

The Gambia and the 2016/2017 Political Impasse: An Impact Assessment of the Peace and Security Implications on the Nation's Economy and the International Legal Justifications for/against ECOWAS Intervention, January, 2017- February, 2018

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Abstract

A synopsis of the December, 2016-January, 2017 political impasse in the Gambia is made in this piece as a prelude to its impact assessment and general overview on the political economy of the country. Given the occurrence and the role played by the sub-regional body called ECOWAS (The Economic Community of West African States) in settling the impasse from outside, the piece pays attention to the reasons underscoring these ECOWAS diplomatic and military moves and the politics behind the action. The piece unveils the arguments generated from quarters, especially the intellectual and expert circles on the international legal justification (s) for ECOWAS military wing' involvement and the manner such action was dispensed to help the new government claim its mandate and make the out gone government abdicate peacefully. A literature review of the relevant texts and available legal instruments from existing international institutions like the United Nations, the African Union among others is undertaken for empirical- verifiable justifications that are value-free. This is complimented by a historical-descriptive analysis narrative that details the accounts of events, using intellectual lenses for investigative conclusions. The research offers useful recommendations that provide both the government of the Gambia and ECOWAS as the sub-regional institution or regime necessary answers to permanent peace and development in the Gambia and the region at large, alluding to the fact that the peace attained in the country and its ECOWAS sub-region is a concomitant reflection of the world peace and relative security that the UN stands for.

Keywords: Political impasse, Economy, ECOWAS, Other Institutions, Preventive Diplomacy, Peace and security, Justifications, The Gambia.

1. Introduction: A Perspective Historical and Descriptive Survey

Since the time of Westphalia Treaty in 1648, after end to the Thirty-Year War in Europe, that the states system began, sovereignty became its corollary as the main symbol of statehood for every independent nation and the legal basis of its existence in the arena of international politics. With increasing wars of monumental destructions like the first and second world wars, which threatened not only international peace but state sovereignty, the popular and most promiscuous concept, used daily in international relations, was further entrenched in the United Nations Charter (Article 2:1) of 1945 as a lasting peace effort toward international peace and security, via effective and coordinated collective measures as stipulated in the Article 1:1 of the Universal Umbrella. This guaranteed member- nations existence as sovereign nations in an increasingly interdependent world. Contrarily, given the effective coordination force to overcome threats to world peace anywhere such is sighted in the world, nations became susceptible to interference mechanisms of global politics by the same organizations that they jointly set up on rules of global governance and the concept of sovereignty was reduced in value, scope, content and respect. However, what precipitated this development and to what extent has the norm of interference been operationalised within the frame of the UN Charter? Answers to this question will address some of our agitations and contentions on the issue of legal implications and justifications for ECOWAS military involvement in the crisis in the Gambia (Akinboye et. al, 2007:89-93, Gareis, 2006:16-42, Hurd, 2011:133-158 and Cassese, 2001).

2. History of the Gambia: A Synopsis of its Geo-politics and Socio-cultural Formation

The Gambia is a small country on the West Coast of Africa. It is fondly referred to as the Gateway and Smiling Coast of West Africa because of its strategic location on the Atlantic Ocean to the rest of the world. It extends inland for about 400km along the banks of the river Gambia at widths varying from 24 to 28km, covering an approximate land area of 11,000sqkm. It is bordered on the North, South and East by the Republic of Senegal and on the West by the Atlantic Ocean, with a population of about 1.8million. Source (*2013 census release*), growing at a rate of over 4.1% per annum, The Gambia is a multi-ethnic and a multi-racial society with an unparalleled degree of ethnic, racial and religious tolerance and civil tranquility. Small as it is, it has over fifteen ethnic groupings, with Mandinka being 36% as the largest, Fula 22%, Wolof 14%, Jola 11% alongside other smaller units like the Serre, the Bambara, Majango, Aku (the ex-slaves) who were left at the Gambia's coast

after slave trade or later returned to the Gambia before independence, among others. The Gambia is an overwhelming Islamic state but by its 1996 constitution, recognized as a secular state to give room for free faiths as portions of the population are mainly Catholics and other Christian folks like Methodist, Baptist and the Pentecostals, while the insignificant remaining population are animists. Originally, it was part of Mali Empire, later the ancient Ghana and finally the Songhai Empires before becoming a geo-political entity as a nation. The country is divided into seven administrative regions of West, North-Bank, Lower-River, Central-River and Upper-River with two Municipalities of Kanifing and Banjul. Its capital city is Banjul formerly Barthus(which clocks 200years, this April) as one of the oldest in the sub-Saharan Africa. Politically, it is divided into eight local government areas (LGAs), 35 Districts, 114 Wards and 2070 village Development Councils for administrative convenience and development-oriented economic planning. Its political system is unitary-presidential, with a supreme constitution and a popularly elected President of the republic. It has a fascinating electoral regime and behavior, with a multi-party politics of *First-Past-the-Post system* with the use of “Drums and Marbles” voting system to cater for the shortfall in the literacy level of the polity (Omotosho, 2014, 2015 and 2016, Hughes and Perfect, 2006, Perfect, 2008, Jagne, 2015 and Faal, 2008 and see the link; <http://www.statehouse.gm/vision2020/conclusion.htm>).

