



# December 1 Elections in THE GAMBIA: Rumors, Realities and Responses

## 1.0 INTRODUCTION

On 30 November 2015 at a press briefing the former Chairman of the Independent Electoral Commission (IEC), Alhagie Mustapha Carayol, announced the dates for the Presidential, National Assembly and Local Government elections in The Gambia for the 2016 & 2018 election cycle.<sup>1</sup> The IEC boss outlined a number of strategies to ensure free, fair and credible elections including on-the-spot vote counting and proclamation of the election results within two days after the polls. Nevertheless, there have been agitations from the opposition political parties calling for electoral reforms in The Gambia to ensure integrity of process a level-playing environment for all actors.

The build up to the presidential elections has been marred by pre-electoral violence at various levels. In April 2016, the government was accused of deliberately targeting protesters under the aegis of the main opposition political party, the United

Democratic Party (UDP) when it arrested the party leader and executives, tried and convicted them for allegedly organizing demonstration without permission. There was international condemnation from the Economic Community of West African States (ECOWAS), the African Union (AU), United States of America, the European Union and United Nations calling on The Gambian government to investigate the deaths of the two detainees who were arrested during the April demonstration.<sup>2</sup>

This policy brief examines the dynamics of the electoral processes, reactions and responses of the various stakeholders and builds scenarios to inform policy makers of the “red flags” and concrete recommendations towards averting violence and ensuring stability of the polity before, during and after the elections.

## 2.0 CHRONOLOGY OF REPORTS AND REALITIES OF THE ELECTORAL PROCESS

o **21 July 2015:** The National Assembly passed the Elections Amendment Bill requiring parties to pay nomination fees instead of being provided with public financing. Critics especially from the opposition political parties considered this a deliberate attempt to narrow the space for political pluralism and multi-party democracy.

o **12 December 2015:** President Jammeh declared the Gambia an Islamic State. In a swift reaction, opponents challenged him on the legality and maintained that the pronouncement is in contravention of the Gambian Constitution, which has entrenched clauses on the secularity of the State. This is now playing into the political arena with growing fear and speculations that the rights (including voting and contestation franchise) of non-Muslims will be grossly abused as the state may impose laws and norms

<sup>1</sup> The presidential election, he announced will be held on Thursday 1 December 2016; the National Assembly election will be held on Thursday 6 April 2017 and the Local Government election on Thursday 12 April 2018. There will also be a supplementary voter registration from 14 January to 12 March 2016 for those who have newly turned 18 or will be 18 years old by 1 December 2016. It is also meant for those who are 18 years or more but missed the last general voter registration because they were not in the country.

<sup>2</sup> Ebrima Solo Sandeng UDP Organizing Secretary died following his arrest on 14 April 2016, while Ebrima Solo Kurumah died on 20 August 2016 following an unsuccessful operation while in custody. The Point Newspaper 22 August 2016. (UDP Branch Chairman dies in hospital)

## West Africa Early Warning & EARLY RESPONSE Network (WARN)

The West Africa Early Warning Network (WARN) is an integral part of the West Africa Preventive Peacebuilding Program co-ordinated by the West Africa Network for Peacebuilding (WANEP). Through its WARN Program, WANEP is setting the stage for a civil society-based early warning and response network in Africa with emphasis on human security.

WARN covers the entire Economic Community of West African States (ECOWAS) region.

Since 2002, WANEP entered into an agreement with ECOWAS through the signing of a Memorandum of Understanding (MOU) in the framework of capacity building in Conflict Prevention. One of the goals of

this agreement is to interface WARN with the ECOWAS Early Warning Systems to optimize early warning conflict prevention in West Africa. In view of this development, WANEP has been operating a liaison office located at the ECOWAS Secretariat in Abuja, Nigeria since April 2003.

