

Countries at the Crossroads

Countries at the Crossroads 2012 The Gambia

Introduction

In November 2011, former soldier Yahya Jammeh won a fourth five-year term as president of The Gambia. Jammeh came to power in a bloodless military coup in 1994 that overthrew the democratically elected government of President Dawda K. Jawara, who had ruled The Gambia after independence from 1965 to 1994.

The 2011 election, like earlier presidential elections under President Jammeh in 1996, 2001, and 2006, was tainted by state-sponsored violence and intimidation, low opposition party media access, inflated voter rolls, a truncated campaign process that favored the incumbent, and an uneven playing field.

As one of four functioning democracies in Africa before the third-wave liberalization of the late 1980s and early 1990s, The Gambia under founding President Jawara enjoyed acclaim for its adherence to democratic norms and principles. Between 1960 and 1992, the ruling People's Progressive Party (PPP) conducted 11 parliamentary and five presidential elections that were deemed free and fair overall. In 1992, President Jawara won a fifth five-year term and captured 59 percent of the vote. Until then, The Gambia had not experienced a single electoral turnover via the ballot box. In 1994, despite regular elections and relative peace and stability since independence from Britain, the military's grievances related to pay and living conditions combined with many Gambians' disenchantment with institutions that had failed to create economic opportunities for the majority of the country. This convergence led to the success of the Jammeh-led coup that resulted in the ouster of President Jawara. From President Jawara's three decades in power to President Jammeh's current Alliance for Patriotic Reorientation and Construction (APRC)-led government, The Gambia has had a democratic façade and weak structures of governance anchored on one-party domination. It is against a backdrop of economic malfeasance, arbitrary rule, political repression, and violence under President Jammeh that recent efforts towards ensuring accountability, civil liberties, the rule of law, anticorruption, and transparency in Gambia must be analyzed.

Gaining independence in 1965, The Gambia was Britain's last and oldest colonial possession in West Africa to do so, after Ghana, Nigeria, and Sierra Leone. Covering a mere 4,000 square miles with a population of only 1.7 million, both the economic and political viability of the country was in question. Several colonial and post-independence initiatives to integrate The Gambia into neighboring Senegal failed because of different colonial legacies and disputes over leadership of the Senegambia Confederation.ⁱ

President Jawara, along with a small cabinet, a coterie of civil-servants, and very limited resources, worked to put in place an open-market system predicated on a functioning democracy. Unlike many African leaders of the immediate post-independence 1960s, who invested primarily in massive popular national projects, Jawara instead implemented modest development goals that sought to improve basic health, education, and physical infrastructure. In time, access to education improved, as did life-expectancy, and before long this relatively well-governed nation began to enjoy Western financial support.ⁱⁱ

Yet, characteristic of his generation of African leaders, Jawara's leadership became increasingly personalist, bedeviled by patronage, the cooptation of opposition political leaders,

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and institutional deterioration. A foiled 1981 coup, in which an estimated 500 people were killed, forced Jawara to undertake key political and economic reforms, but these were not enough to assuage a deepening divide between social classes. While a World Bank-sponsored economic recovery program succeeded in curbing inflation and set the economy on a course to recovery, unemployment and underemployment increased.ⁱⁱⁱ

Political reforms, which were never as far-reaching as the economic reforms, deepened political factionalism and eroded government legitimacy. The resulting toxic political environment added to the general perception of political ineptitude and decline. These political and economic forces, as well as the fallout from the failed Senegambia Confederation, led to President Jawara's ouster by the army in 1994.^{iv}

Accountability and Public Voice

President Jammeh promised after the 1994 coup to institutionalize accountability, transparency, and probity in government, with the aims of stemming rampant corruption and political decay. He invited Gambians and the media, in particular, to serve as watchdogs over this 'revolution;' however, Jammeh and his ruling council soon turned to severe repressive measures in order to contain challenges to his rule.

