMOG coalition forces comprised of military personnel from Senegal, Mali, Togo, and Nigeria, entered Gambian territory. Last minute mediation efforts by the presidents of Mauritania and Guinea Conakry, and the head of the UN West Africa office, Muhammad Ibn Chambas, finally achieved a positive result as Jammeh has seen that the ECOMIG has engulfed his country and there is no way a military Gambian men of about 40,000 will defeat the coalition of military forces from Nigeria, Senegal, Mali, Togo; In other words Jammeh made the wise choice and went on Exile to the Republic of Equatorial Guinea, The agreement provided Jammeh and his supporters with a "package deal" with a wide range of personal guarantees ensuring his dignity, security, personal safety, and other rights. President Barrow and his team, however, refused to broker any form of immunity deal with Jammeh.

These events must be regarded as a historical milestone for both governance and security in Africa, since this was the first time in ECOWAS- and AU-history that the option of military power was

used - with the firm backing of the international community - to enforce the political will expressed in elections largely seen as free and fair in an African country.

5.2 Conclusion

ECOWAS has played a significant role in the entronement of democracy and democratic governance in West Africa through the institutionalization of democratic norms, principles and practices looking at the personal backgrounds of those of Jammeh's West African peers who tried to convince him to step down, it is clear that few of them felt any solidarity with the Gambian leader. Most of them were elected as opposition candidates against incumbents, and owed their position as heads of state to a functioning electoral process and strong regional democratic norms. Pevehouse and others have argued that democratic density – the relative number of democratic regimes within a regional organization – would affect how strongly the organization can push for democracy (Hartmann 2008; Pevehouse 2005).

There is certainly a strong variation among African sub regions when it comes to the number of democratic regimes. This would explain why ECOWAS finds it easier than other regional arrangements in Africa to push for Democratization, and why it is less likely that we will see a repetition of ECOWAS's restoration of democracy policy in other parts of the African continent (Hartmann 2016). In other sub regions (and regional arrangements) of the continent, with the exception of Southern Africa, we still find a majority of leaders who reached power by means other than the ballot box. The determined intervention on the part of ECOWAS should thus be praised but also assessed realistically.

A failure to enforce the departure of Jammeh would have delegitimized the whole democratization agenda. While restoring Barrow as elected president might not have made The Gambia a

functioning democracy, it nevertheless still created the preconditions for a restoration of democracy. For ECOWAS, as for all other regional organizations, actively promoting the strengthening of democratic institutions and the rule of law in member states is a much more difficult task than sanctioning blatant anti-democratic behavior, as it requires much more capacity and a stronger interaction between the ECOWAS Commission and member states' governments.

At a time when the liberal-democratic model has come under attack on the continent and some scholars have noted the unstoppable rise of counter-hegemonic models of governance, inspired by the massive presence of China in Africa, the ECOWAS intervention in The Gambia sends a powerful message. Nothing would be more wrong than to suggest that ECOWAS leaders defended the principles of liberal democracy in The Gambia to please the Western donor community. West African leaders and bureaucrats had clear ownership over the process, and actually found an African solution to an African problem, the determined intervention on the part of ECOWAS should thus be praised but also assessed realistically.

5.3 Recommendations

This research provides policy recommendations as well as their implications for regional peace operations.

1. The ECOWAS member states will need to respond more proactively to electoral conflicts and risks alongside intrastate conflicts. This also raises the issue of the role of the international community in supporting ECOWAS military and peace operations in the region.
2. The international community must accept its responsibilities in supporting peacekeeping efforts in West Africa and that in the face of the current global financial crisis “peacekeeping cannot be only an ECOWAS affair.”
3. ECOWAS success in 2016 Gambia’s presidential election proved its commitment to the security of the people and this organization can also serve as a model to other regional bodies in the region.
4. ECOWAS's condemnation of the coup attempts in Togo (2005) and Guinea Bissau (2008 and 2009) and the coup in Guinea (2008), resulting in its suspension from the heads of state summit, indicates a good measure of consensus on support for democracy and zero tolerance for military dictatorships.
5. The fundamental step is for ECOWAS member states to undergo radical transformation along participatory democratic and developmental lines under a visionary leadership and move the region toward popular ownership of the peace and security agenda. It must match its rhetoric of peace, security, and development with sustainable practice.

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