**ECOWAS INTERVENTION AND DEMOCRATIZATION**

**IN WEST AFRICAN SUB-REGION**

*(A Study of Gambia 2016 General Election)*

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**CHAPTER ONE**

**INTRODUCTION**

1.1 **Background of the Study**

Presidential elections were held in Gambia on 1 December, 2016. The incumbent, Yahya Jammeh, appeared confident of securing a fifth term in office. An army Lieutenant who became President of the Gambia after ceasing power in a bloodless *coup d’état* on 22 July 1994, President Jammeh was a quintessential African President-for-life. Behind a façade of regular presidential and parliamentary elections, President Jammeh maintained control of Gambia through the tried-and-tested techniques of authoritarianism. Intimidation of political opponents, harassment of journalists, pay-offs to loyalists, electoral fraud and gerrymandering, and the control of civil society by an overbearing security apparatus ensured Yahya Jammeh’s continued grip on power.

The 2016 election was supposed to be no different. Dissidents and opposition leaders were threatened, and at times imprisoned and tortured, and the State media actively campaigned for President Jammeh. This led observers to dismiss the possibility that the election would be free and fair. Citing these irregularities, the Economic Community of West African States (ECOWAS) announced that it would not participate in observing the election, while the European Union was denied entry to the country, despite having had initial indications that it would be allowed to monitor the election. This left a small contingent of African Union (AU) observers as the only foreign actor overseeing the election.

Casting their votes using marbles instead of paper ballots, 8 Gambians delivered a stunning result. After twenty-two years in office, Yahya Jammeh was defeated by Adama Barrow, a real-estate agent, who succeeded in rallying the opposition parties around his candidacy. The final tally gave Barrow 227,708 votes to Jammeh’s 208,487, while a third-party candidate, Mamma Kandeh, received 89,768 votes.

Unexpectedly for a ruler whose eccentricities earned him the honorific of being dubbed West Africa’s Gaddafi, Yahya Jammeh conceded the election. One week later, however, in an equally unexpected *volte-face*, Yahya Jammeh announced his ‘total rejection’ of the results. Citing ‘serious and unacceptable abnormalities’, Yahya Jammeh annulled the elections and called for holding new elections under the supervision of an independent electoral commission. One explanation for Jammeh’s ostensibly erratic behavior is that he was blindsided by his electoral loss and gracefully conceded defeat as a tactical maneuver to buy precious time to find a solution to his predicament, and then decided to call for a revote in a bid to cling to power or to negotiate a safe exit from the country to avoid prosecution over allegations of corruption and human rights violations.

The essence of this study is therefore to carry out an empirical analysis of ECOWAS intervention and democraticpation in West Africa Sub-Region. A study of Gambia 2016 general elections.

1.2 **Statement of the Problem**

Prior to 1st December, 2016, the democracy was found wanting in the administrative strategy of Gambia. Since 1994, the Gambia Diaspora as a social movement has carried out and sustained anti-Jammeh mobilization through several advocacy organizations, online media houses, and networks created over the years to ‘restore democracy' in Gambia. They have gone to a great length in their efforts to influence regime change in Gambia both through non-violent and ‘violent’ means. Over 20 years, they have carried out several political activities including mass mobilization for demonstrations, issuing of press releases, lobbying transnational Non- governmental organizations (NGO) such as Amnesty International, Human Rights Watch; and Intergovernmental Organizations (IGO) such as the EU, ECOWAS, AU, United Nations (UN); and states such as the US, UK, Norway. They have also used military efforts to oust the dictatorship of Jammeh and allegedly sponsored mass protest for electoral reform in the period leading up to the 2016 elections. These efforts were not effective prior to the intervention of ECOWAS. However, ECOWAS intervention and restoration of democracy in Gambia has not received much attention from researchers and international relations experts. This is the motivation of this study.

1.3 **Purpose of the Study**

The primary purpose of this study is to carry out an empirical of ECOWAS intervention and democracy in West Africa sub-region with particular reference to Gambia 2016 general elections. This study will also go ahead to provide recommendations based on the findings of the study.

1.4 **Significance of the Study**

The importance of carrying out a study on ECOWAS intervention in Gambia 2016 general presidential election cannot be overemphasized. This study will be of great significance to the government of African countries. This study will also be of a significant importance to researchers, students and the general public. Finally, this study will be an addition to the existing stock of knowledge on the concept under study.

1.5 **Methodology, Sources, and Organization of the Study**

Methodology is the technique and procedure used in carrying out research. This explains the structural framework of the research; dealing with data generation, collection and analysis. This approach ensures that data gathered from secondary sources (such as books, journals, internet material and so on) are in line with the area of study. This study will be pursued primarily from an explanatory approach based on existing literature, including information and data gathered within and outside Gambia. In as much as qualitative method would be applied in the collation and analysis of available data, eclectic and holistic methods may not be divorced. The organization of study is the systematic arrangement of this work chapter by chapter. Chapter one serves as an introduction to the study. It contains the background of the study, statement of the problem, purpose and significance of the study, scope and limitations of the study, theoretical framework and literature review.

Chapter two dwelt on Gambia and its people. It contains information about pre and post-colonial presidential elections in Gambia.

Chapter three considered the conceptual analysis and its accompanying view point. It contains the various concepts of democracy, elections and intervention of external bodies.

Chapter four focused on the specific presidential elections in Gambia (2016-2017).

