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**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE NATIONAL
ASSEMBLY ELECTIONS IN THE REPUBLIC OF THE GAMBIA HELD ON THE 6TH
APRIL 2017**

PRELIMINARY STATEMENT

AUEOM reports generally calm and well-administered elections and calls for calm during the post-election period. The AUEOM calls on the government to focus on national reconciliation in view of recent political events. It encourages the people of the Gambia to tow the path of peaceful coexistence with mutual respect for religious, ethnic and political differences.

Banjul, 8th April 2017

I. INTRODUCTION

1. At the invitation of the Government of the Republic of The Gambia and the Independent Electoral Commission (IEC), the Chairperson of the African Union Commission (AUC), His Excellency Moussa Faki Mahamat deployed an African Union Election Observation Mission (AUEOM) to the 6th April 2017 National Assembly Elections in the Republic of The Gambia.
2. The AUEOM is led by Mr. Terry Tselane, Vice Chairperson of the Independent Electoral Commission (IEC) of South Africa and comprises of 30 observers drawn from the Pan African Parliament (PAP), African Ambassadors to the AU in Addis Ababa, Election Management Bodies (EMBs), civil society organisations (CSOs) and experts from 21 countries. The Mission is supported by a technical team from the AUC, PAP and the Electoral Institute for Sustainable Democracy in Africa (EISA).
3. The AUEOM observed the 6th April 2017 National Assembly Elections in conformity with the relevant provisions of the African Charter on Democracy, Elections and Governance, which entered into force on 15th February 2012. The AUEOM's mandate is further strengthened by the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl.1 (XXXVIII)); the African Union Guidelines for Election Observation and Monitoring Missions both adopted by the Assembly of the African Union Heads of State in July 2002; as well as the Declaration of Principles on International Election Observation that was endorsed by the AU in 2005 and the legal framework for the conduct of elections in The Gambia.
4. The observations and recommendations of the AUEOM are based on the principles and standards for the conduct of democratic elections as enshrined in the aforementioned AU instruments.
5. Cognisant of the fact that the process is yet to be completed as the period for complaints and appeals is still open for the next 30 days; the AUEOM hereby presents its preliminary assessment of the conduct of the elections up until the close of polling on the 6th of April 2017. A final report of the AUEOM's assessment will be released within two months after the official announcement of the results.

II. OBJECTIVE AND METHODOLOGY

6. In fulfilling its mandate, the objective of the AUEOM was to make an independent, impartial and objective assessment of the 6th of April 2017 parliamentary Elections in the Republic of The Gambia.
7. From the 1st to the 3rd of April 2017, members of the mission underwent a three day briefing and orientation programme on AU observation methodology, its

observer code of conduct and briefing by stakeholders. The observers were deployed in 13 teams to the 7 administrative regions of the country.

8. In their areas of deployment, observers further consulted with key stakeholders including Election Commission officials, the Police, Civil Society Organisations and political party representatives to assess the level of preparedness of the electoral processes in those areas.
9. At the national level, the Head of Mission also held high-level consultations with national stakeholders such as the Police, IEC, and civil society representatives. He also met with representatives of the international community and heads of other international election observer missions.
10. On Election Day, AU observer teams visited 159 polling stations across the country where they observed, opening, voting, closing and counting processes. The observers were equipped with smart tablets to capture and transmit real-time observation data to the Mission headquarters.

I. SUMMARY OF FINDINGS

a. Political Context

11. The 2017 elections are taking place against the backdrop of the political impasse that followed the 2016 presidential elections that brought an end to President Yahaya Jammeh's 22 year rule. These elections are significant as they are the most genuinely competitive elections to be held in the country since the 2002 National Assembly elections. After the 2002 elections, the political space shrank and in the past 5 years, the space for dissent and opposition was almost non-existent. The number of contestants in the 2017 National Assembly Elections is an indicator that the political space has opened up.
12. In its assessment of the context, the AUEOM noted that the political and electoral environment was generally calm, despite isolated incidents reported in places such as Talinding, Sotukonding and some others. These were reported by the "National Election Early Warning and Response Group (NEEWARG)". These minor incidents were confrontations between party supporters in reaction to hate speech and inciting language.

b. The Electoral and Legal Framework

13. The AUEOM assessed Gambia's constitutional and legislative framework as compliant with the regional and international norms and standards for democratic elections for the following reasons: it provides a Bill of Rights, enshrines the principle of separation of powers, provides for the conduct of regular elections by universal adult suffrage as the basis for transfer of power, it provides for the

establishment of an independent election management body and provides for fair hearing of electoral appeals.

