



Country Profile: The Gambia

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I. Introduction

The Gambia is located in West Africa with an estimated population of 1.8 million in 2012. The Gambia is a relatively small country of less than 30 miles wide at its widest point, with a total area of 11,300 km². Approximately 1,300 km² of The Gambia's area is covered by water. The western side of the country borders the North Atlantic Ocean with 50 miles of coastline and the rest is surrounded by Senegal.

Administratively, the country is divided into six regions: Banjul, Lower, Central, Northern, Upper and West Coast Rivers. The regions are further divided into 37 districts: Banjul, Central Baddibu, Foni Bintang-Karenai, Foni Bondali, Foni Brefet, Foni Jarrol, Foni Kansala, Fulladu East, Fulladu West, Janjanbureh, Jarra Central, Jarra East, Jarra West, Jokadu, Kanifing, Kantora, Kiang Central, Kiang East, Kiang West, Kombo Central, Kombo East, Kombo North/Saint Mary, Kombo South, Lower Baddibu, Lower Niumi, Lower Saloum, Niamina Dankunku, Niamina East, Niamina West, Niani, Nianija, Sami, Sandu, Upper Baddibu, Upper Niumi, Upper Saloum, and Wuli. Most of these regions also serve as electoral constituencies.

II. Political History

The Gambia gained independence on 8th February 1965, as a Constitutional Monarchy within the British Commonwealth. Shortly after independence, the Government organized a referendum proposing a republican status for the country. The referendum did not receive the required two-thirds majority to declare a republican status. Following another referendum on the 24th 1970, The Gambia became a republic within the Commonwealth. The Prime Minister at the time, Sir Dawda Jawara, then became the Head of State.

For almost three decades after it became a republic, The Gambia was led by President Jawara, who after 1970, was re-elected in three successive presidential elections in 1982, 1987 and 1992. In the May 1992 presidential election, President Jawara, leading the People's Progressive Party (PPP), won with 72.44% against his only challenger, Sheriff Mustapha Dibba of the (NCP) who obtained 27.56%. Then in March 1987, President Jawara was again elected at the head of the PPP with 59.18%, followed by Sheriff Mustapha Dibba (NCP) with 27.51% and Assan Musa Camara (GPP) in the third place with 13.31%.

Once again, the April 1992 presidential election was won by President Jawara (PPP), competing against five other candidates, won with 58.48%, followed by Sheriff Mustapha Dibba (NCP) with 22.21%, Assan Musa Camara (GPP) with 8.10%, Lamin Bojang (PDP) with 5.97%, and Sidia Jatta (PDOIS) with 5.24%.

Apart from the presidential elections which were dominated by the party of President Jawara, all the parliamentary elections between 1966 and 1992 were won by the PPP, the ruling party. This obviously made the PPP the dominant party in The Gambia for decades until the 1992 coup d'état.

It should be recalled that The Gambia experienced unsuccessful coup d'état in 1981, ostensibly to overthrow the President Jawara government. The coup did not succeed largely as a result of intervention by Senegalese troops who foiled it. To boost its stability after the coup, Senegal and Gambia signed a Treaty of Confederation in 1982 to combine the Armed Forces of the two states and to unify their economies and currencies. The Confederation however collapsed in 1989.

In 1994, the Armed Forces Provisional Ruling Council (AFPRC) succeeded in deposing the government of President Jawara, suspended the Constitution and banned political activity. Lieutenant Yahya Jammeh, Chairman of the AFPRC, became Head of State.

Return to democratic Rule

On the 8th August 1996, the ruling AFPRC organized a constitutional referendum during which more than 70.37% of voters were reported to have endorsed the draft constitution. After the referendum the ban on political activities was lifted. However, three established political parties, the People's Progressive Party (PPP) of former President Jawara, the National Convention Party (NCP), and the Gambian People's Party (GPP) remained outlawed and banned from contesting the forthcoming elections under Decree 89. Again, as part of the preparations towards return to constitutional rule and elections, the Provisional Independent Electoral Commission (PIEC) was established in 1996 to conduct national elections. The PIEC was transformed to the Independent Electoral Commission (IEC) in 1997 and became responsible for registration of voters, the conduct of elections and referenda.

With the established political parties outlawed, President Jammeh, leading the Alliance for Patriotic Reorientation and Construction (APRC) won the first post-Jawara presidential elections with 55.77% against three other contestants including Ousainou Darboe of the United Democratic Party (UDP), who came second with 35.84% of the votes. In the parliamentary election that followed in January 1997, the ruling party gained 33 of the 45 directly elected seats of the National Assembly to confirm the dominance of the APRC. Since then, APRC has maintained its strong majority in the National Assembly; 45 of 48 elected seats in 2002 and 42 of 48 elected seats in 2007. In 2002 in particular, the main opposition party, UDP, boycotted the legislative election of January 2002. President Jammeh has also won subsequent presidential elections in 2001 (52.84%), 2006 (67.33%) and 2011(71.54%).