One significant effort first made towards national development was the independence attainment, coupled with the refusal of the Sir Jawara regime in the first republic to sign an accord of stay with the sister republic of Senegal as ‘**Sene-Gambia**’. That move made by the colonialists on the intent to take future advantage of the development within the territory, and which was rebuffed by Jawara regime was a remarkable decision to give the small nation a sound footing for good take-off. Jawara was quick to say and decide that The Gambia was viable and stable enough to grow and sustain as a sovereign nation, a development appreciated by the vast majority of the Gambian population (Faal, 2008). In addition, the first government was able to consolidate on the unity and natural peace that exist within the atmospheric regions of the state, where Wolof as a language is widely spoken in the country up to neighboring Senegal and Guinea and where people are united as a people, despite other political and artificially created features that tended to set them apart and despite, that the Wolof are not the dominant ethnic group in the state like Mandinka. Although, there are places in the provinces where either mandinka language or fula language is widely spoken, especially where these tribes are dominant. For example, in the Brikama region, mandinka is more spoken than wolof and in Basse region, fula and mandinka are more spoken than wolof (Faal, 2008). This created a robust atmosphere and an enabling environment for nation-building (Omotosho, 2014,). With peace, development is unlimited and guaranteed, the saying goes. This development has assisted the friendly geo-politics of the country and its socio-cultural formations in some sense towards national ethics and advancement. However, governance failures have contended with these unifying factors in the last election when issues of ethnic considerations and political divide caved in to bring about crisis that prolonged/dragged to external involvements, necessitating interruptions of the sovereignty of the Gambia for a while when the mandate of the current administration was authenticated and actualized. This paper is informed by the curiosity of the investigators to illuminate on the rationale for/against an external involvement and the overall implications of the impasse on the socio-economic life as well as the political stability of the nation and how this can be averted in the near future (Omotosho, 2017).

3. Sovereignty Clause (Versus) International Law: Case of Conspiracy Theory?

Presumptuously, one may equate, with the use of tools, the interplays between sovereignty concept and the efficacy of international law to the question of conspiracy. The two are in serious cold war as they contend with each other on which is supreme and final. Political underpinnings as well as legal undertones contest on this. Nation-states want to enjoy their freedom and autonomy, at the same time, they I’d like to be protected from aggression, given the conflictual international environment that becomes unsafe and for which they must cope/grapple with, except states collaborate, cooperate and exchange for mutual benefits, according to the liberal-institutionalists. Can you eat your cake and have it? It is a question asking to know if you can have back what you gave out or part of what you have given out. Nations have given out part of their sovereign authorities and rights and submitted them to an institution they jointly created for the latter to exercise on their behalf in order to protect them, through efforts of collectivism. This warrants obedience to such agreement/treaty and as a result, such intruding when the need arises on the exercise of sovereignty and its enjoyment in totality by the cooperating members. Conspiracy comes in because power politics interplays along the line in view of the current global dispensation and politics of dichotomy or North-South Gap, which exists between the stronger countries and their weaker counterparts. International law becomes effective, when issues concern the latter, but, what are proves to this? The same instrument could be floated when applying same to a more powerful nation or any of their cronies? All this is subject to empirical validations. While this has been the arguments of underdevelopment /dependency theorists, one issue has remained unattended to. It is the issue of who does the right thing and frees from law punishment and who does not? The advanced most powerful countries of the West, East and North America keep the requirements of the international bodies they formed with others by

conforming to rules of behavior on governance matters and practice of democracy. They allow fewer crises internally to obstruct their processes and patterns, practices and deeds and hence do not fall victim of international regime sanctions. The developing countries do not and so cry foul of victimizations and oppression. Secondly, The North countries embark on development plans and programs to build their nations for future prospects, both on long term and short term, the South ones do not. The North countries engage citizenship participation whereby, people themselves have their destinies in their hands and hold their leaders accountable, in the South, this is not so. Leaders in the South, especially in African nations that are most hit with this syndrome are not held accountable for their deeds while in office. Aside, the African leaders lack vision and the tenacity to engender governmental systems that are people-centric. A few that are now doing so, especially, those countries of Asia and a fewer of them in the Caribbean, like Brazil, Peru, Chile, Cuba and others are already yielding the dividends of genuine development and are having fewer internal crises to grapple/contend with. The inability of nations to govern properly are mostly accountable for international sanctions, since, most of the crises brewing at the international level begin first or have their roots in countries before transcending their borders to the international environment. Although, due to push and pull, like I pointed out already for interest purposes, some power politics comes into play to favor some and disfavor another. This cannot be ruled out. Politics is about interest. However, the Big and powerful nations know how to play the game to get what they want. African leaders are sluggish or are too dependent. Hence, they take what is bargained for them. This is why they assent anything anyhow in international treaties to their own detriment. If the Gambian crisis had been allowed to spill to violence, by now, it must have taken international dimensions. Let us look at it from this angle. When international organizations are now applying rules and norms, the defaulters have questions to answer and that is it. An elaborate discourse is made below for explicit understanding of my concept and model: First, nations have surrendered parts of their sovereign rights to their organizations, which in turn formed international regime, through established rules and norms for international order and security, against what obtained prior to 1945- anarchic world of international relations. Second, nations have pledged to this commitment in accordance to purposes and principles of the UN in articles 1 and 2, and as applied to other international bodies like ECOWAS, AU and thus owe obligations to compliance. Third, nations have agreed to all terms and references for penalties and actions in the event of identifiable threats to peace and when member-nations break this rule to jeopardize the peace under protection in the conducts of their internal affairs, the norm 'Responsibility to Protect' (R2P) could apply as the last resort in accordance to Chapters VI, VII and VIII of the UN Charter on Rights by the organization to intrude in the interest of world order (Holsti, 1983:57-92, Akinboye et. Al, 2007:89-91, Webb, 2016, Ceesay, 2017 and Omotosho, 2017).

