

## ACKNOWLEDGEMENT

This report is a culmination of a grand strategic vision as well as a most profound support and collaboration from both local and international partners. It is therefore important to recognize and appreciate those immense contributions.

Firstly, in that regard, is the visioning and initiation by the Executive under the leadership of His Excellency the President, Adama Barrow, to reform the Security and Justice Sectors with the ultimate objective of making them “more responsive to the security and justice needs of the populace”. This leadership set the pace that attracted international support and provided the framework that allowed for a more focused assessment.

The international partners in no small measure contributed to the success of the entire assessment; notably, the United Nations Development Programme (UNDP), the European Union (EU), the African Union (AU), Economic Community of West African States (ECOWAS) for their significant contribution towards the successful conduct of the assessment exercise.

The local stakeholders which range from the institutions that make up the Security and Justice Sectors, their respective line Ministries, the Regional and Traditional authorities, Religious groups and security personnel, Civil Society Organizations as well as the women and youth groups within the regions, all made very significant contributions towards the buildup of the report. While the inputs of the sectors and ministries helped the TWG to understand their operating environment and the prevailing conditions, the frank and open comments from the contributing groups representing Gambian Society allowed for knowledge of what their security and justice needs are and their key challenges to realizing those needs.

The TWG gives special thanks to the Ministry of Interior for not only providing office space as a work station but also making available all facilities that made the environment conducive during the course of the assessment.

Furthermore, it is the conviction of the TWG that both the National Security Adviser who is also the leader of the TWG and the UN Senior SSR adviser, the USA SSR advisor and the EU consultant deserve a special mention. The former

demonstrated exceptional leadership and motivated the TWG members throughout this work.



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## ACRONYMS

<b>ADHRS</b>	African Centre for Democracy and Human Rights Studies
<b>APRC</b>	Alliance for Patriotic Reorientation and Construction
<b>AU</b>	African Union
<b>BATT</b>	British Army Training Team
<b>CSO</b>	Civil Society Organization
<b>DLEAG</b>	Drug Law Enforcement Agency, The Gambia
<b>ECOMIG</b>	ECOWAS Mission in The Gambia
<b>ECOWAS</b>	Economic Community of West African States
<b>EU</b>	European Union
<b>GAF</b>	Gambia Armed Forces
<b>GAFA</b>	Gambia Armed Forces Act
<b>GBOS</b>	Gambia Bureau of Statistics
<b>GDP</b>	Gross Domestic Product
<b>GFRS</b>	Gambia Fire and Rescue Services
<b>GID</b>	Gambia Immigration Department
<b>GIPS</b>	Government Integrated Pay Scale
<b>GPF</b>	Gambia Police Force
<b>GPS</b>	Gambia Prison Services
<b>GoTG</b>	Government of The Gambia
<b>IMF</b>	International Monetary Fund
<b>MOD</b>	Ministry of Defence
<b>MOFEA</b>	Ministry of Finance and Economic Affairs
<b>MOI</b>	Ministry of Interior
<b>NATAG</b>	Nigeria Army Training Assistance Group
<b>NIA</b>	National Intelligence Agency
<b>OVP</b>	Office of the Vice President
<b>PER</b>	Public Expenditure Review
<b>PIU</b>	Police Intervention Unit
<b>RNG</b>	Republican National Guards
<b>SGBV</b>	Sexual and Gender Based Violence
<b>SIS</b>	State Intelligence Service
<b>SSR</b>	Security Sector Reform
<b>TACOS</b>	Terms and Conditions of Service
<b>TSG</b>	Tactical Support Group
<b>UN</b>	United Nations
<b>WB</b>	World Bank

## **CHAPTER ONE**

### **1.1 BACKGROUND**

The outcome of the 1<sup>st</sup> December 2016 presidential elections ended the 22-year authoritarian rule of Jammeh and ushered in a new democratic dispensation. The new government under the leadership of President Adama Barrow sought the assistance of a range of development partners including the United Nations, African Union (AU), Economic Community of West African States (ECOWAS), European Union (EU), World Bank (WB) and the International Monetary Fund (IMF) to reform the country's institutions with a view to restoring democratic governance and the respect for the rule of law. Among the most important institutions for reform is the security sector, which hitherto was increasingly high-handed, personalized, politicized and was perpetually used to entrench the regime. Some of the high-handedness was manifested in the form of constant harassment, arbitrary arrest and detention and even extra judicial killings amongst other human right abuses. Despite the change of government and with some minor restructuring and realignment that has taken place, there is a general mistrust that still exists amongst the public.

ECOMIG forces deployed by ECOWAS have provided some respite in the immediate short term but this well-meaning support is not likely to be a sustainable option, hence the urgent expressed commitment of the Government to carry out a comprehensive security sector reform in the shortest possible time with the support of its development partners.

For the purpose of this exercise, Security Sector Reform is defined as:

*“A political and technical process of improving state and human security by making security provision, management and oversight more effective and more accountable, within a framework of democratic civilian control, rule of law and respect for human rights.” (United Nations SSR Perspective, September 2017)”*.

## **1.2 INTRODUCTION**

In order to carry out the desired security sector reforms, the Government of The Gambia (GoTG) commissioned an in-depth assessment to inform the development of a comprehensive security sector reform programme.

The collaboration of the government and its partners led to the development and approval of UN Peace Building Project geared towards supporting this initiative. A Joint Ministerial/Ambassadorial level government and international partners’ Steering Committee was established by the government which acted as the Project Board constituted in August 2017 to include the Ministers responsible for Interior, Justice and Foreign Affairs, with the Chief Justice on the one hand and the UN Resident Representative, the ECOWAS and EU Ambassadors on the other. The Steering Committee commissioned a twenty-seven (27) member<sup>1</sup> Technical Working Group (TWG) to carry out a comprehensive assessment of the security and justice needs of the people and the state as the basis for the envisaged security sector reform. The members of the working group were drawn from all security services, relevant other ministries and Civil Society Organisations (CSOs) including women and youth groups.

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<sup>1</sup> MoD – 1; Mol – 1; MoJ – 1; MoFin – 1; OVP\* – 1; GAF\* – 3; GPF\* – 3; SIS – 3; GPS\* – 3; GID – 2; DLEAG – 1; GFRS\* – 1; ACDHR – 1; GBOS\* – 1; WANEP – 1; CSO – 1; CSO Women – 1; CSO Youth – 1; with women 1 woman rep in each institution with asterisks\*



Given those members of the TWG came from different institutions, the UN facilitated a five (5) day induction training to harmonize the understanding of the team on SSR in general and specifically on SSR Assessments in collaboration with selected resource persons drawn from the Gambian citizenry.

The TWG successfully conducted a preliminary review of the current national context within which this assessment was being conducted. It also conducted a preliminary assessment of the threats and challenges against which the security sector should develop capacity. Furthermore the TWG embarked on a nationwide consultative exercise to seek the views and opinions of the population relating to their security and justice needs. Concurrently, individual institutional assessments were also conducted on each of the security services and other relevant institutions namely; The Gambia Armed Forces, The Gambia Police Force, State Intelligence Service / National Intelligence Agency, The Gambia Prisons Services, Drug Law Enforcement Agency, The Gambia, The Gambia Immigration Department, The Gambia Fire and Rescue Services, The Gambia Revenue Authority, The Judiciary, The Ombudsman, African Centre for Democracy and Human Rights Studies, The National Assembly, and Ministries of Finance and Economic Affairs, Defense and Interior.

The Security Sector Assessment sought to evaluate the current security context, challenges and gaps that exist within the security institutions. It aimed at making recommendations for the changes required to make them more professional, effective, accountable, and responsive to the security and justice needs of the citizenry and operating within the framework of good governance, respect for the rule of law and human rights and international humanitarian laws.

### 1.3 STRUCTURE OF THE REPORT

The Security Sector Assessment Report is divided into five (5) chapters and seven (7) Annexes each containing the detailed individual institutional assessments and specific recommendations for the institutions that were assessed<sup>2</sup>. Chapter one deals with the background information explaining the conditions leading to the need for the current Government embarking on a national security sector reform programme. This is followed by an Introduction, focusing on the Structure of the Report, Purpose and scope of the Assessment, Intended users of the report and the summary of the findings of the Assessment.

The Second Chapter of the Report is centered on the entire planning processes indicating the preparatory phase, the assessment methodology, and timeframe. It also looked at the opportunities for local ownership and the constraints and challenges faced during the assessment.

Chapter Three provides detailed information on the situational and environmental analysis with specific focus on the general overview of The Gambia's political, economic, socio-cultural and geo-political contexts. It further gives an in-depth analysis of the security threats, challenges and opportunities confronting the entire security sector of The Gambia with greater emphasis on the current security environment.

The Chapter also outlines a critical analysis of the security needs of the people as expressed by the relevant stakeholders during the consultations; focused groups, small groups, individual interviews and nationwide town-hall consultations. It ends by indicating all the stakeholders of the **security sector assessment**.

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<sup>2</sup> The circulation of these Annexes will however be limited.

The fourth Chapter presents a report on the findings of the institutional assessments where all the relevant security and stakeholder institutions were assessed with particular focus on their legal frameworks, governance and oversight mechanisms, budgetary allocations and processes and the Justice System. It continues to look at the formal and informal mechanisms in the maintenance of peace and security at both local and national levels. Chapter five is the concluding chapter which summarizes the findings and makes recommendations on all the challenges, gaps, deficits and malfunctions identified during the entire assessment exercise with a view to informing immediate policy discussions on SSR activities to enhance democratic governance of the sector.

The Annexes entail the individual institutional assessments. They each contain the specific findings and recommend specific reform activities to achieve the change required. They also contain information on the History, Legal Framework and Mandate, Organizational Structure, Personnel and Training, Governance and Oversight, Table of Equipment, Infrastructure and Budgetary Processes/Matters.

#### **1.4 PURPOSE OF THE ASSESSMENT**

The Security Sector Assessment is undertaken to identify the threats and challenges confronting the state and people of The Gambia. The assessment further aims at ascertaining public perception and actual state of the existing security architecture with a view to proffering recommendations on which reform interventions could be used. It would also provide the basis for the development of the National Security Policy and Strategy as well as the overall policy direction of the individual security institutions.

Discussions around the aims and objectives of the assessment during the team's inductions included the following:

- ✚ To identify key national interests
- ✚ To identify suitable national, regional and international partners for engagement in the development of the security sector;
- ✚ To better inform funding priorities for security sector reform support and the resource allocation decisions of both government and security institutions;
- ✚ To identify suitable entry points of The Gambia's development partners to support security and justice processes in the short, medium and long terms;
- ✚ To inform the development of the National Security Policy and Strategy and associated policy frameworks of the Gambia;
- ✚ To support the design of programmes and projects relating to the development of the security and justice systems in The Gambia;
- ✚ To identify individuals, communities, networks, organizations or institutions to collaborate on security and justice processes.

These objectives are in line with the Gambia's reform agenda and are central to this assessment report. The Technical Working Group therefore designed the report to reflect and capture the underpinnings for sustained security and justice reforms.

## **1.5 SCOPE OF THE ASSESSMENT**

This looks at the areas the assessment covered with a view to encouraging an extensive stakeholder participation to engender the critical elements of national ownership, inclusivity, transparency and legitimacy in the reform process.

The assessment covers the following:

- The Gambia's Strategic Context taking into consideration the country's history, politics, demography relevant to the state of security; the country's

core values and National Interest. The common Vision on the short and medium term security and stability as envisioned by the population.

