
Democratic Transition in the Gambia

The Burden of Leadership and Consolidation



Centre for Democracy and Development

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Report on The Democratic Transition in the Gambia: The Burden of Leadership and Consolidation

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Abuja
24th February, 2017

DEMOCRATIC TRANSITION IN THE GAMBIA: THE BURDEN OF LEADERSHIP AND CONSOLIDATION

Executive Summary

The unison with which both local and international actors opposed the reluctance of the former Gambian President, Alhaji Yahya Jammeh, to peacefully hand over power to a democratically elected government, after 22 years in power, revealed the intricate challenges of governance in The Gambia. The Jammeh administration had been notorious for operating a closed political space, incidents of corruption, human rights abuses, threats to religious freedom, weakened judiciary and legislature, nebulous electoral processes, socioeconomic challenges, undermining of the rights of women and girls, and an enforced ethnic cohabitation. With the swearing-in of the incumbent president in neighbouring Senegal on January 19, 2017, the Gambians jubilated with great expectations that the new regime would ensure structural and institutional changes in reversing the autocratic legacies of former president Yahya Jammeh. However, two weeks after the inauguration of President Adama Barrow, Gambians, both home and in the Diaspora, began calling for a transitional justice mechanism for accountability in redressing the past, while also being critical of the new regime due to some initial faux pas. The Barrow regime has so far had to grapple with a lack of citizens' trust in governance inherited from the past regime. The current regime has been challenged for alleged breaches of some constitutional provisions around the choice of an over-aged vice president, the renaming of the National intelligence Agency (NIA) et al. Beyond these, there are existing tensions amongst ethnic groupings, and members of former president Jammeh political parties, Alliance for Patriotic Reorientation and Construction (APRC). Interactions with key stakeholders in the Gambia reflect a state of fragile peace, in which citizens are clamouring for inclusive governance, the enshrining of the rule of law, electoral reforms, adherence to the coalition's manifesto, comprehensive socioeconomic reforms, security sector reforms, inclusion through gender equality, a truth commission, and civil service reforms. It is thus important that the Barrow administration embark on comprehensive structural and institutional reforms in breaking away from the legacies of the past, and create a unifying platform for the Gambians for a sustainable transitioning process.

Introduction

Post-colonial Gambia presents an interesting contrast of being initially considered a durable multiparty democracy (alongside Mauritius and Botswana) after 25 years of democratic rule. This period immediately preceded the coup d'état which toppled the People's Progressive Party's government of Sir Dawda Jawara, and ushered in Colonel Yahya Jammeh as military Head of State between 1994 and 1996. The latter then ruled as a civilian president under the Alliance for Patriotic Reorientation and Construction (APRC) for the next 20 years (1996-2017).

The practice of democracy in The Gambia has not been without its challenges, in spite of the fact that Sir Jawara was noted for his commitment to ensuring due electoral processes and the protection of human rights (Edie, 2000). In 1993, for instance, the government was said to have investigated and pressed charges against police officers who abused prisoners, while permits of assembly were freely granted, including for political gatherings as the country remained a secular state (United States Department of State, 1994).

The latest in the series of these challenges came on 10 December 2016, when the former president, Yahya Jammeh,¹ rescinded on his acceptance of defeat in the 2016 elections and filed a lawsuit to the Supreme Court a week after the announcement of the results.² He subsequently refused to initiate

a smooth transition process to the incumbent, President Adama Barrow. It took the interventions of the international community, particularly ECOWAS leaders, who combined both mediatory and coercive tactics to persuade Yahya Jammeh to relinquish power and eventually go into exile. The swearing in of the incumbent president at The Gambian Embassy in neighbouring Senegal; the continuous presence of ECOWAS troops in The Gambia after the swearing in; and the delay in the assumption of office by the incumbent president are all pointers to the challenges of regime change currently being undergone in the country. These challenges are not unexpected considering that the only other period during which governance changed hands in the country since independence was after a military coup d'état in 1994 when Yahya Jammeh resumed office.

However, the challenge in The Gambia is not unique, as the African continent has largely witnessed the domination of one party systems often disguised as multi-party democracies. Associated with these systems are political and electoral violence, intimidation of political opponents, rigging of elections, constitutional amendments for regime extension, thuggery and coup d'états as leaders try to perpetuate themselves in power. Nevertheless, recent political events in Nigeria, Ghana and The Gambia, in which opposition parties have unconventionally

¹ The official title used was His Excellency Sheikh Professor Alhaji Dr. Yahya Abdul-Aziz Awal Jemus Junkung Jammeh Nasaasiru Deen Babili Mansa. However, for the purpose of this report, he is simply referred to as Yahya Jammeh

² The Supreme Court was not functional at the time with only one judge as two others had been sacked by the president.

See <http://www.vanguardngr.com/2016/12/gambia-in-fear-after-jammeh-officially-challenges-election-result/>

taken over governance, call for a careful exploration of the dynamics of regime transitions to ensure sustainable democracies. As it relates to The Gambia, there is a need to explore the major challenges of the transitioning process after the long reign of the former president in order to tease out the needs of stakeholders and institutions that would help drive the process towards democratic stability in the country. This is pertinent as the incumbent administration grapples with the state of fragile peace in the country.

An initial pilot study by the Centre for Democracy and Development (CDD-West Africa) in The Gambia reflects the teething problems of democratic transition especially as the country grapples with the entrenchment of the rule of law. The new President has been accused of several breaches of the Constitution, at times reflecting limited experience in the art of democratic governance, and a lack of proper handover by the Yahya Jammeh-led administration. This can be adduced to the enthusiasm of the president to meet with the high expectations of the people who are already requesting for a truth commission and security sector reform in less than two weeks of the president's assumption of office.

The study entailed a qualitative methodology during which group discussions and in-depth interviews were carried out with multiple stakeholders including political parties, media practitioners, security agents, members of civil society organizations, civil servants and resident citizens (including the youth and adult population). Keen observations were also carried out to corroborate the narratives from the

interview sessions while data was also extracted from the president's press conferences, newspaper reports and government released gazettes and other sundry documents. Beyond the fieldwork, relevant literature was consulted including memoranda of understanding, The Gambian Constitution, reports by various international organisations and the media.

These activities were carried out to explore the challenges of the transitioning process in the Gambia and propose possible interventions that could help in consolidating the efforts at ensuring a sustainable democratic polity. It was observed that there are some challenges resulting from the policies and rule of the past regime to include a closed political space, corruption, human rights abuses, threats to religious freedom, weakened judiciary and legislature, challenges to the legitimacy of electoral results, socio-economic problems, Women and girl child rights, and ethnic diversity. Due to inheriting these challenges, the new government of President Adama Barrow has had to grapple with a relatively tense polity just after few weeks of assuming office. The pulse within the Gambian political climate reveals the clamour for an inclusive government, awareness and respect for the rule of law, freedom and responsibility, free and fair parliamentary elections, electoral reforms, stronger economy, inclusion and gender responsiveness. While exploring possible interventions in consolidating democracy in The Gambia, there is an urgent need for constitutional reform, economic empowerment and initiation of a transitional justice process to lay the foundation for enabling freedom and justice within the polity. It is thus important that a process for national dialogue be initiated as a matter of urgency with multiple stakeholders including

both Gambian government and non-government actors, and their international partners.

THE LEGACY OF ALHAJI YAHYA JAMMEH

Preamble

Yahya Jammeh, having transitioned from being a military Head of State to a democratically elected president, ruled for a period of about 20 years after being re-elected three-times for a five-year term. The rule of Jammeh was filled with allegations of human rights abuses including abduction, torture, arbitrary detention, poor prison conditions, human trafficking and violence against women, amongst others.³ These abuses resulted in many Gambians going into exile while those who remained within the country continued to clamour for political change alongside support from the international community. The then president's attempt to alienate the country from the Commonwealth, due what he considered as neo-colonialism, was criticised as lacking the due process of consultation with Gambians, both at home and in the diaspora (The Royal Commonwealth Society, 2013). This was after there had been calls by members of the Commonwealth that The Gambia be suspended from the Commonwealth based on its human rights record (Perfect, 2014). This report thus explores the legacy of the Alh. Yahya Jammeh administration and has identified the following salient issues: closed political space, corruption, human rights abuse, threats to religious freedom, weekend judiciary and legislature, controversies

around election processes and election results, socio-economic problems, girl child rights and respect for diversity. These are each discussed in more detail in the section below.

Closed political space

The one party system, which has dominated Gambian democracy resulted in the clamp down on opposition parties by the former regime. There was no formidable opposition as political parties were largely fragmented. This affected the process of democratic transitions negatively as the disunity among members of the National Alliance for Development and Democracy (which was a coalition of all political parties in opposition) resulted in their defeat during the 2011 elections (see Saine, 2015: 266). The US department of State also reported that the police under Ahl. Yahya Jammeh's administration refused permits to members of the opposition parties to hold their meetings and rallies, as was the case with the United Democratic Party (UDP) in 2009.⁴ His clampdown on the opposition also involved the increase in the cost of running for presidency to one million Dalais so that it is unaffordable for them. Subsequently, the tradition of having alternative and even dissenting voices in democracies has largely been undermined, while civil society organisations have very low capacity for engagement with government. On July 2, 2015, Mr Alagie Ceesay, the director of Teranga FM Radio Station was reported to have been arrested and detained incommunicado for 12 days, after which he

³ See The US Department of State. The Gambia. <https://www.state.gov/documents/organization/160123.pdf>

⁴ See The US Department of State. The Gambia. <https://www.state.gov/documents/organization/160123.pdf>

was later rearrested, 'detained, beaten' and 'charged' with several counts of sedition without bail (see Amnesty International, 2016). This suppression led to the development of Gambian online newspapers (such as The Gambia Echo and Freedom Newspaper) and radio stations by journalists in exile to expose the corruption and abuses of the government, though this resulted in the restriction of citizens' access to social media by the government (Saine, 2015). This continued up to the last days of the administration with the closure of three private radio stations on January 1, 2017 by members of the intelligence agency (see Human Rights Watch, 2017).

