

The Gambia's draft Constitution reflects citizens' preference for term limits, gender quota

Afrobarometer Dispatch No. 338 | Thomas Isbell and Sait Matty Jaw

Summary

In December 2017, the National Assembly of the Gambia established a Constitutional Review Commission (CRC) to draft the country's third Constitution (Freedom Newspaper, 2018).

The Gambia's founding Constitution (1970) was replaced in 1997, three years after a military coup led by Yahya Jammeh. For more than two decades, Jammeh and his Alliance for Patriotic Reorientation and Construction (APRC) dominated the Gambia's political landscape, often using constitutional amendments to manipulate the political process "with largely anti-human rights and undemocratic provisions" (Nabaneh, 2018). For instance, presidential term limits were removed to enable Jammeh to run for re-election (Jobarteh, 2018), and in 2001 the electoral system was changed to require only a plurality, rather than an absolute majority, to win a presidential election. In 2016, seven opposition parties and an independent presidential candidate united under Coalition 2016 to defeat Jammeh.

The CRC is part of an extensive transitional-justice process instituted by President Adama Barrow, aimed at addressing past injustices and building a stable democratic future. According to prominent human-rights activist Madi Jobarteh (2018), "Both the current government and citizens appear to agree that, given the numerous amendments to the Constitution and the several undemocratic provisions, the need for a new Constitution cannot be over-emphasized."

After soliciting input from Gambians both at home and abroad, the 11-member CRC in November 2019 released its first draft of the new Constitution and invited the public to provide comments on the draft (Jawo, 2019).

In its national survey in Gambia in mid-2018, Afrobarometer asked citizens for their views on a number of possible constitutional changes. Based on survey findings, the draft Constitution largely aligns with citizens' preferences on these issues, including popular support for presidential term limits, a quota system for women's representation in the National Assembly, and political independence for members of the national electoral commission.

Afrobarometer survey

Afrobarometer is a pan-African, nonpartisan survey research network that provides reliable data on Africans' experiences and evaluations of quality of life, governance, and democracy. Seven rounds of surveys were completed in up to 38 countries between 1999 and 2018. Round 8 surveys in 2019/2020 are planned in at least 35 countries. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples.

For Afrobarometer's first national survey in the Gambia, the Centre for Policy, Research and Strategic Studies (CepRass) interviewed 1,200 adult Gambians in July and August 2018. A sample of this size yields country-level results with a margin of error of +/-3 percentage points at a 95% confidence level.

