



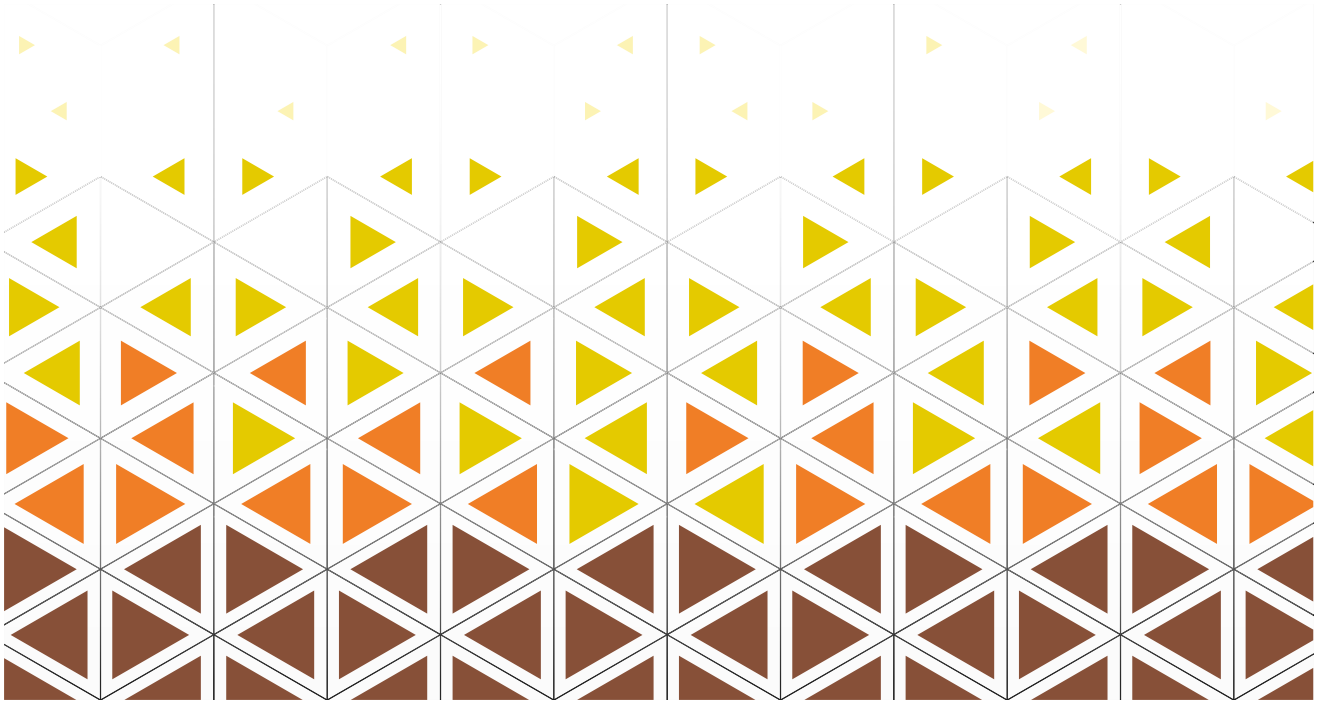
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Mission Report

ECONEC Post-Election Follow-up and Needs Assessment Mission.

12 - 16 July 2021 – Banjul, The Gambia

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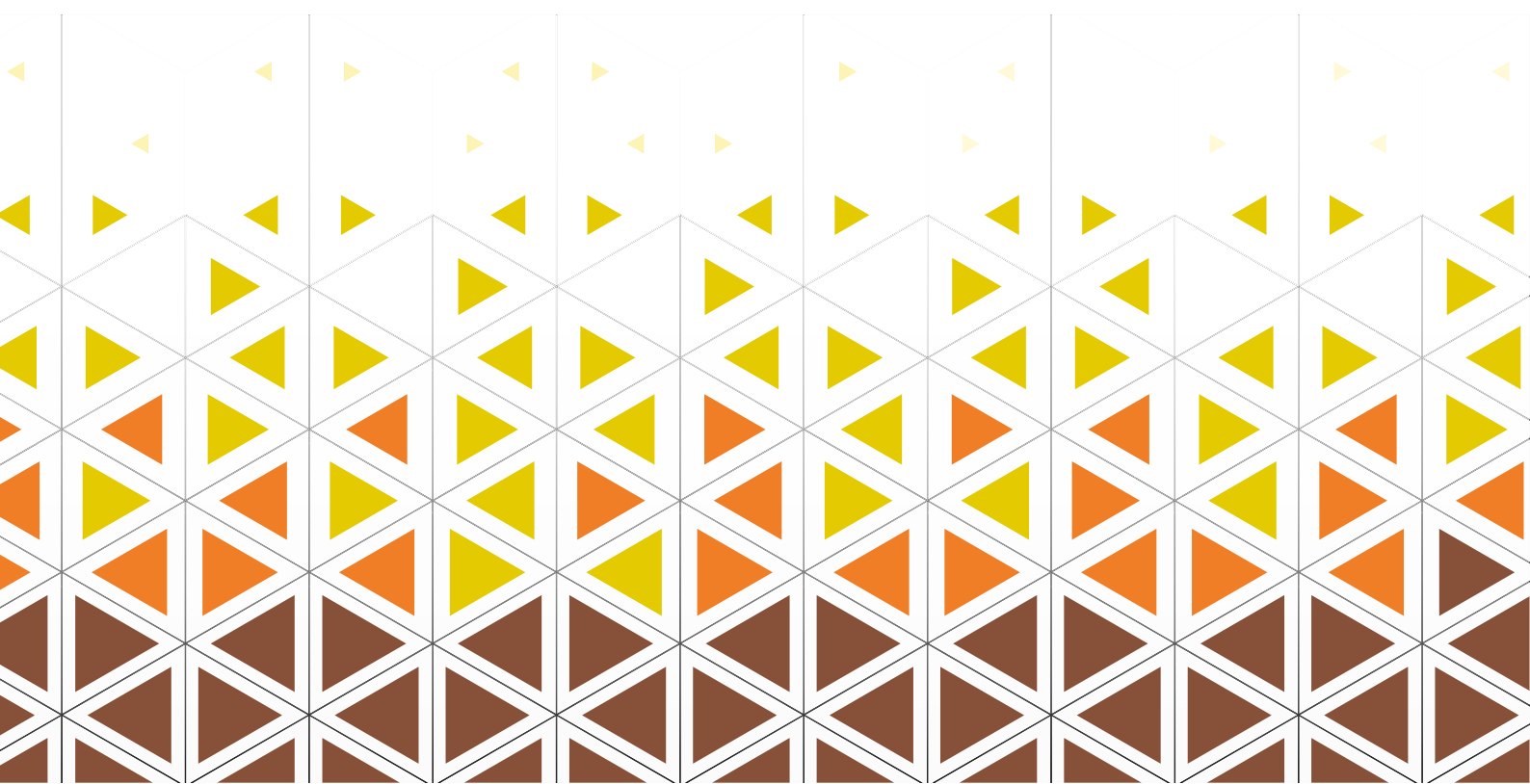
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Abbreviations and Acronyms

APRC

Alliance for Patriotic Reorientation and Construction

CSO

Civil Society Organization

ECONEC

ECOWAS Network of Electoral Commissions

ECOWAS

Economic Community of West African States

EISA

Electoral Institute for Sustainable Democracy in Africa

EOM

Election Observation Mission

EPSAO

ECOWAS Peace and Security Architecture and Operations

GSOD

Global State of Democracy Indices

GiZ

Deutsche Gesellschaft für Internationale Zusammenarbeit

IDEA

(International) Institute for Democracy and Electoral Assistance

IEC

Independent Electoral Commission

IFES

The International Foundation for Electoral Systems

IPC

Inter-Party Committee

NCCE

National Centre for Civic Education

OCV

Out-of-Country Voting

PEFM

Post-Election Follow-up Mission

PWD

Persons with Disability

SSR

Security Sector Reform

TRRC

Truth, Reconciliation and Reparation Commission

UDP

United Democratic Party

UNDP

United Nations Development Programme

Executive Summary

During the 2016-2018 electoral cycle in the Gambia, ECOWAS deployed a Pre-Election Fact-finding Mission, and afterwards, an Election Observation Mission (EOM). The deployment of these Missions is premised on the recognition of election as a critical tool for democratic stabilization, consolidation and advancement.

Now, ahead of the 2021-2023 election cycle, the Post-Election Follow up and Needs Assessment Mission, undertaken by the ECOWAS Network of Election Commissions (ECONEC), is to assess the progress made since the previous electoral cycle, identify gaps and recommend remedies.

The Mission was led by the Chairperson of the National Electoral Commission (NEC), Sierra Leone, Mr. Mohamed Konneh; and included staff of the ECONEC Secretariat, with support from ECONEC's technical partners - International IDEA and Electoral Institute for Sustainable Democracy in Africa (EISA).

The Gambia is a transitional democracy with a political history spanning nearly six decades. After the exit of the government of Alhaji Yahya Jammeh, the country is taking steps to reform the political process and strengthen state institutions. Under the government of incumbent President Adama Barrow, the Gambia has initiated constitutional, transitional justice and security sector reforms. Unfortunately, these bold steps have been met with serious setbacks. These setbacks also present severe challenges as the country warms up for electoral activities in the current election cycle that will take place between 2021 and 2023.

The Independent Electoral Commission (IEC) of the Gambia has announced dates for electoral activities for the current election cycle. The presidential election was scheduled to take place on 4 December 2021. The legislative election has been fixed for 9 April 2022, while local government polls is fixed for 13 May 2023. Other electoral activities in the current cycle include a voter registration exercise which was fixed between 10 May and 11 July 2021; and the referendum on constitution amendment which was fixed for 5 June 2021 but could not hold as a result of the setbacks in the constitution reform process in the country.

