

# **The Gambia as a Bastion of Human Rights Advocacy in Africa, 1965 – 1994**



**NOT FOR SALE**

**National Human Rights Commission**

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The Gambia as a Bastion of Human Rights  
Advocacy in Africa, 1965-1994

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## **Preface**

The subject, scope and aim of *The Gambia as a Bastion of Human Rights Advocacy in Africa, 1965-1994* are many and varied. The subject is the Gambia's long and illustrious record of upholding human rights and dignity dating to the colonial period. Even during British rule, Gambian patriots found ways of maintaining the minimum level of freedom of expression and assembly despite the panoply of colonial regulation and laws, which were inimical to free expression. The colonial authorities tried, but only with a modicum of success, to stifle dissent. Through newspapers, pamphlets, broadcast talks and cultural associations, Gambian subjects never allowed the complete trampling and destruction of their fundamental human rights. In fact, it was in pursuance of these rights that the country's Founding Fathers gathered the momentum to fight colonial rule, a battle which was won on 18 February 1965 when the Gambia won its independence.

But 18 February 1965 was not the end of this fight to uphold human rights. It continued throughout into the First Republic. After independence, Gambian leaders did not see human rights as an expendable item. They saw it as a raw material worth caring for in order to produce the goodies for national progress and dignity. While the rest of sub-Saharan Africa was like one huge, open-air prison marred by illegal detentions, mass and public executions and one-party rule and one-newspaper states, the Gambia maintained plurality in the media and political space. This

enviable record earned it more supporters and respect worldwide.

By steadfastly maintaining such good human rights record, the country was able to defy the odds of nationhood, such as a poor economy and survived as an independent and united country, known throughout the world for its peace and stability. Respect for human rights has its dividends. The Gambia is one example of what a nation earns by adhering to the most basic tenets of human rights: friendship and respect.

The scope of this book stops in 1994, the year when the army overthrew the democratically elected government of Sir Dawda K Jawara. The coup marked the start of a descent into the nadir of human rights abuses. What we earned in respect for human rights over four decades disappeared into thin air months after the coup. The gross human rights abuses in the country from 1994 to 2016 is another topic outside the scope of this book.

Finally, the purpose of this book is to elucidate that the Gambia needs to regain its lost lustre in human rights. The youth need to be told that once upon a time ours was a country setting the pace in human rights in Africa, and not a net violator of it. This glory can be regained by supporting the work and mandate of the National Human Rights Commission, and to remain vigilant!



**Emmanuel Daniel Joof**

Chairman

National Human Rights Commission



## **Acknowledgements**

The National Human Rights Commission (NHRC) is pleased to publish *The Gambia as a Bastion of Human Rights Advocacy in Africa, 1965 – 1994*, a historical overview of the Gambia's championship of, and accomplishments on, human rights promotion and protection for all, especially Africans.

Hassoum Ceesay, a historian, curator and researcher at the National Centre for Arts and Culture in the Gambia collaborated with the NHRC to conduct the research and he did a good job for which the Commission is sincerely grateful.

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# 1

## **Human Rights in Colonial Gambia, 1889-1965**

'Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more,' says a generic definition of the most complex phrase in current use, *human rights*. Generally, the phrase means several things to different people and nations. But specifically, for this study we wish to use the above-stated definition as a theoretical framework around which I will hinge this historical overview of human rights in the Gambia from 1965 until 1994.

### **Colonial Gambia and human rights**

On 10 August 1889, the British and French governments agreed to fix the boundaries of what became known as British Gambia and French Senegal. On 10 November 1889, in Paris, Britain and France signed the agreement to share the territories according to fixed borders to be mutually agreed.

Although the work to demarcate the Gambia-Senegal borders continued until April 1900 when it was completed, it is fair for historical interest to, therefore, say that 1889 is the birth date of what is now called the Gambia.

Immediately after the borders of what became British Gambia were finalized in 1900, the British began to take measures to ensure that they had firm control of their territory. It was on the ashes of formerly independent polities like Fulladu of Musa Molloh Baldeh, Kombo of Fode Sillah, and Kiang of Fode Kaba Dumbuya that the British established British Gambia. In other words, these independent polities had to be subdued for British Gambia to be. The British immediately divided the new possession of the Gambia into Colony and Protectorate. The Colony included Bathurst, the capital, and its immediate environs of Kombo St Mary and the Protectorate, basically the rest of the country, which was sub-divided into 36 districts under the direct rule of chiefs appointed by the British governor. Bathurst had been occupied since 1816 and McCarthy Island since 1823, both by the British.

The new rulers, British colonial officials, wasted no time in taking steps to reinforce their grip over the new colony of British Gambia. Some of these steps were of human rights nature. We will briefly give an overview of these:

**1. The British colonial rulers and slavery:** 'No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms' (*Universal Declaration of Human Rights*, Article 4).

Although slavery was banned in all British territories in 1807, it continued on a small scale in the Gambia fuelled by the outbreak of the religious wars of Maba Jahou Bah, Fode Kaba Dumbuya and Fode Sillah in the north and south banks, from the 1860s to 1900. After the declaration of the Protectorate in 1894, the British had to curtail slavery but were faced with two formidable issues. First, there was domestic slavery which predated the obnoxious Atlantic slave trade was deeply entrenched in the traditional social set-up and, therefore, institutionalized. Second, while it could abolish the trade and traffic in slaves, the status of slaves was going to be harder to end.

In order not to antagonize Gambian district chiefs, the colonial authorities were hesitant towards an outright ban on slavery even after the declaration of the Protectorate in 1894. This cautious move was one good example of tact employed by the British in their attempt to maintain the loyalty of the chiefs. In 1894, the Slave Trade Abolition Ordinance made slave dealing a crime punishable by seven years' imprisonment and made all slaves imported into the Protectorate after 1894 free.



But this law did not abolish the status of slavery itself. As the chiefs and other traditional elite owned most of the slaves, this was indeed a deliberate attempt to appease them. In 1906, a further step was taken towards abolition with the enactment of another Slave Trade Ordinance which provided that slaves were no longer transferable; they were to be freed upon the death of their master.

In 1930, the Affirmation of the Abolition of Slavery Ordinance was promulgated, which finally categorically outlawed slavery in the protectorate. The colonial historian, J M Gray, argues 'the absolute prohibition of slavery would have been useless until there was a free labour market for the freedmen'; that is, this step-by-step approach towards ending slavery was informed by the fear of the colonial authorities that a one-off freeing of slaves would lead to multitudes of freed men and women roaming the villages unable to do any productive work, and may have invaded the colony in search of wage labour. This is however just the stated reason. The unwritten explanation for the slow move towards ending the institution was the desire of the British to appease the slave-owning elite, especially chiefs, who depended on slave labour for their farms and district improvement works such as road building.

## **2. The British colonial rulers and freedom of opinion and expression**

Under British colonial rule, the first newspaper to circulate in the Gambia was the *Bathurst Times* whose first issue came out in 1871. On 23 January 1883, another newspaper called *Bathurst Observer* was founded by an Krio man called W C Walcott. The newspaper soon became a thorn in the flesh of the British administration in Bathurst. For example, when Governor Gouldsbury raised taxes in 1882, the newspaper attacked him and accused the British rulers of working to further impoverish Gambians. In 1893, the first Gambian lawyer Sir Samuel Forster (1873-1940) founded another newspaper *The Gambia Intelligencer*. Forster used this medium to attack the British rulers, especially 'with regard to their disregard of the Protectorate.'<sup>1</sup>

When the *Intelligencer* folded up in 1896, The Gambia colony remained without an outlet for popular opinion until May 1922, when Edward Francis Small (1890-1958) established the fiery and highly anti-colonial newspaper called *The Gambia Outlook and Senegambia Reporter*.

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<sup>1</sup> Arnold Hughes and David Perfect, *A Political History of The Gambia*, University of Rochester Press, 2006, p.81.

It was the first newspaper which was not owned by vested mercantile interests and therefore it was a consistent critic of the excesses of colonial rule. Small mentored a new generation of editors who also established their media houses later: Ingram Lenrie Peters Sr edited *The Gambia Echo*, established in 1934; Finden Dailey established *The Gambia Weekly News* in 1938 and Mr James Senegal established and edited *Gambia Public Opinion* in 1932. In 1958 Marion Foon, wife of nationalist leader K. W. Foon, edited *The Vanguard* newspaper, a strictly anti-colonial and pan-African paper which stood for the rights of Gambians; in 1964, W. Dixon Colley founded *The Nation* newspaper.

Therefore, it is clear that as far as the right to free expression was concerned, even during the high colonial period, Gambian patriots never accepted to be silenced, which is why in the small town of Bathurst, there were six newspapers, excluding *The Gambia News Bulletin*, owned by the government and created in 1943. The private newspapers were lively as the few educated Gambians shared their thoughts on the suffering imposed by colonial laws and low salaries, sometimes using their real names, but most of the time they used pennames to avoid retribution by the eagle-eyed British officials in Bathurst.<sup>2</sup>

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<sup>2</sup>For a taste of the bravery of Gambians to speak truth to power in the colonial period, see for example 'Letter to the Editor', *The Gambia Echo* newspaper, 20 October 1947, p.3. The author bemoaned the long working hours of 6:30 am to 6pm Monday to Sunday which



The British governors also held regular press conferences to talk to local editors on burning issues in the country. These were usually held at Government House (now State House). Although they were strictly by invitation, they offered journalists the chance to put questions directly to the colonial governor.<sup>3</sup>

However, the proliferation of newspapers did not mean that the British rulers were looking askance towards the press. Many attempts were made to muzzle the Gambian newspapers. A good example was the Registration of Newspapers and False Publications Ordinance 1944.

This was a law which was introduced into the Gambian Legislative Council to muzzle the free local newspapers. The idea was that each newspaper had to reapply for registration to the Information Officer, Captain Peters, and also deposit a non-refundable bond of 200 pounds sterling. The local editors protested against this law and were able to mobilize local opinion against it. The Legislative Council members such as E F Small and John Mahoney opposed it and, in the end, the colonial authorities had to withdraw the obnoxious ordinance.

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Gambians working in the private sector were subjected to, in spite of low pay. See also another strident criticism of government in the article 'Masters Be Just To Your Servants: Pity The Poor Labourers' in *The Gambia Echo*, 10 March 1947.

<sup>3</sup> 'Press Conference at Government House,' *The Gambia Echo*, 31 January 1944.

Yet, if the local press was able to subdue government, it was not always so lucky against vested commercial interests. The editor of *The Gambia Weekly News*, Finden Dailey, found this to be the case when 7 July 1944, he was fined a princely 50 pounds by Acting Police Magistrate, A R Clark, Esq OBE for publishing a defamatory libel against one Antoine Rachid. The editor had published in his paper that Rachid, a Gambian-Syrian, had fathered a child with one Jola woman named Yaantha Sagnia and that the naming ceremony was a high social affair.