- The threats and challenges that were assessed to confront the common vision of the Gambia.
- The assessment looks at how the institutional frameworks address the threats and challenges assessed, in light of their existing structures, composition, capacities, etc. Furthermore, it looks at the specific primary and secondary functions, the existing legal and institutional frameworks, their governance and oversight mechanisms.
- The possible institutionalization, formalization and tenability of the existing mechanisms to prevent violence and crime, and management of conflict in general.
- Criminal justice system focusing on the capacity of the judicial system, prosecution, etc.
- The assessment made a holistic look at the security architecture with particular emphasis on their governance and oversight responsibilities.
- The assessment reviewed the state of readiness to address national emergencies – security, natural and manmade disasters, and epidemics.
- The geopolitical dynamics and capacities that could be complementary or otherwise.

## **1.6 INTENDED USERS OF THE ASSESSMENT REPORT**

There are basically three main clientele of the final Security Sector Assessment Report namely; The Government of the Gambia, the International Partners (UN, EU, AU and ECOWAS) and the General Public.

The end product of the Security Sector Assessment Report is expected to serve as a catalyst for the formulation of future security policies in respect of the key security institutions in the country as well as a national security policy document. It informs the designing and development of an appropriate SSR programme for The Gambia. Also, the recommendations in the report would serve as a guide for the Government to make informed decisions in a quest to transform the entire security apparatus to be responsive to the security needs and aspirations of the people within the framework of good Governance, rule of law and respect for human rights.

The outcome of the Assessment exercise would better inform the International Partners in their intervention strategies to help the security sector reform agenda of the Gambia.

The NGOs, CSOs, and other locally based organizations will find the report useful in the formulation and implementation processes of their various development plans relevant to the enhancement of national and human security of the country.

## **1.7 SUMMARY OF FINDINGS**

During the Assessment exercise the observation of the Technical Working Group was captured as its findings summarized under the following three broad categories; **The Security Services for the entire security sector, The Justice Delivery System, and The Legislature representing the critical oversight mechanism of the state.**

**A. Security Services:**

- i. In general, it was discovered that the legal frameworks that established and spell out the mandate and functions of the respective security services are obsolete and inadequate. Thus there is need for thorough review and in some cases a complete overhaul.
- ii. There is a lack of functional oversight bodies to regulate the governance (management and operational) matters of the respective security institutions.
- iii. The security institutions were found to be operating beyond their legal mandates, leading to operational excesses and high handedness. This coupled with their increased politicization resulted to the loss of public trust and confidence.
- iv. There is a lack of clarity of functions and terms of reference (TOR) both with and between the respective security services. This led to the increasing overlap in the execution of their functions.
- v. The assessment also revealed the lack of internal regulatory policies in all the security institutions. Such policies include those on critical personnel matters as recruitment, appointment, promotions, training, deployment, etc.
- vi. There is inadequate human and material resource capacity, thus the security services were challenged in the effective and efficient execution of their mandate.
- vii. The security institutions were found to be seriously challenged by poor and lack of adequate infrastructures across the country.

**B. Justice Delivery System:** The assessment found significant deficits in the justice delivery system.

- i. There was large scale political interference impacting on the independence of the judiciary. Such interferences come in the form of undue intimidations of judges and magistrates.
- ii. The judiciary was found to be significantly incapacitated in both human resource and infrastructure. This includes the caddie courts too.
- iii. The lack of sufficient judges and magistrates coupled with the manual recording of system contributes to the delay of cases thus leading to backlogs.
- iv. Another contributing factor to the delay of cases is that of poorly investigated cases leading to prosecutors asking for unnecessary adjournments, thus lead to prolonged remand of suspect and witnesses getting fed up of the proceedings.

**C. Legislature:** During the consultation meeting with National Assembly Defense and Security Committee it was discovered that the Committee has many deficits which are as follows:

- i. The committee has no term of reference (TOR) for use as a guide to their oversight functions.
- ii. The committee did not inherit any documents from its predecessor which hinders the progress of their work.
- iii. By extension, the National Assembly lacks the capacity to adequately deliver on its oversight functions.



A detailed discussion of the above summary of findings can be found in the Individual Institutional Assessment Annexes which deals exclusively with the institutional assessments and the formal and informal mechanisms in the maintenance of peace and security.

The Assessment will be complemented by the findings of an-ongoing Public Expenditure Review (PER) of the Security Sector led by the President's Office and Ministry of Finance with the support of the World Bank.

## CHAPTER TWO

### 2. PLANNING PROCESS

#### 2.1 PREPARATORY PHASE

The SSR Assessment was undertaken as one of the initial objectives of a UN Peace Building Fund project that had been approved following an agreement between the Government of the Gambia and the UN in particular and, with the wider international SSR partners (notably ECOWAS, EU and UN) that such an in-depth assessment needed to be carried out to map out the way forward and guide further intervention to support SSR. The inherent sensitive and political nature of the endeavor meant that the UN, ECOWAS and EU had to carry out further work with the government engaging with key security actors to further gauge the extent of the political will to undertake security and justice reforms, and share views with development partners to encouraging an enhanced level of understanding and cooperation to get SSR underway. The government and its partners were mindful that the assessment must not only focus on the technical processes but must also be complemented by a thorough understanding of the political dynamics and relevant stakeholders' participation.

Following series of meetings a Terms of Reference was developed for the setting up of a Steering Committee (SC) which also is the Project Board (as provided for in the Project Document). In collaboration with government the SC held its inaugural meeting at which it endorsed the project for the UN to provide strategic level support to the government's SSR efforts, amongst other areas. The SC also endorsed a draft Terms of Reference for a Technical Working Group (TWG) to be

drawn from across government institutions, security agencies and civil society organizations to carry out the actual work of the assessment.

A senior Civil Servant was assigned to facilitate arrangements at the preparatory stage. The TWG was mobilized over a two-week period and the stage was set for the actual work of the assessment to commence. Below is the list of TWG members who participated in the completion of this report:

1. Momodou Badjie (Rtd. Col.)- National Security Adviser
2. Pa Habib Mbye – Adviser, DLEAG
3. Alhagie Lamin Sanneh – Director of Administration, GPS
4. Ousman Jallow – Director of Strategic Planning and Research, SIS
5. Lamin Jadama – Deputy Director of External Security, SIS
6. Navy Captain Sambou Barrow –Commanding Officer,Naval Fleet- GAF
7. Lt. Col. Arabiatou Jarjue – Deputy IG, GAF
8. C/Supt Karafa Tamba – Officer Commanding, Records and Planning, GPS
9. C/Supt. Muastapha Ndong – Personal Assistance to the IGP, GPF
10. Lamin Ceesay –Officer Commanding Investigation –SIS
11. Supt. Seedy Njie – Officer Commanding Planning Unit –GID
12. Station Officer Siga Jandy – GFRS
13. ASP Amadou E. Keita – Prosecution and Legal Affairs, GPF
14. Asst, Supt. Modou L. Sanyang – PA to Commissioner, Banjul Division,GID
15. Chief Inspector Fatoumata Colley – GPS
16. Cadet Inspector Oumie Ceesay – GPF
17. Sergeant Lamin Ndong – Private Security Unit,MOI
18. Yankuba Manjang –Executive Secretary, Peace Ambassadors - The Gambia
19. Yankuba Keita – Information Officer, ACDHRS
20. Fatou Darboe – Statistician, GBOS
21. Sarjo Jatta – Assistant Secretary, MoD

#### TECHNICAL ADVISERS

1. Kellie Conteh-Senior SSR Adviser, UNDP, The Gambia
2. Guillaume Lacaille- SSR Advisor, EU

### 3. Todd Coker-SSR Advisor, US Contractor

The UN in collaboration with the EU and ECOWAS supported the facilitation of a 5-day Induction Course for the TWG in preparation for the work at hand and to build the necessary camaraderie that would be required for the course of such a task.

## **2.2 ASSESSMENT METHODOLOGY**

The Assessment itself was planned to last for twelve (12) weeks but lost two (2) weeks in the beginning due to administrative challenges. The Assessment was carried out in four phases some of which overlapped to cover up for time lost. Government provided a work station for the Technical Working Group at the Ministry of Interior which served as the base of the SSR Assessment work throughout.

### **Phase One – Desk review of background knowledge**

The TWG benefited from a 5-day induction course to harmonize their understanding of the work at hand in particular and also to enhance its understanding of Security Sector Reform in general. The induction course was tailored to provide resource persons in the preparatory work of reviewing documents and expanding on the team's situational awareness amongst other key contextual issues that impact on the current state of security in The Gambia. In this regard and based on the discussions facilitated by the resource persons as part of the induction training, the working group members enhanced their understanding and knowledge of relevant security sector legislative provisions, national policies,

historical and contemporary political development, existing mechanisms and frameworks on security sector governance and oversight amongst others.

The team concluded the first phase of the assessment under very tight schedule with stakeholder mapping and planning for the country-wide consultations.

### **Phase two – Consultations**

Phase 2 entailed a country wide range of consultations that lasted for 2-weeks. This consultations took the form of mixed groups discussions, small and focus group discussions as well as individual interviews with a view to elicit views on both general and specific security and justice needs. In addition, consultation with key stakeholder institutions was simultaneously conducted. To carry out these consultations, the TWG was divided into 2 groups.

***Group 1 – a 14-member team*** - undertook a two (2) weeks country-wide consultations within the 5 administrative regions and 2 Municipalities. During the consultations, the discussions centred on issues pertinent to the peoples' security and justice needs.

In the focused group discussions, women were specifically encouraged to participate as it turned out severally that they represented one of the most vulnerable groups across the country. Similarly, the youths, security personnel and local authorities were also encouraged to share their own experiences to allow the working group benefit from a national perspective on issues in the localities. Specific questions targeting the social groups were used by the TWG facilitators around which discussions were held.

*Group 2 – a 10-member team* also conducted interviews of the key security institutions. The interviews aimed at gathering relevant information to be able to provide individual institutional assessments along the following structure: History of the Institution; Legal framework and Mandate; Organizational Structure; Personnel and Training; Governance and Oversight of the Institution; Table of Equipment; State of Infrastructure; Budgetary Processes; Recommendations to induce change/reforms

By the time the country-wide consultations were completed by Group 1, Group 2 was unable to visit some institutions in the initial stages due to administrative challenges. Notwithstanding, those institutions were later visited by the group.

The diverse approaches of consultations used by the TWG was to emphasize a process that encourages the involvement of key stakeholder representatives in a participatory manner to enhance national ownership, inclusivity, transparency and legitimacy of the government's effort at transforming the security sector.

### **Phase three - Data collation, analysis and drafting of report**

Following a desk review, individual institutional assessments and nation-wide consultations – the TWG collated and analysed the data gathered with a view to drafting an assessment report.

### **Phase 4 – Validation Exercise**

The validation of this report took place in Banjul on Wednesday 22<sup>nd</sup> November with one hundred and fifty participants (150) drawn from across the country including women groups, youth groups, civil society organizations, legislators

academia, business community, religious and traditional leaders and security sector personnel.

The participants were divided into five small groups each of which comprised cross section of the aforementioned stakeholders. These groups deliberated in committee rooms for much of the day, and at the end of which individual group presentations on observations, inputs and comments as well as factual corrections were made. The collective input of the participants and those others received from local and international stakeholders substantially enhanced the quality and credibility of the report.