Corruption

As with all one party state systems, there are several allegations of economic corruption against the government of former President Jammeh. In 2013, the president is reported to have spoken severely on the fight against corruption during which several senior police, military and civilian officials were prosecuted (see the United States Department of State, 2013). The police, National Intelligence Agency (NIA) and the Ministry of Justice were charged with the

anti-corruption fight, while the country also ratified the African Union Convention on Preventing and Combating Corruption and Related Offences.⁵ In spite of having an Anti-Corruption Commission, which was established in 2010, Alh. Jammeh was alleged by Mr Mai Fatty (a special adviser to President Barrow) to have made away with about \$11.4m (500m dallasis) from the Central Bank during a two-week period before leaving the country.⁶

The Anti-Corruption Act, which was passed into law on June 28, 2012, provided for the appointment of a permanent six-member commission who were charged with investigating and prosecuting corruption crimes of Gambians both in the country and in the diaspora⁷ though the Commission was not in place as of late 2016 (Sanneh, 2016). He is also reported to have bought a \$3.5 million Mansion at Potomac, Maryland USA under the cover of My J Family Trustees from the Gambian Treasury.⁸ The former president, who is reportedly richer than the Gambian nation, claims his wealth was gotten from 'Allah's World Bank'⁹. He has been accused of using his position as president for personal accumulation of wealth, claiming that the entire Gambia belonged to him.¹⁰ In December 2013 and

⁵ The Gambia – Corruption. Retrieved from <http://www.globalsecurity.org/military/world/africa/gm-corruption.htm>

⁶ See CGTN. 2017. Yahya Jammeh Accused of Looting \$11Million from Gambia before going into Exile. *Africa Live*. Retrieved from <http://africa.cgtn.com/2017/01/23/yahya-jammeh-accused-of-looting-11million-from-gambia-before-going-into-exile/>

⁷ The Gambia – Corruption. Retrieved from <http://www.globalsecurity.org/military/world/africa/gm-corruption.htm>

⁸ Yahya Jammeh is Bankrupting Gambia by Stealing Millions of Dollars. A documentary on You Tube

uploaded August 22, 2011. Retrieved from <https://www.youtube.com/watch?v=EEfaPcWMQHs>

⁹ This is purportedly to show that Allah was the source of his wealth, an attempt at using religion as a cover from allegations. See Yahya Jahmeh Networth: Gambian Leader Richer than the Nation. Retrieved from

<http://www.askanisenegambia.com/3/4676/yahya-jammeh-net-worth-gambian-leader-richer-than-the-nation>

¹⁰ Gambia: How is President of Gambia Richer than the Nation? *Freedom Newspaper*. November 28, 2015. Retrieved

from <http://www.freedomnewspaper.com/gambia-president-gambia-richer-nation/>

January 2014, a former minister of justice and former President of the Court of appeal were imprisoned for bribery.¹¹ Likewise, 27 government officials were sacked on the allegations of having fraudulently acquired official cars and other items in July 2016. Nonetheless, the anti-corruption fight has been largely selective, as exemplified in the retention of Mr Yankuba Touray as government minister in spite of several allegations of corruption (King, 2015). This unwholesome practice is a major challenge for a struggling economy like that of The Gambia. This is illustrated by the fact that Transparency International ranked the country as 145th out of 174 nations in the world on its corruptions perception index in 2016.¹²

Human Rights Abuse

Central to the debate over the authoritarian leadership of Yahya Jammeh is the lack of respect for and gross violation of human rights. The most serious human rights problems during the reign of Alh Yahya Jammeh included threats to the freedom of human rights activists, civil society organisations, political opponents and the media. Their fates varied from being sent into exile to, harassment, imprisonment, murder and forced disappearance. The president is alleged to have been complicit in the murder of The Point Editor, Deyda Hydera in 2004. Speaking on state owned national broadcast stations on September 21, 2009 he also threatened to kill human rights defenders (La Rue, 2010). In his words, “If you think that

you can collaborate with so-called human rights defenders, and get away with it, you must be living in a dream world. I will kill you, and nothing will come out of it.”¹³ In a speech at Faraba Banta Village on June 27, 2013, the former president reiterated his government’s zero tolerance for homosexuality which he then described as ‘evil, anti-human, and anti-Allah’ in a speech to the United Nations General Assembly on September 27, 2013 (see The United State Department of State, 2013). In the aftermath of a 2014 failed coup plot, an estimated 36 people were arrested along with their family members, three of whom were killed, while a former army officer was shot and wounded (United State Department of State, 2015). Those detained included women, the elderly and children released after six months in detention while some detainees were tortured with beatings, electric shocks and waterboarding by the National Intelligence Agency (NIA) (Amnesty International, 2016). In 2014, the abuses reported also included torture, arbitrary arrest, prolonged pretrial, enforced disappearance and incommunicado detention among others (United State Department of State, 2015). After the December 2016 elections, the NIA officers were said to have detained about six people associated with the #Gambiashasdecided T-Shirts (Human Rights Watch, 2017), created by the civil society group of the same name. This also applies to the LGBTQ community in The Gambia whose members have suffered from homophobic repression. Alh Yahya Jammeh later threatened to slit homosexuals throats in a speech in May 2015 at Farafeni market (Ruble, 2015).

¹¹ The Gambia – Corruption. Retrieved from <http://www.globalsecurity.org/military/world/africa/gm-corruption.htm>

¹² See Transparency International. Gambia. Retrieved from <https://www.transparency.org/country/GMB>

¹³ Yahya Jammeh Threatens to Kill Human Rights Workers in The Gambia. *NEWTIME AFRICA*. SEPTEMBER 24, 2009. RETRIEVED FROM <HTTP://WWW.NEWTIMEAFRICA.COM/ARCHIVES/2399>

Threats to religious freedom

There have also been threats to religious freedom, especially that of non-Muslims. This is in spite of the fact that the Gambian Constitution guarantees the freedom of worship, as long as the rights of others are not infringed upon (See section 25/1 (c). The declaration of the country as The Islamic Republic of The Gambia and the ban on the celebration of Christian festivals in the country in December, 2015 by the former president, Alh Yahya Jammeh are pointers to this fact. The government was reported to have detained three Imams without trial or explanation from October 2015, beyond the maximum time for detention without trial of 72 hours as stipulated by the Constitution. Also, the Supreme Islamic Council (SIC) alongside the government had declared the Ahmadiyya Muslims ‘non-Muslims’ and subsequently denied them access to the media (United States Department of State, 2016). A Freedom Newspaper report of January 6 2016 contained a news story on the mass arrest and torture of suspected witches and wizards in Kamfenda and Foni villages. Residents fled to the neighbouring Casamance, Senegal, from fear of being victimised and killed by the “Jungullars”,¹⁴ who are said to be a killer squad under the

¹⁴ The Jugullars were a special force drawn from the presidential guard and noted for committing several human rights violations.

¹⁵ GAMBIA: BREAKING NEWS: GAMBIA ARRESTS SUSPECTED WITCHES AND WIZARDS; AS PANICKED STRICKEN COMMUNITIES FLEE TO SENEGAL!!. *FREEDOM RETRIEVED FROM NEWSPAPER*. JANUARY 6, 2016. [HTTP://WWW.FREEDOMNEWSPAPER.COM/GAMBIA-BREAKING-NEWS-GAMBIA-ARRESTS-SUSPECTED-WITCHES-AND-WIZARDS/](http://www.freedomnewspaper.com/gambia-breaking-news-gambia-arrests-suspected-witches-and-wizards/)

direct order of the president. The president is also reported to have hired witch hunters from Guinea to eradicate witchcraft from The Gambia.¹⁵

Weakened Judiciary and Legislature

The Gambia’s reliance on judges from the African commonwealth countries for a functional judiciary, which is a very important arm of government in democracies, reveals a major weakness in the system of justice currently operational in the country. This facilitated the abuse of human rights in the country with the Supreme Court not having held any sessions for about a year and a half (Bavier, 2016). The legislature in The Gambia also appears relatively weak and has been greatly influenced by the executive during the past political dispensation. The 2000 National Human Development Report on The Gambia revealed the subjugation of the national assembly under the executive, especially as the president was responsible for the choice of five members from which the speaker, the deputy speaker and the majority leader are selected.¹⁶ An instance of this is their confirmation of Ahl. Jammeh’s bid to further extend his stay in power in defiance of the people’s mandate. This is not surprising as Bodnar (2012) had observed

¹⁶ See http://hdr.undp.org/sites/default/files/gambia_2000_en.pdf

that the parliament is dominated by the APRC and parliamentary elections do not often follow due electoral process. The International Bar Association in its 2006 assessment of the Gambian Judiciary had identified under-investment, lack of resources and infrastructure, lack of law reporting, noncompliance with constitutional provisions in the appointment and disengagement of judges, disregard and noncompliance with court orders by the executive, conflicts between the bench and the legal professions, among others, as the challenges of the legal processes in The Gambia. Amnesty International also reported an abuse of the court processes in witch-hunting the opposition. Amnesty condemned the prison sentence issued to the opposition leader, Ousainou Darboe and eighteen others on July 20, 2016.¹⁷

Controversies around Election Processes and Election Results

The allegations of external influence on the Gambian electoral commission by the former president and his supporters (Park and Busari, 2016) indicated that the election results were not acceptable to all parties. This reveals that there are still some disgruntled members of the electorate in the country. Though the independence of the Independent Electoral Commission is guaranteed by the Constitution, The Commonwealth Expert Team to the 2011 presidential elections of the Gambia

¹⁷ Amnesty International. 2016. Gambia: Prison sentences for opposition leaders continues downward spiral for human rights. Retrieved from <https://www.amnesty.org/en/latest/news/2016/07/gambia-prison-sentences-for-opposition-leaders-continues-downward-spiral-for-human-rights/>

reported that between 1996 and 2011, three chairpersons from the Commission were removed without due process. This vulnerability is also based on the reliance of the commission for the majority of its funding from the government.¹⁸ Beyond this, the team also observed that the president breached the Electoral Act in 2011 by using the state machinery for his political campaigns.¹⁹ In 2016, both the African Union and ECOWAS vehemently condemned the pre-election crackdown on opposition after a Gambian High Court had charged members of the opposition with unlawful procession and unlawful assembly in the build up to the elections. Beyond this, the ECOWAS pre-election fact finding mission identified the denial of equal access to state media, lack of press freedom, intimidation, unlawful arrest and detention of opposition members and denial of campaign permits as challenges that could hinder the 2016 electoral process (Odigie, 2017). Human Rights watch also reported that the government of Ahl. Yahya Jammeh was credited with the arrest and killing of Solo Sandeng, a UDP activist, by the NIA for leading a public protest calling for electoral reform.²⁰ Freedom House (2016) highlighted an increase in the registration fee of candidates for the presidential, legislative and local government elections targeted at members of the opposition.

Socio-Economic Problems

The Gambia ranked 165 out of 187 in the UN development index for 2016. With an

¹⁸ Report of the Commonwealth Expert Team on The Gambia Presidential Election dated November 24, 2011.

¹⁹ Ibid

²⁰ More Fear Than Fair: Gambia's 2016 Presidential Election. Retrieved from <https://www.hrw.org/report/2016/11/02/more-fear-fair/gambias-2016-presidential-election>

economy largely reliant on tourism, subsistent agriculture and remittances,²¹ living standards remain relatively low. 80% of the country's exports are re-exports while only groundnuts and tourism remain original exports from the country.²² According to the 2017 index of Economic Freedom, The Gambia ranked 136/180²³ with an unemployment rate of about 30% and an inflation rate of 6.8%, while corruption and human rights issues hinder the flow of investments as the FDI stands at \$10.6million.²⁴ In spite of 4% economic growth in the country in recent years, about 60% of the country lives below the general poverty line, out of which 40% live below the food poverty line with a GDP/Capita of \$418.60 and a population of about 2 million. Of the total population, about 400,000 are economically active with 75% in the agricultural sector, 18% in industry, commerce and service and 7% in government as the country grapples with the shortage of skilled workers and professionals such that there is a high unemployment and underemployment rate (United State Department of State, 2016b). As provided for in the Gambia Investment Promotion Act 2001 and Free Zones Act 2001, the exemption from import duties and tax

holidays for all investors, among other possible avenues to negotiate investments,²⁵ reflects that the government has sacrificed other avenues for income generation for capitalist investments. An editorial in Freedom Newspaper, on the pay cut in the salaries of the civil servants in January 2016, alleged that the president crippled the private sector by investing in about 90% of the economy and subsequently evading tax.²⁶ A 2015 report of Public Administration International -hired by the Gambia government to help in the civil service salary reviews - showed the civil servants were demotivated as the remuneration was too low 'to hire, motivate and retain key technical and professional staff' and job security was not guaranteed.²⁷ Though the indicator is that there is a low rate of violent crimes in the country, the Overseas Security Advisory Council (OSAC) of the United States Department of States reports that residential crime is on the increase resulting from the high prevalence of poverty.²⁸

The Rights of Women and Girls

In spite of Alh. Yahya Jammeh's efforts at banning girl child marriages and outlawing female genital mutilation,²⁹ the female

²¹ See 2017 Index of Economic Freedom. The Gambia. Retrieved from <http://www.heritage.org/index/country/gambia>