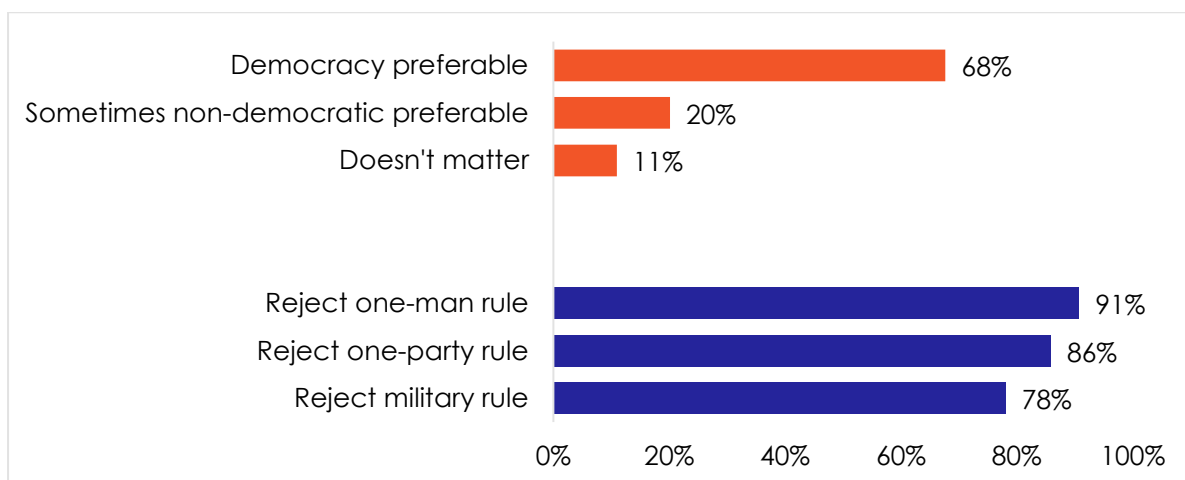
Key findings

- Two-thirds (68%) of Gambians say democracy is preferable to other regime types, although support for democracy is weaker among 18- to 35-year-olds (62%). Large majorities reject one-man rule (91%), one-party rule (86%), and military rule (78%).
- Six out of 10 Gambians see their country as a functioning democracy (61%) and say they are “fairly” or “very” satisfied (59%) with the way it is working.
- Gambians strongly affirm support for the rule of law. More than three-fourths say that courts have the right to make binding decisions (82%) and that the police have the right to make people obey the law (76%). Likewise, seven out of 10 (71%) say the president must always obey the laws and courts, even if he thinks they are wrong.
- Gambians express strong support for constitutional changes that would:
 - Limit the president to two five-year terms in office (87%).
 - Require National Assembly approval of ministerial nominees (86%).
 - Mandate a quota system for women's representation in the National Assembly (85%).
 - Require an absolute majority to win a presidential election (72%).
 - Prohibit the president from removing members of the national electoral commission from office (71%).

Views on democracy and the rule of law

Two-thirds (68%) of Gambians prefer democracy over any other regime type, while about one-third say that non-democratic alternatives can sometimes be preferable (20%) or that the regime type “doesn't matter” (11%). By overwhelming majorities, Gambians reject one-man rule (91%), one-party rule (86%), and military rule (78%) (Figure 1).

Figure 1: Attitudes toward democracy | The Gambia | 2018



Respondents were asked:

Which of these three statements is closest to your own opinion?

Statement 1: Democracy is preferable to any other kind of government.

Statement 2: In some circumstances, a non-democratic government can be preferable.

Statement 3: For someone like me, it doesn't matter what kind of government we have.

There are many ways to govern a country. Would you disapprove or approve of the following alternatives?

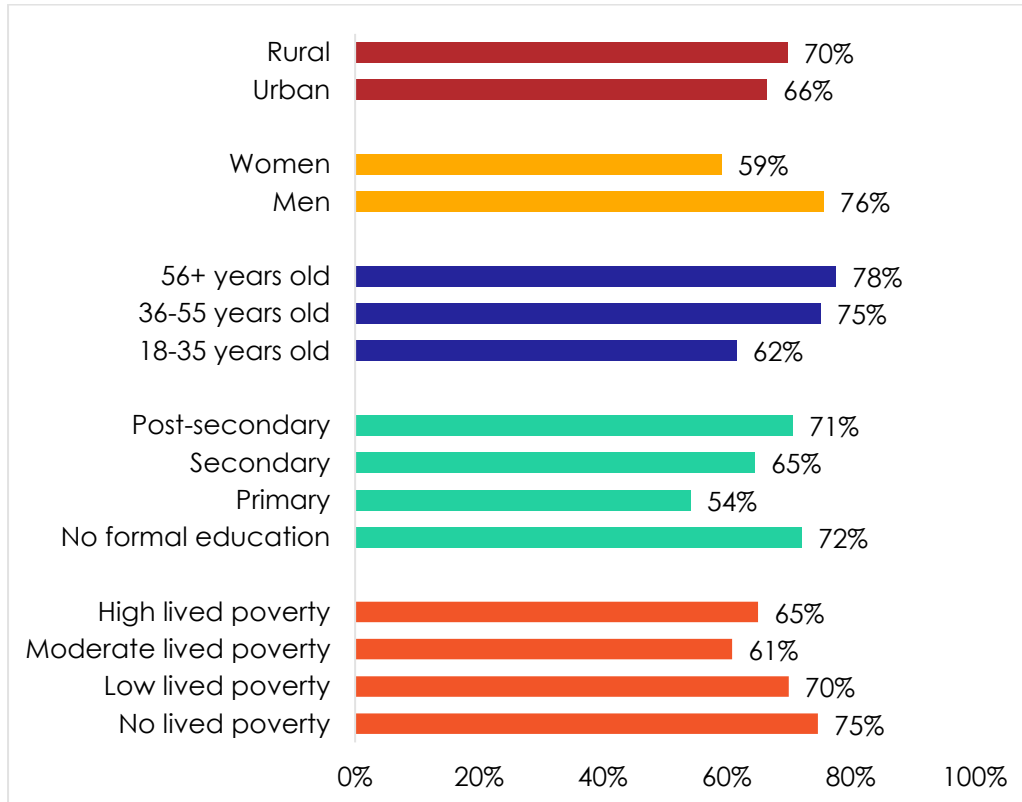
Only one political party is allowed to stand for election and hold office.

