

Un, Ecowas And The 2017 Gambian Crisis

Aagya Gupta

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I. Introduction

The 21st century conflicts and its dealings within the current international framework is quite debatable. Key international institutions are rapidly losing their legitimacy and accountability to either hegemony, their interests, and preferences or to the ambiguous norms and regulations written and accepted in the post- Cold war world. On the other hand, the rapid rise and resurgence of many regional security frameworks and agencies transformed our understanding of dealing with complex global and local issues. Their rising relevance amplified their role, effectiveness, legitimacy, and viability in dealing with local/ native conflicts and regional issues of immediate security concerns in place of the international organisations that are continuously losing accountability.

Prior 1945, major speculations have been drawn on the role, agency, legitimacy, accountability, and authority of the international institutions like, the United Nations Security Council etc, as the humanitarian interventions and responsibility to protect projects initiated, directed, and controlled by the West started to target and violate the sovereignty and governmentality of several regions in the world. Most notable reflections of these can be seen prior the 9/11 attacks and the U.S. response to it with its broader global war on terror agenda, the U.S. invasion of Iraq 2003, series of liberal peace projects and several humanitarian interventions in the name of promotion of liberal and democratic values have disrupted, destroyed, and completely transformed the regional scenarios, when it comes to Syria, Libya, Yugoslavia, Yemen, Afghanistan and many more.

Although, modern scholars do not fail to acknowledge the significance of the global organisations and the rules- based imperialistic world order which has somewhere benefitted in improving conditions of many small and big nations as well. When it comes to regional conflicts, these international bodies have acknowledged the significance of regional security organisations in understanding the ground realities, addressing the dispute with a nuanced approach and deal with such natively violent conflicts in partnership with regional organisations for global peace. Keeping this in mind, one such remarkable example is the 2017 Political unrest in Gambia in the African continent which brought back the democratic statehood and political stability peacefully with the commendable partnership of the international and regional security organisations together.

Therefore, the prime objective of the article is to establish that rising relevance of the regional security organisations do not completely overshadow the legitimacy and viability established by the international organisations. Rather both global and regional organisations are a universal part of the imperialistic rules- based world order which drives their legitimacy and viability depending on many factors such as the complexity, geography, severity, and the actors involved in a particular conflict. The article aims discuss and analyse and support its above argument by: 1.) Reassessing the Classic Case of Gambian Constitutional Crisis of 2017, role, and response of the international institutions like, United Nations Security Council {UNSC} and its partnership with key local security organisations, like ECOWAS and AU specifically. 2.) To draw special attention towards the remarkable efforts made by ECOWAS through its coercive diplomacy but also acknowledging the relevance of UNSC's strong consideration for the prohibition of use of force in Gambia.

The article strongly contends to highlight the effective role played by the regional security organisations in improve the existing conditions of Gambia situated in West Africa but this does not undermine the relevance and legitimacy of the key global institutions in the 21st century. Further, the essay intends to draw an immersive picture to convey its conclusive argument that the increased relevance of regional security organisations like, ECOWAS is indeed an outstanding milestone to be acknowledged internationally. But this phenomenon does not contrast the legitimacy of international organisations, rather it intends to, compliment it further as both lie under a globally accepted rule- based order.

The Democratic Interventionism: Addressing the 2017 Constitutional Crisis in Gambia

The constitutional crisis in The Gambia was triggered by the incumbent President Yahya Jammeh's reluctance to acknowledge the results of the presidential elections on December 1, 2016. Challenger Adama Barrow unexpectedly beat the reigning president, who had been serving the state since 1994. Jammeh originally

accepted the election results and praised The Gambia's democratic process, but just one week later refused to transfer office. He justified this by asserting significant, unacceptable irregularities in the electoral process, which will first be clarified by the Gambian Constitutional Court. (Guardian, 2016)

The international community fiercely opposed and condemned Jammeh's reluctance to recognise the election outcomes. In a presidential statement, the Security Council reiterated its request to the outgoing president to fully respect the outcome, the expressed will of the Gambian people, and to carry out a peaceful and orderly transition process by the end of his presidential term on January 19, 2017, as required by the Gambian Constitution. (UNSC, 2016) Similarly, the AU and ECOWAS made it unambiguous that they would only acknowledge Barrow as The Gambia's rightful representative. Furthermore, adopting from the Security Council's accepted terminology for empowering military force, official AU and ECOWAS resolutions committed to use 'all necessary measures' to ensure respect for the Gambian people's will. (AU 2016; ECOWAS 2016)