²² Economy of Gambia. Retrieved from <http://www.accessgambia.com/information/economic-profile.html>

²³ See <http://www.heritage.org/index/ranking>

²⁴ 2017 Index of Economic Freedom. The Gambia. <http://www.heritage.org/index/country/gambia>

²⁵ Gambia Foreign Investment Incentives Guide. Retrieved from <http://www.accessgambia.com/information/investment.html>

²⁶ GAMBIA: EDITORIAL: SALARY CUT FOR GAMBIAN WORKERS; HAS JAMMEH TAKEN A SALARY CUT TOO???. *FREEDOM NEWSPAPER*. RETRIEVED FROM <HTTP://WWW.FREEDOMNEWSPAPER.COM/6784-2/>

²⁷ See <https://www.public-admin.co.uk/consultancy-services/gambia-restructuring-pay-grading-system-gambian-civil-service/>

²⁸ See The Gambia 2016 Crime and Safety Report <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19479>

²⁹ The Gambia now an Islamic Republic, Says President Yahya Jammeh. *The Guardian*. Saturday 12 December, 2015 Retrieved from <https://www.theguardian.com/world/2015/dec/12/ga>

population in The Gambia still remains disadvantaged with a low literacy level of 47% among girls above the age of 15. The World Bank is involved in complementing the government's efforts at the education of the girl child. The latest initiative is the Third Education Sector Project which is aimed at improving enrollment of the girl child by a 10% increase in government educational spending annually. This helped to increase government expenditure in education from 15% to 21% as of 2005 (The World Bank, 2005), however retention still remains a challenge. Also, women are still not an integral part of governance and the political process in the Gambia due to cultural barriers.³⁰ The Gambia is said to have a 2% prevalent rate of HIV/AIDS among its adult population. This is relatively high when compared to other African countries. Apart from HIV/AIDS, deadly Malaria, Diarrhea, Hepatitis A, Typhoid Fever, Schistosomiasis and other Zoonotic diseases remain potent threats to life in the country.³¹ It is important to note the creation of a Gender and Women Empowerment Policy 2010-2020 to ensure gender responsiveness to integrate women into the socioeconomic, cultural and political contexts of The Gambia. However, the implementation of this policy remains a far cry from what is obtainable in the country. Women in The Gambia live in a conservative society dominated by patriarchy in which their rights remain violated both on domestic and institutional fronts (see Ceasay, 2011: 40).

[mbia-now-an-islamic-republic-says-president-yahya-jammeh](#)

³⁰ See The Gambia: Response to the Questionnaire on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000). Retrieved from

Respect for Diversity

The Gambia presents a case of ethnic diversity with a population composed of the Mandinka, the majority group, which is 42% of the population along with the Fula, Wollof, Jola and Serahuli, amongst others including non-Gambians. The interesting dynamics is the fact that ethnic relations appeared cordial under the Jammeh regime in spite of the political tensions in the country. A projection may be that religion is a unifying factor with about 95.7% of the population being Muslims and 4.7 % Christians before the elections. Field research by Robert White in 2014 showed that both the Muslims and the Christians in the country accepted each other, though conversion to Christianity remains herculean. In line with this, Basedau and Vullers (2010:13) confirmed that there were only two reported incidents of religious based violence in The Gambia between 1990 and 2008. The emergence of latent tensions against the Jola since the exit of Ahl. Jammeh from the presidency indicates the need to interrogate the context of relative peace in the country. With their overbearing influence under the Jammeh led administration, in spite of being just 10% of the population, there seems to be a feeling of vengeance against them by other ethnic groups. The removal of four regional governors, namely: Lamin Queen Jammeh of North Bank Region, Aminata Sifai Hydera of West Coast Region, Salifu Puye of Lower River Region, Omar Ceasay of Upper River Region and Omar Khan of Central River Region, by President

<http://www.un.org/womenwatch/daw/Review/responses/GAMBIA-English.pdf>

³¹ See <http://www.africaw.com/major-problems-facing-gambia-today>

Barrow³² resulted in reactions by citizens that there should be further reversals of the former president's appointments.

PRESIDENT BARROW AND THE CHALLENGES OF GOVERNANCE

Preamble

Mr Adama Barrow resigned from the United Democratic Party (UDP), which was the major opposition party in November, 2016 to head a coalition of seven political parties, namely: the Democratic Organisation for Independence and Socialism (PDOIS), the National Reconciliation Party (NRP), the Gambia Moral Congress (GMC), the National Convention Party (NCP), the People's Progressive Party (PPP) the Gambia Party for Democracy and Progress (GPDP) and an Independent candidate, Dr Isatou Touray, who was adopted as the presidential candidate for the December, 2016 Presidential elections at the National Convention.³³

The post-electoral context following the exit of former President Jammeh is characterised by lack of citizen's trust and confidence in the public sector. Even though the political impasse in the country has been peacefully resolved, the country is divided along political, ethnic and religious lines. Preliminary observations in The Gambia

reflect the teething problems of democratic transition as the peaceful atmosphere is palpably fragile. Interactions with residents reflect a fragile peace with tensions in rural communities, especially between the communities and farmers. In the post-election period, there are also reported tensions building up between the different ethnic groups, in particular against the Jolas. These tensions are mostly an after-effect of Alh Jammeh' rule. On February 19, 2017, 51 supporters of the former president were arrested in Kafenda, a Western Gambian town, for harassing followers of the new President, Adama Barrow.³⁴ However, there is a decline in the enthusiasm that greeted the victory of President Barrow due to mixed feelings in the polity. This is based on several issues including the initial faux pas committed by the administration, the challenge of inclusion, high expectations of citizens, ethnic and political bifurcation just to mention a few, some of which are briefly explored below. This is followed with an exposition on the political climate of The Gambia and proposed interventions.

President Barrow' Initial Faux Pas

President's Barrow's regime has been involved in a controversy about breaching the Constitution. This infraction is predicated on three key areas. First, is the

³² See Gambia's New President Swings Axe on Regional Heads. Retrieved from <https://jollofnews.com/2017/02/03/gambias-new-president-swings-axe-on-regional-heads/>

³³ GAMBIA 2016: UDP'S ADAMA BARROW LEAVES UDP TO HEAD OPPOSITION COALITION. RETRIEVED FROM [HTTPS://JOLLOFNEWS.COM/2016/11/08/GAMBIA-2016-UDPS-ADAMA-BARROW-LEAVES-UDP-TO-HEAD-OPPOSITION-COALITION/](https://jollofnews.com/2016/11/08/gambia-2016-udps-adama-barrow-leaves-udp-to-head-opposition-coalition/)

³⁴ Ex-President's Supporters Arrested as Tensions Flare in Gambia. *VOA News*, February 20, 2017. Retrieved from <http://www.voanews.com/a/gambia-ex-president-supporters-arrested/3732262.html>

unconstitutional assumption of official duties without taking the oath of office by the appointed Vice President, Ms Fatoumata Tambajang. This has been criticised in several quarters of the country as being a serious breach of the Constitution, especially as Ms. Tambajang has been representing the government in several forums, including attending the African Union Summit as Head of State. Ms. Tambajang has also been accused of age falsification. She is alleged to be 68 years of age, contradicting the age requirements in the Constitution as espoused in sections 62/1 and 70/2 establish an age limit of 65 years. Section 62/1(b) stipulates that:

1. A person shall be qualified for election as president if-
 - (b) he or she attained the minimum age of thirty years but not more than sixty-five years

While section 70/2 states that:

A person shall be qualified to be appointed as Vice-President if he or she has the qualifications required for the election of the President under section 62. Provided that the Vice-President shall not be a member of the National Assembly.

The second major infraction is the renaming of the National Intelligence Agency (NIA) as the State Intelligence Service (SIS) and stripping the NIA of its law enforcement functions, amounting to a usurpation of the parliament's constitutional role. The NIA no doubt has been severally implicated in gross human rights violations and was feared by all

Gambians. The popular demand is for the body to be proscribed but this should be done in accordance with the law not via executive fiat.

The third constitutional infraction the Barrow administration is accused of is the appointment of three ex-felons - albeit political prisoners - as ministers. They include the appointment of UDP opposition leader, Ousainou Darboe (Foreign Affairs), Amadou Sanneh (Finance and Economic Affairs Minister) and Omar Jallow (Agriculture Minister) into the cabinet. This has generated much furore in the country. However, this outcry is unsubstantiated as the President, utilizing his power of prerogative of mercy as provided for in section 82 (1) (a) of the Constitution, pardoned 39 prisoners inclusive of these ministers on 30th January 2017 and publish same in a gazette dated January 31, 2017 (see the gazette in Appendix V). Nonetheless, the controversy stemming from this reflects poor information management and amplifies the importance of the Adama Barrow led administration to improve public enlightenment on its policies and action. Apart from these, the following are also key issues within the Gambian polity coming to the fore at the dawn of the Adama Barrow Presidency.

Quest for inclusive governance

Since the inception of the President Adama Barrow administration, his appointments so far have not been all-inclusive. The twelve ministerial appointments made to date are not considered to be inclusive as the majority of cabinet members are from the Mandinka ethnic group. So far one of the coalescing parties, the People's Democratic Organisation for Independence and Socialism

(PDOIS), is yet to pick a cabinet position. This in itself is a breach of the promise made in the coalition's election manifesto to build an all-inclusive government. So far, there have been just two women and no youth appointed into the cabinet. The President so far has expressed desire to appoint technocrats to fill the remaining positions in government. Gambians in the diaspora have also expressed their disappointment in the failure of the new administration to include them in government since they were an integral part of the ousting of Alh Jammeh and restoration of multiparty democracy in The Gambia. They have also maintained via online radio media that the Barrow Regime needs to abide by the promises made in the coalition's manifesto (see Coalition's Manifesto in Appendix IV).³⁵

The APRC have also alleged that they are being victimised by the new administration, in particular accusing militants in the coalition government and some citizens of continuing to target and intimidate their members. For instance, they alleged that the former information minister and spokesperson of the APCR, Mr. Sidi Njie was questioned and held for hours. However, investigations revealed Mr. Njie travelled with Alhaji Jammeh when he went into exile and for security purposes was invited for questioning on return to the country. The APRC meeting in preparation for the April 6th National Assembly Elections in the home of one of his stalwarts in Banjulinding was also dispersed.³⁶ Denial of public permits to opposition members is synonymous with the

Jammeh administration leading to detention of opposition members. However, the coalition government in its manifesto committed to repealing the legal requirement of political parties having to apply for permits before using amplification facilities and promoting a mechanism enabling police to allocate spaces on a first come first served basis to political parties. It will be worth noting if the same will be accorded the APCR, who is attempting to provide a shadow government and strategising ahead of the upcoming local government and parliamentary elections.

Rule of Law, Freedom and Responsibility

As it stands within The Gambia's post electoral context, preliminary sampling from the field shows that citizens are still ignorant of their rights as there is low awareness in terms of the country's legislation. For instance, former President Jammeh amended the Gambian Constitution an estimated 49 times, making it difficult for the citizenry to take continuous cognisance of the provisions of the law. Importantly, the continuous clampdown on media and the political space for more than 22 years, supported by a legal framework, has also resulted in a lack of access to information. This has led to a breach of ethical standards through false reportage and undue influence of media proprietors and the youth on the circulation of information in the country. This is a challenge that the present opening of the democratic space has to grapple with, as many are not aware of their rights nor do

³⁵ See <https://thegambiaradio.com/freedom-radio-gambia/>

³⁶ <https://gambia.smbcgo.com/2017/02/16/aprc-lashes-out-at-police-for-dispersing-their-meeting/>

they understand that for every right there are attached responsibilities. Many of the people interviewed during the writing of this report alleged there is a rising wave of militancy-cum-lawlessness as citizens do not understand the limits of democracy. For instance, there is a rising militancy amongst the populace. Readily cited examples are acts like refusals to pay bus fares, open smoking of cannabis, increase in burglary, and disobedience of traffic laws, all indicative of the lack of adherence to the rule of law. The opening of the democratic space under the current dispensation is challenged by the inability of the people to strike the balance between freedom and responsibility.

