



**Peace and Security implications of the Gambia's political impasse –ECOWAS
intervention, justification and its impact on the economy**

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Abstract:

Following the disputed December 2016 presidential elections in The Gambia, both the African Union and the United Nations Security Council gave ECOWAS backing for intervening in the country politically. The question that often divides Gambians was whether the intervention is justified. While both international institutions expressed their backing for what was otherwise an ECOWAS policy and quest, the latter backing did not allow for the use of military intervention by ECOWAS. The assignment seeks to evaluate the peace and security implications of the last political impasse in the Gambia and its impact on the country's economy during the past 13 months while briefly highlighting the role ECOWAS played to end the impasse and the international legal justifications for the intervention and concludes that the intervention is justified.

KEYWORDS: *Gambia, ECOWAS, security, peace,*

Introduction

Following the disputed December 2016 presidential elections in The Gambia, both the African Union and the United Nations Security Council gave ECOWAS legitimate backing for intervening in the country politically. The question that often divides Gambians was whether the intervention is justified. This question requires us to look at the peace and security implications of the political impasse in the country vis-à-vis international law before we can actually answer whether ECOWAS is justified in its intervention. In other words, this paper considers what would have been the peace, security implications of the impasse had ECOWAS not intervene, and what impact has the intervention made 13 months later on the country's economy.

Peace and Security implications

The former President decision to contest the presidential election results on December 9, 2016, following his concession of defeat a week earlier sparked a political crisis unprecedented in The Gambia's political history. President Jammeh's refusal to step down was allegedly because of miscalculation of the election results coming from Basse area.

According to (Edrissa Sanyang, 2017, p. 17), there were some peace and security implications for a Jammeh victory in the 2016 election and this is understood best in light of the events that precede the impasse. The authors are of the view that his decision to leave the Commonwealth in 2013, was part of a wider plan to establish a Jola hegemony along what they called the 'the 3Bs' (Banjul-Bignona-Bissau), being the only areas in the African continent where this tribe is found (ibid). While this view may seem conspiracy in theory, GRTS run programs featuring activities in those regions showed all indications that Jammeh has had a strong and influential hand in Cassamance and Bissau.

The authors also contended that as part of that wider plan, side-talk within his party and his majority dominated National Assembly's support in 2014 for the possibility of crowning him king during and adjournment debate made headlines. This, the authors contended albeit indirectly is supported by his release of new banknotes bearing his portrait, and the conferment of the title "Babili Mansa" on himself (a pre-eminent title in Mandinka, meaning 'the king who builds bridges', as in acquiring powers that span across seas) during the week-long 20th anniversary celebrations the same year (ibid).

Besides these, his unilateral declaration to withdraw the country from the International Criminal Court in October 2016 is also part of this wider plan besides his Jola hegemonic desire to protect himself from formal prosecution he may face given the growing opposition to his rule, the authors contended (ibid).

These events coupled with his Pre-election statements threats of violence suggest an impending peace and security implications not just in the Gambia but in the neighbouring countries as well. At a Brikama rally, which was made on GRTS, he warned that if people (women and children) do not want to be widows and refugees, they should make a better decision in the 2016 election. These threats began to show their ugly heads following his U-turn when he promoted fifty army officers and deployed the army in major populated areas to quench possibly any political disturbances and revolts, which presumably would have culminated in human atrocities. Finally, by January 17, the Jammeh dominated National Assembly declared a state of emergency, granted a three-month extension of his mandate, and imposed a dusk-to-dawn curfew. While state of emergency may be good for states to derogate from their duties to uphold certain civil and political rights (Laurence R. Helfer, Fall 2011), the African Charter on Human and Peoples' Rights contains no derogation provision (N/A, 2003). This, perhaps is because African Governments may resort to drastic and far-reaching security measures and vengeance in response to crisis like the Gambia's political impasse.

Many people including both nationals and non-national left for neighbouring countries in view of the impending volatile political impasse in the country. Those that remained could not relocate to safer zones because of economic and financial cost or became internally displaced persons including me in other parts of the country.

In view of these events and the implications they have on the peace and security not just in the Gambia but the sub-region as well, ECOWAS through a request to the AU and the UN Security Council, took the unanimous decision respectively to consider all options, including military intervention as last resort, to enforce the will of the Gambian people. UNSC Resolution 2337 was the expression of that unanimity giving its backing to the ECOWAS quest to end the political impasse by peaceful means first, which actually was exhausted diplomatically to resolve the crisis.

The Relevant Provisions and the justifications of ECOWAS intervention

Ever since the establishment of ECOWAS initially in 1975 to promote economic cooperation and integration in West Africa, The Gambia had been a member. However, following the growing number of protracted domestic violent conflicts in the region, it assumed a more political role following a wave of political reforms beginning in the 1990s. Some of these reforms notably were the revised ECOWAS treaty (1993), the Protocol on the Mechanism for Conflict Prevention (1999) and the Protocol on Democracy and Good Governance (2001) which formally commit the organisation to promote democracy and good governance and adopt what later came to be termed the Responsibility to Protect (R2P).

Chapter 1 of the ECOWAS protocol on Democracy and Good Governance states the principles upon which the protocol rest. This chapter complements and clarifies the principles set out in article 2 of the 1999 Protocol on the Mechanism for Conflict Prevention (ECOWAS, Dec.2001). The chapter specifies that Member States reaffirm their commitment to the principles of the Charters of the United Nations Organisation (UNO), Organisation of African Unity (OAU), Universal Declaration of Human Rights, and the African Charter on Human and People's Rights.

