

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.