Report

The Unfolding Political Impasse in the Gambia

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February 15 2017
Abstract
This report examines the political impasse in the Gambia, resulting from the December 1 election that President Jammeh initially accepted defeat and later retracted his concession. It interrogates the nature and factors that precipitated the deadlock as well as the contending views on how to resolve it. It constructs five possible scenarios that could play out in the Gambia.

Introduction

"I take this opportunity to congratulate Mr Adama for his victory. It’s a clear victory. I wish him all the best and I wish all Gambians the best”.

In these very words, Gambia’s President Yahya Jammeh, who once declared he would rule for "a billion years”, conceded defeat to Mr Adama Barrow, the candidate of the opposition coalition in a presidential election that held on December 1 2016. (1) After initially accepting the result, Jammeh later reneged, citing irregularities and filed an election petition to the Supreme Court. He vowed to hang onto power despite a wave of regional and international condemnation and threat of possible military action. On his part, Mr Barrow has also vowed to assume power as President on January 19, 2017. The Gambia is now mired in a political deadlock that could degenerate into widespread violence. This report examines the unfolding political crisis in Gambia. It interrogates the nature and factors that precipitated the impasse as well as the contending schools of thoughts on how
to resolve it. It constructs five possible scenarios that could play out in the days and weeks ahead.

The December 1 Election in Perspective.

Since seizing power in a 1994 coup, Jammeh has won landslide victories in four previous polls. On December 1, 2016, presidential elections were held in the tiny West African country of the Gambia, featuring Jammeh of the ruling Alliance for Patriotic Reorientation and Construction (APRC), Mr Barrow of the Opposition Coalition and Mama Kandeh of the Gambia Democratic Congress (GDC).

The Independent Electoral Commission (IEC) on December 2 officially announced the result of the election, stating that Mr Barrow won 263,515 votes (45.5%); Jammeh got 212,099 votes (36.7%), and Mama Kandeh received 102,969 votes (17.8%). (2) Even before the final results were announced, Jammeh enthusiastically spoke to Mr Barrow on a televised phone call to accept defeat, stating that: "I call to wish you all the best, the Gambian people have spoken. (3) Spontaneous celebration that engulfed the tiny West African country was cut short when Jammeh rejected the entire results four days after, citing “unacceptable abnormalities” in the elections.

International, continental, and regional organisations such as the United Nations (UN), the African Union (AU), the Economic Community of West African States (ECOWAS) and the Organisation of Islamic Cooperation (OIC), as well as some Western powers (the US and France) have all called on Jammeh to accept the result of the polls and ensure peaceful transfer of power to Mr Barrow. West Africa’s regional bloc, ECOWAS, threatened to use force in Gambia if Jammeh does not step down on January 19 as scheduled.

Jammeh’s ruling Alliance for Patriotic Reorientation and Construction (APRC) later on 18 December filed a petition at the Supreme court challenging the result of the polls. Jammeh has insisted he will await a Supreme Court ruling before ceding power. He also described ECOWAS’s threat as ‘a declaration of war’. This situation has raised concern over what could have accounted for the sudden change of course by Jammeh.
Possible Reasons for the Political Deadlock

The current political crisis resulted from at least three interrelated factors, namely technical error on the part of the IEC, political flippancy by the opposition leaders, and a sense of insecurity by President Jammeh.

**Technical Error:** The main factor that precipitated the current political impasse was the poor tallying of the results of the election. It will be recalled that on December 2, the IEC announced that Mr Barrow won the election with 263,515 votes. However, the IEC on December 5, made two awful announcements. First, that the total votes cast were actually 9.1 percent lower than those it had announced. Second, that there were errors in its counting as some of the votes counted in Barrow’s favour actually belonged to Jammeh. Based on these, it released another set of results which showed Barrow with 227,708 votes – 35,807 votes lower than what had been earlier declared, and Jammeh with 212,099 or 3,612 more votes. With this, the vote difference narrowed from 51,416 votes, to 19,212 votes. (4) Given this review of results, Jammeh felt the election was manipulated. Thus, he rejected the results and demanded for a rerun.