### **2.3 ASSESSMENT CHALLENGES/CONSTRAINTS**

The Technical Working Group for the ongoing security sector reform has faced series of challenges in carrying out the task at hand. Some of the challenges are as follows:

- Office space for the Technical Working Group (TWG) was not conducive for the work<sup>3</sup>.
- Lack of Secretariat for the TWG, with the required office equipment.
- 
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- Late submission of available data by some institutions to the TWG.
- Lack of data and records both in the public and private sectors handicapped in-depth analysis
- Absence/irregular attendance of TWG members from some of the institutions
- Lack of mobility to facilitate institutional outreach.

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<sup>3</sup> It must be said though, that the Minister of Interior must be commended for offering his conference room in his Ministry for the purpose of the assessment; and in the absence of a better alternative, the work station became quite useful.

## 2.4 LESSONS IDENTIFIED – TO LEARN FROM

Sufficient time must be available for both the government and the supporting international partners to plan and coordinate in detail the commencement of the SSR process including harmonization of their understanding of the concept of SSR as a prelude to the actual mobilization of the team that must carry out the assessment.

Sufficient awareness and orientations of the government focal point to facilitate the coordination of the international community support.

Initial correspondences to mobilize the technical team must be followed up by visits and other forms of communication to ensure that the right participants are chosen from the stakeholder institutions selected to carry out the assignment.

It would be useful to allow for greater latitude of flexibility in implementing programs of SSR in country-specific context since they are not normally amenable to the rigid linear approaches of other types of projects; the bureaucracy sometimes can impact negatively on the timeliness of the delivery, the quality and overall success of the process.



## CHAPTER THREE

### **3. SITUATIONAL AND ENVIRONMENTAL ANALYSIS**

#### **3.1 GENERAL CONTEXT**

##### 3.1.1 Political Context

The Gambia was the last British colony in West Africa which gained independence on 18<sup>th</sup> February 1965. The effects of the colonial legacy on the national security institutions continue to constitute issues to be dealt with. For instance the focus of security has been more on the enhancement of the political and economic interests of the ruling elites than the security needs of the citizenry. Gambians security forces were merely trained to execute routine procedures and clerical functions. The Gambian security personnel who formed the nucleus of the post-independence security outfits were not adequately prepared for the security challenges associated with the newly independent Gambia. Consequently, the political leadership of independent Gambia invariably inherited a security apparatus that was not oriented to meet the needs of the people.

In 1970, a republican referendum was held and Sir Dawda Kairaba Jawara, the Prime Minister at independence, became the first President of The Gambia. The country became the African nation with the longest surviving multiparty democratic system for three decades. In addition, respect for human and people`s rights was largely observed and upheld. Notwithstanding the above mentioned achievements under President Jawara, the country also grappled with issues of under-development and governance like low economic growth, high level of corruption, political patronage and division within the ruling party. The security

institutions were also affected by these issues, which negatively impacted on their integrity, capacity, and general level of professionalism.

In 1981, there was an abortive coup led by Kukoi Samba Sanyang which resulted in the death of many people. Sanyang, who was a civilian, had collaborated with some elements of The Gambia Field Force, which was the paramilitary wing of The Gambia Police Force. The only security outfit in The Gambia at the time was The Gambia Police Force, whose other units were not well structured and equipped to resist or foil the coup. This coup was short-lived due to the intervention of the Senegalese armed forces.

Consequently, the Senegambia confederation was signed between the two countries in 1982 and lasted until 1989. Owing to the afore-mentioned events, The Gambia National Gendarmerie was created in 1982 through assistance from Senegal while The Gambia Field Force was disbanded. In 1983, The Gambia government hired a retired Warrant Officer Class 1 (WO1) Frimpong, a Ghanaian national to provide basic military training to a small group of recruits in preparation for the formation of a National Army. In 1984, the Government through assistance from the British Army Training Team (BATT) established The Gambia National Army under the command and leadership of Colonel Momodou Ndow Njie. During the seven years of the Senegambia confederation, the two countries formed joint army and police forces, which allowed for the continuous presence of Senegalese troops on Gambian territory to provide security.

The breakdown of the confederation led to the unexpected and complete withdrawal of the Senegalese forces. Consequently, the Gambian security outfits were confronted with lot of challenges to assume full responsibility for maintaining peace, security and territorial integrity of the country. The newly instituted

Gendarmerie and the National Army were constrained in terms of structure, command, mandate, equipment, personnel, accommodation and lack of cohesion to effectively fill the vacuum left by the Senegalese military

In 1992 a Nigerian Army Training Team and Assistance Group (NATAG) was deployed in The Gambia through a bi-lateral agreement to help in the restructuring and reorganisation of the GNA. However, in 1994 a group of junior army officers led by Lieutenant Yahya Jammeh staged a military coup ending Jawara's thirty years rule which led to the withdrawal of NATAG.

A two year transitional period followed during which the international community and the civil society pressured the junta to return the country to a civilian rule. A Referendum was held on 8<sup>th</sup> August 1996 and on 16<sup>th</sup> January 1997, a new constitution was adopted which ushered in the Second Republic. Eventually Jammeh resigned from the army and contested the elections in 1996 which he won

Earlier on before the 1994 coup, the Tactical Support Group (TSG), the paramilitary wing of the police force, was formed, comprising some members of the former Gendarmerie which had been disbanded. However, a Republican National Guards and the Police Intervention Units were created under GAF and GPF respectively. Throughout his reign, Jammeh used the military, police, intelligence, judicial and penitentiary system to brutally suppress series of attempted coups and to intimidate political opponents and critics of the government to enable him stay in power. Notable among them was the State Guards personnel, which consisted of a special unit called the "Junglers" who were singled out for most of the tortures, murders and enforced disappearances.

Jammeh systematically politicized all the institutions coercing them to fully involve into party politics. During political campaigns and rallies, personnel of security institutions could be seen wearing T-shirts and holding banners of the ruling party (APRC). There were instances when security personnel were victimized for the simple reason of not showing up in Jammeh's political programmes. Being the Commander-in-Chief and Minister of Defence, Jammeh was the sole policy and decision maker for the Armed Forces and Security services. Appointments and promotions under Jammeh were mostly based on nepotism instead of merit.

Jammeh officially won the presidential elections five times before losing the December 2016 election to President Adama Barrow, who had led an eight member coalition. After initially accepting the outcome of the December elections, Jammeh reversed his decision, causing a political "Impasse" that was finally resolved in January 2017 with the deployment of ECOMIG, a joint multinational force deployed by ECOWAS. The "impasse" and impending ECOMIG intervention triggered displacements of populations both within and across the borders. Ironically, the Gambian military sent out an impression that was confusing to the people as to whether they owed allegiance to the Gambian State or to Jammeh. Consequently, public confidence in the military further diminished by virtue of public view of the military as the last hope for salvation. Other security institutions as well as the organs of government like the legislature also lost public confidence.

### **3.1.2 Geo-Political Context**

The Gambia has a total land area of about 11,000 square kilometres and a population of about 2 million<sup>4</sup>. It is surrounded on three sides by Senegal except for the Atlantic coast line. Cross border criminality has been persistent owing to weak border security monitoring, amongst others. Casamance being the southern part of Senegal lies between The Gambia and the republic of Guinea Bissau. The claim for independence by some Casamance leaders has created periodic instability along the southern borders of the country.

The relations between The Gambia and her only neighbour has experienced both moments of harmony and disruptions. Those disruptions were often triggered by contentious issues of national security, border disputes, economic disagreements etc. These challenges resulted in several border closures obstructing the free movement of people, goods and services, not only between the two countries but also in the wider ECOWAS space. Under Jammeh, there was perpetual suspicion and distrust about alleged harbouring of dissident and rebel activities in each other's country.

The Gambia is a founding member of the ECOWAS community and has been contributing significantly in advancing the ECOWAS agenda of regional integration, economic cooperation and democratisation. The Gambia continues to enhance global peace and security by partaking in ECOWAS, AU and UN peacekeeping missions. The country has also been a safe haven for refugees and other persons of concern fleeing from conflicts in other parts of West Africa.

Any disruption of peace and order in The Gambia has the potential to further destabilize the sub-region. This fact largely explains the intervention of ECOMIG

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<sup>4</sup> 2013 provisional Census report, Gambia Bureau of Statistics, 2013, P14.

in 2017 and the recent increase of international attention and support to the new Government of President Barrow in tackling the threat of trans-national crimes, trafficking and terrorism.

### **3.1.3 Economic Context**

The Gambia with a per capita Gross Domestic Product of US\$ 399.6 (GDP 2017 estimates) is one of the least developed countries in the world. In 2010, it was assessed that about 48% of Gambians live below the poverty line (\$1 per day). In 2015, The Gambia was ranked 173 out of 188 countries (UNDP HDI). Poverty translates into strong socio economic and regional inequalities as well as high levels of unemployment

The Gambia's economy is highly dependent on agriculture, mostly characterized by subsistence farming, which contributed about 25% of GDP in 2016 and employed about 70% of the labour force (UNDP HDI). The other major economic sectors are tourism, construction and telecommunications. Although reports of discoveries of natural resource deposits such as oil and gas have been made, their exploitations are yet to commence.

In 2016, remittances contributed 22 % to GDP. This, coupled with the high unemployment rate, exacerbated the number of irregular migrants to Europe, a phenomenon known in The Gambia as the “back way”. The remittances constitute an important part of the budget of many households.

The high levels of unemployment and under-employment directly contributes to the vulnerability of young people to crimes, radicalization, substance abuse etc. Gender injustice also appears embedded in the economy in the sense that a critical

aspect of gender inequality invokes unequal access to resources like land for agricultural and construction purposes. In 2015, UNDP assessed the level of unemployment for women to be 40%, whereas that of men was close to 20%. Unlike in other countries in East and Central Africa, a limited number of Gambian women hold prominent positions in the business and economic sectors.

### **3.1.4 Socio-cultural context**

The Gambia is very densely populated (184 person per square kilometre) with a diverse society composed of many ethnic groups and religions.

According to the 2013 Census disaggregated population data, the Mandinka ethnic group constitute about 36%, Fula 22%, Wolof 14%, Jola 11%, Serehule 8% of the Gambian population. The Serer, Aku, Manjago, Bambara and other ethnic groups formed the remaining 9 %. Some tribal rivalries and misconceptions existed during the struggle for independence and the period of the First Republic.

However, during the said periods, Gambians were divided more on the lines of the COLONY (i.e. Banjul with the Kombo municipality) and the PROTECTORATES (i.e. the rest of the country made of rural areas). This divide, which became a burning political issue, was part of the legacy of the British colonial administration.

During the Second Republic, in spite of the hitherto peaceful co-existence and progressive integration of members of the various Gambian ethnic groups, relations between communities were markedly strained. This downward trend, which is still on-going, can largely be attributed to the politicization of inter-tribe relations by president Jammeh. His tribal patronage scheme permeated the military and security services more than any other sector. This situation not only

contributed to the deterioration of standards of discipline and professionalism in the security sector but also resulted in deep-seated tribal mistrust within the military and the security forces, as well as between them and the public.

The Gambia has a mainly Muslim population (about 90%) with Christian and smaller religious groups coexisting peacefully both before and after independence. However, this religious tolerance was weakened when Jammeh unconstitutionally declared The Gambia an “Islamic State” in 2015. Many viewed this declaration as an encouragement and invitation to Islamist extremism that was already plaguing parts of West Africa and beyond. The spontaneous decision from president Jammeh immediately raised a lot of concerns considering the pre-existence of religious intolerance undercurrents in the Gambian society and the threat it represented to the tourist industry and national security as a whole.