Shortly after, ECOWAS dispelled any remaining concerns by saying that '[i]f he [Jammeh] is not going, we have stand-by troops already notified, and these stand-by forces must be able to act to restore the people's will. (BBC, 2016) A short time later, troops from five West African governments gathered near the Gambian border. President Jammeh condemned the actions as unprecedented involvement in The Gambia's domestic affairs and announced a state of emergency in mid- January. (BBC 2017; Al Jazeera 2017)

The Gambian parliament, in which Jammeh still had a majority, prolonged Jammeh's presidential term for three months until the Constitutional Court issued an order on the alleged electoral violations and adopted a constitutional reform. As a result, on January 19, 2017, Jammeh did not hand over the office to his elected successor. (Al Jazeera, 2017) Later, the New York Times (2017) reported, a Senegalese military official stated that the initially scheduled border crossing was accidental due to the Senegalese armed forces' unfamiliarity with the vicinity.

Barrow was sworn in as President on January 19, 2017, at the Gambian Embassy in Dakar, Senegal. He rapidly demanded international aid to solidify his electoral victory. (Maclean, 2017) By this point, the Gambian military forces appeared to have shifted their allegiance away from Jammeh. Thus, the commanding general said that the army would not intervene in the political issue, while the navy proclaimed its support for Barrow. (Maclean 2017a; Ogbonna 2017) In an abruptly convened session, the UN Security Council unanimously adopted Resolution 2337. (UNSC, 2017) The Foreign forces' deployment in The Gambia was not mentioned in the resolution. There was no mention of Chapter VII of the United Nations Charter. Instead, the UN Security Council was pleased to affirm the inviolability of Barrow's election as president, and it joined ECOWAS and the AU in establishing his leadership on January 19, 2017. Furthermore, the Security Council voiced complete support for the ECOWAS decision-making 'to secure, by political means first, the respect of the will of the people of The Gambia as expressed in the results of the 1st December elections'. (UNSC, 2017: para.6)

Only hours later, the military action in The Gambia was stopped to give diplomacy one more opportunity - and they were successful. On January 21, 2017, Jammeh willingly relinquished power and fled The Gambia. Barrow requested that ECOWAS soldiers be stationed in The Gambia to safeguard the country's security. (Kreß and Nußberger, 2017)

Nussberger (2017) contends that, this classic case study raises a relevant debate which concentrates on assessing the conduct of the Senegalese soldiers sent by ECOWAS considering international law's ban on the use of force. The equally important topic of whether the ECOWAS and AU resolutions represent an illegal threat to use force is outside the scope of this examination.

The Article 2(4) of the UN Charter establishes the basic ban on the use of force as the foundation of international peace and security legislation. According to the UN Charter, the use of force is only legal in two circumstances: first, when the UN Security Council authorises individual nations or a regional entity to use force under Chapter VII. Second, Article 51 of the UN Charter preserves nations' individual and collective right to self-defence in the event of an armed assault. Furthermore, it is generally accepted that the use of force in the territory of another state is permissible if that state has provided prior approval (intervention by invitation). On the contrary, a right to pro-democratic action without such an invitation or UN Security Council authorization is widely denied. According to this, the appearance of a Senegalese official on Gambian territory, even accidentally, is an illegal conduct that has been highlighted in the media multiple times. (UN: 1945; 2016)

Another striking feature of this case that, the regional security organisations such as, ECOWAS and AU wanted to seek the UN authorisation of use of force to solve the crisis, but UN refrained from providing an authorisation of use of military force through UN Security Council Resolution 2337 in 2017. This restrained the international and regional security organisations to sought the Gambian domestic dispute peacefully and establish democracy again. (Security Council Report, 2017) (UNSC, 2017) To appease Russia's anxieties, the Council reportedly avoided taking up the specific terms of the AU and ECOWAS resolutions. Though these two regional groups agreed to take 'all necessary measures' in accordance with the Security Council's normal

phrasing, the Security Council simply welcomed their resolutions. The absence of UN Security Council authorization unambiguously indicates that the use of force in The Gambia cannot be justified as a regional collective security measure under Chapter VIII of the UN Charter, because the second sentence of Article 53(1) expressly links the lawfulness of a regional forcible measure to UN Security Council authorization. Hence, the use of force, proposed by the regional security organisations like ECOWAS and AU in the Gambia is inadmissible as a universal security measure. (Kreß and Nußberger, 2017) (UN, 1945a)

Since, the use of force authorisation was not provided, the big players like Russia and the United Kingdom could not seek internal self- determination in the name of preaching pro- democratic project in Gambia. Indeed, the Article 2(4) of the UN Charter protected Gambian sovereignty there as well.

