

EMBASSY AND DEMOCRATIC SUSTAINABILITY IN AFRICA: THE GAMBIAN EXPERIENCE

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Abstract

Democracy and good governance are concepts which are yet to be fully embraced by political leaders in Africa. The many troubles and political tensions which have sympathetically engulfed the landscape of Africa are tested proofs of the dilemma of democratization and democratic accountability in the continent. This paper aimed at ascertaining the role of the embassy in fostering pro-democratic interventions in troubled spots in Africa. Using the Gambia as a case study, the paper assessed the factors responsible for the difficulty of effecting a democratic transfer of power in that country and the legal implications of swearing-in a president-elect in an embassy out-side the domains of the affected country. Data for the study was generated through secondary sources and analyzed via content analysis. The study adopted the Relative Deprivation Model and the Resource Mobilization Theoretical Postulations in explaining the social movements in The Gambia in the aftermath of the December 2016 general elections. The paper found that non-restriction of the number of presidential terms in office by the Gambian constitution affects democratic accountability in the country. Urgent constitutional reforms and the establishment of a Permanent Regional Leadership Evaluation Committee in the West African sub-region are recommended.

Keywords: Embassy, Democracy, Sustainability, Gambia and Preventive Diplomacy.

Introduction

The history of Africa is replete with stories of electoral violence, corruption in high places, human rights abuse, the existence of weak and undemocratic constitutions, intimidation of political opponents, absence of a peaceful means of a change of government and general deprivation of the citizens. This is so because democracy in Africa was built on wrong foundations. Although the global movement toward democracy, spurred in part by the ending of the Cold War, created opportunities for democratization in Europe, Asia and the former Soviet Union, the brand of democracy it created for Africa remains questionable. Nevertheless, the beginning of the 1990s ushered Africa into what Huntington (1991) calls “Third Wave” of democratization. This transitional period witnessed some multi-party

elections on the continent. However, more than five decades after independence, most African countries are still struggling to democratize. Various studies on democratization in Africa (Adejumobi, 2001; Mbaku and Ihonvbere, 2003; Bayart, 2009; Hyden, 2012) argue that Africa finds it difficult to democratize because of corruption, poor leadership, poor economic performance and civil wars. McGowan (2005), observes that the peripheral nature of politics within African States and their fringe economies coupled with the selfish behaviour of the political leadership affects the process of democratization in the continent.

Given the about scenario, democratic theorists blame the current crisis in Africa on the leaders (Agulanna, 2006). While calling for multi-party politics in Africa, they argue that democratization of the political system combined with economic liberalization can lead to sustainable development that will be beneficial to all (Chabal, 1992). The constitutions of most African states are very undemocratic and weak and as such are altered and amended or manipulated at will to suit the selfish interest of political leaders. This development creates very powerful individuals and very weak institutions. Hence, to achieve sustainable democracy in Africa, the constitutions and other state institutions should be reformed and made stronger. This explains why Mamdani (1996), argues that without the reform of the local state, democratization in Africa will remain not only superficial but also explosive”.

While most African countries practice what we may call “Pseudo democracy”, the Gambian example is peculiarly spectacular. The Gambia Practices a multi-party democracy in principle but actually maintains what we may also term, “democratic despotism” in practice. Things however took a different shape in the post-December 2016 General elections. The presidential election on 1st December 2016 resulted to a political transition after the incumbent president, Yahya Jammeh shockingly lost the election to the somewhat unpopular Adama Barrow, who garnered 43.3% of the total votes cast. Jammeh had led the country for 22 years after a military coup in 1994 and followed this up through four consecutive presidential elections in 1996, 2001, 2006 and 2011 (Odigie, 2017). What was more shocking being Jammeh’s initial acceptance of the outcome of the polls on 02 December? As the BBC reports, “hopes weren’t high for a peaceful transfer of power, with a crackdown on opposition leaders months before the polls, the banning of international observers and post-election demonstrations and then the switching off the internet (BBC, 2016). During the electioneering campaign periods, a good number of Gambians left the country for fear of the unknown. Some even voted for Jammeh fearing his anger in case of defeat (Withnall, 2016). Few days after conceding defeat, Jammeh made a “U-turn”, rejecting the results and calling for a new election. The president-elect, Mr Adama Barrow left the country for Dakar, Senegal while the Economic Community of West African States (ECOWAS) mobilized military troops and gave Jammeh an ultimatum calling for a transfer of power by the constitutional-due date of 19 January 2017.