Many issues interplay here for analysis on this discourse. First, is the issue of sovereignty reducibility within the scope of UN's obligation to respect and/or not to respect, which has rendered sovereignty clause non-relevant except, when not in contravention with international law and except when the politics of the Big Powers is not in jeopardy? As remarked by Akinboye and Ottoh, "Scholars of international relations have argued that the sovereignty concept has little or no relevance in our contemporary international politics". According to them, this view correlates with the globalization process in which the world has been submerged due to advancement in information technology and the transport system (both in air and sea). Arguing further, "The serious devaluation of domestic and external sovereignty, both in theory and practice, since the establishment of the state system, raises fundamental questions on the continual relevance of sovereignty in the discourse of international relations and law". To them, this doctrine has lost its *raison d'être* as it no longer reflects the reality of world politics under the present arrangement. Sovereignty, as synonymous with equality among states, means nothing any longer in today's world politics characterized by gross inequality among states in the economic, military and technological spheres, especially, in the spirit of North-South Dichotomies that have kept perpetually the least developed nations of the world like the Gambia back as non-relevant when reckoning with powerful nations of the world that shake and move decisions for international actions. (Akinboye et. Al, 2007:89-94). Sovereignty is a Mindanao doctrine, which tended to make the old state system internally safeguarded. It is a statement of fact based on theoretical and mental construct. , Although, useful in the old international relations of feudal lords and monarchs to exercise absolute power over their subjects, but, not in the current dispensation of world compression into a global village, where international rules and norms, under the guise of collective action and obligation, swallow up the domestic supremacy, that, political authorities possess as their constitutional rights to exercise sovereign authorities over their subjects. This explains in part why the Marxist scholars see sovereignty as having a class character. It also explains why scholars like Harold Laski, Jacques Maritain, Carl J. Friedrich, Molton Kaplan, Olson McLelland and Akinboye have presumed sovereignty to be discarded for its non-relevance and as it becomes increasingly subjected to international norms (Akinboye et. Al, 2007, Laski, 1929). It is the residuum of power which a state possesses to be relevant within the confines laid down by international law in the one part, and in the second part, the amount of power it possesses, economically, militarily and by political will, to exert influence on world's decisions like world powers like America, UK, France and Russia among others (Akinboye et. Al, 2007, Morgenthau, 1966), which, when talked of the Gambia is not there as a

force in the international decision-making process. This underpins rash and even non-critical and non-exhaustive decisions process, taken on her issue for international meddling in her politics. Her size is number one, her lean recourses to assert authorities and show some little resistance the manner North Korea is doing, and her small military and non-nuclear base as well as poor political will and lack of mitigating and forceful national role that makes a nation reckonable among others. During the Libyan crisis in 2011, Moamar Ghaddafi put up a very strong resistance against foreign intervention because of her little relevance and power base and so was Saddam Hussein of Iraq in 2003 during invasion of her territories by NATO under the UNSC resolution vetoed by China and Russia, despite (Omotosho, 2017). The Gambia, under Yahya Jammeh before exit from power, also put up some resistance, but, upon sighting the superior firearms of ECOMIG under Nigeria, her Big Brother and Senegal, her traditional sister neighbor, who went on resolution expedition against her to the UNSC in New York, gave in quickly for his life and that of other Gambians, despite her initial mouth-making of lashing at ECOWAS leaders for meddling in his nation's internal affairs. Jammeh had lost credibility at home and his armed forces were in contemplation of whether or not to support him to realize his ambition. Again, Jammeh had participated in some ECOWAS interferences expeditions like the one of Ivory Coast during Gbagbo's election trouble with Alasan Quattarra in 2013, Liberia in 1999 and so, has no moral standing to resist ECOWAS, on coming to his own turn. Asides, internationally, Jammeh had no single friend left for him to carry along for internal resistance and the law and norm for which he was signatory to was applying against him for his removal and loss of nation's repute under his watch. The Gambia is a signatory to all the UN's laws and norms on international peace maintenance. It is always the first nation to cry foul whenever anything that threatens this peace comes up anywhere, through issuing of official statements, especially, under former regime leader, Yahya Jammeh, to the extent that Gambia tended to assign herself the national role of peace-maker and peace promoter in the world under Jammeh. Indeed, he was acting on behalf of ECOWAS as peace negotiator in Guinea Bisau's crisis during their political impasse. If that same peace, it is known for was being threatened, then, rationality, ethics and responsibility require action from the international community, when, domestic lives and property are in jeopardy and when such jeopardy could have a corresponding effects on international peace, through refugee and humanitarian crises as well as such crises spreading beyond Gambia's territorial borders. But, the big question remains; Should Gambia have been one of these Great Powers, especially America and Russia and their allies like in the case of Syria and Ukraine, would UN Resolution have scaled through the passage of lens/needle easily like that without vetoes of opposing power(s) obstructing its implementation, and if forcibly implemented by NATO as it happened in the case of Libya and Iraq, this would have amounted to a breach of international law subject to international condemnations? Much as we may think, therefore, that the issue of international legal justifications for ECOWAS intervention was in question, so, the moral and material justifications supporting this intervention are legally calculated in line with international norm and UNSC resolution 2337 passed to back ECOMIG military resort. This was so based on the following grounds: 1. upon the invitation of the UN and other Bodies by the recognized Authorities over the Gambia under Adama Barrow as the newly sworn in democratically elected president of the Gambian people, on the 19th of December, 2017 after power transferred to him from Jammeh, 2. upon the ECOWAS traditional role to prevent conflict blossoming into violence in any member-nation's country by the power of its Protocol on conflict prevention mechanism, management, resolution, peacekeeping and security, contained in Chapter II, Article 10(a-e) on conflict prevention, management and peace keeping and as applied in Liberia, Sierra Leone, Boukinafaso and Cote De'voire, which made no case of the Gambia different in anyway, 3. upon the AU's declaration, based on the Article 3 of its own Charter too, on structural conflict prevention, peace building and peace keeping in Africa, as declared by its Peace and Security Council at its 463rd Meeting on 27th October, 2014, 4. Based on the applications of UNSC Resolutions on interventions in Libya, 2011, Iraq, Afghanistan, Kosovo etc in the past and based on the report of the International Commission on Intervention and State Sovereignty (ICISS) in 2001 on 'The Responsibility to Protect' ratified by UN General Assembly in 2005 in line with the UNSC Resolution 1674 of 2006 on the protection of civilians in armed conflicts (Webb, 2016, Ceesay, 2017, Omotosho, 2017, Hehir, 2017 and Nussberger, 2017 and Xing, 2012).