In recognition of the role and achievements of the West Africa Network for Peacebuilding (WANEP) in Conflict Prevention and Peacebuilding in Africa, particularly in West Africa, the Economic and Social Council of the United Nations at its substantive session of 2006 granted WANEP Special Consultative Status to the UN. WANEP is therefore mandated to designate official representatives to the United Nations in New York, Geneva and Vienna to further its advocacy and outreach strategies for peace and human security.



against their beliefs and doctrine. Others have described it as a political gimmick of President Jammeh aimed at garnering votes from the Muslim community.

o **14 -16 April 2016:** An opposition led demonstration was held, calling for electoral reforms ahead of the December 2016 Presidential elections. According to the opposition, the security forces suppressed the demonstration and arrested at least 50 of the protesters mainly of the opposition party including the party leader of UDP, Ousainou Darboe and party executives.<sup>3</sup> Two people, the party youth leader, **Solo Sandeng** and Solo Krummah died in custody on 15 April 2016 and 20 August 2016 respectively.<sup>4</sup>

o **20 April 2016:** The High Court charged 37 people, 18 of whom were accused of unlawful assembly, rioting, incitement of violence, interfering with vehicles and holding a procession without a permit. Those arrested were mainly from the opposition amidst allegation of impunity by the state security agents

o **21 April 2016:** The United Nations Secretary-General Ban Ki-moon called on the Gambian authorities to immediately and unconditionally release all arrested protesters and to conduct a prompt, thorough and independent investigation into the circumstances surrounding the alleged death in detention of Ebrima Solo Sandeng. The African Union and ECOWAS also condemned the alleged

arrests, torture, and killing of opposition leader and activist, and called for thorough investigations.

o **Ethno-Linguistic Profiling:** "The dialogue with the people tour" of the president took him round the country from 16 May to mid-June 2016. However, at his Talinding meeting in the Kanifing Municipality on 3 June 2016, the President alluded that the Mandinkas look down on other tribes and want to provoke violence in the country. The Mandinkas and other activists considered the remarks as a form of ethno-linguistic profiling that could fuel prejudice and hatred. This cliché has the tendency of being used at the last stages of the campaign with ramifications on the outcome and stability of the polity

### 3.0 SEQUENCES OF THE PROXIMATE FACTORS

o **Burial of Solo Kurumah:** The body of late Solo Kurumah<sup>5</sup>, who died in custody was released to his family for burial on **27 August 2016** at his home village in Sandu Darsilami, Upper River Region. The funeral smeared anger and accusations of various sorts and continue to be a factor in the campaign and electioneering process. The relations and sympathizers still hold views that he died of torture and ill treatment by the state.

o **3 October 2013:** President Jammeh announced the withdrawal of The Gambia from the Commonwealth claiming that Gambia cannot continue to be a part of an institution that represents an extension of colonialism. Concerns are being raised in different quarters as to the real motive behind this sudden withdrawal ahead of the elections. Some segments of the society believe that it is orchestrated to avoid the wrath of Britain and other members of the Commonwealth in the event of human rights violations

o **Concerns over Human Rights abuse:** The international community and specifically United Kingdom, France and the US have raised concerns on Human Rights violations and targeted political violence in the Gambian and have consistently called on the authorities to create an inclusive environment that allows all actors participate in the electoral process.

o **Sacking of Interior Minister:** Mr Ousman Sonko , the longest serving

<sup>3</sup> Ousainou Darboe and 19 others were arrested and charged to court, while an other 36 party supporters en route from Banjul to the kombos were stopped and driven away and taken into custody. Foroyaa newspaper 19 May 2016.

<sup>4</sup> United Democratic Party (UDP) organizing secretary EBRIMA SOLO SANDENG allegedly died from shock and respiratory failure- The Voice (29 June 2016)

<sup>5</sup> Solo Krummah was arrested on 9 May 2016 charged with unlawful assembly (The Point newspaper 22 August 2016)

Interior Minister under President Jammeh (10 years) was relieved of his appointment on 16 September 2016 and replaced by Colonel Mamadou Alieu BAH, the then Director of Finance at The Gambia Armed Forces. His removal is viewed by a segment of the society as the government's response to assuaging the feelings of the masses following his role during the crackdown of protesters while others believe that he may be a political victim who may have refused to "play certain ball" in line with the directives of the authority.

o **26 October 2016:** The Gambia became the third African country to initiate processes of **withdrawal from the International Criminal Court (ICC) after Burundi and South Africa.** Analysts are concerned about the timing of the withdrawal, attributing it to the likely intention of the government to crackdown on protesters and demonstrators in the event that the election is seen to have been rigged or the mandate stolen since the Gambia would no longer be under the obligations ascribed in the Rome Statute.