There appears to be a consensus among the stakeholders and observers of the political development in the Gambia that the setbacks in the current reform initiatives in the country would impose very serious constraints on the successful delivery of desired electoral outcomes in the current election cycle. The disagreement within the political class borders largely on the legal framework for elections, with particular implications on the certainty of the electoral laws, election system, scope of powers available for the election administration and the enabling logistics for a smooth conduct of the proposed electoral activities.

Furthermore, the IEC of the Gambia is beset with the challenge of shortfall in funding; procurement difficulties; mounting litigations by citizens and citizen groups on some decisions it took which were perceived to be illegal; and rising restiveness in the general population exemplified

by recent riots in different parts of the country and communal skirmishes during the voter registration exercise. All these are grounds for fears that the current election cycle in the country might be derailed. Given the recent electoral history and experience in the country, the current stalemates present very dire consequences for democratic consolidation cum progress and socio-economic stability in the Gambia.

As part of the early warning and conflict resolution strategy of the ECOWAS, a number of recommendations have been proposed for managing the current political impasse in the Gambia. These recommendations were delineated along the lines of stakeholders' clusters:

- For the Independent Electoral Commission, the overarching recommendation was for proper funding, especially in a timeous manner, aimed at filling the shortfalls in the subsisting approvals cum releases. There are also recommendations on capacity building especially with regards to strengthening the legal resourcing available to the IEC. This is very crucial given the mounting litigations against the Commission and the uncertainties surrounding the legal frameworks to be used for proposed elections.
- For the government of the Gambia, there are recommendations to demonstrate commitment to the success of the current election cycle by ensuring adequate approval of the budget of the IEC and commensurate release of finances to bankroll the logistics needed for the electoral activities in the current election cycle. It is also expected that the state security apparatus will not be used to intimidate voters and to harass opposition political parties as was the case in the immediate past regime.

At the end of its observation mission in the Gambia during the last election cycle, one of the two observations made by the ECOWAS EOM was for increased voter awareness and sensitization campaigns prior to elections. This was consequent on the drop in voters' participation in the legislative elections of 2017.

Given the array of political acrimonies, disputes and violent confrontations in the buildup to the forthcoming elections, there is need for even far robust voters' education, awareness and sensitization campaigns in the country. To this end, stakeholders recommended the capacitation of the Gambian National Centre for Civic Education (NCCE) and Civil Society Organizations (CSOs) to undertake very robust voter education and enlightenment campaigns to encourage citizens to perform their civic duties.

Going forward, the sub-regional, regional and international development partners have a huge role to play in ensuring peaceful, transparent and credible elections in the Gambia between 2021 and 2023. There is need for the development of an early warning and conflict resolution report and manual for the country. The manual should be reviewed from time to time as the elections approach. There is also need to strengthen and expand the current mediation efforts led by former President Goodluck Jonathan of Nigeria and supported by International IDEA to resolve the political disagreements in the country.

The resolution and or mitigation of the political tussles within the Gambian political class would be crucial in fostering the enabling space that inspires voters' confidence and faith in the coming elections. The signing of a bond on Peaceful and Non-Violent Electoral Conduct by all the political parties in the Gambia might be a major next step. In this regard, there is need to engage and strengthen the Inter-Party Committee (IPC) of the Gambia.

Introduction



In line with its mandate in the Supplementary Protocol on Democracy and Good Governance, the Economic Community of West African States (ECOWAS) has since 2001 undertaken election assessments and electoral support in its Member States through election observation and technical assistance. In furtherance of this mandate, ECOWAS adopts an electoral cycle approach to electoral assessments.

An ECOWAS Pre-Election Fact-Finding Mission was deployed to The Gambia on 14-15 July 2016 followed by a fully-fledged Election Observation Mission (EOM) from 1-8 April 2017 to observe the Gambian legislative elections. The deployment of these ECOWAS missions is in furtherance of its recognition of election as a critical element in its early warning and conflict prevention strategy within the sub-region, as provided in article 42 of the protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security and 53F of the ECOWAS Conflict Prevention Framework.

Pursuant to the goal of improving the general climate of election management and civic engagement in the Gambia, the ECOWAS EOMs deployed in the Gambia developed assessment reports that highlighted the successes, gaps and recommendations for improvement in future elections.

Key submissions in the report highlighted the need to review the timing of the presidential and legislative elections in order to reduce the cost of elections and logistics strain. The report also called for increased investment in Voter Education and Sensitization in order to enlighten The Gambian voting population on their democratic rights and duties¹

In support of ECOWAS' assessment of the electoral process in Gambia, the ECOWAS Network of Election Commissions (ECONEC) deployed a dual-purpose mission to follow up on recommendations made by previous ECOWAS Election Assessment Missions, by evaluating the progress made in the implementation of earlier recommendations; and to identify current needs and emergent challenges in electoral management in The Gambia.

The Mission also assessed the level of technical preparations for the 2021-2023 elections in the Gambia, in line with the mandate of ECONEC to promote credible and inclusive elections in the sub- region. The Mission was led by the Chairperson of the National Electoral Commission (NEC), Sierra Leone, Mr. Mohamed Konneh and included the staff of the ECONEC secretariat with support from ECONEC technical partners, International IDEA and Electoral Institute for Sustainable Democracy in Africa (EISA).

It is expected that the adoption, engagement and implementation of the ECONEC Post-Election Follow Up/Needs Assessment Mission Report would assist in putting the current democratic and electoral realities in the Gambia into objective focus. The report spotlights early warning indicators and strengthens the collective efforts towards the conduct of a peaceful, transparent, inclusive and credible elections in the Gambia ahead of the 2021 December presidential election and the legislative elections that are scheduled to take place four months later in April 2022.

Rationale of the Mission

As a transitional democracy, The Gambia has had a chequered political history. Gambia is classified as a weak, low performing democracy, in IDEA's Global State of Democracy Indices (GSOD). The country has however made commendable strides in its transition to democracy, as it has shown advancement in democratic indicators like civil liberties, parliamentary effectiveness, and judicial independence.

From a long run of democratic government under the pioneer President of the Gambia, Sir Dawda Jawara, to the military dictatorship of Yahya Jammeh, which over time morphed into an electoral autocracy, up until the December 2016 presidential election that saw a democratic transition.

Since then, The Gambia has made some efforts at political, constitutional and electoral reforms. Yet, the political landscape is largely shaped by the same factors at play before the 2016 transition, as The Gambia remains polarised along political, ethnic and religious lines.

The efforts of President Adama Barrow's government to foster national healing and reconciliation post- Jammeh's traumatic rule has been met with significant difficulties. The three major reforms initiated by the current government – the Constitutional Review Program, the Transitional Justice Program and the Security Sector Reform have been bogged in the quick sands of political intrigues informed by political and ethnic divisions. The net effect on Gambian citizens, citizen groups and democratic institutions has been quite disconcerting.

According to the IDEA's GSOD, The Gambia has made fine attempts at democratic consolidation since the assumption of political power by the incumbent President. The introduction and pursuit of far reaching political, constitutional, electoral and security sector reforms signify the intentions of the government at democratic consolidation. Yet, these efforts have suffered significant setbacks.

The resultant democratic fragility in the Gambia remains a source of concern to stakeholders across the sub-region and in the wider continent. This informed the decision to deploy the ECONEC Post-Election Follow Up/Needs Assessment Mission (PEFM) from 12 – 16 July 2021 – four years after the conduct of legislative election in the Gambia and five months to the conduct of the next presidential election in The Gambia.

The objective of the PEFM is to assess progress in the legal framework reform for elections in the Gambia and measures cum actions taken by the Independent

Electoral Commission (IEC) of The Gambia to improve the technical quality and credibility of the electoral process in the country. The mission was deployed, also, to assess the needs of the IEC in the run-up to the presidential election scheduled for 4 December 2021.

Mission Methodology

Within the framework of ECOWAS' methodology of cycle-based electoral assessment and its conflict prevention approach, the ECONEC PEFM adopted a stakeholder consultation and fact-finding engagement methodology, which entailed key informant interviews.

The consultation cum fact-finding methodology was deployed through delineation of stakeholders' clusters.

Priority was given to the Election Management Body, in this case, the Independent Electoral Commission of The Gambia which was designated as the primary interlocutor for ECONEC's peer technical assessment.

Other stakeholders consulted by the Mission include the Inter Party Consultative Committee; the National Center for Civic Education (NCCE) and the Civil Society Organizations (CSOs) especially under the auspices of WANEP (coalition of CSOs in the Gambia).