The second contestation and argument was on the issue of consent by the victim state before intervention was effected, going by the invitation offered ECOWAS and the UN which backed its actions up. However, Senegal could be accused of primordial intents for being too inquisitive on intervention by taking advantage of prevalent circumstances to implement actions for her national interests, while, influencing the Big Brother Nigeria with enormous power and influence on the ECOWAS to lead, the intentions known to Jammeh long ago and which made him never to be in agreement with Senegal as long as he remained in power as Gambia's Head of State. For Nigeria the Big Brother, it is just playing her own role, assumingly, to ensure regional security and policing, through democracy defense and good governance practice as implied by ECOWAS Protocol and not for any pre-meditated intention for control of Gambia (Omotosho, 2017). Thirdly, like Ghaddafi and Hussein, Jammeh had stepped on some dangerous toes and hence offended some powers that had been waiting for her to make the slightest mistakes or commit the minuet errors, as a dictator, during his talking tough to deal with any

power that wanted to colonize his country the second time, through destabilization of his government, when he vowed to rule for a billion years. These powers now had opportunities to capitalize upon, in exposing Jammeh's weakness and disgracing him out of power. But, who were the powers? Were they internal or external or were they both? Had the powers worked in concert or unilaterally or both? Was there anything to substantiate this claim and upon what? The enormous resources on Gambia's soils that had attracted some foreign big powers eyeing these endowments in the Gambia and wanting to come and dominate them e.g. Oil, as claimed by Yahya Jammeh for 22 years of his ruthless rule or the political influence Gambia has gained in the region since in the last 22 years as a regional Bloc? One could say none, given the poverty level of the nation as among the 25 poorest nations of the world, indeed, specifically 21st position on the ranking, going by statistics that was supplied by the Global Finance Magazine, UK, and which was obtained from the World Bank 2015 Data and that of the International Monetary Fund, for GDP calculations, released in 2016, with Gambia's own standing at (GDP per capita \$1,849) or could it be because of lack of democracy, which contravenes the interest of the West and oblivious of the fact that, they must help to restore this in any country where it is lacking to salvage and protect global capitalism for global hegemony? This is open to a consensual debate (Barbara, 2016). Away from the afore-mentioned facts, there are some internal factors that can be claimed to have also contributed their own quota to the crisis. They included but not limited to; Jammeh's insistence not to quit, having lost in an election, believed to be free, credible and fair and after his congratulatory message to Adama Barrow, the winning candidate, Jammeh's last minutes' actions of annulling an election he participated in himself as a candidate, which was constitutionally wrong anywhere, Jammeh's obstinacy to reject all negotiations led by president Muhammadou Buhari of Nigeria alongside his other colleagues from Liberia, Ghana and Sierra Leone, in the course of preventive diplomacy, the monumental surge of civilian drifting outside for refuge in the neighboring Senegal, Bissau and other adjoining countries, that, which attracted the sympathy of the international community plus the cries of Gambians home and abroad via foreign-influenced demonstrations in high-fly cities like New York, Washington D.C., London, Paris, Dakar among others and the denouncing of Jammeh by his foreign diplomats as well as massive resignations going on at home, showing signs of end time for Jammeh all helped matters to quicken international condemnations and interventions (Omotosho, 2017, Ceesay, 2017, Hehir, 2017 and Nussberger, 2017).

Meanwhile, ECOWAS had been sending signals, through early warning system long ago to Jammeh for end to his rule and allow credible elections to hold, engage the opposition for dialogue and stop their harassments and silencing, re-encode the term limit in the country's constitution, which he had refused to sign at the Lome and Ghana ECOWAS Summits, improve on human rights records, abrogate draconian laws, and remove repressive institutions like the ruthless National Intelligence Agency and the killer Jungulars, stationed in the State House in the overall national and regional interests. But, Jammeh had been deaf-dumb all the while. As a result, ECOWAS had refused to participate in all elections organized by Jammeh administration since after 2011 just to give him time to rethink and adjust. Proximate reasons were his long stay in power, dictatorial-style regime and poor governance, massive corruption in power and co-optations of the opposition figures. Others include, but, not limited to his ethnicization of politics, abuse of power, use of state resources recklessly, politicization of government institutions and the armed forces, religious extremism and bigotry, practice of voodoo, hate speeches, killings and disappearance of prominent targeted and perceived enemies and flagrant display of arrogance among others (Omotosho, 2016, 2017). All these spoilt Jammeh's good work in office and subsequently exposed him to ridicule and mess. stability of the nation and how this can be averted in the near future (Omotosho, 2017).