o **30 October 2016:** Seven Gambian opposition parties selected Adama Barrow of the United Democratic Party (UDP) as a **single opposition candidate** to contest against President Jammeh in the 1 December 2016 elections.<sup>6</sup> It is unprecedented for opposition political parties to set their political differences aside to present one candidate aimed at increasing their

chances of bringing out political alternation through the ballot box<sup>7</sup>.

o **4 November 2016:** In a landmark resolution adopted this day, the African Commission on Human and People's Rights (ACHPR) referred the Gambia to the African Union Executive Council for "consistent failure" to comply with the Commission's previous recommendations on addressing human rights violations.<sup>8</sup> This is giving impetus and confidence to the opposition who continue to make reference to it in the electioneering campaigns

#### 4.0 KEY CONFLICT DRIVERS AND LIKELY TRIGGERS

**Freedom of Expression:** Since 2014 when the state briefly banned the use of social media such as skype, viber and other online call applications, freedom of expression has been limited. Social Media interaction has been monitored and regulated. This might be a driver of the electoral violence since the citizens might devise other means to express themselves "at all cost".

**The professionalism of Security Agents:** Military personnel participating and wearing party colours of the **Alliance for Patriotic Reorientation and Construction (APRC)** during rallies undermines their professionalism and compromises their neutrality. The opposition continue to express concerns about the neutrality of the security agents and their ability to protect everyone equally. Related to that is the participation of public officials in the campaigns of the President and his party

**Money Politics and Campaign Financing –** According to the opposition, the timing of the President's "Dialogue with the People tour" a few days ahead of the official campaign period has the impact of interfering with the election campaign and providing an undue advantage to the incumbent whose campaign machinery is well resourced. They accuse the private sector and businesses community of aligning and resourcing with the ruling party thereby giving them undue advantage.



<sup>6</sup> These are United Democratic Party (UDP), National Reconciliation Party (NRP), Peoples Democratic Organization for Independence and Socialism (PDOIS), Gambia Moral congress (GMC), National Convention Party (NCP), Gambia People's Democratic Party (GPDP), People's Progressive Party (PPP) and an Independent candidate

<sup>7</sup> <http://gainako.com/gambian-opposition-parties-set-select-single-candidate-december-polls-convention/>

<sup>8</sup> <https://www.article19.org/resources.php/resource/38549/en/gambia:-referral-to-au-executive-council-a-step-in-the-right-direction>

**Small Arms proliferation:** Security concerns and the prospect of arms proliferation during the election is another likely trigger of electoral violence. The ongoing conflict in the Casamance region and porosity of borders raises the risk of small arms and lights weapons being used during the electoral process remains real especially during the post elections period if results are contested.

A conciliatory campaign tone of the ruling party's candidate, advocating for peaceful elections and refraining from speaking ill of the opposition has been a welcomed development in the latter stages of the electoral process. The opposition has also reciprocated this civil gesture and The Gambians are hoping that the atmosphere of understanding among the political class will be a key peace-generating factor during and after the elections.

are deployed with all manner of force used to restore order. ECOWAS and international community decries the levels of human rights violations and places further sanctions on the country **(undesirable but likely)**

**Realistic Case Scenario** -. President Jammeh faces a significant challenge from the "united" opposition political parties with a lot of citizens voting for 'Change" irrespective of power of incumbency; voting takes place under isolated electoral violence and curtailed malpractices; the results are very close but a winner is announced on the basis of the current electoral law of simple majority. There is general frustration and anger about the outcome of the election results but it is muted, and the security forces are placed in strategic places to ensure that order is maintained at all cost. A new government is formed in a polarized country and a feeling of negative peace continues. **(Undesirable but very possible)**

## 5.0 POSITIVE INTERVENING AND RESTRAINING FACTORS

All stakeholders received with delight, the appointment of a new Chairman of the Electoral Commission (EC) to replace the erstwhile Chair whose mandate was at the center of the demands for electoral reforms. This move to a large extent restored public trust and confidence in the EC. Furthermore, the Independent Electoral Commission (IEC) has held meetings with the chiefs and governors and village heads to emphasize that there are NO "no go areas" for the opposition parties in any part of the country. Furthermore, the IEC has turned down request to issue voting cards to security officers after the end of supplementary voter registration period. A decision regarded by the opposition as professional and truly independent

In addition, the EC has introduced measures for on-the-spot counting and result declaration, while ensuring the security and safety of polling officials and materials across the country. In addition, contrary to previous practices, the Security Officers will also be voting in different polling stations and not at one location or in the military barracks.

