

The Gambia Presidential Election

24 November 2011

Report of the
Commonwealth Expert Team

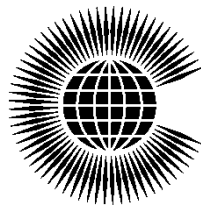


COMMONWEALTH SECRETARIAT

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PRESIDENTIAL ELECTION**

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Commonwealth Expert Team Gambia Presidential Elections

29 November 2011

Dear Secretary-General,

The Commonwealth Expert Team (CET) has completed the Final Report of its observation of The 2011 Gambia Presidential election and is pleased to submit it to you.

In approaching our task, we were conscious of the importance of The Gambia to Africa, to the Commonwealth and indeed to the larger international community, and the onerous responsibility therefore placed upon us. We were mindful also of the history of elections in The Gambia and of how much was at stake on this occasion.

Our report includes a number of recommendations which, we believe, could further improve the democratic process in The Gambia. I hope that these can be positively considered and implemented. Some of them mirror recommendations already made by earlier Commonwealth Observer Groups. We urge the Secretariat to engage with the Independent Electoral Commission (IEC) and the Government of The Gambia as soon as practicable to take these forward.

We take this opportunity to express our gratitude for the support provided to us by the Commonwealth Secretariat staff team.

We thank you for the opportunity to participate in this important mission and hope that our report can contribute in some small measure towards the deepening of democracy in The Gambia.

Yours sincerely,


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Chapter 1

INTRODUCTION

Invitation

At the invitation of the Independent Electoral Commission of The Gambia (IEC), the Commonwealth Secretary-General, Mr Kamallesh Sharma, constituted a Commonwealth Expert Team (CET)¹ for the presidential election in The Gambia on 24 November 2011. The CET was led by Professor Bolaji Akinyemi, former Foreign Affairs Minister of Nigeria, and comprised five persons. It was supported by a four-member staff team from the Commonwealth Secretariat (See Annex 1 for full Team list).

The Terms of Reference for the CET were as follows:

"The Team will conduct an analysis of the general conduct and framework for the elections, considering the preparations as well as the polling, counting and results and the overall electoral environment.

The Team is expected to meet with relevant national and international stakeholders, notably government bodies responsible for organising the elections, representatives of political parties, civil society and the diplomatic corps.

The Team is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process to the extent possible and to assess whether it has been conducted according to the standards for democratic elections to which The Gambia has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

The Team is to submit its report to the Commonwealth Secretary-General."

Activities of the Group

The CET was present in The Gambia from 18 to 29 November. During four days of briefings, the Team met a number of stakeholders including the Chairman of the IEC, political party representatives, civil society groups, media, Commonwealth High Commissioners, the United Nations Development Programme (UNDP), and international, regional and domestic observer groups.

The CET was deployed around the country on 22 November, reporting from all five regions and the capital city, Banjul. During the deployment phase at the regional

¹ The abbreviation CET is used interchangeably with the 'Team'

level, the Team met with election officials, security personnel, representatives of political parties, voters and other observers in order to build up a comprehensive picture of the electoral process.

On the basis of the Team's findings, the Chairperson issued an interim statement on 28 November 2011 (a copy can be found at Annex 2). The Team's Report was completed in Banjul and thereafter transmitted to the Commonwealth Secretary-General.

Chapter 2

POLITICAL BACKGROUND

Brief Historical Context

The First Republic (1965-1994)

The Gambia achieved independence on 18 February 1965, as a constitutional monarchy within the Commonwealth, and subsequently became a republic on 24 April 1970, following a referendum. President Sir Dawda Jawara of the People's Progressive Party (PPP) dominated political life from independence until 1994 when Lieutenant Yahya A.J.J. Jammeh led the military coup that ousted him.

The relative stability of the Jawara era was interrupted by a violent, though unsuccessful coup attempt in 1981. President Jawara, who was in London when the attack began, appealed to Senegal for help. Senegalese troops defeated the rebel force. There were two important ramifications of the coup attempt: the establishment of a short-lived confederation with Senegal in February 1982; and the establishment of a Gambian Army (later known as the Gambian National Army).

At elections held in 1982, Jawara was re-elected President with 72% of the vote. Two new political parties emerged in 1986; the Gambia People's Party (GPP); and the People's Democratic Organisation for Independence and Socialism (PDOIS).

The 1994 coup and the transition to democratic rule

On 22 July 1994, the Armed Forces Provisional Ruling Council (AFPRC) seized power in a military coup d'état, deposing Jawara's government. Lieutenant Jammeh, chairman of the AFPRC, became Head of State. International reaction to the military take-over was generally unfavourable and The Gambia was placed on the agenda of the Commonwealth Ministerial Action Group (CMAG) pending a full return to democracy and constitutional rule.

A constitutional referendum took place on 8 August 1996. More than 70% of voters were reported to have endorsed the proposed draft constitution. A presidential decree shortly thereafter lifted the ban on party political activity for all but three pre-coup parties; the People's Progressive Party (PPP) of former President Jawara, the National Convention Party (NCP), and the Gambian People's Party (GPP). These parties were banned from contesting the forthcoming elections under Decree 89, as were all holders of executive office in the 30 years prior to the 1994 military take-over. The only pre-coup parties authorized to contest the elections were the PDOIS and the People's Democratic Party (PDP).

The effective ban on participation in the restoration of elected institutions of all those associated with political life prior to July 1994 provoked strong criticism from CMAG, on whose agenda The Gambia remained.

A presidential election was held in 1996. The 22 July Movement (formed in 1995 to mark the anniversary of the coup) transformed itself into an official political party - the Alliance for Patriotic Reorientation and Construction (APRC) - to support Jammeh's campaign for the presidency.

A Provisional Independent Electoral Commission (PIEC) was established in 1996 to conduct national elections. The PIEC was transformed into the Independent Electoral Commission (IEC) in 1997 and was given additional responsibility for registration of voters.

Jammeh and three rivals contested the presidential election on 26 September 1996. Jammeh took 56% of the vote, becoming The Gambia's second elected president in 31 years of independence. Ousainou Darboe of the United Democratic Party (UDP) took 35%.

Elections for the National Assembly were held on 2 January 1997. The APRC took 33 of 45 contested seats, the UDP took seven seats, the National Reconciliation Party (NRP) two seats, the PDOIS one seat, and independents took the remaining two seats.

The 2001 and 2006 presidential elections

In July 2001, the ban on Jawara-era political parties and politicians was lifted; Decree 89 was repealed and The Gambia was taken off CMAG's agenda. CMAG, nonetheless, called on the Government of The Gambia to take further measures to create an environment in which all political parties and individuals could freely participate in the political process.

Four registered opposition parties participated in the 18 October 2001 presidential election, which the incumbent won with almost 53% of the votes. Ousainou Darboe of the UDP, who had formed a coalition with Jawara's PPP and the Gambia People's Party (GPP), came second.

The UDP boycotted the parliamentary elections held on 17 January 2002 citing bias on the part of the IEC. The APRC, who ran unopposed in 33 out of 48 constituencies², secured 45 of the elected seats (in addition to the 5 appointed by the President). The opposition PDOIS secured two seats for the first time, while the last seat went to the NRP. Jawara was allowed to return from exile in September 2002, on condition that he not participate in party politics.

Ahead of the next presidential election, in January 2005 the National Alliance for Democracy and Development (NADD) was launched (and later registered as a single

² The boundaries were revised in May/June 2001.

party). NADD consisted of the country's four main opposition parties: the UDP, the NRP, the PDOIS, and the National Democratic Action Movement (NDAM).

In legislative by-elections in September 2005, the NADD won three seats in the National Assembly; it appeared that the coalition was gaining support. However, in February 2006 the NADD began to unravel when the leaders of its two largest members, Darboe of the UDP and Hamat Bah of the NRP, left the coalition amid rumours of disagreements over the selection of a single presidential candidate. These two parties formed an alliance to contest the 2006 presidential election.

That election was held against the backdrop of a Commonwealth-brokered Memorandum of Understanding (MoU) for political parties, which sought to create a peaceful election environment and to encourage dialogue between government and opposition through the Inter-Party Committee.³

Prior to the elections, however, two incidents placed The Gambia on the regional and international radar: in March 2006 there was an alleged coup plot against President Jammeh, following which government security forces arrested a number of military and police officials, and clamped down on some private media organisations. The second incident was the African Union Summit held in Banjul in July 2006, which focused attention on the political environment ahead of the elections.

In the September 2006 presidential election, President Jammeh received 67% of the vote. Darboe of the UDP secured 27% of the vote, while Halifa Sallah of the PDOIS received 6%. Voter turnout was 58.8%.

In the 2007 parliamentary elections which ushered in the current parliament, the APRC won 42 seats; the UDP won four and the NADD one. An independent candidate secured one seat and five members were appointed by the President.

Development, Democracy and Human Rights

The preamble to the 1997 Constitution affirms the protection of fundamental rights and freedoms, including respect for human rights. This is echoed in Chapters 4 and 5 of the Constitution, which guarantee, among other rights, freedom of speech, conscience, assembly, association and movement; political rights for every citizen of full age and capacity without unreasonable restrictions (Article 26); and equal rights for women in political, economic and social opportunities. The Gambia has also acceded to a number of international human rights instruments, including the *International Covenant on Civil and Political Rights (ICCPR)*.

As a member of the Commonwealth, The Gambia has committed itself to the organisation's democratic values contained in the Affirmation of Commonwealth

³ The Inter-Party Committee comprises all registered political parties, and is meant to provide a consultative forum for discussions on the electoral process and related issues. Its meetings are currently chaired by the IEC.

Values and Principles adopted at the Commonwealth Heads of Government Meeting (CHOGM) in Trinidad and Tobago in November 2009.

