

The draft for a new Gambian Constitution

A threat to religious tolerance and peaceful coexistence

For the Christian community in [the Gambia](#) the hopes of building a progressive constitution that would serve the interests of the country for generations to come is slowly fading away. The deadline of the 31st March 2020 for the Constitutional Review Commission (CRC) to present the final version of [the new constitution of the Gambia](#) to the President is fast approaching yet there has been no indication from the CRC or the government that their concerns have been taken on board. This is despite the 4-months of campaign of the Gambia Christian Council (GCC), an umbrella body responsible for all Christian affairs in the nation.

A unique feature of this small West African country referred to as ‘The Smiling Coast of The Gambia’ has been the legacy of religious tolerance and coexistence, where despite being 90 percent Muslim, [Christians and Muslims have lived side by side](#). In most families, members of the two faiths live together due to intermarriage without any conflict within the communities. This remarkable and desperately needed model of peaceful religious coexistence is now under threat.



In a face to face meeting with the CRC, the Bishop of the Catholic Church, Bishop Gabriel Mendy, a member of the GCC, pointed out that

“A word which is clear in its meaning and is in different constitutions around the world is now the centre of controversy”.

This he said referring to the term “Secular” which is not appearing in the draft constitution issued by the CRC in November 2019 for consultation. Begay Jabang, a member of the GCC Campaign team and the CEO of Life Solutions, stated in the GCC Press conference of the 10th December 2019 that with the exclusion of the term “Secular” from the constitution the CRC has failed to abide by the guiding principles given to it by Parliament. One of the 6 Guiding Principles in the CRC Act 2017, Section 6, Subsection 2,d,vi under Functions of the Commission is that the Commission is to draft a new Constitution “which shall safeguard and promote The Gambia’s continued existence as a secular state; in which all faiths are treated equally and encouraged to foster national cohesion and unity.”

To avert favouritism by the state towards a particular religion as was the case under the former President who ruled for 22 years, the GCC has requested the CRC to include in the final constitution that

“The Gambia is a sovereign, secular republic with diverse ethno linguistic and religious communities with equal opportunity, ensuring interethnic, political and religious tolerance for social cohesion.”

The GGC has requested the CRC to provide a clear definition of the term “Secular” in the constitution. The GCC’s perspective on the meaning of Secular is that of the state remaining neutral on all matters of religion ensuring the clear separation between government and religious institutions. This should avoid the use of state funds to promote one religion above the others which has been a common practice in the past. Additionally, the many revelations in the ongoing Truth & Reconciliation process of how the former President abused his power to interfere in religious affairs further buttresses this point. In the case of the Muslims he for example determined the days when the Muslim community would pray to end the annual fast, Ramadan. For the Christians he went as far as unilaterally declaring the nation an Islamic State. The National Assembly did not challenge such illegal and unconstitutional move; which led to a trying period for Christians.

The phenomenon known as “creeping Shariah” is also a concern for the Christian community and should be of concern to both the government and the international community at large. Examples include the growing evidence of extremist propaganda and views, the numerous examples of unfair treatment of minority groups including Christians, the hate speech from some senior Muslim clerics and now in the draft constitution the renaming of the Cadi courts as Shariah courts and the inclusion of the word Shariah at least 48 times. Confirming this view, Madi Jobarteh, a Muslim, a Human Rights Activist and the country representative for Westminster Foundation for Democracy (WFD), in his article ‘Why I Think The Draft Constitution Has An Islamic State In Mind’ said

“this represent a seismic change which is nothing like most ever envisaged will come out of the CRC exercise.”

Referring to the introduction of the Shariah Courts, the high court, court of appeal and the supreme court which will have a Shariah jurisdiction he went on to say:

“Effectively, overtime, it will become less and less attractive or incentivising for one to pursue and qualify as a lawyer under the Common law, something which would [by design] more likely than not result in The Gambia becoming a Shariah jurisdiction. This draft Constitution in its current form if it passes, would have established the exact thing s.151(2) (b) prevents the National Assembly from doing: establish a State religion and much more.”

To protect the interest of all its citizens and ensure fair and equal treatment it is vital that the constitution of the Gambia is not based on religious teachings but international human rights standards.

It is also imperative that everything is done in order to prevent extremists from leading the nation down the wrong path. The Gambian government having successfully championed the cause of a Muslim minority group in Myanmar, the Rohingya at the International Court of Justice, should not now turn a blind eye to the growing marginalisation of the Christian minority group in its own backyard.

You can download the letter of The Gambian Christian Council to the CRC [here](#). A commentary by Paul Marshall, member of the academic board of [IIRF](#), you can find [here](#).