Elections in The Gambia have always been tainted with allegations of irregularities and opposition boycotts. In the last presidential election of November 2011, the opposition parties alleged that there were irregularities and rejected the final results. The election was observed by the African Union and other observer groups. But the Economic Community of West African States (ECOWAS) did not send observers arguing that, the prevailing condition at the time did not favour the holding of free and fair elections.

III. The Structure of Government

The 1997 Constitution of The Gambia provides for a presidential system, a unicameral legislature, and an independent judiciary. The Constitution states in its Article 1 (2) that 'The Sovereignty of The Gambia resides in the people of The Gambia from whom all organs of government derive their authority and in whose name and for whose welfare and prosperity the powers of government are to be exercised in accordance with this Constitution. Thus the Constitution is considered as the supreme Law of The Gambia and any other law found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void' (Article 4). The current Constitution replaced the 1970 Constitution which was suspended as a result of the 1994 coup.

(a) The Executive

Executive power in The Gambia is vested in the President, who is also Commander-in-Chief of the Armed Forces. According to the Section 63 (1) of the Constitution, a President is elected to serve a five-year term. While in office, a person elected as President may at any time during his term of office be removed from office if a no confidence motion is passed in the National Assembly supported by two thirds of the its members in according with Section 63(3) of the Constitution. Section 70(1) of the Constitution also states that 'there shall be a Vice-President of The Gambia who shall be the principal assistant of the President in the discharge of his or her executive functions and shall exercise such other functions as may be conferred on him or her by this Constitution or assigned to him or her by the President. The Constitution further states in Section 70(3) that the Vice-President shall be appointed by the President.

The current president is Yayha Jammeh has been in power since 1994 when he assumed office in a coup d'état. He was first elected in a multiparty election in 1996 and has since been re-elected three times (2001, 2007 and 2011). The Vice President is Isatou Njie-Saidy and has been in office since the 20th March 1997.

(b) The Legislature

The National Assembly consists of 53 members who serve a five-year term. Forty-eight (48) of the members are directly elected while the remaining five are appointed by the President in accordance with Section 87(1) of the Constitution. In the current National Assembly, the ruling APRC has an absolute majority of 42 seats won in last election of 2007. There are also 5 members who are nominated by the President and are therefore seen as part of the Government members in the National Assembly. The UDP, the major opposition has 4 seats in the National Assembly. The National Alliance for Democracy and Development (NADD) holds one (1) seat, while another one (1) seat is held by an independent candidate.

(c) The Judiciary

The Judiciary in The Gambia consists of the (a) the Supreme Court, (b) the Court of Appeal (c) The High Court (d) and the Special Criminal Court, at the highest level. The subordinate courts consist of (a) Khadis (Muslim) Courts, (b) District tribunals, and (c) Magistrates courts. These courts have limited jurisdiction to hear both civil and criminal matters before them. Judicial powers are vested in the Courts in accordance with Section 120(2). Section 120(3) of the Constitution guarantees the independence of the Judiciary.

IV. The Legal Framework for Elections

(a) The Electoral System

The President is elected by plurality/majority (first-past-the-post) system to serve a 5-year unlimited term. The winner of the elections is the one who gains more votes than any other candidate, even if this is not an absolute majority. The members of the National Assembly are also elected by plurality vote in single-member constituencies to serve a 5-year term.

(b) The Legal Framework

Elections in the Gambia are principally governed by the 1997 Constitution of the Republic of The Gambia (amended in 2001) and the Elections Act (2009). Other supporting instruments are the Codes of Conduct for Parties and Independent Candidates and the Code on Election Campaign Ethics Order through which the IEC regulate the conduct of electoral campaigns made under Section 92 (1) of the Elections Act. The Election Media Rules was also adopted in 1996 for the conduct of the elections, and for ensuring that all parties had equal air time in the public media. Political activities (including electoral campaigns) are also governed by the Criminal Code Act 2004, (amended in 2005), and the Public Order Act (1990).

V. Election Management

The management of elections and related activities in the Gambia falls on the Independent Election Commission (IEC). The IEC was established in accordance with Section 42 of the 1997 Constitution. It operates within the confines of the Electoral Laws in the Constitution, Elections Decree No. 78 of 1996 and the Local Government Act 2002. The IEC replaced the Provisional Independent Electoral Commission (PIEC).