Parliamentary elections and Electoral Reforms

The country is presently preparing for the parliamentary and local government elections. The Parliamentary election is slated for the April 6th, 2017. However, there are palpable fears in several quarters that there is a need for a national dialogue to happen before the elections. The country as presently constituted is fragmented and, historically, politics in the Gambian have viewed through ethnic, religion and gendered lens.

As earlier stated the Constitution has been so tampered with by the former administration that there is need for review; the same applies to the electoral acts. For instance, the eligibility criteria, two-week official election campaign, media coverage and cost of nomination forms have all been altered. However, it is worth noting that the

government has expressed a desire to review the Election Amendment Act of 20 July 2015 ahead of the National Assembly elections. According to the spokesperson of the coalition, Halifa Sallah, “the president has instructed that consultations begin with the political parties, the inter-party committee and the Attorney General and Minister of Justice. Of particular interest is the amendment of section 43 of the Election Act which prescribed the deposit of D500,000 for Presidential Aspirants, National Assembly D50,000, Mayors D50,000 and councilors D10,000³⁷

The amendment of the Constitution must commence in earnest, as the current Gambian gives too much power to the executive. This lays the foundation for friction between the president and members of the house in terms of role sharing. Issues such as tenure limits of not more than two terms of five years are already articulated in the coalition manifesto and must be immediately prioritised. There is a genuine need to promote an enabling environment and credible electoral process to keep alive the hope that greeted the election and inauguration of the incumbent President Barrow.

Coalition

The Gambian Coalition is made up of seven parties and one independent candidate. However, as is synonymous with coalitions, the coalition was formed mainly to oust the incumbent. So, how cohesive the coalition will be in coming months, especially after the National Assembly elections, is worth paying attention to. Presently, the government has

³⁷ See Gov't to review Election Amendment Act, the POINT VOL.26 N0 037 ISSN 0796-0794 Monday February 13,2017

appointed five of the coalition members to 12 filled cabinet positions, with a caveat that other positions will be filled by technocrats. This, they claim, is predicated on section 72 of the Constitution which provides that:

...the President shall have regard to the desirability of ensuring that such responsibilities are entrusted to competent persons with relevant qualifications or experience”.

The sustainability of the coalition itself is dependent on the personalities involved and avoidance of power struggle. For instance, there are rumours in several quarters that Ousainou Darboe is the brain behind the coalition and even more powerful than the President. How harmonious and cohesive the coalition will be remains to be seen, especially after all positions have been shared. It should also be pointed out that the Barrow government has removed all the APRC governors in the five regions. It is worth waiting to see if the coalition political appointees will replace the removed governors.

Economic challenge

After several years of mismanagement of the economy, the economy is in a comatose state. There is a collapse of business with companies preferring to invest in Senegal and neighbouring countries. Draconian laws, multiple taxation and land grabs are just few of the plethora of challenges facing the country³⁸. The coalition, in its 2016 Manifesto, had promised a government which would drive economic stabilisation and

sustainable development through financial discipline. Though this could only be achieved in the long term, the prevalence of the clamour for wage increase by civil servants in the country is indicative of the urgency to initiate a sustainable programme for economic reform. On a more positive note, the government has launched a programme seeking to train 7,000 youth for free on technical and vocational training as part of an 11 million euro project funded by the European Union (EU) and Trust Fund for Africa and International Trade Centre. The project, besides reducing poverty, is expected to avert illegal migration to Europe and encourage the return of skilled Gambia.

Security sector

In the 22 years of the Jammeh administration, the loyalty of the security agencies in Gambia has been to the President and not the state. For instance, during the political impasse, Army Chief Lieutenant-General Ousman Badjie pledged his unflinching loyalty and support of The Gambia Armed Forces to Jammeh, despite the latter losing the elections. In fact, the immediate need to prioritise security reforms came to bear with the arrest of an ex-security man, Abdou Njie,³⁹ who was caught with a pistol about to enter the mosque where President Barrow was praying. It is also important to emphasise that across all security agencies, senior positions are dominated by a particular ethnic group. The security forces, in particular the NIA, elicit fear in the hearts of Gambians. There is an urgent need to immediately commence security sector

³⁸ For instance, Alh. Jammeh increased the fee payable by Senegalese truckers by 100% in 2016, crippling trade between the two countries.

³⁹ Njie until 2014 was an ex security man in the Gambian State House, see *The Point* February 13 2017

reform, professionalise the security services and commence DDR processes for groups such as ‘the Jungullars’ to prevent a fall into anarchy while transforming the security system into a well-functioning system. As of February 22, 2017, a reformation of the sector had been initiated with a former head of the NIA under Jammeh, Yankuba Badjie, and the director of operations Sheikh Omar Jeng detained for abuse of power through violations such as kidnappings, arrests, torture, killing and rape while in office.⁴⁰ They were subsequently officially charged on February 23, 2017 with the offence of conspiracy to commit felony against Section 368 of the Criminal Code Cap 10:01 Volume 3 of the Laws of the Gambia 2009 (Shaban, 2017).

Inclusion through Gender Equality and Youth

There has been no significant change from the status quo during the Yahya Jammeh Regime since the inauguration of President Adama Barrow, with an appointment of just two women to the cabinet by the incumbent so far. To date no youth have been appointed into government. It is worth noting that the youth are credited for the democracy presently enjoyed in The Gambia. The lack of youth representation in the cabinet is worrying in particular for a country with a median age of 20.7 years.

Truth, Justice, Peace and Reconciliation

As the coalition candidate in the elections President Barrow campaigned on instituting a national reconciliation program, constitutional reform and putting an end to nepotism that characterised the Jammeh administration. The coalition promised to promote national reconciliation to forge a common bond of citizenship. However, after decades of oppression from the Jammeh administration, the citizens and international partners alike are eager to see under what framework, the truth, justice and reconciliation will be organised. There is an almost unanimous desire for justice and accountability as against reconciliation. There is so much emotion in the air and there is a need to approach this with caution. In spite of the unanimous call for truth, the format it should take remains a challenge. Many argue it should be in the form of a truth and reconciliation process to facilitate closure and promote sustainable peace amongst different ethnicities and religions. In other quarters, many are arguing that Alh Jammeh and his henchmen must be brought to account. There is overwhelming demand for the setting up of a mechanism to deal with the 22 years of Jammeh’s oppressive regime. However, there is an urgent need to immediately commence civic education to promote peace and stability in the Gambia. The coalition government must immediately set up an independent body to oversee the process in a unifying and not divisive format as espoused in their manifesto. The quest for reconciliation and accountability for crimes committed during the last regime must not elude the nation.

⁴⁰ See The Gambia arrests Ex-Intelligence Boss. *Aljazeera*. Retrieved from <http://www.aljazeera.com/news/2017/02/gambia->

[arrests-intelligence-boss-linked-abuse-170222124111918.html](http://www.aljazeera.com/news/2017/02/gambia-arrests-intelligence-boss-linked-abuse-170222124111918.html)

Civil Service and other Government Institutions

The civil service under President Jammeh was plagued with lack of professionalism and inexperience, insecurity of tenure, and largely ran on nepotistic basis. There was little or no meritocracy: junior officers were appointed as heads of departments and parastatals over senior and more qualified officers. Officers were sacked at the whims and caprices of the former president. Several were routinely rounded up, arrested and jailed in what were claimed to be trumped up charges. All this has contributed to the extremely low efficiency displayed. However, more challenging will be redressing the lopsided appointment system perpetrated in the twenty-two years of Alh Jammeh, where people of a particular ethnic extraction held sway in all key ministries and departments. How well these lopsided appointments are addressed will have huge implications for peace in the country.

Priority for Gambians

A vox pop taken across the country in the course of writing this report reveals wage/salary increase as the top priority among Gambians. This is followed by clamour for truth, justice and reconciliation to enable closure, security sector reform, an end to arbitrary arrests, freedom and reparation for victims.

PROPOSED INTERVENTIONS

Based on the key issues identified within the Gambian context, the following interventions are crucial in order to ensure a smooth transitioning process in the country:

- The government must immediately begin the process of managing citizens' expectations: It is clear that Gambians have very high expectations of the new administration. Less than one month into the administration, citizens are demanding for accountability, security sector reform, the introduction of a new salary scale and the creation of more jobs, amongst other sundry issues.
- While all the demanded reforms are necessary, the Barrow Administration must immediately address the nation and continue to maintain an open government by regularly addressing the people about the challenges inherited and reducing some of the promises they made during the elections. The government must capitalise on what can be achieved immediately and emphasise the coalition government will be building institutions and redressing all wrongs in its three years.
- There is a need to thoroughly overhaul the laws and repeal all laws repugnant to good conscience and equity, particularly laws infringing on the freedom of association, expression and peaceful assembly, draconian provisions of the criminal code such as section 52, 181 and 178 on the offences of sedition, spreading rumours and criminal libels amongst others.
- Constitute a broad based and independent electoral reform

committee to review the electoral laws. Focus in particular should be on ensuring a level playing field for all aspirants, removing age discriminatory provisions, reducing the cost of running for elections, introducing term limits and repealing the requirements for permits for public assemblies as provided for in Public Order etc.

- Judicial strengthening programmes should be immediately prioritised. This will go a long way in strengthening the administration of the justice system, which has been comatose for years.
- There is a need to develop capacity building programmes for members of different political parties. This would include sensitisation and trainings on best democratic practices for ensuring the government is owned and run by the people, who are able to hold political office holders accountable. There is a need to identify effective traditional modes of governance and develop models which would integrate them into democratic governance in the country.
- Legislative strengthening must be immediately prioritized. Interventions in this realm should promote horizontal accountability to facilitate effective oversight on government institutions, particularly executive and judiciary, while at the same time promoting vertical accountability to citizens.
- The Barrow administration must immediately commence the reform of civil service. The reform must develop the capacity of the civil service to improve the professionalism, efficiency, and effectiveness of the service. In the same vein, the administration must carefully address the issue of representativeness to avoid conflict. It is a well known fact that the last administration appointed persons from a particular ethnic group to head affairs in most parastatals, boards and departments.
- For immediate and long term economic growth, the diversification of the Gambian economy must commence in earnest, instead of the overreliance on agriculture and tourism. Gambians in the Diaspora need to be engaged to coordinate remittances while the government should be supported in providing a suitable political climate to encourage investments. The educational system of the Gambia also needs to be improved by putting in place a curriculum that drives state of the art innovations for sustainable economy.
- The anti-corruption commission must also be empowered to effectively deliver on its mandate. The legal framework of the body and other extant legal instruments must also be reviewed.
- The civil society and relevant stakeholders must be involved in all facets of the reform process. It is

advised that a civil society capacity program is instituted to strengthen accountability.