Traditional leaders in the Gambian society constitute an important branch of the local authorities (i.e. custodians of cultural norms and values). They immensely contribute to the maintenance of peace and stability through the resolution of disputes and conflicts by mediation, negotiation and adjudication. The Constitution of the Second Republic gives the President the power to appoint and dismiss the Governors, Chiefs and the “Alkalos” (the districts and village heads) which availed Jammeh the opportunity to politically manipulate them. Consequently, public trust and confidence in them waned.

Edward Francis Small pioneered the Gambia’s first civil society movement in 1928 with the formation of the first trade union, called Bathurst Trade Union. During colonial days, unions were instrumental in the struggle for independence and served as a watchdog on the colonial regime.



Under Jammeh, the local civil society and the media were not given the freedom to enhance the principle of checks and balances and to advocate for democratic values. However, critics and human right bodies continued to operate under very difficult circumstances to inform the public both home and abroad about the bad governance issues.

Following the December 2016 elections, the Gambian civil society was among the first to condemn Jammeh's decision to contest the result of the election. For example, The Gambia Bar Association was quick to call for a boycott of the courts in protest of Jammeh's decision.

In the new political dispensation, the civil society is actively participating in the governance process through the social and other media where Gambian citizens, including the Diaspora, express their views and opinions on critical national development agendas. The media outlets in and outside the country also continue to discuss issues of governance and national development while the Academia organizes national events where critical issues of national development are debated.

The long lasting and deep-rooted stereotyping of women being subordinate in all aspects of life is still very prevalent in The Gambia. Women constitute 50.5% of the population, yet they continue to lag behind their male counterparts in terms of socio-economic and political development. Despite the country's approval and ratification of international treaties such as the Convention of Rights of Women and Children, the rights of Gambian women are still not fully respected. The rights and privileges of some minority groups (e.g. the physically and mentally challenge, LGBT etc.) are not fully protected by the State.

## **3.2 THREAT ASSESSMENT**

The Gambian State is solely responsible for rendering security and justice delivery in the country. The country's stability and tranquillity will be sustainable in the longer term upon conditions that the internal and external security threats that were identified during both the nationwide consultation and the desk review are holistically addressed. Addressing these risks will require the active participation of all Gambians as well as the support of international development partners.

Some of the identified risks relate to the national sovereignty and democratic governance. Others relate to the security of the Gambian citizenry vis-à-vis their human security, political rights and their access to justice. The exact magnitude of each of these threats was very difficult to establish due to lack of precise quantitative and statistical data available in The Gambia. A more specific perception survey needs to be undertaken to establish such a detailed baseline. Notwithstanding, a consensus emerged during the assessment process, based on the respective experiences of the population and the security actors, which threats were then weighted by the TWG on the basis of their probability of occurrence and their impact to the security of the state and people. For instance, a threat is captured as valid for further consideration if it is rated high in both the probability of occurrence and impact on the security of the state. The threats are divided into internal and external ones infringing on both national and human security. The TWG attempted to reflect these threats in the following sub sections.

### **3.2.1 Internal security threats**

**Partisan political threats:** In the period leading to the last presidential election and immediately after the announcement of the results, some political violence occurred in the country. The security situation in The Gambia remains fragile, with

risks of political reprisals as well as the reported risks of former regime supporters mobilizing to destabilize the democratic process with violent means? The security sector itself is potentially at risk of political polarization. Those who benefitted from past patronage want the old regime back so that the patronage will begin anew. The reported high numbers of security personnel sympathetic to the former president still being unaccounted for and the alleged disappearance of weapons further add to uncertainties in the current environment.

**Inter-ethnic polarization:** Considering the former practices of patronage and the perceived unfair favours obtained by some tribes and other groups of Gambian society, the different communities living side by side could be prone to violent disputes. This is found more commonly in the former president's home region (West Coast Region).

### **Civil Disorder**

It is common knowledge that attempts by disaffected groups of persons to publicly manifest their grievances could result in disruptions of public peace and tranquillity. With an increasing level of political awareness, the widening of the democratic space and respect for the rule of law that prevails under the current dispensation, it presents both opportunities and challenges.

**Governance in the security sector:** Bad governance accelerated significantly under Jammeh, particularly in the areas of selective justice, corruption and nepotism. Not only are the above-mentioned manifested in the public services but has also in the security setup, rendering it less responsive.

**Irregular migration of Gambians:** Poor skills acquisition, unemployment, and limited economic prospects as well as social and family pressures, encourage

irregular migration. Gambian migrants embark on a risky journey through the continent and high-seas to reach Europe. Many lose their life while others fall victim of transnational criminals, leaving their families economically weakened and traumatised. The country loses valuable labour force and its credibility as a responsible State is compromised. The “back-way” returnees often face difficulties to reintegrate into the society, due to stigma, trauma and lost/delayed educational opportunities, thus becoming susceptible to radicalization and criminalization. However remedial measures of the Gambian Government are being greatly supported by international development partners. Notwithstanding, the large numbers of returnees and unemployed youths with high expectations that the new government will improve their plight could constitute a threat if those expectations are not met.

**Natural disasters and environmental degradation:** In the general context of global warming, The Gambia’s geographic location and topography (some coastal areas below sea level and large parts of the country not higher than 20 meters above sea level), combined with its limited access to disaster management assets, make the country extremely vulnerable to natural disasters and emergencies, such as floods, fire outbreaks, epidemics, etc. The widespread and uncontrolled deforestation, combined with unsustainable mineral and sand mining activities, continue to drastically degrade the environment. Illegal, unregulated and unreported fishing has been an issue along the coast and inland along The River Gambia, involving Gambian and foreign fishermen, as well as multinational corporations. Concerned with the loss of revenue and environmental hazards associated with this activity, some communities have expressed their anger and frustration against the said individuals and companies. Poor waste management by public services and individuals has already created noticeable tension between the directly affected communities and the concerned local and central authorities.

### **3.2.2 External security threats**

**Terrorism and religious fundamentalism:** In view of recent attacks in the ECOWAS sub-region by groups like Al Qaida In the Maghreb (AQIM), Boko Haram and Islamic State in Iraq and Syria (ISIS) affiliates etc. who mostly target national security, western interests and tourism in particular the threat is exacerbated by the vast porous borders which makes entry and exits of individuals unchecked.

**Transnational crimes:** Transnational organised crimes pose a big threat to The Gambia's security. The groups that operate as organised criminals use state of the earth equipment and technology to carry out their activities such as human and drug trafficking. Therefore, the security sector which lacks the equipment and know-how, coupled with the porosity of our border, is not capable to combat the activities of such groups. Smuggling of contrabands into the country could pose serious risks to public health, the economy and security.

In addition, failure of the Government of The Gambia to ratify the ECOWAS Convention on Small Arms and Light Weapons as well as not signing and ratifying the Arms Trade Treaty makes it susceptible to the proliferation of small arms and light weapons.

**Risks associated with unclear Border demarcation:** The Gambia and Senegal had had tensions over border issue. Inhabitants of the affected areas repeatedly have disagreements over ownership rights. Over the years, bilateral diplomatic efforts have been made to resolve this issue, which led to the establishment of the Senegal-Gambia Boundary Commission which has already conducted preliminary assessment aimed at finding a permanent solution to the issue.

**Emerging Crimes:** Transnational criminal activities like money laundering, small arms and light weapons, human and illegal drug smuggling and trafficking, forged travel documents, cybercrime and the circulation of counterfeit drugs, are all threats that is beginning to emerge.

### **3.2.3 Threats against the rights of the individuals**

**Sexual and gender based violence (SGBV):** SGBV is one of the manifestations of unequal power relations between men and women in The Gambia mainly due to the patriarchal nature of society. In addition to being manifestly physical, this violence can also be sexual, psychological or economical especially in private life. Gender based violence against men might be under reported for cultural reasons but when women and girls fall victim, they have fewer options and less resources to respond to the situation. For instance, only four cases could be found in police records as having been reported during the first and second quarter of 2017. Many suspected cases are perceived to have gone unreported due to family and community dynamics and associated stigmatization.

**Armed robbery and crimes:** In The Gambia, crimes like theft, burglary, robbery, substance abuse etc. is largely believed to be on the increase. From Police records, for instance, only 1 case each was recorded of armed robbery in the Kanifing Municipal Council in 2015 at Bakau and in the West Coast region at Brikima in 2016 respectively; whereas in 2017, 5 cases have been reported in the North Bank region alone and another 3 cases in the Central River Region. During the consultation phase, this perception was confirmed by people who blamed it on some security lapses as well as on the misconception of democracy and freedom by the ones who recently committed infractions. The public also pointed at the lack of regular police patrols, joint patrols involving different security institutions (the

joint security taskforces), as well as the absence of police at key-strategic locations. Meanwhile, security personnel lamented the lack of equipment and other relevant logistics support to provide adequate mobility to effectively perform their duties in response to these particular crimes.

**Properties rights:** Land disputes between individuals as well as the State and individuals are widespread. The discriminate application of inheritance law in land disputes leads to rancour and division within families. From police records, a total of 5 land disputes cases have been reported for 2017 while only one was reported in 2012 and 2014 respectively. The proliferation of real estate companies in the country and the demand for land for the ever increasing population of the country has led to the illegal selling and grabbing of land mainly in the urban areas by individuals, local authorities and the State. It was noted however that whilst these activities are actually related to some conflict over pieces of land, they are not on police records as land disputes issues; instead they are labelled as either theft or obtaining money by false pretence or some other criminal matter. Land disputes are also extended to villages that occasionally have scuffles over boundary lines between them. It remains a major cause of insecurity for families and individuals.

**Ethnic Issues:** The Gambia is known for the peaceful coexistence of her different ethnic groups. Intermarriages and a unique form of joking relationships between them have strengthened this cordial relationship. However, frequent unhealthy public talks and some inflammatory utterances in the social media, due to political interests, have polluted this co-existence.

**Low level of professionalism in the security services:** Under the former regime, some elements of the Gambian security services were notoriously involved in many human rights violations in the country. Security services do not understand

their proper roles, for example, the military were more focused on regime preservation not protection of the people; the police were marginalized, untrained, ill-equipped, and were reduce to little more than traffic cops. However, since the advent of the new dispensation, the situation is gradually improving due to a first set of vigorous measures by the political authorities to stop such abuses and marginalizations. This positive development must be consolidated within the security sector for it to be sustainable

### **3.3 SECURITY NEEDS OF THE PEOPLE**

The need for local ownership of the security sector reform is fundamental to bringing about the necessary sustainable changes. Hence the design of the consultation was based on the human security approach where the security and justice needs of the Gambian people were elicited. It is against this backdrop that the under-mentioned security and justice needs were highlighted.

