

## Chapter 2

### POLITICAL BACKGROUND

#### Brief Historical Context

##### *The First Republic (1965-1994)*

The Gambia achieved independence on 18 February 1965, as a constitutional monarchy within the Commonwealth, and subsequently became a republic on 24 April 1970, following a referendum. President Sir Dawda Jawara of the People's Progressive Party (PPP) dominated political life from independence until 1994 when Lieutenant Yahya A.J.J. Jammeh led the military coup that ousted him.

The relative stability of the Jawara era was interrupted by a violent, though unsuccessful coup attempt in 1981. President Jawara, who was in London when the attack began, appealed to Senegal for help. Senegalese troops defeated the rebel force. There were two important ramifications of the coup attempt: the establishment of a short-lived confederation with Senegal in February 1982; and the establishment of a Gambian Army (later known as the Gambian National Army).

At elections held in 1982, Jawara was re-elected President with 72% of the vote. Two new political parties emerged in 1986; the Gambia People's Party (GPP); and the People's Democratic Organisation for Independence and Socialism (PDOIS).

##### *The 1994 coup and the transition to democratic rule*

On 22 July 1994, the Armed Forces Provisional Ruling Council (AFPRC) seized power in a military coup d'état, deposing Jawara's government. Lieutenant Jammeh, chairman of the AFPRC, became Head of State. International reaction to the military take-over was generally unfavourable and The Gambia was placed on the agenda of the Commonwealth Ministerial Action Group (CMAG) pending a full return to democracy and constitutional rule.

A constitutional referendum took place on 8 August 1996. More than 70% of voters were reported to have endorsed the proposed draft constitution. A presidential decree shortly thereafter lifted the ban on party political activity for all but three pre-coup parties; the People's Progressive Party (PPP) of former President Jawara, the National Convention Party (NCP), and the Gambian People's Party (GPP). These parties were banned from contesting the forthcoming elections under Decree 89, as were all holders of executive office in the 30 years prior to the 1994 military take-over. The only pre-coup parties authorized to contest the elections were the PDOIS and the People's Democratic Party (PDP).

The effective ban on participation in the restoration of elected institutions of all those associated with political life prior to July 1994 provoked strong criticism from CMAG, on whose agenda The Gambia remained.

A presidential election was held in 1996. The 22 July Movement (formed in 1995 to mark the anniversary of the coup) transformed itself into an official political party - the Alliance for Patriotic Reorientation and Construction (APRC) - to support Jammeh's campaign for the presidency.

A Provisional Independent Electoral Commission (PIEC) was established in 1996 to conduct national elections. The PIEC was transformed into the Independent Electoral Commission (IEC) in 1997 and was given additional responsibility for registration of voters.

Jammeh and three rivals contested the presidential election on 26 September 1996. Jammeh took 56% of the vote, becoming The Gambia's second elected president in 31 years of independence. Ousainou Darboe of the United Democratic Party (UDP) took 35%.

Elections for the National Assembly were held on 2 January 1997. The APRC took 33 of 45 contested seats, the UDP took seven seats, the National Reconciliation Party (NRP) two seats, the PDOIS one seat, and independents took the remaining two seats.

### *The 2001 and 2006 presidential elections*

In July 2001, the ban on Jawara-era political parties and politicians was lifted; Decree 89 was repealed and The Gambia was taken off CMAG's agenda. CMAG, nonetheless, called on the Government of The Gambia to take further measures to create an environment in which all political parties and individuals could freely participate in the political process.

Four registered opposition parties participated in the 18 October 2001 presidential election, which the incumbent won with almost 53% of the votes. Ousainou Darboe of the UDP, who had formed a coalition with Jawara's PPP and the Gambia People's Party (GPP), came second.

The UDP boycotted the parliamentary elections held on 17 January 2002 citing bias on the part of the IEC. The APRC, who ran unopposed in 33 out of 48 constituencies<sup>2</sup>, secured 45 of the elected seats (in addition to the 5 appointed by the President). The opposition PDOIS secured two seats for the first time, while the last seat went to the NRP. Jawara was allowed to return from exile in September 2002, on condition that he not participate in party politics.

Ahead of the next presidential election, in January 2005 the National Alliance for Democracy and Development (NADD) was launched (and later registered as a single

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<sup>2</sup> The boundaries were revised in May/June 2001.

party). NADD consisted of the country's four main opposition parties: the UDP, the NRP, the PDOIS, and the National Democratic Action Movement (NDAM).

In legislative by-elections in September 2005, the NADD won three seats in the National Assembly; it appeared that the coalition was gaining support. However, in February 2006 the NADD began to unravel when the leaders of its two largest members, Darboe of the UDP and Hamat Bah of the NRP, left the coalition amid rumours of disagreements over the selection of a single presidential candidate. These two parties formed an alliance to contest the 2006 presidential election.

That election was held against the backdrop of a Commonwealth-brokered Memorandum of Understanding (MoU) for political parties, which sought to create a peaceful election environment and to encourage dialogue between government and opposition through the Inter-Party Committee.<sup>3</sup>

Prior to the elections, however, two incidents placed The Gambia on the regional and international radar: in March 2006 there was an alleged coup plot against President Jammeh, following which government security forces arrested a number of military and police officials, and clamped down on some private media organisations. The second incident was the African Union Summit held in Banjul in July 2006, which focused attention on the political environment ahead of the elections.

In the September 2006 presidential election, President Jammeh received 67% of the vote. Darboe of the UDP secured 27% of the vote, while Halifa Sallah of the PDOIS received 6%. Voter turnout was 58.8%.

In the 2007 parliamentary elections which ushered in the current parliament, the APRC won 42 seats; the UDP won four and the NADD one. An independent candidate secured one seat and five members were appointed by the President.