- There is a need to strengthen the capacity of civil society groups and restore the confidence in the media to help it play its role effectively as the fourth estate of the realm. These groups are very essential to protecting the rights of ordinary citizens. There is an urgent need to repeal all the laws inhibiting access to information. Free circulation of information is central to entrenching democratic tenets in the country.
- There is an urgent need to commence civic education programs educating Gambians about their rights and accompanying responsibilities as citizens.
- There is need to explore relations across the different religious groups as religion is a critical factor in exploring root causes of conflicts across Africa and globally. This is in the bid to detect early warning signals and address any indicators of potential religious conflicts discovered. The efforts of President Adama Barrow in managing religious tensions is commendable, shown in the renaming the country as The Gambia as against The Islamic Republic of Gambia. However, the changing of names does not necessarily ensure sustainable peace. The post-election Gambian context shows that there is need for reconciliation among warring factions (even within families and friends). It is important to engage the youth population in this process by reaching out to them through the schools. Civic education targeted at youth should be encouraged.
- Special attention should be given to women, youth and people living with disabilities as they are the most vulnerable to the effects of a struggling economy. There is a need to improve on the literacy and entrepreneurial skills of these groups as they could be major stakeholders in driving the economy. Capacity building initiatives are needed to ensure that they participate adequately in the diversification of the economy.
- There is a need to create awareness on the prevention and management of deadly diseases such as HIV/AIDs in order to reduce their prevalence among adults in the Gambia. Development partners and international NGOs have key roles to play in this regard. Based on the apathy of the previous government to international collaborations, there is need to mediate a suitable climate for running intervention programmes in the 'new Gambia'.
- It is important to put in place a suitable transitional justice mechanism in order to ensure justice for victims of human rights abuses of the past government. This is key to ensuring peace and stability in the country as this is becoming a popular demand, especially from the older

citizens. It is equally important to strengthen judicial institutions, make them independent and ensure that Gambians take ownership of the process. Effective traditional systems of justice should also be incorporated into the transitional justice process in order to ensure the legitimacy of the process among the people and facilitate collective therapy.

- Finally, it is important to interrogate the mechanisms of ethnic tolerance in The Gambia in the bid to explore the possibility of creating a model for societies in Africa currently being plagued by ethno-religious conflicts. Latent problems of ethnic divisions which are currently becoming manifest in tensions also need to be properly managed through an effective transitional justice process. The call of the APRC supporters for forgiveness must be balanced with justice in the adoption of a holistic process which entails the establishment of truth commissions and prosecutions with appropriate documentation of cases for accountability. More importantly, it is important that this process be driven by the Attorney General, the executive and members of the civil society organisations.
- The transitional justice process should lead to collective therapy in reconciling the different factions that are building up as an aftermath of the ouster of Ahl. Yahya Jammeh. Clinical and psychological therapy should be provided for the traumatised, while compensation, where practicable,

should be paid to victims of abuses of the past regime.

CONCLUSION

In view of the key issues and proposed interventions, democracy in The Gambia needs to be consolidated in order to make it sustainable. Consequently, it is important to highlight what the Gambian people consider high priority at present in order to make them buy into whatever interventions civil society organisations, development partners, foreign governments and other donors may be proposing. There is a popular demand for constitutional reform which allocates too much power to the president in spite of previous reviews numbering up to 49 times. The poverty level has resulted in the agitation for salary increment for civil servants in order to improve on their living standards. Apart from this basic economic issue, freedom and justice are top priorities, with a call for institutional reforms, especially those of the security sector, and an end to arbitrary arrests. The approach to justice must also be a restorative one which is victim-centred. In harnessing these basic needs, therefore, it is important to initiate a national dialogue, which should entail participation by civil society organisations, the Gambian Press Union, religious organisations, activists and the government before the upcoming parliamentary elections on 6 April, 2017.

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APPENDICES

Appendix I

Key Stakeholders

The major stakeholders in the transitioning process include:

- The president and his cabinet members
- Members of the political parties
- Members of the press and civil society organisations
- Members of the legislature
- Members of the judiciary
- Women, Youth, LGBTQ and people living with disabilities
- Policy makers in the academic and economic sectors (especially the tourism and agricultural sectors)
- Religious leaders
- Traditional and community leaders
- Health practitioners
- Development partners
- Members of the anti-corruption agencies
- Security Agents

Appendix II

SCOPING EXERCISE IN THE GAMBIA WITH STAKEHOLDERS

Interview Guide

Classification of Stakeholders:

1. Civil Society Actors (CS), including youth-based organizations
2. Political Parties (PP)
3. Government Officials (GO)
4. Legislature (L)
5. Media (M)
6. Religious & Traditional Institutions (RTI)
7. Security Agencies (SA)
8. Migration and Border Control (MBC)

Note: Stakeholders are clustered into different groups in a way that the consultations could be carried-out.

. Interview guide (Civil Society, the Media, Religious & Traditional Institutions)

Good Governance, Transparency & Accountability, and Human Rights

Understanding the context

1. What are your views about Jammeh's Regime as it relates to the following core governance issues?
 - Openness, transparency & accountability
 - Respect for opposition parties and Human Rights (including Internet freedom)
 - Independence of the Judiciary
 - Civil society and social movements
 - Rule of Law
2. Yahya Jammeh's coup detat of 1994 against Jawara's prolonged years in power and the eventual return to civil

rule in 1996 was argued to give birth to a NEW Gambia. Given [contrary] views expressed about his regime, what are underlining factors that could be used to underscore associated governance challenges?

3. How has the governance challenges associated with Jammeh's regime affected civic education and engagement with government in The Gambia? The conversation should be guided to elicit response on the following issues:
 - Capacity of civil society groups/media/political parties. This will enable us to identify capacity gaps.
 - Budget tracking & monitoring
 - Engagement on corruption/IFFs issues

- Media's fourth estate role in the Gambia
 - Local Governance, etc.
 - Constitutional reform
4. What do you think are the driving factors that led to Jammeh's loss during the elections in The Gambia? What were the major challenges during the last elections in The Gambia? Is there any legal framework limiting effective participation of citizens in the electoral processes and protection of mandate?
 5. How do you think the electoral processes can be strengthened amidst [outlined] challenges?

NEW Government Response

6. How are The Gambians responding to the new Government? What are your expectations from the new government in place? Are there any envisaged challenges and how this could be nipped in the bud [looking at role that each stakeholder could play in the governance process]?
7. What is your view about ongoing conversation on gerontocratic nature of the cabinet? What role would you suggest that youth play in the new government of The Gambia?
8. Do you think composition of the current government in place represents the position of both Majority and Minority groups in The Gambia? Please give examples of why you hold such views (depending on the responses from the respondents) Does it include engaging The

Gambians from the last regime of Jammeh's Government?

9. What do you think should be the priorities of the current government?

Focus on the Vulnerable Groups

10. What must be put in place to empower the vulnerable groups (women, youths and people with disabilities)?
11. What is the state of gender responsiveness in The Gambia under the current dispensation? How can women be sensitized to improve on their literacy level? How can gender stereotypes be mitigated in the country?
12. What cultural and/or religious myths are perhaps undermining or could undermine the integration of women into the socio-economic and political life of the Gambia?

Focus on the Capacity of

CSOs/Media/Political Parties/Legislature

13. What is the state of civil society in the Gambia at present, especially on issues around advocacy, coordination and capacity?
14. What would you say is the priority for civil society engagement in the NEW administration? We need to spend lots of time here so as to able to identify gaps for further engagement.
15. How knowledgeable are the citizens about the provisions of the constitution and civic responsibilities?

16. How is the media landscape in the Gambia? How objective is their reportage? How do public and private media outfits (both print and electronic) ensure good governance and protection of human rights in the Gambia?
17. What ideology is guiding the formation of political parties in the Gambia?
18. Who are those that presently constitute their membership and what are their roles in governance?
19. What is the current composition of the Gambian legislature? How does this impact on the independence of this arm of government?
20. In what area is capacity building needed for members of the legislature?
21. How effective is the Anti-corruption and the Human Rights Commissions of the Gambia in carrying out their mandates?
22. What measures are needed to ensure effective delivery of their mandates?
23. What are your recommendations in driving and consolidating good governance and development in The Gambia?

Conflict, Grievance & Transitional Justice

Understanding the Context

1. Following Jammeh's ouster from The Gambia – What are the existing and potential conflicts and grievances? Based on the issues raised – what do you think are/would be the causes of such conflicts/grievances?
2. Who are the parties involved? Any existing timeline of such issues (Conflicts/grievances)?
3. What is the state of the relationship among different ethnic and religious groups in The Gambia? Are there any indicators of the suppression of ethnic and religious minority groups?
4. What are the latent signs of ethnic and religious tensions?
5. What would you say are the factors responsible for the current state of the relationships among different ethnic and religious groups in The Gambia?
6. What lessons can be learnt from the peaceful coexistence among these groups?

The NEW Government's Response

7. Are there ongoing efforts [from government and other stakeholders] to redress grievances/conflicts and promote social justice amongst parties involved?
8. How can the agricultural and tourism sectors be further strengthened?
9. What are the unexplored potentials of The Gambia's economy?

Defining entry-point

10. What would you suggest as appropriate mechanism for seeking redress for the long years of social injustice in The Gambia?
11. Who are the critical stakeholders that should be engaged and how best to engage them for effective engagement?
12. What is the possibility of creating a continent-wide model for ethnic tolerance in Africa?
13. What are your perceptions and world views about the state of security in The Gambia?

Forthcoming Election

1. What are your expectations from the forthcoming parliamentary election?
2. Are there issues you think that demand attention in pre and post election period in The Gambia?
3. Following the growing youth engagement and demand for more voice in the government structures (such as Not2Young2Run Campaign), what are your recommendations to improving youth participation in governance? Do you think the youth have chances of engaging effectively from the political parties stage to winning legislative seats in the current dispensation?

B. Interview Guide (Political Parties, Government Officials, Security Agencies & Legislature)

Good Governance, Transparency & Accountability, and Human Rights

Understanding the context

1. What are your views about Jammeh's Regime as it relates to the following core governance issues?
 - Openness, transparency & accountability
 - Respect for opposition parties and Human Rights (including Internet freedom)
 - Independence of Judiciary
 - Civil society and social movement
 - Rule of Law
2. Yahya Jammeh's coup d'état of 1994 against Jawara's prolonged years in power and the eventual return to civil rule in 1996 was argued to give birth to a NEW Gambia. Given [contrary] views expressed about his regime, what are underlining factors that could be used to underscore associated governance challenges?
3. How has the governance challenges associated with Jammeh's regime affected civic education and engagement with government in The Gambia? The conversation should be guided to elicit responses on the following issues:
 - Capacity of civil society groups/media/political

parties. This will enable us to identify capacity gaps.

- Budget tracking & monitoring
- Engagement on corruption/IFFs issues
- Media's fourth estate role in the Gambia
- Local Governance, etc.
- Constitutional reform

4. What do you think are the driving factors that lead to Jammeh's loss of election in The Gambia? What were the major challenges during the last elections in The Gambia? Is there any legal framework limiting effective participation of citizens in the electoral processes and protection of mandate?
5. How do you think the electoral processes can be strengthened amidst [outlined] challenges?

NEW Government Response

6. How are The Gambians responding to the new Government? What are your expectations from the new government in place? Are there any envisaged challenges and how this could be nipped in the bud [looking at role that each stakeholder could play in the governance process]?
7. What is your view about ongoing conversation on gerontocratic nature of the cabinet? What roles would you suggest that youth play in the new government of The Gambia?
8. Do you think composition of the current government in place represents the position of both

Majority and Minority groups in The Gambia? Please give examples of why you hold such views (depending on the responses from the respondents) Does it include engaging The Gambians from the last regime of Jammeh's Government?

9. What do you think should be the priorities of the current government?

Focus on the Vulnerable Groups

10. What must be put in place to empower the vulnerable groups (women, youths and people with disabilities)?
11. What is the state of gender responsiveness in the Gambia under the current dispensation? How can women be sensitized to improve on their literacy level? How can gender stereotypes be mitigated in the country?
12. What cultural and/or religious myths are perhaps undermining or could undermine the integration of women into the socio-economic and political life of the Gambia?

