



PROMOTING PROPER CONDUCT OF ELECTORAL STAKEHOLDERS FOR A PEACEFUL ELECTION

Welcome to yet another FIOHTG Policy brief. As The Gambia heads to the polls in December 2021, this brief focuses on measures that are necessary for a peaceful election.

BACKGROUND

Electoral violence is any violence aimed at or in reaction to electoral process or outcome

Electoral violence is widespread in states without consolidated democracy

However democracies aren't spared

Electoral violence leads to deaths, displacements and destructions

The Gambia has registered electoral violence notably between 1996-2012

Both government agents and opposition activists were reported as attackers and victims of electoral violence in The Gambia.

Electoral violence is the use of coercion against electoral actors, candidates, supporters, electoral officials and observers, reporters, electoral objects etc. at any period of the electoral cycle to influence the electoral process and or outcome. Electoral violence can happen anywhere in the world, as recently seen in the US following Donald Trump's rejection of the results of the Presidential elections which he lost to Biden. However, there are disparities among states in terms of resilience to electoral violence. Long established democracies characterised by free, fair and acceptable electoral systems are more immune to electoral violence [1].

Electoral violence often leads to deaths, injuries, displacements and destruction of properties. For instance, in 2008, after 2 months of electoral violence, Kenya recorded more than a 1000 deaths and up to half a million people were internally displaced. Similarly, in 2010 over 1000 civilians were killed, 1,000,000 people internally displaced and 100,000 sought refuge in neighbouring countries as a result of post-election violence in Côte d'Ivoire [2].

Although the Gambia did not witness any significant electoral violence, electoral harassment and intimidation were frequent. For example, the Electoral Contention and Violence Dataset recorded 7 attacks/clashes in the Gambia from 1996 to 2012. The attackers included government, ruling party supporters and opposition supporters. However, the targets of these attacks included journalists, soldiers, opposition figures and government officials. Some of the incidents reportedly led to loss of lives and properties [3].

After Jammeh's rejection of the results of the 2016 presidential election results, by late January more than 76,000 and 3,500 people fearing violence had sought refuge in Senegal and Guinea Bissau respectively (UNHCR 24/01/2017). Moreover, 150,000 people became internally displaced during the impasse (United Purpose 22/01/2017) [4]. As the Gambia heads to the polls in December 2021, the National Human Rights Commission and CSO Coalition have identified issues during the voter registration exercise that constitute electoral violence. Although many of the issues were resolved, there is a need for enhancing trust and fair play for a credible and peaceful election [5].

"This is a day that will live in infamy. The very people who believe they are protecting our democracy have succeeded in destroying it." - Representative Marcia Fudge (D-Ohio)

FACTS

Don't forget that about 80,000 people left The Gambia in 2016 in anticipation of electoral violence

150,000 were internally displaced

Causes of electoral violence are varied

Causes: distrust, grievances, fake news, impartiality, interferences etc.

The electoral body can cause electoral disputes

Both the incumbent and opposing candidates can cause electoral violence

The security sector can cause electoral violence

The Media and fake news can cause electoral violence

WHAT ARE THE CAUSES OF ELECTORAL VIOLENCE?

Several factors such as zero-sum elections, mistrust in the electoral process, past grievances, impartiality, interference, premature declaration of results, etc. can cause electoral violence [6]. To make sense of these interlinked factors, it may be ideal to consider them under key stakeholders' behaviour.

1. Conduct of the electoral body

The conduct of electoral bodies anywhere in the world has a bearing on the elections. If it is seen or perceived to be impartial and inefficient, the process and outcome of the election can be contested and violent. In the 2016 electoral dispute, Jammeh blamed the IEC for declaring two results and subsequently rejected the results. During the 2021 registration process, some parties had raised issues about the IEC's conduct especially relating to authorising of attestations, however most of the issues were solved. Therefore the conduct of the IEC is relevant in ensuring a free and fair election as well a peaceful election [7].