During the CET's briefing sessions with a range of stakeholders involved in the political process, interlocutors highlighted the ruling APRC's achievements in economic development, particularly in the provision of infrastructure and social amenities. One youth group hailed initiatives to address youth unemployment such as the National Youth Enterprise Development Initiative (NEDI).

In spite of these achievements, the Government of The Gambia has been heavily criticised for its human rights record, including harassment and arbitrary arrests of government critics. Some of these violations have been brought to the attention of the Commonwealth Secretariat and other Commonwealth organisations, and are also well documented.⁴ During its briefing sessions, stakeholders further highlighted a number of them to the CET such as:

- The murder in 2004 of Deydra Hydera, former editor of *The Point* newspaper, following his arrest by security operatives (detailed in Chapter 4).
- The disappearance of *Daily Observer* journalist Chief Ebrima Manneh, who has not been seen since July 2006 (also elaborated upon in Chapter 4).
- The President's widely reported remark on state television at an Eid celebration in September 2009, where he was quoted as saying "If you want to destabilize this country and bring about trouble and suffering to my people, I will make sure that you are dead. And let me see what anybody can do. Peace and stability in this country, I will not compromise."
- The arrest and subsequent release of the campaign manager of the UDP, Femi Peters, in December 2010. Peters was charged and later convicted and sentenced for "control of procession" and "control of use of loud speakers" in public without permission from the Office of the Inspector General of Police, as required under the Public Order Act. Following national and international protests, he was freed on 10 December 2010.

The impact of incidents such as these is further exacerbated by the overwhelming dominance of the executive which has eclipsed the other arms of government, in conflict with the Commonwealth Latimer House Principles⁵ on the separation of powers between the executive, legislature and judiciary.

⁴ Amnesty International Report: Stop Climate of Fear. Take Action! PDF Index Number: AFR 27/003/2011, published: 22 July 2011; and African Commission on Human & Peoples' Rights: resolution on the deteriorating human rights situation in The Gambia, October 2009.

⁵ The Latimer House Principles are also reflected in the Affirmation of Commonwealth Values and Principles

We note, however, that almost all interlocutors, including some members of the opposition parties, commented on the following improvements during the campaign period:

- A conciliatory tone in the rhetoric of the President – advocating for peaceful elections and refraining from speaking ill of the opposition.
- The improving role of the IEC and the state media in ensuring that, “for the first time”, all political parties are given equal airtime on state television, thereby ensuring the visibility of all parties during the brief campaign period.

It was also brought to the Team’s attention that at the 50th Session of the African Commission on Human and People’s Rights, held in Banjul on 24 October 2011, in his keynote address, the Gambian Attorney General and Minister of Justice, Edward Gomez, implored African governments to take the promotion and protection of human and people’s rights on the continent seriously. He cautioned that “any system of government which not only denies but makes the protection of human rights impossible, is clearly inviting a situation in which the use of violence is inevitable.”⁶

Political Parties and the formation of the United Front

There are currently ten registered political parties in The Gambia. To become a registered political party, organisations must fulfill the guidelines established under Section 105 of the Elections Act (2009).

The ruling party, the APRC, currently has 42 seats in the National Assembly; the UDP has four and the NADD has one. There is one independent candidate and five members appointed by the president.

The ten political parties are:

- Alliance For Patriotic Re-Orientation and Construction (APRC)
- Gambia Moral Congress (GMC)
- Gambia Party for Democracy and Progress (GPDP)
- National Alliance for Democracy and Development (NADD)
- National Convention Party (NCP)
- National Democratic Action Movement (NDAM)
- National Reconciliation Party (NRP)
- People’s Democratic Organisation for Independence and Socialism (PDOIS)
- Peoples Progressive Party (PPP)
- United Democratic Party (UDP)

For this election, the IEC received and accepted nominations for three presidential candidates on 10 November 2011:

⁶ See article carried by the Daily Observer, 20 October 2011: *NGOs human rights forum opens* <http://observer.gm/africa/gambia/article/ngos-human-rights-forum-opens>

- Yahya Jammeh, leader of the APRC
- Ousainou Darboe, leader of the UDP
- Hamat Bah (former leader of the NRP) leading the United Front (a coalition of four political parties - NRP, GPDP, NADD and PDOIS)

A number of interlocutors bemoaned the opposition in The Gambia for being weak, fragmented and not providing a credible alternative. However some stakeholders felt that the formation of the United Front had made for a competitive electoral environment, even if it was deemed a late development.

The CET met with members of the UDP and the United Front. The Team also met a representative of the ruling APRC. Our observations and conclusions during the campaign period are highlighted in Chapter 4.

Chapter 3

LEGAL AND CONSTITUTIONAL FRAMEWORK FOR ELECTIONS

The 1997 Constitution of the Republic of The Gambia (as amended in 2001) and the Elections Act (CAP 3:01 of 2009) provide the legal framework for all elections in the country.

Further to these are Codes of Conduct for parties and independent candidates (the 'Code on Election Campaign Ethics Order') and the media ('Media Rules'). These codes were developed by the Independent Electoral Commission (IEC) and carry legal weight under Sections 92 (1) of the Elections Act, with respect to the code for parties and candidates, and Sections 93 and 134 for the media. These are addressed in Chapter 4 of this report.

Political activities in The Gambia - including during campaign periods - are also affected by other legislation, notably the Criminal Code (Amendment) Act 2004, further amended in 2005, and the Public Order Act (1990).

The Criminal Code (Amendment) Act creates the offence of "sedition" and gives a wide definition to "seditious intention". Under the law, an intention is deemed seditious where the aim is "to bring into hatred or contempt or to excite disaffection against the person of the President, or the Government of The Gambia" and/or "to raise discontent or disaffection amongst the inhabitants of The Gambia".

The Public Order Act requires that those wishing to use public address systems or hold loosely-defined rallies and processions seek permission from the police to do so.

The Constitution

Under the Constitution every citizen of The Gambia who is 18 years or older is entitled to vote (with some very few exceptions) by secret ballot. In line with The Gambia's commitments under the *International Covenant on Civil and Political Rights (ICCPR)*, the Constitution also provides for equality under the law and for freedom of expression, association and assembly, as well as other basic civil and political rights. It also has provision for the separation of powers between the Executive, Judiciary and Legislature.

A constitutional change the Team felt impacted on the 2011 presidential poll is that community leaders are no longer elected but rather appointed by the Secretary of State for Local Government and Lands. This is in consultation with the Governor when choosing a District Chief ('Seyfo'), and with the District Chief when selecting a Village Chief ('Alkalo'). The relevance of this change is discussed below.

The Presidency

The Constitution stipulates that the President of The Gambia is the Head of State, Head of Government and Commander-in-Chief of the Armed Forces. In order to contest the presidency, a candidate must:

- be a citizen of The Gambia (by birth or descent);
- have attained the minimum age of thirty years and be no older than sixty-five;
- have been ordinarily resident in the country for the five years immediately preceding the election;
- have completed secondary school education; and
- be qualified to be elected as a member of the National Assembly.

Presidential elections take place every five years and within the three months preceding the expiry of the incumbent's term of office (as was the case in 2011).

The presidency falls vacant if the incumbent resigns, dies, is judged to have become mentally or physically incapacitated or if two thirds of the National Assembly support a motion of no confidence. In such instances, the Vice-President (or, if there is no Vice-President, the Speaker of the National Assembly) will complete the presidential term.

Key 2001 amendments included the removal of the previous two-term limit on the presidency and of the provision for a second ballot if a presidential candidate fails to obtain 50% of the votes cast on a first ballot. Currently, presidential elections take place under a simple majority system ('first-past-the-post') with the whole country effectively serving as a single constituency.

The Elections Act

The Elections Act covers all technical aspects of the electoral process including the registration of voters, nomination of candidates, the conduct of polls, election campaigns and registration of political parties.

Section 65 of the Act states that polls open at 7.00 am and close at 6.00 pm. However, for the 2011 presidential election, closure was changed to 4.00 pm, apparently to ensure that there would be clear daylight during the process. Polls may close earlier if all voters allotted to the polling station have voted, and may also close later if there are voters still waiting at close of polls. Voters must vote where they are registered, except police and election officers on duty on Election Day, who are allowed to vote at the polling stations where they may be serving upon presentation of the necessary documentation. Section 62 provides that to guide voters, instructions on how to vote will be placed in conspicuous places outside and inside polling stations.

A unique feature of the electoral system in The Gambia is the use of 'ballot tokens' (clear marbles) rather than ballot papers, as highlighted in Section 63 and detailed in Chapter five. This voting system was introduced in the early 1960s to address high levels of illiteracy.

The marbles are cast in separate iron-made drums (which serve as a ballot box) for each party/candidate. Each party/candidate competing in an election has a drum painted with identifying colours and party symbol/photograph. For the election in question the symbols and parties were as follows:

Alliance for Patriotic Re-Orientation and Construction (APRC)

Symbol: Palm Tree

Colour: Green

Candidate: President Yahya A. J. J. Jammeh

Independent

Symbol: Cow

Colour: Blue

Candidate: Mr Hamat N. K. Bah

United Democratic Party (UDP)

Symbol: Unity Handshake

Colour: Yellow

Candidate: Lawyer Ousainou A. N. M. Darboe

At the polling station on Election Day, drums are placed inside the polling booth (a screened compartment or small side room). After being issued a marble, the voter proceeds to the polling booth to vote. When a marble is dropped in the drum of the selected candidate it hits a bell whose sound clearly indicates to those in the polling station that a vote was cast. Interestingly, since they have bells, bicycles are banned from the immediate proximity of polling stations on Election Day.

After the voting process has ended, votes are counted in the counting centres by placing the marbles into specially designed trays (with either 200 or 500 holes), a system that allows counting officials to easily ascertain the number of votes cast in each drum.

