

Gambia: Interreligious dialogue bears fruit against extremist tendencies

On September 22, 2020, the Parliament of The Gambia declined the draft of a new constitution of Gambia. A campaign team of The Gambian Christian Council led by Begay Jabang, an accountant campaigned against the draft for one year and achieved several changes in the final draft of the constitution, but some grave obstacles were left unchanged. The Campaign team was made up of Christian leaders from all the main denominations Catholic, Anglican, Methodist Pentecostal and Evangelical Churches all of whom dedicated their time, resources and expertise to the singular cause of ensuring a constitution that would protect the religious rights of Christians. In a bid to reach across the aisle the campaign team engaged several Muslim Leaders and led to an interreligious/faith group which eventually achieved two unprecedented outcomes. The first was a joint communique to the Constitutional Review Commission which provided alternative suggestions to the two contentious terms Secular and Shariah. The second was a national interreligious platform called “Sunu Reew” (“Our country”) on which Christians and Muslims have worked together to address national challenges like the divisive Constitution, the COVID 19 Pandemic and more recently Civic Education.

We publish three texts discussing the role of interreligious dialogue and of global ecumenical relations.

Christine Schirmmacher, who especially did fight for better rights for women and girls in the draft, praised the close cooperation between the World Evangelical Alliance and the Humanitarian Islam movement in Indonesia as being instrumental to find allies among the Muslim leaders in The Gambia.

“I am also proud, that a woman leader like Begay Jabang stood up so firmly, proving, that women’s rights are not just pure words, but speak about real people.”

Thomas Schirmmacher looking back, stated: “On the Christian side it paid off, that the Catholic Church, all Protestant churches and the Evangelical Alliance of The Gambia worked together



Thomas and Christine Schirmmacher with members of the National Human Rights Commission of The Gambia and its chair, Emmanuel Daniel Joof © BQ/Martin Warnecke

and together built bridges to the Muslim community of good will. They all would have lost together, if tendencies towards an Islamic state would have prevailed.

Excerpt of an Article by Jayson Casper in Christianity Today

Jayson Casper. *“Gambia’s New Sharia-Friendly Constitution Fails. But Christians Are Still Concerned”*. 12.10.2020. <https://www.christianitytoday.com/news/2020/october/gambia-christians-new-constitution-sharia-secular-jammeh.html>

But the CRC’s initial mandate was to “safeguard and promote Gambia’s continued existence as a secular state.” After initial protests, and the intervention of Thomas Schirmmacher, the World Evangelical Alliance general secretary for interfaith religious freedom, the GCC decided to focus on the content of “secular,” rather than the term itself. Gambia is in the middle of two global agendas, secular and Islamic, said the German theologian. For the former, his foreign minister pressured politicians to tie German aid to Gambia on its support for same-sex marriage, before relenting. Schirmmacher’s visit was providential. He arrived in Gambia on the last flight to leave Germany before COVID-19 restrictions shut the airports.

“We convinced them they will not win if they insist on secular and no sharia,” said the WEA leader, whose connections to Gambia trace back to childhood when his parents supervised missionary outreach. “If they drop this, they can win the moderate Muslims.” Convinced, the GCC entered into partnership with leading Muslim figures in Gambia, providing a joint statement to the review commission in March. They suggested alternative wording for the concept of “secular,” and clarification on the version of “sharia.” This led to the joint creation of their interfaith platform “Sunu Reew,” which means “Our Country” in Wolof, the national language.

Up until the last minute, they petitioned the CRC, Barrow, government officials, and the National Assembly to take up their concerns. Muslims also wanted to retain the freedom to access the civil courts for family related issues, if they so desired. Some consideration was given, but the expanded sharia language remained.

“Where are we headed as a country, when one particular religion is being entrenched in the constitution, dividing rather than uniting us?” said Lawrence Gomez, The



Thomas and Christine Schirmmacher in discussion in the National Human Rights Commission of The Gambia © BQ/Martin Warnecke

Gambian associate regional secretary for the International Fellowship of Evangelical Students. “But God, in his way, paused the process to allow us as a nation to reflect on this national document, from our conscience and not our fear.”

