Back
— from the
Brink

A COMPARATIVE STUDY OF
UN PREVENTIVE DIPLOMACY
IN WEST AND CENTRAL AFRICA
THE GAMBIA AND GABON

by Dr Rebecca Brubaker
and Dirk Druet
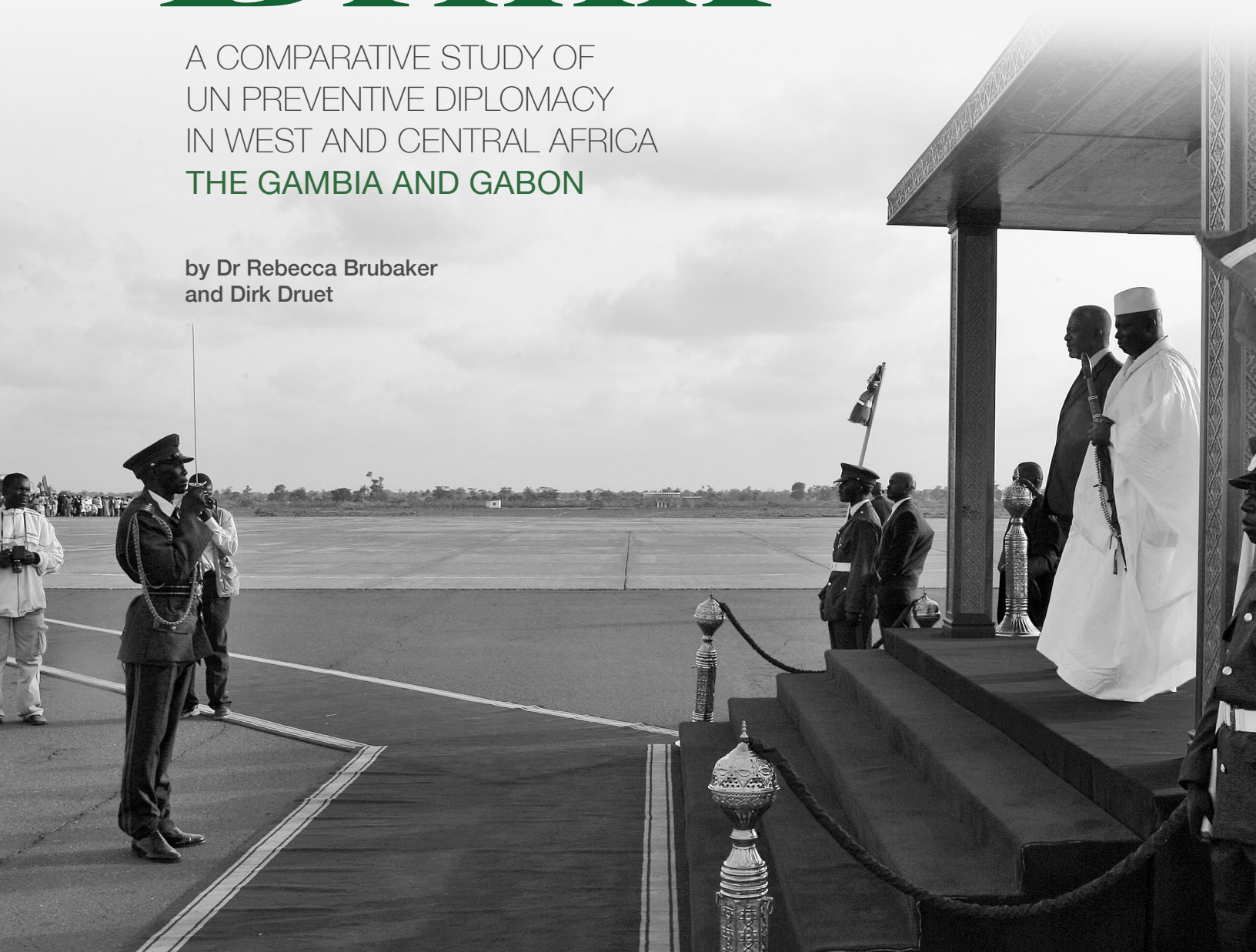
Dr Rebecca Brubaker is Senior Policy Adviser at United Nations University Centre for Policy Research and Dirk Druet is a Researcher at the Centre for International Peace and Security Studies, McGill University, and former UN official in the UN Department of Political and Peacebuilding Affairs.

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Introduction

When The Gambia and Gabon held presidential elections in December and August 2016, respectively, both votes were important tests for the countries' entrenched political establishments. In Gabon, President Ali Bongo Ondimba was seeking a second term after inheriting power from his father, who had ruled the country since 1967. In The Gambia, President Yahya Abdul-Aziz Jammeh was running his fifth campaign since seizing power in a military coup in 1992. Both elections produced fiercely contested results, which quickly translated into street protests and the potential for widespread violence.

As part of the international community's response to these risks, the United Nations (UN) regional offices for Central and West Africa, respectively, deployed preventive diplomatic engagements, supported to varying degrees by the UN Country Teams and the UN Department of Political Affairs (DPA). Their efforts played important roles in breaking cycles of escalating violence and shepherding political processes towards peaceful settlements in both countries. In The Gambia, the combined efforts of the Economic Community of West African States (ECOWAS), African Union (AU), and the UN Office for West Africa and the Sahel (UNOWAS) contributed to Jammeh's decision to relinquish power. Adama Barrow, the candidate of a tenuously united political opposition who won the election, was installed as Jammeh's successor. In Gabon, UN-led efforts, complemented by discrete support from the AU and the Economic Community of Central African States (ECCAS), helped encourage the parties to walk back from a dangerous escalatory dynamic. The opposition candidate was dissuaded from advocating violence to pursue his claim to victory, while President Bongo was convinced to exercise restraint against opposition activists and the public protests, which ultimately ended with his being sworn in for his second term.

This paper seeks to identify the nature and the comparative impact of the UN's contribution to reducing the risk of conflict-related violence in both the short and medium terms in The Gambia and Gabon, following a period where widespread violence was considered imminent. In complex settings, causality is difficult to establish because many actors and factors contribute to the reduction or increase in violence. Moreover, the UN often plays a supportive rather than a leading role, not only in relation to the conflict parties but also vis-a-vis other external actors engaged in prevention. The challenge, therefore, is to isolate the impact of the UN, both on the conflict actors and others, in order to build a clearer picture of the UN's contribution.[1] In so doing, the analysis enables the UN to assess the effectiveness of its strategies, identify good practices, and enhance the effectiveness of its conflict prevention efforts in the future.

To undertake this analysis, the study engaged a pilot preventive diplomacy assessment framework developed by United Nations University.[2] It was designed to help researchers better identify: a) the nature of the UN's contribution to prevention (when compared with other actors' contributions); b) the link between the external intervention, including the UN's contribution, and the outcome of that intervention; c) the receptiveness of the environment to a mediated outcome; and d) the sustainability of the intervention.[3]

Over a period of two weeks, in January 2019, the authors travelled to The Gambia, Senegal and Gabon to assess the UN's preventive diplomacy engagements during the 2016 electoral crises. The team met with over 60 interlocutors including senior politicians and political appointees (Presidents, Vice Presidents and Ministers), opposition candidates, coalition spokespersons, journalists, private sector representatives, national Bar Association representatives, leaders of youth organizations, women's groups, academics, various in-country and regional UN actors, subregional and regional actors (ECOWAS, ECCAS, and AU) and bilateral diplomatic missions (the European Union [EU], France and Senegal).

The authors concluded that the UN, which was given much credit for its role in de-escalating tensions following the contested election in The Gambia in 2016-2017, benefited from an enabling environment in which the subregional organization (ECOWAS) was united in its embrace of norms against non-democratic changes in government — norms that its members decided to defend through a credible and imminent threat of force. Many national actors that played a role in the crisis laud the UN Resident Coordinator for establishing technical support programmes that empowered civil society actors, notably women's groups, to play a decisive role in the electoral process. Gambian political elites, including President Barrow, similarly credit the Special Representative of the Secretary-General (SRSG) and Head of the UNOWAS, Mohamed Ibn Chambas, for his role in facilitating the peaceful transition in early 2017. As such, the UN's reputation in The Gambia is generally positive, though it is criticized in some quarters for having facilitated Jammeh's departure from power on terms that put him beyond the reach of accountability mechanisms. This positive reputation, in turn, "bought" the UN significant space to influence immediate post-conflict peacebuilding efforts. Yet, serious risks remain, and the UN could have further used some of that significant clout to reduce future risks of violence and encourage a more inclusive political dialogue across Gambian society.

In the case of Gabon in 2016, the authors concluded that the UN's room for manoeuvre was far more limited, given the relationship of ECCAS' members, both to their own electorates and to the incumbent in Gabon. The fact that the UN Regional Office for Central Africa (UNOCA) is located in Gabon added further complexity to the operating environment. Thus, despite the UN's considerable efforts to de-escalate post-electoral violence in this second case, and their short-term success, the UN's reputation has suffered in certain sectors of Gabonese society. The cost of stability in Gabon was the recognition of the incumbent's hold on power despite widespread reports of election tampering. This outcome left civil society leaders, including unions and organizations representing youth and women's rights, almost entirely excluded from the national discourse during and after the crisis. It also left supporters of the consensus opposition candidate feeling betrayed by the UN and therefore less likely to heed the UN's calls to seek change through institutions and elections, rather than through force, in the future.

A comparative analysis of the two cases reveals a number of factors that affected conflict dynamics and influenced the options available to the UN actors, the dilemmas they confronted and the ways in which they balanced trade-offs between competing risks and priorities. These include:

- The appropriate avenue for legal recourse on challenges to the electoral process;
- The regional and international political and normative environments;
- Dynamics around opposition coalitions before, during and after the crises; and
- The role of social media.

These and other findings lead the study to draw a number of lessons for the development of preventive diplomacy strategies in future cases involving similar underlying factors. These lessons will have a bearing on the management of UN regional political offices and the ways in which the UN undertakes lessons learning and evaluation activities on its conflict prevention engagements.