**Political triumphalism or flippancy:** A related factor was premature statements by the opposition leaders that smack of political flippancy. Basking on the euphoria of defeating a long-time dictator, some members of the opposition coalition began to comment on the possibility of investigation of human rights abuses under Jammeh’s regime. As one senior opposition politician, Jallow-Tambajang, puts it: “He [Jammeh] will be prosecuted. I’m saying a year but it could be less than that”. (5) They also planned to rejoin the International Criminal Court (ICC), from which Jammeh had withdrawn Gambia’s membership. Possible prosecution of Jammeh’s regime would focus on allegations of torture and murder against journalists, opposition figures, religious leaders and others by state security forces. The threat of prosecution of Jammeh’s regime may have caused disquiet in several quarters, especially among his political associates, business allies and military hierarchy. However, desperate efforts by the opposition to reassure Jammeh that his regime will not be investigated has not changed the situation.

**Suspicion or sense of insecurity:** It is safe to posit that Jammeh must have been alarmed by the plans of the opposition. The feeling of insecurity that goes with such threats extends to Jammeh’s military cohorts. For instance, when Jammeh initially conceded defeat, the head of the army, General Ousman Badjie, also congratulated Barrow and pledged his allegiance. But when Jammeh backtracked, so did Badjie. On January 4 2017, Badjie again assured Jammeh of "the unflinching loyalty and support of the Gambia Armed Forces". (6) Conceivably, the prospect of being prosecuted may have contributed to Jammeh’s retraction of his concession.
Perspectives to Resolving the Political Deadlock

The evolving political situation has attracted attention both within and outside Gambia. Hence, three schools of thought on how to resolve the impasse have emerge, namely; the interventionists, concessionists and legalists.

The interventionist privilege the use of external intervention to forcibly remove Jammeh from office, without granting him much of a concession. This school of thought believes in the sanctity of the December 1 election. As French President Francois Hollande puts it: “The matter is non-negotiable,” and Adama Barrow “must be installed as soon as possible”. (7) This perspective believes the threat or actual use of force or sanction against Jammeh is critical in ending the political deadlock.

The concessionists advocate for constructive engagement with Jammeh with a view to convincing him to step down. This perspective does not accept military intervention as the best option. It fears that such intervention might cause Jammeh and his supporters to embark on a guerrilla warfare or terror campaign. (8) It therefore sees persuasion as critical to peaceful resolution of the dispute.

The legalists uphold the rule of law as central to ending the political logjam. This perspective recognises the sovereignty of The Gambia and the primacy of its laws in resolving the impasse. As Deputy President of Nigeria’s Senate, Ike Ekweremadu, contends: “if the Constitution and electoral laws allow for judicial role in resolving electoral disputes, then the Gambian constitutional courts must be allowed to count in resolving the political impasse”. (9) Section 49 of the 1997 Constitution and section 100 of the Elections Act of Gambia provide that an election petition is the legal pathway to determining any election dispute in the country. It fears that any breach of Gambia’s sovereignty by military intervention could set a bad and crisis-triggering precedence in the sub-region. The foregoing demonstrates the interesting but opposing views on the current crisis. It shows the politically complicated nature of the impasse as well as the approaches that could be used to resolve it.
The Path Ahead for Gambia

The unfolding events in the Gambia have the potentials to result in serious political crisis. Given the interests and positions of the major actors in the crisis, different scenarios can play out in the days or weeks ahead (see table 1). Although it is still unclear which scenario will lead to the resolution of the impasse, some drivers of some of the scenarios are already at play.

**Table 1: Possible scenarios for the end of the political deadlock**

<table>
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<tr>
<th>S/No</th>
<th>Caption</th>
<th>Description</th>
<th>Drivers</th>
<th>Level of Probability</th>
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| 1    | Adjudication | Acceptance of the Supreme Court’s judgement on the electoral dispute by both parties (Jammeh and Barrow) | • Constitutional provisions for legal redress  
• Jammeh’s preference for legal resolution of the dispute  
• APRC support for judicial determination | Most probable |
| 2    | Mediation | Negotiated exit of P Jammeh by the ECOWAS mediation Team led by Nigeria’s President Muhammadu Buhari | • Unanimity of ECOWAS, AU and the UN that Jammeh should leave office  
• Relinquishing of office by some Gambian ambassadors  
• Civil society condemnation of Jammeh’s volte-face | Highly Probable |
| 3    | Invasion | Military intervention by the ECOWAS Standby Force culminating in forceful removal of Jammeh from office | • Jammeh’s obstinacy  
• Gambia’s army support to Jammeh  
• Senegal’s disposition for military intervention  
• AU support for intervention | Very Probable |
| 4    | Usurpation | Disgruntled elements of the military and security forces stage a coup that ousts Jammeh from power | • Vested foreign interests supporting change of government  
• Other ethnic groups’ perception of domination by the Jolas  
• Dissatisfaction within the military | Marginally probable |
| 5    | Elimination | Either or both principal actors (Jammeh or/and Barrow) die from natural cause or assassination | • Unknown natural cause of death  
• Heart Attack/Other illness  
• Targeted killing by paid/disgruntled individual | Probable |