#### **General security and justice needs:**

#### **During the consultation, the population highlighted the following concerns**

- Low level of awareness and communication gap between security bodies and the public, as well as the lack of feedbacks for the victims;
- Strategic positioning of security installations, particularly Police and Fire and Rescue services stations, in a more accessible way within the communities
- Regular country wide energy supply (energy security need)



- Demarcation and establishment of boundary pillars within the border and the creation of more border posts to reduce the illegal cross-border entry;
- Enhanced visibility of security personnel in the communities.
- Reduction in the number of security checkpoints as well as cessation in the sporadic harassment of the population by some on the highways. Requested for laws that will allow them to keep hunting firearms for the purpose of personal security, as well as, the protection of their livestock and businesses;
- Establishment of more court houses in strategic locations across the country including the expedition of justice delivery system at all levels.
- Inadequate number of resident magistrates, especially in the provinces, and to review the outdated district tribunal Acts;
- Immediate cessation of interference in the justice delivery as well as impartial dispensation of justice;
- enhancing of the police capacity in criminal investigation;
- Demand for urgent prison reforms.
- *There was general concern that with the ultimate exit of ECOMIG could create a security gap as had happened during the confederation if the local security forces are not adequately capacitated to fully assume national security responsibility*

### **Specific to traditional authorities:**

Traditional leaders opined for the empowerment and institutionalisation of the councils of Elders to resolve local disputes;

- The inclusion of that Badge messengers in the pensionable establishment of government.
- Orderlies (from the police) to be attached to the Office of Chiefs

### **Specific to women:**

- They expressed concerns about their vulnerability and under-representation in decision making bodies vis-a-vis district tribunals, council of elders, and other local structures;
- Demanded for the strict enforcement of the existing laws such as Women's Act, Domestic Violence Act, Sexual Offences Act by the law enforcement authorities;
- 

### **Specific to the youths:**

- Requested for an improvement in their relationship with the security institutions as they feel stereotyped ;
- They call for strong collaboration with the security institutions to enhance national security.

### **Concerns raised by the security personnel:**

- Inadequate manpower and equipment in the provinces, particularly those areas prone to cross-border crimes.
- Insufficient intelligence gathering, especially in the remote and border areas of the country;
- Inadequate capacity of the security services ( the army and fire and Rescue services) to be more responsive to disasters
- Restructuring of the ranks-system in order to clarify the equivalence of ranks across the different institutions;
- Issuance of national documents to non-Gambians and their subsequent enlistment in the security services.
- Extension of mental health facilities to all regions.
- The provision of firearms to those security personnel at the border and in other security installations;
- Low remuneration with no incentives such as health insurance, hardship allowance, family welfare, housing schemes, loans facilities etc.;
- Also emphasised the need for more sensitization, dialogue and community policing to raise awareness and restore public confidence.

### **3.4 STAKEHOLDER MAPPING**

The overall objective of the reform is geared towards improving human and State security as well as the justice system. No successful security sector reform can be enhanced without the inclusion and participation of stakeholders whose influence on issues can either directly or indirectly impact on the delivery of security and justice services. The importance of the commitment and responsibility of the

under-mentioned key stakeholders cannot be over emphasized. They provide a list of individuals, communities, networks, organizations or institutions to collaborate with on security and justice processes.

**3.4.1 Security actors:** The Gambia Armed Forces, Police Force, Immigration Department, Prisons Service, State Intelligence Service, Drug Law Enforcement Agency, Fire and Rescue Services, National Civil Aviation Security, National Port Authority Security, Gambia Revenue authority (Customs), and the private security entities.

**3.4.2 Management Bodies:** Office of the President, Personnel Management Office, Ministry of Defence, Ministry of Interior, Ministry of Justice, Ministry of Finance, Ministry of Lands and Regional Government, National Security Council, National Security Adviser.

**3.4.3 Oversight Bodies:** The Armed Forces Council, Police Council, , DLEA-G Board of Directors, Committee on Defence and Security of the National Assembly, Judiciary, Ombudsman, Public Service Commission, Public Procurement Authority, National Audit Office, Civil Society, Media, Customary and Traditional Authorities.

**3.4.4 General Public:** Public participation in the management of national security is key in ensuring local ownership and legitimization since the overall aim of the reform is to improve service delivery to the benefit of the population.

**3.4.5 International SSR partners:** UN, AU, ECOWAS, EU, WB and bilateral partners including the UK, US, Turkey, Qatar, France all providing various forms of support, and Senegal having concluded a defence agreement with The Gambia. They are recognized as key stakeholders in the security sector reform of the Gambia for their role in providing technical assistance and funding.

## CHAPTER FOUR

### 4 OVERVIEW OF THE INSTITUTIONAL ASSESSMENTS

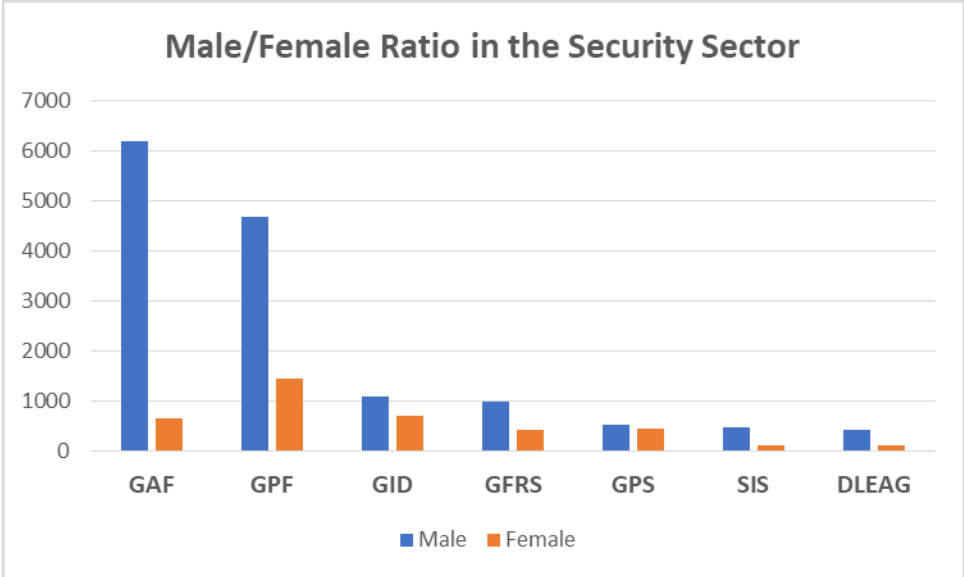
The justice and security institutions in The Gambia are established under the 1997 Constitution or Acts of Parliament, wherein their respective composition and mandates are stated. These institutions which form the security and justice sector operate under the purview of the office of the President and the ministries of Interior, Defence, Finance and Justice. An overview of each of the key security institutions is given below. However, detailed institutional assessments are contained in separate Annexes to this report

#### 4.1 SECURITY SECTOR ASSESSMENTS OVERVIEW

The sector has been functioning on the basis of outdated legal and policy frameworks with most of the institutions having much less than required resources, a notable absence of oversight and accountability. Component institutions of the sector were not clearly defined during most of the tenure of the last regime. It was noted through the assessment that attempts are now being made to have clarity in delineation of roles and responsibilities of the institutions although more transparency, dialogue and sensitisation need to be carried out in the process with a view not to inadvertently pitch one institution against another in the process.

Little or no attempt was made to adhere to any procedures (even where they appeared to have been existent) for the purposes of recruitment, promotions etc. across the entire security sector. Such critical management and administrative activities were carried out arbitrarily. Considerations of ethnicities, personal loyalty to the executive seemed to have influenced recruitments and promotions.

This arbitrariness led not only to an unbalanced security sector but one that is far beyond the State’s ability to sustain. The present size of some of the institutions, for instance, is beyond the actual security needs of The Gambia. Also, there was no adequate encouragement given to women to join the security institutions with the exception of GPS and GID. This may be due to cultural orientation and dynamics.



**4.1.1 The Ministry of Defence and Gambia Armed Forces**

The Ministry of Defence of The Gambia has a skeletal staff, administered by a Permanent Secretary supported by a handful of civil servants and one rotational military officer. The Ministry has no governance and/or management or oversight over the Armed Forces.

**4.1.2 GAF Institutional Assessment Overview**

The Gambia Armed Forces (GAF) is composed of the Army (National Guards), Navy, and the Air Force (at the formative stage). Under the responsibility of the President in his capacity as Minister of Defence, the GAF is mandated by the Constitution to carry out the following functions:

- “Preserve and defend the sovereignty and territorial integrity of The Gambia” ;
- Aid the civil authorities, at their request, in emergencies and in cases of natural disasters;
- Engage at the request of civil authorities, in productive activities, such as agriculture, civil engineering, health and education for the development of The Gambia.

The Army (Republican National Guards), Navy, and the Air Force are led by commanders who are directly answerable to the Chief of Defence Staff (CDS), assisted by a Deputy CDS. The CDS is responsible for the day-to-day administration of the Armed Forces. The President appoints the CDS and the commanders/service chiefs as provided for by the 1997 constitution.

Whilst there is no defence policy there are legal instruments and documents that guides or regulates the administration, functions, discipline and operations of the GAF, which include the 1997 Constitution, the Gambia Armed Forces Act 85 (GAFA), the Terms and Conditions of Services (TACOS) and the 1994 Armed Forces Regulation For Discipline. However, it must be noted that these instruments are either obsolete or where largely been ignored in favour of arbitrary regulatory actions.

According to the last strength count in October 2017, the current strength of the GAF is 6,838 (91% men) (9% women), including 329 officers (with 13% being women) and 3,953 NCOs and 2556 private military personnel.



The general perception is that the number and level of officer corps in the GAF is not proportionate to the size of the military, due to mass promotions not based on merits and operational needs. Some senior officers still have no portfolio. The operational and planning skills of many officers are assessed to be below the level of their ranks

The Gambia Navy, which used to be the Marine Unit, and The Gambia National Guards (GNG) were established through a decree by the then Commander-in-Chief Jammeh. The GNG were granted a wide range of functions and roles, including some limited police duties. .

In general, members of the GAF are perceived to suffer from low levels of competence and professionalism in the execution of their duties. As an institution it lacks the capacity and equipment to fulfil their constitutional mandates. The fact that most if not all Army barracks are located within the heart of settlements has raised serious concerns about the safekeeping of the arms and ordinances. Aircrafts are not available to the Air Force and the Navy has one functional patrol boat. Accommodation, mobility, communication equipment and weapons are critical challenges for the Army. During the Jammeh regime, the State Guards had been more equipped than the rest of the army.

Since 1994, the role of the GAF in the coup and failed counter coups cost them the confidence of the population. This was further aggravated by the human rights (HR) abuses they have been accused to commit under the Jammeh regime. The mistrust reached its climax during the recently ended political impasse.

The force still lacks proper arms and ammunition stockpile management systems, human resources and assets management and proper procurement procedures.

### **4.1.3 Ministry of Interior**

The Ministry of Interior is primarily responsible for the maintenance internal security of the country. It carries out this function through its line departments namely, The Gambia Police Force, The Gambia Immigration Department, the Fire & Rescue services, the Prisons Services and the Drug Law Enforcement Agency, The Gambia.

### **4.1.4 GPF Institutional Assessment Overview**

Its establishment was sanctioned by the constitution and is mandated to carry out the following functions:

- Enforce law and order;
- Protect life and properties;
- Detect and prevent crime;
- Apprehend and prosecute criminals.

The Gambia Police Force (GPF) is headed by the Inspector General of Police who is assisted by a Deputy, a senior management team and other commissioners in charge of key formations. The main formations include the Police Intervention Unit, the Mobile Traffic Unit and the Crime Unit (scientific support, criminal intelligence, the criminal investigation, the gender and child protection unit, etc.).