Finden had refused to publish a retraction of the said story and was then taken to court.<sup>4</sup>

Another newspaper editor, M B Jones, was uncompromising in his stand against colonial rule and wayward colonial officials. He never hesitated to expose and condemn white colonial servants who abused their powers, were racist or inept. In May 1958, while editing *The Vanguard* newspaper in Bathurst, he had written a story about a European dentist who hit an old woman, causing her bodily harm. He reported:

Victoria hospital was the scene of the brutal act by an expatriate dentist, Mr Adams, on an elderly female patient, Fatoû Ceesay. He hit her forcefully on the bridge of her nose... because she was complaining of

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<sup>4</sup> 'Finden Dailey to pay 50 Pounds', *The Gambia Echo*, 10 July 1944, p. 1.



excessive pain over a broken tooth left in the mouth by the dentist the day before. (Also interview with Dr Siga Fatima Jagne, step-daughter of Fatou Ceesay).

The dentist took Jones to court for libel in the now-famous dentist Adams case of 1958, a landmark development in the fight for press freedom in the Gambia. Chief Justice Wiseman, sitting without a jury, dismissed the case with costs, making Jones another press hero, while Adams was withdrawn to England. This case helped strengthen the freedom of expression in colonial Gambia.

In a celebrated case in 1959, Jones exposed on the front page of his paper, the inability of the European Harbour Master of Bathurst, one Mr Anderson, to successfully dock the *MV Bamenda Palm*, which sailed from Freetown, Sierra Leone. It took nearly a week to berth the boat causing tons of bananas to rot in her cargo. Jones successfully asked for the removal of Anderson back to England!

Apart from court cases, another barrier to full expression of opinion in colonial Gambia was the Censorship Board. It was created in 1940 as an emergency war measure. In the early months of the Second World War (1939-1945), Dakar, French Senegal, fell to the Nazi allies, the Vichy regime in France. Bathurst was therefore under threat. The British officials took measures to forestall any attempt by the Dakar government to infiltrate into the Gambia, especially with propaganda

material and rumours. The censors were based at the Information Office in the Secretariat (now called the Quadrangle). Led by the Information Officer Captain Peters, all newspaper editors had to submit their galley proofs to the censors before publication.

Peters and his censors could scissor out any article they suspected can be of use to the Nazi enemy in Dakar. Gambian newspaper editors hated the censor more because they realized that sometimes Peters stole stories from their papers and published them in *The Gambia News Bulletin*, the government paper he edited.<sup>5</sup>

The Censorship Board later expanded its reach to films, which were to be shown in the Bathurst cinema halls. The film censorship continued until after independence in 1965 when it was disbanded.

### **3. The British colonialists and the rule of law in the Gambia**

In 1882, Governor Gouldsbury passed an ordinance abolishing the right to a trial by jury when traders were accused by their employers, merchants, of fraud; this 'meant that cases were to be tried before the chief magistrate and two assessors, because the merchants believed that no jury in Bathurst, small as it is, will convict.'<sup>6</sup>

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<sup>5</sup> Nana Grey-Johnson, *The Story of the Gambian Newspaper*, Banjul, 2003

<sup>6</sup> Hughes and Perfect, p.75



The Bathurst elite felt that trial by jury was a right they enjoyed and which protected them from abuse by white magistrates.

In 1931, the British decided to draw up a Criminal Code and Criminal Code Procedure for the Gambia. These were to be based on those already operational in Kenya, another British colony. By May 1932, the draft codes were ready for validation. Gambians mobilized against their adoption. Many Gambians, including the journalist Edward Francis Small, condemned the codes as 'foreign'. He said that the codes were a backward step in promotion of the rule of law in the country because they brought about 'new offences and new penalties; 'which were hitherto unknown in the Gambia.

Moreover, Small and an increasing number of people who opposed the codes said they eroded the existing legal safety nets which customary law provided, for example. In one rally at Albion Place in Bathurst, Small and other anti-code activists attracted a crowd of 2000 people. Sadly, leading lawyers like W D Carrol and Sir Sam Forster, who drew up the codes and were influential with the government, kept quiet and, in the end, the codes were adopted and are still in existence.

During British rule, district chiefs suffered enforced internal exile called *banishment*. Banishment was a terrible experience for chiefs. They were sequestered from family and friends forced to live in extremely modest circumstances in alien parts of the country, denied family visits. Most of the chiefs

who survived it returned home chastened and repentant; while a few such as Omar Ceesay of Njau, Upper Saloum, and Mansajang Sanyang of Kantora resisted it and challenged the colonial authorities who were forced to rescind the banishment orders. Sanyang, former chief of Kantora, was banished, of Kombo East in the 1930s on flimsy grounds.

He wrote a petition to the governor in Bathurst lamenting the decision:

If I have done wrong, I ought to have been taken to court, and if the court found me guilty I ought to have been punished, but I have not been taken to court, but merely dismissed. I ask for a public inquiry, for in England no man can be punished unheard in his defence...

On the other hand, chiefs who satisfied the amorphous expectations of the British commissioners stood to benefit from perks such as sponsored trips to the UK, and decorations such as the Silver Medallion, the Brooch and Certificate of Honour.

Chiefs also helped the colonial authorities in spreading access to justice to the Gambian subjects through the District Tribunals. These Tribunals, the only source of justice and law for the majority of Gambians during colonial rule and even today, deserve a modest appraisal here.



The 1902 Protectorate Ordinance created Native Tribunals for each district which had jurisdiction over both civil and criminal matters in the district. The Tribunal had a minimum of three and not more than seven members selected by the governor. The size of the Tribunal depended on the size of the district such that small districts like Nianija had only three members, while Illiasa had a full house of seven. The chief sat in the Tribunal as president, and in case of a tie in votes as to a verdict, was given a 'casting vote in addition to his original vote'.

In matters of criminal cases, the Native Tribunal had powers to hear cases which the Police Magistrate in Bathurst and other parts of the Colony would have heard; in the case of civil matters, the Native Tribunal could hear cases which the Court of Request in the Colony would have been able to hear. For the Native Tribunal to be competent to hear a case, the defendant or one of the defendants would have to be resident in the district.

The commissioner could sit in the Native Tribunal and had the powers to overturn any decision of the Tribunal which he thought was inappropriate. This is another indication of the huge powers invested in the commissioners by the ordinance.

The Tribunal had powers to hear twenty offences, including assaults, defamation, seduction, sorcery and witchcraft, and beating of drums without the permission of the chief or

village headmen. Fines imposed by the Native Tribunals were collected by the chief, handed over to the commissioner who paid it into the Colonial Treasury. For many districts, such fines formed the bulk of their revenue, and in the 1940s, when District Treasuries were established, court fines formed a source of revenue for district development projects. Court records were taken in the native languages using Arabic script before English literate court scribes became widespread in the districts.

In 1933, a new Native Tribunal Ordinance was enacted, which provided for a separate court for the commissioners, who could no longer sit in the Native Tribunals. The Commissioner was now empowered to hear cases in 'which one of the parties is not subject to the jurisdiction of the Native Tribunals, and cases which are not cognizable by those tribunals'.

Yet, cases tried by the chief and his Tribunal members were still subject to review by the commissioner.

#### **4. The British colonial rulers and the right to education and work**

Under colonial rule, access to education was paltry. Colonial education was tailored to produce clerks who would be mere cogs in the wheel of the colonial behemoth; but who would not have had enough educational attainment to rock this behemoth. This is why for most of the period 1889-1965, the



British washed their hands of the provision of education to Gambian subjects. This task was left to the Christian missions such as the Catholics and Anglicans. The government recused itself from the role of a mere regulator of education! This is why as early as July 1882, it passed the first Education Ordinance, which established a Board of Education and appointed an Inspector of Schools.<sup>7</sup> Government did not run any schools, but it was ready to regulate the syllabus and teacher quality in schools through the Board of Education.

In 1903, the Bathurst Muslim Elders opened Muhammedan School to offer tuition in Koranic studies and English. Government offered a small subvention. In 1915, the Catholics opened an all-girls St Mary's High School; in 1927 Armitage School was opened in Georgetown (now Janjangbureh) to cater for a select few - sons of chiefs. It became the first government run school in the country. In 1959, the Gambia High School was opened as a non-denominational government run-school offering a pre-university syllabus. Yet, while there were a few schools as noted above and others like the Methodist Boys' High School, there were no facilities to train teachers. Most teachers therefore were untrained.

This only began to change in 1942 when the government began to send teachers to train at Achimota College in Ghana.

<sup>7</sup> David Perfect, *Historical Dictionary of The Gambia*, Rowan and Littlefield, 2016, p.xxxiii; In 1943, a woman, Hannah Forster, was appointed to the Board of Education.

Louise Njie (nee Mahoney) was among the first to benefit from this course. In 1949, a teacher training college was established at Georgetown. In 1953, the college was moved to Yundum as Yundum College.

Gambians ~~were~~ highly dissatisfied by the state of education in the country. 'Education in the Gambia is a crying necessity; the number of uneducated people in the country is considerable. This no doubt is the main reason for insufficient staff of skilled workmen,' wrote a Gambian reader in *The Gambia Echo* newspaper.<sup>8</sup>

As this writer has implied, there was a direct link with unemployment and the dearth of educational opportunities. Lack of skills meant that even if jobs were vacant, they could not be filled by Gambians. This was why until the 1950s, people from Sierra Leone and Ghana called Coasters and British expats, were occupying many government jobs in the Gambia.

#### **5. The British colonial rulers and voting rights**

Franchise is a normal human right. It is a basic human right to be able to vote for and be voted for into public office in a free and fair environment. In colonial Gambia a semblance

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<sup>8</sup> 'Education in The Gambia', *The Gambia Echo*, 24 February 1947, p.5. See also, 'Our Bathurst Letter' *The Gambia Outlook*, 11 October 1941 p.2 for a damning criticism of the social conditions in Bathurst: 'At the present rate health looks very much as a Gambian crisis.....'



of franchise was vested in the Legislative Council created in 1843 for Bathurst. It served as an advisory body to the governor and also had law-making powers. Yet membership was strictly by appointment until 1895 when Governor Llewelyn organized the first 'election' to the Legislative Council. He issued 91 confidential circulars to the jurors, magistrates, and professional men in the colony inviting them to nominate three men to sit in the Council. Sadly, those who won the 'election,' Mr Goddard and Mr Richards, were not his friends, and so he disregarded the results and appointed Sir Sam Forster. This brief experiment in popular choice did not recur until 1947 when a new constitution brought the elective element into Gambian politics. The constitution provided for an elected member to the Legislative Council from Bathurst.<sup>9</sup> The rest of the country was excluded. Edward Francis Small won the seat and became the first Gambian elected member.