The army comes in to govern the country.

Elections and Parliament are abolished so that the president can decide everything.

Support for democracy is considerably weaker among women (59%) than among men (76%) and among young Gambians (62% of 18- to 35-year-olds) than among their elders (75%-78%) (Figure 2). Poor citizens¹ and those with only primary education also express below-average support for democracy.

Figure 2: Support for democracy | by socio-demographic group | The Gambia | 2018



Respondents were asked: Which of these three statements is closest to your own opinion?
 Statement 1: Democracy is preferable to any other kind of government.
 Statement 2: In some circumstances, a non-democratic government can be preferable.
 Statement 3: For someone like me, it doesn't matter what kind of government we have.
 (% who say democracy is preferable)

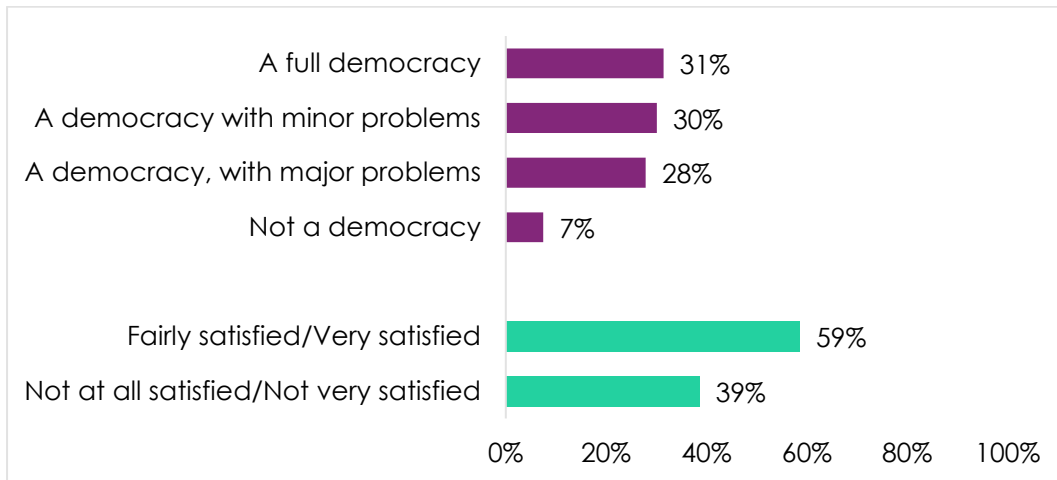
When asked how democratic their country is today, a majority of Gambians describe it as either "a full democracy" (31%) or "a democracy with minor problems" (30%). About one-third offer more negative assessments of the Gambia's democracy, saying it is "a democracy with major problems" (28%) or "not a democracy" (7%) (Figure 3).

Likewise, a majority of Gambians say they are "fairly" or "very" satisfied with the way democracy is working in their country (59%).

Satisfaction with the country's democracy is higher among urban residents (61%), men (64%), and middle-aged and older Gambians (64%-67%) (Figure 4). Economically better-off citizens are more likely to be satisfied than those who experienced higher levels of lived poverty.

¹ Afrobarometer's Lived Poverty Index (LPI) measures respondents' levels of material deprivation by asking how often they or their families went without basic necessities (enough food, enough water, medical care, enough cooking fuel, and a cash income) during the preceding year. For more on lived poverty, see Mattes, Dulani, & Gyimah-Boadi (2016).