I. The Gambia
2016 — 2017

In December 2016, Gambian society was fundamentally altered when a coalition of Gambian opposition parties won the presidential election, ousting the incumbent, President Yahya Jammeh, who had held power for 22 years. At first, Jammeh accepted the results and agreed to step down. But one week later he reneged, citing irregularities and possible fraud in the electoral process. A stand-off ensued. On one side was Jammeh, his supporters, and loyal members of the armed forces, and on the other side opposition candidate Adama Barrow, the coalition parties and their supporters, and regional Heads of State who were prepared to use force, if necessary, under the ECOWAS umbrella. Gambian civilians were caught in the middle. Between 9 December 2016 and 21 January 2017, Gambian society was, as one interviewee put it: "a tinderbox that any match could have lit."[4]
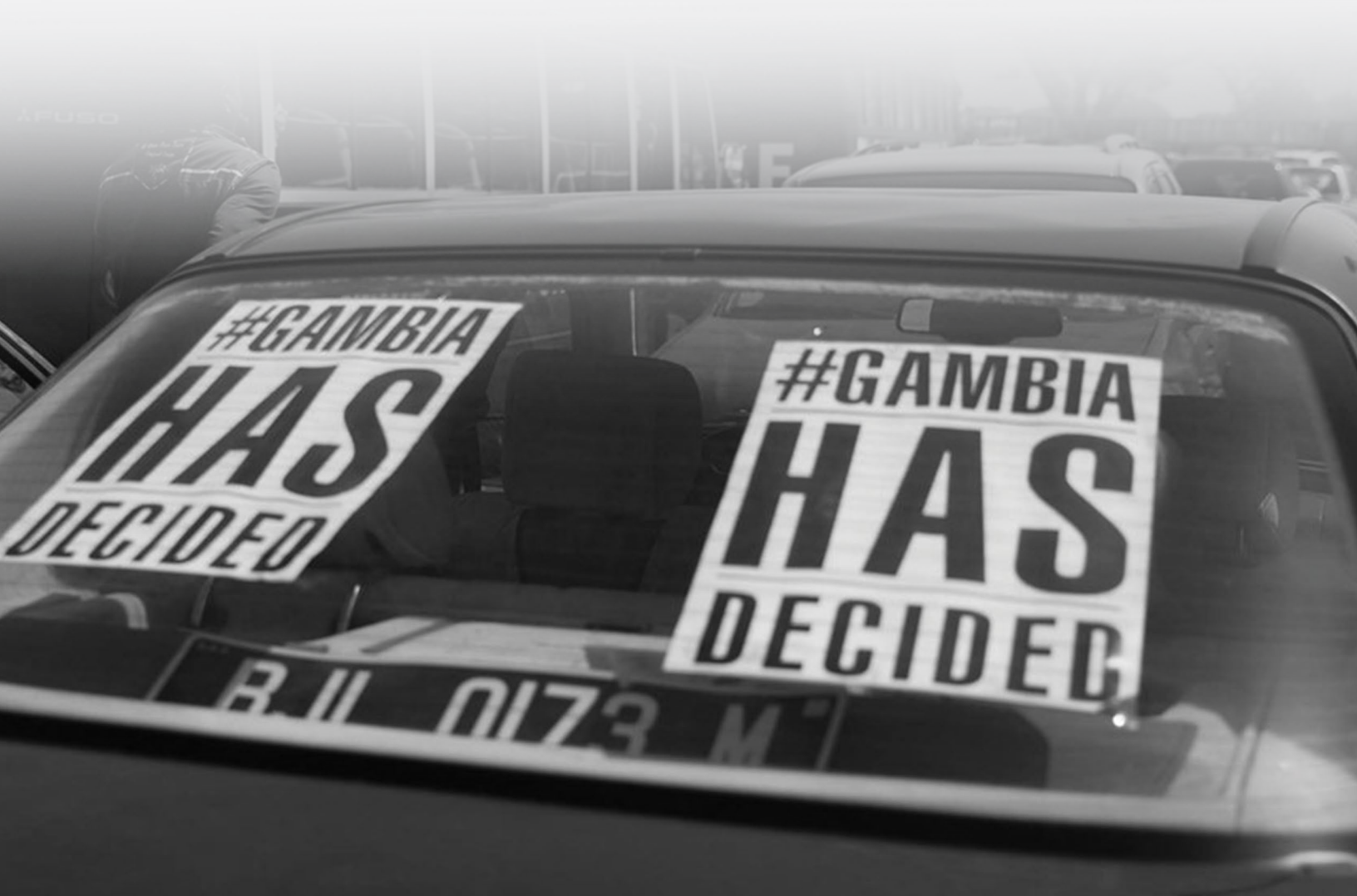
The leadup

Yahya Jammeh seized power in 1994, when he led a bloodless military coup against The Gambia's first, post-independence, elected president, Dawda Jawara.[5] After two years of military rule, Jammeh won national elections and was subsequently re-elected in 2001, 2006 and 2011; he is infamously quoted as declaring that he would "rule The Gambia for billions of years, if Allah wills it."[6] By 2016, Jammeh's 22-year reign had engendered an environment of suspicion, fear, intimidation and silence. He was accused of arbitrary arrests, torture and forced disappearances of political opponents, journalists and human rights activists.[7] The poignant reflections shared through interviews describe a climate where "you never knew when you woke up, if you would make it home that night."[8] One UN official, posted in The Gambia at the time, reflected that meetings with local interlocutors would proceed in silence, each person not wanting to speak for fear that their remarks would be reported. "You could see the fear in their faces," he recalled, "but no one would speak out."[9]

Despite his external projection of incontestable power, Jammeh faced four emerging challenges in the months prior to the 2016 election. First, a brewing economic crisis was fuelling discontent with his regime, even amongst those who were perhaps not otherwise politically motivated to push for his ousting. The Gambia, as a small, minimally diversified economy dependent on tourism and agriculture, was highly susceptible to external shocks. Insufficient rainfall, knock-on effects from the neighbouring 2014 Ebola crisis and political tensions had negatively impacted both tourism and agriculture.[10] The country was facing high youth unemployment and significant irregular outward migration. According to the World Bank, in early 2016, The Gambia was teetering on the edge of a fiscal crisis due to the degree of debt Jammeh had amassed.[11]

Second, The Gambia found itself increasingly isolated on the international stage. As of 1998, The Gambia was an elected member of the UN Security Council, a member of the Commonwealth, held a place of importance in ECOWAS and boasted fruitful trade ties with China. By 2016, Jammeh had withdrawn the country from the Commonwealth and snubbed Beijing by establishing direct trade with Taipei.[12] He had frustrated members of ECOWAS by refusing to step down after two terms and alienated Senegal, which accused The Gambia of supporting and harbouring rebels from its southern Casamance region, who had waged a low-level conflict in Senegal for years. Thus, by 2016, Jammeh had few allies in the region or internationally.

Third, and critically, Jammeh faced a united opposition for the first time. In the previous (2011) presidential election, the largest opposition party, the United Democratic Party (UDP), had refused to join a coalition with the other opposition parties and had failed to marshal sufficient support to challenge Jammeh at the ballot box. This changed, however, after a rare public protest in April 2016, when Gambian security officials allegedly tortured and killed several UDP activists and imprisoned UDP leader Ousainou Darboe and other party officials. Finding itself without a candidate just months before the election, the UDP's interim leadership decided to break with previous practice and agreed to join the opposition coalition in October 2016. The UDP's former treasurer, "an unassuming but generally well-liked individual"[13] named Adama Barrow, was selected as the consensus candidate to represent the seven parties that made up the opposition coalition.[14] Barrow's lack of political experience was said to have helped convince Jammeh at the time that Barrow did not pose a serious threat. But Jammeh underestimated the coalition's efforts. While the coalition pledged, if elected, to focus on constitutional and economic reform and to hold the next presidential election in three (rather than the constitutionally mandated five) years, to allow for an open competition, its most persuasive appeal was that, for the first time, it presented a credible, unified alternative to Jammeh's rule.

Finally, an increasingly bold and well-mobilized civil society and diaspora were pushing for non-partisan electoral reforms. In the months leading up to the election, domestic NGOs, funded by a UN Development Programme (UNDP) Electoral Support Project, the United States and the EU had begun training election monitors, encouraging formerly demoralized

Yahya Jammeh Addresses 2005 World Summit.

citizens to come out and vote, and urging the Government to allow on-the-spot-reporting of results on election day. Jammeh's overwhelming but ill-placed confidence in his own ability to win ironically facilitated his relative openness to civil society's efforts to increase electoral transparency prior to the December elections.[15] Particularly important in these efforts was the National Civil Society Network coordinated by the West African Network for Peacebuilding (WANEP) in The Gambia. WANEP, a not-for-profit led by women in the country, aims to strengthen democracy, prevent conflict and increase youth and women's participation in peacebuilding and decision-making. It established a decentralized monitoring and reporting system for the elections, deploying approximately 150 people to observe the electoral process. Though hampered by Government-ordered cuts to mobile networks, the direct reporting by WANEP and other civil society groups of site-by-site election results, in parallel to reporting by the Independent Electoral Commission (IEC), created a second record of the outcome of the elections that frustrated efforts to distort official reporting.

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Escalation and de-escalation: The 2016 presidential election and "The Impasse"

The outcome of the December election took both Gambians and the international community by surprise. The opposition coalition candidate, Barrow, won the election with 43 per cent of the vote.[16] Jammeh only received 40 per cent. A third candidate, representing an opposition party that had declined to enter the coalition, received the remaining votes.

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Jammeh immediately acknowledged Barrow's victory and conceded the presidency in a nationally televised address on 2 December, further surprising onlookers.[17] A country, once paralyzed by fear of his regime, "erupted in euphoria."[18] But the celebrations were premature. On 5 December, the IEC announced that they had made a technical error in collating the tallied results and subsequently released revised figures that reconfirmed Barrow's victory, albeit by a narrower margin. The IEC made it clear that there had been no error in the collection and counting of votes, only a technical error in their tabulation.[19]

On 9 December, Jammeh publicly addressed the nation, using the IEC's recent revision as a basis to reject the election results, and called for "a return to the polls" in light of "irregularities discovered in the results."[20] In his address, Jammeh also warned of foreign influence in the IEC and stated that if foreign powers should seek to use force to unseat him, he would resist.[21] On 13 December, Jammeh's APRC party appealed to The Gambia's Supreme Court, accusing the IEC of having "failed to properly collate the results."[22] Jammeh's reported intent was to pressure the court to rule that the IEC's results were "null and void" and to call for a new election.[23] Meanwhile, elements of the armed forces, still loyal to Jammeh, seized the IEC headquarters.

The opposition coalition, despite Jammeh's claims and subsequent threats, stood by its victory, arguing that the results were correct and verified by their own party representatives as a result of on-the-spot reporting.[24] They held that Jammeh, as the sitting President and according to the Gambian constitution, should be allowed to remain in office until the start of the mandate of the newly elected president on 19 January 2017. Until then, both Barrow and the opposition coalition spokesperson, Halifa Sallah, called for calm. They cautioned against protests and urged Gambians to be patient and to stay at home and take no action that might give Jammeh cause to use excessive force against them until the impasse was resolved diplomatically or legally.[25]

In the days leading up to 19 January, interviewees reported that Jammeh's security forces were roaming the streets, curfews were imposed and public assemblies were banned.[26] Opposition figures and civil society activists were followed and intimidated. Many fled the country. "We feared the worst," interviewees said, "that Jammeh would crack down on the opposition and never leave....That he would stay and all the efforts to unseat him through the election would be lost..."[27]

At the international level, the wheels of preventive diplomacy had started to turn. By 12 December, ECOWAS, the AU and UN had issued a joint statement calling on "Gambian stakeholders to contribute to a peaceful transition and orderly handing over of power from the outgoing administration to the President-elect within constitutional deadlines, in accordance with Gambian electoral laws."[28] On 13 December, Liberian President Ellen Johnson Sirleaf led a mission of ECOWAS Heads of State to Banjul with the aim of convincing Jammeh to recognize the existing election results and step down. He refused. Shortly thereafter, on 17 December, the ECOWAS summit in Abuja issued a formal communiqué committing to take "all necessary means to enforce the election results of 1 December," which, "reflect the wishes of the Gambian people."[29] The ECOWAS statement was reinforced, first by the AU on 19 December and then by the UN Security Council on 21 December. The Council issued a presidential statement "welcoming the ECOWAS decisions on The Gambia and reiterating the Council's request to outgoing President Jammeh and relevant Gambian authorities to transfer power to Barrow by 19 January 2017." Behind closed doors, members of ECOWAS began to discuss provisions for the transfer of Jammeh from The Gambia and the deployment of ECOWAS forces, led by Senegal, to protect civilians in the advent of potential conflict around his departure.

Over the intervening weeks, reports described Jammeh's decision to resort to "intimidation tactics, including arbitrary arrests and muzzling of the private media." It described an environment in which "the security situation remains tense, with military personnel and paramilitary forces reportedly deployed across Banjul in combat gear." Another report estimated that over 50,000 individuals (mostly women and children) had left the capital for the countryside, fearing imminent widespread violence.

By 12 January, Jammeh's efforts to stall the transition through recourse to the Supreme Court were still proving ineffective. The Bar Associations of both Nigeria and Sierra Leone had issued orders barring their members from accepting Jammeh's offers, and the broader region was building a united front against his efforts. Many West African Heads of State had concluded that a "transparent judicial process" was impossible given the "prevailing atmosphere" within The Gambia. Without a complete Supreme Court, the APRC's appeal could not be heard. In light of this outcome, rumours swirled that Jammeh would declare a State of Emergency and force an extension of his own mandate to oppose the pending deadline for a transfer of power.

That same day, ECOWAS's Defence and Security Committee met to discuss contingency planning for an intervention. The following day, a second high-level coalition of Heads of State travelled to Banjul to persuade Jammeh to cede power peacefully. In parallel, the King of Morocco offered Jammeh temporary refuge, including guarantees of safe passage. Other conflict prevention measures were considered, such as The Gambia's suspension from ECOWAS and the imposition of economic and travel sanctions on Jammeh and his supporters. Nevertheless, Jammeh still refused to concede. Meanwhile, regional Heads of State and the UN facilitated Barrow's safe passage out of The Gambia, following credible threats to his life. Barrow remained in Dakar for his safety, awaiting the 19 January inauguration.