4. ECOWAS/ECOMIG Intervention, 2017

This began with a preventive diplomacy to abort what seemingly appeared to result to a full-blown war, if it had been allowed to happen. It all began aftermath of April, 2016 clamp down on the opposition figures by the security forces and the intelligence unit under the directives of Jammeh, when the latter staged a peaceful demonstration at Westfield on electoral reform Act and other identified ill-level playing grounds for a smooth electoral and democratic transition. In the process, some political opposition figures like Solo Sandeng lost their lives through massive tortures in the hands of dreaded intelligence officers and jungulars and others like Lawyer Darboe Osainou and his followers were clamped in jail. Appeals were made by ECOWAS for their release through diplomatic moves by the Nigerian Government. Jammeh's actions were criticized worldwide and by the UN and AU. Efforts were made by ECOWAS to make Jammeh allow open debate where the opposition members were given rooms to speak their minds, but, Jammeh mis-interpreted this as interferences and he snubbed his colleagues. Jammeh disbanded the European Union and other agencies perceived as opposing Jammeh's policies and rule, from participating in the elections as foreign observers, but, was appealed to for calm to rescind his decisions; Jammeh refused. On the day of election on December 1st, 2017, ECOWAS refused to show up as foreign observer. After the election, as already noted in the text, dispute came up and gradually complicated into a crisis that was aiming to become a full blown war. A lasting diplomatic move began with the

ECOWAS delegation for mediation and peace talks (Omotosho, 2017, Ceesay, 2017, Hehir, 2017 and Nussberger, 2017). This was unsuccessful. At this level, Senegal never came in except its Head of State, Macky Sall, shuttling between Dakar and Abuja, Dakar and America, Paris and London until use of force was obtained. Then, a threat to use force came, should Jammeh refuse peaceful negotiation for peaceful transition. ECOMIG, the combined forces of ECOWAS members namely from Nigeria, Liberia, Ghana, Togo, Ivory Coast, Mali and Senegal (the Arch riva)l, was constituted to confront Jammeh's troops right away on his own soil, with the backing of the international community. This was evoked and shortly after the swearing in of Barrow, the latter, acting under the power of his nation's constitution as the legitimate president now, formally invited ECOWAS troops and called for UN's backing to restore peace in the Gambia under his legitimate watch while he pronounced Jammeh and his forces as rebels who should be treated as terrorists/insurgent, should the latter resist legitimate control (Omotosho, 2017, Ceesay, 2017, Hehir, 2017 and Nussberger, 2017). This consent and the international instruments obtained by ECOWAS legitimized its own military intervention and subsequent peacekeeping to stabilize democracy. The ECOMIG troops are still present till today keeping watch on the nation and protecting Mr President anywhere he goes and comes. This was the role played by ECOWAS to surmount the conflict that would have spilled to war in the Gambia. It was initially a mediatory role through dialogue and settlement and later a military involvement, as negotiation proved abortive in the case. The organization and its associates also invited other negotiators like the Guinea Conakry president, Alpha Conde and his counterpart in Mauritania, Abdulazeez Obeed to mediate with Jammeh for peaceful settlement. This worked and a last-minute negotiation was obtained for Jammeh to repatriate to Equatorial Guinea. One could say the organization exhausted all measures for conflict prevention, management, resolution, peacekeeping and security, by means of preventive diplomacy and peace building initiatives before an option of force in accordance to its instruments of Protocol on this as enunciated in our arguments above. However, this can be subjected to a debate as circumstances also proved that, the issue of power politics and ethnic hates also interplayed, especially, on the part of Senegal, under Macky Sall for a fulfillment of a hegemony role of the latter in the River Gambia-Senegal basin Region. Some economic watchers have read meanings to Senegal's action as having the primacy of economic for her to have direct control to the resources of the Gambia, through support from her traditional allies, France, and to dictate the tunes in the small nation. This resorts to our earlier argument in this text that, the more powerful in the arena of international politics dictate what is and what ought to be and/or "Who gets what, how and when, the authoritative allocation of values, according to Harold Lasswell (Lasswell, 1930). It also confirms the risk Gambia is taking to give ample chances to Senegal to do all its wishes. This is part of the security implications of the crisis, coming aftermath on both the country's economy and its political control. With the full presence of Senegal, militarily and politically, on the Gambia's soils, the Gambia cannot be said to be sovereign. Its economy would be in the hands of the Senegalese Authorities and their business moguls. Such sovereign power exercise is no doubt, mortgaged on the altar of foreign intervention and Senegalese primordial and impressionistic commitment. Don't forget that, for a long time, Senegal had premeditated this ambition to pay jammeh back for aiding and arming the Cassamance rebel fighters and also re-unionized the Gambia as a Senegambia federation during Jawara era. The way wasn't there, because, those leaders knew what was in Senegal's primordial interests. The former two leaders traded with caution with Senegal. The current government should be wiser not to throw away Gambia's sovereignty by over-confidence principle or by being too sluggish to see with foresight. However, there is the need to deal with one another as sister nations, but, certain ideological cleavages that have set us apart must be evaluated critically to caution against premeditated occupation, through the assistance of France. Time and space may confirm this as time flies away. However, we may be wrong in our analysis, if it turns out that the relationships benefit mutually both countries. Time and space will also determine and decide this. Conclusion on this is left for further research to avoid ambiguities for a value-free conclusion (Omotosho, 2017).

5. The Barrow Led- Government in the Last Twelve Months: The Journey so Far? What and What Not and the Road Map to Reconstruction, 2017 Onward?

As the situation in the Gambia is still dizzy and frail, political and economic watchers are contending that, crisis still looms, as the Adama Barrow government in the last 12/13months in power, has yet to achieve much in easing tensions of political, social and economic dimensions, which becloud the air with some uncertainties, especially, in its efforts to fighting corruption, work on transitional justice and consolidate on massive reforms in the Gambia for sustainable socio-economic and political developments, national reconstruction and integration. Although, the government has undertaken some sector reforms like the security reform project launched in September, 2017 by President Adama Barrow in sewing together the already deeply politicized armed forces including its intelligence units under the former regime, it is imperative that more reforms are carried out to make the government on the ground more responsive and responsible to the needs and yearnings of the public people (The Point Newspaper, 2017). There is the issue of constitutional reforms to abrogate repressive laws and constitutional breaches, which have not been adequately catered for towards building institutions and not