As explained in this subsection, through non- authorisation of the use of force, the Security Council appears to indicate that the legal basis for the military operation lies outside the UN Charter's system of collective security. Russia and the United Kingdom made it apparent in their statements following the Council meeting that the right of intervention by invitation was being considered. Russia was cited as saying that if the discussions fail, Barrow may request military aid. And the UK responded, in accord, that 'it is quite apparent that if President Barrow requests for help, then that is something he is completely entitled to do.' (Lederer, 2017) The intervention upon invitation was supported by the UN and the native security organisations as well to restore democracy.

The rare intervention turned out to be a milestone win for the West African State of Gambia and it is still taken as the example of promoting democracy, stability, and peace the right way with a multi- dimensional support provided by the international organisations, global community and key regional actors like ECOWAS and AU who outperformed themselves to normalise, advance powerful pro- democratic agenda and uplift the region economically and politically after the crisis too. (Hartmenn, 2017) Additionally, this case reflects a bottom- up approach taken to resolve the crisis, by the international organisations like UN Security Council, who relied upon stronger regional forces like ECOWAS and AU to stabilize, establish and promote democracy and peace by assessing the situation locally. The Gambian story reflects an effective partnership of both international and regional security organisations to resolve the crisis and the tremendous success of ECOWAS in democracy and peace promotion. Hence, this role played by ECOWAS and its coercive diplomacy is further accessed in the study.

The Gambian Political Turmoil, ECOWAS, and its Coercive Diplomacy

As the political crisis escalated, security counterparts could either responded diplomatically, militarily, or both, depending on whether the circumstances warranted military involvement. Three institutions - ECOWAS, the AU, and the UN - had control over Gambia's domestic affairs. However, this was an ECOWAS intervention based on their protocols and tools. The Gambia, a member of both the AU and the UN, has published statements about the political deadlock, urging Jammeh to surrender power to Adama Barrow and supporting ECOWAS' coercive diplomacy. (Ateku, 2020)

The ECOWAS Authority of Heads of State and Government, chaired by Liberian President Ellen Johnson Sirleaf, intervened diplomatically after boycotting the election monitoring role. Jammeh's unwillingness to surrender the authority posed a severe threat to regional peace and security, according to the Chair of ECOWAS.⁴⁴ Consequently, Sirleaf failed to reach an agreement with Jammeh. On December 13, 2016, the ECOWAS Chair led another team of Heads of State and Government, however their intervention was unsuccessful. In December 2016, ECOWAS appointed a mediatory team consisting of President John Dramani Mahama of Ghana, President Muhammadu Buhari of Nigeria, and President Ernest Bai Koromah of Sierra Leone. The team also included the UN's Special Envoy for West Africa and Sahel and former President of the Gambia. ECOWAS threatened to use force if Jammeh failed to refuse the power peacefully to the electorally voted candidate. On December 17, 2016, the ECOWAS Authority acknowledged Barrow's electoral victory and pledged to strongly implement the election's outcomes. (ECOWAS, 2016 and 2016a) (Ateku, 2020)

On January 17, 2017, ECOWAS issued an ultimatum for Jammeh to leave by midnight on January 19 or face repercussions which was later extended for a short duration. Finally, on December 21, 2016, the UN Security Council recognised Barrow's electoral success and condemned Yahya Jammeh's concession. However, they urged ECOWAS and the AU to first exhaust mediation efforts before using force and stressed on legitimately installing Barrow. (UNSC, 2017)

Additionally, ECOWAS strongly play a significant role in building trust and legitimacy for Adama Barrow's administration. When he sworn for the president- in exile post, at the Gambia Embassy in Senegal, the event was witnessed by the Western ambassadors, the UN envoy for West Africa and the Sahel, and ECOWAS officials. As a president-in-exile, he also sought assistance from international institutions to enforce his win, which was accepted by ECOWAS, the AU, and the UN. (BBC, 2017a)

Barrow's legitimacy was enhanced with the resignation of Jammeh's ruling cabinet. The ECOWAS used coercive diplomacy to implement its instruments and protocols, including the ECOWAS Mechanism for