In 1951, a new constitution widened the voting rights of Gambians. It provided for direct election by secret ballot of two members from Bathurst and one member for Kombos (Bakau and Serekunda) for the Legislative Council. Again, Gambians living in the Protectorate were excluded from franchise. In 1954, due to further political agitation, the voting rights of Gambians were further widened.

<sup>9</sup> 'The Legislative Council Election,' *The Gambia Echo*, 27 October 1947, p.2: see also 'Outgoing and Incoming members of Legislative Council by E Hamilton Joiner,' *The Gambia Echo*, 3 November 1947, p.5 for details on this historic vote.

The 1954 Constitution provided for three elected members for Bathurst and one for Kombos.<sup>10</sup> In addition, 'three more councilors were indirectly elected by an electoral college after direct elections'<sup>11</sup>. In 1960, the Gambia had its fourth constitution. It brought universal adult suffrage to all Gambians aged 21 and above. The legislature was now to be called *House of Representatives* and it was to be enlarged to 34 members; 19 elected directly and 8 to be nominated by the chiefs. Twelve out of the 19 were to be elected from the Protectorate even though the Protectorate had more people than the Colony. A candidate was expected to have sufficient knowledge of the English language. It was in 1960 that the marble and box voting method, which we still use, was invented. It strengthened the sacred right of the secret ballot.

In 1962, the electoral district called *constituency* was increased from 19 to 32, thereby widening the right of Gambians to be voted for.

#### **6. The British colonial rulers and freedom of assembly**

Colonial rule stifled political associations until the mid-1950s, and also frowned on cultural associations for many decades into the 20th century.

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<sup>10</sup> For Bathurst those elected into the Legislative Council were PS Njie, J C Faye, I M Garba -Jahumpa; for Kombo Mr John H Madi.

<sup>11</sup> Perfect, *Historical Dictionary*, p.135.



The colonial masters feared any form of association by Gambians as they suspected that it could be turned into a forum for dissent against white rule. Thus, the only opportunities for associating among Gambians was through religious and social clubs, which were able to prove to the colonial masters that they were apolitical, and therefore quite harmless. The earliest of such clubs sprang up in the 1830s, Bathurst, in the form of friendly societies such as the Carpenters Friendly Society, the Shipwrights Friendly Society, the Jollof Friendly Society, Ibo Friendly Society. These were purely voluntary, self-help trades or ethnic groupings devoid of any political aspirations. In the 1910s onwards, educated Aku professionals began to grow in numbers as lawyers, doctors and so on, and they also began to form social clubs such as the Reform Club of Sir Sam Forster, the first Gambian lawyer.

The Aku gentlemen were educated, but were not welcome into the European clubs such as the Bathurst Club so they formed their own clubs. In the 1940s onwards, the new Bathurst Wolof elite such as A B Njie and I M Garba-Jahumpa began their own clubs such as the Bathurst Young Muslim Society, since they also could not join the Aku clubs. From the 1950s, as more youth became educated, clubs began to mushroom and by the time of independence in 1965, there were dozens of social and sports clubs in Bathurst and the Kombos.

Under British rule, freedom of assembly and association was curtailed. As early as 1865, the British in Bathurst enacted the Friendly Societies Ordinance, which was designed to curb the power and influence of the mushrooming friendly societies in the Bathurst and the Kombos. The ordinance required their registration and regular auditing of their books by a magistrate. This is why in every quarter, the names of compliant societies were published in the *Gazette*.

The friendly societies, as stated above, were mainly based on occupation or some were ethnic based such as the Ibo Friendly Society or the Jollof Friendly Society. When registered, they were able to weld their members into effective pressure groups to fight for group or occupational rights. Notably it was these friendly societies which formed the basis for the trade union organizations such as the Bathurst Trade Union (BTU) formed in 1929 by Edward Francis Small.

The BTU had 1000 members by 1930 largely due to the very successful strike it held in December 1929 demanding increased pay for dock workers in Bathurst.

The strike lasted many weeks, and even when Governor Denham ordered a bayonet charge against the unarmed dock workers, they refused to budge until they had an increase in the daily wage. The strike also had worldwide repercussions as it led to calls for Britain to recognize trade unions in its colonies.



The BTU was an early manifestation of Gambians to assert their right to assemble and organize. Indeed by 1947 there were the following registered trade unions in the Gambia: BTU, the Gambia River Traders and Commercial Workers Union, the Gambia Seamen and Maritime Workers' Union and the Kaur Trade Union. These were at one time even amalgamated into the Gambia Amalgamated Trades Union led by B B Kebbeh.<sup>12</sup> In 1935 Small formed the Gambia Labour Union; in 1958 ME Jallow formed the Gambia Workers' Union, which helped in the agitation for Gambian independence.

Besides trades unions, Gambians also exercised their freedom of assembly in ethnic and religious associations in Bathurst during the colonial period. There were, for example, the Bathurst Young Muslim Society, the Jollof Progressive Society, the Christian Association. Despite the obstacles of registration, these societies became major rallying points for Gambians to take part in national life expressing their freedom of association.<sup>13</sup> The early political parties such as the Gambia Democratic Party and the Gambia Muslim Congress sprouted out of these social/religious associations in the early 1950s.

Gambian elite also ensured that the British did not trample on their right to assembly.

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<sup>12</sup> 'Trade Union Amalgamation,' *The Gambia Echo*, 3 March 1947. p.2

<sup>13</sup> Hassoum Ceesay, '<http://thepoint.gm/africa/gambia/article/history-of-metta-club-organised-beauty-contest>', accessed 28 Feb 2020.

In 1953 an All-Party Constitution was formed to press the colonial rulers for a new constitution. It was a cross-party pressure group. It succeeded in getting a new constitution in 1954, which provided for the post of a Speaker as Chair of the Legislative Council. In 1958, a Committee of Gentlemen was formed as a pressure group for a faster pace towards independence for the Gambia. Its members included Ba Trawalle and K W Foon and Alex Jobarteh. Their advocacy led to the adoption of universal adult suffrage in the 1960 constitution (Interview with Ba Trawale, Latrikunda German, 28/2/2020)

#### **7. The British colonial rulers and women's rights**

Colonial rule, which was formally declared in the Gambia in 1888 and with the proclamation of the Protectorate Ordinance Act in 1894, destroyed the economic and political roles of women. Indirect rule, which put traditional chiefs in the centre of colonial administration, was a major hindrance to women's rights, because the conservative chiefs sought to deprive women of political and economic control. Chiefs were at the forefront of denying women the right to vote. It remained so during much of the later years of colonialism, until 1960 when pressure from fair-minded Banjul-based nationalist politicians and a few women political activists, such as Hannah Augusta Jawara, helped in franchise women.

The chiefs administered land in the Protectorate and used their powers to deny women access to property, thereby denying them other rights that were premised on access to land such



as voting rights. The panoply of colonial laws such as the Protectorate ordinance (1894) and the Criminal Code Amendment Ordinance (1938), which made infanticide a capital offence, and the numerous ordinances on marriages promulgated in the 1940s, failed to specifically guarantee women's welfare and rights.

Yet, Gambian women never sat helpless and see their human rights seized. For example, in a bitterly argued court case, Martha Thorpe, a Bathurst Wolof merchant went to court in 1882 to repossess her property after bailiffs seized it. Martha had bought the plot of land at Grant Street for 40 pounds, from one George Frazer, who inherited it from his late wife, who died in the 1869 cholera epidemic. Martha developed the plot, and invited her boyfriend, and shop assistant, Barra Chow, to live with her in the new house.

Barra managed to borrow substantial monies from another mistress of his, a wealthy Banjul market woman, Marianne Isidore, using the house in which he lived with Martha as a sort of collateral. When Barra defaulted in payment, Marianne went to the sheriff to recover her money. The sheriff evicted Martha from her house, and she hired a Bathurst lawyer William Chase Walcott to argue on her behalf. When Barra's trick was realized in court evidence, the Colonial Administrator Gouldsbury used his powers to return Martha her property, and Barra was jailed. This case is a poignant pointer to the considerable economic powers that Banjul women commanded in the heydays of the colonial period.

It also offers a rare yet interesting insight into the high degree of sexual freedom among women in Banjul, and how prepared women in Gambia were to defend their basic rights, in this case right to property.<sup>14</sup>

The Ghanaian historian, Albert Adu Boahen, rightly observes that one of the negative social impacts of colonialism was the deliberate downgrading of the status of women in Africa. This assertion is particularly true of colonial Gambia with fewer opportunities for women than for men, which made women unable to gain a foothold in the major professions, such as medicine and law. Indeed, very few Gambian women were appointed to any senior posts during colonial rule, while men such as Dr S H O Jones, J E Roberts and W Carrol were able to rise to the highest levels of the colonial bureaucracy.

The only sectors open to Gambian women in the colonial period were trading, farming and secretarial work that they embraced with all their abilities. Hannah Mahoney became the first Gambian woman secretary at the office of the Colonial Secretary in the 1930s.

However, colonial rule also introduced some of the liberating factors for women such as Western education and urbanization. Educated women became more assertive of their own rights and those of their peers from the early 1930s when some of them joined the anti-colonial agitations.

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<sup>14</sup> Dispatches to Freetown, 1882, CSO 1/64, The Gambia National Archives, Banjul.



One of the many ways Gambian women became assertive during colonial rule was through the formation of women's associations. Through these associations Gambian women not only challenged the strict colonial rules surrounding freedom of assembly, but were able to organize and mobilize for social work to assist the needy and society. Later on, with the advent of nationalist politics these associations became the nursery for emergent political parties.

There is no space here to delve into the activities of each of the colonial era women's groups, but we can list a few of them for the record:

- The Gambia Women's Federation, founded in 1960
- The Gambia Women's Contemporary Society, formed in 1960
- The Gambia Corona Society, formed in 1948<sup>15</sup>
- The Busy Bees, formed in 1937
- The Gambia Mother and Child Welfare Committee, formed in 1925
- The Ladies: Guild of Grace, formed in 1924.<sup>16</sup>

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<sup>15</sup> 'The Women's Corona Society', *The Gambia News Bulletin*, 27/1/1966, p.3; 'The Gambia Women's Corona Society', *The Vanguard*, 1/10/1960, p. 4, gives the aims of the reconstituted society and its planned activities. See also 'Speaking Personally' by Malang Dampha, *The Gambia News Bulletin*, 30/5/1970, p. 1.