On 16 January, a number of members of Jammeh's cabinet resigned as well as his Vice President. The country's Chief Justice, having been asked to issue an injunction blocking Barrow's inauguration, decided to recuse himself. On 17 January, Jammeh, running out of legal options for opposing the transfer of power, took the feared step of declaring a State of Emergency. The Gambian Parliament, under pressure from Jammeh, then voted to extend the State of Emergency, as well as Jammeh's tenure, for an additional 90 days. But the cabinet resignations continued, and, most significantly, now included senior members of The Gambia's armed forces. In response, Jammeh dissolved his cabinet on 18 January.

In a last attempt to sway Jammeh and convince him to step down, and thereby avert a civil war, President Mohamed Ould Abdel Aziz of Mauritania travelled to Banjul on 18 January. He was soon joined by President Alpha Condé of Guinea and by SRSG Chambas. The three negotiators had very limited time to convince Jammeh to depart. As one report described the situation: "If diplomatic efforts fail, ECOWAS has reiterated its determination to take all necessary measures, including the use of force, to ensure the transfer of power to Barrow. ECOWAS is readying a military force to this end and has already deployed a war ship in Gambian waters outside Banjul." In turn, there were fears that Jammeh would use force, including recourse to the well-equipped presidential guard, to defend himself from an ECOWAS offensive.

19 January arrived and Barrow was sworn in as President at the Gambian Embassy in Dakar. Immediately following his swearing in, Barrow requested the assistance of ECOWAS to use all means necessary to restore the duly elected Government to power in The Gambia. Following Barrow's request, ECOWAS forces entered The Gambia. Nigerian jets flew over the State House, a building well known to house copious munitions and which, if fired on, would have sent those inside "up in flames."[30] These jets were backed by the pressure of over 2,500 troops amassed on the border, threatening to unseat Jammeh "with all means necessary." The Gambian army, to the surprise of many, chose not to engage. Instead, The Gambia's Chief of Defence announced that the army would "welcome our West African brothers to join us for a cup of tea," as this was a problem to be solved politically, not militarily.[31]

In the meantime, the joint team of senior mediators was still trying to talk Jammeh out of the corner in which he found himself. Toward this end, ECOWAS, the AU and the UN drafted a joint statement, which credited Jammeh with deciding to leave and transfer power to Barrow in order to preserve the peace. It also noted that Jammeh's rights and those of his supporters would not be threatened and that their "lawfully acquired" property would not be seized.[32] At the eleventh hour, Jammeh received a call offering him safe passage and long-term exile in Equatorial Guinea. This offer was described as the final factor that tipped the scale towards a decision to exit.

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On 21 January, after a six-week stand-off, with a high risk of civil war and loss of life, Jammeh stepped down and accepted exile in Equatorial Guinea. Five days later, Barrow returned to The Gambia and was sworn in once again in front of his constituents under the protective umbrella of ECOWAS' troops.[33] Barrow's return coincided with that of approximately 45,000 Gambians who had fled to neighbouring countries over the course of the impasse. With Jammeh's departure and Barrow's return, The Gambia was pulled back from the brink of widespread political violence and civil war.

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The role of the UN

Primary role: laying the groundwork

The domestic political situation in the years leading up to the 2016 elections was characterized by vicious repression and a climate of fear and intimidation. This atmosphere constrained different parts of the UN in different ways. There was little room for meaningful direct, high-level engagement with the Government. SRSG Chambas visited The Gambia several times in 2015 and 2016 but Jammeh repeatedly refused to meet him. The presence of Chambas was cited by opposition parties as being nevertheless important in conveying the international community's engagement and support.

For the Resident Coordinator (RC) and members of UN Country Team, any public statements on democratic governance, human rights or the rule of law were considered, according to one interviewee, as "a one way ticket out of the country."[34] Any in-country efforts on these issues were only possible tacitly or through technical

assistance and capacity-building programming. Perhaps the most direct and overt UN messages on The Gambia came from regional agencies, funds and programmes responsible for, but not based in, the country. The Office of the United Nations High Commissioner for Human Rights (OHCHR) regional office in Dakar, for example, was able to take advantage of the fact that the African Commission on Human and People's Rights was located in Banjul. They therefore visited the country regularly and were able to make relatively frank statements to domestic audiences and to meet with senior Government officials.

Despite her difficult and high-risk political operating environment, the strategy of RC Ade Mamoanyane Lekotje, in the months leading up to the elections, proved decisive in establishing relationships and trust that laid the groundwork for the UN's preventive diplomatic engagement during the crisis. In early 2015, Ms Lekotje had encouraged the Government to formally request UN technical assistance for the upcoming electoral cycle. Given the repressive political climate in the country, concerns about the independence of IEC and the general consensus in the international community that Jammeh was highly likely to manipulate the electoral process to assure his victory, the initial inclination among some UN officials was to decline the request.[35] However, Ms Lekotje successfully argued that electoral support would provide the UN with an entry point to meaningfully influence the political climate and substantially improve the quality of the voting process in The Gambia. A UN Electoral Assistance Division (EAD) Needs Assessment Mission, deployed to The Gambia in July 2015, recommended the establishment of a UNDP project focused on supporting the IEC in civic education and voter registration, encouraging dialogue among political parties, and supporting civil society's engagement in the elections, including electoral observation.

The RC and UNDP used the electoral support project as a vehicle for the revitalization of the Inter-Party Committee (IPC), a mechanism for convening all major Gambian political parties under the auspices of the UN to encourage dialogue across the political spectrum, including the governing party, on electoral issues. The new

IPC met for the first time in the months preceding the elections at the UN offices in Banjul. It was attended by all major parties and created a unique and rare framework for discussion.[36] While it was not the objective of the project, several opposition party leaders stated that it was through this forum that the opposition parties established the trust that enabled them to meet later, under different auspices, to hammer out a deal to put forward a single candidate in the presidential election. That moment was decisive in shifting the political balance of power in the country. Chambas also used the forum to pass a common message to all parties, conveying the UN's engagement, emphasizing adherence to the rule of law and calling for peace following the release of the electoral results.[37]

The electoral assistance project was also decisive in enabling civil society to later play a key role in moving the country through the impasse. For example, the UN supported the Gambian civil society partners of WANEP through financing and capacity development, which enabled WANEP staff to conduct voter education and electoral observation activities across the country. As a result of these efforts, and despite reporting on the elections having been disrupted by the Government's decision to cut internet and telephone networks during and following the vote, WANEP monitoring added a credible voice against Jammeh's claim of irregularities in the vote and contributed to the situational awareness of the UN and the ECOWAS Early Warning and Response Network (ECOWARN).

Supporting role: facilitating and constraining regional engagement

Leveraging his personal status, access and relationships in the region as the former President of the ECOWAS Commission, Chambas played a critical enabling role throughout the crisis by helping to coordinate engagement by regional leaders and influential figures with access to Jammeh. These efforts began with the orchestration of a number of diplomatic missions, starting with the visit of ECOWAS Chairperson Ellen Johnson Sirleaf on 13 December 2016 and ending with the "last-ditch" visit by Chambas, President Condé and President Abdel Aziz that successfully led to negotiating

Jammeh's departure. Both those within the UN and political actors from outside assessed that such coordination would not have been possible without the UN's (and particularly Chambas') involvement.

> The frequency of communications among UNOWAS, ECOWAS and the AU at this time also facilitated the synchronization of messages issued from UN Headquarters by the Secretary-General and through joint UN/AU/ECOWAS statements. The SRSG's role was supported by political analysis, technical electoral advice, diplomatic legwork and reporting by UNOWAS and DPA Headquarters, and by the RC and her office, which provided logistical support, analysis and communications support in Banjul, while also sharing information and maintaining solidarity among the UNCT and diplomatic community in the country.[38]

Multiple Gambian and regional actors stated that Chambas was persuasive because he was discreet, did not take credit either for himself or the UN, and delivered hard messages only in private. Chambas' role in facilitating regional political engagement and liaising with the opposition was not only effective in channeling this engagement most efficiently, it also allowed him to influence regional strategy. By shuttling between regional capitals, both physically and digitally, Chambas exerted influence over ECOWAS' messaging and timing.

Primary role: guarantor of the deal

In addition to his enabling role in the regional efforts, Chambas played a critical role in building trust in the deal that spurred Jammeh's exit from the country and finally de-escalated the crisis. While accompanying, rather than leading, high-level visits to the country, Chambas' presence conveyed the broader support of the UN to these efforts and appears to have helped assuage

Jammeh's concerns that his safety, property or liberty might be compromised if he vacated his post. This is evident from the personal role Chambas played during the long negotiations with Jammeh and Presidents Abdel Aziz and Condé. Chambas, a lawyer by training, helped (in coordination with UN Headquarters) draft the declaration that congratulated the President on his decision to depart the country and cited his rights to his possessions and to return to the country if he so desired.

The decision to allow Jammeh his freedom and security in exchange for his stepping down from power was a common position agreed to by the political elites of the region and facilitated by UN diplomatic efforts. The decision to engage Jammeh in negotiations on the terms of his departure, and the structure of the negotiations themselves, have proved controversial since and reflect a balancing of accountability, inclusivity and political expediency. Political activists for the rights of youth, women and representatives of sexual minorities — groups that were particularly marginalized and/or targeted under Jammeh's leadership — were not given a say in these negotiations. Some have criticized the UN's participation in the issuance of the joint statement, which, though it contained no guarantee of impunity, was termed by one commentator as akin to "signing a deal with the devil."[39]

Evolution of a UN strategy

The UN's chief objective in responding to the 2016 crisis was to find a diplomatic solution to the impasse that would avert large scale violence and lead to a peaceful resolution of the stand-off. In the process of searching for such a solution, it was important that the UN try to prevent opposition demonstrations or a regional intervention from triggering widespread violence, while also preventing Jammeh from using violence to reconsolidate power. The UN's strategy consisted of two distinct approaches: one focused on avoiding an escalation of violence while efforts to negotiate Jammeh's departure were ongoing; and a second aimed at preventing Jammeh from using excessive force to retain power, which would have also increased the risk of violence and made a bargain less likely.

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Buy time by appealing to the constitutional order

Chambas' coordination of regional efforts and liaising with the opposition allowed the promotion of a consistent message: in keeping with the rule of law, Jammeh was entitled to remain in his position until the end of his constitutionally mandated term, on 18 January 2017. This message had important de-escalation effects both within and outside the country. In The Gambia, it allowed Chambas to persuade the opposition coalition to call for a peaceful resolution to the impasse and avoid violent protests that could then trigger a violent military backlash. This message also presented an important counterpoint to a number of opposition constituencies that were pressuring Barrow and the coalition to take a more radical stance, such as some student and teachers groups and representatives of the business community that had been among the first to call for Jammeh to step down. The risk that these groups might instigate violent protests in the capital was substantial: as one university professor put it: those who supported the opposition "had risked it all and were now fighting for their lives." While they understood the likelihood that Jammeh would order his security forces to respond to the demonstrations with deadly force, they believed that such an act would "trigger the responsibility to protect" and prompt either an invasion by Senegal or a broader intervention by the international community.[40]

Chambas' message implied that military action before 19 January would be premature and discouraged any immediate action on a statement from ECOWAS Heads of State on 17 January endorsing the use of "all means necessary" to enforce the results of the election. Chambas lobbied ECOWAS leaders not to intervene without Security Council endorsement, which they received on 19 January. The Council presidential statement endorsed the decision of the AU and ECOWAS to recognize Barrow as President and stopped just short of echoing ECOWAS' language on the use of force. Instead, the Council expressed "full support to ECOWAS in its commitment to ensure, by political means first, the respect of the will of the people of The Gambia..."[41] This was particularly important for Senegal which, according to UN analysis in New York and Gambia watchers in the region, was determined to remove Jammeh and may have been prepared to push for an ECOWAS intervention or even a bilateral operation in the absence of a Security Council mandate.[42] At the same time, Senegal's elected seat on the Council for the 2016-17 period placed it in a uniquely strong position to highlight the issue and encourage the Council to take action.

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By pushing back the timelines of the opposition and external intervention, Chambas bought time for political engagement with Jammeh to proceed. In addition, this delay provided the space for outreach to senior military officials who could convince Jammeh of his increasing isolation. This reduced the chance that Jammeh might attempt to make a last stand. In this sense, and in contrast to many UN conflict prevention situations, the UN's engagement in The Gambia did not need to overcome political opposition to perceived interference in domestic affairs. On the contrary, the UN's role in this case consisted of tempering interventionist tendencies until all diplomatic options had been exhausted and until such an intervention benefited from the strongest possible consensus.