## 6.0 SCENARIOS

**Best case Scenario** - The campaign ends in a peaceful and orderly manner; the IEC organizes a transparent election with high voter-turnout and announces the results within the stipulated time. All the candidates and majority of the citizens accept the election results as a true reflection of the voters wish, a new government is formed and receives international approval, and the country is stabilized and poised to accelerate the dividends of democracy in the forms of infrastructural development, improved human rights conditions, general good governance and human security **(Desirable but unlikely).**

**Worst case Scenario** - As a result of ongoing tensions, overzealous party militants and mobilizers engage in name-calling and rhetoric. The continued incarceration of the United Democratic Party (UDP) executive and some of its supporters lead to accusations and further degenerate into demonstrations and anarchy. The results of the election is discredited even before its announcement; citizens are mobilized along party and ethnic lines to protest the outcome of the election; chaos and lawlessness is the order of the day and security operatives

## 7.0 RECOMMENDATIONS

### ECOWAS, AU and the UN

○ Should deploy election observer mission to the Gambia and continue to support the country to ensure electoral reforms ahead of the 2017- 2018 National Assembly and Local government elections. This would give hope and assuage the feelings and frustrations of citizens. Given the size of the country, even a technical observer mission working to assist the electoral stakeholders would serve the Gambians more than a total boycott.

- Should support the creation of a body of eminent personalities (Gambians) who would promote inter-party dialogue and engage with the political actors throughout the electoral process to ensure a peaceful end.
- The ECOWAS Network of Electoral Commissions (ECONET) should be deployed to support the IEC. Distinguished persons such the former President of the Electoral Commissions in Ghana and Sierra Leone could be very useful in this engagement given their pedigree and accomplishment in election management.
- Support The Gambia in meeting its obligations under the ECOWAS Treaty and the AU Constitutive Act and the numerous protocols so that fundamental human rights would be respected and political expression and association protected.
- Provide financial and material support to The Gambia to ensure a hitch-free election.

#### THE GAMBIA GOVERNMENT

- The Gambian government should provide security for the electoral materials and ensure the Constitution and electoral laws of the country are respected.
- Conduct a Coroner's Inquest on the death the UDP officials while in custody
- Release all the arrested political activists still under detention as a gesture for dialogue and national reconciliation
- The **government of The Gambia** should engage in political dialogue with the **opposition** to promote constitutional and electoral reform.
- Revitalize the Interparty

Committee as a forum for dialogue and cooperation.

#### THE INDEPENDENT ELECTORAL COMMISSION (IEC)

- The IEC should continue to demonstrate professionalism and assure the electorate of its independence and ability to conduct a peaceful, free and fair election through its actions.
- Safety and security of the electoral staff, materials during and after the election are crucial for the stability of the country and integrity of the electoral process. In this regard, security must be boosted to instill confidence in the process

#### POLITICAL PARTIES

- The political parties should avoid ethnic, regional or religious based politics and promote peaceful elections
- There should be genuine dialogue towards the reformation of the electoral law and processes

#### CSOs

- CSOs should engage in civic education and sensitization for participation especially amongst women
- Strengthen and build capacity of CSO election observers and monitors
- Should work with security agents to provide early warning information in a coordinated and mutually assuring manner.
- Support and provide technical assistance towards the electoral law reform

#### 8.0 CONCLUSION

At the end of March 2015 the domestic debt of the country stood at 19.3 billion dalasi, it increased to 23.2 billion dalasi at end of March 2016. By August, it had increased to 25.1 billion dalasi. With such dwindling economic statistics, The Gambia cannot afford to go into a cycle of electoral violence

While the ultimate responsibility for peace and security of the country rests with the government, the citizenry should see themselves as key stakeholders. An ECOWAS and African Union integrated Election Observer Mission (no matter how slim) including figures such as Former President Obasanjo can play a critically supportive and deterrent role that would enhance the credibility of the elections.

WANEP and other CSO actors should continue to organize themselves as independent interlocutors and advocates of peace while pursuing the long-term electoral reform strategy

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