The mandate and responsibilities of the IEC are to: (a) conduct and supervise the registration of voters, for all public elections and referenda; (b) demarcate electoral boundaries for both national and local government elections; (c) conduct and supervise all public elections and referenda; (d) register political parties; (e) ensure that the dates, times and places of public elections and referenda are fixed and that they are publicized and that elections are held accordingly; (f) ensure that the candidates for elections

make full declaration of their assets at the time of nomination; and (g) announce the results of all elections and referenda.

The IEC also has the additional responsibility to conduct election of the Speaker and Deputy Speaker of the National Assembly.

VI. Voter Registration and Registration of Candidates

(a) Voter Registration

Voter registration is governed by the Elections Act, Sections 11-21. It states that a person shall be entitled to have his/her name entered on a register of voters in a constituency if he/she is: (a) a citizen of The Gambia; (b) 18 or will be 18 by the date of the next election; and (c) a resident, or was born in that constituency.

On the other hand, no person shall be entitled to have his/her name entered or retained on a register of voters if he/she is: (a) not a Gambian citizen; (b) serving a sentence of imprisonment; (c) a person adjudged to be of unsound mind or detained as a criminal lunatic under any law; (d) a person whose name is entered on a register of voters (by whatever name called) in any other country or territory; or (e) otherwise disqualified under this Decree or under any other law.

The last voters' registration was conducted from the 5th May to the 8th June 2011 during which 796,929 voters was registered. For the first time in the history of The Gambia, computerized voter registration system was used.

Dates for general and supplementary registration of voters are set by the IEC in accordance with the Election Act. A gazette is usually published announcing the dates of registration. Registration is done at predetermined registration centres which in effect are also polling stations. Therefore where one registers is where one votes.

(b) Registration of Candidates

Candidates can stand for the position of president if: (a) he or she is a citizen of The Gambia by birth or descent; (b) he or she attained the minimum age of thirty years but not more than sixty-five years; (c) he or she has been ordinarily resident in The Gambia for the five years immediately preceding the election; (d) he or she has completed senior secondary school education; and (e) he or she is qualified to be elected as a member of the National Assembly.

With respect to candidates for elections into the National Assembly, according to Section 87 of the Constitution, they are supposed (a) to be citizens of The Gambia; (b) have attained the age of twenty-one years; (c) have been ordinarily resident in the constituency for a period of at least one year prior to nomination day; (d) are able to speak the English Language with a degree of proficiency sufficient to enable him or her to take part in the proceedings of the National Assembly; and (e) have made such

declaration of his or her assets to the Independent Electoral Commission as is required in accordance with Section 43.

Parliamentary candidates should be nominated by at least 300 voters from the same constituency.

VII. Political parties and Candidates for the 29th March Parliamentary Elections

(a) Political Parties

To become a registered political party, organizations must fulfill the guidelines established under section 105 of the Elections Act and complete an application form. Currently, the main political parties in the Gambia include: United Democratic Party (UDP); Peoples Progressive Party (PPP); People's Democratic Organization for Independence and Socialism (PDOIS); National Reconciliation Party (NRP); National Democratic Action Movement (NDAM); National Convention Party (NCP); National Alliance for Democracy and Development (NADD); Gambia Moral Congress (GMC); Gambia Party for Democracy and Progress (GPDP); and Alliance For Patriotic Re-Orientation and Construction (APRC), which is the ruling party since 1996.

(b) Candidates for the 29th March 2012 Parliamentary Election

Nomination of candidates for the parliamentary election closed on Saturday 10th March 2012 with 8 nominees for the opposition NRP, 48 for the ruling APRC and 20 independent candidates, according to the IEC.

The following candidates, who are member of the APRC, have been declared unopposed in 25 constituencies where no other candidates are contesting. They are Alhagie Sillah (Banjul North), Sulayman S Joof (Serrekunda West), Fabakary Tombong Jatta (Serrekunda East), Pa Lamin Jatta (Kombo North), Abdou Kolley (Kombo South), Alhasan Bojang (Kombo East), Ebrima Solo Jammeh (Foni Bintang), Bintanding Jarju (Foni Brefet), Buba A Bojang (Foni Kansala), and Yaya Dibba (Kiang West). The rest are: Bora B. Mass (Kiang East), Lamin Hydara (Jarra Central), Amadou Khan (Jokadou), Samba Cham (Central Badibou), Lamin KT Jammeh (Illiasa), Ousman Njie (Sami), Foday A Jallow (Niamina East), Ahmad Malick Njie (Upper Fulladou West), Habiboulie K Jawo (Jimara), Netty Baldeh (Tumana), Saikou Susso (Kantora), Alhaji Kassoum Jallow (Wuli West), Saidou V Sabally (Wuli East) and Abdoulie Kanaji Jawla of (Sandu).