<sup>16</sup> For more details on these women's societies in colonial Gambia, see Hassoum Ceesay, *Gambian Women: An Introductory History*, Fulladu Publishers, 2007, pp.64-69; see also 'Guild of Grace', *The Gambia Outlook*, 20 July 1946

## **2**

### **The Independence Era and Human Rights**

There is no better way of starting this chapter than brining in verbatim a full-length interview given by President Jawara to the Gambia Information Services in 1980 on human rights. In this very revealing interview Jawara gives his personal attachment to the virtues of human rights, explains why his government streamlined human rights into all its policies, including foreign policy and urges Gambians to always hold on to their liberty and freedoms and never surrender them. Please read on:

#### **Interview with President Dawda Jawara on human rights**

**Q. What are your basic thoughts on human rights?**

**A.** I feel that every person in this world, whatever his race, place of origin, political opinion, colour, creed or sex, is entitled to certain fundamental rights and freedoms inherent in his quality as a human being, subject, of course, to that person's respect for

the rights and freedoms of others and for the public interest. Chief among these fundamental rights and freedoms are:

- (a) Life, liberty, security of the person and the protection of the law;
- (b) Freedom of conscience, of expression, of movement, and of assembly and association;
- (c) Protection for the privacy of his home and property

**Q. What do you feel about the gross violations of human rights that are reported from various parts of the world today?**

A. Evidence has accumulated in recent times of complete disregard for the sanctity of life as well as of gross and continuous violations of basic human rights in various parts of the world. In certain countries like South Africa and Rhodesia, these violations have become institutionalized; whilst in others veritable reigns of terror have been introduced. It is a cruel and bitter irony that after having struggled so long and hard to achieve freedom, some countries in Africa today and elsewhere in the world should be denied the just fruits of their valiant struggle by the despotic and murderous tendencies of those who are supposed to be their leaders, and who only hold power in trust for the very people whom they oppress. The Gambia



will continue to raise its voice in condemnation of such practices.

**Q. What is the Gambia doing about these violations?**

A. Personally, I have seized every opportunity to speak out on this problem at international conferences. Both at the Commonwealth Heads of Government Conference in London

in June 1977, and at the OAU Summit in Libreville in July 1977 I made known our position on this burning issue. Together with all members of my cabinet, and a number of other parliamentarians and senior officials, I have endorsed and forwarded to Amnesty International, for submission to the United Nations, in connection with the 1977 Prisoners of Conscience Year Campaign, a petition for the immediate release of all prisoners of conscience. That petition urges the UN General Assembly to take swift and concrete steps to ensure strict observance in all countries of the Universal Declaration of Human Rights and each and every government in the world to act for the immediate release of all prisoners of conscience.

The Attorney General is presenting a paper on human rights by the Gambia government at the

current meeting of the Commonwealth Law Ministers' Conference in Winnipeg, Canada. In this paper we are advocating for setting up a Human Rights Commission within the Commonwealth, similar to that which operates in the European Economic Community. We believe that such a commission will provide an indispensable forum for consideration of problems touching on human rights within the Commonwealth. Lastly, we in the Gambia make an endeavour to practise what we preach and believe in, and I hope that by this example we demonstrate that it is not necessary to be great or small, black or white, developed or developing in order to care about respect for the human person.

**Q. Do you have a message for the people of the Gambia in particular and the world at large on human rights?**

A. My message to the Gambian people on human rights is to urge them to hold firmly to their belief in liberty and their respect for human dignity. By holding steadfastly to these principles, and by putting them into practice, we are helping, in our own little way, to influence the course of events in other parts of the world.

To the rest of the world, my message is that humanity is one and indivisible and that these fundamental human rights and freedoms about which we are speaking today are inherent in humanity itself and therefore indispensable for the survival of our species in freedom and dignity.

As you know, the policy of our government concerning human rights and the rights and freedoms of individuals are clearly inscribed in our constitution, and our government scrupulously adheres to this. Therefore, we cannot in any way tolerate the breaches of these rights anywhere in the world. If these things happen in Uganda, they deserve a condemnation.

Uganda may be one example of a country which is alleged, and I believe with strong reason, to have violated human rights. But if you take African countries as a whole, Uganda is not alone, and therefore the issue of human rights as far as the OAU is concerned should be taken as a global issue. In the Charter of the OAU there has been no prominence given to human rights.

The emphasis has been on African unity and the liberation of the parts of Africa still under the colonial yoke or under racist regimes.



These, of course, are grave institutionalized violations of human rights and it may well be that the OAU is not amiss in concentrating on one set of violation, half-accepted by the international community, before going on to the wider aspects.

The international community is enraged at these things. But it has half-accepted institutionalized violations of human rights in South Africa, in Namibia, in Rhodesia and in other places. So when it comes to outright violations and there is an outcry, I think Africa can also turn round and say that at the UN, where we have all these basic human rights ensured and declared, no support is given to the demand of Africa that the blatant violations, institutionalized in the laws of certain countries like South Africa and Sothern Rhodesia (now Zimbabwe), should be terminated.

Even though we condemn the violation of human rights anywhere, we condemn wholeheartedly the massacre of an Archbishop and Ministers under the circumstances described. We would condemn wholeheartedly the deprivations of eight of the lowliest people in any country, including Uganda.

But we have to say that the hue and cry, which sometimes comes up from certain quarters with the power of the media when things happen in African

countries, always reminds us of their own double standards. They accuse the OAU of having double standards.

This may be completely correct, but there are not in Uganda but in some other African countries' blatant violations of human rights and even in these we've not had the same outcry as we have heard over the massacre of the Archbishop of Uganda.

So, if the accuse the OAU of double standards, I think we can turn round and accuse the international community as a whole of double standards when it comes to maintaining basic human rights as inscribed in the Charter of the United Nations'. (*Source: 'The Gambia and Human Rights', Ministry of External Affairs, 1980, pp.15-18.*)

### **The 1970 republican constitution and human rights**

Chapter III of the Republican Constitution of the Gambia provides for the protection of fundamental human rights and freedoms for Gambians. Sections 13 to 30 set out very clearly how these rights and freedoms are guaranteed and protected. In addition to the basic rights and freedoms, there is specific provision for protection from forced labour, inhuman treatment, deprivation of property, arbitrary entry, search, arrest, and discrimination on the grounds of race, colour,

creed, sex or political opinion. There are certain derogations from fundamental rights which are normal during any period of public emergency, and the constitution provides that such derogations shall be only such as are reasonably justifiable for dealing with the situation that exists like a period of war or civil unrest.

Likewise, there is provision for the protection of persons detained under emergency laws. Section 29 spells out clearly the conditions under which a state of emergency may be declared. It is worthy of note that any declaration of emergency made by the president under this Section lapses 21 days after the declaration unless there has in the meantime been a Resolution of the House of Representatives supported by a two-thirds majority vote. The Gambia during the period under review was the only country with no political prisoners.

#### **Women's rights in independent Gambia: The Marriage Dissolution Act 1967**

On 18 August 1967, women organized a big protest march around the precincts of the Parliament in Banjul to acquaint MPs of their opposition to the Dissolution of Marriages bill, which gave the Supreme Court jurisdiction to dissolve a monogamous marriage where one spouse became converted to a religion recognizing polygamy and the other spouse has



not converted. The bill allowed a Christian, who becomes a Muslim, to marry again and have children, and could also ask the Supreme Court to relieve him of his first wife by Christian marriage. Many women saw this bill as discriminatory and an affront to women's rights.

Therefore, women from Islamic and Christian faiths mobilized against the bill when it was due for first reading in the Parliament. The origin of the bill itself was parochial. It was generally seen by critics as a rushed attempt to facilitate the Prime Minister's divorce of his wife, Augusta, following his return to Islam and her refusal to be converted. The women were mobilized by the Gambia Women's Federation to oppose the bill. They sent petitions to Prime Minister Jawara and to the MPs. When this did not work well, they held a big protest march around Parliament dressed in black and waving placards condemning the bill.

High-handed police action did not deter the women protesters led by activists Cecilia Cole, Harriet Fowlis, Ramou Jagne, Rachel Palmer, Mary Samba, Harriet Baldeh and party *yai compin*. Women activists believed that it was first and foremost a discriminatory and sexist law, which was designed to stifle women's marriage rights.

Although the bill was passed unanimously by the MPs, the protest occasioned government to appoint a committee to

inquire into the whole problem of divorce, marriage custody and the welfare of children. Its recommendations led to the establishment of the Department of Social Welfare in the early 1970s.

### **The miniskirt controversy, 1969**

An event which again brought out Gambian women to defend their basic rights soon after independence happened in the late 1960s. The Miniskirt Revolution hit Gambian streets in 1969. The sight of miniskirt clad women in public soon started a major controversy in the country between the 'mini addicts' and the 'mini-haters'. Several youth groups, called *vous*, mobilized opinion for government to ban the 'decadent' mini, but the 'mini addicts' defended the skirt saying it was 'fashionable' and 'economical' (less than one yard of cloth was needed to sew a mini; a whole seven yards was required to make a traditional *dagit* and *malan*, wrote a Banjul woman in a local newspaper).

Above all, women saw the mini as a symbol of emancipation asserting their right to dress as it pleased them. The miniskirts controversy was the first test of the country's credentials as a democratic and secular state so soon after independence. In not banning the short skirt as had been done in Zambia, Malawi, Tanzania and Guinea, the PPP government proved itself prepared to uphold personal freedoms, especially those

of women. Needless to say, when the controversy fizzled out and the mini skirt stayed on, it was a victory for women's right over patriarchal and religious constraints.

**The Gambia Women's Bureau, upholding women's rights in independent Gambia**

The Gambia Women's Bureau was created in 1980 to enable government to be more proactive in dealing with women's issues. The establishment of the Bureau was informed by the International Decade for Women (1974-1984) during which UN member states were enjoined to take concrete steps towards promoting and protecting women's rights. Women leaders who attended the Nairobi Conference on Women in 1974 such as Ralphina de Almeida (1939-2017), Saffiatou Singhateh and Louise Njie canvassed the Jawara government to make good the Gambia's pledge to enhance women's rights. Five years later, the Women's Bureau Act was passed in Parliament.

Using strident advocacy, it has successfully seen through the ratification by the Gambia of critical legislation on women's rights such as the Convention on the Elimination of Discrimination (CEDAW). Also, the Bureau has reinvigorated the participation of women councillors in evolving policies and programmes on women.



On the other hand, women's NGOs like the Gambia Committee on Harmful Traditional Practices (GAMCOTRAP) continue to score success in the fight against harmful traditional practices, which violate women's rights, such as female genital mutilation. This is an indication of the increasingly important role of civil society as change agents towards a more gender sensitive society.

Gambian women and the right to franchise from 1965 to 1994  
The Gambian nationalist parties which brought Independence in 1965 mentioned women in their manifestoes; the PPP's *Independence Manifesto*, published in 1960, for example, pledged to 'promote the social and political organization of all sectors of the community, including women'; the UP manifesto in 1964 pledged to increase girls' enrolment in school and to start a scholarship scheme for girls. In 1960, the PPP Leader and Minister for Education Dawda Jawara took the decision to reserve 15 out of the 60 seats available at Armitage School for girls, and also launched a campaign in Basse to encourage the enrolment of girls into school.