The Gambian embassy in Senegal played vital role in the democratic transfer of power to Mr. Barrow in Senegal under the supervision of joint ECOWAS troops and other regional bodies. The reasons why ECOWAS troops and other regional bodies had to pull human and material resources together to ensure a change of power after a free and fair

election had been conducted in a tiny country like Gambia and the legality of the swearing-in ceremony at the embassy in Senegal form the focus of this study.

Some research questions are vital to the investigation in this study: Why is a peaceful transfer of power difficult to achieve in a multi-party democracy like Gambia? What role did the Embassy play in sustaining democracy in the Gambia in the post-2016 presidential election? Was the swearing-in of Mr Barrow as Gambian President at the Gambian Embassy in Senegal legal? What lesson should the Gambian example convey to other sit tight rulers in Africa. The study employed descriptive research method with explanatory variant, therefore the study relied on secondary source of data.

Literature and Conceptual Discourse

African politicians like and cherish the African brand of democracy which celebrates powerful individuals as against powerful institutions. This makes every "Tom, Dick and Harry" who calls themselves political elites to view politics in Africa as the only means to a deserving end. Acquiring the instrument of state power in Africa therefore becomes a 'do or die' affair. The problem circles around having access to public power. African leaders are maddened by pomp, ceremony and the narcotic of brazen opulence which access to public power guarantees. The adage that "power corrupts but that absolute power corrupts absolutely" which prompted Baron de Montesquieu to propagate the theory of Separation of power via his book entitled, *Esprit des Lois* (The Spirit of the Law), Published in 1748, Still holds sway in Africa.

True democratization has not been possible in various parts of Africa because the continent celebrates great individuals and neglects great institutions. In other words, politics is personalized and not institutionalized in Africa. Again, most African countries inherited undemocratic constitutions from their colonial masters and upon independence, they keep maintaining these undemocratic constitutions. This practice makes peaceful transfer of power a herculean task in most African countries.

Many African leaders - Paul Biya of Cameroon, Jose Eduardo dos Santos of Angola, Teodora Obiang Nguema of Equatorial Guinea, Robert Mugabe of Zimbabwe - have been in power for more than 35 years as a result of undemocratic constitutions which, according to Amanye (2016), are amended and manipulated at will to suit the whims and caprices of those in power. Pierre Nkurunziza of Burundi manipulated his country's constitution to run for a third term in 2015. His re-election led to an outbreak of violence that led to the killing of hundreds of people with more than 400,000 others fleeing to neighbouring countries (BBC, 2016). President Yoweri Kaguta Museveni of Uganda came to power in 1986 after leading a rebellion against General Tito Okello. In 2006, he changed the constitution to enable him run for a record of fifth term. President Museveni won the 2016 election in Uganda as he intends to stay in power for life (Odigie, 2017). Long dynastic rules witnessed in Gabon, Togo, Senegal, Egypt and Libya has also contributed to the seeming failure of democracy on the African continent. This practice, according to Hirsch (2011), has discredited the democratization process in Africa. On his own part, Paul Kagame of Rwanda has been in office since 2000 and has also manipulated his country's constitution so that he will be eligible for re-election in the presidential election expected

to hold later this year. In the Democratic Republic of Congo, President Joseph Kabila exploited the undemocratic constitution in his country to move the general elections Scheduled for December 2016 to 2018. The list is endless.

The Gambia: The Gambia is the smallest country on the African Mainland. It stretches 450km along the Gambia River. It is surrounded on three sides by Senegal (North, South and East) and the Atlantic Ocean on the West (Saine, 2009; Edie, 2000). It was the last British colony to gain independence on February 18 1965. It is the longest surviving multiparty democracy alongside Botswana and Mauritius in Africa (Saine, 2009). Due to its geographic location, the Gambia is a hub for trade in the West African Sub-region and an attractive global tourist destination (World Bank, 2017). The Gambia has a population of over 2 million people with a fairly high average rate of growth of 2.8% per year over the last decade (Word Bank, 2017).