The newly formed Armed Forces Provisional Ruling Council (AFPRC) faced mounting domestic and international pressures to restore democratic norms and end military rule. In 1995, the council designed a two-year timetable to transition back to civilian rule. A hastily drafted constitution was adopted in August 1996 to replace the 1970 constitution. The new constitution exhibited several key flaws, including the absence of presidential term limits, despite popular support for term restrictions; lowering the presidential age requirement from 40 to 30 years; the retention of military rule-era laws that imposed limits on press freedom; and the restoration of the death penalty. Jammeh also imposed new criteria on potential presidential candidates that they make a \$1,000 deposit and have at least 5,000 signatures to be considered eligible to run, which proved unattainable to many presidential aspirants except for the incumbent president.^v

The two-year transition program back to civilian rule culminated in the 1996 presidential and National Assembly elections in 1997 that were marred by the provisions of the new constitution, an electoral commission appointed by Jammeh in 1995, and a political network that included the now disbanded vigilante group, Green Boys, that was mobilized to help ensure Jammeh's continued rule. President Jammeh enjoys unrivaled political and economic power as a consequence of the new constitution. In contrast, opposition political parties are sidelined and allowed little political space in one-sided electoral contests in which Jammeh is assured of victory. Jammeh's hold on power is aided by the poor financial base and the personal, political, and sometimes ideological differences among the opposition. Opposition political parties and their leaders are subject to frequent arrests, intimidation, and legal harassment, and they devote what little financial resources they have at their disposal to fight legal battles. Thus, elections are lost long before the first ballot is cast on election day.

A repressive political environment, aided by security agencies like the National Intelligence Agency (NIA), manufacture a culture of silence that reinforces compliance and coercion through arson attacks against media houses, assassinations, attempted assassinations, and abductions that result in the disappearance of journalists and citizens. Jammeh also uses the courts to imprison his perceived enemies, sometimes for life. He manipulates the population,

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including civil servants and regime supporters, with hoax coup attempts that are foiled at the eleventh hour, only to be followed by yet another wave of arrests, firings, and detentions at Mile II, the country's notorious prison.

Electoral laws exist on paper to guarantee universal suffrage, free and fair elections through secret balloting supervised by an Independent Electoral Commission (IEC) and monitored by domestic and international observers. However, following the 2001 presidential election in which he won a second five-year term, President Jammeh once more amended the constitution to a "first-past-the-post" electoral system to replace the required 51 percent margin of victory needed to become president.^{vi} Jammeh was never threatened politically, but he uses the new law to further limit what little opportunity exists for political change, leadership rotation, or redress of popular and opposition political party grievances.

The absence of campaign finance laws disenfranchises Gambians, robbing them of their voice and right to choose their leaders. Already advantaged by incumbency, the ruling APRC party uses state and personal financial resources to wage strong national political campaigns. In addition, Jammeh's campaign finances are boosted by foreign governments, as well as domestic business contributions. Taiwan's quest for international recognition and representation at the United Nations is critical in its decision to provide financial support for the Jammeh regime and bankroll its elections, whereas Libya's former President Mu'ammar al-Qadhafi was driven more by a desire for continent-wide power and influence.^{vii} This interest convergence gives Jammeh an aura of invincibility and further weakens his opponents. The continued presence and activity of South American drug cartels also infuses illicit funds and foreign influence into the political process. Non-governmental organization (NGO) and civic group participation and influence on pending government policy are minimal. Where it exists, as in the cases of the Gambia Bar Association, Amnesty International and sub-regional bodies, the regime routinely ignores or dismisses them, branding the organizations unpatriotic and bent on destabilizing the country. President Jammeh frequently issues threats of severe retribution to these organizations and their leadership.

Gambia's political environment is hostile to journalists and privately-owned media, resulting in self-censorship.^{viii} The only television station in the country, Gambia Radio and Television Services (GRTS), which is state-owned and controlled, along with the *Daily Observer*, believed to be owned by the president, and the *Gambia Daily*, a government-owned newspaper, serve as propaganda tools for the regime. In response to the crackdown on the media and its use as a tool of repression, Gambian online newspapers and radio stations established by self-exiled journalists have mushroomed to shed light on corruption and human rights violations committed by the regime. Seeking to maintain its power against a growing Gambian political community, the regime has countered with technologies to limit citizen access to online newspapers and hacked the *Freedom* newspaper in the U.S.,^{ix} and *The Gambia Echo*, an online newspaper based in the U.S. is blocked, during the period under review, in The Gambia and cannot be accessed by general readers.^x

Civil Liberties

The constitution calls for the protection of citizens from physical abuse, torture, extrajudicial executions, state-sponsored terror, and unjustified imprisonment; however, the state routinely violates these rights in practice. Political prisoners and political and social activists

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suffer severe beatings, electric shock, and sometimes rape that sometimes end in death.^{xi} Mile II prison is notorious for its inhumane conditions. Security officers suspected of disloyalty to the regime suffer extrajudicial deaths in suspicious car accidents or poisonings. On paper, peaceful protestors have the right to assemble; however this is controlled by the police's refusal to issue the necessary permits. Femi Peters, propaganda secretary of the main opposition political party the United Democratic Party (UDP), served a one-year prison sentence for holding a political rally without a permit. Dr. Amadou Jammeh received a life sentence for possessing political material that advocated peaceful democratic change.^{xii} State-sponsored political violence, the judiciary's excessive sentencing practices, and vigilante group violence combine to limit fundamental freedoms.