In chapter five which forms the base of the project work, the challenges and impact of ECOWAS intervention in Gambia was considered. Finally, a summary of the whole work was made, creating ample opportunity to draw conclusions and veritable recommendations which occupied chapter six.

1.6 **Scope and Limitations of the Study**

The focus of this research is to examine the intervention of democratization of ECOWAS in West African sub-region with a particular focus on Gambia 2016 general presidential elections.

Certain difficulties were encountered during this research work. Finance posed a hindrance, which comprised my visits to certain important sites, offices and accomplishing interview session with some persons, whose inputs would have gone a long way in enriching this study. Detailed candor and equanimity were often invoked to good effect, when appointments and visits exposed the researcher to unwilling officials.

Finally, data from internet, the print and audio-visual information highways, sometimes appear sensational and conflicting, more so when statistical casualty figures are involved.

1.7 **Theoretical Framework**

This project is anchored on the postulations of political realism as a framework of analysis. Political realism is one of the major theories of International relations which emphasize the constraints imposed on politics by the nature of human beings, whom they consider egoistic, and by the absence of an international government to control all members of the international community. Together, the egoistic nature of man and the absence of a world government contribute to a conflict-based paradigm of international relations, in which the key actors are states, in which power and security become the main issues, and in which there is little place for morality. Human nature is a starting point for classical political realism. Realists view human beings as inherently egoistic and self-interested to the extent that self-interest overcomes moral principles. Human beings don't do things to be nice; they do things because it serves some sort of selfish need. Political realism attempts to explain the relations among and between states in terms of power. Power is defined in various ways but in the context of international relations, poweris basically the capability of one state or a non state actor to make another state do something it would not otherwise do or to stop it from doing something it wants to do.

1.8 **Literature Review**

In the following literature, sincere efforts are made to examine same existing works related to the subject matter of this study. This helps the researcher to articulate existing knowledge on the subject matter. They help also in highlighting certain inadequacies and short comings of the works in relation to the subject matter of the current study and the gaps that needed to be filled.

Christof (2017) carried out a research on ECOWAS and the restoration of democracy in Gambia. In the analysis he asserts that following the disputed December 2016 presidential elections 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. Both the African Union and the United Nations Security Council backed ECOWAS, which also gave ECOWAS legitimacy, for what was essentially ECOWAS’s policy, and indeed an African solution to African problems. Only when the scenario of military invasion became credible did the Gambian regime accept the defeat. Four main factors explain the behaviour of ECOWAS and its success: ECOWAS had a clear legal mandate to threaten the use of force in order to protect democracy in one of its member states; there was consensus that ECOWAS forces could have coped with the relatively small Gambian army; the Gambian president could not rely on friends among his regional peers or some powerful ally from outside Africa; and regional leaders such as Nigeria and Senegal made a credible commitment to the regional intervention. While the intervention was a victory for pro-democratic activist regionalism, the specific West African conditions make a diffusion of the model to other parts of Africa unlikely.

Diallo (2005) explains, “the crumbling away of the State and the bankruptcy of governance mechanisms led to the growth and dispersal of armed participants, with soldiers, dissidents, militias, rebels and/or mercenaries fighting with legal armed forces for political power”. It was in reaction to these developments that ECOWAS began to develop a framework, first, for conflict management, and then for conflict prevention, with standards for preventing unconstitutional changes of government and promoting governance, the rule of law, and human rights.

Ifeanyi and Ejike (2017) examined the Gambian case in which the former president Yahya Jammeh refused to relinquish power after completing his tenure of office even when he was trounced in the Gambian 2016 presidential election by Adama Barrow. Gambia would have been thrown into a bloody civil war if not for the timely intervention of the Economic Community of West African States (ECOWAS) which remained resolute to prevent him from perpetuating himself in office. Employing political realism as a framework for analysis, the paper examines sit-tightism in Gambia and the strategies and tactics employed by the Economic Community of West African States to prevent it. The paper also examines the effect of this phenomenon on the development of the country. The study reveals that ECOWAS has shown the world and also sent signal to over ambitious presidents in the sub region that it is prepared to fight sit-tight leaders in the sub region. The paper recommends among other things democratic consciousness and political vigilantism among the people and an entrenched interest by non-state actors like the African Union (AU) and the United Nations (UN) to fight sit-tight leaders in all African countries as a way of salvaging African democracy from over ambitious African presidents.

Odobo (2017) carried out a research on analysis of ECOWAS institutional framework for conflict management. The paper posits that the Economic Community of West African States (ECOWAS) has evolved conflict management and security framework through which it responds to the myriads of socio-political crisis in the sub-region. The paper assessed the ECOWAS mechanisms for conflict management vis-à-vis the challenges facing the region. It begins by looking at the nature of conflict in West Africa; and then the evolution of ECOWAS conflict management framework. Using content analysis, the paper argues that ECOWAS has evolved a comprehensive conflict management and security framework and has made significant achievements in conflict management in the West African sub-region. It however, recommends peace building efforts that address poverty, human rights abuses and election fraud as well as more synergy and political will to handle religious extremism in the sub-region.