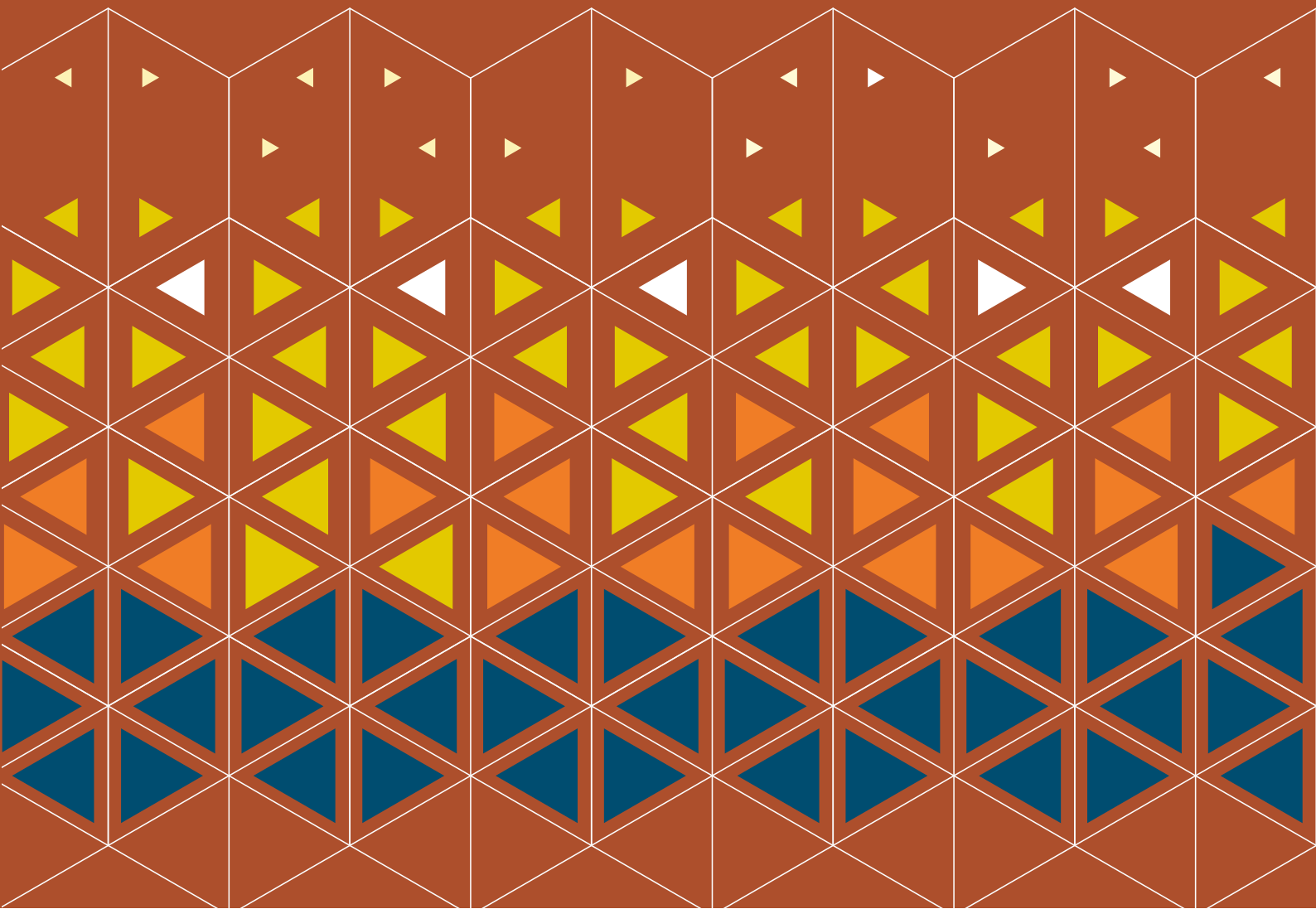
The mission also consulted international development partner organizations such as the United Nations Development Program (UNDP) and the International Foundation for Electoral Systems (IFES) who are technical partners to the IEC.

“ The country has however made commendable strides in its transition to democracy, as it has shown advancement in democratic indicators like civil liberties, parliamentary effectiveness, and judicial independence.”

2 <https://www.idea.int/g sod-indices/#/indices/countries-regions-profile>

3 Ibid

Contextual Overview of the 2021 Elections



After over two decades of the dictatorship, the political context in The Gambia is largely shaped by severe rights violations of the past which has fostered a climate of distrust and deep socio-political divisions. It was against this background that Adama Barrow made three major reform promises to Gambians when he became President:⁵

- Constitutional Reform
- Transitional Justice Process
- Security Sector Reform

The reform agenda of the Adama Barrow government flows from the need to redress the violations of the past including a climate of electoral autocracy, rights repression, rampant oppression of dissident voices and in some cases, unexplained disappearances and murder of opposition figures. The reform steps appear to have increased citizens' expectations and the demand for accountability from electoral institutions as the country gears towards electoral activities in the current election cycle.

During its consultations with the stakeholders, the PEFM observed that a significant section of the Gambian society perceived the reform agenda of the current government as not achieving the desired milestones. This has very grave implications for the successful conduct of peaceful, transparent, inclusive and

credible elections in the current cycle of elections in the Gambia.

Specifically, this is because the reform agenda has been framed into campaign issues ahead of the elections and could form the basis of violent protests and propaganda.

Constitutional Reform

The Constitutional Review Commission (CRC) of the Gambia published a new draft Constitution for the Gambia. The draft was formally presented to President Adama Barrow on 30th March 2021⁶.

The Draft Constitution which received broad based input from citizens and citizen groups within and outside the Gambia and international assistance from democracy support institutions, reflects the following major provisions in line with what is considered as the social and democratic aspiration of the average Gambian:

- Electoral legal reforms and relevant constitutional amendment including a maximum of two five-year term limit for the president. This amendment improves the provisions of the 1997 Gambian Constitution which did not provide for term limit, and in the view of many citizens, bred electoral autocracy, rights violations, official corruption

and the destabilization of democratic institutions that characterized the immediate past regime.

- Constitutional provisions, especially in chapter six of the draft Constitution, that preserve a republican system of governance in The Gambia, in a manner that promotes the country's values and respect for the rule of law, respect for human rights, the separation of powers and periodic holding of elections based on universal adult suffrage.
- Provisions for the continued existence of the Gambia as a secular state whereby all faiths are treated equally and fairly and encouraged to foster national cohesion and unity.

Owing to inter-party animosity, especially between the political party of the incumbent president – the National People's Party (NPP) and the main opposition party – the United Democratic Party (UDP), the Gambia is on the precipice of a major constitutional crisis.

The political feud was triggered by the decision of the incumbent president to renege on his promise not to contest the next presidential election. The battleground of the political dispute appears to be the current efforts at constitutional review. The major issue in contention is the provision in the new draft Constitution for two term limits for the president, with a retroactive clause to it.

The incumbent president is said to desire that the term limit should not be retroactive to cover his current five years' term in office as Gambia's president. The main opposition party – the United Democratic Party – is opposed to this, festering a dangerous political limbo in the Gambia.

Transitional Justice Process.

President Adama Barrow in October 2018 inaugurated the Truth, Reconciliation and Reparation Commission (TRRC) as a major plank of his administration's Transitional Justice Process. He also established the Janneh Commission which was given the mandate to recover funds that were corruptly acquired by previous regimes. The TRRC was given a two-year mandate to investigate and establish a record of the nature, causes and scope of human rights violations committed under the previous government between July 1994 and January 2017.

The TRRC commenced full activities in January 2019. Within one year of its activities, the Commission received 220 public testimonies including 40 from alleged rights violators and an additional 462 victims' and perpetrators' declarations. This was not unexpected as opposition and dissident voices were previously silenced, with many opposition figures either jailed, tortured or killed⁷.

The work of the Truth, Reconciliation and Reparation Commission also includes specific gender-related considerations to address gender-based violations such as rape and sexual harassment by security agents and government officials.

Accusations of bias has trailed the work of the Truth, Reconciliation, and Reparation Commission (TRRC). Many leaders of the political party of the immediate past government, the Alliance for Patriotic Reorientation and Construction (APRC), have alleged that the TRRC is only a witch hunt desperate to nail members of the former regime.

5 Constitutional Review Commission, Law Hub, The Gambia

6 President Barrow Receives Final Draft of New Constitution, The Voice, March 31, 2020

There have been allegations of bribe-for-witness by the members of the APRC against some of the victims that have testified at the TRRC. Even members of the now disintegrating ruling coalition have also levelled allegations against the TRRC, insinuating that some of the testimonies on the misconduct of former President Yahya Jammeh were only smokescreens to score cheap political points and gain partisan advantage in lieu of the upcoming internal party contestation for the general election.

The outrage on bias and partisanship against the work of the TRRC has been further strengthened by the decision of TRRC Executive Secretary, Dr. Baba Galle Jallow and Lead Counsel, Mr. Essa Faal to resign and join the race for the presidential job in the December 2021 election. Not a few commentators in The Gambia believe that their actions have tainted and betrayed the work of the Truth, Reconciliation and Reparation Commission as being political motivated. This development further charges an already overcharged political temperature in The Gambia.

Currently, there are genuine and widespread fears that given the increasing political polarization in the Gambia and recent events around the key figures in the TRRC, the Commission might not be able to turn in a report that would be accepted by many Gambians and within the life span of its work.

There are also concerns of the availability of funds to pay reparation to victims of the years of Jammeh's misrule. This is especially in the background of dwindling resources worsened by the impact of the COVID-19 pandemic and the slow implementation of the Janneh Commission

which as part of the Transitional Justice Process investigated and indicted former President Yahya Jammeh on different counts of financial misappropriation and embezzlement of public funds.

Government has tried to douse such concerns by assuring the victims that the ongoing recovery and sale of about 281 assets confiscated from Jammeh would be used to offset victims' claims and judgement awards for reparation and rehabilitation.

Security Sector Reform.

As part of addressing the wrongs and rights violations that were perpetrated under the Jammeh rule and in furtherance of Gambia's stabilization process, President Adama Barrow has also set in motion a Security Sector Reform (SSR).

The program which commenced in September 2017 was established with the objective of creating an effective, efficient, responsive and responsible security sector under conditions of democratic control and oversight. It was established in coordination with the Economic Community of West African States (ECOWAS) Mission in The Gambia, the African Union (AU) and the United Nations (UN). ECOWAS, the African Union and the United Nations are all members of The Gambia SSR steering committee.