The wives of political leaders such as Cecilia Faye, Augusta Jawara, Lucretia St Claire Joof and Marion Foon wielded immense political clout in their husbands' political formations. Marion edited the mouthpiece of K W Foon's National Party, *The Vanguard*, and Augusta was the campaign secretary for the PPP in the crucial 1962 elections.

Women politicians in Banjul used women's social (age group) clubs such as Ngalam, Sukur Moot and Armignon as pedestals to canvass support among women. In 1958, a visiting American scholar noted that 'to win the support of women in the Gambia is the key to success for any politician', because they were the majority set in the colony and were also tightly organized in groups and therefore easy to reach. Moreover, widows or women whose husbands were away in the protectorate trading led many Banjul households and were therefore able to influence political affiliation.<sup>3</sup>

In the 1960s, women began to aspire for higher political office and also strengthened their roles as electors and mobilizers, moving from the periphery to the centre of national politics to become councillors, MPs, party executive members and cabinet ministers. These gains were largely due to constitutional provisions, which entrenched women's political rights to vote and to seek elected office and the desire of the post-independence government to abide by international standards and the African Charter on Human and Peoples' Rights. The new independence government was also eager to be seen to recompense women for their salient role in nationalist politics in the 1960s.

Women's participation in Gambian politics has passed through several stages. In the 1950s and 60s, women were mainly voters and mobilizers for men political office seekers.



The early political parties each had strong women's mobilizers called *yai compin*, who were in many ways the founts of support for their parties.

They mobilized supporters to register for election, cast votes and animate electoral campaigns and party festivities. The typical *yai compin* was middle aged and barely literate; possessed vast organizational skills, untainted oratory and with a lot of contacts at the grassroots. Many of them, like Hannah Forster of the Gambia Democratic Party, were wealthy merchants who financed the activities of their parties. Nationalist leaders like I M Garba-Jahumpa, P S Njie and D K Jawara were regularly seen campaigning for votes in the company of their party *yai compin*. The PPP's Aja Fatounding Jatta and Aja Fanta Basse Singhateh were early *yai compin*, while in the 1970s, Sally Jagne chaired the party's Youth Wing. Aja Ngui Jagne was a strong *yai compin* for the Democratic Party of Garba-Jahumpa, while Cecilia Moore was a noted militant of the Democratic Congress Alliance of the Rev J C Faye. Augusta Jawara was an outstanding woman politician who became the first woman to contest a parliamentary seat in the 1960 elections on the PPP ticket. She lost but showed a brave face.

In 1968, Lucretia St Claire Joof was nominated into parliament thus becoming the first Gambian woman to sit in the legislative body. She excelled in her tenure winning admiration for her



bold contributions in the parliamentary debates and raising issues such as family planning services for rural women. In 1961, Rachel Palmer was included in the delegation of Gambian leaders that attended the Constitutional Talks in London. Her active role at the Talks was decisive in forging an agreement for a new independence constitution. In 1968 also Amie Ndow Frazier became a founding member of a new party, the People's Progressive Alliance, led by Sheriff Sisay. Ndow occupied the influential position of party treasurer and when the party's number two, Paul Baldeh, died suddenly, she became deputy secretary.

Women's political roles were strengthened in the 1970s and 1980s. In 1972 Ya Fatou Sonko contested as an independent candidate in the legislative elections for the Kombo East seat. Despite meagre resources and the fact that she stood against the future External Affairs Minister L K Jabang, a political heavyweight in the area, she polled more than a third of the votes cast. In 1977, Louise Njie was nominated into parliament. In 1979, five women were nominated as PPP councillors in the provinces, which gave them influence in local government politics.<sup>5</sup>

In 1982, Nyimasata Sanneh became the first woman to win a parliamentary election when she won the Kombo North seat for the PPP. Her effort was indeed courageous, and a

strong motivation for aspiring women politicians. In 1982, Louise Njie was named Education Minister, becoming the first woman to sit in cabinet. Women voters accounted for 60 per cent of the Gambian electorate in the early 1990s, and constitute the majority of voters in 30 out of the 45 electoral districts, including large ones like Bakau and Serekunda. Their vote therefore is critical in winning elections. In 1992, four women entered parliament, while a record number contested parliamentary seats both for the ruling PPP and the opposition.

**Media rights in independent Gambia till 1994:** 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers,' (*Universal Declaration of Human Rights, Article 19*).

Under independence, the Gambia enjoyed media plurality and media freedom. In the 1960s Africa, it was only in the Gambia and Botswana where there was independent private press in the form of newspapers and radio. In the rest of the continent, one newspaper, one radio, one TV was the rule. In all cases, these newspapers were government owned and controlled.

Immediately after independence, the media landscape widened. Various political parties had their own newspapers.



Private journalists also created their newspapers, in addition to the media organs which were in existence since colonial rule.

**Party newspapers:** The PPP created its own newspaper called *New Gambian* in 1966 under the editorship of Ba Trawalle. The newspaper came out fortnightly and carried party news, and also critical editorials about the opposition parties. The United Party also published an organ entitled *African Unity* edited by I A S Burang-John. The Gambia Congress published its organ called *Spark* edited by Pierre Sock.

**Private independent newspapers:** In 1965, W Dixon-Colley established *The Nation* newspaper, with its headquarters at Box Bar Road in Banjul. It carried news and stinging critical opinions about government policies and decisions. In 1967, Mbacke Njie established *The Progressive* newspaper. It was also a fiery critical newssheet which spared no government officials within its radar. In the mid-1970s, Njie radiated towards the ruling PPP and the paper became less critical. When he died in 1977, the paper ceased to exist.

In 1968, Rudolph Allen established *The Gambia Onward* newspaper. It came out weekly and was known for exposure of corruption in government, especially in the newly-created parastatals like the Gambia Commercial and Development Bank and the Gambia Utilities Corporation. The older



newspapers such as *The Gambia Outlook* and the *The Gambia Echo* were also in publication.

In 1970 the Gambia Labour Union created a workers' newspaper called *Toiler*, edited by Pierre Sock.

In the late 1960s, youth anti-government groups like the Kent Street Vows published underground leaflets or tracts called *Fansoto*, which means independence. It was critical and leftist. In 1969, another youth group, called Tonya, published its own tract called *Tonya*; also, very critical of government (see Nana Grey-Johnson, *Story of The Gambian Newspaper*, p.74). What social media is today in Gambian politics, these tracts or pamphlets were to politics soon after independence: quick, anonymous and acerbic watchdogs of the rights of the weak against the mighty behemoth of government. There were no recorded illegal attempts made to stifle these vehicles of youth voice in governance.

In 1975 Ngaing Thomas established *The Gambian* newspaper; in 1980 Jongkunda Daffeh and S A Bakarr established *The Sun* newspaper; in 1981, Sanna Tix Manneh established *The Torch* newspaper. In 1982, Anna Thomas established the *Post* newspaper. Later *The Sun* and *The Torch* were joined into the *Sun-Torch* newspaper. Sanna Tix Manneh also edited a brief newssheet entitled *Hibarr*.

In 1982, *The Gambia Times* was founded as a party organ of the ruling PPP.

In 1982, Baboucarr Gaye founded and edited *The Senegambia Sun*, which was supposed to be the organ of the Senegambia Confederation, but Gaye was able to make it into a critical tabloid. It folded up in 1984. Five years later *Foroyaa* was established as an organ of the PDOIS party. In 1989, history was made in Gambian media when the *Topic (Gambia) Magazine* was established by Nana Grey-Johnson. It became the first glossy Gambian journal carrying news, views and comments.

In 1978, an underground movement called Movement for Justice in Africa (MOJA) was founded in Banjul. It was a clandestine anti-government leftist movement which published an underground sheet entitled *Voice of the Future* and later it also published *Voice of the Youth*. These tracts were extremely rude towards the government. They published hard-hitting commentaries against government officials and exposed corruption and ineptitude at high government level.

They circulated clandestinely in the streets of Banjul. MOJA members also sprayed the streets with anti-government graffiti. The government reacted calmly insisting that as long as these tracts did not break any law, they could not be banned. In 1980, when MOJA started arson attacks against

government structures and property such as Jawara's state yacht, the *Mansa Kila Kuta*, MOJA were banned and many members were forced into exile.

In December 1991, Pap Saine, Deyda Hydara and Baboucarr Gaye, all of them veteran journalists, founded *The Point* newspaper. It was a brave but refreshing attempt to bring tabloid journalism back to the country after three decades of cyclostyled press (A-4). In May 1992, Liberian exiled journalist Kenneth Best established the Gambia's first daily newspaper, the *Daily Observer*. Both papers remained vigilant critics of government policies and afforded the people the chance to express themselves on national issues through columns and Letters to the Editor page. The press also highlighted human rights issues ranging from poor access to health and education to police high-handedness in arrests and detention.

**Government media:** Media rights after the Gambia gained its independence were further strengthened by government media organs such as Radio Gambia, established in 1962. In 1971, it moved to new ultra-modern studios at Mile 7 on the outskirts of Bakau. Through Radio Gambia the government was able to reach out to the whole country through public announcements on health, agriculture, youth, and environment issues. *The Gambia News Bulletin* now came out four times a week carrying news about government activities and advertisements. The *Bulletin* strengthened the



flow of information from the government to the people. In the week that Radio Gambia began its broadcast in May 1962, three weeks before the elections, political parties insisted that they be given air time to sell their political manifestoes to the public.

The PPP, UP and Congress Party were each given 10 minutes' air time daily to address the public. This tradition has continued from the 1966 elections and after (See 'Party Political Broadcasts, *The Gambia News Bulletin*, 10 May 1966, p.1). Through these broadcasts, the democratic space was widened and equity generated in political parties' access to the media.

**Radio Syd:** In 1970, the Gambia licensed the first private broadcaster in black Africa, Radio Syd. It became a popular station and was symbolic of the media pluralism in the country. It closed in 2000.

**Radio One FM:** In 1990, George Christensen was licensed to open the first private FM radio in the Gambia, called Radio one FM. Like Radio Syd, not only did it symbolise media plurality but it also raised up an entire generation of broadcasters and helped promote Gambian popular culture. Through these radio stations, the cultural rights of Gambians were enhanced.

**The Gambia Film Unit:** It was created in 1967 to provide audio-visual services, mainly for educational purposes, to Gambians. It had a mobile film van which toured the country showing educational films on health and environmental issues.

**School magazines:** Schools like the Gambia High School, Saint Augustine's and Armitage had flourishing school magazines where students honed their writing skills and also expressed their acerbic opinions about society and the state. At the very basic school level, therefore, Gambians had the opportunity to express their right to freedom of speech.

The above list is indeed an impressive indication of media rights during the period 1965 to 1994. Newspapers, radio and audio-visual content providers were allowed to operate. President Jawara gave regular press briefings to the media. He gave occasional full interviews to media houses. In 1982, a media officer, Jay Saidy, was appointed at State House to enhance access to information from the highest level of government. The media was not harassed. Indeed, the Gambia was an oddity in Africa for its respect for media pluralism and the rights of expression and opinion.