personality like it was under previous regimes. For example, the clauses on age limit to the office of the Vice President and the hand-picking of some members of the Legislature and appointments of its Speaker and the Deputy by the President, which have generated much of public debates, are of crucial importance for immediate amendments. What of the clauses on the “State Directive Principles” for holding public office holders accountable, which lies within the content, process and deliverables’ principles of good governance, just to name a few of them? All these are necessary constitutional crises for immediate legislative deliberations on the floor of the House, having been formally presented by the Executive via Mr. President for resolve. This will not only build public confidence in local governance, both for investment attractions and political stability, but, will go a long way in restoring proper genuine practice of the rule of law and constitutionalism for institution-building process. It will properly redefine the expected structural-functioning relationships that reflect Montesquie’s doctrine of separation of powers and the principle of checks and balances in an ideal democracy. If the aim of the present government of coming to power is to abdicate dictatorship and restore genuine democratic governance, then, it suffices that, reforms of this nature must be a priority of that same government for genuine transformation. According to Chapter 1(2) of the Gambia’s 1997 constitution, which says, “The sovereignty of The Gambia resides in the people of The Gambia from whom all organs of government derive their authority and in whose name and for whose welfare and prosperity the powers of government are to be exercised in accordance with this Constitution”. There is another portion of the instrument which also explains thus that, “This Constitution guarantees participatory democracy that reflects the undiluted choice of the people (The Gambian Constitution, 1997). The functions of the arms of government have been clearly defined, their independence amply secured with adequate checks and balances to ensure that they all work harmoniously together toward our common good”. If thus so, then, it behooves on the Barrow government to thread the part of justice, tranquility and fairness and address issues without belabor and with utmost sense of alacrity (Omotosho, 2016). Aside from constitutional reforms, there are other sectoral reforms of thematic concerns. They include but not limited to Prisons, civil service, the issue of minimum wage and not mere salary increment; the state ought to have a stipulated minimum wage, in accordance to labor laws to protect an average Gambian worker from being exploited. If the public and workers themselves do not know this, because of lack of awareness on the matter, it is the responsibility of the Think-Tank House to bring it to the open. We have the ‘Social Security Scheme’ and ‘Education policy for all’. Aside, what of infrastructural development and provisions of basic fundamental needs of the Gambian people to live good and affordable life like their counterparts in advance world, at least as a manifest way of reducing migration and inducing citizens to participatory governance and national ethos? What about job creations and skilled-acquisition centers’ establishments to empower working class Gambians and use it as a mechanism to generate employment? Monies put into some celebrations of national days and remembrance of winning elections and defeating a former hegemon can be duly dispensed for job creations and empowerment programs. The farmers are there to be more empowered to produce, climate problems are there to tackle for food production and environmental protections. These farmers need to be equipped adequately with farming implements and fertilizers, if possible, mechanize the work for them for commercial/large scale production that can encourage exports of local crops and foods abroad to earn foreign monies. This will increase and guarantee food security and cater for self sufficiency. It will also boost the nation’s GDP and create jobs for the roaming youths and helpless women. The business sector is there to generate more capital for Gross Domestic Products boosting as well as export leverages for a favorable international competitive market and appreciable foreign earnings, while increasing local currency value against the oligopolistic hegemonies of the Euro-Dollar regime. This calls for just mere initiatives and critical thinking as well as innovative planning devices towards economic independence. With this, reliance on the outside for survival would reduce and national ethics and culture of hard work as well as self-discipline would be inculcated in the citizens. With the emptying of the national treasury by the former regime, as claimed through various government reports and media releases, the country can still start somewhere to chart a new course for a new Gambia, as was the case after colonial era came to a halt and the nation began from a scratch (Maclean and Jammeh, 2017, The Guardian Newspaper, 2017, News Africa, 2017, News Agency of Africa, 2017 and BBC News, 2017). In 1965, when the colonial master Britain emptied the national treasury and left Gambia with nothing to survive, Africa survived, Gambians survived as did Asia and Latin America. We can equally survive now through inspirational, visionary and pragmatic political leadership, if engendered. Singapore did it and became a powerful nation today, Malaysia, Brazil did it and they are above poverty level as members of the Third World Club, even America was once colonized, got her independence in 1776, because, power is with the people and they built their country by themselves; today, they are the most powerful nation on the earth planet, due to good planning, vision and patriotism, love for one another and sense of belonging, leadership truthfulness and sincerity of purpose. The Gambia can start investing in governance in this way from now and this is the direction we expect our leaders to be thinking, indeed, this is the people’s mandate for Adama Barrow. Era of dictatorship is gone; we are in a democracy and democracy means good life and development. Democracy means freedom, freedom to be independent and self-relying. It is the Gambians themselves that will develop Gambia and not outsiders.

However, government will lead and create the necessary conducive environment for people's engagement. Little or nothing can outsiders do, if we do not make efforts required. Our own destiny must be in our hands and we should not be colonized twice, lest, a greater and unbeatable servitude will occupy the stage. This calls for moral thought and philosophy, love and selfless sacrifice for the people. This is the very essence of government as an institution and governance as a necessary good. Government is not there for those voted with public funds and sacrifice to merry and jolly with public funds at the expense of the downtrodden and those who have empowered them into office by public trust. The 1997 constitution has this to say; "Our hopes and aspirations as a people were reflected in the enthusiasm and zeal with which we embarked on the task of nation building on the attainment of independence. The self-perpetuating rule of the recent past, however, soon gave rise to the abuse of office and related vices which negated the total welfare of the Gambian people. The sovereign people of The Gambia therefore endorsed the change of government on 22 July 1994 to rectify such evils". This is a food for thought for the government to work on and fulfill this requirement with alacrity for basic governance process (The Constitution of the Gambia, 1997). The former regime may have been guilty of this clause, which it drafted and enacted into law by itself by people's consent through flagrant abuses, the current government serves a corrective measure to straighten things where they had bended and move the nation forward without delay.