The Independent Electoral Commission

Establishment

The Constitution provides for the establishment of an Independent Electoral Commission (IEC) and the procedures for appointments of members of the IEC (Sections 42 to 45). In accordance with Section 42 of the Constitution, the IEC is composed of a chair and four other members, one of whom is elected Vice-Chair.

The authority to appoint members of the IEC is vested in the Head of State and they are appointed for an initial term of seven years. The members may be re-appointed for one further term. The Constitution also provides the conditions under which the President may remove a member of the Commission from office.

Since 1996, three Chairpersons have been removed from office (one of them twice), and three members of the Commission have also been removed, apparently without following due process. In July 2006, the then Chairperson of the IEC and two Commissioners were dismissed by the President, and Vice-Chairman Alhaji Mustapha Carayol was appointed Chairperson - a position he retains.

Responsibilities

The IEC is responsible for the registration and supervision of political parties, the registration of voters for all levels of national elections and referenda, and the conduct of such elections. The IEC is also responsible for setting the dates, times and places of public elections and referenda, and for ensuring they are publicised and held accordingly.

Section 50 of the Constitution originally gave the IEC powers to demarcate constituency boundaries on the principle of equal representation for an equal number of inhabitants. However, the 2001 amendments transferred this mandate to a Constituency Boundaries Commission, which has yet to be established.

Independence

The IEC's independence is constitutionally guaranteed and in the exercise of its functions is not to be subject to the direction or control of any person or authority. That said, the manner of past dismissals of IEC members strongly suggests that Commissioners do not enjoy the security of tenure guaranteed by the Constitution.

Funding

The Commission is funded principally by budgetary allocations from the government, like any other ministry or department. The allocation has in the past been supplemented by international donor support. However, according to the IEC, for the 2011 presidential elections, the only external assistance to the Commission came from the United Nations Development Programme (UNDP), which contributed USD \$100 000 for the purpose of voter education. The IEC Chairman decried this lack of support.

Voter registration

Article 43 of the Constitution assigns to the IEC the responsibility for registering qualified Gambian citizens to participate in public elections. The Elections Act directs the Commission to prepare, compile and maintain a register of voters for each constituency.

The 2011 election saw the introduction of a new digital system of voter registration as a platform upon which a biometric matching was conducted. The IEC noted that the digital system "has in place adequate security features integrated in both the voter card and the data capture processes to ensure an accurate list of voters."

At the end of the voter registration exercise, the IEC announced that the number of registered voters stood at 837 039. On 4 October 2011, the Chairman of the IEC announced that this number had dropped to 796 929. The reason for this decline, he noted, was that the registration officials had initially added the spoilt and cancelled cards in the statistics returned from the field. Additionally, thumb print and facial recognition were used to detect that a total of 1 897 persons registered more than once.

As a matter of goodwill, and with the agreement of political parties, a period of amnesty was granted to the suspected cases of multiple and double registrations if the culprits voluntarily came forward. Following a discouraging response, the Commission deleted all the double and multiple cards, bar the most recent.

One of the more contentious issues amongst local stakeholders as regards the registration exercise is the Electoral Act's provision for 'letters of attestation' as suitable identification for voters to be added to the register. These documents are certifications of a given voter's claimed identity by community leaders, such as the District Seyfo or Village Alkalo. Some local stakeholders complained that because such officials were appointed, rather than elected, the system was open to abuse.

Candidate Nominations

Nomination of presidential candidates took place on 10 November 2011. Some opposition political parties complained that both the monetary deposit required and the threshold for its reimbursement were unreasonably high. The Electoral Act requires that candidates for president pay a deposit of ten thousand Gambian dalasi (approximately USD \$340) and stipulates that this is returned only if the candidate obtains "no less than forty percent of the votes cast".

IEC's Preparations

The Commission had previously noted that there were no issues with regards to the overseas and local procurement of materials. The Team encountered no complaints from polling officials as regards the availability of materials. Similarly, as regards the new digital voter registration system, the Team observed that voters' pictures and personal details were indeed clearly shown in the register and several polling officials and party agents noted that this eased the identification of voters.

The IEC had also given the assurance that the number of polling stations would be increased to give better access to all voters. In the event, the number was increased to 1,302 as compared to 989 for the previous election.

A further commitment from the Commission was that it would embark on a "massive [voter] sensitisation" programme in collaboration with the National Council for Civic

Education (NCCE) and other partners (including the entertainment industry). The NCCE was to deal with civic education and the IEC would mainly focus on voter education and voter information. This was substantiated by the NCCE who affirmed that they had received funds from the IEC and other development partners for this purpose. The National Youth Parliament, a youth civil society group, had also received funds from the IEC to carry out similar activities, which it did through musical jamborees, community drama and 'meet the candidates' events.

Issues

Sedition laws and the Public Order Act

The Team was informed of instances where 'sedition laws'⁷ unfairly restricted opposition political parties' ability to meaningfully critique the performance of government and other authorities.

The Team also heard of many cases where the Public Order Act's requirement for permits from police authorities for a range of activities had been unfairly applied and overly restricted the ability of opposition political parties to play an effective part in public life.

2001 Constitutional Amendments

Several stakeholders expressed the view that the absence of term limits and the requirement for a simple majority in presidential elections hindered the development of democracy in The Gambia.

Constitutional amendments in 2001 transferred the mandate to demarcate constituency boundaries from the IEC to a Boundaries Commission which is yet to be established. The IEC highlighted the need for boundary delimitation to address the current disparities in the population of constituencies.

Some opposition political parties and other stakeholders complained that the appointment - as opposed to election - of community leaders compromised the electoral process. This was because of their formal responsibility for certifying the above mentioned 'letters of attestation' and their central, albeit informal, role in the preparation and conduct of elections through, for example, providing food and lodging to polling officials and in resolving minor disputes on voting day.

Independence of the IEC

The past removal of Commissioners without due process as constitutionally mandated raises concerns about the IEC's independence.

⁷ Criminal Code (Amendment) Act 2004, further amended in 2005, which amended section 52 of the Criminal Code Chap 10 Vol. III Laws of the Gambia 1990

Recommendations

- The CET is mindful of the fact that The Gambia is not the only country on the continent to have abolished presidential term limits. It is, however, the Team's opinion that term limits can contribute to good governance and further deepen democracy in The Gambia. The Team would urge The Gambia to consider reinstating presidential term limits as well as the requirement for an absolute majority for the successful candidate of any presidential election.
- In the same vein, and as part of future constitutional and legal reforms, the Team would encourage consideration of the need to reinstate elections for community leaders (Seyfos and Alkalos), some of which play key roles in their localities during elections.
- The political space in The Gambia must be widened. The legal definitions of 'sedition' and 'seditious intention' as detailed above should be reviewed with this goal in mind. Furthermore, the Public Order Act should be reviewed to (i) establish to clear timeframes for the granting of permits for the use of public address systems and for rallies and processions and (ii) ensure that unless there is clear evidence that granting the permit will disrupt the peace the bias should lie in favour of granting such permits.
- The independence of the Independent Electoral Commission should be bolstered. The Team wishes to underscore the recommendation of the 2006 Commonwealth Observer Group Report which urged that the IEC should be financially autonomous and properly resourced for the smooth conduct of future elections. These measures should help to insulate the Commission from potential domestic and international pressures.
- The Team also reiterates the 2006 Report's recommendation that regulations governing the appointment, promotion and dismissal of members of the IEC should be such as to guarantee tenured appointment. "If and when it is necessary to dismiss an IEC member, due process, as provided by the Constitution, should be followed."
- There is an urgent need for demarcation of boundaries in The Gambia, ahead of future elections. The CET recommends that the mandate for demarcating constituency boundaries should be returned to the IEC until the Boundaries Commission envisaged under Article 50 of the Constitution is established.

Chapter 4

THE PRE-ELECTION ENVIRONMENT

The Campaign

The official campaign period was from 12 to 22 November. As previously noted, the IEC prepared a Code on Election Campaign Ethics Order for regulating the behaviour of political parties during the campaign in line with its mandate under Section 92(1) of the Elections Act.

The Team arrived in Banjul on 18 November and had the opportunity to observe some campaign activities including rallies of the ruling party, the APRC, and that of the leading opposition UDP.

The campaign period passed without violence, and in an atmosphere that was peaceful and positive. The Team noted, in particular, the repeated calls by President Jammeh for a peaceful election, and the practical steps taken by the IEC to ensure this. These included:

- Consultations with political parties through the Inter-Party Committee
- Careful scheduling of campaign meetings and tours to avoid physical clashes between the parties
- Publication of the Code on Election Campaign Ethics
- Formulation of Media Rules 'to provide for fair access to the media for all political parties and candidates over the electoral period'

The Team recognised that the President's attitude and these measures encouraged all parties and stakeholders to display a mutual respect and tolerance that has been largely absent from previous elections. The Team commends all those who participated – including the voters. However, the Team is also aware of a number of serious issues around the campaign, which are addressed in this Chapter.

The short campaign period

According to the Elections Act (2009) of The Gambia, 'the IEC shall determine and declare the period after nominations are held when campaigning by candidates and political parties may begin and end.'

The Elections Act also gives the IEC the discretion to declare different periods for election campaigns for different offices.

For the 2011 presidential election the IEC officially decided that the campaign would run for eleven days (from 12-22 November). In contrast, the campaign for the 2006

presidential election ran for 21 days. The Chairman of the IEC explained to the Team that the period was shortened for this election in order to minimise the risk of violence.

The opposition parties, however, protested that only eleven days of campaigning put them at a severe disadvantage to the APRC. Officials from both the UDP and the United Front told the Team that since the National Assembly elections in 2007 the police had rarely granted them the permits necessary to hold political rallies. Neither had they been allowed access to the Gambia Radio and Television Service (GRTS); private radio stations in The Gambia do not broadcast political news except during official election campaigns. What activities the opposition were able to organise had been covered to some extent in the print media, but this has a small and limited circulation.