Embassy: the term Embassy refers to the representative office of one country in the capital city of another country and usually headed by an Ambassador. It is the diplomatic representation of a country's government in another country. The High Commission is the equivalent of an Embassy. The only difference is that a High Commission is the Embassy of a member country of the British Commonwealth in another Commonwealth Country. the Embassy performs the following functions: (a) It transmits messages of its government to the government of the host country and vice versa; (b) It informs its home government about important political, social, economic, military and other events happening in the host country; (c) It promotes its own country's culture, economy and science in the host country; (d) It prepares international treaties and official state visits; etc.

Democracy: as a form of government, democracy emanated from ancient Greece and it has been defined and expressed in different ways by different scholars. In his Gettysburg address, delivered in 1884 at the height of the American civil war, Abraham Lincoln defined democracy as "a government of the people, by the people and for the people" (Heywood, 1997). What is important in this definition is that it links democratic government to the people. This means that democratic government guarantees political freedom of the citizens to participate freely in government. Constant denial of the citizens to exercise this freedom can generate political tensions. It is in this sense that the response of the people of Gambia to the post-2016 election crisis is viewed.

Preventive Diplomacy: Preventive diplomacy refers to any diplomatic action taken to prevent disputes from escalating into conflicts and to limit the spread of conflicts when they do occur. It is a strategy employed to prevent disputes from arising between parties or to prevent existing disputes from escalating. Mediation: The UN Guidance for Effective Mediation defines Mediation as "a process whereby a third party assists two or more parties with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements. The West Africa Network for Peace-building (WANEP) defines mediation as a process in which a third party impartially assists in resolving a dispute between two or more parties (WANEP 2012).

Theoretical and Methodological Issues

The two contending theoretical postulations adopted in this study to explain the sources of and responses to the revolutionary pressures in the aftermath of the December 2016

Presidential election in Gambia are the Relative Deprivation Model and the Resource Mobilization Theory of Social Movements. The Relative Deprivation Model was developed by Robert K. Merton, an American Sociologist and used almost in the same way John Dollard used the Frustration-Aggression Theory. The theory states that political violence and revolutionary pressures occur when a group of people feel deprived of something to which they believe they are entitled to have. The theory argues that revolution occurs when there is a gap between public expectations and actual conditions in a country. While explaining the causes of political violence and rebellion, Gurr (1970) argues that men rebel as a result of collective discontentment caused by a sense of deprivation. Walter Garison also illustrates the relative deprivation theory in Richardson (2011) by using person A and thing X. Person A does have X; Person A wants to have X; Person A knows of other people who have X; Person A believes that obtaining X is realistic; yet person A is deprived of having X. In the long run, this deprivation will result to aggressive behaviour on the part of person A. Applying this illustration in the Gambian case, Mr Barrow becomes person A while thing X is the office of the Presidency which the former President, Mr Yahya Jammeh wanted to deprive him of. The mobilization of regional bodies and the international Community averted the major political crisis which Mr Barrow's deprivation would have caused in Gambia.

The Resource Mobilization Theory of Social Movements asserts that social movements are formed when people who share grievances are able to mobilize resources and to take collective action aimed at correcting a perceived injustice. That is, social movements succeed through the effective mobilization of resources for the actualization of set target (McCarthy and Zald, 1987). The theory is premised on the idea that the central factor shaping the rise, development and outcome of social movements is resources. "Resource" here is taken broadly to mean any social, political or economic asset or capacity that can contribute to collective action such as solidarity, knowledge, money, media, legitimacy, labour and internal and external support (McCarthy and Zald, 1987). Relative deprivations emanating from social injustice, group grievances and structural strains are possible sources of social movements. The term social movement as used here refers to a deliberate, voluntary effort to organize individuals to act in concert to achieve enough group influence aimed at making or blocking changes. Social movements tend to be successful in open, democratic societies in which social mobility and social change are accepted concepts (Kladermans, 1984).