Aja and Onyemaechi (2017) carried out a research on democratic consolidation in Africa and the practice of non-indifference by ECOWAS: Lessons from the Gambian Reversed Victory. The paper argued that the outcome of the Gambian democratic election was determined more by the logic of international practice of the principles of non-indifference than the dictates of the Gambian society. Democratic patterns are gradually undergoing transformation in Africa, particularly with the growing concern of the international community. A case in point was the outcome of the Gambian democratic election on December 1, 2016 whose victory was credited to the President-elect Adama Barro. Even when the seating President Yahya Jammeh acknowledged the transparency of the election process by congratulating his victorious opponent Barro, a day after, he reversed the victory. Reversal of the electoral victory attracted international condemnation particularly from EOWAS member-states. Rather than deterred by the principle of non-interference in the domestic affairs of The Gambia, Nigeria-led ECOWAS was motivated more by concern for possible fear of humanitarian fallouts from Jammeh’s act to adopt the principle of non-indifference to the reversed victory. The broad objective is to underscore the role of international community in democratic transformation in Africa. The specific objective is to demonstrate that The Gambian reverse victory was an abuse of settled principles, norms and values for democratic consolidation and that the principle of non-indifference by the ECOWAS was to save The Gambian society from humanitarian crisis that might have arisen in the post-reversed victory. This paper is anchored on global interconnectivity as a theoretical force.

Opanike (2015) is of the view that when compared to other regional arrangements on the African continents, ECOWAS is arguably the most advanced, although still miles far from the achievements of its European Union counterpart. He considers the ECOWAS Protocol on free movement as very germane to the overall objective of the ECOWAS integration policies; this is so because, there cannot be any genuine integration if free movement of the community citizens who are considered as agents of integration is hampered. Thus, the Protocol is at the heart of the organizations’ objective. Realizing that conflict and insecurity are major obstacles to economic development, ECOWAS developed its main conflict prevention and management frameworks and tools, namely ‘the Protocol on the Mechanism for Conflict Prevention; Management, Resolution, Peacekeeping and Security (1999) and the Protocol on Democracy and Good Governance (2001). Together these formed the basis for the ECOWAS Conflict and Prevention Framework (John and Adriana, 2015).

**CHAPTER TWO**

2.1 **Gambia Post Colonial Era**

Despite mounting British reservations over The Gambia’s economic viability, political/flag independence was, nevertheless, granted on 18 February 1965. Dawda Jawara, as prime minister, along with a small cabinet, a coterie of civil-servants and very limited resources, worked to put in place an open-market system predicated on a functioning democracy. Unlike many African leaders of the immediate post-independence 1960s, who invested primarily in massive white-elephant projects, Jawara instead implemented modest development goals that sought to improve basic health, education and physical infrastructure.

In time, access to education improved, as did life-expectancy, and before long this relatively well-governed nation began to enjoy Western financial support and respect. The mini-state gained international acclaim for its free-market economy and democratic system at a time when much of the continent was mired in political instability and military dictatorships. The Gambia, Senegal, Botswana and Mauritius were the only functioning democracies in the continent before Africa’s third-wave of liberalization in the late 1980s and early 1990s.

The Peoples Progressive Party (PPP), under Jawara was returned to office five consecutive times in national elections; the last time in 1992. These elections, though not devoid of electoral blemishes, were, nonetheless, deemed free and fair by international observers, including the commonwealth. Yet, partly because of Jawara’s 30-year tenure (or overstay), he and the PPP drew much criticism for economic malfeasance, which resulted in the drastic erosion of confidence in both him and his administration (Hughes and Perfect 2013).

Characteristic of his generation of African heads of state, Jawara’s leadership became increasingly opportunistic: bedeviled by patronage, the co-opting of opposition political leaders, as well as institutional deterioration. A foiled 1981 coup, in which an estimated 800 people were killed, forced Jawara into a hastily established confederation between Senegal and The Gambia, which was dubbed a ‘marriage of convenience’. The Senegambia Confederation collapsed in 1989, but was doomed from the start for multiple reasons. The most important of these revolved around alternation of the presidency of the confederation between Senegal’s Abdou Diouf and Jawara – to which the former did not agree. In addition, mounting suspicions in Gambia and especially among its political elite over Senegal’s desire to amalgamate it as its eighth region, also loomed large

President Jawara also undertook key political and economic reforms, but these were not deep or far-reaching enough to mask a deepening divide between social classes. Although a World Bank-sponsored economic recovery program succeeded in curbing inflation, unemployment and underemployment increased. Political reforms, which were never as far-reaching as the economic ones, deepened political factionalism and eroded government legitimacy. The resulting toxic political environment added to the general perception of political ineptitude and decline.

Subsequent popular grievances arising from accusations of corruption, the fallout from the failed Senegambia Confederation and economic mismanagement, combined with the frustrations of young military officers over poor salaries and low promotion opportunities culminated in the 1994 coup d’état.

Paradoxically, the coup occurred at a time when the rest of the continent, including South Africa, was taking decisive steps toward instituting democratic norms. The coup in The Gambia placed the entire post-independence democratic experiment in reverse, resulting in the systematic disemboweling of state institutions, civil-society and, thus, the fabric of society.