Focus on Political Parties/CSOs/Legislature

13. What ideology is guiding the formation of political parties in the Gambia?
14. Who are those that presently constitute their membership and what are their roles in governance?
15. What do you think Civil Societies (including religious and traditional

institutions) should prioritise to deepen civic engagement in The Gambia?

16. What is the current composition of the Gambian legislature? How does this impact on the independence of this arm of government?

17. In what area is capacity building needed for members of the legislature?

Conflict, Grievance & Transitional Justice

Understanding the Context

4. Following Jammeh's ouster from The Gambia – What are the existing and potential conflicts and grievances? Based on the issues raised – what do you think are/would be the causes of such conflicts/grievances?

5. Who are the parties involved? Any existing timeline of such issues (Conflicts/grievances)?

6. What is the state of the relationship among different ethnic and religious groups in The Gambia? Are there any indicators of the suppression of ethnic and religious minority groups?

7. What are the latent signs of ethnic and religious tensions?

8. What would you say are factors responsible for the current state of the relationship among different ethnic and religious groups in The Gambia?

9. What lessons can be learnt from the peaceful coexistence among these groups?

The NEW Government's Response

10. Are there ongoing efforts [from government and other stakeholders] to redress grievances/conflicts and promote social justice amongst parties involved?

11. How can the agricultural and tourism sectors be further strengthened?

12. What are the unexplored potentials of The Gambia's economy?

Defining entry-point

13. What would you suggest as appropriate mechanism(s) for seeking redress for the long years of social injustices in The Gambia?

14. Who are the critical stakeholders that should be engaged and how best can they be engaged for effectiveness?

15. What is the possibility of creating a continent-wide model for ethnic tolerance in Africa?

16. What are your perceptions and world views about the state of security in The Gambia?

Forthcoming Election

1. What are your expectations from the forthcoming parliamentary election?

2. Are there issues you think that demand attention in pre and post election period in The Gambia?
3. Following the growing youth engagement and demand for more voice in the government structures (such as Not2Young2Run Campaign), what are your recommendations to improving youth participation in governance? Do you think the youth

have chances of engaging effectively from the political parties stage to winning legislative sits in the current dispensation?

Appendix III

MANIFESTO OF THE COALITION 2016

INTRODUCTION

A People-Centered State administration requires appropriate constitutional and institutional developments complemented by appropriate policies, strategic plans, programs and projects aimed at improving the general well-being of the citizenry. Disregard of constitutional provisions aimed at protection of the citizenry and lack of financial discipline in state administration has transformed Gambia under the APRC into a Heavily Indebted Poor Country (HIPC) which is being increasingly isolated because of governance practices that are in contravention to Good Governance, Rule of Law, Democracy, Human Rights and Substantive Justice. In this regard, I have offered myself as an Independent Candidate who will serve for only three years at the head of a broad-based and inclusive Coalition Government aimed at conducting constitutional, institutional and administrative reforms that would establish the foundation of a democratic system of administration that would put an end to the culture of impunity and self-perpetuating rule and usher in an era for Gambians to enjoy liberty and prosperity under a system of government that is sensitive and responsive to the needs and aspirations of its citizenry.

TOWARDS ECONOMIC STABILISATION AND SUSTAINABLE DEVELOPMENT

The transitional Government will take note of the economic disequilibrium being experienced under the APRC. The negative growth of 7.2 percent experienced by the agricultural sector in 2014; the insignificant positive growth of 2.7 percent of the industrial sector and the negative growth of 8.1 percent in the service sector confirm that the economy is in decline. The fluctuation of prices, the exchange rate of the Dalasi and the sustained budget deficits and internal and external borrowing has resulted in a growing imbalance between revenue and expenditure and export and import thus resulting in poverty, joblessness and low income. The transitional government will introduce financial discipline both in terms of fiscal policy and public spending. It will give emphasis to revenue generation while encouraging expenditure based on means so as to reduce dependence on debt to meet budgetary requirements. It will strive to increase the income of low earners such as pensioners and those at the lower grades. It would put in place programs aimed at enhancing the growth of the agricultural, industrial and service sectors as well as the informal sector of the economy. The aim of the transitional administration is to stabilize the fundamentals of the economy and then push towards sustainable growth so that any new administration would have a strong economic foundation which would serve as a springboard for more growth-oriented policies.

SOCIAL SERVICES

1. Education

The Coalition Government would work towards delivering quality and relevant basic education that is free, accessible and compulsory. It will take major initiatives to make Secondary Education affordable and accessible to all those who have the qualification. It would make Tertiary Education relatively accessible and affordable to all those who have the qualification. Teachers and Learning materials would be given priority.

2. Health

Primary Health Care (PHC) focusing on the basic health needs of the population will be the basis of the health delivery system of the Coalition. Its preventive aspect will be given primary consideration. The Coalition Government will subsidize PHC delivery system and strive to make it affordable and accessible to all. Other health delivery services shall be made more accessible and more affordable.

GOOD GOVERNANCE

1. The transitional government shall treat all Gambians equally regardless of gender, political, religious and tribal affiliation;
2. The transitional government shall respect and protect the fundamental principles of humans and people's rights;
3. The transitional government shall exercise impartiality among all stakeholders;
4. The transitional government shall not engage in any form of revenge or witch hunt against its citizens; and
5. The transitional government shall respect and honor all the international conventions and treaties that The Gambia is a signatory to.

CABINET COMPOSITION

The Transitional Cabinet shall comprise the following Ministers:

1. Vice President and Minister for Good Governance and Gender Affairs
2. Minister of Finance & Economic Affairs
3. Minister of Foreign Affairs and Regional Integration
4. Minister of Works and Infrastructure
5. Attorney General and Minister of Justice
6. Minister of Defense

7. Minister of Interior
8. Minister of Higher Education & Technology
9. Minister of Basic & Secondary Education
10. Minister of Industry, Trade, and Employment
11. Minister of Information and Information Technology
12. Minister of Regional Administration and Lands
13. Minister of Health
14. Minister of Agriculture, Forestry, Environment and Climate Change
15. Minister of Youth and Sports
16. Minister of Fisheries and Water Resources
17. Minister of Tourism and Culture
18. Minister of Energy
19. Minister of Social Welfare, the Physically Challenged and Children Affairs

All Presidential appointments and removals will be done in consultation with Coalition stakeholders.

ON DEMOCRACY AND RULE OF LAW

1. The Coalition Government will promote and entrench the sovereignty of the people; eradicate vestiges of the self-perpetuating rule; and empower citizens to defend their sovereignty and to have control over public authority as equal stakeholders.
2. Undertake institutional reforms of the executive, legislature, judiciary, civil service and other oversight institutions such as the office of the Ombudsman and the Independent Electoral Commission (IEC).
3. Establish a body of jurists and competent personalities to review the constitution with a view to cleansing it of all provisions which are inimical to democracy and the rule of law; review the Elections Act to remove provisions such as prohibitive deposits for Presidential, National Assembly, Council and Mayoral elections which hinder citizens from exercising their right to be elected to elective positions.
4. In tune with section 39 of the 1997 constitution and also sections 11 and 141 of the Elections Act, enfranchise Gambians abroad to vote.

5. Establish a Constituency Boundaries Commission in compliance with section 50 of the 1997 constitution; Propagate constitutional amendments to restore the provision of section 48 of the Constitution that makes it a requirement for a Presidential candidate to have more than 50 percent of the valid votes cast before assuming the Office of President in the first ballot.
6. Section 63 (1) of the 1997 Constitution will be subjected to a referendum to introduce the two-term limit.
7. An Act of the National Assembly should be enacted to determine the procedure of the referendum to be held after a vote of no confidence against a President is cast under section 63(5) of the Constitution.
8. To strengthen parliamentary oversight under a Coalition Government, efforts shall be undertaken to amend Section 91 of the Constitution so that any member of parliament who is dismissed by a party would automatically be an Independent candidate.
9. To make the member accountable to the electorate, an Act of the National Assembly shall be enacted to provide the procedure to enforce Section 92 of the Constitution which provides the right to recall representatives to the electorate.
10. To ensure judicial oversight, the independence of the Judiciary will be buttressed by undertaking constitutional amendments which would link any removal of a judge, magistrate or member of a district tribunal to be determined by a judicial inquiry by a tribunal headed by competent judges.
11. To ensure security or tenure of the members of the IEC, Section 42 of the Constitution will be amended to make it impossible for any member of the Commission to be removed without judicial inquiry by competent judges.
12. A freedom of Information Act shall be enacted to strengthen media oversight.
13. An NGO Act shall be enacted to promote Civil Society oversight.
14. The Law Reform Commission shall be restructured and revitalized to enable it to guide constitutional and legal reform processes to consolidate the rule of law.
15. Protect civil servants and disciplined forces from being use for partisan political objectives.
16. Ensure equal access to public facilities as required by section 26 of the 1997 Constitution.
17. Open the public media to divergent views and opinion as required by section 208 of the 1997 Constitution.
18. Repeal the legal requirement of political parties having to apply for permits before using amplification facilities and instead introduce a consultative mechanism that enables the police to determine which party has the user right to a meeting place on a first come first serve basis.
19. To prevent leaders from encouraging self-perpetuating rule, the Coalition Administration shall put in place a term limit of two mandates of five years each.

20. Repeal the maximum age limit for the presidency as stipulated in section 62(1b) of the 1997 Constitution.
21. Empower the National Council for Civic Education (NCCE) both in terms of human and financial resources for them to become more apt to conduct civic education programs on a nationwide scale.
22. Put in place a mechanism of preventing fraudulent registration in compliance with sections 39 and 41 of the 1997 Constitution.

ON HUMAN RIGHTS AND JUSTICE

The Coalition government and its agencies will respect and uphold human rights as provided in the Constitution, ECOWAS and AU protocols and International Conventions.

1. General Amnesty to Prisoners

All prisoners of conscience must be freed so that they can contribute their quota to the development of The Gambia.

The following categories of prisoners will be granted amnesty:

All those jailed in relation to charges of treason, false news, false publication, sedition, libel, Public Order Act offenses, giving false information to a public servant.

2. Withdrawal of Cases without Merit

Many cases are without substance. All cases without merit especially that of remanded prisoners that are stagnant will be reviewed without delay by a committee appointed by the Attorney General and all charges without merit will be dropped.

3. Release of Detainees

A list of detainees who have never been charged and put on trial and are in custody for more than 72 hours in contravention of Section 19 of the Constitution will be provided to the Attorney General.

A committee will be set up by the Attorney General to review the case files, if any, of such detainees and make appropriate recommendations for immediate release and provide other remedies including the payment of compensation.

4. Addressing the Issue of Torture and Death in Custody

Many allegations of torture have been reported by the media and made by accused persons in their testimonies in court. Reports of disappearances without a trace are common. There are also cases of death under detention without the institution of any proceedings by the Coroner.

The Coalition Government shall set up a truth and reconciliation commission to enhance the healing of wounds that have caused pain and trauma through a cycle of confession, repentance, forgiveness and reconciliation. The commission will be empowered to recommend remedies for injustice including payment of compensation by the state, as it deems fit.

5. Gambians in the Diaspora

Many Gambians are abroad because of inadequate political environment conducive for the free expression of divergent views in the media and free exercise of dissent;

The coalition government will reconstruct a new Gambia free from persecution and impunity where democracy and the rule of law thrive and where dissent and free expression of divergent views are tolerated. The Coalition government will extend an olive branch to all Gambians in exile to return unconditionally without fear of being prosecuted for any allegations against them.