The state generally cannot protect citizens from crime and threats to personal security. Newspapers have focused on the increased prosecutions of crimes; it is not clear whether the increased reporting on criminal cases indicates a rise in criminal activity or the regime's commitment to fighting crime and protecting citizens. There were several reported arrests of terrorist suspects, perhaps to attract Western financial assistance. There were also reports of alleged money-laundering activity by some foreign businesses in support of terrorist groups in the Middle East.^{xiii} The regime also allegedly gave safe passage and sanctuary to South American drug cartel members who used the national airport to ferry drugs to the U.S. and Europe.

Human trafficking has not been a major challenge and the government has been vigilant in curbing prostitution and related activity. Child prostitution in particular was reported to be high in urban and coastal tourist areas, though cases of child sexual abuse are prosecuted.

The amended 1996 constitution has several mechanisms in place for redress of citizen grievances. These mechanisms include the Office of the Ombudsman, where citizen grievances could be addressed, and the courts. Citizens are also accorded the right of appeal. The courts, including the Supreme Court, are mandated to protect the rights of citizens. However, the courts are often subject to executive interference, influenced by prejudicial comments by the president on pending cases, or the dismissal of judges who rule against the state.

The African Center for Democracy and Human Rights Studies (ACDHRS), based in Banjul since 1989, is a continent-wide NGO devoted to the protection of human rights and the promotion of democracy. Its bi-yearly NGO forum provides a platform for over 200 organizations engaged in human rights and democracy promotion to discuss government performance on rights established in the African Charter for Human and People's Rights and the Universal Declaration of Human Rights Convention on Civil and Political Rights. Several domestic human rights NGOs highlighted human rights abuses in the country.^{xiv} Despite domestic and international legal protections, most citizens lack effective means to petition the government and its related agencies for redress. A coterie of indemnity provisions, statutes of limitation, and excessive executive intervention often serve as obstacles, especially when government or its agencies are implicated in the abuse of human rights or the commission of crimes.

Gambia's constitution includes protections for women and girls. There is a rich body of past and recent legislation backed by constitutional guarantees to empower women and girls. In practice, the government on the surface did much to protect women's rights and appointed many women to positions of authority, in addition to its support for the education of girls. In 2010, a Women's Bill was passed by the National Assembly that reinforced earlier international human rights instruments such as the Convention to Eliminate all Forms of Discrimination Against

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Women (CEDAW), which Gambia ratified in the early 1980s to protect the rights of women.^{xv} Despite these provisions, the employment opportunities for Gambian women are restricted by traditional social and religious beliefs, especially in matters of inheritance and divorce. Violence against women also occurs often and is socially sanctioned and, until recently, ignored by law enforcement. Female circumcision, though a dying tradition, is justified by the president and Muslim clergy as an African tradition that needs protection. Female circumcision was once common among some members of Mandinka, Fula and Jola ethnic groups, but growing opposition to it by NGOs and gender activists scored numerous victories toward ending the practice.^{xvi}

Under the First Republic, most groups except President Jammeh's Jola ethnic group enjoyed relative social equality and protections under the law. Religious tolerance and freedom of religion served as the glue for Gambia's diverse ethnic mosaic. However, following the 1994 coup, ethnic harmony eroded because of perceived discrimination against other ethnic groups. Many believe that steps need to be taken to uplift the Jola, who generally face low socio-economic status and have fewer opportunities in education and employment. However, as more Jola are appointed, or promoted to positions of power, this view is beginning to change.

There are no laws to protect homosexuals, who are threatened with death, physical violence and incarceration. The president was vocal in his opposition to gays and lesbians and termed homosexuality "un-African," and "unnatural".^{xvii} Many have been forced underground for fear of violence.

Even as slavery was abolished over a century ago, individuals and families of slave ancestry continue to suffer mild social stigmatization. While this is most problematic for marriage arrangements, it is not a basis for discrimination in employment, job promotion, education or residence.