Figure 3: Assessments of democracy | The Gambia | 2018

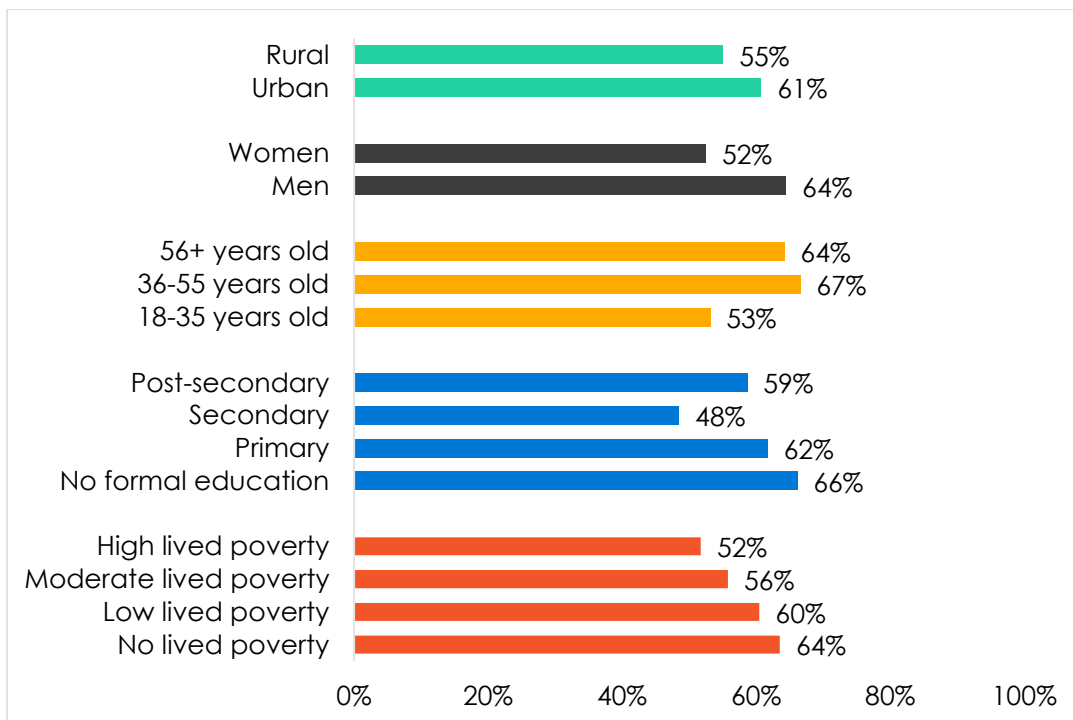


Respondents were asked:

In your opinion how much of a democracy is the Gambia today?

Overall, how satisfied are you with the way democracy works in the Gambia?

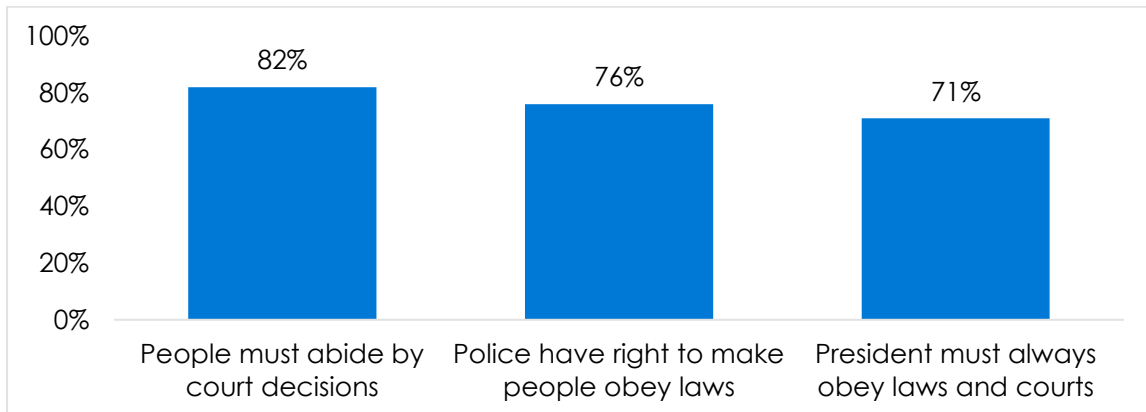
Figure 4: Satisfied with the way democracy is working | by socio-demographic group | The Gambia | 2018



Respondents were asked: Overall, how satisfied are you with the way democracy works in the Gambia? (% who say they are "fairly satisfied" or "very satisfied")

The rule of law, a core principle of democratic governance, has strong support among Gambians. More than three-fourths of citizens "agree" or "strongly agree" that the courts have the right to make decisions that citizens must abide by (82%), that the police always have the right to make people obey the law (76%), and that the president must always obey the laws and courts, even if he thinks they are wrong (71%) (Figure 5).