Excerpt from Gambia Christian Council Media Team Report

GCC Media Campaign Team Activity Report 17th March 2020 to 23rd September 2020

Two attempts were made to reach out to the Muslim Community. The first resulted in a press release stating “The Gambia We Want” as Christians following a one-day workshop with Honourable Hallifa Sallah. The second was the convening of an Interfaith Group comprising senior Muslim leaders such as **Imam Baba Leigh**, Imam Ceesay (based in the USA), Hon. Omar OJ Jallow, Hon. Demba Jawo, Hon. Ousman Badje, Mr Abdoulie Sallah and Mr Madi Jobarteh. On the side of the Christians, aside from members of the Campaign team, we had Mr Galandou Gorre-Ndiaye, Mr Crispin Grey-Johnson, Lawyer Charles Thomas, Mrs. Lisong Bah, Rev. Alieu Bayo and Pastor Modou Camera.

The Group had two separate sessions; in the first meeting we recalled with nostalgia how homogenous The Gambian society had been prior to the advent of the Jammeh regime. This country was a shining example of religious tolerance in not only Africa but also the world over, with Muslims and



Thomas Schirmmacher in discussion with Bishop James Allen Yaw Odico, Anglican Bishop of The Gambia and Chair of The Gambia Christian Council © BQ/Martin Warnecke

Christians living side by side without any problems. We agreed that this was therefore the type of Gambia that we all want to get back to, and that can only happen if we all promote positive attitudes towards each other, regardless of ethnic, religious or regional background. To achieve this, we agreed to work together.

By March 2020 the campaign team had been reliably informed that there was no intention on the part of the CRC or government to include the term Secular in the constitution for fear of the reaction of the Muslim leaders and pressure groups. Also, there was no change regarding the expansion of Shari’ah in the constitution. Being extremely concerned about the display of religious intolerance on both sides and the very divisive narrative we have heard in the nation regarding the two terms “Secular” and “Shari’ah” and having exhausted all national institutions the decision was then made to reach out to the international community.

Therefore Professor Thomas and Professor Christine's visit was not only timely but they came with expertise, experience and independence required to help the various stakeholders develop a clearer understanding of the two terms and their implications.

Visit of Archbishop Thomas and Professor Christine

In the middle of March 2020 the GCC Campaign team welcomed Professor Thomas Schirmmacher and his wife, Professor Christine Schirmmacher, an expert in Islamic Law, both of whom are special advisors to the German Government and Parliament. They visited The Gambia from Monday 9th to Thursday 12th March 2020 to support the process of Dialogue and to help us better understand the two terms.

Meetings with Professors Thomas and Christine - Purpose was to support the process of dialogue:

- *The professor is the President of IHR* – On Monday 9th March 2020 the Professors paid a courtesy call to the Chair of the **National Human Rights Commission**, Lawyer **Emmanuel Joof**, in attendance was also Commissioner Imam **Baba Leigh** which led to very fruitful and transparent discussions.



Christine Schirmmacher lecturing on women's rights © BQ/Martin Warnecke

- *Meeting with Christian Leaders:* The meeting with the Christian Leaders on Tuesday the 11th March 2020 was very well attended and in total had about 40 participants in attendance including the Chair of The Gambia Christian Council and Bishop of the Anglican Church, Bishop **James Odico**, the Bishop of the Methodist Church, Bishop **Hannah Faal-Heim** and the President of the Pastors Alliance, Rev Alieu Bayo. The two Professors helped the participants to have deeper understanding of the two terms and the implications for the Christian community. Discussion were held regarding replacing the term Secular as it had been so corrupted in The Gambia with statements that explain clearly what we mean when we use the term. Bishop Odico gave a clear steer following the Professors presentation on the term Secular and supported the idea of alternative wording as it was clear that both the CRC and the government had no intention of including the term Secular in the final version of the constitution. The final position on Shari'ah Law in the meeting was that it should be limited only to Muslims and should not extend to Penal Law.
- *Focus Group with Key Muslim Leaders:* This was to help deepen understanding about the word Shari'ah. It looked at implications of its inclusion in the constitution and agreed position to be negotiated with the larger group later on.

- *Meeting with Moderate Muslims Leaders:* This Interfaith meeting was well attended and helped deepen the understanding of the words Secular and Shari'ah. It further enabled the Interfaith group to discuss and agree an alternative text which addressed the concerns of both the Christian community and the Muslim community as far as the terms Secular and Shari'ah are concerned.