#### **Capacity/Capability Gaps**

The current strength of the GPF is 6,109 personnel including 1,431 females and 311 officers. The GPF has suffered from acute shortage of equipment and access to training s under the Jammeh regime. Basic professional tools are missing. For example, the police are currently relying on one single set of riot-control equipment located in Banjul for the whole country. Police agents do not have a single hand-held scanner to control access to protected facilities. Similarly, HF and

VHF systems are also not functional throughout the entire country, compelling the agents to use their personal cell phones to operate. Investigation capacity, collection and preservation of evidence are low and critically impact on the criminal justice delivery system. Movements are equally constrained by a lack of vehicles, fuel and maintenance. It must be noted that the criminal records system is also entirely manual.

Specialised skills are lacking. The force currently does not have capacity to adequately diffuse a planted explosive, combat cybercrimes, terrorism and carry out investigations requiring forensic techniques.

The image of the GPF is seriously tainted, especially with respect to issues relating to corruption and unlawful arrests and detention. Political interference also hindered police in rendering their duties professionally.

There is prevalence of low level of competences and professionalism among members of the GPF. The nature of police work implies that police officers operate in proximity and within the population. During the consultation, some people have reported cases of bribes, favouritism, and discrimination committed by some police officers in the execution of their duties.

In spite of increasing demands for police service, the Jammeh government built only one police station throughout the country at Sibamor. Many of the existing police stations and posts are rented and therefore, not purpose built.

#### **4.1.5 Gambia Immigration Department Institutional Assessment Overview**

Immigration was established by an Act of Parliament and mandated to execute the following functions:

- Control, monitor and facilitate the movement of people into, within and out of the Gambia;
- Interpret and enforce the Aliens Registration Act 1977 and its amendments;
- Interpret and enforce the nationality and citizenship Act 1965 and its amendments;
- Enforce the diplomatic immunity and privileges Act and the official secret Act;
- Interpret and enforce the Refugee Act and the policy on business establishment, among others.

The Gambia Immigration Department (GID) is headed by a Director General, who not only serves as the overall administrator and supervisor of the department, but also acts as the key technical adviser to the Minister of Interior on immigration matters. He is assisted in the execution of his functions by the Deputy Director General. According to the 1965 Immigration Act, the power of appointment and termination of service of the DG and DDG lies with the President.

The overall strength of the department stands at 1,764, including 688 women (39%). It is assessed that the total strength does not correspond to the scope of responsibility and that the manpower is not equitably/strategically distributed among the units and the regions. A large majority of the personnel in the department is between 18-35 years.

The most cardinal functions of immigration include the facilitation of entry of bonafide (/regular) immigrants and the detection and apprehension of malafide (/irregular) travellers. The screening, vetting of applications and issuance of national documents such as identity cards and passports is facilitated by immigration officers. Immigration also serves as the lead agency in border security and management in conjunction with sister security forces. In addition the documentation and monitoring of foreigners residing in The Gambia is also a responsibility of the immigration

The current situation in terms of infrastructure is direly inadequate. Most of the immigration offices and border entry points are either not well structured or are being rented out to them. The Immigration Border Patrol Unit lacks the modern and specialised equipment to aptly execute their functions.

The few opportunities for training in specialized immigration expertise are supported by international partners such as Italy and Spain. The need for expertise training in Document security features, passenger profiling, document fraud detection, border security and management amongst others cannot be overemphasized.

During the consultations, it was alleged that Immigration Officials are equally culpable of corruption especially in relation to the issuance of national identity cards and passports to foreign nationals. Conversely, fraudulent feeder documents issued by customary and traditional authorities also contribute to the improper issuance of national documents. In addition, it came out during the consultations that some Gambians overpay for such documents, hence compromising due process. The free-of-charge laissez-passé, which is a control mechanism in the absence of a passport for ECOWAS nationals, is allegedly issued at a cost to

Gambians and other West Africans in some cases. In 2009, the Professional Standard Unit of the GID was established to address public complaints against any professional misconduct.

#### **4.1.6 Institutional Assessment Overview – State Intelligence Service (SIS) formerly NIA**

The 1997 Constitution places the intelligence body under the authority of the President. Under decree 95 (Decree Number 45), it is mandated to carry out the following functions:

- Secure and protect The Gambia and to safeguard the welfare and economic wellbeing of its citizens and foreigners living in the country against all internal and external threats. It executes these functions mainly by collection, processing and dissemination of intelligence to the various consumers and stakeholders;

Currently, there is a proposed bill in the making to transform the NIA to SIS, with the view to redefine its functions as well as its management and oversight.

The National Intelligence Agency (NIA) came into existence in the immediate aftermath of the 1994 coup d'état, when the military junta transformed its predecessor, the National Security Services (NSS), which was formed during the First Republic. The 1995 military decree 45, later incorporated into the 1997 Constitution, constituted the NIA. In January 2017, President Barrow made a policy pronouncement which renamed the agency as the State Intelligence Service (SIS). Since then, the outfit has been operating within the framework of absolute restraint, suspending all powers of, arrest, and detention pending the outcome of a

legal or a constitutional provision that would formally establish the SIS as a new institution. As of today, the SIS provides direct support to the National Security decision making process under the purview of the Office of the President which serves as the only oversight institution of the intelligence body.

The intelligence organisation is headed by a Director General, assisted by a Deputy Director General, who are both directly appointed by the President. There are a total of ten general directorates within the three main divisions, namely, Administration and Management Division, National Security Division, and External Security Division. The total strength is at 583, including 114 women (19.6%).

International and bilateral partners have already demonstrated their willingness to support the transformation of the intelligence service through both human and material resource capacity building. National security sector outfits as well as other public institutions have increased their openness and cooperation in information sharing as well as conflict prevention and management.

The Gambian intelligence operative, during the Jammeh regime, committed human rights abuses and had generally been perceived as unprofessional and an instrument of oppression by the political leadership. As a result, they were feared by the population including members of sister forces.

Recruitment was periodic without any policy. It was reported that recruitment and promotion in the NIA was often manipulated by the former President. . Basic intelligence training is provided in country at the training facility of the service in Banjul. More specialized trainings are provided nationally and abroad through technical cooperation with bilateral counterparts from Africa, Europe, Asia and the

Middle East. There still exist capacity gaps at individual levels of the operatives. Facilities for intelligence gathering and processing are not adequate resulting in coverage challenges at the national and international levels.

Since the arrival of President Barrow, the public mistrust for the intelligence body is diminishing due to on-going internal and operational reforms that have been put in place by the current leadership of the service.

#### **4.1.7 Institutional Assessment Overview – The Gambia Fire and Rescue Services**

It was equally established by an Act of parliament and mandated by The Fire and Rescue services Act to carry out the following functions:

- To save life;
- To prevent people's property from being destroyed by fire;
- To render humanitarian services;
- To help people in the protection of the environment;

Established in 1949, The Gambia Fire and Rescue Services (GFRS) is the premier emergency response department under the Ministry of Interior. The department is headed by a Chief Fire Officer, who is the technical adviser to the minister on public safety and emergency matters.

The Chief Fire Officer is assisted by a Deputy Chief Fire Officer, and a senior management team comprising Assistant Chief Fire Officers, Senior Divisional Fire Officers and Divisional Fire Officers in charge of the regional operations. The main components of the GFRS include Fire and Rescue operations, Sea Rescue stations, paramedics and Finance and administration.



The current strength of the GFRS is **1,380** personnel (that is 974 male and 406 female). The senior echelon includes one hundred Officers while the remaining (1280) are non-commissioned officers and other ranks.

The service is plagued with long standing shortage of basic equipment and tools like Fire tenders, Ambulances, Rescue Boats, firefighting equipment, Personnel Protective Equipment (PPE), Breathing Apparatus and other rescue gears.

The service is also faced with infrastructural and operational challenges such as inadequate hydrants, road congestions and obstructions, communication equipment, Command and utility vehicles, coverage expansion challenges (e.g. to cover CRR North and URR North amongst others).

The common occasions of inadequate response to emergencies, more so fire outbreaks, has led to accusations of ineffectiveness against the service by members of the public. This perception is mainly due to insufficient capacity to fight fires. .

#### **4.1.8 Institutional Assessment Overview – Drug Law Enforcement Agency, The Gambia**

Under its Section 15 (1), the Drug Control Act states the functions of the Agency thus;

To enforce, regulate, coordinate and control all matters relating to illicit drug trafficking and abuse in the country.

The Drug Law Enforcement Agency, The Gambia was established in the year 2005 as an autonomous security outfit pursuant to section 4 of the Drug Control Act 2003. The Agency underwent series of transformations and reforms before finally

being renamed Drug Law Enforcement Agency, The Gambia through an amendment of section 4 of the Drug Control Act (DCA) in 2014.

- The Agency has eight department with several units as per our revised structure; The Directorates includes; Operations, Administration, Finance and Logistics, Intelligence and International Cooperation, Demand Reduction & Public Affairs, Forensic Investigation, Legal Affairs and Technical.

The Director General (DG), who is appointed by the President as provided for by the Act, is the overall head of the Agency. He exercises general control and direction of the activities of the Agency. He is assisted by the Deputy Director General also appointed by the President. The DG reports directly to the Board and the Minister of Interior for governance and oversight. There is a Special Adviser to the Director General who advises on matters relating to operational and governance matters of the agency. The Special Advisor is also appointed by the President.

The total strength of DLEAG is 501 consisting of 406 male and 95 female (19%). It is composed of 75 officers (64 are male and 11 female). The Agency has three main departments namely the Child Welfare, Gender & Human Rights Unit, Central Command Centres and Regional Commands. The Agency has a recruitment policy but does not have a specific training school. The Agency has opportunity for overseas training through bilateral agreements with countries like Egypt, Turkey, UNODC and ECOWAS etc.

DLEAG is challenged with inadequate facilities, mobility, equipment, office space, among others. The general image of the Agency is perceived to be low owing to some of the corrupt practices of its personnel such as receiving bribes from

suspects, involving in drug trafficking, etc. Allegations of Agents conniving with drug peddlers were also made. However the Agency has in place a functional Professional Standard and Discipline Committee (PSDC). This committee is established by the Agency's Code of Conduct. The committee entertained complaint from the general public regarding staff misconduct including corruption cases. The result of this committee's investigation has led to the termination and dismissal of some staff

#### **4.1.9 Institutional Assessment Overview – The Gambia Prisons Services**

The Prisons Act was formulated on the 1<sup>st</sup> January 1954, relating to the custody, regulation and rehabilitation of Prisoners, with a mandate to execute the following functions:

- To maintain Prisoners Security and ensure their safe custody;
- To manage the infrastructure of Prisons;
- To develop Prison Officers professionally.
- To rehabilitate all types of prisoners.

Similar to other laws/Acts pertaining to other Services and Agencies the Prisons Act remains unchanged and does not match current realities. They also co-operate in the prevention of crimes through guidance and counseling for constructive change of convicts.

As per current structure, the Department is headed by a Director General who is assisted by a Director of Administration and two Deputy Directors- General responsible for Administration and Operations respectively. They are all appointed by the President.

The total strength of the Gambia Prisons staff is 927 out of which 505 are male and 442 female. Selection and recruitment is not based on any standard criteria.

All the existing structures of the prison department were built by the British over a century ago and were designed for few inmates at the time. Since then the population and crime have dramatically increased with substantial rise in the prison inmates, thus exceeding the capacity of the prisons as originally designed. .