Journalists indeed had the audacity to be crusading during the period under review. In 1971 for example, Ba Trawale published in his *New Gambian* newspaper a series of investigative articles about slave labour at President Jawara's

farm at Abuko. He was charged for publishing false news and jailed for two years. In 1989, Sanna Tix Manneh published in the *Sun-Torch* newspaper that three of President Jawara's ministers were corrupt and so should resign or be sacked.

The ministers denied the allegations; Sanna was sued and in 1990 was acquitted. He won a major victory for press freedom in the Gambia.

In 1990, the editor of *Topic (Gambia) Magazine* published explicit bloody photos of female circumcision operation in order to shock government into banning the act. He was asked by the MPs to withdraw that issue of the magazine from the newsstands in Banjul. He refused and dared the MPs to sue him. They did not (see 'Stop Female Circumcision' *Topic Magazine*, January 1991).

#### **The Kukoi coup: human rights issues arising**

On 30 July 1981, Kukoi Samba Sanyang led a band of rebels to overthrow the PPP Government. In the ensuing mayhem of six days, 1000 Gambians died. Dozens were raped. The Gambia Chamber of Commerce estimated loss due to looting at D42 million (*Gambia News Bulletin*, 2 January 1982). But what was outstanding was the measured government response to the mayhem. Every attempt was made to ensure that rights were protected. Of the 1,100 people arrested for their alleged



involvement in the coup, 800 were released without legal recourse. Also, the names of all those arrested were published in the Gazette to ensure accountability and protection of rights (See various issues of *The Gambia Gazette*, August 1981).

A Detainee Review Panel established after the coup attempt ensured that no one remained in detention if no hard evidence was gathered against them. Those who were tried were allowed legal representation, sometimes at cost to government. The government also allowed the Red Cross and Amnesty International to visit the detainees at Mile Two prisons or the Bakau Depot to ensure that the rights of detainees were protected. Unlike summary justice of executions which followed similar incidents in other parts of Africa, the PPP government ensured free and fair judicial proceedings took place.

Various court chambers presided by judges from Ghana, Sierra Leone and Nigeria were established to hear the treason charges against the plotters. The Commonwealth Law Society was brought in to inspect the court proceedings regularly to ensure the trials met international standards.

Of the 27 death sentences given, none was executed. Indeed, by 1990, all those jailed for the coup attempt were set free in amnesty. A State of Emergency was declared but it did not hinder the work of the press and political activity. Indeed, in

April 1982, Gambians again went to the polls to elect their leaders in multiparty elections. The Leader of the Opposition, SM Dibba, contested the elections while in remand on treason charges. This was another unthinkable act in Africa of the 1980s. A Looted Items Recovery Panel was also created led by Kebba Conteh, a former mayor of Banjul.

The Panel worked very hard to recover looted goods for their owners. All told, the handling of the post-Kukoi coup ensured that there was impunity, and that the rule of law was upheld and basic rights protected. It was largely due to the measured manner that the Gambia handled the aftermath of the coup that it won the moral right to champion human rights in Africa.

#### **Cultural rights in independent Gambia, 1965-1994**

Generally, we define *cultural rights* as the rights that groups have to practise their culture without interference. In a multicultural environment, all cultures must be allowed and supported to practise their culture, which in the final analysis augurs well for society. Cultural rights are the right to practise your religion, use your language, adopt a family and bring up your children accordingly; use your names and dress codes and conduct your ceremonies according to your culture.

Soon after independence, a civil society group called Friends of the Museum joined hands with the Gambia Social Studies Research Association of Yundum College to lobby the



government to establish a legal framework to protect and promote Gambian culture. Led by Dr Florence Mahoney, the noted historian, other members of the Friends of the Museum were Bakari Sidibe, Stephen Bahoum, Gabriel Roberts etc. They were civil servants who made regular treks up-country and they began to collect objects from villages with the idea that one day these objects would be displayed in a museum. In 1974, the government enacted the Oral History Antiquities Act, which created the Oral History Antiquities Division under the office of the President to coordinate historical research in the Gambia.

In 1976, the first national inventory of monuments and sites was done. Some of these sites were gazetted *National Monuments*, which gave them state protection. In 1975, the Gambia National Troupe was formed to celebrate the Gambian dance and song performances. In 1985 the Gambia National Museum was created to preserve the Gambia's material cultural heritage. As far back as 1966, the Gambia Archives was created thanks to advocacy by Dr Florence Mahoney, as a definite repository for Gambian historical records.

Thus, cultural rights received much attention during the period under review thanks largely to the interest generated by civil society groups like the Friends of the Museum.



**Culture of multipartyism, 1965 to 1994:** 'Everyone has the right to freedom of peaceful assembly and association,' (*Universal Declaration of Human Rights*, Article 20)

At independence in 1965, the Gambia inherited a vibrant multiparty system. And the PPP government did not squander this bountiful inheritance. From 1965 to 1994, when the army struck against the democratically elected government of Jawara, the underlisted political parties were registered:

These parties existed side by side with the older PPP, UP, and Congress Party. Therefore, at any one of the 7 general elections, and two referenda held in the Gambia between 1965 and 1992, there were more than two parties' choices for Gambian voters. In addition, in each of these expressions of Gambians' right to choose their leaders, there were non-party-affiliated candidates called independents. In the 1972, 1982 and 1992 elections, independent candidates won many parliamentary seats (Hughes and Perfect, *A Political History*, p.180).

In the period under review, therefore, Gambians' basic right of political choice was upheld through a clear and unfettered multiparty political system as enshrined in Article 21 of the *Universal Declaration of Human Rights*, 'Everyone has the right to take part in the government of his country, directly or through freely chosen representatives'.

*Table 1: List of political parties registered, 1965-1994*

No	Name of Party	Founder	Comment
1	National Convention Party, May 1967	Noah Sanyang	A breakaway of the PPP, but floundered in 1969
2	The People's Progressive Alliance, May 1968	Sheriff S Sisay	A breakaway of the PPP; Sisay was quondam Finance Minister. It floundered in 1972. Sisay went back to the PPP and was made Governor of the Central Bank.
3	National Convention Party II, September 1975	Sheriff M Dibba	Another PPP breakaway led by former Vice President of the Republic
4	National Liberation Party, June 1975	Pap C O Secka	A US- trained lawyer and political scientist. Contested the 1977 elections.
5	The Gambia Peoples Party, July 1986	Assan Musa Camara	Former Vice President of the Republic
6	PDOIS, August 1986	Triumvirate of Halifa Sallah, Sam Sarr and Sidia Jatta	Leftist, Marxist leanings
7	People's Democratic Party, 1991	Dr Lamin Bojang	Contested the 1992 elections

*Source: Various issues of Gambian newspapers etc.*

### **3**

## **The Gambia Becomes the Apostle for Human Rights in Africa, 1965-1994**

### **Human rights as diplomacy**

The Gambia became the first country in Africa to leverage its foreign policy on strict adherence to human rights. From the early 1970s, the Jawara government did not shy from using diplomacy to insist on neighbours and other countries to respect the basic rights of their people. Be it at the UN General Assembly or OAU Summits, Jawara used international diplomacy to promote respect for human rights. As indicated in Table 2, the Gambia government put human rights as a yardstick in its diplomatic dealings with the rest of the world.

Also worth noting is that despite its convincing human rights record from 1965 to 1994, the Gambia at this time did not shy from maintaining smooth diplomatic ties with notoriously anti-democratic and rights abusing states like Sékou Touré's Guinea or Ould Taya's Mauretania. Instead, the Gambia used diplomacy to champion the establishment



of the African Commission for Human and Peoples' Rights in the 1980s. Following Uganda's Idi Amin's downfall in 1979, and the depravity of his regime became known, the Gambia started a campaign to have a human rights charter for Africa. Jawara built upon a series of expert meetings in the 1970s on the issue to lobby his peers during the 1979 and 1980 OAU summits.

Jawara saw the Gambia as one of the few African countries on the moral high ground as far as respect for human rights was concerned because it held regular multi-party elections and had a free press even in the 1970s when tyrants held sway elsewhere on the continent. By 1983, the African Charter for Human and Peoples' Rights was ready for adoption by African states and the Charter became known as the *Banjul Charter*.

In further recognition of the Gambia's efforts in strengthening human rights in the continent, Banjul was chosen as the headquarters for the African Commission for Democracy and Human Rights, which oversees adherence to the Banjul Charter. Jawara had wisely leveraged on his enviable human rights record to forge a distinctive human rights-based diplomacy to win the country respectable donors such as Britain, US and France, and give the country a polished image and prestige. (See the autobiography of Dawda Kairaba Jawara, entitled *Kairaba*) for a rundown of various interventions by

the Gambia to bring the issue of human rights to the forefront of the OAU). As a policy, the Gambia in the period under review promoted human rights at home in its entirety.

This gave it the moral strength and stature to promote human rights in Africa and elsewhere. The Gambia was seen as the voice of reason. There was no hypocrisy in this. This is also why in 1978 President Senghor of Senegal and Sekou Touré of Guinea accepted the Gambia to mediate their 20-year bilateral tensions at a meeting in Monrovia, Liberia.

**Table 2: Examples of the Gambia government's proactive moves to protect human rights**

<b>Year</b>	<b>Issue</b>	<b>Comment</b>
1970	Gambian police arrested seven Guineans who were a vanguard for a Portuguese plot to invade Sekou Touré's Guinea	The Gambia extradited them to Conakry in the spirit of African solidarity. But only after Jawara got a sworn promise from Sekou Touré that the men would not face the death penalty.
1973	The Gambia recognized the Independence Declaration of Guinea Bissau and asked its Ambassador Sam Sarr to present his letter of credence to Luiz Cabral, leader of the PAIGC inside the Liberated Zones of Bissau.	The Gambia justified this action saying, 'The struggle of the Bissau Guineans for freedom is an inalienable human right'
1977	The Gambia condemned at the UN General Assembly the murder of Steve Biko, the South African leader, by apartheid Police	The Gambia went further to seek stronger economic sanctions against South Africa.
1977	The Gambia led Africa to celebrate the Year of Prisoners of Conscience	The Gambia prepared the petition for Amnesty International, for submission to the United Nations, in connection with the 1977 Prisoners of Conscience Year Campaign, a petition for the immediate release of all prisoners of conscience in the world.