REPEAL OF LAWS THAT ARE IN CONTRAVENTION OF BEST PRACTICE IN UPHOLDING HUMAN RIGHTS

The provisions of Chapter Four of the Constitution protect our fundamental rights and freedoms, but certain laws some of which were enacted since the colonial period contravene the best practice in safeguarding these rights. It is as if the Constitution is giving rights to its citizens and other laws are ousting those rights.

1. a) The Coalition Government endeavors to propagate legislation to revoke all provisions of a law criminalizing speech including libel, sedition, false news and false publication within six months of assuming political office.
2. b) Laws on official secrets will be amended to promote public accountability and transparency in public office
3. c) Public Order Act, Laws of The Gambia 2009 gives too much power to the Inspector General of Police and does fetter freedom of association and assembly. The Coalition government will repeal any provision in the Public Order Act which is not reasonable and justifiable in a democratic society such as those which hinder peaceful procession to highlight public grievances which are the main tool for exercising civil society oversight over the governance process.
4. d) Criminal Code Act, Laws of The Gambia 2009 – section 114 which relates to giving false information to a public servant. Quite often persons who petition the president are prosecuted in violation of section 25 paragraph (f) which protects the right of every person to freedom to petition the Executive for redress of grievances.
5. viii). Enlargement of Protection of Human Rights

Apart from revoking or amending laws which hinder human rights, there will be a need for the enactment of laws, the establishment of institutions and law enforcement practices which will enlarge and protect rights and freedoms. We propose the following laws, policies, and practices:

1. a) The Coalition government will enact a Freedom of Information law in consultation with the GPU and the media fraternity to enhance access to official information and strengthen media oversight of governance. This will facilitate transparency and accountability.

A new Freedom of Information law will repeal the Newspaper Act and incorporate part of the Information and Communication Act to facilitate easy avenues to establish media houses, the issuing of broadcasting licenses which does not encroach on media freedom and the establishment of an independent broadcasting regulatory body.

The law will seek to provide alternative dispute resolution measures and peer pressure to address any abuse of professionalism and civil suit in case of libel rather than criminalizing speech.

1. b) Invoke section 18 of the Constitution to facilitate a referendum on the abolition of the death penalty within a year to make life imprisonment the maximum penalty. Imprisonments leave much to be desired. There is a need for prison reform.

Within a month from assuming office the Coalition Government will set up a Commission of Inquiry into the places and conditions of detention before and after conviction with the objective of putting an end to torture, rape, inhuman and degrading punishment or treatment and poor conditions of imprisonment. The findings will provide ingredients for prison reform, upgrading of police cells and amenities such as food, sanitation, access to legal counsels and next of kin. The Commission will inquire into disappearances without a trace and long detention without bail to ensure that bail is accessible and affordable.

1. d) The Coalition government will set up a Commission of Inquiry to look into any claim of seizure or damage to any legally acquired property without just compensation to protect the right not to be deprived of one's property.
2. e) Even though the Constitution makes provision for fundamental rights and freedoms the state treats those rights with disregard and the rights of citizens are not protected. Hence many are unlawfully detained for more than 72 hours and the detainees and their families appear helpless in protecting their rights especially since court orders are treated with disregard.

The Coalition government shall promote the right to fair hearing and speedy trial. It will respect and protect the Independence and Impartiality of courts and judges.

It shall oversee the establishment of a Judicial Service Commission that would enable the judiciary to carry out a judicial oversight in protecting and enforcing respect of rights.

It will also establish an independent National Human Rights Institution as an oversight institution empowered to order the release of persons detained unlawfully and having unlimited access to all places of detention. The institution will also have the power to stop unlawful practices at detention centers such as torture.

1. f) The Coalition Government will protect freedom of religion, belief, and worship.

ix). International Conventions

More than a dozen international conventions on human rights have been ratified. Three of them have been domesticated. The UN Convention against all forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) now form part of the Women's Act 2010. The UN Convention on the Rights of the Child is part of the Children's Act 2005.

The conventions that have been ratified will be reviewed for the purpose of domesticating them.

About half a dozen other conventions are yet to be ratified. Efforts will be made to ratify them.

8. 8. ON NATIONAL RECONCILIATION

The Coalition stakeholders will assume the task of educating coalition supporters, in particular, and the nation, at large, on the election rules and promote the exemplary display of mature citizenship during the 2016 electoral process and beyond.

We will promote national reconciliation so that the sovereign Gambian people, irrespective of ethnolinguistic (tribe), religion, gender or other sectional considerations, would be united to prove our common bond of citizenship.

The coalition leaders would be encouraged to buttress this point in all their messages to the electorate.

The Coalition Government will conduct civic education on print, electronic i.e. radio and television, social media and any other outlets, singly or in collaboration with other stakeholders, to promote tolerance of diversity and national reconciliation.

The Coalition government will propagate laws, institutions and programs on national reconciliation to build trust, confidence and positive perception towards the coalition by presenting it as a unifying rather than a dividing force. It will convince the electorate that the coalition is on the path of national reconciliation rather preparing for revenge.

The committee shall educate and sensitize the electorate about the need for national reconciliation in safeguarding our peaceful co-existence as a people. This will give more legitimacy to and support for the coalition during the transitional phase.

CONCLUSION

The Independent Ticket supported by Coalition 2016 aims to create a transitional Coalition Government that would promote tolerance of ethnolinguistic, religious, gender and other diversities in promotion of national unity

We have agreed to put all differences aside to put a transitional government in place that would initiate constitutional, electoral, institutional, administrative and managerial reforms that would make justice guide our action towards the common good and further unify our diverse people to create a democratic system which enables each party to have equal access to the media and seek the mandate of the people in a free, fair and genuine election after a three-year transition.

The End

Appendix IV

COALITION 2016 MOU

“Preamble”

We the signatory stakeholders of this memorandum of understanding being convinced that participatory democracy should give rise to freely elected representatives who are the undiluted choice of the people. Recognizing that the absolute majority principle that makes it mandatory for a Presidential Candidate to only win on the first ballot if he or she has more than 50 percent of the votes cast is the only way to guarantee election outcome that reflects the undiluted choice of the people.

Taking note of the constitutional amendment 2003 which replaced the Absolute Majority principle with first past the post which is disadvantageous to the opposition.

Taking cognizance of our duty to create an atmosphere congenial for peaceful democratic change that would usher in an inclusive, democratic, accountable and transparent political dispensation that would give rise to the consolidation of Democracy, Good Governance, Respect for Human Rights and Rule of Law;

Have agreed to put our differences aside and in the supreme interest of the country, support an Independent candidate elected at a National Convention constituted by an equal number of delegates and further consider ourselves bound together as follows:

1. Name

Coalition 2016 is hereby established to support one Independent Candidate elected by The National Convention of Opposition stakeholders and hereinafter referred to as “The Coalition.”

2. Goal

The Goal of the Coalition is to:

- a) Put an end to impunity and self-perpetuating rule by establishing constitutional and institutional safeguards and propagate normative values and practices that would ensure the consolidation of participatory Democracy, Good Governance, Rule of Law, Substantive Justice and Human Rights.
- b) Institutionalize term limits; strengthen checks and balances by consolidating Judicial, Parliamentary, Media and other Civil Society oversight in order to hold Government officials accountable to the people.

3. The Strategic Objectives

The Coalition aims to:

- a) Educate coalition partners and supporters on ethics of electoral conduct prior to, during and after the National Convention so as to promote the exemplary display of mature citizenship during the entire 2016 electoral process and beyond. Promote tolerance of ethnolinguistic (tribe), religious, gender and other diversities in the promotion of national unity and peaceful co-existence.
- b) Uphold and defend the secularity of the Republic and will not entertain any discrimination based on ethnolinguistic origin, religion, gender or political opinion.
- c) Respect and uphold human rights as provided in the Constitution, ECOWAS and AU Protocols and International Conventions.
- d) Set up a truth and reconciliation commission to enhance the healing of wounds that have caused pain and trauma through a cycle of confession, repentance, forgiveness and reconciliation and remedies for injustice including payment of compensation by the state, as it deems fit;
- e) Reconstruct a new Gambia free from extreme poverty, persecution, and impunity where democracy and the rule of law will thrive and dissent and free expression of divergent views tolerated.
- f) Extend an olive branch to all Gambians in exile to return unconditionally without fear of being prosecuted for any allegations against them.

- g) Propagate legislation to revoke all provisions of a law criminalizing speech including libel, sedition, false news and false publication
- h) Set up a Commission of Inquiry to look into any claim of seizure or damage to any legally acquired property without just compensation to protect the right not to be deprived of one's property.
- i) Promote the right to fair hearing and speedy trial by respecting and protecting the Independence and Impartiality of courts and judges.
- j) Oversee the establishment of a Judicial Service Commission that would enable the judiciary to carry out a judicial oversight in protecting and enforcing respect of rights.
- k) Establish an independent National Human Rights Institution as an oversight institution empowered to order the release of persons detained unlawfully and having unlimited access to all places of detention to stop unlawful practices at detention centers such as torture.

4. Composition

The Coalition shall comprise all stakeholders who are signatories to the agreement establishing it and or are parties to this Memorandum of Understanding.

5. Organs of The Coalition

- i) Office of Flag Bearer
 - a) The person elected at a National Convention of The Coalition who stands as an Independent Candidate belonging to no party shall be supported by the Coalition as Flag Bearer.
 - b) The Flag bearer is the Focal Point in all Coalition support activities
- ii) Functions

The Flag Bearer will:

- a) Present and propagate the content of a Manifesto endorsed by all signatory stakeholders of The Coalition.
 - b) Open an account to Finance Coalition support activities and be a principal signatory to the checks of the account.
- iii) On the Tenure of the Office and Conduct of the Flag Bearer

The Flag Bearer will:

- a) Head a transitional government for a period of three years.
 - b) Be open, transparent and accountable to all during the transition.
 - c) Respect the views and rights of the citizens.
 - d) Not support any party during the transition period.
 - e) Not seek for re-election until after the five years after the transition period.
 - f) Be a unifier, good listener, team player and an easily accessible person.
 - g) Make a pledge to respect and uphold all the conditions circumscribing his or her tenure as established by the coalition.
- iv. Transitional Cabinet

The Transitional Government will:

- a) Treat all Gambians equally regardless of gender, political, religious and tribal affiliation;
 - b) Respect and protect the fundamental principles of human and people's rights;
 - c) Exercise impartiality among all stakeholders;
 - d) Not engage in any form of revenge or witch hunt against its citizens;
 - e) Respect and honor all the international conventions and treaties that The Gambia is a signatory to; and
 - f) Carry out the following reviews and reforms:
 - a. Conduct constitutional review and electoral reforms and organize referendum,
 - b. Institute review and reform of the Judiciary and Civil Service,
 - c. Conduct foreign policy review and reform.
- v. Cabinet Composition

- a) The Transitional Cabinet shall comprise not more than 19 Ministries.
- b) Cabinet position(s) will be allocated in consultation with each signatory stakeholder in the CEC.
- c) c) All Presidential appointments and removals shall be done in consultation with CEC.
- d) d) In the event of the removal of a Minister, the President will consult the signatory stakeholder affected by the proposal before the appointment of a replacement.