This affected all the facilities and made inhabitation quite difficult. The integrity of Prisons service is tainted by reports of the involvement of Prison officers in the torture of inmates during the former regime. In general, there is a wide skill gap and deficiency due to lack of advanced training opportunities, funding and its former management's unwillingness to absorb University graduates and other highly skilled personnel. Ultimately, the service not only lacks the facilities to rehabilitate inmates but also the expertise to effectively and satisfactorily fulfil its mandate in that regard. There is a notable de-motivation of personnel due to general bad working conditions and lack of skills training as incentives.

#### **4.1.10 Ministry of Justice**

The Ministry of Justice is the parent body that carries out the management and or oversight responsibility of justice delivery. The main institution is the Judiciary, under which are the Courts in descending order of hierarchy:

- **Supreme Court**
- **Court of Appeal**
- **High Court**
- **Magistrate Courts**

- **Other Courts (Children’s court, District Tribunals, Rent Tribunals etc.)**

(Note: Though the district tribunals play a key role in justice delivery, they are administratively under the purview of the Ministry of lands and regional administration).

Another area of justice delivery which adjudicates issues of marriage, divorce, and inheritance in accordance to the Sharia laws of the Muslim communities in The Gambia are:

- **Cadi Appeals Court**
- **Cadi Court**

The Cadi courts have concurrent jurisdiction with the magistrate courts and Cadi Appeals court is the highest appellate court.

Questions about impartiality of the judiciary surfaced during the consultation. It was lamented that justice delivery process is slow partly due to lack of non-residence of magistrates and the limited number of Court houses in the regions. Corrupt practices were also been reported by the population against the Judiciary.

## **4.2 GENERAL FINDINGS**

This section in general examines and outlines the overarching deficits hampering the effectiveness of the security sectors. It must be noted that the consultations revealed several crosscutting issues at both the policy and structural levels:

- Absence of a National Security Policy delineating the roles and responsibilities of the different security institutions and articulating the overall security objectives of the Government;

- The constitutional provision on the composition of the National Security Council specifying the CDS, IGP and DG-SIS as members. However, there should be a constitutional provision to co-opt other security institution Heads if and when necessary.
- Absence of structures to support the National Security Council; for example the Armed Forces and Police Councils.
- Incomplete coverage of the National territory by the security forces;
- Inefficient use of both human and material resources and lack of prioritization of needs;
- Lack of policies within the various security institutions;
- Insufficient inter-agency coordination, information sharing and cooperation within the security sector as well as between the Justice delivery system and the security sector.
- Archaic legal and regulatory frameworks ;
- Unjustified appointment and unfair dismissal of security Chiefs, Senior as well as Junior officers during Jammeh's regime;
- Prevalence of acute capacity challenges (Knowledge, skills and Equipment);
- High attrition rate in the security and Justice sectors due to low salary, poor welfare and lack of motivation;
- Wide-spread indiscipline, corruption and patronage within the security institutions as well as low levels of accountability;
- Legacy of undue influence from within the security institutions as well as political interference of some stakeholders and lack of transparency in decision making processes thereby negatively impacting on the functioning of the sector.

- Lack of precision in capturing the security situation due to inefficient data collection, analysis and its management.
- Common public knowledge and denunciation of security personnel engaged in drug consumption and trafficking.
- Inadequate financial and budgetary support and the lack of planning and prioritization in the utilization of resources.
- Low remuneration and motivation makes the security sector less attractive to more skilful personnel.

### **4.3 LEGAL FRAMEWORK**

The current legal frameworks governing the Gambian security institutions are based on the 1997 constitution. The frameworks do not adequately address the current security and justice needs and were abrogated during the Jammeh regime. Ultimately, the rights of the citizens were violated and the effectiveness of the security and justice institutions were undermined. During the institutional consultation phase, the following observations were made:

- Gaps and deficits in the Gambian legal frameworks undermine the effectiveness of the institutions in the execution of their mandates. Inter-departmental cooperation and coordination has been inhibited by the fact that the former president was singlehandedly assigning roles to groups within some security institutions that are outside of their constitutional functions/duties. Generally, the current national and institutional legal frameworks require urgent review and updating.

- National and operational policies, as well as coordination mechanisms are either totally lacking or inadequate. This state of affairs does not allow for optimal interagency cooperation within the security sector.
- Inadequate synergy and complementarities among security institutions in meeting the security and justice needs of the people is also attributable to the challenge of legal framework gaps.

#### **4.4 SECURITY SECTOR BUDGET**

The Gambia is a tax-based economy with agriculture and tourism as the key sectors that contribute about 33% and 16% of the country's GDP respectively (UNDP Country Assessment Report, 2016). As of 2016, the GDP stands at 964.6 million USD. According to Ministry of Finance, The Gambia government allocates about 40% of its annual budget to Salaries, 40% on debt servicing and 20% is distributed among the other budget lines of various ministries and departments.

All institutions, including the security and justice sectors, submit their budgets to the Ministry of Finance through the various line ministries, Monthly cash allocations to the ministries and institutions are largely based on the collections made by GRA. In some instances, there exist huge differentials between the budget approved and the actual cash allocations. As a result some planned programs and activities for implementation are not executed.

As public servants, the security sector employees are paid according to the Government Integrated Pay Scale (GIPS), which ranges from Grade one (1) to Grade twelve (12) and above Grade twelve (12) is a special pay scale. A security employee starts from grade three (3), about D1400, which does not commensurate

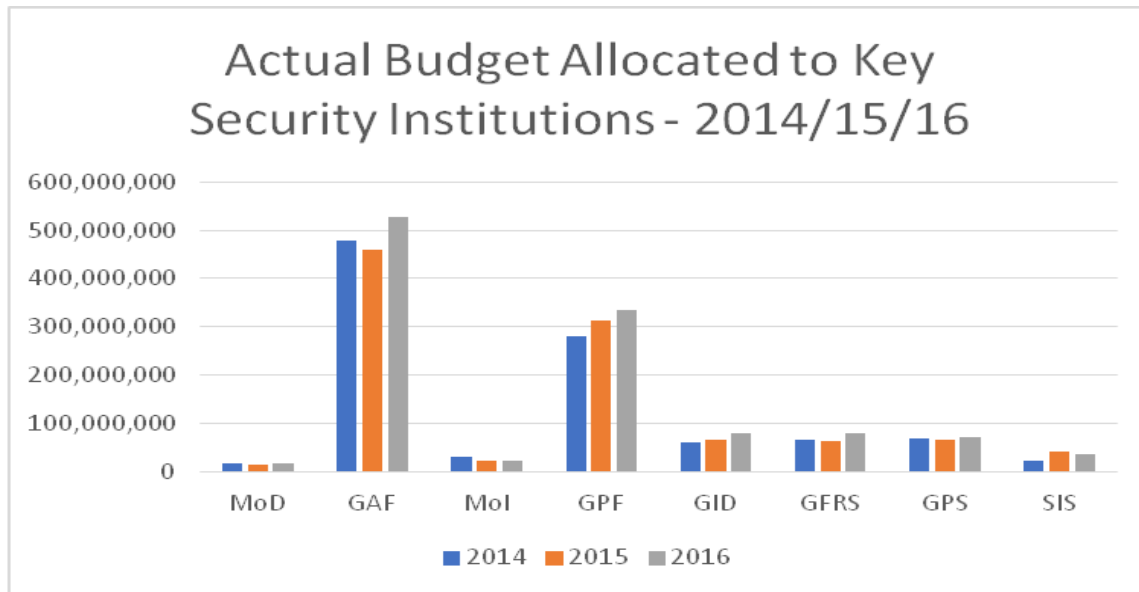


with the cost of living in The Gambia. This low salary scale does not just demotivate security sector employees but also encourage corruption. Recently, it led to a significant number of security personnel venturing into irregular migration to Europe.

Common amongst all security institutions is the inadequacy of finance and material resources. The institutional assessment shows insufficiencies in the areas of mobility, infrastructure, training/skill, operational equipment among others. In spite of the inadequate budget support, recruitment was conducted regularly over the years. There is also a lot of inefficiency in data collection and management.

To complement the limited budget provided by the State, the GAF and the Police forces have established a system of withdrawing 10 per cent of the mission subsistence allowance received from the UN by every officer deployed to peacekeeping missions.

Notwithstanding the inadequacy of the budgetary allocation to the security sector, it is assessed to be relatively too high for the economy to sustain. The Government's PER exercise currently being supported by the World Bank could provide answers to the level of financial outlay across the government with a view to determining affordability issues and inform decisions of the required size and structure of the ultimate security sector needed in The Gambia. Actual allocated funds for instance, to the key security institutions are shown below for 2014, 2015 and 2016:



#### 4.5 IDENTIFICATION OF SSR PARTNERS

The Gambia government has requested from its development partners to provide assistance with SSR, transitional justice, as well as general institutional reforms. In June 2017, the UN (UNDP, UNOWAS, and DPKO) started to provide technical advice at the strategic level to support the formulation of The Gambia Security Sector Reform Program, through the deployment of a senior SSR adviser. In October, the EU provided technical support through a DCAF (a Swiss foundation) expert. The US also added an SSR adviser in November 2017.

In mid-2017, the UN launched a project with OHCHR and UNDP to support developing a Transitional Justice strategy. The EU is also providing technical assistance for access to justice and legal education. In the same vein, the UK Government provided a senior strategic adviser to the Minister of Justice, who will assist the Ministry of Justice’s strategic plan covering constitutional, institutional and legal reforms.

The CSOs also continue to participate in both SSR and transitional justice processes.

At the request of the President's Office, the World Bank commenced a Public Expenditure Review (PER) of the Security Sector in July 2017. The PER is being conducted in two phases: in the first phase, an assessment will be made of public spending in the sector, including challenges with respect to existing public financial management processes and systems and the macro-economic impact of spending. In the second phase, and once the Government has identified SSR options in more detail, the PER will support a costing of reform options to ensure affordability and sustainability of the reform agenda.

#### **4.6 GOVERNANCE AND OVERSIGHT MECHANISMS OVERVIEW**

The National Security Council (NSC) and the select Committee on Defence and Security of the National Assembly were expected to play an oversight role over the security sector. However, they were severely constrained by the repressive measures of the Jammeh Regime. Consequently, whilst the select Committee on Defence and Security of the Gambian Parliament has been very dormant, the NSC merely performed an advisory role to the President. There is a constitutional provision for the creation of two specific oversight bodies for the police force and the GAF, called the Police Service Commission and Armed Forces Council respectively. These bodies have never been established. Among others, the existence of oversight institutions as provided for in the constitution would have contributed to ensure fairness in the treatment of personnel (e.g. promotions) as well as to monitor the activities of the security institutions to ensure that they remain within the limits of the legal framework.

Civil society organizations, the media and other key stakeholders, including the general public, have had little or no opportunity to objectively raise new ideas, comments or even criticisms regarding the management and operations of the security sector. Their expected contributions and influence towards the system of checks and balances for the security and justice sector was suppressed. It is worth noting that DLEAG is the only Law Enforcement Institution in the Gambia that appeared before the PAC/PEC of the National Assembly for scrutiny on yearly bases. The PAC/PEC scrutinized annual activity and financial report as well as the audited accounts. These accounts are audited by the Auditor General Department every year

The Ministry of Defence, also conceived as governance and oversight institution for the GAF has never been able to perform its role of formulating and supervising the implementation of defence policies and budgets. In addition to political interference, the ministry lacked the required manpower to effectively perform the above functions. It merely fulfilled the limited function of drafting and receiving correspondence and serving as a link between the GAF and the President who doubles as the Minister of Defence.