Social movements are of four types according to David F. Aberle, the anthropologist. These include- Alternative social movements, Reformative Social Movements, Redemptive Social Movements and Revolutionary Social Movements. Limited change occurs when alternative and reformative social movements are mobilized while radical change occurs when redemptive and revolutionary social movements are mobilized (McCarthy and Zald, 1987). Some common assumptions in the Resource Mobilization Theory (RMT) include: (a) There will always be grounds for protest in modern politically pluralistic societies because there is constant discontent (ie, grievances or deprivation) (b) Actors are rational and they are able to weigh the costs and benefits from movement participation (c)

Social movements involve actors engaged in collective action (d) The actors are involved in conflictual relations with clearly identified opponents.

In the Gambian case, the Redemptive social movement was mobilized through preventive diplomacy by the various actors and stakeholders involved including the Embassy, Mr. Barrow, ECOWAS and other concerned actors. Former president Jammeh's despotic rule in Gambia for 22 years was variously accused of human rights violations, deprivation of the citizens and the emasculation of political opponents. The Climax of them all was his attempted annulment of the December 2016 Presidential election which was adjudged to be free, fair and transparent. These actions generated political tensions which led to the mobilization of resources such as local and international solidarities, media support and provision of troops by neighbouring countries. The superior wave of effective resource mobilization which led to what Searcey(2017) calls "democratic coup" forced Mr.Jammeh to step down and to seek political asylum in Equatorial Guinea.

The cases cited above point to the fact that democracy is at risk in Africa. Of more concern is the dearth of democratic accountability in the West Africa sub-region. The Gambia has existed as an independent nation for more than five decades but it has not experienced a peaceful and democratic change of power all through this period. Election results in the Gambia are honoured only when the incumbent is declared the winner or is returned unopposed. The last December 2016 presidential election in Gambia that produced Adama Barrow met both local and international standards as international independent observers attested to the transparency in the process of the election. The table below shows the exact results that emanated from the December 2016 presidential election in Gambia:

Table 1.1: GAMBIA'S 2016 PRESIDENTIAL ELECTION RESULTS

S/N	NAME OF CANDIDATE	PARTY AFFILIATION	VOTES OBTAINED	PERCENTAGE
1	Adama Barrow	The Coalition	227,708	43.3
2	Yahya Jammeh	Alliance for Patriotic Re-orientation and Construction (APRC)	208,487	39.6
3	Mamma Kandeh	Gambia Democratic Congress (GDC)	89,768	17.1
4	Total		525,963	100
	Total Registered Voters/Turnout		886,578	59.3

Source: Gambia IEC Website, 2017

From the above results, it is obvious that Barrow won the election. The defeated president Jammeh even acknowledged this on 2nd December 2016 when said, 'the people of Gambia have spoken and I have no reason to contest the will of the mighty Allah" while conceding

defeat and congratulating his opponent, Mr. Barrow (Rao, 2017). Few days after, 9th December 2016 to be precise, Mr. Jammeh, suddenly found reason to contest the will of the Almighty Allah by rejecting the collective will of the people of Gambia. The reason behind Mr. Jammeh's sudden "U-turn" and the circumstances surrounding the fragile nature of democracy in the Gambia are critical issues which the investigation in this study attempts to address. In other words, the central problem to be investigated in this study is the reason why peaceful democratic transfer of power is problematic in the Gambia and the legal implication of using the Gambia Embassy in Senegal to Swear-in Mr. Barrow as president of Gambia while Mr. Jammeh was still in charge at home.

Result and Discussions: The Constitution and Power Transfer in The Gambia

The Gambia adopted its Second Republican Constitution in 1997 following a referendum held on the draft Constitution on 8 August 1996. The constitution recognizes the Gambia as a Sovereign Secular Republic (Nabaneh, 2017). The constitution is premised on the principles of Separation of power, rule of law and respect for fundamental human rights. However, for the past five decades, the political trends in the Gambia have been characterized by complete disregard for the rule of the law and the personalization of the state by the past two former leaders (Nabaneh, 2017). The number of terms a president can contest for power is not specified in the Gambian Constitution. Chapter 6, sub-section 62 (6) only states that the person contesting for the presidency must have attained the minimum age of 30 years but not more than 65 years. It is also possible that Jammeh would have amended this section of the constitution if he was in office till his Sixty-fifth birth day. The Gambian Constitution equally gives too much power to the president. For instance, the National Assembly has 53 members, 48 of whom are elected for a five-year term while 5 members are appointed by the president. These five members are royalists who must do the biddings of the president. Currently, the Gambia and Togo remain the only two countries in West Africa without presidential term limits. The absence of term limits enabled past presidents to stay too long in power.