2.2 **Gambia Post-coup politics: 1994-2015**

Yayha Jammeh, a former army officer who took power in the 1994 coup, promised to institutionalize accountability, transparency and probity in government to stem rampant corruption and political decay. He invited Gambians and the media, in particular, to serve as watchdogs over this ‘revolution’. However, Jammeh and his newly formed Armed Forces Provisional Ruling Council (AFPRC) soon turned to severe repressive measures to contain challenges to his rule. Faced with mounting domestic and international pressures to restore democratic norms and end military rule, Jammeh succumbed. In 1995, the AFPRC agreed to a two-year timetable to transition back to civilian rule. A hastily drafted constitution was adopted in August 1996 to replace the 1970 constitution. The new constitution, however, exhibited several key flaws. These included the absence of presidential term-limits, despite popular support for term restrictions, and failure to increase the presidential age requirement from 30 to 40 years. The new constitution retained decrees from the period of military rule, as well as laws that imposed limits on press freedom and restoration of the death penalty. Jammeh also imposed new criteria on potential presidential candidates, including a $1,000 deposit and 5,000 signatures to be considered eligible to run. These were unattainable to most aspirant candidates, with the exception for the incumbent president (Saine 2002).

Having resigned his commission before the 1996 presidential elections, Jammeh formed the Alliance for Patriotic Re-orientation and Construction (APRC), but not before banning all major political parties and politicians from contesting. The two-year transition programme back to ‘civilian rule’, which culminated in the 1996 presidential and national assembly elections in 1997 respectively, were marred by provisions of the new, doctored constitution, an electoral commission appointed by Jammeh alone in 1995 and a political network that included the Green Boys, a now-disbanded vigilante group that was mobilized to intimidate the electorate to ensure Jammeh’s ‘victory’.

Jammeh enjoyed unrivaled political and economic power as a consequence of the new constitution. In contrast, opposition political parties were sidelined and allowed little political space in a one-sided electoral contest in which Jammeh was the assured ‘winner’. His ‘victory’ was further aided by the poor financial base and the personal, political and sometimes ideological differences among the opposition. In addition, opposition political parties and their leaders were routinely subjected to frequent arrests, intimidation and legal harassment and subsequently they devoted what little financial resources they had at their disposal to fighting legal battles. Thus, the presidential and national assembly elections were lost long before the first ballot was cast (Saine 2009).

2.3 **Election Process in Gambia**

Since becoming a republic and acquiring a constitution in 1970, the country has been going to the polls every five years to choose its President and members of Parliament. Initially, the local government ministry was in charge of elections, but this changed in 1996, when, for the first time, the new constitution made provision for elections to be conducted by an independent electoral body that extended the franchise to all Gambian nationals of eighteen and older, both in- and outside the country.

Now, twenty years later, Gambians residing outside the country did not enjoy the right to vote. In the knowledge that the majority of the diaspora were opposed to him, Jammeh reckoned that this policy would secure him an easy victory at the polls.

From 1994 to 2001, the Jammeh administration was not recognized by the US government, due to its questionable democratic record. The United States and Gambia’s main opposition parties, as well as the international observers did not certify the 1996 elections as free and fair. In 2001, however, the biggest opposition party (UDP) conceded defeat to Jammeh in a telephone call from the leader of the party, clearing the way for the US to recognize the elections as reflecting the will of the people.

Even though demands for electoral reforms have been ignored by Jammeh throughout the electoral cycles since 2001, the opposition parties have continued to contest each one of them, including 2011 and 2016. Conflicted by the process leading up to the 2011 elections, which according to an ECOWAS press release was “deemed not to have been conducive to the conduct of free, fair and transparent polls”, the international community chose not to observe both the Presidential and National Assembly Elections. Thus, the ECOWAS Commission informed President Jammeh of The Gambia about its decision not to dispatch an ECOWAS observer mission to the presidential election that took place in the country on November 24, 2011.

Jammeh and the APRC dominated Gambian politics through intimidation, repression and politicized security forces that were oppressing the opposition parties. Although in mid-2015, Jammeh pardoned more than 300 prisoners (security-, political-, and common criminals), some key political opponents remained incarcerated, including the UDP’s national treasurer and two other UDP members. The three were convicted of sedition in 2013 and have allegedly been tortured in custody.

In June 2016, political activists, human rights groups, and civil society from Senegal and The Gambia met with political leaders in Dakar to discuss President Jammeh’s governance issues, as well as his refusal to implement electoral reforms and the continuous clampdown on opposition protests. The outcome was a further call for electoral reforms and the cessation of clampdowns.

2.4 **ECOWAS and the Constitutional Crisis in 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. (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 subregion. 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 Dram ani 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 authorised 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 honoured, 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 organisation 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 realised 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.

**CHAPTER THREE**

**CONCEPTUAL ANALYSIS AND VIEWPOINT**

**Introduction**

This section of the research will be focused on analyzing comprehensively on the concept of ECOWAS, ECOWAS and Conflict, ECOWAS Governance Agenda, ECOWAS and Gambia Case, Gambia under Jammeh: Democracy or Autocracy or both?

**3.1 ECOWAS: A Conceptual Analysis**

The Economic Community of West African States (ECOWAS), was established on May 28, 1975 through the treaty of Lagos. It is a 15-member regional group with a mandate of promoting economic integration in all fields of activity of the constituting countries namely, Benin, Burkina Faso, Cape Verde, Cote d’ Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal and Togo. ECOWAS was set up to foster the ideal of collective self-sufficiency for its member states in areas such as industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial issues, social as well as cultural matters.