In the span of its life, the SSR initiative has developed the first national security policy. Some of the key thrusts of the Gambia's Security Sector Reform Policy include the downsizing of the Gambian army. This is perhaps a response to the self-serving agenda of the immediate past government

to deinstitutionalize the Gambia Armed Force through the 1996 amendment of the Gambian Constitution which did not only expunge the clause of two-term limit for the president but also effectively hamocked the accountability roles of the military exclusively to the president and commander-in-chief¹⁰. Article 181 of the Constitution was amended to read:

"...without prejudice to his or her power and authority as commander-in-chief, the president may give Force-Commander directions with respect to the operational use of the commander's force in The Gambia for the purpose of maintaining and securing public safety and public order, and the Force Commander shall comply with those directions."¹¹

The reform of the Gambian security sector is under pressure from the fragility of the constitutional and justice sector reform. The unease of some members of the armed forces who are mainly from former President Jammeh's Dialo ethnic group is a potential source of trouble. There are indications that disenchanted individuals within the Gambian security institutions might take advantage of political unrests to undermine the democratic process in The Gambia.

Furthermore, the continued retention of some key actors in the immediate past government in the Gambian military signposts serious threat to constitutional order in the Gambia. Many of the members of the armed forces accused of serious rights violations have refused to cooperate with the Truth, Reconciliation and Reparation Commission. Their actions appear not only to undermine the current Transitional Justice Program but also derail the work of the Security Sector Reform¹²

10 Security Sector Governance in West Africa
11 1997 Amended Constitution of The Gambia
12 International Center for Transitional Justice Report on the Gambia

8 Monthly Progress Report on Preparations for The Gambian 2021 – 2023 Election Cycle. Aji Adam Ceesay

9 Security Sector Reform Backgrounder, Geneva Centre for Democratic Control of Armed Forces, DCAF (2009)

Overview of Preparations for the 2021-2023 Elections

In line with the requirement of the Gambian Electoral Act, the Independent Electoral Commission in a memo dated 13 July 2020 released the calendar for the 2021 – 2023 election cycle. The presidential election is fixed for 4 December 2021¹³.

The parliamentary elections are scheduled to be held on 9 April 2022 while the local government election is fixed for 13 May 2023. In between the elections, there is the referendum on constitution amendment and the voter registration exercise scheduled to be held on 5 June 2021 and 14 January – 26 February 2021, respectively.

In all, there are five major electoral activities for the 2021 – 2023 electoral cycle in the Gambia. They include the voter registration, constitutional referendum, presidential election, parliamentary election and the local government election. So far, only the voter registration has been successfully implemented. The timeline for the constitutional referendum – 5 June 2021 – has been missed. As already explained, this is a result of the current parliamentary stalemate on the constitutional reform process. However, the process will resume after the presidential elections.

In view are the presidential, legislative and the local government elections scheduled to take place on 4 December 2021, 09 April 2022 and 13 May 2023. There are fears that the schedules for these elections might run into hitches.

This is due to a number of challenges such as unavailability of funding to the IEC. Currently, there are 18 registered parties with 3 fresh applications currently being considered by the IEC and about 10 or more independent candidates likely to indicate interest to contest the upcoming elections as compared to less than 10 parties that contested in the previous elections. The surge would require additional logistics arrangement such as the procurement and transportation of additional 10,000 ballot drums due to the high number of contestants.

Voter registration was initially scheduled from January - March 2021 but was postponed due to prolonged tender processes and rescheduled between 10 May to 11 July 2021. The Commission is expected under the subsisting law and proposed amendments to conduct a fresh voter registration exercise for the current election cycle and subsequent elections.¹⁴

In order to improve the electoral process, the Commission upgraded the Biometric Voter Registration (BVR) system in which it registered a total of 987, 484 registrants, as against a total of 886,578 previously registered in 2016. Though the IEC was not able to achieve its target of 1 million registered voters, the increase in voter registration was quite significant.

Part of the improvement in the electoral process is the issuance of instant permanent

13 Gambia's Electoral Commission Announces 2021 Presidential Election Date, XinhuanNet

14 Final Report of the Retreat on Elections Bill 2021

voters' cards (PVCs) to registrants. Despite the gains made so far, there are still a number of serious challenges threatening the success of the current elections cycle in the Gambia. They include:

Logjam in the Constitutional and Electoral Laws Amendment Process.

On the 13 January 2018, President Adama Barrow assented to the Constitutional Review Commission (CRC) Act passed on 13 December 2017 by the Gambian National Assembly. The Constitutional Review Commission in tandem with Section 5 of the CRC Act started its work in June 2018 with the inauguration of CRC commissioners comprising of Justice Cherno Sulayman Jallow as chairperson, a vice chairperson and nine other members nominated by the president.

In line with Section 6 (1) of the CRC Act, the Commission was given the task of reviewing the 1997 Constitution of the Gambia and drafting a new Constitution. The CRC was also given the responsibility of developing a report of its work. The draft and the report were to be submitted to the president, and also published on independent platforms to guard against official tampering. All these were scheduled for 18 months, with a possible 6-month extension.¹⁵

The Constitutional Review Commission of the Gambia was able to draft and publish the proposed draft Constitution within the 18-month timeframe provided for in the CRC Act. In line with the enabling sections of the Act that granted it the flexibility of term extension, the CRC requested and were granted further three months extension during which it perfected the draft Constitution and formally presented same to President Adama Barrow on 30 March 2021.

Following the CRC Act, the 2020 draft Constitution was published twice in

the Government Gazette and thereafter transmitted by the president to the National Assembly. During voting at the parliament, 31 lawmakers voted for the Draft Constitution while 23 voted against it. This meant the draft Constitution failed to garner the three quarters vote needed for its passage and subsequent subjection to referendum where a 50% voter turnout and 75% 'yes' vote would effectively make the draft the substantive Constitution of the Third Republic of the Gambia.

The draft Constitution could not muster the required votes to enact it into law because of the disagreement on a retroactive clause in the draft which includes the current term of President Barrow in the two terms limit for the office of the president of the Gambia.

On the 22 March 2021, the Ministry of Justice of the Republic of the Gambia, the Independent Electoral Commission and other relevant stakeholders in the political process of the Gambia submitted to the Gambian National Assembly the draft 2020 Electoral Bill. Given the timeous nature of elections, the bill was expected to be given accelerated parliamentary consideration and passage. Unfortunately, this is not the case. Owing to sharp disagreements, conflicts and power tussle among the political parties in represented in the National Assembly, the bill has not successfully scaled parliamentary procedures.

Apparently, there is mutual suspicion among the political gladiators of what is perceived as political advantages conferred by some provisions of the Electoral Act on the political interests in dispute. Already, the power tussle in The Gambia has led to the sacking of Ouisainoe Darboe, the former vice president and leader of the UDP by President Adama Barrow. Also, some cabinet ministers who are suspected of being loyalists to Ouisainoe Darboe have also been shown the exit door. President Adama Barrow has already left the UDP and formed the National People's Party (NPP). There are also speculations of a

possible alliance between the political party of the current president and the political party of the president he ousted in the 2016 presidential polls.

The logjam in the Constitutional and Electoral Amendment process shrouds the current election cycle in the Gambia in the fog of the following uncertainties:

- **Uncertainty on the Fate of the Constitutional and Electoral Amendment Process**

The impasse imposed by the conflict in the Gambian Parliament holds very ominous signs for the current election cycle. Section 79 Part 4 of the draft new Gambian Constitution which is yet to be passed provides that the Gambian National Assembly shall not amend, repeal or introduce any law in relation to elections within a period of nine months before elections are scheduled to be held.¹⁶

This provision is consistent with Section II, Article 2 of the ECOWAS Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management,

Resolution, Peacekeeping and Security which demands that no substantial modification shall be made to the electoral laws in the last six (6) months before elections, except with the consent of a majority of political actors.¹⁷

With the current parliamentary stalemate in the Gambia, it is now almost impossible to achieve adjustment in electoral legislation before the next election cycle in the Gambia. A possible leeway out of the legal quagmire is for the stakeholders to agree to shift the elections.

¹⁶ Draft New 2020 Gambian Constitution

¹⁷ ECOWAS Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security

Yet, that is also a problem of its own as it would likely result in the extension of the constitutionally emplaced tenures of the president and members of the National Assembly – a matter that is actually at the heart of the political dislocations, disputes and intrigues in the Gambia.

- **Uncertainty about Voting Rights as Enshrined in the Legal Framework**

There are intense discussions and significant consensus by the stakeholders in the Gambian political space for some adjustment in the Electoral System in the country. Some of those adjustments include the inclusion of the different groups in the country to enshrine the right to vote and facilitate a robust representation within the political environment.

This particularly concerns out-of country voting (OCV) and is critical for many Gambians, as the brutality of the immediate past regime forced many Gambians to flee the Gambia. Hence, many of these Gambians want to exercise their franchise regardless of where they have currently taken up residence.

Earlier in 2021, the Minister of Information of the Gambia informed the public that the government had released money to the Independent Electoral Commission (IEC) to register Gambians in the diaspora to participate in the upcoming elections. Subsequently, Gambia's Minister of Finance informed stakeholders that OCV was not included in the 2021 budget. The IEC promised voter registration for OCV and even gave dates; however, currently, the IEC has made it clear that diaspora registration will not occur due to finance

and lack of legislation for diaspora voting.¹⁸

There is a subsisting judgement of the Supreme Court of the Gambia that Gambians living in the diaspora should be given equal access to register and vote in the current election cycle in the Gambia. Given recent backpedaling on OCV by the IEC, five Gambians living in the diaspora filled an ex parte motion at the High Court of Banjul seeking an Order of Mandamus to compel the Attorney General of The Gambia and the IEC to comply with the Judgement of the Supreme Court to provide for equal access to Gambians in the diaspora for registering as voters to participate in the December 2021 Presidential election. The case is pending. The outcome of the case might likely introduce new logistical and technical challenges for the timeous delivery of the current election cycle.