*Scenario One:* The first possible scenario is that of adjudication. This is a situation where the Gambia Supreme Court delivers judgement on the electoral dispute that both parties eventually accept. The judgment may either declare Barrow or Jammeh winner or call for a re-run. Possible breakdown of law and order will be averted if the principal actors decide
to abide by the court decision and call on their supporters to respect the judgement. However, there is strong suspicion that the court will not deliver justice given that Jammeh controls most institutions of the Gambian state. Just on December 30 he appointed six foreign judges into the Supreme Court to join the Chief Judge to preside over his petition. (10) Thus, the court may pass its judgment before January 19, but this may not bring peace to the country especially if it invalidates the December 1 elections.

**Scenario Two:** The next scenario is one that could end in mediation. Following Jammeh’s rejection of the polls, the ECOWAS appointed Nigerian President, Muhammadu Buhari, and his Ghanaian counterpart, John Mahama, to mediate for a peaceful transition. Mediation efforts are presumably focused on creating incentives for Jammeh to step down, possibly in exchange for immunity. However, bearing in mind the importance of the military and security in ensuring a peaceful transition, the scope of mediation may be expanded to take on board their interests. (11) Concerted pressure from the international community, some serving Gambia’s ambassadors, and civil society organisations on Jammeh can sway him to accept a negotiated exit from power. In the event that Jammeh refuses to handover on January 19, he may be slammed with sanctions to further isolate his regime and force him to negotiate. This scenario is highly probable and holds the greatest prospects for peace.

**Scenario Three:** The third scenario, invasion, is where ECOWAS decides to deploy its Standby Force to remove Jammeh from power. Although West African leaders are still pursuing mediation, it had proposed to use military force in Article 1 of the Decisions of the Authority of Heads of States and Government agreed on December 17. The ECOWAS had chosen Senegal to lead any military operation. Senegal had earlier stated that military action would be a last resort. This scenario is very probable given Jammeh’s obstinacy, buoyed by the assurance of support from his Army chief. In the event of this, Jammeh will rely on some of Gambia’s 1000 active armed forces to repel any external invasion.

**Scenario Four:** Another scenario is that of usurpation. This is a situation where some disgruntled elements within the Armed Forces stages a coup to remove President Jammeh from Power. Although Jammeh has a firm grip on the military, intelligence and security apparatuses of the Gambian state, there are still signs of dissatisfaction and sense of ethnic marginalisation that can fuel a putsch. Jammeh’s relationship with the international community has not been too cosy due to accusations of human rights violations, repression of political opposition and threats of violence against homosexuals. Since taking office, Jammeh has endured at least eight coup plots and attempts. The latest of such attempt in 2014 failed woefully. (12) Nevertheless, it suggests that the potential for usurpation is marginally probable especially if it receives the blessings of powerful regional and Western powers.
**Scenario Five:** Another scenario that could play out is that of elimination. This entails a situation where either or both principal actors (President Jammeh or/and Mr Barrow) die from natural causes or assassination. Death can come in different ways at any time. In the event of natural death of any of the parties before January 19, a prospect of peaceful transition to power will be higher. If the death of any of the parties results from assassination, it may break the political deadlock though with high probability for descent into violence. Whether this scenario will lead into widespread violence will depend largely on the constitutional provision for succession, the support of the armed forces and level of elite consensus. Thus, the unpredictability or inevitability of death makes this scenario probable.

**Conclusion**

As the deadline of January 19 approaches, the Buhari-led mediation team is yet to produce any tangible result regarding peaceful transition of power. Many would wish that Jammeh steps down in order to avert possible bloodshed. However, the lure of office, fear of eventual prosecution and vested interests could compel Jammeh to cling on to power. A combination of threat, concession and sanctions by West African leaders and the international community could convince Jammeh to accept a graceful exit. Jammeh’s refusal will only welcome one thing; external intervention that would prove costly for him and the country he has ruled for 22 years.

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**References**

1) For this election, seven of the eight opposition parties formed a coalition and supported Adama Barrow.


3) https://www.youtube.com/watch?v=vbUMGUCnCAY