Opposition parties pointed out that the APRC had been allowed to operate freely since the National Assembly Elections in 2007. For example, in July 2011 the President had gone on his annual (and constitutionally mandated) 'Meet the People' tour, which had received extensive coverage from GRTS.

In essence, the opposition parties complained that the APRC had been campaigning unofficially since at least July 2011 while their campaigns were restricted to the 11 days officially declared by the IEC. The Chairman of the IEC disputed this and informed the Team that, following a meeting of the Inter-Party Committee in October 2011, police commissioners had been instructed to grant permits to the UDP and the United Front.

Campaigning methods

In addition to official campaign broadcasts, the three candidates (the APRC, UDP and United Front) sought to gain support through the publication of election manifestos, the organisation of rallies and tours, the distribution of tee-shirts and baseball caps, the display of posters of the candidates, and personal appeals to voters.

During their deployment to all regions of The Gambia, members of the Team saw extensive evidence of the APRC campaign in support of President Jammeh. A variety of large billboards of the President were prominent along major roads, APRC activists and vehicles painted in APRC colours were a common sight, and green APRC flags were displayed on both public and private property.

In contrast, the Team saw very few signs of the campaigns for the UDP and the United Front.

Two members of the Team also witnessed at first hand a large campaign procession by the President in the Greater Banjul area on the evening of 18 November 2011. This comprised not only civilian vehicles carrying APRC supporters, but also military vehicles displaying APRC symbols and a large squad of uniformed police officers jogging in front of the president's limousine, chanting slogans of support.

This blurring of state and party lines was evident throughout the President's campaign while the Team was in The Gambia. For example:

- The *Daily Observer* newspaper reported on 21 November that the Ministry of Petroleum had donated 1700 tee-shirts to the president's campaign⁸
- Team members saw the offices of regional Governors being used as organisational centres for the APRC campaign
- Team members saw military vehicles being used to transport APRC supporters

The Team was given a copy of a letter from the UDP to the IEC – dated 16 November 2011 – which complained of army trucks seen carrying 'passengers wearing APRC tee-shirts'. Again, the UDP alleged that the IEC took no action.

The Team was also given a copy of a statement from the United Front, published on the day after the election (25 November 2011), alleging that 'the utilization of the material resources of the state, especially vehicles, and the involvement of chiefs who are heads of district tribunals, Governors and other public servants or members of the security services do not provide a level ground for holding credible elections.'

The Team is persuaded that the use by the APRC of government resources and personnel to support President Jammeh's campaign was nationwide and overt. This is in direct contravention of Section 91 (b) of the Elections Act, which states:

"A candidate or political party shall not, during an election campaign period...abuse or engage in the improper use of property of the Government for political propaganda purposes."

This stricture is repeated in Section 2 (d) of the Code on Election Campaign Ethics. The sanction is stated in Section 3 of the Code:

'A breach of the provisions of this Code shall result in the cancellation of the registration of a political party or, in the case of an independent candidate, the cancellation of the nomination of the candidate.'

The Team notes that despite the clear breach of the Code, the IEC failed to take action against the APRC in line with either the Election Act or the Code, or even to make any public comment.

⁸ Daily Observer, Monday 21 November 2011: *Another Boost for APRC Campaign Trail*

Political Party and Elections Campaign Financing in The Gambia

Both the Constitution of The Gambia and the Elections Act formally recognise political parties. However, the Constitution makes no provision for the financing of political parties and elections campaigning. Consequently, campaign financing is unregulated. The unregulated nature of the environment therefore does not easily lend itself to equity. Further, the dominance of the ruling political party over an extended period has given the APRC the advantage of incumbency. The party used this to great effect during the 2011 presidential campaign period.

It was clear to the Team that the APRC is a well-financed party given the electioneering paraphernalia, particularly the number of APRC tee-shirts that were distributed by the party, the gifting of food items to both the urban and rural poor, and the huge billboards that were erected countrywide by the APRC of its presidential candidate.

There was no comparable spending on the part of the opposition political parties, who repeated claims of being under-resourced and handicapped by their inability to meet the sometimes basic requirements for effective campaigning. Opposition political parties also claimed that the APRC had prevented some opposition supporters from voting by temporarily 'buying' their voter cards for the period of the election – though the Team found no evidence of this.

As noted earlier, the Team observed the use of state resources by the APRC to undertake election based activities such as the transportation of electors. This was particularly with regards to the use of both army and police vehicles. The Team also observed that government organisations provided the APRC with campaign materials. This therefore gave the incumbents an undue advantage over the opposition political parties.

The Team was told by a senior APRC official that the source of party funds was party members. However, the Team noted several public expressions of financial support for the APRC by sections of the private sector. This was evident given the televised donations by private enterprises to the APRC, though it must be stated that this not disallowed under extant laws.

The limited resources of the opposition therefore resulted in the opposition parties being unable to mount an effective campaign in many parts of the country, as they were often short on vehicles and money to engage in anything other than the rudimentary level of activity of a viable political organisation.

On Election Day the limited resources available to the opposition political parties was obvious to the Team. It was apparent that the two opposition presidential candidates were unable to fully meet their responsibilities and rights under the Elections Act for providing polling agents at the various polling stations. The Team observed that whereas the APRC was able to maintain two agents at most polling stations, it was unusual to find two UDP agents and agents of the United Front (UF) were often conspicuously absent. Indeed many polling stations were not monitored

by both opposition parties. The Team was told that in previous elections, the IEC had provided the parties with financial resources to cover the expense of polling agents. However, for the 24 November 2011 presidential election the IEC was unable to continue the practice due to lack of funds.

The Role of Gender in the Pre-Election Environment

The Constitution of The Gambia provides for the right of women to participate in decision making at all levels, including in the political arena. Article 28 states that 'women should be accorded full and equal dignity with men including equal opportunities in political, economic and social activities.' While women form the majority of the population and from all available evidence are active and vote in large numbers at election time, they continue to experience a number of systemic and other obstacles to their fuller political engagement.

This is related primarily to the socio-cultural milieu in The Gambia. The political reality, therefore, is that women's formal legal and constitutional rights have not translated into substantial political, social and economic opportunities on par with men. This is more visible in the political and social arenas, given their under-representation in the national parliament.

Following the 2007 National Assembly elections only two women were elected to the National Assembly. However, there are currently five female parliamentarians. It must be noted that the president is empowered to appoint five persons to the National Assembly. The president has therefore utilised that power to appoint three women to the legislative branch of government. The Vice-President and current Deputy Speaker of the National Assembly are also female.

Overall, however, in so far as the political process is concerned, and despite the evidence that women are actively involved in the campaigns of political parties and constitute the largest voting sector of the population, The Gambia continues to be dominated by men at the political level.

In an attempt to address this deficiency, the government adopted the Women's Act in 2010. Section 15 of the Women's Act specifically admonished every organ, body, public institution and private enterprise to undertake temporary special measures to effect the acceleration of the de facto equality of men and women in the country. In so doing, it is anticipated that political parties would undertake measures that are aimed to reduce the historical gap between men and women at the political level. This is a most welcome development as it should serve to bring greater gender balance.

For the 2011 presidential elections, the strong trend of female voting continued. The Team observed that women were undeterred and determined to cast their votes, which they did in record numbers. At many polling stations visited by members of the Team, women outnumbered their male counterparts. Further, the IEC ensured that every effort was made to facilitate gender balancing in terms of the polling

staff. Not only were women acting in the role of poll staff but they also served as presiding officers.

The Role of Young People in the Pre-Election Environment

Young people are the largest group in The Gambia: they make up 63% of the population. As a group they experience extremely high unemployment rates and are under-represented in the National Assembly. However, it is noteworthy that The Gambia has a number of youth groups such as the National Youth Parliament (NYP), set up in 2002 with funds from the United Nations Population Fund (UNFPA). Since 2005, the NYP has engaged in the monitoring of both presidential and parliamentary elections and in the mobilisation of young people to register and vote.

In its briefings the Team was informed that a large number of APRC supporters were young people. The Team saw evidence of this during the APRC's campaign.

On Election Day there was evidence of strong youth participation as voters and they were also included by the IEC and the political parties as polling staff and party agents, respectively. Additionally, representatives of the NYP were visible as observers during the elections.

The Media

Cumulatively, newspaper circulation in The Gambia is less than 10,000 copies with the Observer and Point together accounting for roughly half of this figure. Other publications – The Voice, Today, Foroyaa, Standard and Daily News – publish less than daily and often irregularly. All of these publications are largely confined to the greater Banjul area.

Radio is by far the most influential form of mass communication in a country with a low literacy rate. The only source of broadcast news is the state media, GRTS. Private radio does not normally broadcast domestic news meaning that the majority of the population is deprived of any form of journalism that does not carry the government seal of approval (exceptions are radio stations that re-broadcast bulletins of BBC and Voice of America world news, though neither commonly carries news of The Gambia).

The Team was informed that there are four online 'news' sources operated offshore by the Gambian diaspora who receive information from sources inside the country. There is also limited access to Facebook, Twitter and other social media, and increasingly, Gambian phone companies operating in the Gambia are beginning to offer internet service.

The reality, however, is that the majority of Gambians have little access to new technologies and with radio as their only source of information, are only exposed to the Government's perspective. As with any society – especially a small, close-knit

one – information travels orally in an informal manner. This is no substitute for fair and balanced reporting produced by trained professionals.