The Government ought to also engage the people for social reconstruction and integration, aftermath of despotic era of ethnic politics and calumny. People need to be re-united irrespective of tribal affiliations for one nation one people. This the government can do through "Meet the People Tour" for presidential assignment. This engagement should not be for partisanship; rather, it should be for serious talks to build confidence in the state and restore sanity and sense of belonging. The National Youth Council (NYC), an agency of the government in the arm of the Youth and sports ministry and through the initiation of the government, has just set up a reconciliation and reconstruction committee called "Truth, Reconciliation and Reparations Commission (TRRC)" to look into the issue of transitional justice and socio-ethnic cohesion and good co-existence. This is a giant leap towards re-uniting the already divided national loyalty and sense of belonging that ethnic politics of the past had done as harm to national ethos. Much is still needed to adequately guarantee harmonious cohesion and body politic by engaging the entire people on dialogues and talks (UTG Relations Office, 2018, Face book Accounts, 2018). To be also addressed are the issues of marginalization and discrimination on the basis of ethnic loyalties in governance and state affairs. To pretend not to be there is a way of being unpatriotic with statehood and this could backtrack to ethnic conflicts. Prevention is better than cure. The mechanism of early warning system should begin forthwith for genuine national reconstruction and ethos. Gambia is a small country, where what is happening inside it like ethnic politicization and nepotism among inherently united people with similar traits and characteristics is too severe and this ought not to be, if we are genuinely prepared to be one people. The nation is too small for this ethnic and divisive polity. There are ways out of the malaise. Awareness level should be increased for unity in diversity. America was more multiethnic and pluralistic, size was not their problem as big as they are, neither was multiculturalism their headache, as they united to build their nation from pieces to peace and greatness. African syndrome must quit our thinking, presumed wishful and poor in mental construct for nation- building. The government needs to begin proper reorientation and sensitization for public enlightenment on peaceful co-existence and national consciousness. Necessary policy instruments should be put in place to engender a new politicking among the people for national development efforts and plans. The government can even sensitize the people, through a plebiscite as a need for national sovereign conference to chart out a new course for the nation, by creating a constituent assembly of the people, where all segments of the society are adequately represented for national talks on a "New Gambia, New Nation and New People". The national conference can be substituted for National Dialogue, if the cost would be too big to incur because of current lean resources to finance such mammoth gathering on a constituent Assembly, whereby Bantaba meetings are organized region by region through their Governors to engage open discussions with less expenses. Refreshments only could be arranged for be catered for people awakening, refreshing and happiness.

The Jannah Commission of Enquiry should continue with its good and legitimate findings until finalized. It is a good move in the right direction to probe past corruption. However, present corruption should not be carpeted. They must be exposed to discourage impunity in our polity. The external relations of the country with the outside world should be redefined and fine-tuned to cater for internal needs via foreign investments, import enlargements, industrialization and technological advancement of the country. Gambia is not small to have a nuclear power, neither is she small to be fully industrialized like Singapore and Dubai that began the race of nationhood with the Gambia in the sixties. The race of a thousand years begins in a day. With time, the nation will be there. By product of interdependence and of course good and healthy international relations, Gambia can partner well with the outside for her new take-off. To this end, the country's foreign policy should be repackaged to make it more competitive, robust and attractive. Experts should be engaged to advise the state on this. The likes of technocrats, bureaucrats and intellectuals in the nation's ivory tower (the University of the Gambia) should be consulted for necessary professional and expertise collaborations. The "One China Policy" international relations, being currently pursued is in order. There is need to redouble relations with regional

friends for trade, investments and partnerships. Borders must be kept open for this, if the country is to engage constructive trade growth economy system, through business and services. ECOWAS should be used to flourish this objectively towards achieving her national and regional objective principles by engaging in roads, rail and seaways transport for movements of goods, services and peoples. The Francophone African nations like Senegal and Mali should be advised on the platform of ECOWAS to change their orientation and mentality in this direction for greater cooperation and regional integration. Without this, Political interventions without corresponding economic interventions for food security and self-sufficiency are like a marriage without a child. It is incomplete and makes no sense of the union in the first place. There is a greater need for re-think and re-strategizing.

The media should be privatized with more private television and radio stations licensed to operate in the country for free press and liberal media. This is in tune with democracy and practice of good governance. Government should and ought not to monopolize the media as this will hinder communication channels for feedback as suggested by David Easton in his systems analysis. If press freedom is hindered, government will be reduced to dictatorship. Government should be people-centric and popular-inclined in paving ways for popular sovereignty, resided in the people for exercise and statehood. The independence of the judiciary must be upheld to pave ways for an enviable justice system that is reliable, dependable and sustainable for the nation to protect and enforce people's fundamental rights and freedom and to compel government to accountability by non-usurpation of authorities, according to the 1997 constitution of the Gambia (The Gambia Constitution of 1997, Omotosho, 2016). Government should sustain the "Human Rights" defense, through transitional justice, which it started, to give justice to those whose relatives were killed or illegally jailed by the last regime. Additional abuses should not resurface under the current regime, as we are in a democracy of public good. This will repose confidence in our foreign partners for easy collaborations e.g. the European Union and the United Nations, including ECOWAS and the African Union who can leverage our economy for better growth forecasts. Gambia's trading partners like America, China, Cuba, Britain and France would also be willing to invest here for our domestic growth and development. Our mangoes, limes, oranges, cashews and fisheries need to be invested in for commercial productions. Government needs to invest in factories for commercial productions that will enhance food security and export trading in huge sums. In the same way, our tourism, which constitutes 50% of our GDP should be enlarged and re-modernized for greater revenue earnings. Without investing outside in the form of goodwill and internal stability, through democracy consolidation, we may be wasting revenues, if not, losing it. Industries are needed to be established as mentioned already for exports and re-exports to boost earnings, through industrialization of the agricultural, fisheries and entertainments industries. Through all this, massive jobs will be generated for the teaming working class and rooms for laziness will be shot down completely. Vocations, technical education and artisanship should be encouraged to boost GDP and reduce joblessness, especially, among the youths and the women folk. With all this, genuine transformation will take place and the world will attest to it as an evidence of true change the people bargained for in 2016/2017 (Omotosho, 2016, 2017).