The African Charter on Human and People's Rights in particular specifically deals with the under-mentioned fundamental principles:

- “a) That economic and social development and the security of peoples and States are inextricably linked;
- b) Promotion and reinforcement of the free movement of persons, the right of residence and establishment, which contribute, to the reinforcement of good neighbourliness;
- c) Promotion and consolidation of a democratic government as well as democratic institutions in each Member State;
- d) Protection of fundamental human rights and freedoms and the rules of international humanitarian laws;
- e) Equality of sovereign States;
- f) Territorial integrity and political independence of Member States” (Sturman, 2002, p. 4)

Chapter V, article 25 of that protocol outlines the conditions upon which the Conflict Prevention Mechanism shall be applied among which includes several options. While the first applies to cases where aggression or conflict occurs in any Member state or threat thereof, the second and third applies to conflict situations between Member states and in cases of internal conflict that threatens to trigger a humanitarian disaster or that poses a serious threat to the peace and security in the sub-region. The fourth, fifth and sixth applications of the protocol rests either on situations where serious and massive violations of human rights and rule of law or an overthrow or attempted overthrow of a democratically elected government.

The Gambia was a signatory to all of these reforms and consequently, given the sighted articles in the above-mentioned it has given ECOWAS the legal mandate to threaten the use of force without using

physical violence in order in to protect democracy and prevent the threat of conflict in one of its member states.

Another reason why ECOWAS was legally mandated to intervene in The Gambia is that it has the backing of the both the AU and the unanimous UNSC Resolution 2337 that expressed its support for ECOWAS quest to ensure, by political means first, the will of the people of the Gambia as expressed in the results of 1st December elections”. While this Resolution supported ECOWAS, it did not endorse a military action by virtue of Chapter VII of the UN Charter, (Hartmann, 2017) contends.

Pre-election statements by the then President threatening to kill people, was reason enough for ECOWAS military intervention, albeit lacking UNSC authorization, without the use of physical violence, to avoid what would have likely culminated into ethnic cleansing, genocide, war crimes and crimes against humanity abundantly. Besides, it would forestall an imminent plunge of the entire region into conflict given the socio-ethnic structure of the Senegalo-Gambia Cassamance region.

Peter Berkowitz as cited in (C.Luck, 2010, p. 14) also shows why sovereignty, though absolute and indivisible, is limited by the power of the natural and inalienable rights of individuals that brings it into being and maintains it. The natural and inalienable rights of Gambians that brings and maintains the people’s sovereignty through Yahya Jammeh thus became limited when they decided that it was time for him to go. It is these limits, the author contends, that sheds light on the whys and wherefores upon which states (ECOWAS can) pursue respect for claims on national sovereignty as well as surrendering that right to govern their people. In short, the same reason why the sovereign has to recognize these inalienable rights gives the other nations (ECOWAS) the right to intervene and provide what their sovereign failed to recognize (ibid).

Michael Walzer as cited in (Nye, 2007, pp. 165-166) also supports Peter Berkowitz’s contention by outlining other justifications for military intervention in the absence of obvious aggression. The first is pre-emptive intervention where there is clear and sufficient threat to a state’s territorial integrity and political sovereignty. The second is when intervention is needed to balance a prior intervention whilst a third is when intervention is necessary to rescue people threatened with massacre. All these justifications support ECOWAS intervention in the Gambia.

Post Economic Impact of ECOWAS intervention

While ECOWAS intervention id is justified in view of the arguments presented, its impact on the country’s economy during the past 13 months is mixed taking cue from the 2018 budget speech by the Finance Minister. The *Point Newspaper* citing the Minister’s speech reports that the Gambian economy is expected to grow by 3.0 percent in 2017 compared with an actual outturn of 2.2 percent in 2016 (Baldeh, 2017). According to Africa Development Bank Group, Growth declined to 2.1% in 2016 due to policy slippages and electoral uncertainty although it expects it to rebound to 3.5% in 2017 and 4.8% in 2018 following a peaceful political transition (Afdb, 2017).

Agricultural sector too is expected to rebound to 2.6 percent in 2017 compared with 0.5 percent in the year before. The sector’s growth is predicated on a forecasted growth in crop and livestock production (Baldeh, 2017). Expected growth in forestry and fishing subsectors are anticipated to expand by 3.0 percent and 4.0 percent respectively in 2017 against 3.0 percent and 3.5 percent a year ago.

From these naratives the economy seems to be improving. However, industry is expected to experience marginal contraction of 0.8 percent in 2017 due to poor performance in manufacturing and electricity, gas and water supply, all of which are anticipated to record a contraction of 5.1 and 14.0 percent respectively in 2017 compared to 1.0 and 7.3 percent growth last year” (Baldeh, 2017). Similar setbacks in the service

sector Baldeh reports to fall to 4.1 percent in 2017 compared with 5.1 percent last year (ibid). Citing the Finance Minister, “hotels and restaurants subsector is anticipated to record 5.0 percent in 2017 compared to 19.7 percent in 2016” (Baldeh, 2017). The low performance of the service sector is due to the negative impact of the December political impasse that affected the tourism sector, leading to low occupancy over the period January- March 2017 (ibid).

Hence, while ECOWAS intervention is justified, it had affected negatively on some sectors of the economy such as service industry namely tourism and related services. Tourism, rain-dependent agriculture, and remittances are the life-blood of the country’s economy. Real GDP growth for 2017 (Afd, 2017) reports is expected to be above 3 percent, propelled by lower interest rates, a recovery in agriculture due to a favorable rainy season, and a rebound in the service sector following an end to the political impasse. The fiscal situation, which deteriorated during the political crisis, the bank contends, has also improved because of external support and efforts to strengthen fiscal discipline.

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