Avoid the reconsolidation of power through violence

Jammeh's decision to rescind his concession of the presidential election and the subsequent swell of domestic opposition and international condemnation placed him in a weak legal, military and political position. While efforts were ongoing to negotiate a shift in his stance, it was necessary to prevent Jammeh from strengthening his position in any way that would make escalation more likely. First and foremost, there was the risk that Jammeh would use his security forces to arrest Barrow, or worse. The UN also helped to coordinate regional efforts not to enable Jammeh's late-stage effort to temporarily constitute a Supreme Court using jurists from the region, in line with previous practice. Even if the move was arguably legal, the general

perception in the international community was that the jurists would be selected on the basis of their willingness to issue a decision that was favourable to Jammeh.[43]

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Sustainability

As noted above, Jammeh's departure addressed the root cause of the conflict. However, considerable risks to the country's medium-term stability remained, including the relationships among the executive, the military and ECOMIG forces; the transition to multi-party elections; Barrow's political future; as well as the continuing influence of Jammeh and his closest supporters and their legacy in the country's social fabric. For many in The Gambia, Jammeh's peaceful departure after 22 years in power was inconceivable prior to the 2016 election. It may therefore not be surprising that, when an opportunity to remove him presented itself, achieving this goal became the end-point in the calculations of many national actors. Similarly, at the international level, interviewees repeatedly described the international effort

to help support the will of the Gambian people to remove Jammeh from power as an almost insurmountable proposition, successful only through a combination of highly-skilled diplomacy, effective pre-conflict groundwork and a uniquely favourable convergence of contextual factors.

While the bargain that permitted a coalition candidate to be put forward in December 2016 included a vision for a short transitional administration followed by multi-party elections three years later, it contained few means of enforcing the core tenets of the coalition's founding agreement. Little thought was given to the political futures of Jammeh's most influential supporters, including in the military, nor to the rebalancing of power among The Gambia's ethnic communities, notably the Mandinka and the Jola. Following the coalition's victory, a more inclusive political dialogue, that extended beyond the political party elites to include key constituencies in Gambian society such as women, students and the private sector, may have helped build a political consensus around a broader range of issues than the removal of Jammeh.

Despite the massive mobilization of the international community and UN in support of the highly successful donor roundtable for the implementation of the National Development Plan (2018-2021) and its long-term vision, the international community, and particularly the UN, faced serious challenges in encouraging Barrow to address pressing residual political risks to the country's stability. The security guarantee provided by the presence of the predominantly Senegalese ECOWAS Mission in The Gambia (ECOMIG) forces, which have remained in The Gambia since their initial deployment during the impasse, is an important factor in sustaining peace in the short term. These regional forces, however, make the difficult, risky but critical process of Security Sector Reform less pressing to Barrow because he does not need it to maintain his personal security, nor that of the country. Their presence also exacerbates long-simmering resentment in the country. The Gambia's fiscal situation, while temporarily buoyed by support from the World Bank, faces medium-term uncertainty absent structural reforms that had been agreed but not implemented. The

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breakdown of the coalition, criticisms of weak governance and financial mismanagement,[44] and fresh allegations of repression and human rights abuses,[45] raise concerns about the depth of the change of power in 2017, and whether the root causes of the conflict have indeed been fully addressed.

In the lead-up to Jammeh's departure, and in the months following Barrow's inauguration, the UN has taken a number of steps to deliver an effective peacebuilding programme and to ensure its engagement with the new Government and civil society is conflict-sensitive. This includes the design of a Peacebuilding Fund, Security Sector Reform support project and the deployment of international advisers to support the presidency; the deployment of a Peace and Development Adviser to the RC's Office; and the approval in June 2017 of a unique USD $56 million International Development Association (IDA) credit and grant from the World Bank to strengthen the Government's fiscal position during the transition. However, in light of the ongoing and, arguably, increasing risks to The Gambia's stability in the post-Jammeh era, it bears considering whether any opportunities were missed to better forecast these risks and alter the international community's strategy to address them.

Coordination between the World Bank and the UN on the peacebuilding strategy appears to have been an important opportunity to encourage ongoing political support among the

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new Gambian authorities for key reforms related to security, economic, governance issues as well as transitional justice. Interviews indicated that the World Bank's analysis on The Gambia's fiscal situation long predated the electoral crisis, and that options for more limited support packages were being developed even in the event that Jammeh did not depart.[46] In the end, the World Bank was motivated to approve a much more generous, one-time grant that came with no strings attached beyond general commitments to reform.[47] However, little if any communication or coordination between the UN and World Bank occurred prior to, during or following the transition, either at the Headquarters level, in Dakar between UNOWAS and the World Bank regional office, or in Banjul, despite the two offices being located in the same building. While a common sense of purpose had driven the work of the UN and the World Bank in the

immediate aftermath of the transition, a joint strategy in support of long-term stabilization of The Gambia has not materialized, constituting a lost opportunity.

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II. Gabon

The political dynamics in Gabon on the eve of the 2016 presidential election can be traced back to the end of 2013, when Jean Ping re-entered Gabonese politics to lead the *Démocratie nouvelle* party. Following the October 2009 elections that brought Ali Bongo Ondimba to power, the political opposition had become stagnant and demoralized. Opposition parties consistently fared poorly in subsequent legislative and municipal elections, where the presence of multiple prominent parties split the vote in the face of the Government's disciplined and well-resourced political machine.[48]

As a two-week official campaign period began on 22 August 2016, and to the surprise of many, two of the four leading opposition candidates issued a joint statement uniting behind Ping.[49] As a coalition candidate, Ping posed a serious threat to President Bongo's leadership, and the same period saw a number of significant defections from the Bongo camp.[50] As a former Minister of Foreign Affairs, Chief of Staff in the Government of Bongo's father, former Chairperson of the African Union Commission from 2008 to 2012, and former President of the UN General Assembly from 2004 to 2005, Ping brought both national and international legitimacy and vast experience to the Gabonese political scene.

© UN Photo/Evan Schneider

More generally, human rights activists reported that the electoral campaign appeared to have accelerated a broader trend of "militarization" in the country that included arbitrary arrests, a crack-down on freedom of expression and assembly and the manipulation of the justice system. As the 27 August vote approached, tensions in the country were palpably high.

Ping also brought a new, more divisive edge to the opposition's discourse. He revived a long-standing rumour that Bongo was not a Gabonese citizen, playing on undercurrents of xenophobia in parts of Gabonese society that coincided with a recent influx of migrants from neighbouring countries.[51] In May 2016, a video circulated on social media that showed Ping calling on his supporters to "go to war" and referring to the Government as "cockroaches" that needed to be removed.[52] With the slogan *"2016 ce n'est pas 2009"* (2016 is not 2009),[53] Ping signalled to the population and to the Bongo Government that the opposition would not quietly accept an electoral process perceived as unfair. The violent aspects of his rhetoric came as a surprise to many in the international community, given Ping's history as a diplomat and multilateralist.[54] As the electoral crisis escalated, such language appears to have played a key role in influencing international actors' unwillingness to support Ping. As one UN official put it: "Ping took off the brakes, and in doing so alienated the international community."[55]

Escalation and de-escalation

On 27 August, voting for the presidential election took place across Gabon and, by all accounts, was largely peaceful. Yet, in the delay between voting day and the announcement of the preliminary results by the Ministry of Interior, it became clear that a crisis was likely. On 28 August, as the national electoral commission (the CENAP) continued to consolidate the tallies of votes counted and reported at the provincial and departmental levels, Ping issued a statement claiming that all indications suggested that he had won the elections and pledged to be a President for all citizens of Gabon. Ping's statement included a call on members of the security forces to respect the will of the people.[56] Bongo reacted indignantly to this move, issuing a statement of his own in which he denounced Ping's declaration as "inexact and illegal" and claimed that Ping had a history of ignoring electoral results and "dangerously multiplying appeals to violence."

The crisis began immediately after the announcement of the provisional results by the Minister of the Interior on the afternoon of 31 August. The initial results showed Bongo to have received 49.8 per cent of the votes cast, 48.2 per cent for Ping and the remainder going to the other eight candidates. A voter turnout of 59.46 per cent was reported. The delay between the vote and the publication of the provisional results reportedly resulted from a disagreement within the electoral commission over the results from Haut-Ogooué Province, the President's stronghold, which indicated that Bongo had won 95 per cent of the votes cast, with a reported voter turnout of 99 per cent. The Vice President of the CENAP, a member of the opposition, tendered his resignation in protest of this alleged irregularity. Public knowledge of the situation spread quickly.

Shortly after the announcement of the provisional results, clashes were reported between Ping supporters and security services around the CENAP headquarters in Libreville. Smaller demonstrations were also reported in the petro-capital of Port-Gentil and in Oyem in northern Gabon. By nightfall, fires had been set at the Parliament and at a pro-Government newspaper, the headquarters of the public broadcaster had been vandalized, and petty looting was reported across Libreville. Security services were deployed throughout the city, and at 1am, Government forces stormed the Ping campaign headquarters, reportedly using armed helicopters to drop bombs on the building. At least three people were reported killed according to Government reports and 27 senior campaign officials and civil society leaders were detained on site. Meanwhile, security forces arrested approximately 1,000 people in the streets, resulting in hundreds of injuries. Beginning that same night, the Government imposed a four-day internet blackout, one of the longest country-wide internet blackouts in history.

As rioting continued, the 27 Ping supporters detained at his campaign headquarters served as a rallying point for the opposition and reinforced Ping's position that the Government was acting outside the rule of law. The Government eventually released the detainees from Ping's campaign headquarters. However, in a press conference held just after their release, Ping failed to explicitly call for calm. Instead, he stated that calm would only be restored through the credible verification of the vote.

The fear stoked by the Government attacks effectively stalled the momentum of Ping's move to foment a national movement that would, in his eyes, have prevented the Government from succeeding in institutionalizing the results it had announced. While the Government crack-down was a decisive point, dwindling support from other opposition parties and their supporters limited Ping's ability to further press his claim to the Presidency.

As the immediate risk of widespread violence subsided, focus shifted to the reconciliation of the Government's uncompromising insistence that only the Constitutional Court could confirm the credibility of the elections, and Ping's insistence that he was the rightful winner and should take office immediately. Despite Ping's previous refusal to submit an appeal to the court on the grounds that it was not independent,[57] Special Representative of the SRSG in Central Africa and the Head of UNOCA, Abdoulaye Bathily, and AU Peace and Security Commissioner, Ambassador Smail Chergui, succeeded in convincing Ping to reverse this position as part of a series of what UNOCA referred to as "confidence-building measures" negotiated with Ping and the Government. These included the deployment of international legal experts from francophone African countries to assist the Court in adjudicating Ping's appeal. The complaint was filed with the Constitutional Court on 8 September requesting a recount of the votes, polling station-by-station in Haut-Ogooué.[58]

Once Ping's appeal had been submitted to the Court, the security situation in Gabon continued to gradually normalize, as all parties waited for the publication of its decision on 23 September.

In the meanwhile, the Government took steps to consolidate its control over Libreville, with UNOCA reporting a heavy presence of security forces around the city. Two weeks before the Court was set to announce its decision, a number of senior leaders of opposition parties were arrested, raising fears that violent demonstrations could reignite.

The Constitutional Court released its ruling on 24 September. In it, the Court confirmed the re-election of Bongo, slightly altering the provisional results for Haut-Ogooué but upholding Bongo's victory. In remarks to the press following the release of the Court's decision, Ping decried the ruling as "iniquitous, undemocratic and carrying uncertainties." Yet little reaction to the Court's ruling was reported on the streets of Libreville that day, though a report from UNOCA noted a heavy security presence and that many businesses were closed. From that moment on, the dispute, while not (and, arguably, never) fully resolved, was set on a course of further de-escalation. On 27 September, Bongo was sworn-in for a second term as President.