14. The Mission further noted with satisfaction the new Elections (Amendment) Act, 2017 that reduced the required deposits for candidates. The March 2017 amendment Act repealed the December 2015 amendment which had increased the deposit for candidates in National Assembly elections from 5,000 Dalasis to 50,000 Dalasis. The AUEOM notes that the March 2017 amendment further opened up the political space for the 2017 National Assembly Elections as it reverted to the previous amount of 5,000 Dalasis.
15. The AUEOM assessed the electoral system as sufficient basis for the conduct of competitive elections. It however noted that the system could be more inclusive through the introduction of affirmative action for vulnerable groups such as women and persons with disability.
16. The AUEOM however notes that the legal framework does not adequately address the issue of public party and campaign funding. The AUEOM therefore reminds State of its Commitments in article III (g) of the AU Declaration on the Principles Governing Democratic Elections.
17. The Gambia's National Assembly has 58 seats out of which 53 are directly elected. The President of the Republic has constitutional powers to nominate the remaining 5 Members of Parliament from amongst whom the Speaker and Deputy Speaker are elected by the MPs. The AUEOM in its assessment of this constitutional provision, considered it as inconsistent with the principles of separation of powers and the basic democratic principle of direct election of the people's representatives.

c. Electoral Administration

18. The Independent Electoral Commission (IEC) of The Gambia is constitutionally established as an independent and impartial institution vested with the responsibility to conduct, manage and supervise elections and referenda. The Commission is also responsible for monitoring financial disclosure by political parties.
19. The AUEOM takes note of the effort by the IEC to ensure that the 2017 National Assembly Elections were transparent and credible through its implementation of necessary electoral reforms pursuant to the recent Electoral Act amendments and constant engagement with stakeholders throughout the process. The Mission observes that the IEC was adequately prepared for the 2017 polls.
20. In its consultation with Gambian stakeholders, the AUEOM also notes with satisfaction the confidence of stakeholders in the IEC's capacity to conduct impartial elections. This contributed to an environment of trust and serenity during the pre-election period.

d. Voter Registration

21. The AUEOM notes that the IEC is responsible for voter registration. The 6th April 2017 National Assembly Elections, was based on the voter registration exercise that was conducted in January-March 2016. There were concerns that citizens who turned 18 since the last registration exercise did not get an opportunity to exercise their franchise. Furthermore the register was not updated to delist deceased voters. The AUEOM notes that the issue could have been addressed through a continuous voter registration programme.

e. Nomination of Candidates, Registration of political parties

22. The AUEOM notes that the qualifications for membership of the National Assembly as set out in articles 89 and 90 of the Constitution are sufficient and non-restrictive.

23. The 2017 National Assembly Elections were contested by a total of 238 candidates. Of this number, 42 were independent candidates while the others were presented by 9 registered political parties. This is the highest number of candidates in the history of legislative elections in The Gambia.

f. Election Campaigns

24. The AUEOM observed the last days of political campaign activities and noted that they were generally peaceful. However, it notes isolated reports of incidents of confrontation, intimidation, and use of intemperate language as gathered from the NEEWARG report.

25. The AUEOM is however satisfied with efforts by stakeholders such as the National Council for Civic Education (NCCE) to ensure that citizens and political parties embark on peaceful and issue-based campaigns.

g. Gender and Inclusivity

26. The AUEOM observed generally high women's participation as polling staff, party agents and voters. However out of 238 candidates, there were only 18 women, representing 7.5% which is far below the 30% threshold for women political representation as set by regional and continental benchmarks.

27. As a signatory to the United Nation Convention on the Elimination of all forms of Discrimination against Women and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, and in compliance with the Women Act of 2010, The Gambia is expected to provide an enabling environment for more women's political participation and representation in key decision-making structures.

28. The AUEOM noted that the minimum age limit of 21 years, set as part of the qualification for candidature in the National Assembly Elections opens the space for youth participation and representation.

29. The participation of persons with disability in the electoral process remains a challenge in the Gambia that should be assessed and addressed in future.

h. The Media

30. The Gambian media landscape is dominated by the national broadcaster, Gambia Radio and Television Services (GRTS), which can be heard throughout the country. There is a growing number of private commercial and community radio stations. There are thirteen registered newspapers though only eight are operational and all the newspapers are in English.