*National Human Rights Commission*

Year	Issue	Comment
1977	Jawara became the first African leader to openly condemn Idi Amin for his human rights violations in Uganda. Jawara did it openly at an OAU summit in Libreville, Gabon	In an angry response, Idi Amin kidnapped Gambian traders who mistakenly crossed the Uganda border from Congo. They were later released.
1977	The Gambia closes the North Korea Embassy in Banjul	The Gambia decried the use of forced labour in the Stalinist state, among other factors.
1977	Gambian Justice Minister ML Saho submits a memo from the Gambia calling for the establishment of a Commonwealth Human Rights Commission to better protect human rights in the organization	In 1987, the Commonwealth Human Rights Initiative was created to enhance protection of the rights in the Commonwealth space.
1980	Jawara broke off ties with the USSR after it invaded Afghanistan on 25 December 1979	Jawara told the Gambian parliament: 'When big countries bully small nations, we see it as a gross violation of sovereign rights and other human rights... we condemn such'
1980	The Gambia hosted the first OAU Ministerial Conference on Human and Peoples' Rights in Banjul	The very start of Banjul's leading role in the establishment of the African Commission for Human and People's Rights
1980	<i>New African</i> magazine crowned Gambian leader Jawara as 'Patron of Human Rights in Africa'.	It was a continent-wide survey

*The Gambia becomes the apostle for human rights in Africa*

Year	Issue	Comment
1980	The Gambia broke off diplomatic ties with Gadaffi's Libya, accusing Libya of undermining the sovereign rights of the Gambia and neighbours.	This came after it emerged that Libya was training Gambians and other Africans in subversion in camps in Libya. In reaction, Gadaffi withdrew Libyan 70 percent shares in the Gambia Libyan Public Transport Corporation bus service, and halted several mosque projects. But Banjul remained steadfast.
1981	The Gambia hosted the Second OAU Ministerial Conference on Human and Peoples' Rights in Banjul	In this meeting the Draft African Human and Peoples' Rights Charter, now called Banjul Charter, was validated for the Assembly of Heads of State to adopt
1989	The African Commission was formally established and headquartered in Banjul	The African Centre for Human and Peoples' Rights was also established in Banjul

*Sources:* 'The Gambia and Human Rights', Ministry of External Affairs, Banjul, 1985 pp.1, 8, 10, 18; also *The Gambia Weekly* newspaper, July 1989.

### **Queer Question!**

But why was the Gambia so adamant in its observation of human rights? Why did this small country in the 1970s, when human rights were the least of priorities in other countries, embrace adherence to human rights as a foreign policy and national code of conduct?

We can espy an answer in the following statement from President Jawara:

The freedom gained from colonial rule should not be unreal to our people. After centuries of deliberate policy of dehumanization and subjugation, the minimum our people expect and deserve is not only economic and social advancement, but also the full enjoyment of basic human rights guaranteed to all mankind in the Universal Declaration of Human Rights... Our people therefore must be guaranteed the human rights denied to them by the imperialists and colonialist because if we do not-we who hold power only on trust for the people-we will be more guilty than the foreign oppressors. (Sir Dawda Jawara Press Conference, London, June 1977 p.19 of transcript)



**The Gambia government condemns murder of Black Consciousness Leader Steve Biko**

When apartheid police killed Steve Biko, the Gambia Government wasted no time in publicly condemning the act, making it clear to the whole world that Banjul found the murder objectionable and wicked. Here is the press release from the External Affairs Ministry in Banjul:

The latest and most notable victim murdered by the apartheid regime is Steve Biko. He was only 30 years old but his charisma and the justness of his cause had given him an international image. He was known for his belief in non-violence. But also his opponents are known for their violence towards the human person and dignity. This government and all civilized nations, big and small, will continue to condemn the injustice now reigning in South Africa, but also their efforts to uproot the perpetrators and the regimes behind the injustices, and that very soon humanity will be able to erase this sad blot from our history.

(Ministry of External Affairs Release, 10 December 1977, p.22),

Earlier in June 1976 when apartheid Police massacred hundreds of children in Soweto, South Africa, the Gambia government sent out a strong protest against the killing of

black children in South Africa. Here is the release sent out by the government:

It is with deepest remorse that we have to deplore and denounce the opprobrious apartheid system and its brutal racist consequences in the so-called Republic of South Africa. This ungodly social set-up and political practice has been directly and solely responsible for the deaths of the hundreds of children from Sharpeville and Soweto. Young children and people in their prime of their life are murdered, maimed and incarcerated for no reason than they have dared to demand their God-given right of dignity and equality.

As a foreign policy, the Gambia contributed regularly to the OAU Liberation Fund created in 1965 to help gather funds to the liberation movements fighting for independence in various African countries. In this way the Gambia supported the African National Congress (ANC) in South Africa, the PAIGC in Guinea Bissau, and the South-West Africa People's Organization (SWAPO) in Namibia in their fight to end colonial rule and racial discrimination as enshrined in the Universal Declaration of Human Rights. In 1986, at the height of the Gambia's economic crises, when there were redundancies in the civil service and import restrictions, the Gambia gave 26,000 USD to the OAU Liberation Fund for

the ANC and SWAPO.(See *The Gambia Outlook*, 10 June1986).

### **Human rights and/or peoples' rights?**

The late Ebou Taal, who as Permanent Secretary, Ministry of External Affairs from 1977 to 1982, was asked to draft what later became the Banjul Charter told me in an interview in 2019 that Sir Dawda Jawara found it very hard to convince radical African rulers like Sekou Touré of Guinea and Mathieu Kerekou of Benin to buy into the draft Charter. Jawara sent him to these leaders to encourage them to accept the draft Charter. Touré told Taal at an audience in Conakry that human rights as in freedom of expression and so on was a luxury for Africans.

What was not a luxury was three meals a day and clean drinking water! After Touré tried on two occasions at the 1979 Monrovia OAU Summit and the 1980 Freetown OAU Summit to torpedo the draft Charter, Taal advised Jawara to acquiesce to Touré's demand for the inclusion of the word 'Peoples' in the tag line to read 'African Charter for Human and Peoples' Rights'! The next morning in Freetown, Touré dropped his opposition to the Charter, clearing a major hurdle for its coming into being.



Indeed, if human and peoples' rights were to be distinctive, the Gambia in the period under review scored tremendous success in health, education and environmental protection. Table 3 gives very sparse examples:

*Table 3: Peoples' rights to health and education*

Year	Sector	Project
1967	Access to health	School of Nursing, Banjul
1977	Clean environment	Banjul Declaration on Environmental Protection unveiled
1982	Education	Yundum College
1983	Health	Primary Health Care established to give direct, preventive health care. Many major health centres established at Kaur, Centaur, Fajikunda, and Yerobawol
1983	Sports	20,000-seat Independence Stadium opened
1982	Access to higher education	Gambia Technical Training Institute founded
1986	Professional development	Management Development Institute founded
1985-1990	Right to shelter, housing	Bakoteh Housing Estate Kanifing Housing Estate

*Sources: Various*

**The Gambia and refugees' rights:** 'Everyone has the right to seek and to enjoy in other countries asylum from persecution,'  
(*Universal Declaration of Human Rights*, Article 14)

The Gambia during the period under review was a staunch supporter of refugee rights as provided for in the Universal Declaration of Human Rights. As early as 1967, the Gambia began to welcome and cater for refugees fleeing the independence war in Portuguese Guinea (now Guinea Bissau). In the 1970s, the Gambia also received refugees from South Africa, and other countries in southern Africa under the yoke of colonial oppression. Refugees were accorded all basic rights, including insertion into Gambian schools and communities. Table 4 illustrates the scope of refugee populations hosted in the Gambia in 1990/1991:

*Table 4: Refugee populations in the Gambia, 1990/1991*

	Country of origin	Remarks
1	Senegal	Fleeing civil war in Casamance
2	Namibia	Fleeing apartheid oppression, many were enrolled at Gambian high schools
3	South Africa	Fleeing apartheid oppression, many were enrolled at Gambian high schools
4	Mauretania	Fleeing anti-black riots in Mauretania, 1989
5	Chad	Fleeing civil war
6	Liberia	Fleeing civil war, which started in December 1989
7	Guinea Conakry	Fleeing Sekou Touré's anti- Fula regime
8	Sierra Leone	Fleeing civil war
9	Lebanon	Fleeing civil war

*Source: Various newspaper reports, UNHCR Reports*

## **Conclusion**

I wish to end by saying a few things relevant to this study:

1. One of the reasons for the failure in preserving all these momentous gains made in human rights from 1965 to 1994 was the absence of a mechanism designed to ensure that the rights guaranteed would be respected. This gap enabled Jammeh and his co-conspirators to destroy the country's hard-earned accolade as a champion of human rights in Africa. The NHRC is therefore timely and shall serve to ensure that the Gambia recoups the human rights lustre we have lost from 1994 to 2016, and preserve it forever.
2. Gambians have during the period under review and before it insisted on exercising their fundamental human rights of freedom of assembly, expression and so on. Largely, they did not wait for it to drop from the tree; rather they picked it sometimes despite the thorns on the branches. This is an important lesson for this generation.
3. During the period under review, human rights was seen as a national resource to be flaunted, valorised and exploited to give the country a good image, good friends and diplomatic heft far beyond its size.
4. That the Gambia's glorious Human Rights Age was in the first three decades after independence was won, when the country was being built from scratch, shows that human



rights is not a luxury. It is part of the development agenda of any country; human rights can be upheld by government side by side with building roads, bridges and housing estates.

5. Jawara's legendary respect for human dignity can be linked to his professional calling 'to protect animal health, relieve suffering and promote public welfare' as stated in the Oath of Veterinarians. Jawara respected the wholesomeness of Gambian dignity and body just as his calling as a veterinarian required not to inflict pain and torture but to soothe.

## **Appendix**

### **Speech by His Excellency the President of the Republic of the Gambia, Sir Dawda Jawara, at the OAU Ministerial Conference on Human and Peoples' Rights, Banjul, 9-15 June, 1980**

HE the Vice-President  
Hon Speaker  
My Lord Chief Justice  
Mr Secretary General  
Excellencies  
Distinguished Delegates  
Ladies and Gentlemen

May I, first of all, in performing this delightful task of opening this special OAU Ministerial Conference on Human and Peoples' Rights, extend a hearty welcome to you all on behalf of the government and the people of the Gambia. May I also seize this opportunity to offer a special welcome to our brothers from the Republic of Zimbabwe as well as our congratulations and admiration for the gallant manner in which the valiant people of Zimbabwe, under the wise, dedicated and illustrious leadership of Mr Robert Mugabe, fought resolutely to defend and uphold human dignity in that great country of Africa. The Gambia, nay the whole of Africa, hails the

courage and strength of conviction of the people of Zimbabwe to fight till their noble

and just struggle is done, and their demonstration of magnanimity in the hour of victory. The presence here today of a Zimbabwean delegation is therefore a source of great pride to all of us. To all of you from all parts of Africa I say please make yourselves at home during your short stay with us.