As a means of ensuring stability and bringing a decisive end to the tensions in the country, the international community strongly encouraged the Government to hold a political dialogue with opposition parties. Ping, now certain that any further cooperation with the Government would undermine his position, refused to take part in the dialogue. The Government proceeded with the dialogue nontheless and succeeded in enticing key opposition figures to join the January 2017 discussion. Among them were Ping's Campaign Director, who would later be named Minister of Social Affairs, and Social Democratic Party president, Maganga Moussavou, who would be named Vice President.[59]

By enticing key opposition figures to participate in the dialogue, the Government achieved a final and decisive de-escalation in the crisis. Ping's refusal to recognize the legitimacy of the Government became a less realistic position, and several of the key opposition parties that might have mobilized their supporters behind his claims were effectively co-opted by the Bongo Government. At the conclusion of the Government's dialogue, the country had

© UN Photo/Devra Berkowitz
President Ali Bongo Ondimba addresses the UN General Assembly in 2010.

moved decisively away from a political crisis that could have sparked further violence. It had not, however, achieved the decisive political consensus across Gabonese political, ethnic and generational groups that would have been required to satisfy ongoing concerns about the legitimacy of the Government.

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The role of the UN

Context of engagement

Bathily, a former academic, Senegalese dissident and Government minister, was assigned as the SRSG in Central Africa and the Head of UNOCA two years before the crisis erupted.[60] At the time of his appointment, UNOCA was only three years old and Bathily was the second SRSG to head the Office. UNOCA's mandate was to promote peace and stability in the region through exercising the UN's Good Offices in the prevention of violent conflict and peacebuilding.[61] In addition, in 2012 and again in summer 2016, UNOCA signed a cooperation agreement with the Secretariat of ECCAS. These two entities pledged that their shared areas for cooperation would include: political and security governance, electoral processes, mediation, training and communication.

Upon his arrival, Bathily faced a national and regional political context that left only limited

Former Secretary-General Koffi Annan greeted by then-Foreign Affairs Minister Jean Ping during his official visit to Gabon in 2006.

space for engagement in Gabon. First, both UNOCA's and ECCAS' headquarters were based in Libreville, and thus, it was clear to all involved that these organizations needed to carry out their mandates without jeopardizing the hospitality of their Host Government.[62] The second challenge arose from the fact that ECCAS, UNOCA's primary partner in the region and first recourse vis-à-vis potential conflict in Gabon, was also a young organization, having only reopened its doors in 2009 in the context of Bongo's inauguration. In the years that followed, the Bongo Administration had played a crucial leadership role in reviving ECCAS, expanding it and financing its activities. At the time of the 2016 election, Bongo was representing Gabon as ECCAS' Chairperson.[63]

Moreover, many interviewees noted the influence of the particular subregional context on term limit expectations, democratic processes and transfers of power. Of the 11 members of ECCAS, only two had undergone a transfer of power through democratic elections.[64] The other nine (including Gabon) had been guided by either the same leader or by the same family for the better part of ECCAS' existence. Accordingly, there was a general expectation amongst ECCAS' members of "not pointing out the splinter in a neighbour's eye, if I have a board in my own."[65]

Third, in the lead up to the August election, the Gabonese Government's star had risen both within the immediate region and amongst members of the international community. Not only was Gabon chairing ECCAS during the lead-up to the elections but the Government was also at the head of the United Nations' Standing Advisory Committee on Security Questions in Central Africa (UNSAC).[66] Over the period directly preceding the 2016 election, Gabon had played a crucial role in helping ECCAS, the AU and the UN broker a successful transition in the Central African Republic (CAR) and in developing a regional counter-terrorism and non-proliferation plan for small arms and light

weapons.[67] The Security Council were relying on Gabon's continued support on both of these fronts. Furthermore, the Gabonese Government had recently spearheaded a successful resolution in the General Assembly on the issue of illegal poaching and earned the international community's praise for its special agreement to submit its border dispute with its neighbour, Equatorial Guinea, to the International Court of Justice. The peace deal was due to be signed in December 2016.[68]

The political significance of Gabon, to the subregional and the international community alike, was further bolstered by its substantial trade ties with France, the US and China.[69] Many long-term investments were interlinked with the Bongo family and created a vested interest in ensuring that, whatever the outcome of the elections, Gabon remain open for business.[70] In other words, over the period of SRSG Bathily's tenure, Gabon was enmeshed in a tight web of economic relationships and regional and international political alliances. This made it less likely that States would take a strong interest in a cause that went counter to the existing Government's interests so long as these continued to be legitimized by Gabon's laws and procedures.[71]

There was one more factor that made the context in Gabon particularly challenging for a mediator: the intimate interlinkages between many of the key conflict players that mixed personal and family connections with professional relations. Ping, for example, had served Ali Bongo Ondimba's father, Omar Bongo, as both a Minister and Chief of Staff. Ping was previously married to Ali Bongo's sister and together they have two children. For her part, the President of the Constitutional Court, Marie-Madeleine Mborantsuo, is Ali Bongo's godmother and had a long and personal relationship with the previous regime. As a result, the conflict between the two parties was as personal as it was political, making it much more difficult to resolve even as the political landscape shifted.[72]

Over the time of Bathily's tenure, and particularly during the 2016 election crisis, navigating these many tripwires would require prodigious skill and discretion.

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Evolution of a UN strategy

Bathily devised a three-pronged strategy of engagement: first, to build relationships of trust with each of the key conflict parties, while raising alarm bells amongst key external players including the Security Council.[73] Second, to draw on these relationships to discourage all parties from using violence to achieve their ends. And third, to urge the opposing parties to take confidence-building measures to demonstrate their commitment to finding a peaceful way through the post-electoral crisis.

The first aspect of the strategy was activated from the moment Bathily arrived in Gabon in 2014. Recognizing the divisive and highly-strung environment that he was entering, he spent his first three months in consultations with both sides. The results were twofold. First, Bathily succeeded in gaining the trust of both the Government and the opposition — a difficult feat in a society that was growing increasingly divided.[74] Second, Bathily gained an early appreciation for the growing risk of conflict — a risk that was not fully understood by many others at the time.[75] Bathily, in turn, continued to communicate this risk to both UN Headquarters and to regional and international States, urging them to combine efforts to head off possible widespread violence.[76] In addition, the UN Secretariat took great efforts to meticulously and consistently warn the Security Council of the conflict risk in Gabon in the year before the election through a mix of formal briefings on the situation in the region and regular informal exchanges, a fact the Council recognized with gratitude in the aftermath of the crisis.

The second aspect of Bathily's strategy centred on advocating non-violence and restraint, with recourse to existing institutions.[77] At numerous decision points, Bathily used in-person direct

dialogue with the key conflict actors to talk them out of instigating violence or taking actions likely to trigger a resort to violence by the opposing camp. To the Government, Bathily argued that using violence to quell protests would only strengthen the protest movement and risk to its hold on power.[78] Meanwhile, Bathily appealed to Ping's internationalist background to persuade him to avoid inflammatory rhetoric and explicitly reject violence, suggesting that his best hope at this stage was to engage the Government in dialogue with the aim of securing reforms that would improve the electoral process in the future. Bathily's experience, as both a former government official and member of an opposition party, augmented the legitimacy of his arguments for both sides.[79] The result was clear: at certain key moments in the crisis, either a coalition of international actors or the conflict parties themselves issued calls for calm, restraint, and a peaceful means of resolving the impasse.

The third prong of Bathily's strategy consisted of convincing each side to initiate certain confidence-building measures as a means of signalling their willingness to find a non-violent way out of the stand-off. This third strategy relied on the success of the first two and, following the elections, differentiated Bathily from other prominent international actors.[80] Over the critical period from 31 August to 2 October, he succeeded in nudging the sitting Government to release members of the opposition within 36 hours of their arrest (on 2 September) and, meanwhile, convinced Ping to issue a statement calling for calm and restraint in the aftermath of the security forces' attack on the opposition's headquarters. Bathily also managed to persuade Ping to appeal to Gabon's Constitutional Court (on 8 September) as a means of airing his discontent with the official election results. Later that month, following the Court's review and release of the final results, and Bongo's subsequent inauguration, Bathily was seen as influential in Bongo's decision to refrain from arresting Ping. Each of these "appeasement" steps served to de-escalate tensions at critical moments in the stand-off. Many interlocutors argued that the UN was the only actor able to speak to both sides during this tense stand-off. Both Ping and Bongo expressed frustrations that Bathily was pushing them in a direction they would not have gone without his intervention. Based on this analysis, it appears likely that such measures may not have been achieved in the absence of the UN's involvement.

Other confidence-building measures were less successful, however. Bathily endeavoured to convince the President of the Constitutional Court to accept local or international third-party observers in the course of its review, based on a confidence-building plan developed in collaboration with AU Peace and Security Commissioner, Smail Chergui. Bathily and Chergui had already secured the consent of both Ping and Bongo for these measures. But the President of the Court adamantly refused to consider their recommendations. Instead, she portrayed such measures as an abasement of Gabon's sovereignty and the independence

of her Court. And while Bathily managed to persuade the Government to support a national dialogue, which he saw as an essential next step if Gabon were to avoid an even more severe stand-off in the future, he did not manage to convince Ping and his supporters to join.[81] A national dialogue without Ping's participation served to undercut rather than build confidence between the two most diametrically opposed conflict actors. Moreover, it is notable that the dialogue was attended exclusively by political parties focused on questions of elite power sharing; it did not include a diversity of perspectives and interests, including those of women. Nor did it address structural policy issues. This seems to have been a missed opportunity for the UN to advocate for truly inclusive dialogue that might have brought the concerns of the Gabonese people closer to the concerns of their leaders.

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Outcome

On 31 August, both parties were open to a mediated outcome given the speed and expected violence of the escalation. But by 28 September, the moment for a targeted diplomatic intervention aimed at de-escalation had passed. One side, the Government, felt it had gained the upper hand and had nothing to gain from what Bongo referred to as further "appeasement" initiatives. Bongo was quoted as stating that the UN-promoted dialogue would be the "final appeasement measure" he took, unless Ping recognized him as the legitimately elected leader. By September Ping had lost faith in an internationally-mediated solution to the conflict. He was counting on a coercive external intervention coupled with an internal rebellion. Against these expectations, he remained severely disappointed at what UN mediation had achieved, warning that his supporters might have no choice but to "take matters into their own hands" during the next elections.[82]

To evaluate what the UN can achieve in such difficult circumstances, it is necessary to remember the mandate and scope for preventive diplomacy. The UN was not charged with judging an election outcome or tipping the balance in one candidate's favour. Its aim was to nudge the parties away from violence and, when requested, to present actors with non-violent options for settling disputes. It was also acting with the consent of the parties and its influence was only one of many factors that led conflict actors to turn away from further violence.[83]

Taking all this into account, it is clear that Bathily, with support from UN Headquarters and his team in UNOCA, successfully achieved a limited but very difficult goal: dissuading two deeply polarized and mutually hostile parties, with everything at stake, from continuing down a path of escalating violence. At a number of points, widespread violence appeared imminent.[84] But through constant shuttle diplomacy, leveraging informal and formal networks, preserving neutrality vis-à-vis the conflict parties and making tough decisions about the remit of the UN's role in this case, Bathily managed to sustain sufficient influence over the parties to dissuade them from triggering widespread violence. Thus, to the question of what would have happened without the UN's intervention in Gabon, it seems clear that more extreme and disproportionate use of force on the part of the Government, leading to further causalities, longer detentions and more widespread arrests and/or more violent and widespread forms of resistance were significant risks, even if the probability of these outcomes is still debated. Ultimately, given its disproportionate control over security, information and resources, the Government would likely have maintained its hold on power.

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SRSG Abdoulaye Bathily (Centre) at a Security Council meeting on the Central African region.

Sustainability

Dialogue as a way through the political crisis?

Bathily understood that the announcement of the Constitutional Court's ruling would not put an end to the electoral crisis.[85] Instead, he predicted that the results, if they confirmed the incumbent's victory over the opposition, would "open a new configuration of the Gabon political crisis" and "would worsen divisions within the political class and the people." He saw a UN-backed, inclusive and genuine dialogue on constitutional and electoral reforms as the only way out of this subsequent crisis. Before his departure, in a final attempt to steer the parties away from violence, he made the following plea to Ping: "dialogue is all that is left to you, in light of the Court's decision. Embrace this avenue, even though it is far from what you had hoped. Embrace it and take the most from it through pushing for electoral reforms, as a united opposition, reforms that will ensure the events of 2016 cannot be repeated

in the next elections."[86] In the end, after Bathily's departure, Ping refused to join the Government-administered dialogue and instead proposed one of his own. The formation of the Government proceeded without his participation.