Another issue flowing from the recommendations of the ECOWAS Election Observation Mission in the Gambia for the 2016 – 2018 election cycle, especially the 6 April 2017 legislative election, is the proposal for legislative and presidential elections to hold on the same day. The proposal for the scheduling of the presidential and legislative elections on the same day in the current cycle of elections would require legal framework amendment and modification to electoral system. This proposed improvement is currently trapped in the stalled legal framework amendment process.¹⁹

Although there is a provision in the law that supports the inclusion of women in the political space, the provision does not reflect in the nomination processes of candidates in political parties to ensure at least the 35% representation in accordance with international principle and best practice. Another issue that came up during the Mission's consultations was on the electoral

system that best suited the context of the country, especially after the experiences over the past two decades. The current First Past the Post (FPTP) system does not seem to provide the best system of representation along socio-political, religious as well as across different demographics - youth, women and persons with disabilities (PWDs).

These adjustments to the electoral system despite reasonable level of acceptance by the stakeholders is likely to be retained thereby widening the existing gaps and inequalities.

• **Technical Capacity for Electoral Administration**

Steps have been taken in the ongoing reform of the electoral and constitutional frameworks to strengthen the independence of the Election Management Body in the Gambia. There are also efforts to define and enhance the technical capacity of the IEC. There are proposals to amend the law and give more powers and responsibilities to the Chief Executive Officer of the Gambian Independent Electoral Commission in the proposed amendment to the Electoral Act.²⁰

With the limited capacity of the IEC to respond to legal challenges, there is a concern that matters arising before courts involving the IEC could complicate its planning process. There are currently lawsuits challenging some of the recent decisions taken by the IEC.

On the issue of attestation, the institution named, the Gambia Participates and Center for Research and Policy Development (GPCRPD), which also doubles as a CSO, in partnership with the councilor of

Box Bar Ward in Banjul, on the 23 June 2021 filed a summons at the High Court against the Mayor of Banjul, Rohey Malick Lowe, the IEC and the Attorney General. The suit challenges the legality and validity of the mandate accorded to the Mayor of Banjul to issue attestations to the people of Banjul in the ongoing voter registration process.

On Tuesday, 29 June 2021, the case came to court and the Attorney General's office and the IEC were both represented. There were concerns that should the court rule against the decision of the IEC, it would impose fresh logistics challenges on the IEC in the bid to comply with the court ruling.

Further, the court ruled on 12 July 2021, that the IEC has no power to authorize the mayor to give attestation, declaring the actions of IEC as "excess of power" ²¹, that contravenes section 12 (2) (e) of the Elections Act. On the demand to scrap the over 2000 attestations already issued by the mayor, the judgement stated that only the revising court can deal with individuals' entries in the register of votes.

Hopes for improvement in electoral administration before the next cycle of elections in the Gambia also would be dependent on progress with electoral legislation and electoral system adjustments.

From its consultations with stakeholders, the ECONEC Mission gathered that there have been a number of initiatives by the IEC to adopt electronic transmission of results from the polling unit for the 2021 and 2022 presidential and legislative elections respectively.

This is generally received as an improvement from the manual transmission and collation of election results as was the case during the 2016 and 2017 presidential and legislative elections where election results were counted and tallied at the polling units and manually transferred to constituency collation centres for results declaration.

There are also plans to shelve the ten-year interval for fresh voter registration and update of the voters' roll. A cross section of stakeholders believe that continuous voter registration is better. If the proposed improvement in election management in the Gambia receives political support, it would translate to increased logistics pressure on the IEC.

There are doubts on the ability of the IEC to cope with the additional logistics strain that would come with the proposal for electronic transmission of results and continuous voter registration.

Funding Gaps.

Despite assurances by the Gambian government to provide the funds needed by the IEC to prosecute the 2021 – 2023 election cycle, there has been a recurring problem of funding shortfalls for the different electoral activities captured in the current election cycle. The impact of COVID-19 on the economy of the Gambia which is tourism-dependent has affected government revenue and could be partly blamed for the shortfall of funds available to the IEC.

18 Monthly Progress Report on Preparations for The Gambian 2021 – 2023 Election Cycle. Aji Adam Ceesay

19 Draft Report of the ECOWAS Pre-Election Fact finding Mission to the Republic of the Gambia, 14th -15th July 2016.

20 Final Report of the Retreat of the Joint Committee of the Regional Government and Lands, Ombudsman and IEC and Human Rights and Constitutional Matters on the Elections Bill 2021

21 <https://foroyaa.net/justice-mahoney-says-iec-lacks-power-to-authorize-banjul-mayor-to-give-attestation/>

In December 2020, the Gambian IEC submitted its 2021 operational budget of USD 4.8 million for voter registration to the National Assembly for approval. Out of this amount only USD 3.2 million was approved, leaving a budget shortfall of USD 1.6 million intended for the procurement of bio-metric voters' registration kits. Out of the approved funds for the IEC for voter registration, the IEC has received only USD 2 million. This includes USD 1.4 million earmarked for purchasing the software for the bio-metric voters' registration kits but did not cover the full amount.²²

The company selected to supply the bio-metric voters' registration kits and software – the ESI – was paid USD 1.5 million, representing 50% of its payment. The funding shortfall affected the timely supply of support equipment such as generators needed to power the voters' registration centers particularly in rural communities, and the printing of voters' registration forms.

The IEC's 2021 operational budget of USD 2.6 million for the holding of the presidential election, which was submitted to the National Assembly for approval, is also encumbered with a funding gap. Only USD 2.4 million was approved, leaving a funding gap of USD 204,536 intended for the procurement of stationery and election materials and miscellaneous office expenses for the presidential election.

Though, the Ministry of Finance of the Republic of the Gambia had promised to support the IEC in the submission of a supplementary budget to access the required resources.

Ancillary to the funding challenge is the issue of logistics gaps. The failure to initiate and conclude the tendering process means that the procurement of election materials and services runs at a huge risk. Given the increase in the number of political parties in the Gambia for the current election cycle, from ten political parties in the last cycle to 18 political parties and up to 10 independent candidates, there is great need for timely procurement and delivery of election materials.

The IEC, due to the expansion of registered voters and increase in the number of contesting political parties and political aspirants, has had their budget increased to accommodate expansion in election logistics including the production of 10000 ballot drums. The procurement of the materials requires time and proper planning, a luxury the IEC does not currently have. There are fears that the prevailing logistics challenge might derail the smooth conduct of the proposed elections in the 2021-2023 election cycle.

Lessons Learnt for the Sub-region

22 Critical Priority Gaps in funding for The Gambia's 2021-2023 Electoral Process, United Nations Development Programme

Overall, given the tight electoral calendar, there is need to address the issue of access to adequate funding for the IEC to focus on the preparation of the elections.

Logistics Gaps.

There are intense discussions and significant consensus by the stakeholders in the Gambian political space for some adjustments in the electoral process in the country. These include the replacement of the ten years' period for voter registration with continuous voter registration; the introduction of ballot papers and boxes to replace the marbles and drums; and the introduction of electronic transmission of votes.

There is also the challenge of COVID-19 and the necessary pre-election and election-day adjustments to ensure that the health of voters, election officials, party agents, observers, the media, security officers and other stakeholders is not compromised during the elections.

These adjustments to the electoral process despite reasonable level of acceptance by the stakeholders could likely suffer from logistics challenges especially in terms of funding and timing. There is still no certainty that there are sufficient funds to cover the cost of proposed adjustment.

- Shared understanding and cooperation between the political parties is key to democratic progress and election management improvement. The last presidential election saw most of the opposition political parties coalesce into a single candidacy, to face the incumbent who was the candidate of the Alliance of Patriots for Reorientation and Construction (APRC).

This unity which later got institutionalized in the Inter-Party Committee went a long way in the local and international effort to convince Yahya Jammeh to concede defeat and relinquish power after the December 2016 presidential election.

After the swearing in of Mr. Adama Barrow as President, this understanding and unity among the political parties began to wane, following what has been described as an intense power struggle within the ranks of the dominant United Democratic Party.

Instead of incremental democratic gains as was the case in the 2016 and 2017 presidential and legislative elections respectively, the current situation suggests a deterioration in political understanding and cooperation among the political parties in the Gambia.

- Reforms are important in effecting positive change in the political character of a country, and in the successful management of elections. Yet, reforms could also be a threat to holding elections in whatever form and achieving democratic transitions - as is currently the case in the Gambia.

Prior to the 2016 presidential election, apart from a minimal revision of the electoral law, there was hardly any other reform undertaken by the Jammeh government. The old Constitution and the revised Electoral Act were used to conduct the 2016 and 2017 presidential and legislative elections respectively.

Though there were post-election tensions consequent on the refusal of Jammeh to relinquish political power, elections took place; and eventually, there was a democratic transition. Given the delay in concluding the different reform initiatives of the Barrow government, especially the constitution review and Electoral Act amendments, there are real fears on the possibility of holding the next cycle of elections in the Gambia as currently scheduled.

Another concern is managing the complexity of using the old electoral systems or laws within the context of the new democratic space created following the demise of Jammeh's government.