6. The Coalition Executive Committee

- i) The Coalition Executive Committee is the Principal Policy and Decision-making arm of The Coalition. It is the Governing arm of the Coalition
- ii) Composition the Coalition Executive Committee comprises the Flag-bearer, three representatives from each of the signatory party stakeholders, the independent presidential aspirant and each non-party signatory stakeholder. One of the party signatory stakeholders shall be designated head of the delegation.
- iii) Functions:
 - a) The Coalition Executive Committee is the supreme decision-making body of the Coalition and will serve as an Advisory and Consultative organ to the Flag-bearer and the Government.
 - b) b) The Transitional President shall constitute the transitional Cabinet to form a Government of National Unity in consultation with the CEC.
 - c) c) In making recommendations on Cabinet Composition after mutual consultation among CEC members regard should be given to the dictates of Section 72 of The Constitution which emphasizes the desirability of ensuring that Cabinet responsibilities' are entrusted to competent persons with relevant qualification or experience.
 - d) d) The CEC has powers to establish Standing/Permanent and AD-HOC- Committees to investigate and provide a recommendation for its approval on all issues of importance to the Coalition.

7. AD HOC Committee of the CEC:

- a) The composition of such Committees shall reflect the composition of the Coalition stakeholders.

- b) Unless appointed by The CEC, The Committees shall elect their own Chairpersons and Secretaries to conduct business aimed at attaining the objective of the Coalition.
- c) The meetings of Committees shall be convened by the Chairpersons.
- d) Gender balance shall be taken note of in constituting the composition and Chairing of such Committees.
- e) The decision in the Committees shall be based on Consensus.
- f) Reports presented by Committees and approved by the Coalition shall form part of the decisions taken by the Coalition, as long as they are in conformity with the letter and spirit of this Memorandum.
- g) The CEC will decide on a Periodic basis which AD-HOC Committee will have its mandate extended and the extent of the renewed mandate.

8. The AD-HOC Committees:

A. COMMITTEE ON GOOD GOVERNANCE

This committee shall comprise a Chairperson and one representative from each of the signatory stakeholders.

The Committee will:

- a) Provide guidance on the Post-Election conduct of the flag bearer;
- b) Provide proposals on Cabinet composition and reform;
- c) Articulate the Civil Service reforms to be undertaken

B. COMMITTEE ON DEMOCRACY AND RULE OF LAW

Composition:

The Committee will comprise a Chairperson and one representative from each of the signatory stakeholders.

Functions:

The Committee will serve as an advisory and consultative body on Democracy and rule of law and will provide recommendations on:

- a) Electoral Reform,
- b) Parliamentary Oversight,
- c) Civil Society Oversight,
- d) Media Oversight,
- e) Institutional Reforms of the Executive, the Judiciary, and the Legislature.

C. COMMITTEE ON JUSTICE AND HUMAN RIGHTS

Composition:

The Committee will comprise a Chairperson and one representative of the signatory stakeholders of the Coalition Agreement.

Functions:

The Committee will serve as an advisory and consultative body to the CEC on Justice and Human Rights and give recommendations as and when required by the CEC on:

- a) Issues of granting general amnesty to prisoners;
- b) Providing reprieve to Gambians abroad who may feel insecure in coming back to the Gambia;
- c) The repealing of laws that are in contravention of best practice in upholding human rights;
- d) Identifying all the International Conventions' on Human rights for domestication; and
- e) Strengthening media, civil society, and judicial oversight to enhance observance and enforcement of human rights.

D. COMMITTEE ON VOTER EDUCATION AND NATIONAL RECONCILIATION

Composition:

This Committee shall comprise a Chairperson and one representative from each of the signatory stakeholders.

Functions:

The Committee will serve as an advisory and consultative body on voter education and National reconciliation and will give a recommendation as and when requested by three CEC on:

- a) How to cultivate mature and exemplary citizenship by conducting voter education on the letter and spirit of electoral instruments and ethics to ensure a free and fair voting process in all elections, in the national interest.
- b) How to conduct civic education to promote National identity and reconciliation by enhancing tolerance of ethnic-linguistic, religious, gender and other diversities in pursuit of national unity and peaceful co-existence.

E. PLANNING AND FINANCE COMMITTEE

Composition:

This Committee shall comprise a Chairperson and one representative from each of the signatory stakeholders.

Functions:

This Committee will serve as an advisory and consultative body on strategic planning, funding, budgeting and ensuring financial discipline and accountability in managing resources that are under the control of the Coalition or Coalition Government resources of the Coalition and the Government. This Committee shall preside over the raising and management of the campaign fund for the 1st December 2016 Presidential Elections.

F. CAMPAIGN COMMITTEE

This Committee shall comprise a Chairperson and one representative from each of the signatory stakeholders. This Committee shall be responsible planning, management, and control of the campaign. This committee shall have regional branches to facilitate effective and efficient campaign.

The Secretariat:

- a) The Coalition shall establish a Secretariat which shall serve as its Headquarters. The Chairperson of the CEC shall be the Executive Secretary of the Coalition and shall be responsible for coordinating all activities of the Coalition.
- b) The Chairperson of the Coalition shall be elected by the members of the CEC upon signing the Memorandum of Understanding.
- c) The Secretariat will constitute both the Administrative and Financial arms of the Coalition. It will employ a small but efficient staff to keep proper books of accounts and maintain proper filing system for correspondence.

9. Finance

- a) The CEC shall be responsible for approving budgets and receiving reports on the statement of accounts of the Coalition;
- b) It has the power to order the auditing of accounts by internal and external auditors at its own volition;
- c) Proper books of accounts containing income and expenditure should be maintained and the Chairperson of the CEC in consultation with the Committee on Planning and Finance should maintain general control and supervision on the disbursement of authorized expenditure so that there is value for money;
- d) The CEC shall convene a meeting to discuss financial matters at short notice;
- e) The Flag Bearer will open up a Bank Account with a Coalition identity;
- f) The Flag- Bearer or his Appointee shall be the major signatory to the account. The CEC will appoint two other signatories to the Accounting;
- g) All monies received must be paid in and all authorized expenditure paid from the said account.

10. Transitional Provision

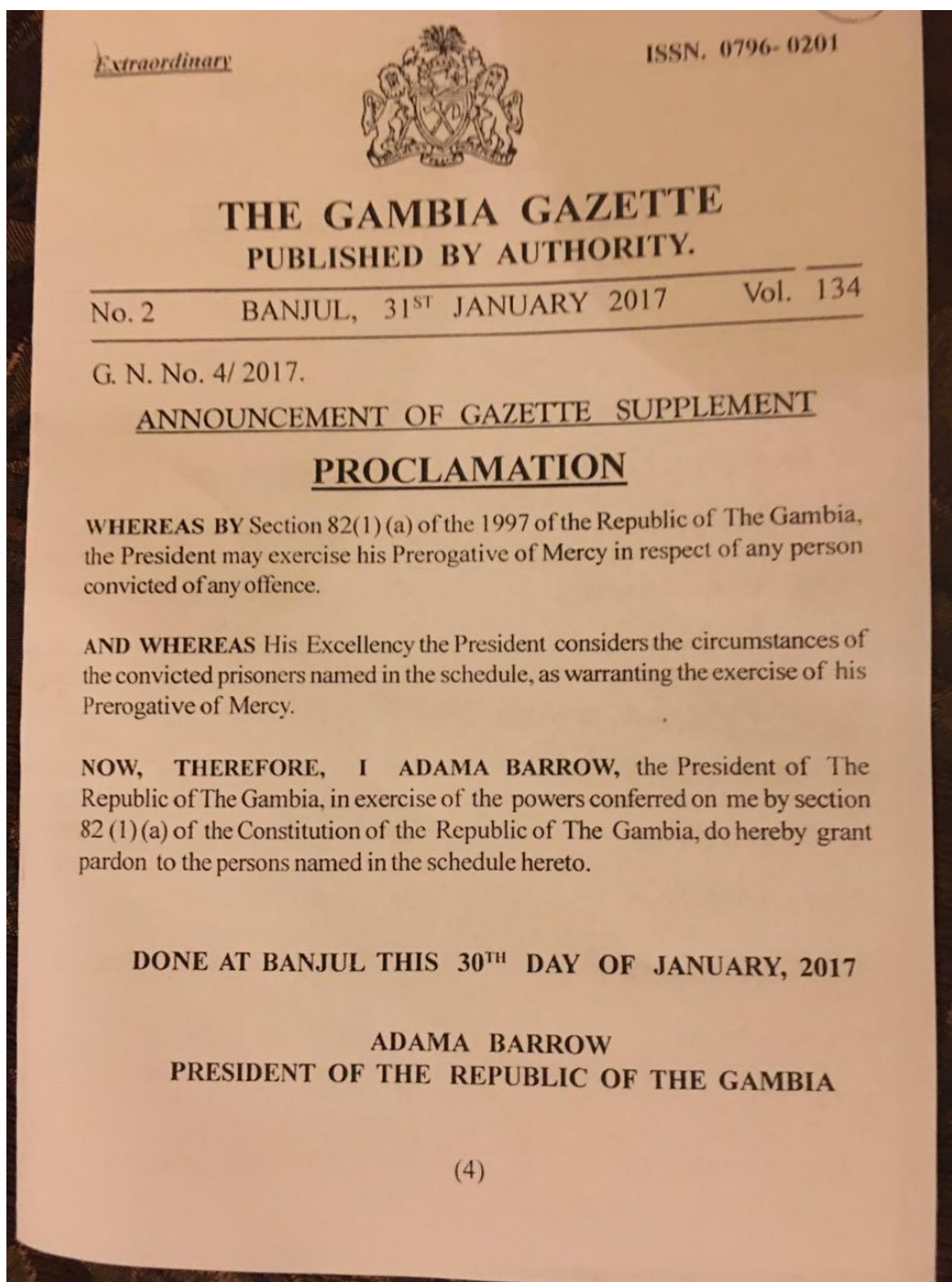
- a) This Memorandum of Understanding will come into force upon signature by the Signatory stakeholders to the Coalition agreement.

- b) The CEC will determine how any remaining income would be utilized after the Presidential Elections.

Done This November 2017

Appendix V

The Gambian Gazette on Presidential Pardon



SCHEDULE

- | | |
|------------------------|----------------------|
| 1. OUSAINOU DARBOE | 17. KEMESSENG JAMMEH |
| 2. FEMI PETERS | 18. LAMIN JATTA |
| 3. YAYA BAH | 19. BABUCARR CAMARA |
| 4. FAKEBBA COLLEY | 20. ISMAILA CEESAY |
| 5. MOMODOU FATTY | 21. DODOU CEESAY |
| 6. SAMBA KINTEH | 22. MAMUDU MANNEH |
| 7. NFAMARA KUYATEH | 23. FANTA DARBOE |
| 8. LAMIN NJIE | 24. JUGUNA SUSSO |
| 9. MOMODOU L.K. SANNEH | 25. YAYA JAMMEH |
| 10. LAMIN SONKO | 26. MODOU TOURAY |
| 11. LASANA BEYAI | 27. LAMIN MARONG |
| 12. ALAGIE FATTY | 28. NOGOI NJIE |
| 13. FATOUMATA JAWARA | 29. FATOU CAMARA |
| 14. KAFU BAYO | 30. SAMBOU FATTY |
| 15. MODOU NGUM | 31. MALANG FATTY |
| 16. EBRIMA JABANG | 32. AMADOU SANNEH |

- | |
|---|
| 33. LIEUTENANT COLONEL SARJO JARJU (G/52) |
| 34. ABDOULIE JOBE (G/5163) |
| 35. CAPTAIN BUBA K. BOJANG (G/5296) |
| 36. LIEUTENANT AMADOU SOWE (G/5366) |
| 37. LIEUTENANT BUBA SANNEH (G/5366) |
| 38. 84 GNA/16157 PRIVATE NJIE MODOU |
| 39. SEEDY JAITEH |

DONE AT BANJUL THIS 30TH DAY OF JANUARY, 2017.

ADAMA BARROW
PRESIDENT OF THE REPUBLIC OF THE GAMBIA