Bathily's departure coincided with this crucial moment in which the trust and influence he had cultivated were sorely needed. The end of his tenure and the inevitable changing of horses midstream, created a short but important disjuncture in the UN's direct engagement with the set-up and shepherding of the dialogue process. While the change was unavoidable, it may have presented some challenges for the sustainability of the post-crisis strategy.

Future "mediation space" for the UN?

The arrival of SRSG Fall in Gabon signalled both a chance for a reset in relations between the parties and the UN and a chance to build upon the foundations that Bathily had assembled. In the case of relations with the Government, Bathily's discretion, careful attention to maintaining

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relations with all, and restraint earned the UN an invitation to continue playing a significant role in managing relations between the Government and opposition. At the time, almost no other external actor was either able or willing to play such a role.

On the other hand, Bathily's restrained approach earned the UN a very different reputation amongst Ping's supporters. They saw the even-handed approach as biased when it guided them towards what they continued to see as rigged procedures; they saw diplomatic cautiousness as lack of conviction on the part of the UN, and restraint as a lack of courage to take action in the face of democratic injustice. The same could be said for parts of civil society groups representing youth, students and workers' rights, representatives of which described the UN as "having let the Gabonese people down."[87] How one evaluates these accusations and the UN's resulting loss of influence amongst this section of Gabonese society will depend on how one evaluates the mandate that UN and UNOCA were given and the trade-offs made to preserve the space for this particular mandate. Both sides

acknowledge that the UN's influence saved lives and diminished violence in a moment of crisis. But the UN's emphasis on stability and reducing violence in the short term came at the price of the faith of those Gabonese ready to sacrifice stability, their own security, and perhaps even the security of others, for a more just system in the longer term. These same individuals are, therefore, unlikely to turn to the UN for assistance or heed its calls for restraint in a future stand-off.[88]

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III. Comparing UN Preventive Diplomacy Interventions in The Gambia and Gabon

When placed side-by-side, the cases of The Gambia and Gabon highlight a number of important ways in which the particular contexts faced by the UN in preventing escalation drastically affected its operating space, the types of dilemmas it had to navigate, the opportunities for political engagement at its disposal and the nature of the trade-offs required. More specifically, there are five areas where the context of these two cases significantly differ. The differences serve to highlight the distinctive strategies required of the UN when it sought to prevent widespread violence in two nearly concurrent cases. These include: a) a country's degree of integration with — versus isolation from — the regional and international community; b) West versus Central African regional norms and institutions; c) the treatment of constitutional mandates and legal recourse; d) the role of opposition coalitions; and e) the role of social media. The following section looks at how these environmental factors affected the UN's room to manoeuvre.

Degree of integration with the regional and international community

The Gambia and Gabon differed significantly in their levels of economic and political integration at the regional and international level. These differences decisively influenced the UN's and regional actors' degree of leverage over the conflict parties in each case. By 2016, Jammeh's Government was isolated, alienated from both West African neighbouring States and key international powers. As a result, it was easy to convince States that their relationship with The Gambia was likely to improve with Jammeh's departure, provided there were legitimate grounds for Jammeh's exit. States were, therefore, also less likely to scrutinize Jammeh's successor, Adama Barrow, as he conveniently filled the role in strategic, security and economic partnerships that Jammeh had failed to fill.

Conversely, the Bongo Government in Gabon was enmeshed in regional and international trade, security and political alliances in the period directly preceding the electoral crisis. Given the value Gabon was adding to these relationships (as the head of ECCAS, a key mediator in the CAR crisis, a world leader on poaching and as host of the UN's regional office), Gabon was less likely to be the target of criticism. It is also important to note that Gabon's trade relationships with France, the US and other key States on the Security Council were generally symbiotic or, in some cases, even asymmetric — with other States gaining more from Gabon than Gabon stood to gain from them. These dynamics created an environment in which States had no good reason to side against the Government, unless all legitimate excuses were exhausted.

To differing degrees, these dynamics reversed in the post-crisis periods. In The Gambia, all relevant actors wanted to extend Barrow and his transitional Government the benefit of the doubt. As a result, some have argued that the new Gambian Government was proffered a pass for actions that might have warranted more

scrutiny. In parallel, as Barrow's administration has come to understand the allowances given during a honeymoon period, progress has stalled around critical areas such as Security Sector Reform and the administration has become increasingly resistant to external advice around preparations for The Gambia's next elections. As a result, it is harder for the UN to exert influence and contribute to reducing the risk of violence in the post-crisis period.

In contrast, following the 2016 Gabonese electoral crisis, Bongo's Government began to isolate itself from — and be further isolated by — the international community, especially Europe and the subregion.[89] As a result, in the current climate, fewer States have a dedicated interest in the Bongo regime holding on to power. This increasing isolation is paired with Ping's subsequent marginalization from Gabonese politics. Yet his supporters, especially those in the diaspora, continue their efforts to raise awareness and garner support abroad. As one Government Minister observed, each time Gabonese officials travel to Europe or the US, they are met with well-organized and vehement protests orchestrated by members of the diaspora who continue to push Ping's cause abroad. It may be that the UN's influence on the current Government will grow as/if the country's isolation progresses.

> Looking to future preventive diplomacy engagements, it is important to consider a country's degree of integration within its region and within the broader international community. The cases highlight that a country's degree of integration can vary. Analysing this web of relationships is key to understanding which States have influence over conflict parties and why, which in turn underlies the logic of influence over parties.

Regional norms and institutions

The Gambia and Gabon exist in different regional constellations, where the norms and rules around term limits and sovereignty strongly affect the posture taken by neighbouring countries and subregional organizations. These rules were reflected in the capacities entrusted to regional organizations and the positions they took during the 2016/2017 crises. They dramatically affected UN officials' perceptions of the array of acceptable options available to them in their engagement in the two regions.

In West Africa, the democratic transfer of power after two terms was becoming an increasingly strong norm by 2016, in line with stipulations contained in the Protocol on Democracy and Good Governance adopted by ECOWAS in 2009. In Central Africa, no such convention existed; as of 2016 the Heads of State in Central Africa had been in power for an average of almost 19 years. This contrast is mirrored in the mandates and capacities of the West and Central African regional organizations, ECOWAS and ECCAS, particularly in relation to the sovereignty of their member States. ECOWAS foundational documents explicitly describe a "partial and gradual pooling of sovereignties,"[90] and foresee scenarios in which "authority of government is absent or has been seriously eroded" requiring regional military intervention. The foundational documents of ECCAS, on the other hand, take a more absolutist posture on "sovereignty, equality, independence of all states [and] non-

interference in internal affairs...,"[91] principles reinforced in a non-aggression pact signed in 1996.[92] While in 2002 a Multinational Force of Central Africa (FOMAC) was established, it has been only used once, in CAR.

The different approaches to sovereignty and non-interference were also reflected in ECOWAS' and ECCAS' messaging during the 2016 crises. Regarding The Gambia, ECOWAS issued a statement as early as 18 December 2016 expressing its willingness to take "all measures necessary" to uphold the decision of the Gambian people. In Gabon, ECCAS' messaging during the crisis was relatively restrained. For example, its statement on 2 September 2016 made no mention of the transparency of the electoral process, which it observed with the AU, but called for an end to violence, the use of legal channels, and political dialogue to strengthen democracy and inclusion.

These highly distinct institutional contexts in the two regions impacted the UN's room for manoeuvre in working to prevent violence. In The Gambia, the UN's strategies were largely helpful to, and in most cases directly supportive of, ECOWAS' objectives. Consequently, the UN had a wide margin of manoeuvre, albeit discretely and with regional actors in the leadership positions. The region's immediate priorities did not, however, extend to questions of transitional justice and accountability, which made the UN's trade-off between political expediency and accountability relatively easy during the negotiation process but potentially harmful to the longer-term credibility of the transition

in the eyes of civil society, including women's and youth groups that were closely involved in Jammeh's ouster and are now advocating for justice via leadership roles in the country's ongoing transitional justice process.

> These findings suggest, unsurprisingly, that an understanding of the regional normative environment is critical to identifying the UN's margin of manoeuvre in a given situation, and the level of challenge and risk involved in advancing a given solution. At the same time, assumptions on what may and may not be possible for the UN should be rigorously explored and critically debated, so that UN prevention actors clearly understand and are deliberate about the trade-offs they are making.

In Gabon, with the capacity of ECCAS and, to a lesser extent the AU, limited by both the general lack of permissiveness of the regional context and the particularly challenging conditions in the country, the UN was more exposed: in the absence of a clear regional objective beyond non-interference, the UN acted more proactively and at its own discretion, but also without the political cover that would have been afforded by aligning regional interests. This made its engagement both risky and all the more vital for the prevention of violence, especially if the Gabonese Government was prepared to use

excessive force. At the same time, it appears to have been interpreted as constraining the UN's ability to advance objectives beyond the immediate prevention of violence, such as the advancement of democratic norms and good governance.

Treatment of constitutional mandates and legal recourse

In both The Gambia and Gabon, parties on both sides made strategic use of existing laws and constitutional procedures to justify the legality of their preferred course of action.[93] Bound by a universal commitment to the rule of law, and yet confronted with imperfect legal systems and constitutional situations without precedent, the UN was forced to engage with evolving and, in some cases, subjective positions on the validity of various legal routes promoted by one party or the other.

Examining the advice given to the presumptive loser of the elections in both cases reveals the complexity of the underlying legal framework. In The Gambia, the UN remained fairly silent on Jammeh's wish to contest the election results through appeal to the country's Supreme Court.[94] On the one hand, this was Jammeh's constitutional right. On the other hand, the fact that Jammeh had initially conceded was considered by some to have weakened his right to appeal. Conversely, in Gabon, Bathily and the UN apparatus actively encouraged Ping to use

the Constitutional Court to contest the results. Yet, Bathily also actively pushed for safeguards (in the form of international advisers) to address Ping's concerns about the Court's independence.

The decision of whether or not to encourage recourse to an appeal, and whether or not to encourage a pause in escalatory actions until such an appeal is considered, only comes into relief when these cases are studied in their specific contexts. Chambas' decision was viewed as the most likely to ensure a smooth transfer of power and the avoidance of civil or regional armed conflict. But even if the UN had supported this appeal, is not clear that the Court would have been impartial nor that Jammeh would have accepted its decision, if it ruled against him. Moreover, it is unclear how the domestic opposition and regional States, bent on Jammeh's departure, would have reacted to an appeal, which they would have seen as a blatant effort to first stall and then steal the election from Barrow. It was therefore a relatively uncontroversial decision for the UN to take despite the fact that it was legally contentious. In Gabon, in contrast, Bathily's decision was more controversial, albeit one of the only options left to ensure a de-escalation of the electoral crisis. In both cases, the decision the UN took was in line with the course of action promoted by the subregional and regional communities.

> These two cases help demonstrate the implications — and risks — associated with overt endorsement of specific constitutional mechanisms as a default practice. Constitutions are not value-neutral and, in and of themselves, may be a trigger for violence if they are seen as representing the interests of one group or side in a conflict over another. Accordingly, explicitly endorsing them can be akin to taking sides in an environment where objectives, such as reducing violence or maintaining impartiality, would be better served by remaining silent on recourse to such mechanisms and/or proposing alternatives.

The role of opposition coalitions

In both The Gambia and Gabon, it was the coalescing of opposition parties into single-candidate platforms that permitted more genuine contests of power in 2016 than in previous elections. But this phenomenon also created the potential conditions for violence in the absence of effective and trusted means of ensuring a) the transparency of the election; b) that institutions are broadly perceived to be credible arbiters of electoral disputes; c) that there is a peaceful transfer of power once results are known; and d) that there is a smooth transition from a coalition to multi-party elections.

In both cases, the coalitions were made possible through the disruption of routinized opposition party dynamics. In Gabon, the return of Ping to the country, with his perception of international support and his willingness to use divisive language, caused other opposition leaders to calculate, in the words of one such leader, that he was the only one among them "that would *not* have accepted a decision to name someone else as leader" of the opposition coalition.[95] In The Gambia it was, by an ironic twist of fate, the arrest of a longstanding opposition leader and presumptive leading opposition candidate, Ousainou Darboe, that removed a long-standing barrier to inter-party cooperation and enabled the selection of a consensus coalition candidate, Barrow.