- The ECOWAS Election Observation Mission took note of the poor voter

turn-out during the legislative elections in the Gambia which took place on April 6, 2017 and made remedial recommendations to that effect. Since then, there has been appreciable level of participation by citizens and citizen groups in the Constitution Review process which produced a new draft Constitution timeously and with broad participation by Gambians resident in the country and those in the diaspora. Also, the Truth, Reconciliation and Reparation Commission attracted significant citizens' participation. Within one year of its activities, the Commission had received 220 public testimonies including 40 from alleged rights violators and an additional 462 victims' and perpetrators' declarations. This shows increased interest and participation in civic affairs by citizens.

- Post-election international support is very key to successful election management, democratic consolidation and a peaceful society. The role of the post-election mediation by ECOWAS through its Special Envoy, HE Dr. Goodluck Ebele Jonathan has helped to sustain hopes for a thaw in the current parliamentary stalemate in the Gambia.²³

The PEFM intervention in the Gambia has also proved to be critical in identifying gaps in the implementation of the recommendations from the Election Observation Mission for the 2016 – 2018 election cycles.

At the end of the ECOWAS EOM for the 2016 – 2018 election cycle in the Gambia, two broad recommendations were made to the Gambian Independent Electoral Commission.²⁴

23 Report of a Consultative Retreat for Political Party Leaders on the Draft Constitution for the Gambia

24 Final Mission Report ECOWAS Election Observation Mission (EOM) to the 2017 Legislative Elections in The

Level of Implementation of the ECOWAS EOM

1. The need to review the sequencing and timing of legislative elections to hold on the same day with presidential polls. Holding the presidential and legislative elections on the same will minimize the cost of organizing elections while also encouraging high voter turnout. This was partly contributory to the minimal success achieved during the just concluded voter registration exercise in the Gambia held between 29 May and 11 July 2021 where the total number of registered voters increased from 886,578 to 987,484. Though the IEC was not able to achieve its target of 1 million registered voters, yet the increase in voter registration was quite significant.
2. The need to increase investment in Voter Education and Sensitization. This is due to high levels of illiteracy in the Gambia. By enlightening the citizenry on their role in electing their leaders, interest and participation in all national elections will significantly increase. Furthermore, the level of citizens and citizen groups participation in the ongoing reform process validates the claim by the IEC and the NCCE that there has been an increase in voter education, sensitization and general civic engagement.

On recommendation 1, owing to the parliamentary stalemate in passing the amended Electoral Act and the new draft Constitution, this recommendation is yet to be implemented.

On recommendation 2, the feedback from the IEC and the National Centre for Civic Education is that there is civic engagement, and voter education cum sensitization has become more crucial.

“... just concluded voter registration exercise in the Gambia held between 29 May and 11 July 2021 where the total number of registered voters increased from 886,578 to 987,484.”

Risks Ahead of the Forthcoming Elections

The risk analysis for the forthcoming election cycle in the Gambia is largely predicated on the current political intrigues and power tussle within the dominant United Democratic Party. There are also genuine fears that the fallout of an inconclusive reform initiative would hurt the next cycle of elections in the Gambia.

It is apt to categorize the risk analysis under the following emerging realities in the Gambia:

- Political conflicts
- Constitutional crisis
- Reform / legal logjam
- Shift in the Transitional Justice System
- General societal unrests

Political Conflicts

The political conflicts in the political establishment in the Gambia remain a sore point in the run up to the 2021 – 2023 election cycle in the Gambia. Despite three mediation attempts by the ECOWAS Special Envoy to the Gambia, President Goodluck Jonathan, the feud within the Gambian political establishment is yet to be resolved. This elicits fears that the political conflict might cascade into violence, especially given recent violent protests across the country.

Constitutional Crisis

Owing to the refusal of the Parliament to pass the new draft Constitution, which is

owing to the political conflict within the Gambian political establishment, there is the likelihood that the constraints of time might force the stakeholders to fall back on the discredited 2017 Constitution and 2016 Electoral Act for the conduct of the next cycle of elections in the Gambia. This could set a perfect stage for disgruntled political parties to reject the outcome of the next election cycle.

Reform / Legal Logjam

The reform initiative of the Adama Barrow government has further polarized the Gambia than foster the much-needed national unity. Members of the erstwhile ruling party – the APRC – allege that the reform agenda, especially the Security Sector Reform and the Transitional Justice Program - particularly the Truth Reconciliation and Reparation Commission (TRRC), is sheer witch hunt and has refused to give their cooperation to it.

The recent court ruling on attestation, ruled in favour of the litigants, requires the need to prepare the IEC on potential litigations it may face in the run up to the elections and its aftermath. Sustained and copious litigations could lead to disgruntled citizenry and risk potential for violence.

This is following the wide participation of stakeholders in the validation of the proposed electoral bill, there is need for a mechanism that would address the problems associated with attestation of registrants, as it is subject to abuse: as in the

case of the Mayor of Banjul’s role in issuing attestations to registrants, given that the constituency does not have a chief or Alkalo.

Shift in the Transitional Justice System

There are deep seated grievances within the political and social landscape of the country. The submission of the anticipated report of TRRC and the current president’s alliance with the APRC is a source of grave concern as far as the political landscape is concerned. There is need for a broader restructuring of governance institutions in the country and the TJS have failed to build on that.

General Societal Unrest

Between 2019 and 2020, there have been a number of very violent street protests in many cities and towns in the Gambia. The protest movement known as “Operation 3 Years-Jotna” wants President Barrow to honor his promise to step down after three years in power and allow fresh elections to be conducted. Many members of the “Operation 3 Years-Jotna” have been brutalized and jailed, renewing fears of a possible descent into the dark draconian rule of Jammeh.

A protest in January 2020 against Barrow for not adhering to his coalition promise to serve just three years of his constitutionally mandated five-year term turned violent. 137 protestors were arrested, among them prominent journalists. Two radio stations – Home Digital FM and King FM – were also temporarily shut down, accused of “allowing their media to be used as platforms for inciting violence”.

All the protestors were eventually released, and the radio licenses restored; but the government took the opportunity to ban the ‘Three Years Jotna’ movement, calling it “subversive, violent and illegal”.

The response of the state to this and other recent protests has raised concerns as to how much has really changed beneath the surface in the “new Gambia”.²⁵

During the recent voter registration exercise in The Gambia, there were also violent clashes across community and ethnic lines. An example is the violent clash in Manduar village in the West Coast Region, as tension broke out over voter registration on 29th June 2021. The police had to be invited to quell the clash. It was alleged that the people of Manduar Mandinka insisted that Manduar is one village where everyone should register at the village’s only registration center.

The clashes erupted because of Manduar Mandinka villagers’ refusal for Touba Manduar residents attested by their Alkalo to be registered at the registration center. According to eyewitnesses, the people of Touba Manduar see themselves as a separate village and should oversee their voter registration. So far, some youth were arrested by the police.²⁶

The emasculation of President Barrow from the UDP and his leaving the party to form the National Peoples Party has also raised genuine fears of a very hostile and violent run up to the 2021 – 2023 election cycle. There are well founded fears that the inter-political party squabble, especially between the ruling NPP and the main opposition party, the UDP, would be aggravated by passionate supporters and spill over into a very violent run up to the next cycle of elections.

Furthermore, the impact of COVID-19 on the Gambian economy which relies heavily on tourism has deepened poverty and could be a perfect nursery for desperation, violence and other criminal behaviors in the run up to the next cycle of elections. More so, risks of youth unemployment have the potential to ignite violence, especially amidst the failure to restructure the country’s security architecture.²⁷

25 Documenting Dictatorship in the Gambia: Truth, Reconciliation and Reparation. A Report of the Centre for Development of Democracy

26 Monthly Progress Report on Preparations for The Gambian 2021 – 2023 Election Cycle. Aji Adam Ceesay

27 Gambia’s Three Major Security Challenges, The Chronicle

Technical Gap Areas Requiring ECONEC Intervention



Needs of the IEC

Funding

There is hardly any doubt that the IEC of the Gambia is facing funding shortfall. The impact of COVID-19 has affected the funds available for the Commission to work. Currently, the procurement for sensitive logistics for the next cycle of elections is yet to be concluded. The reason is clearly the paucity of funds. There are also additional funding needs especially given the desire to escalate the use of technology during the next cycle of elections. The IEC needs the assurance of the availability of funds to prosecute the elections. Currently, there is very little guarantee in this regard.

Capacity Building for the IEC

Currently, the IEC is not adequately staffed and deficient in some key positions.

Training

Training of Ad hoc staff and political party agents is key to the success of elections. Currently the trainings have not been done and there is no definite timeline on when it will be done.

Possible Areas of Support

Funding

To make up the shortfall from the government of the Gambia.

Technical

To bridge the knowledge and capacity gap that exists in the IEC, the Parliament, relevant agencies of government such as the NCCE, the media, civil society and within the political parties. This is crucial, given the desire of the IEC to increase the use of technology in managing the next cycle of elections.

1. ECONEC, through ECES, can provide live coaching seminars on global best practices on the transmission of electronic election results.
2. Live coaching on Civic Voter Education
3. Establishment of a legal unit, instead of a team – as it currently obtains
4. ECONEC, in partnership with International IDEA, can develop a civic education policy to aid coordination of outreach programs of the NCCE and produce other policy documents that would provide a corporate governance framework for the IEC, with a clear-cut procedure that governs the work of the IEC.

Logistics

Given the proliferation of political parties, the number of polling centres and polling stations has surged to about 2599, thereby increasing the cost of transportation. With the expertise available within ECONEC, the Network could provide logistics training upon request of the IEC.

Mediation

It is important for the countries of the sub-region to increase the ongoing mediation efforts to reconcile the political forces in the Gambia. This is important in order to defuse the growing tension and prevent or minimize the likelihood of the breakdown of law and order and incidence of violence.