News media and the election

During the official campaign period, all stakeholders agreed that the three candidates had equal time on the GRTS and private radio stations for their election broadcasts. This was in accordance with the detailed 'Media Rules' issued by the IEC which provided for equal access to media for all parties active in the election process for the duration of the campaign. Opposition officials acknowledged that this was a significant improvement on the 2006 presidential election – in this regard the playing field was levelled.

Even so, the Team was given a copy of a written complaint the UDP made to the IEC that the GRTS was not giving an accurate picture in its general news coverage of the degree of support for the UDP. The letter, dated 19 November 2011, alleged that the GRTS was broadcasting pre-campaign footage of UDP events in which few people took part, rather than actual campaign rallies that showed large crowds. The letter is dated 19 November 2011; that is, eight days into an eleven-day campaign. The UDP further complained to the Team that the IEC took no action to redress this, in contravention of Section 89 (2) of the Elections Act, which states:

"The Commission shall...take all necessary steps to ensure that the rights of the candidate or political party which are the subject of a complaint are properly addressed and rectified without delay."

As discussed in detail elsewhere in this report, the political advantage in the 2011 presidential campaign clearly lay with the incumbent who was able to draw extensive media attention in the months before the election campaign with his July 2011 'Meet the People' tour. Our own observations and independent verification, suggest that while the declaration of 'equal time for all' is commendable, the APRC in this regard was more equal than others.

Media and human rights

A free and independent news media is a vital organ in the body of any democracy; but such is the oppressed and under-developed state of journalism in The Gambia that the Team must regrettably report that the 'fair play and daylight' that professional reporting brings to the ongoing democratic political process is almost non-existent in this country.

There are several internationally publicised examples of how the government of the Gambia has systematically targeted journalists for transgressions that in most

functioning democracies would be considered innocuous and an integral part of the role of media as watchdog.⁹

The Team was pleased to note President Jammeh's conciliatory tone during the campaign period, in advocating for peaceful elections and in refraining from speaking ill of the opposition. The Team noted that the opposition reciprocated this gesture. The Team was however concerned about the dismissive references to the media by the President during an Election Day news conference.

Members of the Team are aware that the persecution suffered by Gambian journalists and the monitoring of those abuses by international organizations have had a damaging effect on the country's reputation.

Although the Gambian Constitution guarantees freedom of expression, several Criminal Code amendments related to the offence of 'seditious publication' make any written or oral statement that is critical of the government an offence that carries stiff penalties in the form of imprisonment and heavy fines.

There are several disturbing examples of media harassment which were brought to the Team's attention:

- The unsolved murder of veteran journalist Deydra Hydera in 2004 had a profound impact on The Gambia's journalism community. The government's subsequent comments on Hydera's disappearance so concerned the Gambian Press Union that in August 2009 they issued a press release critical of those comments.
- The Government of the Gambia charged seven members of the Gambian Press Union with defamation and sedition in response to the above-mentioned press release. They were tried and six of the seven were sentenced to two years in jail. Shortly after the six were sentenced, there was an international outcry. President Jammeh issued a presidential pardon and the six were released at the beginning of September 2009.
- The disappearance in July 2006 of The Daily Observer reporter Chief Ebrima Manneh who was detained by The National Intelligence Agency and has not been seen since. Amnesty International and others had reported that Manneh was detained over efforts to publish a BBC report critical of Jammeh's government.
- The government ordered the closure of the radio station Taranga FM in January 2011 for translating Gambian newspaper reports and broadcasting

⁹ There are other examples of the Jammeh government's interaction with domestic news media to be found on the www.gambiapressunion.org and on international websites including the Commonwealth Journalists Association, Reporters Without Borders and the Committee to Protect Journalists.

them to the country in local languages for the benefit of masses of illiterate people. The Team was told that the station was allowed to continue operating on condition that the source for any similar news broadcasts be the Daily Observer, which is often sympathetic to the APRC. The Team was informed Taranga rejected this condition.

Incidents of harassment such as the above have contributed to self-censorship by the media in The Gambia. This does not allow for the media to fully play its role of empowering the electorate with relevant information.

It would be remiss of this report if the Team did not commend the courage shown by members of the Gambian Press Union and other journalists who continue their work when none could be blamed for leaving the profession and finding safety in other pursuits.

While the tone of this portion of our report is necessarily negative, the Team are somewhat heartened by the fact that in August 2011, the Gambian Government and The Gambia's Management Development Institute joined forces with the Commonwealth Secretariat to stage a five-day regional Media forum and national workshop.

Foreign Minister Dr. Momodou Tangara spoke to the delegates and made this pledge: "Please allow me to express our commitment as a government to enhance and develop the media and our recognition of its invaluable role in the socio-economic development of nations."

Another training workshop for journalists was held in Banjul in July of 2011. It was also five days and was funded by the European Union in partnership with the Gambia Press Union.

The Team applauds both of these initiatives and hopes that the positive outcomes from these events will be built upon.

The Team also applauds that its own Interim Report was published in full in the pro-government Daily Observer on 29 November, despite containing a number of passages critical of the government, the IEC and the APRC.

Key Issues

The Campaign

- All opposition parties The Team met complained that the 11 day official campaign period was too short. The Team raised this issue with the IEC who explained that this matter had been discussed with political parties during meetings of the IPC. According to the IEC, it had assured political parties that they could engage with voters even before the official start of campaign, and that it had informed and obtained the cooperation of the Inspector General of

Police for political parties who wished to commence campaigns before the official start of 12 November.

- The President's 'Meet the People' tour which took place in July 2011 amounted to campaigning and gave him an undue advantage in the lead-up to the presidential election.
- While The Team acknowledges the advantages that normally accrue to all incumbents, The Team observed that the ruling party's use of the state machinery during the campaign period amounted to a serious abuse of incumbency in violation of Section 91 (b) of the Elections Act, which states:

"A candidate or political party shall not, during an election campaign period...abuse or engage in the improper use of property of the Government for political propaganda purposes"

Political party and campaign financing

- The continuing absence of specific legislation on political party and campaign financing and expenditure, provides the incumbent with undue advantages. The unregulated nature of the environment does not easily lend itself to equity.

Youth and gender participation

- Although women were actively involved in the political campaigns and constitute the largest voting sector of the population, The Gambia continues to be dominated by men at the political level. Following the 2007 parliamentary elections only two women were elected to the national parliament. However, there are currently five female parliamentarians, three of whom were nominated by the President.
- Young people constituted the bulk of supporters for political parties during the campaigns. This was particularly evident in the campaign of the APRC. The Team noted, however, that they are not adequately represented in the highest level of political decision making.

The media

- Most interlocutors praised the IEC and the State Media for the equal airtime that was given to all political parties at certain times of the day. The Team's own observations and independent verification suggest, however, that while the declaration of 'equal time for all' is commendable, the APRC's campaigns enjoyed more coverage outside the official 'airtime' for political parties.
- The CET was concerned about the incidents of media harassment that were brought to its attention – some of which have been widely reported by some international organisations over the years. The Team is of the view that these

incidents have led to self-censorship among the media in The Gambia, which compromised the pre-election environment.

Recommendations

- In future elections, all parties must adhere to the letter and spirit of the laid down campaign ethics, which were violated in this case. A stronger effort should be made to improve the enforcement mechanisms under such Codes of Conduct.
- The IEC must assert and prove its independence and authority by actively monitoring and enforcing the Code of Conduct in keeping with its responsibility under Section 92(1) of the Elections Act.
- An extended campaign period would have been preferable, and would have contributed to levelling the playing field in this election; the eleven day period for campaigning was inadequate, and the requests for extension by the opposition should have been granted. The Team hopes that the IEC will grant a longer period for campaigns in future elections, taking into consideration the views of both government and opposition parties on this issue.
- Political parties should include women at the organisational level in keeping with the intent of the Women's Act of 2011. In that regard, the Team further urges The Gambia to adhere to its regional and international commitments on gender participation in government. This includes the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* and the *Commonwealth Plan of Action for Gender Equality (2005-2015)*, which promotes a minimum 30% target for women's participation and representation in government and decision-making processes.
- Consideration should be given to the training of women in leadership programme in line with the newly established (2009) Caribbean Institute for Women in Leadership which is co-sponsored by the Commonwealth. This would go some way in reducing the current marginalisation of women in the highest organs of Government in The Gambia.
- The Team recommends that the Commonwealth Secretariat provide capacity building support to youth in The Gambia. The Team was impressed by the efficiency, socio-political awareness and the level of maturity of the members of the National Youth Parliament whom it met prior to the elections and on Election Day. The Commonwealth Secretariat must capacitate such youth groups in The Gambia.
- Political parties in The Gambia should take every measure to include young people in the decision-making process at the highest levels of the party. This would go some way towards reducing the youth deficit in national politics in the country.

- The Gambia must consider reform to its current regime of political party and campaign financing that would seek to effect transparency and parity in financing and spending. Such legislation should also seek to place limits on private donations for election spending and should include the appropriate penalties for breach of the legislation.
- Non-state news media in The Gambia is barely surviving and is in dire need of capacity building. GRTS, the state media, might also benefit from enhanced production values. In this respect, the Government of The Gambia must build on the positive outcomes of the Media forum and workshop it co-organised with the Commonwealth Secretariat in August 2011 to further open the space for the media to participate freely and actively in democracy and development.
- Although the Gambian Constitution guarantees freedom of expression, several Criminal Code amendments related to the offence of 'seditious publication' make any written or oral statement that is critical of the government an offence that carries stiff penalties in the form of imprisonment and heavy fines (as detailed in Chapter three). These laws must be reviewed with the intention of undertaking reforms that create an enabling environment for press freedoms.

Chapter 5

VOTING, COUNTING AND RESULTS

The Gambia's 2011 presidential election took place on 24 November 2011 following an eleven-day campaign period. For the purpose of voting, 1,302 polling stations were established across the country's seven regions and 48 constituencies.