The creation of these opposition coalitions enabled participating parties to more effectively compete with those holding power, but these were marriages of convenience rather than a union based on shared principles or long-term plans to share power. In Gabon, Ping, long a member of the extended governing family, had little in common with his fellow opposition leaders beyond a desire to see Bongo ousted from power. When this goal failed to materialize, the opposition fractured, and Bongo was easily able to co-opt select individuals from the coalition into his Government to undermine opposition to his continued rule and satisfy demands for a political dialogue. The result was an incomplete and insufficiently inclusive
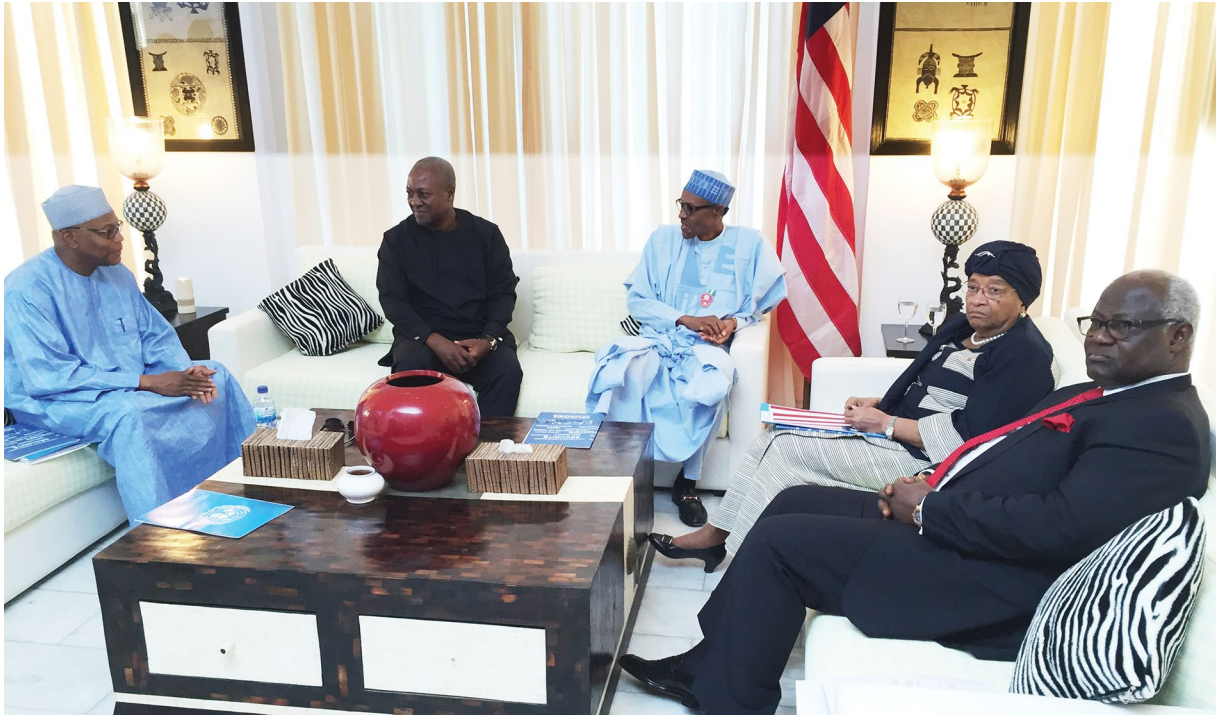
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dialogue process that failed to address many of the key grievances that Ping and other opposition leaders had invoked during the campaign and subsequent demonstrations.

As in Gabon, interviews with opposition leaders in The Gambia illustrated that removing Jammeh was the primary motivation for forming an opposition coalition. While a three-year transitional period was agreed upon to limit the mandate of the coalition candidate, little consideration was given to how this would be enforced, if successful. Moreover, an inevitable clash of interests between Barrow and Darboe was not seriously addressed by the coalition. As a result, The Gambia transition has since faced serious challenges that have seen Jammeh partisans courted for their support, the maintenance of unpopular foreign forces around the executive, a breakdown of political support for the Barrow Administration among coalition parties, and increasingly heavy-handed crackdowns on dissent as the President extended his tenure beyond the agreed three to five years and intends to stand for a second term in office during the December 2021 election.

The two cases provide salient lessons on the opportunities and risks associated with political coalitions and highlight the importance of a detailed understanding of their origins and internal dynamics when designing strategies to help negotiate their role during and out of conflict. First, it is important to acknowledge that such coalitions may present a heightened risk of violence. As undesirable as an incumbent's policy of dividing and ruling over the opposition parties may be from a governance perspective, in the short term it is less likely to result in widespread violence. Moreover, if a coalition's coherence runs only so deep as its opposition to the incumbent, the risk of violence can swiftly re-emerge in the election's aftermath. The more representative the coalition candidate, the less likely the coalition is to fracture after the moment of victory.

Social media

In the years leading up to the 2016 elections in The Gambia and Gabon, mobile network coverage had spread rapidly across West and Central Africa, handset ownership had increased across all sectors of society, and social media had become ubiquitous. When crisis hit in the two countries, social media accelerated escalatory dynamics, but also provided a clear target for government efforts to block opposition organization.

In both countries, the internet enabled the spread of information both within the country and between its citizens and interested parties aboard. It connected the demonstrations of relatively elite young students in the capital with the rural poor, and cut across traditional ethnic, class, and gender divides. Such rapid and widespread communication was harder for the governments to suppress. Moreover, economic downturns in the two countries had spurred greater outmigration, leading to young, vocal and politically literate diaspora communities in Europe and North America. These communities used social media to project their opposition to the government back into their native political spheres.

Social media proved decisive in encouraging, amplifying and organizing internal opposition to the incumbent governments after the 2016 elections. In both cases, UN reporting during the crises effectively captured the role of social media and should serve as an example for similar situations in the future. This was particularly true for The Gambia, where a social media campaign — #GambiaHasDecided — quickly gained traction on Twitter and Facebook and was soon a popular slogan on t-shirts worn by young women and men. In Gabon, it played a similar role in uniting popular opposition to the Government, but also in spreading and amplifying the rumours and hate speech promoted by political leaders, including Ping. The importance of mobile communications and social media was not lost on either government, both of which blocked internet communications and text messaging at various points during and following the elections. In the longer term, social media helped sustain political engagement by the diaspora in both countries, as vocal opposition supporters located overseas have kept up criticism of the governments from a safe distance.

The growing prevalence of social media in conflict contexts can act as a double-edged sword for national political movements and should be understood as such in UN conflict analysis. On the once hand, access to and reliance on Facebook, Twitter and other social media platforms can facilitate swift and cost-effective communications — providing open channels between conflict parties, their supporters in-country and among the diaspora, and international media — and providing a breadth of opinions in otherwise State-controlled media environments. On the other hand, because of social media's prevalence and dependence on nationally-controlled infrastructure, it is also a vulnerable target to government meddling, shutdowns and manipulation, as both of these cases demonstrate. The potential for, and implications of, social media to play these and potentially other roles should be incorporated into UN analysis of modern conflict dynamics.

Conclusion

The UN played a significant role in abating widespread violence in both The Gambia and in Gabon in 2016/2017. When asked what would have happened had Chambas not been present in The Gambia, interviewees emphasized that the situation would not have garnered the international attention needed to avoid violent conflict. Without the UN "endorsing" and "facilitating" ECOWAS' course of action, it would have been impossible for ECOWAS to persuade the broader region of the legitimacy of their cause. Similarly, when asked what would have happened without Bathily's efforts in Gabon, even those most critical of the UN's engagement in Gabon concede that many more lives would have been lost and that members of the opposition arrested at Ping's headquarters would still be in jail. These same critics did not hesitate to criticize the UN on a range of other topics, rendering their endorsement of Bathily's contribution all the more credible. At the same time, while necessary, the UN's role was not sufficient for preventing violence. It is also essential to reiterate that the "successful" outcome relied not just on the UN, but also on the actions the respective regional organizations, the AU and civil society actors initiated.

All this considered, there is one significant and rather prominent difference between the nature of the success in each case. In the case of The Gambia, abating the risks of widespread violence aligned with the eventual dominance of democratic norms and an increase in the protection of basic human rights in the country, though criticisms remain that the mode of Jammeh's departure placed him beyond the reach of accountability mechanisms. In contrast, the successful avoidance of further violence in Gabon did not coincide with the flourishing of democratic principles and the reduction in human rights violations. This difference in results has led some critics, within the UN, the international community (especially the EU) and within Gabon's opposition, to see the UN's intervention efforts in Gabon, in 2016, as lacking. In both cases, critics see the UN as having missed opportunities to promote more inclusive dialogue and institutionalized mechanisms for addressing the interests of a larger proportion of the population, including women. But such assessments would be a misreading of the limited scope of preventive diplomacy and its place within a larger set of priorities that the UN must consider.

References

1. The Policy Analysis Report accompanying the 2018 UNU assessment framework contends that the combined decisions and actions of three categories of actors are principally responsible for determining the success or failure of a given outcome. These categories include: "the conflict parties (e.g. those with the power to decide whether to escalate to large-scale violence in a given setting; the preventive diplomacy interveners, endeavoring to influence and support the conflict parties' decisions in a non-violent direction; and other actors with influence over the conflict parties" (p. 4). While the conflict parties make the ultimate decision of whether or not to engage in or forgo violence, their decisions can be directly impacted by the influence of both preventive diplomacy interveners (including UN mediators) and by other influential actors (such as Senegal in the case of The Gambia or France in the case of Gabon). Sometimes, however, it is important to note that actors choose violence, in spite of what interveners do. Laurie Nathan et al., *Capturing UN Preventive Diplomacy Success Stories: How and Why do they Work?* (Tokyo: United Nations University, 2018), https://cpr.unu.edu/capturing-un-preventive-diplomacy-success-how-and-why-does-it-work.html.

2. United Nations University Centre for Policy Research, *Assessment Framework for UN Preventive Diplomacy: An Approach for UN Mediators and International Policymakers* (Tokyo: United Nations University 2018), https://cpr.unu.edu/assessment-framework-for-un-preventive-diplomacy-an-approach-for-un-mediators-and-international-policymakers.html.

3. The UNU assessment framework built on both the 2011 CIC assessment framework and Ian Wadley, "Valuing Peace: Delivering and Demonstrating Mediation Results," *Centre for Humanitarian Dialogue Mediation Practice Series* 7 (2017).

4. Interview, Banjul, January 2019.

5. Jawara had served five terms in office, relying, during one critical domestic coup attempt, on Senegal's forces to defend his hold on power.

6. "Gambia's Yahya Jammeh: The rise and fall of an African strongman," *BBC News*, 2 December 2016, https://www.bbc.com/news/av/world-africa-38190597/gambia-s-yahya-jammeh-the-rise-and-fall-of-an-african-strongman.

7. See, for example, Amnesty International, *2015-2016 The Gambia* (London: Amnesty International, 2016), https://www.refworld.org/docid/56d05b56c.html.

8. Various interviews, Banjul, January 2019.

9. Banjul, January 2019.

10. World Bank, "Overview: The Gambia 2018," accessed 21 April 2020, https://www.worldbank.org/en/country/gambia/overview.

11. Interview, Dakar, January 2018.

12. Ruth Maclean and Saikou Jammeh, "Gambia Accuses Ex-president's Supporters of Sheltering Rebels," *The Guardian*, 1 April 2018, https://www.theguardian.com/world/2018/apr/01/gambia-accuses-ex-president-yahya-jammeh-supporters-of-sheltering-rebels.

13. Interview with coalition members, Banjul, January 2019.

14. Ironically, many commentators noted that if the coalition had thought they had a good chance at winning, they may never have selected Barrow. Yet it was their ability to agree to Barrow that enabled them to present a united front.

15. For example, in a television interview with Adieu Njie, the Chairman of the Electoral Commission, he explained that Jammeh did not try to tamper with the voting process because he "never thought he would lose the election." In this same documentary, Jammeh is shown in a TV interview inviting international monitors to come observe the polling stations, declaring: "our elections are fraud proof! You must come see." See, "Gambia: the People who Stood UP to Yahya Jammeh," *Al Jazeera English*, 11 December 2018, https://www.aljazeera.com/news/2018/12/gambian-president-yahya-jammeh-blocked-entering-181211064353455.html. It is worth noting, however, that only AU election monitors were allowed in the country.