Muslims in The Gambia are predominantly Sunni, and constituted 90 percent of the population, while Christians make up about five percent. The remaining five percent of Gambians practice indigenous religions. Since independence, a culture of religious tolerance predicated on the separation of mosque and state has flourished. Freedom of conscience and belief are guaranteed by the constitution, along with freedoms of speech, assembly, protest, and association. Religious freedoms are seldom constricted, but other groups face violence. Opposition political parties and their members are often harassed, beaten, arrested, and sometimes killed by the authorities and vigilante groups. In practice, the regime frowns upon groups and political parties that participated in violence. Protestors need to acquire permits from the police, who, under heavy political pressure, often deny them. When granted, peaceful rallies are under heavy police supervision.

Civic and religious groups are tolerated, but only if they are apolitical, although some have faced criticism from executive and religious leadership. The Supreme Islamic Council (SIC) and some of its executive members are instruments of government propaganda. The Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP) was singled out for veiled threats of violence and severe criticism by the president and some Muslim clergy because of its opposition to female circumcision. In October 2012, GAMCOTRAP's two female executives, Dr. Isatou Touray and Amie Bojang Sissoho, were accused of corruption by a foreign donor agency and charges were leveled against the two in court. A verdict is pending as of this writing.^{xviii}

Gambia's constitution guarantees freedoms of expression, life and liberty, assembly, and protection from arbitrary arrest. Protections are extended to all citizens, irrespective of ethnicity,

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religious, or political affiliation. The constitution also guarantees the right to legal counsel and prohibits the detention of individuals beyond 72 hours without charge, these are seldom enforced. Gambia is a signatory to the African Human Rights Charter, also known as the Banjul Charter, named after Gambia's capital.^{xix}

Rule of Law

In principle, Gambia's constitution guarantees the separation of powers between the three branches of government, the executive, legislative and judiciary. They enumerate countervailing sites of power and measures to prevent the single domination of any branch. During the First Republic, this principle was adhered to with little executive interference, a rare accomplishment in Africa at the time. The principles of separation of power and rule of law were severely eroded following the 1994 coup, when the executive gained supremacy without the needed checks to curb excessive executive activism and interference. While Jawara was the dominant figure in the political system, there was little to no executive interference in judicial and legislative matters. Appointments to positions of power were, for the most part, made by a professional civil service commission that was deemed to be fair. There were cases of nepotism under Jawara, but nothing close to the order under Jammeh. Jammeh has built his entire regime on favoring his co-ethnic Jola.

Judges who rule against the regime are sometimes dismissed, accused of corruption, and sacked. This severely weakens and exposes the judiciary to executive manipulation for political ends. President Jammeh's 'hire and fire' policy also effectively reduces the civil service to a branch of his ruling party. Civil servants campaigned and donated to his reelection bid in 2011, and worked on his farms without pay. Promotions, rather than being based on merit, rested on ethnicity or loyalty to him. Consequently, the bulk of secretaries of state, top civil servants, as well as high-ranking military and senior security personnel, belong to President Jammeh's Jola ethnic group.^{xx}

Civil society groups, including the Gambia Bar Association, spoke out against the conviction of Former High Court Judge, Moses Richards, and the excessive use of foreign judges, whose impartiality, competence and judicial independence were questioned.^{xxi} Gambian magistrates are also under executive pressure to rule in the regime's favor and hand out stiff prison sentences and exorbitant fines.^{xxii}

The domination by the executive means presidential directives often trumps established legal procedures. Presumption of innocence, while guaranteed by law, is often sacrificed to curry favor with the president. The accused can have counsel, but only if they can afford it on their own. Prosecution of public officials is often politically motivated, either to settle scores or to eliminate a perceived threat.