The founding fathers of ECOWAS envisioned the creation of a borderless region where the citizens of the 15 member States have the opportunity to enjoy the benefit of comparative advantage in the abundant resources available to the different States and are able to exploit same through the creation of opportunities under a sustainable environment. However, in spite of its initial objective of purely economic integration, the realities on ground convinced leaders of the member states that ECOWAS cannot but meddle into political integration as well. Seeing the need for the sub region to be governed in accordance with the principles of democracy, rule of law and good governance, strategies for achieving same were put in place.

Corroborating this fact, Hartmann, (2017), notes that ECOWAS which was initially formed to promote economic cooperation and integration in West Africa, started from the 1990s to assume a more political role following the wave of political reforms and the growing number of protracted domestic violent conflicts in the region. Hartman (2017) equally notes that 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).

To achieve this, ECOWAS created certain mechanisms and operates through protocols. Two of such protocols which are essential to the realization of this objective include the protocol relating to the mechanism for conflict prevention, management and resolution, peacekeeping and security as well as the Supplementary Protocol which refers to protocol A/SP1//12/01 on democracy and good governance. The Supplementary Protocol was signed in 2001 in Dakar by the Heads of State and Government of 14 of the 15 ECOWAS member States. The essence of the Supplementary Protocol is the development of a constitutional State based on rule of law, strengthening of democracy and adopting common principles of good governance within ECOWAS’ 15-member States.

According to Massaër Diallo (2005), the Supplementary Protocol was developed in 2001 as an expression of a new, collective political resolve of ECOWAS’ member States to take the process of preventing and resolving crises and violent conflicts forward, and to achieve peace and security through the development of democracy and good governance. The Protocol marks an important stage in the sub-region’s political development which was characterized for long periods by the armed forces’ deep involvement in political decision-making. As of 2001, it provides an emphatic statement of the incompatibility of democracy and good governance with military-run government and the military’s involvement in politics.

The Protocol marks a turning point in ECOWAS’ political construction. This regional Institution saw itself mainly in economic terms when it was founded in 1975. It complements a chapter specifically devoted to governance - the 1999 protocol which created an ECOWAS-level mechanism along with bodies responsible for dealing with issues of conflict prevention, maintaining and building peace and developing a regional security system. The Supplementary Protocol represents both a defining point and an important dimension in the regional process of building a democratic political governance framework for supporting economic and social development in West Africa, Diallo (2005).

**3.2 The Concept of ECOWAS and Conflict**

According to Ali (2010), the causes of conflicts in Africa could be attributed to factors including the historical legacies of slave trade and colonialism; the nature of political contest; external intervention in the internal affairs of African states driven by brute economic motives; internal interventions driven by the motive of capturing the state and its coffers; human rights violations; ethnic as well as clan and other rivalries. He further identified the causes of civil wars to include lower per capita GDP, lower degree of openness of the political institutions, a higher degree of dependence on natural resources and high ethnic diversity. This diagnosis of the precursors to conflicts in Africa, is on point in relation to the Sierra Leonean conflict and other conflicts in the West African sub-region.

Gebe (2012) was also of the position that, the international system dynamics had made ECOWAS, an economic integration body to be involved in conflict management. Gebe (2012) contended that, the 1975 Treaty did not make any provision for security concerns, hence the ratification of the Protocol on Non-Aggression (PNA) in 1978. The PNA itself was also inadequate because it did not make provision for intrastate conflicts which were to confront the sub-region later. The Protocol Relating to Mutual Assistance of Defence (PMAD) was also signed in 1981 but was also not implemented. On the protocols ratified as Gebe commented, Aning (2011) also identified that all protocols on security were not implemented largely because of the lack of political will, lack of the resources and the wrong sense of prioritization. It was explained that, these factors have culminated in the inability of ECOWAS to put together an institutional framework to tackle sub-regional conflicts. This has been the main challenge the developing countries especially, African states have grapple with. Non-implementation of policies have cost the sub-region lives, infrastructure, loss of resources among others.

**3.3 The ECOWAS Governance Agenda**

West Africa’s efforts to resolve geopolitical crises in the early 1990s made ECOWAS the first African organization to develop legal standards and protocols on democratic governance and human rights. The community’s involvement in managing violent conflicts in the region led to the revision of the ECOWAS treaty in 1993. The revised Cotonou Treaty included a number of peace and security standards along with norms on governance. Based on this treaty, in the late 1990s and early 2000s, member states introduced more legally binding agreements on democracy and governance.

In a region of frequent coups, civil wars, and armed insurgencies, ECOWAS member states initially considered governance as a component of the region’s peace and security strategy. Nevertheless, ECOWAS as a regional grouping has gradually developed standards that go beyond immediate concerns for peace and security and that put an emphasis on democracy, human rights, the rule of law, and effective governance. Furthermore, ECOWAS has introduced a number of agreements incorporating continental norms developed by the Organization of African Unity and the African Union. These aim to provide a more explicit framework of reference for appropriate governance standards; and the ECOWAS Conflict Prevention Framework (ECPF) which maintains the organization’s stated claim of zero tolerance to unconstitutional changes of government.

**3.4 ECOWAS and Gambia Case**

Most recently in the Gambia, ECOWAS took a strong stance regarding the refusal of President Jammeh to cede power despite losing the elections. In the lead up to the 1 December 2016 elections, political tensions in the country were high. In April 2016, the main opposition party led protests and demanded political reforms. The crackdown that followed saw arrests of 50 members of the United Democratic Party (UDP), the main opposition party. In addition, it was alleged that three detainees, including the leader of the UDP’s youth leader, Solo Sandeng, were killed while in custody. The African Union (AU) and ECOWAS condemned the arrests and called for investigations; a request that fell on deaf ears.