16. Jammeh received 40 per cent and a third candidate, Mr Mama Kandeh received 17 per cent, with approximately 59 per cent of The Gambia's 886,578 registered voters participating.

17. "Gambian president Yahya Jammeh concedes defeat in elections," *Al Jazeera*, uploaded to YouTube on 3 December 2016, https://www.youtube.com/watch?v=feZJX87wRt0.

18. Various interviews, Banjul, January 2019.

19. Interviewees recounted how Jammeh had tried to coerce the Chairman of the Electoral Commission, Alieu Njie, to change the election results in Jammeh's favour. With great risk to himself and his family, Njie refused, and announced the correct results.

20. Gambian president Yahya Jammeh 'annuls' poll results, orders fresh elections," *Africa News*, uploaded to YouTube on 10 December 2016. Available at: https://www.youtube.com/watch?v=3vGYEprhJx4.

21. Ibid.

22. "Gambia leader Yahya Jammeh rejects election result," *BBC News*, 10 December 2016, https://www.bbc.com/news/world-africa-38271480.

23. Jammeh's efforts were hampered by the fact that the Gambian court had traditionally relied on the services of foreign judges to fill a number of its seats – and some of their seats were currently vacant. In their absence, no decision could be taken on the APRC's appeal. Jammeh and his supporters set about recruiting jurists from Nigeria, Sierra Leone, Ghana and elsewhere in the region.

24. A new practice introduced prior to the 2016 elections to increase transparency of results. It enabled representatives from each of the three main parties to record and report back results directly to their party headquarters, on the spot through photos, texts, and calls. As a result, individual parties were able to tabulate results in real time. The results known to each of the parties were very close to the corrected results issued by the IEC and non-partisan electoral monitoring including the Gambian civil society organization WANEP.

25. Interviews, Banjul, January 2019.

26. Various interviews, Banjul, January 2019.

27   Various interviews, Banjul, January 2019.

28   "African Union and UN statement on the political developments in the Gambia," ECOWAS, 12 October 2016, http://www.ecowas.int/ecowas-african-union-and-un-statement-on-the-political-developments-in-the-gambia/

29   "Final Communiqué, Fiftieth Ordinary Session of the ECOWAS Authority of Heads of State of Government," ECOWAS, 17 December 2016, https://www.ecowas.int/wp-content/uploads/2016/12/Communiqu%C3%A9-Final_50th-Summit_Abuja_Dec-16_Eng.pdf: para. 38

30   Interview with an individual inside the statehouse during this period, January 2019.

31   Various interviews, via phone, December 2018, and in Banjul, Jan. 2019. See, "We'll welcome ECOWAS troops with flowers, tea – Gambian Army chief," *Punch*, 20 January 2017, https://punchng.com/well-welcome-ecowas-troops-flowers-tea-gambian-army-chief/

32   "Joint Declaration on the Political Situation in The Gambia," Office of the Spokesperson for the UN Secretary-General, 21 January 2017, https://www.un.org/sg/en/content/note-correspondents/2017-01-21/note-correspondents-joint-declaration-political-situation.

33   Estimated around 2,500.

34   Interview, Banjul, January 2019.

35   Interview, New York, March 2019.

36   This included the APRC, though its representative later ceased to attend.

37   Interview, New York, January 2019.

38   Interviews, New York, Banjul and Dakar, January-February 2019.

39   Interview, New York, April 2019. Others would counter that it was not a "deal" but a public joint statement. As such, it was not legally binding.

40   Interviews, Banjul, January 2019.

41   United Nations Security Council, "Peace consolidation in West Africa," United Nations, 19 January 2017, S/RES/2349.

42   This risk was mitigated by the fact that Senegal, as an elected member of the Council, had visibility on Council members' positions and, thus, was able to influence the Council's treatment of the issue.

43   Interview, New York, December 2018; Interview, telephone call, January 2019.

44   Ruth Maclean in Banjul and Saikou Jammeh, "Gambia's joy gives way to sinking distrust as Barrow clings to power," *The Guardian*, 23 September 2019, https://www.theguardian.com/global-development/2019/sep/23/gambia-joy-gives-way-to-sinking-distrust-adama-barrow-clings-to-power.

45   Nicolas Haque, "The Gambia clamps down on protests against President Barrow," *Al Jazeera English*, 27 January 2020, https://www.aljazeera.com/news/2020/01/dead-protest-gambian-leader-adama-barrow-200127055947127.html.

46   Interview, Dakar, January 2019.

47   Interview, Dakar, January 2019.

48   Interview, January 2019, Libreville.

49   These candidates included Former Prime Minister Casimir Oyé-Mba of the Union Nationale and independent Guy Nzouba Ndama.

50   For example, the withdrawal from the presidential race of Leon-Paul Ngoulakia, President Bongo Ondimba's first cousin and former head of the intelligence services who, though a minor candidate, was a member of Bongo's family and a member, like Bongo, of the Bateke ethnic group.

51   Interview, January 2019, Libreville.

52   "Jean Ping affaire cafards version non trafiquée," Mouno Moumoune, uploaded to YouTube on 15 May 2016, https://www.youtube.com/watch?v=Yuv9xMJLm_k

53   Interview, January 2019, Libreville.

54   Including having served as President of the General Assembly in 2004-5.

55   Interview, January 2019, Libreville.

56   "Déclaration de Jean Ping ce 28 aout 2016," 28 August 2016 [on file with authors]

57   The Constitutional Court's President, Marie-Madeleine Mborantsuo, was a former partner of the late president Omar Bongo and the God mother of the incumbent.

58   On 13 September, the Court declared Ping's appeal admissible, however it rejected his request that its deliberations be overseen by international experts. This news came on the same day that an African Union Peace and Security Council communiqué reiterated the request for the AU Commission to support the deployment of these experts.

59   Interview, January 2019, Libreville. Nevertheless, a number of significant political figures continued to support Ping. The President of the National Assembly, for example, despite having served as a mentor to Bongo, steadfastly remained with Ping and refused to join the Dialogue.

60   30 April 2014.

61   United Nations Security Council, "Letter dated 11 December 2009 from the Secretary-General addressed to the President of the Security Council," 31 August 2010, S/2009/697

62   Only a few weeks before the election, the Government of Gabon had bestowed new headquarters on UNOCA, and held a Facilities Signing ceremony, presided over by DPA's Under-Secretary-General Feltman and a senior Gabon Minister, on behalf of the Government See, UNOCA, "Some significant dates," accessed 29 April 2020, https://unoca.unmissions.org/en/some-significant-dates.

63   Ali Bongo became the ECCAS Chair on 25 May 2015. He took over from President Idriss Déby Itno of Chad, who went on to head the African Union during the period of Gabon's electoral crisis.

64   Sao Tomé and Principe in 2016 and Central African Republic (CAR) in December 2015/January 2016.

65   Interview, New York, December 2018.

66   Gabon chaired ECCAS from the end November 2015 to early June 2016.

67   Gabon's assistance included, among other things, financial supporting the 2015 CAR elections as well as hosting an Extraordinary ECCAS Summit focused on the situation in CAR. On Gabon's disarmament efforts see, "Secretary-General's message to the 41st Ministerial Meeting of the UN Standing Advisory Committee on Security Questions in Central Africa," United Nations Secretary-General, 26 November 2015, https://www.un.org/sg/en/content/sg/statement/2015-11-26/secretary-generals-message-41st-ministerial-lmeeting-un-standing.

68 United Nations General Assembly, "Resolution adopted by the General Assembly on 30 July 2015," United Nations, 19 August 2015, A/RES/69/314

69 Various interviews, Libreville, February 2019.

70 Beyond simple economic ties, Gabonese society was also closely linked, through history, family ties, and culture with France. A few interviewees characterized this relationship as one of a "protectorate in which the interests of the French government and the Gabonese government were so intimately linked, that no major change could occur unless it had the full support of France".

71 France and the EU, however, did eventually take quite a principled stance in the crisis, which is said to have substantially undercut their influence with the regime today, making space for China, India, Russia and other states to move into to fill the space.

72 Various interviews with UN and other senior officials present in Gabon during the impasse.

73 Interviews, January 2016, Libreville.

74 Through his tenure, Bathily gained and maintained a reputation for himself and the UN as "neutral." As a result, even as tensions increased, both sides continued to answer his calls.

75 "It was in the body language, the news of security forces on the street, the violence of the language," one interview observed.

76 Cables between UNOCA and UN Headquarters during this pre-election period cite Bathily as concluding "that the September 2016 elections held a high risk of violence."

77 An event occurred near the end of 2014, which soon confirmed both the need for a neutral arbiter and the increased risk of politically motivated violence. An opposition member was killed during a protest calling for electoral reforms, see, "Gabon probes death of protester," *ENCA*, 22 December 2014, https://www.enca.com/africa/gabon-probes-death-protester. In response, SRSG Bathily took his first strong public stance, telling both the government and the opposition: "There is a problem. Elections aren't meant to be violent." Interview, March 2019, New York.

78 Phone interview, March 2019, New York.

79 Interviewees remembered Bathily citing scars on his body received in his own efforts to push for free speech and electoral reforms through peaceful protests in his own country of Senegal.

80 Interviews describe a situation in which Ali Bongo was refusing to take meetings with Western leaders, in which only three regional states attended his inauguration, and in which Bongo generally felt that the international community had unfairly sided with Jean Ping, and thus, could no longer be trusted to play the role of a neutral arbiter. SRSG Bathily, and his successor, SRSG Fall, were generally seen as exceptions, in the eyes of the Government. Notes from meetings with Government officials and reporting back to Headquarters constantly note the comparative "neutrality" of the UN to other external actors seeking to exert (or with the potential to exert) influence during the crisis period.

81 The Secretary-General announced SRSG Fall's appointment on 14 October 2016. SRSG Fall arrived on 1 November to replace SRSG Bathily as the acting Head of UNOCA. As of 1 January, Fall took up his official post.

82 Interview, January 2019, Libreville.

83 Nathan's work on preventive diplomacy shows how comparatively insignificant the UN is to the final outcome, when compared to the conflict actors themselves, who may decide to escalate for reasons that are beyond the UN's influence. Such work is a key correction to accounts that put the weight of the outcome on the shoulders of the mediator in question.

84 See the above summary of the chain of events.

85 SRSG Bathily left quite clear warnings for both Headquarters and the regional team that: "The conclusion of the formal electoral process has not ended the political crisis. On the contrary, the election has worsened divisions within the political class and the people. The need for dialogue is more pressing than ever."

86 Interview, phone call, March 2019.

87 Interviews, Libreville, January 2019.

88 In the aftermath of the Court's decision and Ali Bongo's inauguration, Ping ominously attacked the UN and threatened that: "if elections and politics do not offer a way out to the population, they might be tempted to have recourse to more dangerous means [next time]…" In interviews with members of the opposition, they noted that one consequence of the mandate and the trade-offs made in the UN's name was that if a similar situation emerges in the 2023 elections, they would be unlikely to turn to a future UN mediator for assistance or head his/her calls for restraint.

89 This is in large part due to the EU's continued disapprobation of Gabon on human rights questions following from the 2016 crisis and, more recently, from the January 2019 coup. More narrowly, one could also point to the automatic negative position taken by the US on the IMF Board, triggered by Gabon's non-conformity with international obligations against child-trafficking.

90 "Revised Treaty," ECOWAS, 24 July 1993, https://www.ecowas.int/wp-content/uploads/2015/01/Revised-treaty.pdf?djekfkfknohlfkfc.

91 "Trait instituant la Communauté économique des états de l'Afrique centrale," CEEAC, 18 October 1983, http://www.ceeac-eccas.org/index.php/fr/ressources/telechargement/download/10-traites/3-traite-instituant-la-communaute-economique-des-etats-de-l-afrique-centrale-ceeac.

92 "Pacte de non-agression entre les membres du comité consultatif permanent des nations unies sur les questions de sécurité en Afrique centrale," ECCAS, 8 July 1996, http://www.ceeac-eccas.org/images/traites/NON_AGRESSION.pdf.

93 This contrasts with other cases where a conflict party may argue that a particular law was wrong, unfair or irrelevant.

94 The Gambia's Supreme Court was considered a hybrid mechanism given its extraordinary nature to be convoked only through ad hoc sessions composed of foreign-national judges.

95 Interview, Libreville, February 2019.

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