While there are provisions for GPF and GAF to have their own oversight bodies in addition to the general oversight bodies, there is no provision for the rest of the security institutions to have their own specific oversight bodies. Notwithstanding, the DLEAG has a functional Board of Governors which is chaired by a civilian and also includes a representative of the private sector. The board has oversight control over the activities of the Agency including recruitment and promotions.

## CHAPTER FIVE

### **5 CONCLUSIONS AND RECOMMENDATIONS**

#### **Reform Needs to Enhance Integration, Effectiveness and Accountability – Options for SSR Support Activities and Entry Points**

The foregone assessments of the security sector institutions exposes a myriad of deficits that need to be addressed in order to establish the necessary frameworks including the overarching, governance and oversight issues to integrate the sector into a cohesive team and enhance the sector's effectiveness and accountability. These deficits have been captured under the following categories for the broader reform options and entry points necessary to eventually transform The Gambia's security sector:

#### **5.1 The Overarching Frameworks**

Probably the most critical deficits that perpetuated the malfunctions of the Gambian security sector was the absence almost completely of overarching policies which describes the security institutions beyond the Constitutional provisions. No holistic assessment exist of the sector or the individual institutions to gauge the capability against the needs to make them responsive to the security and justice needs of the state and people. There is also no National Security Policy and/or Strategy to provide the necessary guide to the security institutions to develop their own individual institutional policies. Alongside the absence of such policy frameworks governing the sector, is also the absence of the overarching architecture that integrate the system and provide for its command and coordination outside of the National Security Council.

It is noteworthy that the Government has assessed the need for this and is on the verge of establishing a basic architecture on which a more comprehensive structure could be built in due course. It is critical that this effort be supported to ensure that the structure is established and operationalized for proper coordination, command and control of the sector.

It is **recommended** that the following overarching activities be the objectives for change in the immediate short term to medium term:

- ✓ *Develop a National Security Policy and its associated Strategies; Such a policy should underpin the centrality of subordinating the security security under democratic civilian governance/control and mainstreaming respect for Human rights across the sector.*
- ✓ *Establish a basic national security architecture to provide for the command, control and communication, as well as its governance and oversight of the security sector at the national, regional and district levels.*
- ✓ *Establish a Standing Operating Policy for the interoperability of the security sector in times of national emergencies, including natural disasters;*
- ✓ *Develop a policy to regulate military support of the civilian authority in peace times to prevent misuse especially against the civilian population, as well as their involvement in partisan politics.*
- ✓ *Seek technical assistance to support the review of the national legal frameworks.*
- ✓ *The Relevant Line Ministries to initiate the development of appropriate legal frameworks (Drafting Instructions) that may be required as a result of the emerging changes in the security institutions they oversee. E.g Ministry of Interior formalizing the oversight and governance structures of Police,*

*Prisons, Immigration Councils etc; including such other mechanisms as Police Complaints Boards etc*

## **5.2 Specific Reform Activities relating to the Individual Institutions**

Common to all security services is the lack of institutional policies. While the absence of such a policy at the national level may have influenced this common problem, it has also been contributing to the mismanagement and maladministration of the institutions. Policies to do with recruitment, training, career development, promotion, were either inadequate or non-existent. The personnel turmoil created by perpetual sackings was not only a key factor in degrading institutional memory but also contributed to the inconsistencies in the practices of the various managements.

Efforts should be made to quickly follow on from the development of a National Security Policy, to support the key security sector institutions to develop their institutional policies reflecting The New Gambia's principles of good governance and accountability of the sector, amongst other things. Associated policies could quickly follow to provide guidance on the management and administration of the sectors.

It is recommended that the individual institutions monitor the development of the National Security Policy with a view to carrying out the following in the short term:

- *Develop institutional policies, example, the Defense Policy;*
- *Seek technical assistance to establish individual Table of organization and equipment (TOE) for the institutions based on the more detailed findings on*

*affordability and sustainability of the new security architecture that may be required to meet the security and justice needs of The Gambia. The TOE prescribes the organizational structure, personnel, equipment and requirements based on their mandate;*

- *In view of the above, it is critical that a full-scale and detailed audit be conducted across the security sector institutions, especially the primary forces, with a view to establishing their status relating to ranks, qualification, age, service and pay scale etc.; critically the audit should be within the framework of right-sizing the security institutions to sustainable levels as well as providing the necessary data for future training needs with a view to enhance efficiency, transparency and accountability with respect to public spending in the sector.*
- ✓ *The concern authorities should regulate the visibility of the army in public*
- ✓ *The limited Police Duties of the Republican National Guards to be revoked*
- *Update/Develop personnel Policy (Policies for Recruitment, Training, Retention, Promotion and Retirement)*
- *Formulate a basic literacy standard for recruits and support staff of the security services.*
- *Develop a Standing National Doctrine for the management of national emergencies, spelling out the roles and responsibilities of the various security outfits as well as other relevant actors;*



- ✓ *Government to establish a National Service scheme targetting the youth (18-35years) with a view to inculcating discipline, nationalism, and engender skills acquisition including time management etc before employment*
- ✓ *Decentralise skills training facilities to minimize rural urban migration among youth as well as provide equal opportunities for all*
- ✓ *There is the need to provide for the training and capacity building of Municipal Council police to complement the function of the law enforcement agencies within the populated urban centres*
- ✓ *Continue supporting the assessment of the justice sector through auditing of the functioning of courts through the Judicial Services Council and the capacity of existing staff and identification of training needs.*
- ✓ *Actively seek support to strengthen the School of Law to include infrastructure, equipment, library, management capacity, training programs (initial training, specialised training) methods and material, training of instructors and definition of their status*
- ✓ *Seek support to improve general access to Justice. As Gambia has a pluralistic legal system, attention should also be given to supporting those who mainly make recourse to customary legal systems particularly women and children*
- ✓ *Consider attaching trained Ooderlies (under police overall supervision) to Office of chiefs*

### **5.3 Reform Activates to Enable the Civilian Management and Oversight Bodies**

The visible low level of professionalism of the security sector during the Second Republic is partly attributable to either the absence or ineffectiveness of the management/oversight mechanisms due to the lack of the necessary political will to enhance democratic control over the security sector. Exceptionally, however, the Office of the Ombudsman scored some successes in reversing a few unfair treatments of service personnel. This lack of oversight functions appeared to have been deliberate on the part of the regime, which according to the National Assembly, saw the select committee on Defence and Security becoming very docile as the security sector was viewed as a sensitive no go area. With a new dispensation, it will be essential to build the capacity of the National Assembly members to enable them perform their oversight functions effectively in the greater context of checks and balances of power. Incremental induction courses could be arranged with specialized SSR technical support on oversight mixed with a more practical study-tour type exposure in the sub-region and beyond.

It is recommended that in order to enhance civilian management and oversights of the security sector, the following activities need to be undertaken in the short term and built on in due course:

- ✓ *Restructure the Ministries of Defence and Interior to reflect a full-scale management structure with both civilian and security complements. In this regard, consideration should be given to divorcing the function of Commander-in-Chief of the Armed Forces from the full-time and dedicated Minister of Defence; In similar vein, there is the need to expand the political*

*leadership structure of the Ministry of Interior to enhance its effectiveness and reflect the diverse security services it oversees and control;*

- ✓ *Establish and empower the Councils that support executive decisions for their management; e.g. the Defence Council, the Police Council, the Prisons Council, etc.; These need to be properly established including their roles and responsibilities and their relationships with lower or subordinate Management Boards of the institutions*
- ✓ *Establish and capacitate the Office of the National Security Adviser on its coordinating functions of the security sector in general and supporting the functions of the National Security Council (NSC) in particular. Seek for support in the planning and implementing of focused training sessions to capacitate key oversight bodies including the National Assembly (Defence and Security Committee in particular), The Judiciary, Civil Society Organisations, the Office of the Ombudsman, etc. in order to enhance their effectiveness, consistently, in governing and overseeing the activities of the security sector;*
- ✓ *Incorporate necessary legislation in the legal frameworks being developed to ensure accountability and control measures especially against intrusive operations by law enforcement and intelligence institutions;*
- ✓ *District authorities (Chiefs) should be voted for, rather than be appointed in order to enhance their independence and tenure and strengthen their legitimacy and integrity of their envisaged role in the oversight mechanisms of the emerging decentralised security architecture.*

#### **5.4 Addressing post-authoritarian legacies to enhance reforms**

A typical characteristic of a post-conflict or post-authoritarian environment is that the incoming regime inherits large quantities of arms, ammunition and explosives, properly stored or not and even loosely held in unauthorised hands meant to entrench the former regime. This kind of a situation is almost always accompanied by challenges of safe and secure storage and management of a dangerous mix of ordinances. Hence the need for appropriate storage facilities and management systems as well as the ratification of relevant international treaties and conventions... Widespread rumours of some proliferation of small arms in the aftermath of the political impasse have been difficult to verify. Nonetheless, in a sub-region where the proliferation of small arms is a prevalent challenge, it cannot be ruled out that some of the close associates of the former Head of State may have some either in their possession or within easy reach.

Also, characteristic of such post-authoritarian environment is the need for *Transitional Justice* to redress the obvious legacies of human rights abuses. Government has already embarked on this with the support of bilateral and multilateral partners. It would be helpful if the synergy between the Transitional Justice project and the security sector reform effort is enhanced. A government-led joint Coordination committee could be set up for this, probably on the basis of the two Steering Committees now guiding the efforts separately.

It is recommended that the following activities be carried out in the short term to enhance security sector reforms:

- *Government to mobilize resources to ensure proper storage and management of arms and ammunition in line with international best practices. This may be preceded by a verification and/or recovery exercise.*
- *Government to seek dedicated support to address appropriate and innovative pre-retirement schemes and reintegration/reinsertion programmes for those personnel who may be affected.*
- *Support the national transitional justice process, both in the definition of the approach and in its implementation. It is important to manage the high expectations of the public regarding the impact of the process.*

## **5.5 Reform imperatives to address cross-cutting Perennial Challenges**

Throughout the assessment, especially during the focused group discussions, it became evident that the issues relating to vulnerable groups receive much less attention than they deserve. The Technical Working Group dedicated time on focused group sessions to delve into these concerns where it became evident, in the regional consultations, that women, for instance, stood not much chance to close the inequality gap in virtually every sphere of communal life. In this regard, there were requests for large scale and sustained sensitization across the country targeting both the community and religious leaders to facilitate quicker understanding and acceptance of the need to invest in the cause of gender advancement.

It is therefore recommended that:

- ❖ *Government urges the security institutions to include a reasonable percentage of women in the subsequent phases of the security sector reform process to provide the opportunity for women's views and concerns to be incorporated in the planning, design and development of security sector reform programmes and projects.*
- ❖ *The National Security Policy to establish directives for equal opportunities to be extended to both men and women in the recruitment, training, career development and promotion based on merit;*
- ❖ *The NSP to incorporate provisions that respond to the different rights, perspectives and needs of women, girls, men and boys – and in particular provide effective human rights protection, including protection from and response to sexual and gender-based violence (SGBV); that such provisions be reflected and practised within the individual institutions; Give less prominence to the idea of tribal politics in the media and political discourse in general*
- ❖ *No political dispensation should be allowed to use the Armed and security services to further tribal hegemony and partisan interest*