The Embassy and Democracy in The Gambia

The Embassy played crucial role in restoring democracy in the Gambia. The first democratic transfer of power in the Gambia took place at the Embassy. The current president of Gambia, Mr Adama Barrow, was sworn-in as president in extraordinary circumstances at a ceremony that took place at the Gambian Embassy in Senegal. This was the first democratic transfer of power since the country gained independence in 1965 (Comolli, 2017). In this regard, the Gambian Embassy in Senegal promoted Gambia's international image and enhanced its democratization process. As observed by Comolli (2017), the Embassy also helped in deepening bilateral ties, including foreign policy and defence with other countries. It acted as a link between the African Union (AU), ECOWAS, the EU, the UN, the US and the rest of the World and the people of Gambia. ECOWAS' "Operation Restore Democracy" in the Gambia, for instance, which received the backing of the UN Security Council (UNSC), was arranged from the Gambian Embassy in Senegal and Launched within Several hours of Barrow's inauguration as president (Comolli, 2017).

The legitimacy of swearing-in Mr. Barrow comes essentially from his election by the people of Gambia who hold the national Sovereignty exercised through elections. The majority of Gambians have thus entrusted this sovereignty to Mr. Barrow by voting for him during the December 2016 election. The Swearing-in or taking of oath is just a statutory declaration of the president-elect made before a judge or an Oath officer during a public ceremony to formalize the president installation. What is important in the Swearing-in is the formula provided for by law and read by the president. The oath has to be done in front of a judge, a lawyer or a Commissioner of oath. The place of the oath therefore has no legal bearing on its legal value. In fact, the Gambian Constitution remains silent on the place where the taking of oath should happen. It only referred to a “prescribed oath” (The Gambian Constitution, 1996). If the president-elect, Adama Barrow, had not taken the oath on January 19 2017, there would have been a power vacuum in the Gambia and anything could have happened, including the army retaking power. Once he was Sworn-in, Barrow became the legitimate president of Gambia and was able to request a pro-democratic intervention by ECOWAS and other regional bodies to re-establish order in the Gambia including kicking out-going President, Jammeh out by all means without necessarily seeking the approval of the UN Security Council.

Conclusion and Lessons

It is evident that the Embassy, in synergy with some regional organizations, have had some degree of influence in its attempt to drive regime change in the Gambia. The effective mobilization of resources by the Embassy, ECOWAS, AU and the rest of the international community via preventive diplomacy and effective mediation yielded positive result as shown in the Gambia Case. The Gambian example has also shown that opposition unity is opposition success. The Coalition succeeded because of opposition unity.

The most important lesson from the Gambian example is that there is power and value in a coherent and well-coordinated democratic intervention. The defeat of Jammeh shows that it is no longer business as usual for sit tight presidents in Africa. Embassies can now act as significant citadels of democratic intervention in cases similar to that of Gambia. Again, ECOWAS is now fully prepared to enforce its protocol, that is, Article 13 of the ECOWAS Protocol on Democracy and Good Governance and to ensure that the region is devoid of autocratic leadership. There is need for holistic constitutional and institutional reforms in the Gambia and in many other countries in Africa. This is important because the constitutions of most countries in Africa are very fragile and undemocratic. The principles of democracy and good governance should form part of the reforms.

As part of the reforms, national constitutions should be revised through referendums and term limits, which should not exceed two of four years each, should be clearly stipulated. The president should not be given the power to appoint any member of the national assembly. All members of the national assembly should be directly elected by the people. There should be regular national dialogues on the principles of democracy and the rule of Law. These dialogues should be regularly done on television and radio and also in learning institutions. Training of national armies and the police force should include

understanding of the rule of law and the principles of democracy and not just security procedures and the protection of political office holders.

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