Stakeholder Consultative Forum

Deployment of formal consultations and meetings among critical electoral stakeholders in the electoral process. Leveraging on its network, ECONEC can improve transparency, accountability and strengthen relationships between IEC and stakeholders like IPC in the sub-region.

Covid-19 Preventive Materials

Provision of Covid-19 personal protection equipment (PPE) materials such as gloves, masks, visors, aprons, hand sanitizers and wipes, to be used by Ad hoc staff, as well as voters, during the election period.

“It is important for the countries of the sub-region to increase the ongoing mediation efforts to reconcile the political forces in the Gambia.”

Recommendations

The IEC

- Given the challenges with the legal framework amendment process for the current elections cycle, it is important for the IEC to improve on its legal resources. It might be useful to consider setting up a Legal Advisory Committee in the IEC given the clear limitations of legal resources currently in the IEC. This Committee should be made up of patriotic Gambians with requisite legal training and experience to guide the IEC through tough decisions amidst the current challenges with the legal framework for elections.²⁸
 - Given the constraints of time on the IEC to prepare for the forthcoming elections in the current cycle, there is also need for the IEC to develop an active vendor database and screening process in order to identify capable vendors who can deliver best value for money at very short notice thus mitigating the challenge of procurement.
 - Improve on its communication skills and be more open about its needs. It should leverage on social media and digital information spaces, and work with international support partners to develop a strategic communication approach to define its message and promote proactive disclosure of information by the Commission.
- Failure to be proactive on disclosing challenges facing it might make it a vulnerable sitting duck for the political class.
- Take proactive steps in planning and mobilizing electoral logistics such as ballot marbles and drums as provided for in the 2007 Constitution and 2016 Electoral Act.
 - Increase the use of the IPC as a clearing house for major decisions. This is crucial in order not to be absorbed into the ongoing political conflicts and intrigues between the political parties in the Gambia.
 - Expedite the procurement process for electoral materials to avoid violating the procurement regulations and late delivery of materials.
 - Work closely with the NCCE and civil society to increase Voter Education and Sensitization. In addition to partnership with the NCCE and civil society, the IEC should enhance its own Voter Education and Sensitization campaign which should be especially tailored toward awareness on Violence-Free Conduct during the elections.

28
2016.

Draft Report of the ECOWAS Pre-Election Fact finding Mission to the Republic of the Gambia, 14th -15th July

The Government of the Gambia

- Take genuine steps to rebuild trust and cooperation within the political establishment and work to rebuild the entire governance structure of the country.
- Demonstrate commitment to timely holding of elections and work towards removing any obstacle to achieving that, including concluding the stalled constitutional and electoral Act amendment process.
- Demonstrate strong commitment to timely and adequate approval, provision, and release of funds needed by the Independent Electoral Commission to conduct the 2021-2023 election cycle in the Gambia.
- Foster increased respect for citizens' rights by insulating Gambian armed forces from ongoing political contestations through issuing policy directives to high command of the Gambian Armed Services. This would help to defuse the build-up of tension.
- Work with its bilateral partners to address the funding gaps ahead of the elections. Such action would require honest admission by the government about existing gaps and the openness to receive bilateral support whilst maintaining its sovereignty.

Political Parties

- Educate their members to be peaceful and law abiding in the run up to the next cycle of elections. In this regard, the IEC, working with the inter-party

platform and CSOs, should develop guidelines for peace education which parties could adopt in their peace education initiatives.

- Be ready to make compromises and concessions in the ongoing mediations for a thaw in the parliamentary stalemate in the country.
- Refrain from making incendiary statements or taking provocative actions that might worsen the current tension. To facilitate such conflict sensitive communication, political parties should develop internal codes of conduct for their members.

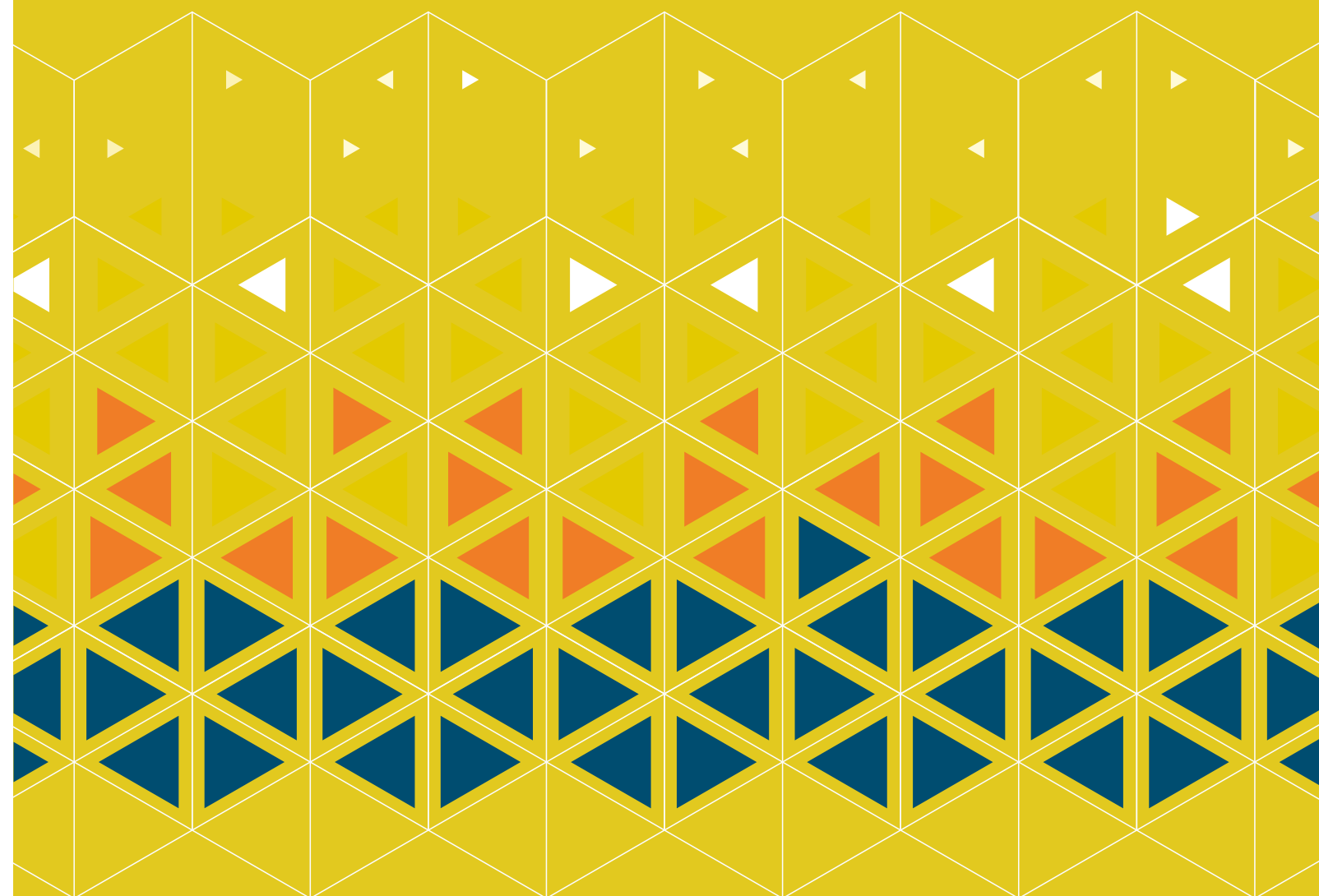
International Development Partners

- Act decisively on the emerging Early Warning and Early Response Reports in the Gambia.
- Develop with the IEC, innovative ways of dealing with prevailing funding gaps.
- Continue to support ongoing mediation efforts and prioritize the strengthening of the Inter-Party Committee.

ECONEC

- Develop and adopt a reporting template with key standard questions that is non country specific, for use during needs assessment /PEFM to enable the coherent gathering of information that would feed into report of the missions.

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Annexures

ECONEC Post-election Follow-up Mission to the Gambia.



Concept Note

Background

Since 2001, the Economic Community of West African States (ECOWAS) has been undertaking election assessments in its Member States through election observation. The initiative to assess elections in Member States was taken on the basis of the mandate given to the Commission in Articles 11 – 18 of the Supplementary Protocol on Democracy and Good Governance (2001). Between 2001 and 2005, ECOWAS deployed Election Observation Missions (EOMs) on an Ad hoc basis, to observe presidential elections in the region.

However, in 2005, ECOWAS along with over 20 other intergovernmental and non-governmental organizations endorsed the Declaration of Principles for International Election Observation (DOP), which emphasizes the need for international election observation to assess all the phases of the electoral cycle through comprehensive long-term engagement with the electoral process.

Thus, following the creation of the ECOWAS Electoral Assistance Division (ECOWAS EAD) in 2006, the ECOWAS election assessment methodology was made more systematic. Starting in 2014, the ECOWAS election assessment methodology underwent another shift from a focus on the election phase of the electoral cycle to a cycle-wide approach to election assessment. As a result

of this shift, ECOWAS started deploying Long-Term Election Observation Missions (LTEOMs) to complement and reinforce its EOMs.

Beyond its mandate to conduct technical assessments of elections as an integral part of its wider democratic governance promotion and conflict mitigation mandate, the ECOWAS Commission has also a mandate to support electoral processes in Member States in order to promote electoral integrity and democratic consolidation in the region. Its current methodology entails the deployment of Pre-Election Fact-finding Missions whose aim is to collect first-hand information about the pre-election context.