Lack of democratic accountability and transparency, as well as judicial, legislative and civilian controls over the military remain key features of the post-1994 coup security environment. Having come to power through a coup, President Jammeh relies on security forces to remain in power. The NIA serves as the repressive arm of government, notorious for atrocious torture techniques used to extract confessions. Security forces suffer policy and institutional incoherence as a result of the high turnover of senior personnel. Former security officers are constantly intimidated and accused of plotting against the government, which leads to dismissals or imprisonment to stem the likelihood of a military coup.^{xxiii}

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Retired military personnel act as heads of security institutions, such as the NIA, army, police, and the Interior Ministry, but decision-making is almost exclusively in the president's hands. These institutions constitute the repressive apparatus of the ruling government and keep opposition political parties under surveillance.^{xxiv}

Poor training of military and security personnel result in the routine violation of fundamental human rights. Military personnel are above the law unless they run afoul of the president, who dismisses or jails and rehires them after they swear loyalty to him. A 2010 drug bust, conducted by British intelligence agents working with their Gambian counterparts, uncovered a cache of drugs and arms worth \$1 billion dollars.^{xxv} Several foreigners, key military, and security personnel were tried and jailed. It was clear that they were scapegoats to protect the military top brass and possibly the president himself, who is suspected of having a role in the drug trade.^{xxvi} Though not a producer, the country's porous borders and complicit leadership has turned the country into a major transit point for illicit drugs into the U.S. and Europe.

The state generally respects the rights of citizens to own, sell, inherit, and exchange property. Property rights law is generally respected, but is often mired in legal battles when communally-owned land tenure systems, typically the purview of lower religious courts, conflict with state property laws. Legal battles also ensue when communally-owned land is sold by one or more individuals, sometimes to different private parties. In this regard, property laws lag behind land ownership and use practices. The state generally compensates parties whose property is taken over for public housing, road construction and extension, or other issues pertaining to eminent domain. President Jammeh allegedly confiscated personal property and land without compensation for his personal use.^{xxvii}

Anticorruption and Transparency

Corruption in Gambia is pervasive throughout all levels of institutions. Bribes are expected as a matter of course to speed or ease what otherwise would be excessive bureaucratic regulations. One pays bribes for water, electricity hook-ups, and other services. The government-owned energy company, the National Water and Electric Company (NAWEC), as well as the Customs and Port Authorities and the Lands Office, are generally deemed most corrupt. Eighteen years into his tenure, corruption under President Jammeh is more rampant than it ever was under the First Republic. One of the wealthiest heads of state in Africa, he owns homes in the U.S., Guinea, Morocco, and Gambia.^{xxviii}

Jammeh controls the regulatory roles of the state. He disburses financial allotments to ministries, oversees the sale and privatization of state-owned enterprises, from which he is reported to receive a 15 to 20 percent payoff.^{xxix} He uses the state legal apparatus to extort bribes, takes over businesses, and enters into unsavory business deals with "legal" backing. Thus, the state remains insolvent and borrows heavily, as taxes collected are never enough to provide services. Tax collection agencies at the national, regional, and municipal levels are riddled with graft. Gambians pay taxes for services that are poor and irregular. The Gambia's Central Bank and other government-owned banks, or banks in which government has interests, serve as President Jammeh's personal bank accounts. Scant separation exists between the public domain and personal interests.^{xxx}

No official special courts or tribunals are in place to fight corruption. Generally lenient sanctions are imposed on civil servants convicted of corruption; some are deployed to other

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positions later, aggravating an already precarious situation.^{xxxii} Corruption commissions set up to investigate graft investigate everyone but Jammeh. Since coming to power in 1994, Jammeh has set up numerous commissions to investigate corruption. In response to International Monetary Fund (IMF) and World Bank pressures to curb the prevalence of corruption in government, an anti-corruption effort dubbed “Corruption No Compromise,” was launched in 2004. Senior civil servants, along with secretaries of state, were required to provide accounts of their assets to determine whether they had been acquired illegally. President Jammeh did not submit such an account. Several officials were dismissed from their jobs as a result of the investigations. The most recent anti-corruption and tax evasion campaign targets lawyers and senior government officials. As in “Corruption No Compromise,” Jammeh’s latest efforts have hardly made a dent on an endemic problem.^{xxxiii} In the end, the commissions are tools in Jammeh’s hands to oust or disgrace his political enemies. Victims of corruption, foreign and domestic, receive no redress, as these actions are accepted as expected risks of doing business in Jammeh’s Gambia.

The media were silent or indirect in their coverage of official corruption. No tradition of whistle-blowing exists and it is widely frowned upon. No institution was insulated from corruption. One pays a bribe to gain admission for a child in a good school, even if the child’s grades do not measure up. Teachers pay bribes to teach in choice schools and locations. Headmasters are notorious for pilfering and selling donated food-aid by the U.S., and European countries, and meant for school-feeding programs. Food-aid items are also given as bribes by teachers to senior education officers to secure promotions, or a transfer to a coveted school.