In May 2016, ECOWAS deployed a fact-finding mission, jointly with the AU and the UN Regional Office for West Africa and the Sahel (UNOWAS). The mission was led by the President of the ECOWAS Commission, Marcel Alain de Souza, and the AU Commissioner for Political Affairs and the Special Representative of the UN Secretary-General for West Africa and the Sahel. Jammeh refused to meet them. Despite this, ECOWAS deployed another fact-finding mission in July 2016, during which it concluded that the conditions for the conduct of peaceful, free and fair elections were unsatisfactory. ECOWAS therefore refused to send observers to monitor the December elections. Mediation efforts were then set up to convince Jammeh to leave office; however unsuccessfully.

ECOWAS did not recognise Jammeh as legitimate winner of the December 2016 elections. But it was only when the constitutional term of Jammeh’s term came to an end in January and that the legitimate president, Barrow, was inaugurated on 19 January 2017 that ECOWAS intervened with a regional military force.

**3.5 Gambia under Jammeh: Democracy or Autocracy or both?**

The Gambia surrounded on three sides by Senegal (North, South, and East) and the Atlantic Ocean on the West was the last British colony to gain independence in 1965.For more than three decades after independence, while the rest of Africa was characterized by one party rule and authoritarian rule, the Gambia maintained the longest surviving multiparty democracy alongside Botswana and Mauritius (Saine, 2009, Edie, 2000). Apart from an abortive coup in 1981 that threatened the government of Sir Dawda Kairaba Jawara, Gambia enjoyed relative peace. Although multiparty party politics, relatively free media and guaranteed human rights existed, the Gambia never experiences an electoral turnover under Jawara and his People Progressive Party (PPP) that came to power in 1962. Jawara and the PPP won every election making Gambia's electoral system a one party dominant. The presence of few disjointed opposition parties to a large extent only exist to legitimize Jawara, and they were frequently co-opted or delimited by the PPP (Edie, 2000) who dominated parliament. While democracy promoters praised Jawara and his PPP government for respecting human rights, multiparty competition, etc, few weak civil societies existed, and PPP's control of the state media made it difficult to criticize the government.

This is not to say that there were no independent newspapers that wrote critically against the PPP government. However, the challenge was that these papers had a little flow around the urban areas due to lack of resources and low literacy rate in the country at the time. A closer look at Jawara's 30 years rule characterized by economic degradation, and the PPP dominants of the political scene, one can observe that the "conditions required for the entrenchment of democracy were missing"(Edie, 2000).

In 1994, a bloodless coup led by Yahya Jammeh and four other officers of the Gambia National Army toppled Jawara and his PPP government. According to Arnold Hughes, the coup “brought to an end one of the most open political systems in Sub-Saharan Africa”(Hughes, 2000, p.35) Jammeh’s justification of the coup as “an anti-corruption effort aimed at a stagnant elite”(Hultin et al., 2017) received extensive support from young marginalized people and other sectors of society who felt that Jawara overstayed his welcome.

Promising never to introduce dictatorship in the Gambia and "been soldiers with a difference," Jammeh and his Armed Forces Provisional Ruling Council (AFPRC) government, within two years of the transition, built more schools, roads, hospitals across the country than Jawara did in 30 years. These infrastructural developments were calculated as he presented himself as a civilian candidate in the 1996 elections. Hughes argues that “the paradox of the military’s affirmation of democratic values was that it replaced a functioning democracy … with a short period of military rule and a managed presidential and parliamentary election,"(Hughes, 2000, p. 36).

After winning the elections, as Hultin et al observed, "Jammeh quickly developed a persona as a classic African ‘Strongman' with a paternalistic, patriarchal and devoutly Islamic identity; democratic trappings aside, his record was that of a bullying autocrat a brutal demagogue, and he embraced the title dictator"(Hultin et al., 2017, p. 2). Equally, Saine (2009) observed that between 1997 and 2000, Gambia witnessed an “overt consolidation of a police state” and since the 2001 presidential election which was precipitated by an attempted coups in 2000 and the gunning down of fourteen student protesters in the same year marked the beginning of the consolidation of dictatorship in Gambia. Over the year’s Jammeh was named among “the world’s most eccentric and ruthless leaders”25. This very assessment of Jammeh characterized Gambian politics in the next two decades as Jammeh determines to maintain political power; he traverses between dictatorship and democracy. As Norberto Bobbio observed democracies and dictatorship could be concurrently negating and dialectical (Bobbio, 1989). There is ample evidence that suggests some semblance of democracy existed under Jammeh along with autocracy. The existence of political parties, the conduct of periodic multiparty competition (both presidential and parliamentary) suggests so.