Figure 5: Support for the rule of law | The Gambia | 2018



Respondents were asked:

For each of the following statements, please tell me whether you disagree or agree? (% who "agree" or "strongly agree")

The courts have the right to make decisions that people always have to abide by.

The police always have the right to make people obey the law.

Which of the following statements is closest to your view? (% who "agree" or "strongly agree" with Statement 2)

Statement 1: Since the president was elected to lead the country, he should not be bound by laws or court decisions that he thinks are wrong.

Statement 2: The president must always obey the laws and the courts, even if he thinks they are wrong.

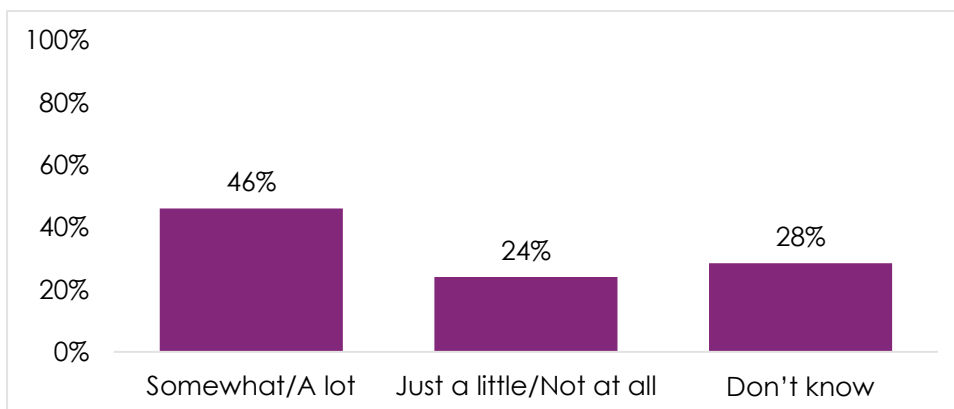
The constitutional review

As in many countries, the Gambia's laws and court rulings are understood to be anchored in the Constitution. As the Constitutional Review Commission undertook its mandate of proposing a new Constitution, fewer than half (46%) of Gambians said they trusted the commission "somewhat" or "a lot." While one in four respondents (24%) said they trusted the CRC "just a little" or "not at all," even more (28%) said they didn't know enough about the commission to say (Figure 6).

Knowledge or awareness of the commission was especially limited in rural areas, among women, and among less-educated and older citizens.

It is important to note that these views were captured in mid-2018, and may well have changed as the CRC proceeded with its work.