## **Development, Democracy and Human Rights**

The preamble to the 1997 Constitution affirms the protection of fundamental rights and freedoms, including respect for human rights. This is echoed in Chapters 4 and 5 of the Constitution, which guarantee, among other rights, freedom of speech, conscience, assembly, association and movement; political rights for every citizen of full age and capacity without unreasonable restrictions (Article 26); and equal rights for women in political, economic and social opportunities. The Gambia has also acceded to a number of international human rights instruments, including the *International Covenant on Civil and Political Rights (ICCPR)*.

As a member of the Commonwealth, The Gambia has committed itself to the organisation's democratic values contained in the Affirmation of Commonwealth

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<sup>3</sup> The Inter-Party Committee comprises all registered political parties, and is meant to provide a consultative forum for discussions on the electoral process and related issues. Its meetings are currently chaired by the IEC.

Values and Principles adopted at the Commonwealth Heads of Government Meeting (CHOGM) in Trinidad and Tobago in November 2009.

During the CET's briefing sessions with a range of stakeholders involved in the political process, interlocutors highlighted the ruling APRC's achievements in economic development, particularly in the provision of infrastructure and social amenities. One youth group hailed initiatives to address youth unemployment such as the National Youth Enterprise Development Initiative (NEDI).

In spite of these achievements, the Government of The Gambia has been heavily criticised for its human rights record, including harassment and arbitrary arrests of government critics. Some of these violations have been brought to the attention of the Commonwealth Secretariat and other Commonwealth organisations, and are also well documented.<sup>4</sup> During its briefing sessions, stakeholders further highlighted a number of them to the CET such as:

- The murder in 2004 of Deydra Hydera, former editor of *The Point* newspaper, following his arrest by security operatives (detailed in Chapter 4).
- The disappearance of *Daily Observer* journalist Chief Ebrima Manneh, who has not been seen since July 2006 (also elaborated upon in Chapter 4).
- The President's widely reported remark on state television at an Eid celebration in September 2009, where he was quoted as saying "If you want to destabilize this country and bring about trouble and suffering to my people, I will make sure that you are dead. And let me see what anybody can do. Peace and stability in this country, I will not compromise."
- The arrest and subsequent release of the campaign manager of the UDP, Femi Peters, in December 2010. Peters was charged and later convicted and sentenced for "control of procession" and "control of use of loud speakers" in public without permission from the Office of the Inspector General of Police, as required under the Public Order Act. Following national and international protests, he was freed on 10 December 2010.

The impact of incidents such as these is further exacerbated by the overwhelming dominance of the executive which has eclipsed the other arms of government, in conflict with the Commonwealth Latimer House Principles<sup>5</sup> on the separation of powers between the executive, legislature and judiciary.

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<sup>4</sup> Amnesty International Report: Stop Climate of Fear. Take Action! PDF Index Number: AFR 27/003/2011, published: 22 July 2011; and African Commission on Human & Peoples' Rights: resolution on the deteriorating human rights situation in The Gambia, October 2009.

<sup>5</sup> The Latimer House Principles are also reflected in the Affirmation of Commonwealth Values and Principles

We note, however, that almost all interlocutors, including some members of the opposition parties, commented on the following improvements during the campaign period:

- A conciliatory tone in the rhetoric of the President – advocating for peaceful elections and refraining from speaking ill of the opposition.
- The improving role of the IEC and the state media in ensuring that, “for the first time”, all political parties are given equal airtime on state television, thereby ensuring the visibility of all parties during the brief campaign period.

It was also brought to the Team’s attention that at the 50th Session of the African Commission on Human and People’s Rights, held in Banjul on 24 October 2011, in his keynote address, the Gambian Attorney General and Minister of Justice, Edward Gomez, implored African governments to take the promotion and protection of human and people’s rights on the continent seriously. He cautioned that “any system of government which not only denies but makes the protection of human rights impossible, is clearly inviting a situation in which the use of violence is inevitable.”<sup>6</sup>

### **Political Parties and the formation of the United Front**

There are currently ten registered political parties in The Gambia. To become a registered political party, organisations must fulfill the guidelines established under Section 105 of the Elections Act (2009).

The ruling party, the APRC, currently has 42 seats in the National Assembly; the UDP has four and the NADD has one. There is one independent candidate and five members appointed by the president.

The ten political parties are:

- Alliance For Patriotic Re-Oriented and Construction (APRC)
- Gambia Moral Congress (GMC)
- Gambia Party for Democracy and Progress (GPDP)
- National Alliance for Democracy and Development (NADD)
- National Convention Party (NCP)
- National Democratic Action Movement (NDAM)
- National Reconciliation Party (NRP)
- People’s Democratic Organisation for Independence and Socialism (PDOIS)
- Peoples Progressive Party (PPP)
- United Democratic Party (UDP)

For this election, the IEC received and accepted nominations for three presidential candidates on 10 November 2011:

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<sup>6</sup> See article carried by the Daily Observer, 20 October 2011: *NGOs human rights forum opens* <http://observer.gm/africa/gambia/article/ngos-human-rights-forum-opens>

- Yahya Jammeh, leader of the APRC
- Ousainou Darboe, leader of the UDP
- Hamat Bah (former leader of the NRP) leading the United Front (a coalition of four political parties - NRP, GPDP, NADD and PDOIS)

A number of interlocutors bemoaned the opposition in The Gambia for being weak, fragmented and not providing a credible alternative. However some stakeholders felt that the formation of the United Front had made for a competitive electoral environment, even if it was deemed a late development.

The CET met with members of the UDP and the United Front. The Team also met a representative of the ruling APRC. Our observations and conclusions during the campaign period are highlighted in Chapter 4.