**CHAPTER FOUR**

**GAMBIA ELECTORAL EXPERIENCE AND ECOWAS INTERVENTION**

**4.1 Gambia Election Process**

Since becoming a republic and acquiring a constitution in 1970, the Gambia has been going to the polls every five years to choose its President and members of Parliament. Initially, the local government ministry was in charge of elections, but this changed in 1996, when, for the first time, the new constitution made provision for elections to be conducted by an independent electoral body that extended the franchise to all Gambian nationals of eighteen and older, both in- and outside the country. Now, twenty years later, Gambians residing outside the country did not enjoy the right to vote. In the knowledge that the majority of the diaspora were opposed to him, Jammeh reckoned that this policy would secure him an easy victory at the polls (Steve, 2017)

From 1994 to 2001, the Jammeh administration was not recognized by the US government, due to its questionable democratic record. The United States and Gambia’s main opposition parties, as well as the international observers did not certify the 1996 elections as free and fair. In 2001, however, the biggest opposition party (UDP) conceded defeat to Jammeh in a telephone call from the leader of the party, clearing the way for the US to recognize the elections as reflecting the will of the people.

Even though demands for electoral reforms have been ignored by Jammeh throughout the electoral cycles since 2001, the opposition parties have continued to contest each one of them, including 2011 and 2016. Conflicted by the process leading up to the 2011 elections, which according to an ECOWAS press release was “deemed not to have been conducive to the conduct of free, fair and transparent polls”, the international community chose not to observe both the Presidential and National Assembly Elections. Thus, the ECOWAS Commission informed President Jammeh of The Gambia about its decision not to dispatch an

ECOWAS observer mission to the presidential election that took place in the country on November 24, 2011.

Jammeh and the APRC dominated Gambian politics through intimidation, repression and politicized security forces that were oppressing the opposition parties. Although in mid-2015, Jammeh pardoned more than 300 prisoners

(security-, political-, and common criminals), some key political opponents remained incarcerated, including the UDP’s national treasurer and two other UDP members. The three were convicted of sedition in 2013 and have allegedly been tortured in custody (Anayo, 2016)

In June 2016, political activists, human rights groups, and civil society from Senegal and The Gambia met with political leaders in Dakar to discuss President Jammeh’s governance issues, as well as his refusal to implement electoral reforms and the continuous clampdown on opposition protests. The outcome was a further call for electoral reforms and the cessation of clampdowns.

**4.2 The Gambia 2016 Election: A Critical Analysis**

The diaspora became a crucial player in the election process, even though they continued being denied the right to vote. Many of them were very active on social media long before the election campaign began, and their remittances to family members in the country were used as leverage to counter the fear element that compelled the electorate to vote for Jammeh.

Through the online crowd-funding tool Go-FundMe, it took the diaspora just 24 days to raise over $50,000 in support of the opposition campaign. The pre-election ECOWAS assessment mission stressed the need to raise funds to match the “vast resource imbalance” between the incumbent and the collective opposition, an issue that was a key factor in the 2011 presidential election (abuse of incumbency).

The State has always refused to provide security for the opposition candidates during political campaigns. Rather, the opposition had to hire their own security guards for their personal protection, while supporters relied on their numerical strength to resist and defy intimidation from the ruling party and elements of the security services.

Human rights groups and election observer missions have documented instances of intimidation by members of the military, the police, and the intelligence services throughout the entire electoral process, from the registration of voter rolls, to the voting itself, and the counting of ballots. The security services used to campaign openly by wearing ruling party T-shirts and by displaying their loyalty through slogans like “We will die for you!” –referring to President Jammeh.

The Gambia Opposition for Electoral Reform (GOFER) was a coalition of seven opposition parties that came together to demand electoral law reforms to even out the electoral landscape in favor of free and fair elections in The Gambia in 2016. In 2011, individuals and civil society groups in the diaspora started to engage with the opposition parties in The Gambia for the purpose of drafting a coalition strategy to effect change through the ballot box. The development partners were also involved, in an advisory capacity, by offering their assistance and support in setting up the coalition and keeping it going for the duration of the 2016 elections.

Two different strategies were advanced for the coalition during the run-up to the 2016 election cycle: one was to boycott the elections if there were no meaningful reforms, and the other was to contest them, whatever the conditions, and following up the process with civil disobedience, since it was deemed to be rigged anyway. Jammeh was caught in a conundrum, since he didn’t know if the opposition would boycott or contest the election. His strategy was to fund a candidate to legitimize the election process, should the opposition choose to boycott. Instead of meeting the demands of the opposition parties for electoral law reforms which would level the playing field, Jammeh implemented his own reforms, designed to his advantage. He raised the deposit for presidential candidates from GMD 10,000 to GMD 1 million, but finally, after international condemnation, reduced it to GMD

500,000. He also introduced on-the-spot vote counting, and replaced an incumbent IEC chairman whose term of service exceeded the constitutional requirements.

Finally, the strategy to contest the elections gained the upper hand, since boycotting would not have prevented Jammeh from holding elections with his sponsored candidate. The choice of a single candidate for the collective opposition was made through a selection process at a convention in the presence of all aspirants from the composite political parties of the coalition. Since the chosen candidate was to represent all of the opposition parties, it was decided that he should run on an independent ticket.

Adama Barrow, the flag-bearer of the UDP, the biggest opposition party, emerged victorious over the socialist party’s Halifa Sallah, Hamat Bah from the NRP and Dr Bojang from the NCP. Together, they presented their candidate to the electorate and mounted a 2-week campaign for change.

The final official results showed Barrow winning a 43.3% plurality, achieving a 3.7% margin of victory over Jammeh’s 39.6% – with a third candidate, Mamma Kandeh, receiving 17.1% of the votes. After the election, 19 opposition prisoners were released, including Ousainou Darboe, the leader of Barrow’s United Democratic Party (UDP).