These missions in a way serve as an early warning tool that enables the Commission to detect risk factors that could impact on the credibility and the peaceful conduct of elections. In the post-election phase, the Commission organizes biennial electoral process reviews, bringing together Electoral Management Bodies (EMBs) from across the region under the umbrella of the ECOWAS Network of Electoral Commissions (ECONEC), to contribute to peer learning and the dissemination of best practices.

Although ECOWAS' current election methodology seems to span across the entire electoral cycle, there subsists a gap in ensuring that its dual election assessment and electoral assistance mandates work together

to ultimately improve the quality of elections and ensure democratic consolidation in the West African region. In order to bridge this gap, there is a need to take steps to guarantee that the recommendations arising from ECOWAS election assessment are effectively implemented.

It is for this reason that the EAD is exploring the possibility of including Post-Election Follow-up Missions (PEFMs) in the overall ECOWAS election assessment methodology. Such missions will afford ECOWAS the opportunity to keep track of the recommendations of its election assessments, evaluate Member States' implementation of those recommendations, and eventually support EMBs in implementing the recommendations ahead of the next electoral cycle. The deployment of PEFMs will thus enable ECOWAS to achieve a complete cycle-wide engagement with the electoral process in its Member States.

Objective.

On the basis of the foregoing, the main objective of the PEFM will be to assess new developments in the legal framework for elections, as well as measures and actions taken by the Independent Electoral Commission (IEC) of the Gambia in order to improve the quality and credibility of the electoral process in the country, since the deployment of an ECOWAS mission to observe the last legislative elections (April 2017). The Mission will also assess the needs of the IEC in the run-up to the presidential election scheduled for 4 December 2021.

Methodology.

Considering the fact that the major interlocutor for the PEFM is the EMB and bearing in mind the effectiveness of peer-to-peer interactions, PEFMs will rely mainly on expertise from ECONEC's membership and technical support from both the ECOWAS EAD and the ECONEC Secretariat.

Hence, in order to achieve the above mentioned objective, the Post-Election Follow-up Mission will hold meetings with the following stakeholders to assess their views and get their commitment to pursue recommended reforms:

- The Electoral Management Body (EMB);
- The Political Party Consultative Forum (or, in the absence of a formal platform for inter-party engagement, the Ruling Party and the main Opposition Party);
- Relevant Parliamentary Committees responsible for electoral matters;
- Civil Society Organizations (CSOs) involved in the electoral process; and
- Any other institutions specifically mentioned in the EOM's recommendations.

Donor agencies and international technical partners will also be consulted to get an overview of election support initiatives in the host country, to ensure that the initiatives to be developed by ECOWAS/ECONEC are complementary.

Profile of Participants.

The PEFM will comprise the following:

- Two (2) Chairpersons or Deputy Chairpersons of Electoral Commissions members of ECONEC
- The Head of ECOWAS EAD or his representative.
- One (1) staff of the ECONEC Permanent Secretariat.
- One (1) staff of EISA.
- One (1) staff of International IDEA

Expected Outcome.

At the end of the PEFM, it is expected that a report outlining the improvements and reforms in the host country since the April 2017 legislative elections in the Gambia (legal, institutional and electoral reforms, procedural improvements).

The report will also highlight challenges being faced and point out areas of support. The report, submitted to the ECOWAS authorities, will then serve as basis for planning and adjusting EAD and ECONEC's future electoral assistance to the specific needs of the host country.

Working Documents.

In order to enable informed discussions with the mission's interlocutors, the following documents will serve as basis for the conduct of the PEFM:

- Report of the ECOWAS Pre-Election Fact-finding Mission.
- Final Report (s) and preliminary declaration (s) of the ECOWAS EOM.
- Preliminary declarations of organizations signatories of the DOP (EU, AU, Carter Centre, NDI).

Timing and Duration.

The PEFM is organized four (4) years following the conduct of legislative elections in the Gambia and five (5) months from the next presidential election. The PEFM will be deployed from 13 to 16 July 2021 and conducted over a period of 4 days. The Mission will last a total of 6 days (including 2 days for travel to and from the Gambia).

“The deployment of PEFMs will thus enable ECOWAS to achieve a complete cycle-wide engagement with the electoral process in its Member States.”

List of Participants

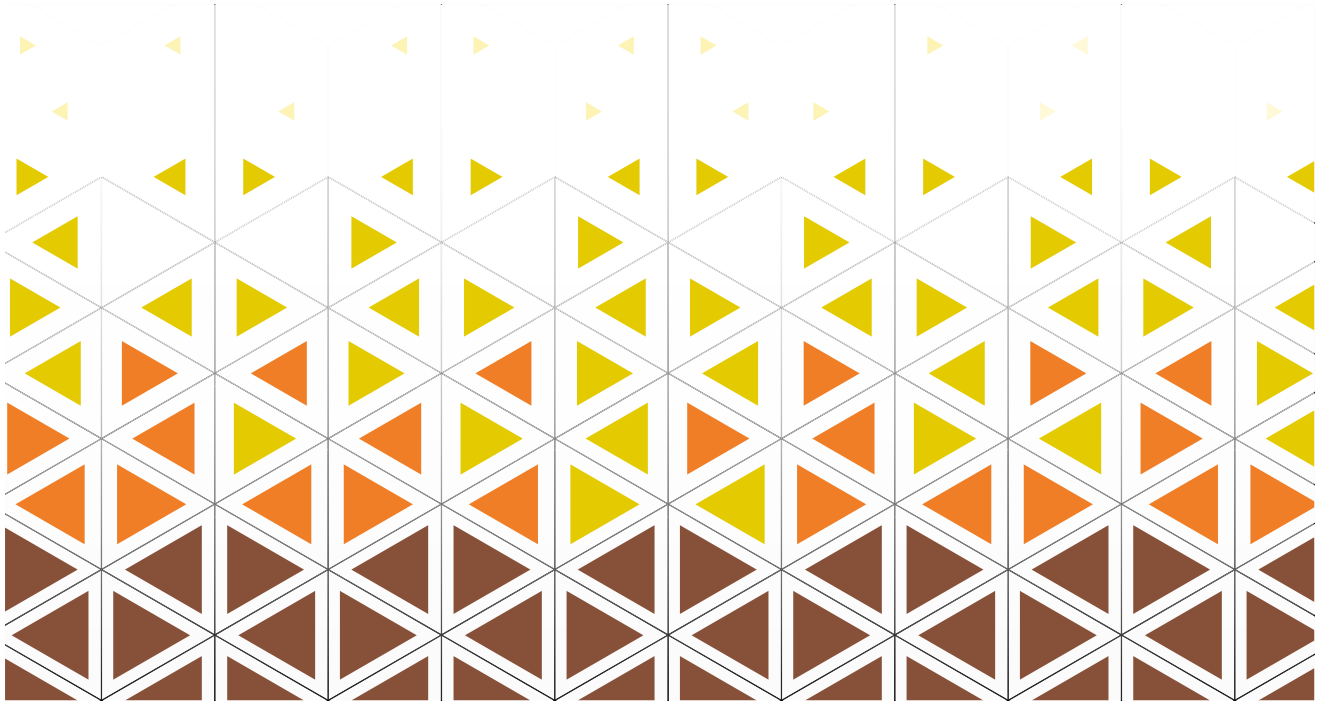
S/N°	Participant's Details		
	Surname	Given Names	Institutions
1	Konneh	Mohamed	NEC Sierra Leone Chairperson
2	Salami	Abdoul Raouf	ECONEC
3	Chinedu	Chinedu Emeka	ECONC
4	Bowsan	Sa'adatu	International IDEA
5	Taabu	Hellen	EISA
6	Yusuf	Shamsudeen	GIZ
7	Goncalves	Maria Do Rosario	CNE CABO VERDE Chairperson

Mission's Agenda



Day	Time	Activities	Location
Sunday 11 July		Arrival of Participants	Banjul Intern. Airport Yundum
Monday 12 July	9:00 - 09:30	Pre-mission briefing	Tamala Beach Resort
	10:00 - 11:00	Meeting with the Chairperson of IEC and close collaborators	IEC HQ
	13:00 - 14:30	Lunch Break	Tamala Beach Resort
	15:00 - 16:00	Meeting with Legal Department of IEC	IEC HQ
Tuesday 13 July	10:00 - 11:00	Meeting with Director Operations of IEC	IEC HQ
	11:00 - 12:00	Meeting with Director Information Technology of IEC	IEC HQ
	12:30 - 14:00	Lunch Break	Tamala Beach Resort
	14:30 - 16:00	Meeting with the National Council for Civic Education (NCCE)	IEC HQ
Wednesday 14 July	10:00 - 11:00	Meeting with Training, Communication and Public Affairs (TCPA)	IEC HQ
	11:00 - 12:00	Meeting with Technical Partners (IFES – UNDP-EU-DFID)	IEC HQ
	12:30 - 14:00	Lunch Break	Tamala Beach Resort
	15:00 - 16:00	Meeting with Civil Society Organizations	IEC HQ
Thursday 15 July	10:00 - 11:00	Meeting with representatives of political parties	IEC HQ
	12:30 - 14:00	Lunch Break	Tamala Beach Resort
	15:00 - 16:00	Debriefing with IEC Chairperson	IEC HQ
Friday 16 July	10:00 – 12:00	End of Mission briefing - Reporting	Tamala Beach Resort
	12:30 - 14:00	Lunch Break	Tamala Beach Resort
		Courtesy call on ECOWAS Representative	ECOWAS Representa- tion
Saturday 17 July		Departure of participants	Banjul Intern. Airport Yundum



ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO



101 Yakubu Gowon Crescent
Asokoro District · P.M.B. 401
Abuja · Nigeria

 @econec_resao  Econec_Resao

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