2. Conduct of the contestants: incumbent and opposition candidates

The incumbent's use and non-use of state resources and agencies under his direction, can significantly affect the elections. Therefore, a perceived abuse of these resources during elections can cause disputes and violence. For instance in Cote D'Ivoire and Kenya, the incumbents had used state agents and their supporters to attack the opposition. Also, some of the recorded electoral violence in the Gambia between 1996-2012 were reportedly directed by the Youth Wing of the ruling party. The Police has also perpetrated violence [8].

Notwithstanding, there is a reasonable fear that the Gambia is much more polarised than ever before with breakaway parties, internal party disputes, increase in independents. In fact, the registration was not without violent incidence between some parties. Furthermore, there has been reports in past elections when opposition parties attacked other supporters or state agents leading to violence [9]. Therefore, their conduct is essential in ensuring a peaceful election.

3. Conduct of the Security services and the Media

The role of the security sector is pivotal in any election including the Gambia's. The Security sector can easily create tension if it is not neutral, hence the Chief of Defence Staff message to the armed forces to stay out of politics as election nears is welcomed. The CSO Coalition on Election must continue monitoring the conduct of security forces and keep the NHRC and relevant stakeholders informed. While the security sector must maintain security, it must not be seen to be acting in excess of its powers. The Commander in Chief of the Armed Forces must ensure that foreign forces, particularly Senegalese are kept under democratic control as their presence is generating concern among some quarters.

The circulation of violent messages and false results/claims can inflame fragile political situations and lead to violence. The increase in online media houses and use of social media has made regulating the media difficult. Its abuse has been fundamental in many electoral violence in Africa. The traditional media can also be nuisance if it does not provide equal voice to all the contestants.

OPTIONS

Neutrality and efficiency of the IEC

Incumbent to refrain from use of state resources

Ensuring that all independents and new parties join the IPC by end of October

Familiarise new contestants with the code of conduct

PURA and GPU to work with IPC on developing a code to prevent the broadcasting of hate speech and fake news

Declaration of social media accounts and affiliates for accurate info & accountability by end of October

CSO Coalition to meet by mid October to prepare for election observation

Neutrality of the security sector

RECOMMENDATIONS

ENSURING PROPER CONDUCT FOR PEACEFUL ELECTIONS

The following recommendations are deemed necessary for ensuring peaceful election

1. The IEC must remain impartial in both speech and deed; and must do nothing to cast any doubt on its efficiency, hence no mistakes in compiling and announcing the results. Therefore, the IEC must ensure that results sent in are verified and accurately entered, as well as reviewed to ensure that the right results are tabulated and announced/published in a timely manner to avoid speculations and publication of wrong results.
2. While acknowledging the incumbent's recent use of party vehicles on a tour, the incumbent must continue to desist from using state resources and agents in his campaign. Furthermore, he must ensure that his party and supporters are not given any privileges not accorded to other parties by state agents and institutions. This ensures that there is equality and no claims of foul play.
3. The Inter Party Committee must bring in independent candidates and new parties into the body by November to ensure timely communication and conflict resolution within the contestants. The IPC should familiarize new contestants with the code of conducts and work with the IGP to ensure adherence to the Code of Conduct.
4. Political parties and Independents should publicly declare their (social) media accounts and affiliates to ensure that their supporters rely on those mediums and discard (fake) info from accounts that are fake.
5. PURA must demonstrate independence and take action on hate and violent speech during the election. Therefore, PURA, the Gambia Press Union and IPC must convene as soon as possible to ensure that there is a balanced approach between preventing hate speech and censorship in the media during the election. A Code to this effect must be developed.
6. The security sector must take a balanced approach to providing security and infringing on free campaign and voting. The National Human Rights Commission should work with the IPC and NGOs to this effect.
7. The IGP should work with the IPC to establish the need for and modalities for providing security to candidates at least a day before the nominations.
8. The CSO Coalition on Election should convene to start planning monitoring and observations.
9. IEC should provide a comprehensive training to all stakeholders in earnest.

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