Figure 6: Trust Constitutional Review Commission | The Gambia | 2018

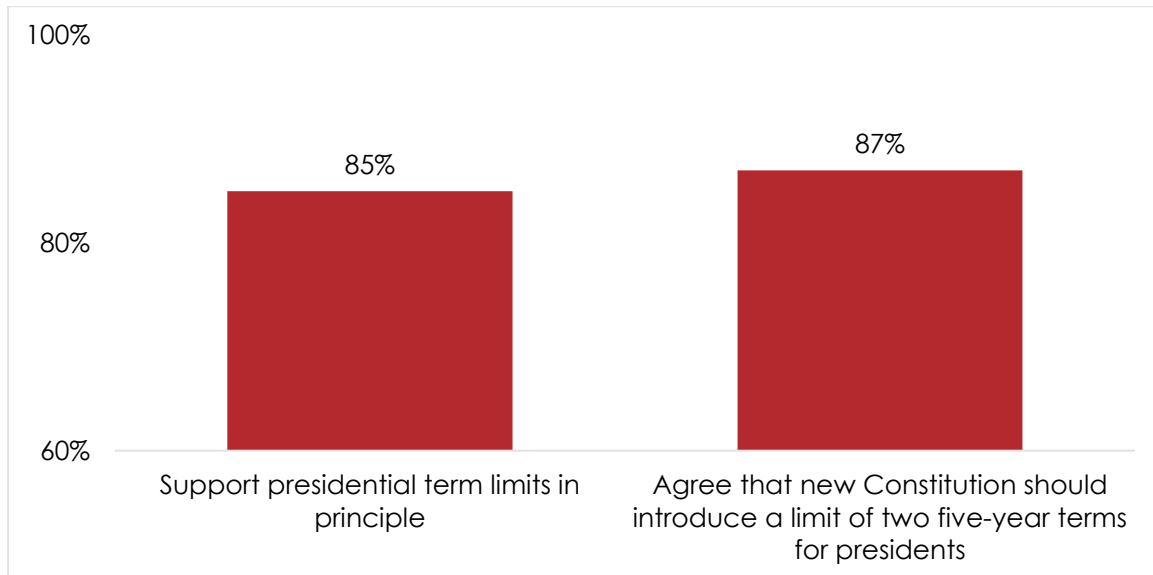


Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them: The Constitutional Review Commission (CRC)?

When asked about their opinions on certain provisions that a new Constitution might include, Gambians express strong support for presidential term limits in general (85%) and specifically for reintroducing a limit of two five-year terms in the new Constitution (87%) (Figure 7).

The CRC's draft Constitution released in late 2019 calls for a maximum of two five-year terms for presidents (Constitutional Review Commission, 2019).

Figure 7: Support for presidential term limits | The Gambia | 2018



Respondents were asked:

Which of the following statements is closest to your view? (% who "agree" or "strongly agree" with Statement 1)

Statement 1: The Constitution should limit the president to serving a maximum of two terms in office.

Statement 2: There should be no constitutional limit on how long the president can serve. Please tell me whether you disagree or agree with the following statements, or haven't you heard enough to say: The new Constitution should introduce a presidential term limit of two five-year terms. (% who "agree" or "strongly agree")

Equally strong majorities favour requiring that the National Assembly vet and approve ministerial nominees (86%) and introducing a quota system for women's representation in the National Assembly (85%) (Figure 8).

And seven in 10 respondents endorse constitutional changes stipulating that presidential candidates must get an absolute majority of votes cast to win an election (72%) and that the president should be barred from removing members of the Independent Electoral Commission from office (71%).

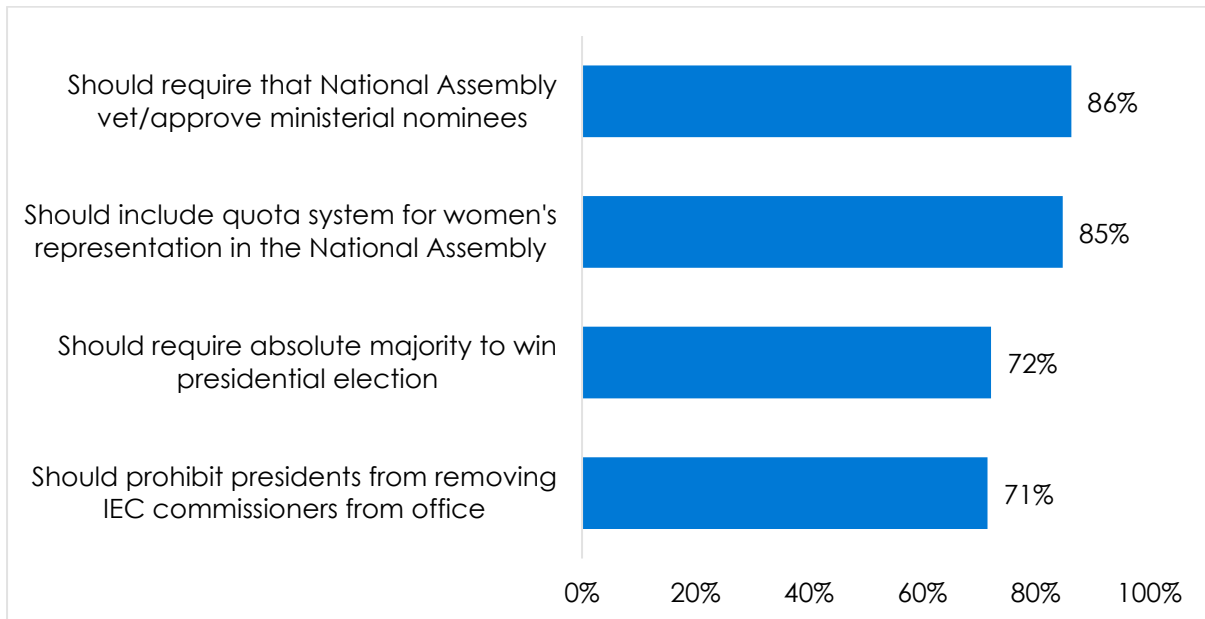
Do your own analysis of Afrobarometer data – on any question, for any country and survey round. It's easy and free at www.afrobarometer.org/online-data-analysis.