Opening procedures and Voting

Most polling stations opened at 7.00 am to allow eligible voters cast their votes. Polling materials were laid out efficiently by polling officials, supervised by the presiding officer. There was a good balance of males and females in the security presence at each polling station. This presence was notably unobtrusive, unarmed and cordial to voters, observers and party agents.

In some cases party agents and polling station security assisted in the preparatory process. As part of the opening process, most polling officials showed the empty ballot drums to all present to ensure transparency.

Voter identity (ID) cards were used for identification and indelible ink used to mark the forefinger to prevent multiple voting. Polling officials and party agents all had copies of the voter register, which aided the effectiveness and efficiency of the electoral process. The Team noted that the photos and text on the register were small and cramped, with many names on each sheet. This made reading quite difficult for some officials.

It was observed that in some instances, and after a long wait in the queue, voters did not find their names in the register. This led to frustration and in some cases the affected voters ultimately deciding to not cast their ballot. That said, the Team observed polling officials making great efforts to overcome this problem where it was encountered.

Polling officials generally managed queues of voters efficiently. Significant numbers of polling officials were female and many served as presiding officers. These were notable for the high sense of diligence they displayed in fulfilling their duties.

Party agents and domestic observers were observed in most polling stations, lending credibility to the voting process. However, as noted elsewhere, the party agents of the United Front were few and far between whilst the incumbent had as many as two party agents in each polling station visited.

The Gambia's unique voting system

The Gambia has a unique voting system – the use of metal ballot drums fitted with internal bells which ring once a ballot token, a marble, is dropped into the drum (detailed in Chapter 3). Voters appeared familiar with this system, and polling officials were often seen listening for the sound of the bell to ascertain that the voter had indeed voted, and to identify any incidents of multiple voting.

The secrecy of the vote was guaranteed as ballot drums were placed behind dark screens away from voters, polling staff, party agents and observers. Transparent and broken windows of school classrooms where ballot boxes had been placed were covered with improvised opaque materials.

Overall, the Team was impressed by the atmosphere in the polling stations, the enthusiasm of voters and the genuine desire of all involved that the voting process be conducted according to the rules.

At 4.00 pm when polls closed, the voting drums were inspected by polling officials, party agents and observers. The holes of the drums were sealed and serial numbers recorded by party agents and observers before being transported to the counting centres across the country, with adequate security and within view of polling agents and observers. The transportation of the drums to the counting centres took between two to three hours in cases where the Team observed, due to the inadequate resources of the IEC.

The counting and results process

The counting of ballots took place in the designated counting centres in all regions observed by the Team. IEC Commissioners (or their proxies) in their respective regions ensured that all voting drums from the various polling stations were received before the official count started. This caused some delay in counting. Drums were inspected by polling officials and - where present - party agents.

IEC Commissioners (or their proxies) oversaw the count from beginning to end and ensured that the rules of counting were followed to the letter. However, at one count observed by the Team, the presence of the local Governor was intrusive and overbearing.

The rules of counting were closely followed. Presiding officers publicly announced ballot tokens supplied, those remaining as well as any invalid votes. The seals of the ballot drums were broken in full view of those present, emptied into a sieve, and the marbles arranged into special counting trays holding 200 or 500 marbles at a time. Each candidate's result was publicly announced and the trays holding their tokens shown around before the result was certified. After this, the results were collated and declared by the Assistant Returning Officer before being transmitted to the regional IEC office, and then to the IEC headquarters.

The Team was impressed by the general atmosphere of transparency and in some cases, collegiality, within which the closing and counting processes were conducted. The Team also commends the prompt announcement of results by the IEC on 25 November, the day after the election.

The following is an overview of the national results:

CANDIDATE	POLITICAL PARTY	VOTES OBTAINED	PERCENTAGE (%)
President Yahya Jammeh	APRC	470,550	72%
Lawyer Ousainou Darboe	UDP	114,177	17%
Mr Hamat Bah	NRP, GPDP,NADD,PDOIS	73,060	11%
Total Votes Cast	-	657,904	
Invalid Votes	-	264	-
National Total Registered	796,929	-	
Voter Turnout	658,168	-	83%

Recommendations

In any electoral process, there will always be room for improvement. We make the following technical recommendations in this spirit:

- Although the number of polling stations has been increased to 1302 for the presidential election, some polling stations in urban centres are still large and overcrowded with long queues. We recommend a further increase in polling stations.
- Voters' lists need to be more legible with bigger and clearer photos.
- A more effective way of managing queues must be devised and efforts should be made to post lists of voters in their respective polling stations before polling day.
- The current arrangement of transporting ballots drums to counting centres is susceptible to avoidable hazards. It would be much better for the votes to be counted and recorded at polling stations and results displayed accordingly before tallying at collation centres in constituencies.

Chapter 6

CONCLUSIONS AND RECOMMENDATIONS

The Gambia has a unique and effective voting system that is to be highly commended. In its report on the 2006 presidential elections, the Commonwealth Observer Group noted that 'the quality of performance of the IEC has improved over the years.' The CET affirms this conclusion and further commends the IEC for its role in ensuring equal airtime for all political parties at certain periods of the day on GRTS, and for regularly consulting with all parties through the Inter-Party Committee dialogue mechanism.

Above all, the Team wishes to applaud the people of The Gambia, who impressed us by turning out in large numbers to vote on election day; they exercised their civic duties in a peaceful and collegial manner.

In spite of these positive achievements, the Team would be remiss to ignore the state of democracy in The Gambia and the threat this poses to the flourishing of Commonwealth values to which the country has committed itself.

The Government of The Gambia has been criticised for its human rights record including harassment and arbitrary arrest of government critics. Some of these violations have been brought to the attention of the Commonwealth Secretariat and other Commonwealth organisations, and are also well documented. During its briefing sessions, stakeholders further highlighted a number of them to the Team, which have been detailed in this report. A number of stakeholders informed the Team that they were fearful of criticising the government. Others, who did not, appeared by their actions to be wary.

The impact of these incidents is further exacerbated by the dominance of the executive which has eclipsed the other arms of government, in conflict with the Commonwealth Latimer House Principles on the separation of powers between the executive, legislature and judiciary.

The Team wishes to underscore that all stakeholders in the democratic process of The Gambia must be allowed to play a more active role in deepening democracy as part of their fundamental human rights: the opposition parties must be given the space to develop into a credible and visible alternative (and in this regard they, too, must live up to the people's expectations); civil society and media organisations must be granted the space to empower citizens in a responsible and constructive manner; and the people of The Gambia must continue to engage actively in the

wider democratic process, building on their participation in this election in order to further strengthen governance processes in the country.

Ultimately, political will is required to implement these recommendations, a significant number of which mirror those in the 2006 Commonwealth Observer Group Report.

The results of this election show that the Government of The Gambia has the mandate of its people to embark on the necessary democratic reforms which will guarantee sustainable economic development. The Commonwealth stands ready to assist in such reforms.

Recommendations

Legal and constitutional framework for elections

- The CET is mindful of the fact that The Gambia is not the only country on the continent to have abolished presidential term limits. It is, however, the Team's opinion that term limits can contribute to good governance and further deepen democracy in The Gambia. The Team would urge The Gambia to consider reinstating presidential term limits as well as the requirement for an absolute majority for the successful candidate of any presidential election.
- In the same vein, and as part of future constitutional and legal reforms, the Team would encourage a consideration of the need to reinstate elections for community leaders (Seyfos and Alkalos) some of which play key roles in their localities during elections.
- The political space in The Gambia must be widened: The legal definitions of 'sedition' and 'seditious intention' should be reviewed with this goal in mind. Furthermore, the Public Order Act should be reviewed to (i) establish to clear time-frames for the granting of permits for the use of public address systems and for rallies and processions and (ii) ensure that, unless there is clear evidence that granting the permit will disrupt the peace, the bias should lie in favour of granting such permits.
- The independence of the Independent Electoral Commission should be bolstered. The Team wishes to underscore the recommendation of the 2006 Commonwealth Observer Group Report which urged that the IEC should be financially autonomous and properly resourced for the smooth conduct of future elections. These measures should help to insulate the Commission from potential domestic and international pressures.
- The Team also reiterates the 2006 Report's recommendation that regulations governing the appointment, promotion and dismissal of members of the IEC should be such as to guarantee tenured appointment. "If and when it is

necessary to dismiss an IEC member, due process, as provided by the Constitution, should be followed.”

- There is an urgent need for demarcation of boundaries in The Gambia, ahead of future elections. The CET recommends that the mandate for demarcating constituency boundaries should be returned to the IEC until the Boundaries Commission envisaged under Article 50 of the Constitution is established.

The pre-election environment

- In future elections, all parties must adhere to the letter and spirit of the laid down campaign ethics, which were violated in this case. A stronger effort should be made to improve the enforcement mechanisms under such Codes of Conduct.
- The IEC must assert and prove its independence and authority by actively monitoring and enforcing the Code of Conduct in keeping with its responsibility under Section 92(1) of the Elections Act.
- An extended campaign period would have been preferable, and would have contributed to levelling the playing field in this election; the eleven-day period for campaigning was inadequate, and the requests for extension by the opposition should have been granted. The Team hopes that the IEC will grant more time for campaigns in future elections, taking into consideration the views of both government and opposition parties on this issue.
- Political parties should include women at the organisational level in keeping with the intent of the Women’s Act of 2011. In that regard, the Team further urges The Gambia to adhere to its regional and international commitments on gender participation in government. This includes the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) and the *Commonwealth Plan of Action for Gender Equality (2005-2015)*, which promotes a minimum 30% target for women’s participation and representation in government and decision-making processes.
- Consideration should be given to the ‘training of women in leadership’ programme in line with the newly established (2009) Caribbean Institute for Women in Leadership which is co-sponsored by the Commonwealth. This would go some way in reducing the current marginalisation of women in the highest organs of Government in The Gambia.
- The Team recommends that the Commonwealth Secretariat provide capacity building support to youth in The Gambia. The Team was impressed by the efficiency, socio-political awareness and the level of maturity of the members of the National Youth Parliament whom it met prior to the elections and on Election Day. The Commonwealth Secretariat must capacitate such youth groups in The Gambia.