Conflict Prevention (1999) and the ECOWAS Protocol on Democracy and Good Governance (2001), to which The Gambia signed as an ECOWAS member state. (ECOWAS: 1999; 2001)

The Protocol on Democracy and Good Governance prohibits the use of unconstitutional tactics to gain or hold power. The Protocol allows for penalties to be imposed if a member state violates human rights or democracy. According to Article 45 (1), ECOWAS had the right to impose penalties on a member state if democracy is abruptly ended or human rights are violated. The Mechanism authorises ECOWAS to deploy political and military missions under Article 25 to address conflicts between member states and internal conflicts that pose a threat to peace and security in the sub-region. If a democratically-elected government is overthrown or tried to be overthrown, ECOWAS has the authority to interfere.

Unlike Liberia, ECOWAS intervention in Gambia proved its commitment towards defence of democratic institutionalisation in West Africa is concerned. (ECOWAS, 2001)

These additional ECOWAS protocols strengthened the establishment of democracy in Gambia. Although, The ECOWAS-AU joint Communiqué threatened to use force in Gambia, but UN Security Council Resolution 2337 (UNSC, 2017) did not authorise it or mention Chapter VII or Chapter VIII of the UN Charter. However, the possibility of using force to enforce Barrow's victory was not ruled out. The success of ECOWAS and its coercive diplomacy with interventions by invitation addressed severe conditions such as war crimes, genocide, and crimes against humanity and helped in assuring due respect for democratic values, human rights, the rule of law, and good governance in Gambia. (Ateku 2020; Hartmann 2017)

II. Conclusion

In an era of complex security challenges, and developing geopolitical dynamics, the ever-growing credibility of regional security organisations (RSOs) reflects a shifting panorama of global security governance. Contrary to claims that the rise of RSOs weakens the legitimacy of international institutions, these entities complement one another, supporting each other to resolve regional issues. This article dealt with a symbiotic relationship between RSOs and international organisations, demonstrating how their combined efforts contributed to increase legitimacy and efficacy in solving modern security concern in Gambia.

First and foremost, RSOs and international organisations operate with the same goal: to promote global peace, security, and stability under the universally and colonialistically established rules- based order. While international organisations like the United Nations (UN) provide a forum for multilateral cooperation and diplomacy, RSOs provide a more localised approach to security governance, adapted to the unique requirements and dynamics of their individual areas. This complimentary nature promotes a unified and inclusive security framework that supports a broad range of perspectives and notions.

Another significant point is that, RSOs play an indispensable part in conflict prevention, management, and resolution, which helps to strengthen the legitimacy of international organisations. Similarly, the role of ECOWAS in addressing the Gambian crisis by deploying strict coercive diplomatic means and peacefully resolving the issue by abiding to United Nations Charter and prohibition to use of force principle. This case, simultaneously, highlights the importance of UN Security Council in strongly contending and reiterating the Article 2(4) and by not authorizing the use of military force to resolve the dispute despite many recommendations and requests raised by the regional security organisations like ECOWAS and AU for the overall welfare of Gambia in 2017. This reflects UNSC's commitment to its Charter and legality of the international laws by upholding its legitimacy to resolve violent and even, non- violent dispute in Gambia.

Furthermore, RSOs often exhibit a higher level of regional ownership and legitimacy since members participate directly in decision-making and implementation methods. This grassroots approach to security governance develops a sense of ownership and accountability among member states, hence increasing the overall legitimacy of RSO activities. Additionally, they play an important role in bridging the gap between global security standards and local realities. While international institutions may advocate for universal principles and standards, RSOs have the freedom to tailor these norms to their areas' particular socio-cultural contexts. This contextualization of security governance increases the relevance and efficacy of international rules, bolstering the legitimacy of the whole international security architecture.

From the Gambian case, one can also notice that, RSO's operate as incubators for novel approaches to security governance, which can then influence global standards of practice. By experimenting with different approaches, structures, and techniques, RSOs help to shape international security norms and standards. This dynamic interplay between regional and global actors enhances the entire discourse on security governance while also strengthening the legitimacy of RSOs and international organisations.

To conclude, it is worth noting that the legitimacy of RSOs and international organizations is not a zero-sum game. Rather than competing for legitimacy, these entities complement each other, leveraging their respective strengths and capacities to address shared security challenges. By encouraging synergy and cooperation between RSOs and global organisations, stakeholders may create a more robust and inclusive security framework capable of handling the complex security issues of the twenty-first century.

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