



The Commonwealth

INTERIM STATEMENT

CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP

HIS EXCELLENCY OLUSEGUN OBASANJO

FORMER PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA

Banjul, 6 December 2021

INTRODUCTION

The people of The Gambia, members of the media, fellow observers, members of the diplomatic corps, ladies and gentlemen. Thank you for coming to this Commonwealth Observer Group Press Conference.

The Commonwealth is honoured to have been invited by the Independent Electoral Commission of The Gambia to stand in solidarity with all Gambians through this significant election, the fifth presidential election under the 1997 Constitution.

Our Group, which was constituted by the Commonwealth Secretary-General, The Right Honourable Patricia Scotland QC, comprises experts drawn from the political, legal, media, civil society and electoral fields across various Commonwealth regions. We have been in The Gambia since 26 November and will depart on 9 December 2021.

We deployed our observers to all the administrative divisions of the country on 2 December to observe this Presidential Election. Our teams were stationed in Banjul, Basse, Brikama, Janjanbureh, Kerewan and Mansakonko.

Prior to our deployment, we were briefed by various stakeholders, including the Independent Electoral Commission

(IEC), the Inspector-General of Police (IGP), political parties and candidates, civil society organisations and media houses. We also established working relationships and exchanged information with other international observers and local citizen observer groups. Our teams sought to obtain a representative sample of the process so as to enable us to arrive at a broad overview.

This is an interim statement, and as such provides an initial assessment of our key findings and initial impressions of the exercise.

The final report, setting out our full findings on the entire process and our recommendations in greater detail, will be submitted to the Commonwealth Secretary-General.

PRE-ELECTION ENVIRONMENT

I would like to begin by highlighting a number of positive aspects of the environment in the lead up to these elections.

Let me begin by commending the IEC for conducting this election, despite the great difficulties imposed by the impact of the COVID-19 pandemic globally. We note that various COVID-19 mitigation measures were put in place by the IEC to ensure that these elections were conducted safely and securely, though we note some challenges were encountered, which I will comment on shortly in our assessment of Election Day.

Other features of the electoral process are also worthy of commendation, such as the marble system of voting. I will comment on this shortly.

We note the peaceful environment that has prevailed in the pre-election period. We commend the various commitments by political parties to foster a peaceful environment in the lead-up to the 2021 Presidential Election. These included adherence to the Inter-Party Committee's Memorandum of Understanding,

the signing by all 18 parties of the Janjanbureh Peace Accord on 25 September, as well as the commitment by all presidential candidates to a Code of Conduct, which they signed on 11 November. It is our hope that they will continue to live up to these commitments even in the post-election period.

Constitutional and Electoral Framework

While the electoral framework does largely provide for competitive democratic elections, it is noted that the legal framework for these elections has remained unchanged since the previous election in 2016, and that unsuccessful attempts were made to implement a number of constitutional and electoral reforms.

We nevertheless note and laud efforts at taking forward some reforms, which include:

- The enactment of the Access to Information Act, assented to by the President on 1 July 2021;
- The establishment and appointment of members of the National Human Rights Commission (NHRC), when it became operational in 2019;
- The independence granted to senior management of the national radio and TV, to assure free and equal coverage to candidates;
- Enhancement of the functional independence of the IEC, so that it only reports to the National Assembly.

Our role as Observers is also to look at areas where we might be able to provide recommendations for improvement.

Preparations by the Independent Electoral Commission (IEC):

Prior to Election Day, the IEC had provided assurances of its preparedness and readiness to conduct the election as scheduled, including recruitment and training of polling staff, distribution of materials and other logistics. The early adoption of an election calendar is to be commended and contributed to a well-managed process. It was also laudable that the IEC made available disaggregated data on some key aspects of the process, for example, a breakdown of the gender of registered voters.

The IEC took the Group through the process: registration, election preparedness, voting exercise, and result tallying. The Group was satisfied that many aspects of the election could be conducted in a professional manner. However, some concerns were conveyed to our Group during our various consultations with stakeholders, about the capacity of the IEC, as well as their communication strategy. We will provide recommendations on improvements that can be made in our final report.

We note that the judiciary enjoys a high level of confidence among Gambians. As an illustration of its independence, a number of petitions filed by some candidates who were unsuccessful during the nomination phase against the IEC were ruled in their favour.

The Campaign

The Group was able to observe some campaign rallies, which were colourful, robust and peaceful. We commend the IEC and Police initiative to implement a campaign schedule to allow each presidential candidate's supporters to have sufficient time and space for their supporters to campaign freely. While noting that there were a few minor incidents, this scheduling has by and large contributed to a peaceful process.

We commend the efforts made to provide security for all the presidential candidates throughout the campaign period.

Our Group notes alleged reports of vote-buying by some candidates and political parties. We also noted some use of hate speech and inflammatory language during campaign events and on social media. Elections Watch observers also reported an increase in the visibility of civic and voter education efforts by the IEC, NCCE, CSOs, and others ahead of the 4 December polls.

Media

The general feeling is that the media's responsibility to educate and inform citizens was an improvement as compared to previous elections.

The Group notes that press freedom is generally respected as provided by the constitution; the press seemed to be free to cover the campaigns and election without intimidation. This, too, is an improvement on previous elections. The Gambia has come a long way.