Since the victory on December 1st, president-elect Adama Barrow and his team have not been offered any state protection. Rather, he has to rely on private security guards hired from neighboring Senegal, who, according to Gambian law, cannot even be armed to be able to provide maximum security. As Barrow moves around and gets on with the affairs of state, he is constantly surrounded by large

crowds of supporters. Since Jammeh’s refusal to accept the results and step down, heavily armed soldiers have been deployed all around town, and there are sandbags piled high everywhere, fortifying strategic locations.

**4.3 ECOWAS Intervention in Restoring Democracy and Presidential Choice in Gambia**

With the powers conferred on it by virtue of the various protocols, ECOWAS had to step into the Gambian political logjam during the transition of government in December 2016 after much entreaties for Yahaya Jammeh to step down for the president elect, Adama Barrow to take over power failed. To make him leave office honourably, ECOWAS sent a delegation that included its Chairman and the President of Nigeria, Muhammadu Buhari but he bluntly told the visiting emissaries that he would not leave (Gbenga, 2017).

In order to forestall the incidence of a civil war should the opposition try to reclaim its mandate after Jammeh had refused to step down having called the bluff of ECOWAS member states like Nigeria, Guinea, Senegal, etc who prevailed on him to step down, ECOWAS sent troops to Senegal, Gambia’s neighbour suggesting it was ready to forcefully eject Jammeh from office (Gbenga, 2017). Because of the recalcitrant and despotic attitude of Jammeh, the coalition of military forces of ECOWAS resolved to oust Jammeh militarily. The countries that contributed military personnel were Nigeria which sent between 500-1000 soldiers and some Fighter Jets, Senegal sent 7000 soldiers and Ghana contributed about 205 soldiers. The pro-Barrow forces were about 125 soldiers. By 18th of January, the coalition force had surrounded the Gambian borders and given Jammeh an ultimatum to step down by 12 noon on 19th January, the following day. They also deployed soldiers to Senegal where Adama Barrow would be sworn in. Adama Barrow had fled Gambia on the 15th of January due to the tensed situation in the country as his swearing-in and inauguration drew nearer. Amidst heavy security presence in the Gambian Embassy, Adama Barrow was sworn- in as the president of Gambia on 19th January 2017.

On the swearing-in day, ECOWAS Mediation Group came and made some last minute appeal to Jammeh demanding his stepping down and offered him an asylum. The presidents of Equatorial Guinea and Guinea-Bissau led the negotiation. However, at the morning negotiation, the Mediation Group finally prevailed on Jammeh and he eventually agreed to step down but demanded an extra four hours grace to round off a few things and then leave Gambia. At the expiration of the time, Jammeh left Gambia for Guinea with his wife and children temporarily and later went into exile in Alfa Conde's Equatorial Guinea. ECOWAS was able to achieve this feat without military actions.

**CHAPTER FIVE**

**CONCLUSION AND RECOMMENDATIONS**

**5.1 Conclusion**

The election of President Adama Barrow in December 2016 led to Gambia’s first democratic executive change of government since independence. After the incumbent initially declined to leave power, mediation and military pressure from fellow West African countries led to his peaceful departure. The outlook for the country is thus greatly dependent upon the ability of the new administration to carry out a smooth and fast transition, shore up finances, regain the confidence of partners, stabilize the country to bring back tourists and set the basis for economic transformation. On the fiscal side, rebuilding fiscal buffers should become a top priority, notably through improved wage bill management, tightened control of spending, review and restructuring of public-sector enterprises and control of domestic borrowing (African Arguments, 2017).

It must be said that ECOWAS has shown the world that it is a resolute organization which can stamp its feet down against sit-tightism in the sub region. The case of Gambia served as a warning to other sit tight leaders in West Africa and those who are still harboring such ugly intentions as ECOWAS is now all out to protect democracy as well as ensure peace and security in the West African sub region. Again, it must be said that ECOWAS has taken giant strides in not only resolving conflicts but also preventing same within its sub region, with special regard to the Gambia.

**5.2 Recommendations**

Based on the findings of this study, the following recommendations were suggested:

1. Democratic consciousness and political vigilantism is recommended for all citizens of the West African sub region, nay, Africa in general so as to prevent their presidents from ever nursing the ambition not to talk of extending their stay in office unduly.
2. Ensuring that all member states entrench term limits in their constitution.
3. A close observation and monitoring of elections in its member states to reduce the incidence of rigging and intimidation of voters during elections. The ECOWAS monitoring team, Human rights activists and other supranational bodies both within the sub region and beyond should actively participate as observers during elections.
4. The use of sanctions such as cutting off trade and diplomatic relations with any country whose president refuses to relinquish power at the expiration of his tenure of office.
5. The use of military option after persuasion fails as in the case of Gambia is also recommended as sit-tightism has become a dangerous disease to African democracy.
6. The Economic Community of West African States Court of Justice should be able to look into such cases and bring defaulters to book.
7. Other sub regional organizations in Africa should borrow a leaf from ECOWAS example in the Gambia so as to eradicate this disease (sit tightism) in the African continent.
8. The African Union (AU) and the United Nations (UN) should take interest in salvaging democracy in African by sanctioning any president who refuses to relinquish power at the expiration of his tenure of office and should that fail in the long run, use the military option as would have been used in Gambia. This will serve as a deterrent to ambitious African presidents who want to sit-tight in office.

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