Few Gambians seek government redress as they believe that nothing is likely to come of communicating their grievances. Fear of government retaliation and poor familiarity with laws and government regulations dissuade many from engaging the state or its agencies; rural Gambians, in general, try to escape the reach of the state.

Each year, the Secretary of State for Finance presents a budget speech to dignitaries, including EU, U.S., and other country representatives. These budget speeches are known for their fabricated data and spin to mask dire domestic economic conditions, and the use of the global economic downturn to rationalize poor domestic economic performance. Regional and municipal budgets, often shrouded in secrecy, cover up systemic graft. Economic performance reports mask endemic poverty and system-wide poor performance.^{xxxiii}

Distribution of foreign aid falls under the president rather than state institutions. Aid is issued by the president to reward political constituencies that support him. In doing so, he reinforces patron-client ties, and conveys the impression that the aid items, including trucks, tractors or food, are donations from him. Most rural Gambians, and some urban ones, as well, are not sufficiently informed to know the difference. Corruption is the outcome, as aid becomes a tool to manipulate public opinion. Even donated items from Gambia’s diaspora in the U.S. and Europe become instruments of government propaganda.

The period under review witnessed a country at the brink, unable to provide basic services and security for its citizens. A constitution with democratic pretensions to guarantee fundamental rights failed to deliver. The consequence is poor governance, and the economic mismanagement of valuable and limited resources depleted further by endemic corruption. Low support for agriculture, the country’s backbone and source of income for over 65 percent of the population, is in shambles, with resulting crop failures in the 2011 farming season that left 500,000 or more Gambians teetering on famine.^{xxxiv}

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Recommendations

- Amend constitution to include a two-term presidential term limit and eliminate ‘first-past-the post,’ in favor of the 51 percent margin of victory for the presidency. Impose a 40-year presidential age requirement.
- Establish a genuinely independent electoral body of non-partisan citizens, representatives of political parties, and civil society organizations to supervise elections. It should also establish new voting district boundaries and oversee voter registration to prevent cross-border voting.
- Set campaign finance laws prohibiting foreign donations, limiting financial contributions from domestic supporters, and providing equal state financial support for major political parties.
- Ensure equal media campaign access for all political parties and politicians, and extend the official campaign period.
- Extend the franchise to diaspora Gambians and increase women’s representation in the National Assembly.
- Set up an independent court to investigate and adjudicate corruption, with powers to hand out stiff sentences.
- Run presidential and National Assembly elections concurrently.
- Strengthen the rule of law, separation of powers, and an independent media.
- Investigate political killings and disappearances, and release political prisoners.
- Invest in adult literacy education and skills improvement programs to curb endemic poverty.
- Establish an enabling economic environment to create jobs and enlarge the middle and entrepreneurial classes.
- Establish a friendly investment environment to attract diaspora and other business investments.
- Decentralize the national administrative system to lend more autonomy for regions to raise revenue, utilize foreign assistance to support education, health, energy, infrastructure, agriculture, and other functions currently concentrated in Banjul. Limit the central government’s role to matters of defense, foreign policy, and taxation.
- Release all political prisoners and grant amnesty to all Gambians abroad who wish to live in Gambia.
- Return property or compensate individuals whose properties were illegally seized by the current regime.
- Reform the education sector to emphasize critical-thinking, problem-solving, and a democratic culture based on debate, questioning authority, and tolerance for different opinions.

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ⁱ For a detailed discussion of this see, Jeggan Senghor, *The Politics of Senegambian Integration, 1958-1994*. Oxford: Peter Lang Publishers, 2008.

ⁱⁱ Abdoulaye Saine, *Culture and Customs of Gambia* (Santa Barbara, CA, Denver, Co: Greenwood Press, 2012), 28.

ⁱⁱⁱ Ibid., 29.

^{iv} Ibid., 30.

^v For a comprehensive assessment of President Jammeh's rule from 1994 to 2009, see David Perfect, "The Gambia Under Yahya Jammeh: An Assessment," *The Round Table: The Commonwealth Journal of International Affairs* 99 (2010): 53-63.

^{vi} Abdoulaye Saine, "Post-coup politics in The Gambia," *Journal of Democracy* 13 (2002): 167-172.

^{vii} Abdoulaye Saine, "The Foreign Policy of The Gambia since the Coup, 1994-1999," *Journal of Commonwealth and Comparative Politics* 38 (2000): 73-88.