31. The AUEOM further notes that the public broadcaster provided access to all contesting candidates and parties. Candidates also resorted to online media complemented by the social media particularly Facebook and WhatsApp. The Mission commends the use of peaceful campaign messages in most media outlets and the overall compliance of the media with the media rules issued by the IEC with reference to section 93 and under section 134 of the Elections Act.

i. Election Day findings

32. On Election Day, AU observer teams visited a total of 159 polling stations across 48 constituencies in the 6 administrative regions of the country where they observed the opening, voting and closing procedures. 54% of the polling stations observed were in rural areas.

33. The AUEOM commends the peaceful conduct of the election in all the stations visited.

➤ Opening of the Poll

34. The AUEOM observed the opening of the poll at 13 polling stations. All teams reported that the stipulated opening procedures were followed and all stations visited opened on time.

35. Election materials were available in time for the opening at 08:00hrs at all the stations visited. Observers reported queues at all polling stations prior to the opening, but queues did not build up later in the day.

36. The AUEOM however notes that the red serially numbered seals were not in sufficient quantity for the opening and closing procedures. This necessitated the use of wire cables to seal the ballot drums. Considering that the counting was done on the spot, the AUEOM notes that the use of less than 4 seals did not impact on the overall integrity of the process.

➤ **Polling Stations**

37. The AUEOM observed the voting procedures at 146 polling stations. The AUEOM noted that 95% of the polling stations visited were accessible for the elderly and persons living with disabilities.
38. In all the stations visited, the layout of the polling station promoted the smooth flow of voters. Party agents and observer groups were able to clearly witness the voting process in all the stations visited.
39. The layout of the polling stations also guaranteed the secrecy of the ballot except in 3 isolated cases where the windows of the rooms used as voting compartments were left open to provide light in the voting compartments.

➤ **Voting Process**

40. The AUEOM observed the voting process at 146 polling stations. In general, observers were satisfied with the smooth voting process in all the polling stations visited. The process was conducted in an orderly manner without incidents or major complaints.
41. The stipulated voting procedures were followed in all the voting stations visited. It was further observed that some voters faced challenges in identifying their assigned polling stations. In most cases, such voters were assisted by party agents and the polling assistants.
42. In instances where the elderly, persons with disability, expectant and nursing mothers were present, they were given priority. Furthermore, in instances where voters required assistance, they were provided such assistance. In most cases, the presiding officer provided such assistance. While the AUEOM notes the efforts made to provide for persons with disability, it is of the opinion that more could be done to ensure that the secrecy of their ballot is guaranteed in future elections.
43. No form of irregularities was observed in all the stations visited.
44. The AUEOM assessed the Gambia voting system as peculiar, unique and voter-friendly. The system was also assessed as very efficient as the average processing time per voter was less than a minute.
45. The AUEOM further noted that the adoption of a standard voting system in the Gambia has contributed to the professionalism of the electoral process as officials have become familiar with procedures over time.

➤ **Voter Turnout**

46. The AUEOM noted specifically the low voter turn in some regions like Banjul, Brikama and Kanifing.

➤ **Polling Personnel**

47. In all the polling stations visited by AU observers, the full complement of staff was present and they were easily identifiable. The AUEOM also notes the high representation of youth and women among the polling staff, specifically, 52.63% of polling officials in polling stations visited were women.
48. In most of the stations visited, the AU observers reported that the staff performed their duties competently, and in accordance with the laws and electoral regulations of The Gambia. However, the level of competence displayed during the counting process was lower at some stations. Presiding officers were unwilling to respond to queries from international observers in a few stations.

➤ **Party Agents and Independent Observers**

49. All polling stations (100%) visited were monitored by political party and candidate agents. The agents demonstrated a good knowledge of their duties. 34% of party and candidate agents in the stations visited were women.
50. Citizen observer groups were present in 23% of the polling stations visited. The AUEOM considers the presence of citizen observers as critical for confidence building and their presence should be improved in future elections.

➤ **Security Personnel**

51. The Mission notes that ahead of the elections, there were security concerns, considering the post-election political impasse of that followed the December 2016 election and the high number of election 'hotspots' identified by the NEEWARG. To secure the elections, over 3000 police officers were deployed across the country to cover the 1,422 polling stations on Election Day. The high level of security preparedness and measures put in place, which contributed to the general peaceful conduct of the elections, contributed to the peaceful polls.
52. The AUEOM assessed the conduct of police officials on Election Day as discreet and professional in 98% of the stations visited. In the other 2%, their conduct was considered as intrusive but not intimidating.