We felt highly honoured that the Gambia has been accorded this opportunity to host this important meeting to finalize the draft African Charter on Human and Peoples' Rights. Indeed, the successful conclusion of this meeting will go down in the annals of history as a significant milestone in the political development of our continent. We are thus proud that we in the Gambia are being associated closely with this great event.

I would like also to express my personal congratulations and thanks to the OAU Secretary General and all the African legal experts who have devoted so much of their time and energy to ensure the early preparation of the draft Charter on Human and Peoples' Rights in accordance with the decision of the sixteenth ordinary session of the OAU Assembly of Heads



of State and Government. I am sure that when the resolution was passed in Monrovia last July, mandating the Secretary to organize as soon as possible in an African capital, a restricted meeting of highly qualified experts to prepare a preliminary draft of an African Charter on Human Peoples' Rights" to provide, among other things, for the establishment of bodies to promote and protect human and peoples' rights, not many thought at the time that such progress would be made on this matter. Many cynics must have felt that the will of Africa to pursue this delicate and complex subject would wane and that the resolution would ultimately die a natural death.

It is therefore of immense pleasure and encouragement to me, and I am sure for my other colleagues as well, the heads of state, that their determination and resolve of Africa to move forward has been demonstrated yet again through the serious and expeditious conjuncture to put on record my own gratitude to my friend and brother, President Leopold Sedar Senghor, for his unflinching dedication and support to the promotion of human rights in Africa; for apart from introducing the resolution on Human and Peoples' Rights in Monrovia last year, the draft Charter which you will be considering during

this conference was prepared at a meeting held in Dakar between the 28th of November and the 8th of December 1979 at the generous invitation of the Senegalese government.

It is now over 30 years since the Universal Declaration of Human Rights was adopted by the United Nations General Assembly. The main impulse behind its adoption, it will be recalled, was the result of a general feeling, at the time, that the whole of mankind must stand up together to prevent the recurrence of the horrors which humanity had experienced and witnessed during the Second World War. It is striking to note, however, that it took almost 20 years to determine the detail of what should constitute the civil, political, economic, social and cultural rights, and another ten years before the two covenants relating to these elements of human rights were actually ratified by the necessary number of countries which covenants, therefore, only came into force only three years ago.

The question of human rights has today become a matter of great importance and prominence in world affairs. We in the Gambia are firmly committed to the protection and promotion of respect for human rights. This commitment is built upon the very secure foundations of both

our domestic laws and our foreign policy. The Gambia, like all the states represented here, is a party to the United Nations instruments on human rights and tries strictly to observe and enforce them. Our constitution, which is the fundamental law of the land, has enshrined in it the protection of basic human rights and fundamental freedom, and we strive continuously to pursue and enhance these rights, to ensure democratic elections, individual freedoms and fundamental rights to our people.

Yet we know very well that the ideals to be attained in the area of human rights are difficult objectives requiring the fullest international cooperation. A united effort is essential if these objectives are to be achieved. We cannot strive in isolation to create a better life for our people. We must all work together if we are to give meaning to our declaration in the preamble to the OAU Charter that we are "conscious of the fact that freedom, equality, justice and dignity are essential objectives for the achievements of the legitimate aspirations of the African people."

The world has gone through significant changes since the UN *Universal Declaration of Human Rights* was first promulgated. In fact, at the



time when human rights covenants were being worked out, the "wind of change," which was blowing all over Africa then brought in its wake an upsurge of nationalism and pan-Africanism. With this tremendous change in the political consciousness of the African continent, the movement for political independence began to take great strides, and with economic, social and cultural rights at international forums by independent African countries. And now a third generation of human rights has emerged: the solidarity rights dealing with the broad objective of development, the environment and peace.

In the context of these circumstances, Africa has moved forward systematically since the establishment of the OAU, at first concentrating on the liberation of the rest of the continent from colonialism and racism, and, recently, at the special session in Lagos, focusing attention on the question of economic cooperation and development and now, at this meeting, we are dealing with yet another vital area in the achievement of the aspirations of our people, via the promotion and protection of human and peoples' rights.

The consciousness of people the world over has been awakened more than ever before to civil and political rights, particularly because of the increasing scale of barbaric acts of violence and dehumanization against persons perpetrated in

many countries by the state and its agents. There is, as it should be, a growing moral concern which underlies much of the discussion of human rights at the present time. This moral concern deals mainly with the dignity of the human person and his right to seek the greatest possible human development, which also now finds legal expression in international instruments regarded as binding in international law.

Besides, there is a need to prepare a truly African Charter on Human and Peoples' Rights which would, because of its restricted geographical application, be able to focus on the problems of our region without derogating from the universally accepted principles embodied in these international instruments. It is no doubt with these considerations in mind that Nigeria recently introduced a resolution in the United Nations General Assembly in favour of a Regional Commission on Human Rights.

We should not, however, strive to prepare an African Charter merely because we want a charter concluded by African states. A truly African Charter should reflect those of our traditions that are worth preserving, our values and the legitimate aspirations of our peoples to complement the global international approach to strengthen the application of human rights.

We do not conceive the individual as existing within a vacuum with unlimited liberty. For us, he lives within society and in constant interaction with his fellow human beings. Thus, in addition to his rights he has his own duties to fulfil; duties he owes to his family and to his community. We should however avoid the danger of stretching his duties to the point our societies, while recognizing the existence of both rights and duties for the individual, must keep a proper balance between the two. It will be your task to ensure that the draft Charter reflects this balance and does not lean too far in one direction or the other. Indeed, the draft Charter, which you will be considering, has, in my opinion, incorporated a broad spectrum of views on the subject of human and peoples' rights. I would therefore urge this meeting to settle down immediately to examine the draft Charter article



by article. In this way, you will be living up to the expectations of our peoples.

Hon. Ministers, Ladies and Gentlemen, almost all Third World countries, especially those in Africa, are still under the yoke of underdevelopment, and most of their peoples lack many of the basic necessities of life. We have therefore, all of us, through policy statements, included several times that the provision of these basic needs to

our peoples constitutes one of the main goals of government, and to that end, we have formally committed ourselves to pursue the realization of these wants by demanding a fair and equitable distribution of the world's resources, particularly those with which our developing countries and the industrialized ones. As a result, the concept of human rights has, quite naturally, been extended to embrace what are now conventionally called the economic, social and cultural rights which together with the civil and political rights constitute the right to development.

Thus, in the past few decades, there has been, understandably, a lively debate as to the respective importance of the economic, social and cultural rights on the one hand and the civil and political rights on the other. In my view,

these two groups of rights are not mutually exclusive but complementary. It is my view, that the civil and political rights, the right of life, to liberty, to protection from cruel, degrading and inhuman treatment, are basic and universal and are capable of application here and now by both developed and developing countries.

On the other hand, while the economic and social rights are the legitimate aspirations of the people to which the state should give affirmative commitment, they are dependent for their attainment not only on political will but on the existence of sufficient economic resources. In fact, viewed in this way, the economic and social rights of mankind become the responsibility not only of the individual state, but the international community as a whole, as well. This is the moral basis for the North- South Dialogue and the global debate and request for a New International Economic Order to ensure a more equitable distribution of the world's wealth. The further extension of the scope and range of human rights to include what is now termed basic needs also come under this category, where not only states have a duty towards their citizens within the limits of their efforts to provide these basic needs to all mankind.

However, whilst it cannot be denied that the endeavour for human existence is of importance in the development of the human being and that gross inequalities in the social conditions of people offend against the concept of human dignity, we must at the same time avoid stretching the concept of human dignity, we must at the same time avoid stretching the concept of human rights to the point where the fundamental human rights, namely the civil and political liberties of the individual become smothered and lose their significance in the process. Also, as the list of what should constitute human rights becomes longer, it is stretched more and more into areas where the implementation of the right becomes problematic.

Ladies and Gentlemen, I am sure you are all aware that one of the reasons for the failure of human rights protection is the absence of machinery designed to ensure that the rights guaranteed will be respected. We in the Gambia believe that in the absence of controlling machinery and the vesting in it of the functions necessary for its effectiveness is too often opposed by adherents of an extremist view on state sovereignty. It is unfortunate that we in Africa have tended for too long to over-state the principle of non-



interference in the affairs of other African states in relation to the violation of human rights, when it is obvious that the question of human rights should be a universal concern and not only of that state within whose border the gross violations are allegedly occurring.

In the context, it will be recalled that at the Monrovia session, the Heads of State and Government, without dissent, specifically requested the group of the legal experts to provide for the establishment of bodies to promote and protect human and peoples' rights. We believe that implicit in that request is the desire to make gross violations of human and peoples' rights in any African state a matter of concern for all Africans.

I can assure you, Ladies and Gentlemen, I am not engaging in hyperbole when I tell you that the eyes of the African peoples are now on you. For we the African peoples need a reaffirmation and protection of our human rights. Perhaps more than others in this century, our peoples have suffered massive violations against their dignity, both under the colonial experience and, unfortunately, under politically sovereign African states. There is no doubt that the contribution of African states through both the

OAU and in cooperation with sympathetic states in other parts of the world in the elaboration and development of an extensive jurisprudence on the principle of self-determination and human rights has been immense. Let us now turn that experience to the benefit of our people who live within the member states of the OAU.

The road that has led to this very august assembly is long and is dotted with numerous symposia, seminars and colloquia, at which several aspects of the question of protection and promotion of respect for human and peoples' rights in Africa have been discussed. We have now reached the primary purposes of the OAU Charter, that is, the co-ordination and intensification of cooperation and efforts to achieve a better life for the peoples of Africa. Success at this meeting would constitute a tremendous step forward to the ideals of African unity and to the aspirations of our peoples.

Honourable Ministers, Distinguished Delegates, Ladies and Gentlemen, in declaring this meeting open, I wish you every success and pray that Almighty God guides and blesses your deliberations.

Thank you.

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The subject, scope and aim of *The Gambia as a Bastion of Human Rights Advocacy in Africa, 1965-1994* are many and varied. The subject is the Gambia's long and illustrious record of upholding human rights and dignity dating to the colonial period. Even during British rule, Gambian patriots found ways of maintaining the minimum level of freedom of expression and assembly despite the panoply of colonial regulation and laws, which were inimical to free expression. The colonial authorities tried, but only with a modicum of success, to stifle dissent. Through newspapers, pamphlets, broadcast talks and cultural associations, Gambians never allowed the complete trampling and destruction of their fundamental human rights.

After independence in 1965, Gambian leaders did not see human rights as an expendable item. They saw it as a raw material worth caring for in order to produce the goodies for national progress and dignity. While the rest of sub-Saharan Africa was like one huge, open-air prison marred by illegal detentions, mass and public executions and one-party rule and one-newspaper states, the Gambia maintained plurality in the media and political space. This enviable record earned it more supporters and respect worldwide.

The scope of this book stops in 1994, the year when the army overthrew the democratically elected government of Sir Dawda K. Jawara. The coup marked the start of a descent into the nadir of human rights abuses.



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