^{viii} Amnesty International, *Annual Report: Gambia 2011*, Washington, D.C., May 2011.

^{ix} "Gambia: Online newspaper hacked, editor smeared and subscribers threatened." *Freedom Newspaper*, May 30, 2006. <http://www.freedomnewspaper.com/Homepage/tabid/36/mid/367/newsid367/573/GambiaOnline-newspaper-hacked-editor-smeared-and-subscribers-threatened/Default.aspx>.

^x Ebrima Sankareh ed. *The Gambia Echo*, Discussion with author, July 2012.

^{xi} Amnesty International, *Annual Report: Gambia 2011*, Washington, D.C., May 2011.

^{xii} "Gambia Must Drop Treason Charges Against Activists," *Amnesty International*, July 22, 2011.

<http://www.amnesty.org/en/news-and-updates/gambia-must-drop-treason-charges-against-activists-2011-07-22-0>

^{xiii} "Combating money laundering, terrorist financing," *The Point*, October 10, 2011, thepoint.gm/africa/gambia/article/combating-money-laundering-terrorist-financing

^{xiv} "Summary Report of the NGOs Forum preceding the 50th Ordinary Session of the African Commission on Human and Peoples' Rights and 24th African Human Rights Book Fair 19-21 October 2011 – Banjul, The Gambia," *African Centre for Democracy and Human Rights Studies*, October 31, 2011

<http://www.acdhrs.org/2011/10/summary-report-of-the-ngos-forum-preceding-the-50th-ordinary-session-of-the-african-commission-on-human-and-peoples%E2%80%99-rights-and-24th-african-human-rights-book-fair-19-21-october-2011-banjul/>.

^{xv} For a discussion of this see, Harold Hongju Koh's testimony during Hearings on Ratification of CEDAW before the Committee on Foreign Relations, U.S. Senate, June 13, 2002, in Jihn T. Rourke, *Clashing Views in World Politics*, (New York: McGraw-Hill, 2012) 315-322.

^{xvi} Ylva Hernlund and Bettina Shell-Duncan, "Contingency, Context and Change: Negotiating Female Genital Cutting in The Gambia and Senegal," *Africa Today* 53 (2007): 43-47.

^{xvii} Saine, *Culture and Customs of Gambia*.

^{xviii} "Gamcotrap Executive Director Continues Her Defence In Alleged Theft Case," *Foroyaa*, December 22, 2011, <http://www.foroyaa.gm/index.php/national-news/10143-gambia-news-archive>.

^{xix} The Gambia under Sir Dawda Jawara was instrumental in the establishment of the African Charter and partly in appreciation of his strong commitment to human rights, was named after Gambia's capital, Banjul. For an excellent discussion of these and other constitutional matters under the first and second republics, see Abou Jeng, "From Hope to Despair: Travails of Constitutional Law Making in Gambia's Second Republic," in *State and Society in The Gambia since Independence, 1965-2012*, ed. Abdoulaye Saine, et. al. (Trenton, New Jersey: Africa World Press, 2012). (Forthcoming)

^{xx} U.S. Department of State, *2010 Human Rights Reports: The Gambia*, Washington, D.C., April 8, 2011, 1.

^{xxi} U.S. Department of State, *2011 Human Rights Report: The Gambia*, Washington, D.C., May 24, 2012.;

"Gambian Lawyers Condemn Incarceration of Former High Court Judge" *APA/ Banjul*, September 2011:

<http://www.apanews.net/photo/fr/photo.php?id=158550>

^{xxii} International Bar Association, *Under Pressure: A Report on the Rule of Law in The Gambia*, August 2006, 41-47.

^{xxiii} Abdoulaye Saine, "The Gambia," in *Challenges of Security Sector Governance in West Africa*, ed. Alan Bryden et. al. (London: Transactions Publishers, 2008) 95.

^{xxiv} Ibid., 96.

^{xxv} "Two tons of cocaine seized in The Gambia," *BBC News*, June 8, 2010, <http://www.bbc.co.uk/news/10268510>.

^{xxvi} Saine, "The Gambia," 97.

^{xxvii} President Jammeh's wealth is estimated in the millions of dollars. He has interests in real estate, bakery, farming, along alleged shady deals that include drugs.

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^{xxviii} “Veteran Politician Questions President Jammeh’s Source of Wealth,” *The Gambia Voice*, <http://thegambiavoice.blogspot.com/2011/05/gambia-news-veteran-politician-questions.html>.

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