➤ **Closing and counting process**

53. The AU observers were present at the closing and counting procedures at the same 13 polling stations where they witnessed the opening. All the stations visited closed at 1700hrs as stipulated.
54. AUEOM notes that the reconciliation of the ballot tokens was not done in a standard and consistent manner, especially the requirement to reconcile the unused and invalid tokens before opening the drums. It notes that opening the ballot drums before counting the unused and invalid tokens opened the process to some discrepancies that were resolved.

55. Overall, the counting process was assessed as open and transparent as it was conducted in the presence of observers and party agents and the results were pasted at the polling stations. The AUEOM also commends the introduction of on-the-spot counting as it promoted the transparency and credibility of the process.

56. The counting was undertaken without complaints or interference in all the stations visited and party agents accepted to sign the results.

➤ **Results Collation Process**

57. AU observers visited three selected constituency collation centres. It was noted that the process took place under poorly lit conditions which posed a challenge to the process.

II. RECOMMENDATIONS

58. Based on the aforementioned findings, the AUEOM makes the following recommendations in order to improve future electoral processes in The Gambia:

59. To the Government and National Assembly:

- Consider the introduction of appropriate affirmative action measures, such as quotas, to enhance the participation and representation of vulnerable groups like women, youth and persons with disability;
- Consider provision of public political party and campaign funding in order to assure a level playing field;
- In the interest of democratic best practices, it is recommended that all members of the assembly are directly elected by the people as their representatives;
- Provide adequate and timely funding for institutions involved in the electoral process such as the IEC, NCCE and the police to further strengthen their capacity;

60. To the Independent Electoral Commission (IEC):

- Undertake measures to reinforce training of polling personnel with particular emphasis on the counting process to ensure that standard counting procedures are followed in all the polling stations;
- Review the voter education campaigns conducted ahead of the 2017 elections to draw lessons on how to improve the sensitisation and mobilisation of voters in future elections for improved turnout;

- Encourage more equitable, fair and unbiased coverage by the media throughout the election period;
- Undertake efforts to introduce the continuous registration of voters to address the concerns about new and deceased voters;
- Improve the signage at polling stations to enable voters easily identify their polling stations;
- Make provision for improved lighting in the voting compartments and at the collation centres;

61.To Political Parties:

- Encourage all members of their respective parties to participate in political activities in a peaceful manner, observing all laws and regulations during such activities;
- Refrain from intimidation and violent rhetoric during campaigns;
- Channel any disputes regarding the electoral outcomes through the appropriate legal channels as per the Gambian legal framework.
- Take more responsibility for voter education and mobilisation to address the low turnout of voters that was observed during the elections.
- Introduce affirmative action within party structures and constitutions to promote the participation and representation of vulnerable groups such as women, youth and persons with disability in the electoral process;

62.To the NCCE:

- Undertake effective measures to sensitise and mobilise voters for elections to address the low voter turnout observed during the 2017 National Assembly Elections.

63.To Civil Society Organisations

- Improve coordination and partnership with the IEC and NCCE for effective civic and voter education
- Improve the coverage of citizen observers in future elections

III. CONCLUSIONS

- The Mission believes that the 2017 National Assembly elections constitute an important historical moment towards sustainable democracy in The Gambia in line with the 2007 African Charter on Democracy, Elections and Governance.
- The AUEOM commends the people of The Gambia for their commitment to upholding democracy as demonstrated by their conduct during the 2017 elections, notwithstanding a few isolated pockets of tensions during the campaign period.
- Equally commendable are the efforts made by all political parties and candidates, who demonstrated leadership by committing themselves to peaceful elections despite the fact that the MoU of the Inter Party Committee has not yet been signed. The AUEOM also appreciates the role played by the security agencies in providing election security.
- The AUEOM commends the IEC for its professional conduct of the elections considering the events in the months before the elections and the time constraints faced by the Commission. It further commends the IEC for measures undertaken to enhance the integrity and credibility of the elections aimed at safeguarding the legitimacy of the election outcome in conformity with the 2007 African Charter on Democracy, Elections and Governance.
- The AUEOM calls on the government to focus on national reconciliation in view of the events of December 2016 to January 2017. It encourages the people of The Gambia to tow the path of peaceful coexistence with mutual respect for religious, ethnic and political differences.