The ECOWAS body should intensify more efforts for the region's integration, through economic liberalization, protocol observance and respect for its ethos and values as stipulated in the ECOWAS protocol. Evidence has proven that it is non-tolerant any longer with illegitimate means of changing government, as well as perpetuating of clandestine prolonged rule by dictators and self-styled rulers, this should be extended to economic integration, political integration and cultural integration in the overall interest of the ECOWAs citizens. ECOWAS should work more on the region's security by exterminating all forms of insurgencies in the region like the Boko Haram and Maghreb activities in both Nigeria and Mali and their surroundings. This can be achieved through collective efforts and the realization of good and responsible governance process by ECOWAS leaders themselves. The organization should see to the quick and non-delay of her own currency "The Eco" that will compete favorably well with Euro and Dollar as most durable international currencies. This will bring economic advancement and financial autonomy back to the region. The region, through ECOWAS, should partner with the emerging economies like China, India and Turkey through interdependence to attract desirable foreign investments for industrialization, technological transfers and wealth creations for infrastructural transformation and job creations. This will stem illegal migration by the youths and prostitution by young ladies. It will also keep able-bodied men that are taking to alcohol to be busy and be self-engaging. This will exterminate modern slavery that has begun recruiting our youths for overseas servitude and hopelessness. The body should encourage her leaders to be more responsible, accountable and transparent in their state actions and business of governance. This will curtail the surge of leadership failures that has been the chief bane of our modern caricatures and political doldrums. Corruption should be exterminated and not just checked through good governance and responsible leadership that ECOWAS would institute as a protocol to check abuses and over-ambition in government. These and many unmentioned facts, this research is leaving for further research, will serve as panaceas to the current decays and caricatures in our national life.

6. Conclusion

This research was conceived basically to examine the international legal justifications entrenching the rationale for the ECOWAS/ECOMIG military intervention in the Gambia's political impasse some 12/13 months ago, believed to have begun with a peace settlement approach, called, preventive diplomacy, the one that saw former strongman Jammeh out of office and installed the new democratic leader, Adama barrow in power. The research observes critically that, with due consultations with the relevant agencies and institutions, especially, the UN to obtain UNSC Resolution for action, when it became obvious that military resort was the remaining option, and the AU backing, based on its own Charter as well for conflict settlement on democracy restoration and order, the regional body, among other factors, justified in the face of international law reasons for her actions. Such clearance laid claims to legitimacy for intervention versus sovereignty clause breaches as contained in the UN's provisions Charter. In addition, the relevant institutions, including ECOWAS, as permitted under international norm and act, sought the consents of the relevant authorities of the Gambian government under the present government, upon having the baton of leadership. These are the relevant instruments that gave legal backing to the ECOWAS direct involvements in the Gambia's crisis.

Meanwhile, the intellectuals and foreign policy experts have challenged these claims on the grounds of legality and illegality clauses, basing arguments on relevant data for empirical validation, verification and generalization, to substantiate or debunk for a value free consensus. This paper has joined the group of scholars, which had engaged critical thought for illuminations in order to generate avenues for further research, thereby, enriching available literature on this phenomenon, ours inclusive.

Some far reaching implications have been pointed out as germane to the peace and tranquility enjoyed in the small nation, following the crisis and the eventual military intervention. The paper noted in its findings that, Senegal's direct involvement in the impasse and the regional role played by her, cum, her continual presence militarily and politically, tended to send signals of suspicions for primordial interests and hegemony, if not, political control. Gambia cannot afford to lose its sovereignty to her immediate sister French-nation, who holds on to France 24/7 for any ulterior motive of exploitation ploys and political romance that cannot be beneficial to the former. This could be injurious to her economy as the entire nation is hulled up by Senegal the way Lesotho is to South Africa, except a small portion left at the Atlantic, which gave sea passage to the smiling coast for her direct transactions without Senegal. Apart from this, Gambia is inside Senegal. Another disadvantage was the economic downturn the crisis caused the Gambia by laying off all her customers for tourism, resulting in the entire close-up of the industry, especially at the peak of the crisis. This did not only result in the dramatic drop in its GDP, but, constituted a serious economic crisis internally, to the extent that, the populace went hungry and other sectors of the economy were also battered. But, her good friends like Nigeria and even Senegal came to her aid. There were shortages of medicine, food, basic commodities and essentials like fuels, including energy to power electricity. Transport system suffered and communication lines went totally poor and helpless. Should war had occurred, the Gambia known for peace would have become mass graveyards. The security section was also not spared as there was some lawlessness and disorder. Although, the army tried to contain this from going worse, however, until the ECOWAS men arrived before people's fears were doused and their hopes restored. The paper evaluated the current regime and democratic practice with its concomitant challenges, to seeing how far the journey and areas to work on and the ones already worked on to fully restore order and security as well as the people's confidence in government and to fully return the economy rebounding and performing. The paper offered useful hints for government interventionist approach for immediate repositioning and reconstruction of both the nation's economy and politics back to shape of international standard, as well as the rehabilitations of Gambians who had become refugees and lost all their belongings in transition during the crisis. With all these, the nation will rebound gradually to normal and even become industrialized for competitive and comparative economic advantage across shores.

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Appendix: Meanings of Specific Abbreviated Words

- AU-The African Union
ECOWAS- Economic Community of West African States
ECOMIG- ECOWAS Military Group
GDP-Gross Domestic Product
UN-The United Nations
UNSC- United Nations Security Council

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