However, media stakeholders reported a lack of adequate media access to the IEC. This could have contributed to a lack of clarity in the country on certain issues and fuelled pockets of misinformation and disinformation - especially on social media.

It is recommended that the IEC sets up a robust communication unit that the public and press can send complaints to, as well as seek clarifications on issues pertaining to elections.

Media stakeholders also raised concerns about the use of hate speech and inflammatory language by senior politicians during the campaign period.

We encourage political parties to adhere to all aspects of the code of conduct, to report abuses to the IEC and for the IEC to act on those complaints.

ELECTION DAY

Polling environment

Each of our teams was present for the opening of the polling stations and observed throughout the day as many polling stations as possible. We watched the closing of the voting. Where possible, our observers tracked the process of conveying the ballot drums to the counting centres and watched the counting. We were impressed by the enthusiasm with which the Gambian people exercised their democratic rights. We noticed that even before 8 am, voters queued up at polling stations in a peaceful and orderly manner.

Opening of Polls

Our observers reported that the opening of polls generally occurred on time and that all pre-poll procedures were, on the whole, adhered to.

Conduct of the Polls

Polling staff were efficient, meticulous, and highly transparent in the conduct of their duties.

While noting that concerns were raised in some instances surrounding the issue of marbles not fitting into the mouths of ballot drums, it was noted that the IEC acknowledged the problem and instructed polling staff to address it. This is an issue we will reflect further on and consider offering recommendations on how to address it, if necessary.

COVID-19 Protocols

While COVID-19 protocols were adhered to by polling staff, it was noteworthy that this was not always the case by the voters.

Participation

Large numbers of voters were witnessed voting, and it was pleasing to note the significant presence of women and youth among voters and polling staff.

Priority voting

Priority was accorded to pregnant and lactating women, persons with disabilities, and others, though this was managed inconsistently, with some stations having separate queues for priority voters, while others did not.

Party agents

Party agents were present in all polling stations observed and were diligent in the conduct of their duties.

Security

Security was present at every polling station observed. They were professional and carried out their duties diligently. Observers noted national security personnel deployed in most of their areas and they should be commended for their role in maintaining peace during this period.

Secrecy of the ballot

Due to the unique nature of voting, it was noted that polling booths were sealed off with curtains to ensure the secrecy of the ballot. This was satisfactorily implemented in most cases.

Citizen and International Observers

We would like to thank all international and domestic (citizen) observer groups we met on Election Day for the cooperation and exchange of views on the unfolding process.

Situation Rooms

As Chairperson, I visited the Election Situation Room at the Coco Ocean Hotel, run by the CSO Coalition on Elections in partnership with WANEP, ECOWAS, UNOWAS and the Gambia National Human Rights Commission. Some of our observers also managed to visit other situation rooms, including the information centre operated by Elections Watch with support from NDI. These initiatives should continue to be encouraged, as they enhance transparency and provide a national perspective on key data emerging from the electoral process, especially on Election Day. This instils a level of confidence in the electoral process.

Close and Count

It was observed that those who were in the queue at the 5pm close of polls were allowed to vote.

The close and count followed due process, with a high degree of transparency, for which the IEC and its polling staff should be commended.

CONCLUSIONS AND POST-ELECTION PERIOD

I commend the people of The Gambia for the largely peaceful, calm and orderly manner in which they cast their vote on 4 December. I also wish to acknowledge the IEC for its efficient conduct of the polls across the country.

The people of The Gambia have once again demonstrated patience and commitment to their democracy.

We appeal to them to maintain the same commitment in the post-election period, and as The Gambia prepares to return to the polls in April 2022 for the legislative elections.

It is the view of the Commonwealth Observer Group that this election was conducted in a credible, transparent and inclusive manner. We congratulate and commend the people of The Gambia for reaffirming their faith in the principles of

democracy. Despite the various areas where we have recommended improvements for future elections, it is our considered assessment that they did not materially affect the conduct of this election.

The Gambia's unique marble voting system has once again allowed all Gambians who voted to do so in a transparent manner. While we note that there are different views on the value of this system, we therefore urge further dialogue to ensure that all Gambians are able to reflect thoroughly on this, as well as other areas, within the context of the unimplemented reforms that will need to be addressed in the next electoral cycle.

As the results process has now concluded, we hope that the peaceful atmosphere that has prevailed thus far throughout the electoral process will continue. We reiterate our call on all political parties, their candidates, their supporters and other stakeholders in the electoral process, to continue to show restraint and magnanimity and to uphold their pre-election commitments to peace with the same spirit of national solidarity. We believe the people of The Gambia deserve that from their elected representatives.

The Commonwealth will remain engaged with the people of The Gambia in the journey to support all efforts in consolidating their democracy.

Let me conclude by reiterating the desire that all Gambians, especially the candidates who contested the presidential election, continue to uphold their commitment to peace.

It was a special honour for me and my team to be in The Gambia at this important time and we thank you for your hospitality. We trust that our work will contribute to the strengthening of

democracy, good governance and the rule of law in The Gambia.

We continue to follow the process and our final report containing our conclusions and recommendations will be made public in a few weeks. We hope that our recommendations will be helpful to all stakeholders in strengthening democracy in The Gambia.

I thank you.

Ends.