- Political parties in The Gambia should take every measure to include young people in the decision-making process at the highest levels of the party. This would go some way towards reducing the youth deficit in national politics in the country.
- The Gambia must consider reform to its current regime of political party and campaign financing that would seek to effect transparency and parity in financing and spending. Such legislation should also seek to place limits on private donations for election spending and should include the appropriate penalties for breach of the legislation.
- Non-state news media in The Gambia is barely surviving and is in dire need of capacity building. GRTS, the state media, might also benefit from enhanced production values. In this respect, the Government of The Gambia must build on the positive outcomes of the Media forum and workshop it co-organised with the Commonwealth Secretariat in August 2011 to further open the space for the media to participate freely and actively in democracy and development.
- Although the Gambian Constitution guarantees freedom of expression, several Criminal Code amendments related to the offence of 'seditious publication' make any written or oral statement that is critical of the government an offence that carries stiff penalties in the form of imprisonment and heavy fines (as detailed in Chapter three). These laws must be reviewed with the intention of undertaking reforms that create an enabling environment for press freedoms.

Voting, counting and results

- Although the number of polling stations has been increased to 1302 for the presidential election, some polling stations in urban centres are still large and overcrowded with long queues. We recommend a further increase in polling stations.
- Voters' lists need to be more legible with bigger and clearer photos.
- A more effective way of managing queues must be devised and efforts should be made to post list of voters in their respective polling stations before polling day.
- The current arrangement of transporting ballots drums to counting centres is susceptible to avoidable hazards. It would be much better for the votes to be counted and recorded at polling stations and results displayed accordingly before tallying at collation centres in constituencies.

Annex 1: Commonwealth Press Release and Biographies of the Team



COMMONWEALTH NEWS RELEASE

11/56

17 November 2011

Commonwealth Team to observe The Gambia presidential elections

A Commonwealth Expert Team will observe the presidential elections due to take place on 24 November 2011 in The Gambia, Commonwealth Secretary-General Kamalesh Sharma announced today. The Team has been constituted at the invitation of the Independent Electoral Commission (IEC) of The Gambia and following a recent high-level political assessment mission to The Gambia led by Deputy Secretary-General Mmasekgoa Masire-Mwamba.

Announcing that the team of five experts, supported by a four-member staff team from the Commonwealth Secretariat, will be led by Professor Bolaji Akinyemi, former foreign minister of Nigeria, Mr Sharma said that the mandate of the team is to observe the preparations for the election; the polling, counting and results process; and the electoral environment as a whole.

The Secretary-General added: 'The Commonwealth Secretariat works as a trusted partner with member states on strengthening democratic institutions and processes. A key way of doing this is by observing elections, when invited, as well as through longer term engagement on providing advice and technical assistance.'

The expert team will assess the overall conduct of the elections, and the environment in which they take place, and where appropriate will make recommendations for strengthening of the electoral process in future.

The team arrives in Banjul by 18 November 2011 and will remain in The Gambia until 29 November 2011.

The full composition of the Commonwealth Expert Team is as follows:

Professor Bolaji Akinyemi (Chair)
Former Foreign Minister
Nigeria

Ms Cynthia Barrow-Giles
Academic
St. Lucia

Mr Edward Alexander Canfor-Dumas
Conflict Management Consultant
United Kingdom

ANTIGUA AND BARBUDA
AUSTRALIA
THE BAHAMAS
BANGLADESH
BARBADOS
BELIZE
BOTSWANA
BRUNEI DARUSSALAM
CAMEROON
CANADA
CYPRUS
DOMINICA
*FIJI
THE GAMBIA
GRANA
GRENADA
GUYANA
INDIA
JAMAICA
KENYA
KIRIBATI
LESOTHO
MALAWI
MALAYSIA
MALDIVES
MALTA
MALI
MALI
MOZAMBIQUE
NAMIBIA
NAURU
NEW ZEALAND
NIGERIA
PAKISTAN
PAPUA NEW GUINEA
RWANDA
ST KITTS AND NEVIS
ST LUCIA
ST VINCENT AND THE GRENADINES
SAMOA
SEYCHELLES
SIERRA LEONE
SINGAPORE
SOLOMON ISLANDS
SOUTH AFRICA
SRI LANKA
SWAZILAND
TONGA
TRINIDAD AND TOBAGO
TUVALU
UGANDA
UNITED KINGDOM
UNITED REPUBLIC OF TANZANIA
VANUATU
ZAMBIA

**Fiji was fully suspended from the Commonwealth in 2009.*

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Mr Christopher Cobb
President, Commonwealth Journalists Association
Canada

Madam Sa-adata Maida
Commissioner, Electoral Commission
Ghana

The Commonwealth Secretariat support staff team will be led by Ambassador Ayo Oke, Head of the Africa Section, Political Affairs Division.

The Commonwealth observed the 2001 and 2006 Presidential Elections in The Gambia. Commonwealth Teams were also present for the legislative elections in 2002 and 2007.

Note to Editors:

The Team's report will be submitted to the Commonwealth Secretary-General, who will in turn send it to the Government of The Gambia, the IEC, the political parties and eventually to all Commonwealth governments.

The Expert Team will act impartially and independently and shall conduct itself according to the standards expressed in the International Declaration of Principles for Election Observation to which the Commonwealth is a signatory.

For media enquiries, please contact:

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Biographies of CET Members

Professor A. Bolaji Akinyemi (Nigeria – Chairperson)

Professor Akinyemi has a doctorate degree from Oxford University. He is a Professor of political science having taught in several universities both in Nigeria and overseas. He has been a visiting Scholar/Fellow at Cambridge University, Geneva Graduate Institute for International Studies, University of California, Los Angeles, among several others. He has been the Director-General of the Nigerian Institute of International Affairs and a Nigerian Foreign Minister. He was a member of the Nigerian Presidential Electoral Reform Committee, Chairman of the (Nigerian) National Think Tank. He is the holder of a Commander of the Federal Republic (the third highest Nigerian National honour).

Ms Cynthia Barrow-Giles (St Lucia)

Ms Barrow-Giles is a lecturer in political science at the Cave Hill campus, University of West Indies, Barbados. She has served as Head of Department of Government, Sociology and Social work, 2004-2006 and Deputy Dean of the Faculty of Social Sciences 1994-1996. Ms Barrow-Giles has authored, edited, and co-edited a number of books and articles including "General elections and voting in the English speaking Caribbean 1992-1995, published in 2006. She currently serves as a member of the St Lucia Constitution Reform Commission.

Mr Edward Alexander Canfor-Dumas (United Kingdom)

Edward took the lead role in founding the All-Party Parliamentary Group on Conflict Issues in 2006 and has developed extensive relationships with the peace-building and conflict management sector, Parliamentarians, government, business and the media.

Alongside his conflict work, Edward is a TV scriptwriter, whose award-winning credits include popular dramas *The Bill* and *Kavanagh QC*, and the worldwide hits *Pompeii: The Last Day* (nominated for two BAFTAs) and *Supervolcano*.

A graduate of New College, Oxford, Edward has also authored two best-selling books on Buddhism.

Mr Christopher Cobb (Canada)

Mr Cobb is a Canadian journalist and author Christopher Cobb is international vice-president of the Commonwealth Journalists Association and a board member of the Canadian Media and Democracy Group. Cobb, a staff writer for the Ottawa Citizen, has led many training workshops for journalists across the Commonwealth. He was previously a member of the Commonwealth Observer Group in Uganda.

Madam Sa-adata Maida (Ghana)

Sa-Adatu Maida currently works for Electoral Commission of Ghana as a Commissioner. She obtained her Masters degree in International Development at Brandies University, Massachusetts, USA. She is a development practitioner who has worked for West Africa Net work for Peace building (WANEP)–Ghana as a Project Consultant. She also worked for United Nations Development – (UNDP)as a Project Manager under the Disaster Recovery Project in Ghana.

Commonwealth Secretariat Staff Team

Ambassador Ayodele Oke, Head, Africa Section – Team Leader

Ms Yvonne Apea, Political Affairs Officer, Africa Section

Mr Marcus Beltran, Political Affairs Officer, Good Offices Section

Mrs Madonna Lynch, Administrative Assistant, Africa Section

Annex 2: Interim Statement by Professor A Bolaji Akinyemi



COMMONWEALTH EXPERT TEAM THE 2011 GAMBIA PRESIDENTIAL ELECTION

PRELIMINARY STATEMENT

By

**Professor A. Bolaji Akinyemi
Chairperson of the Commonwealth Expert Team**

Despite peaceful and technically sound elections democratic reforms are needed

The Commonwealth was invited by the Independent Electoral Commission (IEC) of The Gambia to observe the 24 November Presidential Election. In response to this invitation, the Commonwealth Secretary-General, Mr Kamalesh Sharma constituted a five person Commonwealth Expert Team (CET) supported by a professional staff team from the Commonwealth Secretariat. I am honoured to have been invited to Chair the Team which has been present in the country since 18 November 2011, following a pre-election assessment mission led by the Commonwealth Deputy Secretary-General in October 2011.

During four days of briefings, the Team met a number of stakeholders including the Chairman of the IEC, political party representatives, civil society groups, media, Commonwealth High Commissioners, the United Nations Development Programme, and international, regional and domestic observer groups.