The 2019 draft Constitution includes provisions for the vetting of presidential appointments by the legislative branch, requires at least

50% of votes cast to win a presidential election, and reserves 14 of 53 National Assembly seats for women (Constitutional Review Commission, 2019).

It does not explicitly prohibit the president from removing electoral commission members but requires approval by 60% of National Assembly members for presidential appointments to the commission.

Figure 8: Views on other proposed constitutional changes | The Gambia | 2018



Respondents were asked: Please tell me whether you disagree or agree with the following statements, or haven't you heard enough to say?

The new Constitution of the Gambia should make it mandatory for the National Assembly to vet and approve all nominees for ministerial appointments.

The new Constitution of the Gambia should include a quota system for women's representation in the National Assembly.

The new Constitution of the Gambia should stipulate that to be elected as president, a candidate should receive at least 50% of the valid votes.

The new Constitution of the Gambia should prohibit presidents from unilaterally removing commissioners of the Independent Electoral Commission from office.

Conclusion

Gambians express strong support for multiparty democracy and the rule of law, and they want their new Constitution to provide for democratic guarantees, including limiting the president to a maximum of two terms, preventing the president from removing members of the electoral commission, requiring an absolute majority of votes to win a presidential election, and introducing a quota system for women's representation in the National Assembly. As of mid-2018, knowledge of the constitutional review process was limited, particularly in rural areas. While this may have changed as the CRC's work has progressed, more public sensitization may be needed to popularize the new Constitution as the country moves toward a referendum.

References

- Constitutional Review Commission. (2019). CRC 2019 draft constitution. 13 November.
- Freedom Newspaper. (2018). Gambia: How was the Constitutional Review Commission established? 20 October.
- Jawo, M. (2019). CRC releases draft constitution today. Point. 15 November.
- Jobarteh, M. (2018). From dictatorship to a new constitution in the Gambia: Issues and concerns. Constitution Net. 22 January.
- Mattes, R., Dulani, B., & Gyimah-Boadi, E. (2016). Africa's growth dividend? Lived poverty drops across much of the continent. Afrobarometer Policy Paper No. 29.
- Nabaneh, S. (2018). New Gambia and the remaking of the constitution. Law Hub Gambia. 17 February.

Thomas Isbell is a PhD student at the University of Cape Town in South Africa. Email: tisbell@afrobarometer.org.

Sait Matty Jaw is a lecturer in political science and Afrobarometer project manager for the Centre for Policy, Research and Strategic Studies at the University of the Gambia. Email: saitjaw@gmail.com.

Afrobarometer, a nonprofit corporation with headquarters in Ghana, is a pan-African, non-partisan survey research network. Regional coordination of national partners in about 35 countries is provided by the Ghana Center for Democratic Development (CDD-Ghana), the Institute for Justice and Reconciliation (IJR) in South Africa, and the Institute for Development Studies (IDS) at the University of Nairobi in Kenya. Michigan State University (MSU) and the University of Cape Town (UCT) provide technical support to the network.

Financial support for Afrobarometer Round 8 has been provided by Sweden, the Mo Ibrahim Foundation, the Open Society Foundations, the William and Flora Hewlett Foundation, and the U.S. Agency for International Development (USAID) via the U.S. Institute of Peace.

Donations help the Afrobarometer Project give voice to African citizens. Please consider making a contribution (at www.afrobarometer.org) or contact Bruno van Dyk (bruno.v.dyk@afrobarometer.org) to discuss institutional funding.

For more information, please visit www.afrobarometer.org.



Afrobarometer Dispatch No. 338 | 27 January 2020