Busy working on the final text, seen from behind Bishop James Allen Yaw Odico and Bishop Hannah Faal-Heim © BQ/Martin Warnecke

- *Skype Call between Gambian Christian Lawyers and Christian Lawyers who provided advice:* On Wednesday 11th March 2020 a Zoom meeting was arranged by the Professor with constitutional lawyers who work for the ADF International, Advocacy International and the State Department in USA. In The Gambia two Senior Christian lawyers were in attendance, together with Begay Jabang an Accountant. The purpose of the meeting was to look at the legal options the GCC could pursue if all our effort failed and were not listened to at all. The purpose of the call was to explore legal options if the CRC should refuse to consider the concerns of the Christian community in the final constitution.
- *Meeting with Hon. Ousainou Darboe:* On Thursday 12th Mach 2020 a courtesy call was paid to Hon. Ousainou Darboe, the former Vice President, leader pf the main opposition party UDP and a seasoned lawyer who gave very good counsel and encouraged our efforts. A copy of the Bible in Mandika was presented to Lawyer Darboe which he graciously accepted.
- *Meeting with Christian Leaders on missions in The Gambia:* met pastors and missionaries working in The Gambia and shared the vision of WEA and got a better understand'ing of the challenges and opportunities.

The Gambia Christian Council's Assessment of Final Draft Constitution against alternative wording submitted to the CRC

[This assessment was given before the final vote in the Parliament, that stopped the draft of a new constitution altogether.]

The overall assessment is that the CRC has listened and heard the concerns of the Christian community and have taken on board some of our feedback. In total 8 separate requests were made, 5 Fundamental and 3 Nice to have but not fundamental. Of our Fundamental requests

3 out of 5 (60 %) have been incorporated into the Final Draft Constitution and have been assessed as fully addressed.

The first fundamental issue that has not been addressed relates to the constitution stating clearly that Shari'ah law applies only to Muslims. Whilst it was clear in the 1997 Constitution that it did not apply in cases where even one of the parties to the dispute was not Muslim it is much less clear now. Section 188 of the new



Thomas Schirmmacher speaking to the debate, sitting right of him Bishop James Allen Yaw Odico © BQ/Martin Warnecke

Constitution, Jurisdiction of the Shari'ah High Court now gives jurisdiction “amongst people who are subject to Shari'ah in that regard”. According to legal counsel this is a very nebulous and dangerous set of words because the principle of law is that courts guard their jurisdiction jealously so the Shari'ah High Court could insist that they have jurisdiction when a person says they do not; for instance where one party is no longer a Muslim. Fortunately, there is a clear statement to this effect in the CRC Final report on the draft constitution page 120, Section 477. It says,

“The CRC deliberated on this and determined that the jurisdiction of the Shari'ah High Court including the Shari'ah Court applies only to members of the Muslim faith in respect of marriage, divorce, inheritance and endowment (waqf).”

The GCC Campaign team will continue to work with our Muslim allies to lobby the Cabinet Ministers and Members of Parliament for the inclusion of a clear statement in the constitution that Shari'ah Law applies only to Muslims.

The second issue relates to the separation of the State and religion which the new constitution and CRC report are completely silent on. A view given by Mr Madi Jobarteh is that “the separation of state and religion is adequately addressed by provisions that prohibit a state religion, as well as provisions that guarantee freedom of religion which on the flip side means the state is under obligation to protect that right of citizens. By so doing it means the state has to be inherently neutral and cannot side with any religion against another. Yes secularity implies neutrality of the state but that is only on the decisions and actions of the state itself not to do anything in the name of, or on behalf or, or against or for any religion unfairly. But since freedom of religion is an entrenched right it means the state bears primary responsibility to protect that right by ensuring that the state recognizes the right first, then does not do anything to damage the right and then to ensure that whoever damages that right is held accountable!” This opinion was not however shared by Christian legal advisors as it subject to interpretation. Also others who have published their reviews of the final

constitution have mentioned that state neutrality on religion is absent. This is both surprising and disappointing given the fact that the key lessons learnt from the TRRC session with religious leaders was that it was critical that the state be separate from all religious affairs. This point will be highlighted in the press release.



Thomas and Christine Schirmmacher in private conversation with Muslim leaders
 © BQ/Martin Warnecke

Our request for a clear statement to protect Muslim converts against the Islamic law of

Apostasy was not granted. The feedback from legal counsel was that the previous constitutions never provided for this expressly. The assumption is that everyone has the right to practice his or her religion which is provided for in the new constitution under Section 49 (1–4). The argument could be made that “his or her religion” is the one that a person has been identified with or been born into, then it could be a problem. However, her view is that the State and other persons cannot interfere with a person’s right to practice their religion so possibly this is highlighting a non-issue. Another view from a member of the Interfaith Group, Mr Madi Jobateh was that the moment someone changes her faith to another faith or no faith that decision is an exercise of freedom of religion which is guaranteed by the constitution, even if Islam or Christianity rejects apostasy, none of them can force a person to stay in one religion or not change one’s religion. Thus, denying one to change her religion would be a violation of freedom of religion and sub 3c does not affect that right.