This statement is our preliminary assessment of the presidential elections which was held on 24 November 2011. It reflects largely our observations on the pre-election environment, the polling day itself and the post election phase. Members of the Team were able to cover four of the five regions in the country on Election Day. We exchanged our findings with a number of other international and domestic observers, as well as members of the diplomatic community. These exchanges corroborated most of the impressions which we formed during the course of our observations.

We will issue a Final Report containing our conclusions and recommendations on the entire process at a later stage and submit same to the Commonwealth Secretary-General, who will then transmit it to all the candidates and stakeholders. The Report will subsequently be released to all Commonwealth governments and to the public on the Commonwealth Secretariat website in the coming weeks.

KEY FINDINGS

The Pre-Election Environment

The official campaign period was from 12 to 22 November. The Team arrived in Banjul on 18 November and had the opportunity to observe some campaign activities. The Team observed rallies of the ruling party, the Alliance for Patriotic Reorientation and Construction (APRC), and that of a leading opposition party, the United Democratic Party (UDP).

We commend political parties and the people of The Gambia for the peaceful manner in which the campaigns were generally held. We also commend the role of the Independent Electoral Commission (IEC) for regulating the campaign under the Code on Election Campaign Ethics Order (made under section 92(1) of the Elections Act), and ensuring airtime on state media for all parties. A number of interlocutors indicated to the Team that this had raised the visibility of the opposition during the brief campaign period.

We do, however, have concerns on the following significant developments, which we felt resulted in an uneven playing field:

The short campaign period

All opposition parties we met complained that the 11 day official campaign period was too short. We raised this issue with the IEC which explained that this matter had been discussed during meetings of the Inter-Party Committee (IPC), a dialogue mechanism for political parties. According to the IEC, it had assured political parties that they could engage with voters even before the official start of campaign, and that it had informed and obtained the cooperation of the Inspector General of Police for political parties who wished to commence campaigns before the official start of 12 November.

We note that all political parties commended the IEC for its increased openness and accessibility during this election and appreciate the good faith in which this assurance was given. We are however of the view that an extended campaign period would have been preferable, and would have contributed to levelling the playing field in this election.

Campaign Environment

During our briefing sessions, some stakeholders complained that the President's 'Meet the People' tour which took place in July 2011 amounted to campaigning and gave him an undue advantage in the lead up to the presidential election. In this regard we wish to reiterate the conclusion of the report of the Commonwealth Observer Group after the 2006 presidential election which said: "the timing of the President's 'Dialogue with the People' tour was unhelpful, because it had the effect of interfering with the election campaign and providing an undue advantage to the incumbent." We urge that this concern be accorded the seriousness it deserves in order to create a best possible competitive political environment.

We note, however, that almost all interlocutors, including some members of the opposition parties, commented on the following improvements during the campaign period:

- A conciliatory tone in the rhetoric of the ruling party's candidate in advocating for peaceful elections and refraining from speaking ill of the opposition. We note that the opposition reciprocated this gesture.
- The improving role of the IEC and the state media in ensuring that, "for the first time", provisions were made for all political parties to have equal airtime on state television, thereby ensuring the visibility of all parties during the brief campaign period.

Advantage of incumbency and use of public resources

While we acknowledge the advantages that normally accrue to all incumbents, we observed that the ruling party's use of the state machinery during the campaign period amounted to a serious abuse of incumbency. In this regard, the Team is able to confirm that it witnessed:

- The uniformed military personnel participating in the APRC rally held in Banjul on Saturday 19 November 2011. Also, it saw three military trucks transporting youths wearing the party colour and emblem of the APRC in Churchill's Town on 23 November 2011.
- The private newspaper, the Observer, carried reports of public institutions, such as the Ministry of Petroleum, donating campaign T-shirts to the APRC.¹
- We received similar reports of public officials openly campaigning for the ruling party; in particular, we found the involvement of governors and their offices in APRC campaigns worrisome

We therefore urge all parties to adhere to the letter and spirit of the Code on Election Campaign Ethics Order, which was violated in this case. A stronger effort should be made in future elections to improve the enforcement of the Code of Conduct, by

¹ Daily Observer, Monday 21 November 2011: *Another Boost for APRC Campaign Trail*

having clearer enforcement procedures. This would help the IEC to assert its independence and authority.

We note that unequal access to funding was evident throughout the campaign period and that there was not a level playing field for the campaign with the advantage of incumbency exploited by the APRC. Indeed, the APRC spent far greater sums of money than that of the two other political rivals put together and, in the absence of campaign spending provisions, the level of competitiveness expected was compromised. We note also that the IEC failed to enforce the Code of Conduct which provides sanctions for such abuses.

Ultimately, political will is required to implement these recommendations, which mirror those in the 2006 Commonwealth Observer Group Report. The ruling party's increased victory would suggest that it has nothing to lose in levelling the playing field and in curbing the abuse of incumbency.

Polling day

The Election Day was peaceful and managed in accordance with the Constitution and Electoral Act 2009.

The Team was impressed by the high turnout of voters on Election Day, especially the large numbers of women and young people. The enthusiasm shown by Gambians for the election demonstrated their desire to contribute to the development of democracy in the country.

Most polling stations opened on time on or just after 7.00 am. Polling stations were generally well-laid out, and polling officials and party agents present appeared to discharge their duties effectively in areas where Team members observed. We noticed the active role of young people and women as polling officials and party agents. Team members also noted the discreet security presence in a large number of polling stations. There were no overt acts of intimidation during voting.

The Gambia has a unique voting system – the use of metallic ballot drums fitted with internal bells which ring once a ballot token, a marble, is dropped into the drum. Voters appeared familiar with this system, and polling officials were often seen listening for the sound of the bell to ascertain that the voter had indeed voted, and to identify any incidents of multiple voting.

The secrecy of the vote was guaranteed as ballot drums were placed behind dark screens away from voters, polling staff, party agents and observers. Transparent and broken windows of school classrooms where ballot boxes had been placed were covered with improvised opaque materials.

The new voter register appeared robust and we came across few instances where voters with valid voter cards could not find their names on the register. We commend the IEC on its success in this regard.

Closing, counting and the results process

At 4.00pm when polls closed, Team members witnessed polling officials observing the closing procedures, such as the sealing of the mouth of the ballot drums, with diligence. The ballot drums were then transported to the designated counting centres across the country with adequate security and within view of polling agents and observers.

The rules of counting were closely followed; presiding officers publicly announced ballot tokens supplied, those remaining as well as any invalid votes. The seals of the ballot drums were broken in full view of those present, emptied into a sieve, and the marbles arranged into special counting trays holding 200 to 500 marbles at a time.

Each candidate's result was publicly announced and the trays holding their tokens shown around before the result was certified. After this, the results were collated and declared by the Assistant Returning Officer before being transmitted to the regional IEC office, and then to the IEC headquarters.

The Team was impressed by the general atmosphere of transparency and in some cases, collegiality, within which the closing and counting processes were conducted. The Team also commends the swift announcement of results by the IEC on 25 November, the day after the election.

In any electoral process, there will always be room for improvement. We make the following technical recommendations in this spirit:

- Although the number of polling stations has been increased to 1302 for the presidential election, some polling stations in urban centres are still large and overcrowded with long queues. We recommend a further increase in polling stations.
- Voters' lists need to be more legible with bigger and clearer photos.
- A more effective way of managing queues must be devised and efforts should be made to post list of voters in their respective polling stations before polling day.
- The current arrangement of transporting ballots drums to counting centres is susceptible to avoidable hazards. It would be much better for the votes to be counted and recorded at polling stations and results displayed accordingly before tallying at collation centres in constituencies.

Conclusion

During the Team's briefing sessions with a range of stakeholders involved in the political process, some interlocutors highlighted the ruling APRC's achievements in economic development, particularly in the provision of infrastructure and social amenities.

In spite of these achievements, the Government of The Gambia has been appropriately criticised for its human rights record including harassment and arbitrary arrests of government critics. Some of these violations have been brought to the attention of the Commonwealth Secretariat and other Commonwealth organisations, and are also well documented. During its briefing sessions, stakeholders further highlighted a number of them to the Team which will be addressed in our Final Report. A number of stakeholders informed us that they were fearful of criticising the government. Others who did not, appeared by their actions to be wary.

The impact of these incidents is further exacerbated by the dominance of the executive which has eclipsed the other arms of government, in conflict with the Commonwealth Latimer House Principles on the separation of powers between the executive, legislature and judiciary.

The Team also wishes to underscore that all other stakeholders in the democratic process of The Gambia must be allowed to play a more active role in deepening democracy as part of their fundamental human rights: the opposition parties must be given the space to develop into a credible and visible alternative and in this regard they must live up to the people's expectations; civil society and media organisations must be granted the space to empower citizens in a responsible and constructive manner; and the people of The Gambia must continue to engage actively in the wider democratic process building on their participation in this election in order to further strengthen governance processes in the country.

The results of this election show that the Government of The Gambia has the mandate of its people to embark on the necessary democratic reforms which will guarantee sustainable economic development. The Commonwealth stands ready to assist in such reforms.

Banjul, 28 November 2011

For further media enquiries, please contact: In The Gambia: Amb. Ayo Oke, Head of Africa, +220 7671277 or email: a.oke@commonwealth.int

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Annex 3: Deployment Plan

COMMONWEALTH EXPERT TEAM GAMBIA DEPLOYMENT PLAN NOVEMBER 2011

TEAM	NAMES
1. Banjul and Brikama	Chair – Professor Akinwande Akinyemi Amb. Ayo Oke Mrs Madonna Lynch
2. Basse Santa Su	Mr Edward Canfor-Dumas Madam Sa-adatu Maida
3. Farafenni and Janjanbureh	Ms Cynthia Barrow-Giles Mr Marcus Beltran
4. Kanilai	Ms Yvonne Apea Mr Christopher Cobb

Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.

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