People involved

Bishop **James Allen Yaw Odico**, is the Anglican Bishop of The Gambia since 2016 and til spring of 2020 was the Chair of The Gambia Christian Council. In 2014 he became Vicar general of the Anglican Diocese of Gambia; and in 2015 Dean of its cathedral, St Mary’s. 2018–2019 he was a member of the Truth, Reconciliation and Reparations Commission of The Gambia, which looked into human rights violations in the time of Gambian resident Yahya Jammeh.

The Rt. Rev. Bishop Hannah Faal-Heim is the Bishop of the Methodist Church in Gambia and since spring of 2020 the Chair of The Gambia Christian Council.

The Most Rev Fr. Dr. **Gabriel Mendy** C.S.S.p. is the the Catholic Bishop of Banjul in The Gambia since 2017. He is the first Gambian national to be appointed to the diocese and the first Gambian to be made a bishop. He is a Roman Catholic prelate and professed member from the Spiritans since 1997.

Rev. Chinedum Meribole is the General Secretary of the Evangelical Fellowship of The Gambia.

Begay Jabang a qualified accountant with Masters in Accounting & Finance has been leading the Campaign Team of The Gambia Christian Council. She is Senior Principal Consultant of WB Business Solutions, The Gambia and UK, since 2017 and was Senior Finance Business Partner, The Brooke, London, 2014–2017. Prior to that she worked as the Financial Planning Manager for WaterAid and was earlier on the West Africa Regional Finance & Systems Managers for Oxfam GB. She is also a board member of ActionAid International The Gambia (AAITG) and also Buzz Women The Gambia. In 2018 she designed and coordinated the development of the Agribusiness Accelerator Programme Manual for Ministry of Agriculture P2RS Project (2018).

Mr. Emmanuel Daniel Joof is the Chair of the National Human Rights Commission of The Gambia. He holds a Master degree (LLM) from the University of Nottingham, United Kingdom in International Law with a major in Human Rights Law. He is a Barrister & Solicitor of the Supreme Court of The Gambia, a veteran lawyer and former Magistrate and a human rights expert with National and International experience. He chaired the Faraba Banta Commission of Inquiry. In both conflict and post conflict countries, Commissioner Joof dedicated more than a decade of international service supporting the establishment of rule of law and justice in South Sudan by building rule of law institutions such as Judiciary, Ministry of



Hon. Ousainou Darboe receives a new Bible in his mother tongue, the Madinka
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Justice, Police and Prisons services. Commissioner Joof served with the United Nations High Commission for Refugees in his capacity as Protection, Repatriation and Refugees Status Determination Officer in refugee camps in The Sudan; served as Rule of Law, Access to Justice and Legal Training Adviser with the International Development Law Organization (IDLO).

Imam Baba Leigh was awarded both the West African Shield Award and the overall African Shield Award 2013 for his work promoting women and girls rights, and his campaigns against the death penalty in The Gambia. Among other causes, he has worked to raise awareness about the health risks linked to female genital mutilation, fighting the belief that the practice is a religious obligation. He has also worked towards peaceful coexistence among communities of different religious beliefs.

Hon. **Omar A. Jallow** was the outgoing Minister of Agriculture government of Gambia, he has been a minister in different capacities and presently is Member of Parliament of The Gambia.

Hon. Ousainou Darboe, is the former Vice-President and former Minister of Foreign Affairs of The Gambia and has been the longtime opposition leader in the parliament of The Gambia. He was the first ever Gambian lawyer from the Mandinka community.

Members of The Gambia Christian Council Campaign Team

1. Mr Julius Freeman (Deputy Secretary of The Gambia Christian Council)
2. Pastor Moses Sonko (Founder of Prevailing in Christ Ministries)
3. Pastor Sylvester Jammeh (Vice President of Pastors' Alliance)
4. Mr Galandou Gorre-Ndiaye (Retired civil servant)
5. Mr Philip Saine (Retired civil servant)
6. Mrs Begay Jabang (CEO/Founder of Life Solutions)