

1.2 Summary of the Action

When former Gambian President Yahya Jammeh went into exile on 21 January 2017, he left behind a 22-year legacy of grave human rights abuses. In response, a holistic transitional justice and reform agenda has been implemented by the Government since January 2017 to overcome past violations, divisions, and inequalities and to create conditions for both security and democratic and socio-economic transformation. The Action will contribute to enhancing The Gambia's democratic transition and focus on the first MIP priority area, namely, promoting good governance. The Action will aim at three specific objectives: (i) Constitution and legislation better provide for checks and balances, protect human rights and fundamental freedoms including rights of minorities and the most vulnerable. (ii) enhanced the ongoing transitional justice process, rule of law and human rights and (iii) strengthened effectiveness of local governance structures.

The first specific objective seeks to address the lack of the prerequisite constitutional and legal basis on which the new governance model of the country will operate. Building on the work of the Constitutional Review Commission (CRC), which submitted a draft Constitution to the President in December 2019, as well as the Commission of Inquiry into the Financial Activities of Public Bodies, Enterprises and Offices, this component will enhance the capacities of the Government, National Assembly and all stakeholders to form consensus around the introduction of a new Constitution or specific constitutional provisions, as well as other critical governance legislation, such as the Criminal Code. Beyond this component's focus on improving the normative governance framework, it will also enhance institutional capacities of oversight governance institutions to be more transparent, accountable, and responsive, as well as support the capacity of civil society to demand for better efficiency of these institutions.

The second specific objective will also build on the work of the transitional justice process thus far, focused on the implementation of the recommendations by the Truth, Reconciliation and Reparations Commission (TRRC) and, thereby, promote human rights, the rule of law and justice. Whilst the TRRC's final recommendations are vast in nature, the implementation of most of them rests on the rule of law, justice, and security sector, all of which currently require substantial technical and financial investment. Noting the central role played by security forces in committing several of the human rights violations addressed in the TRRC Final Report, this component of the Action is designed to complement existing EU interventions on the security sector reform process. A central feature of this component in accompanying the Government and all stakeholders on the implementation phase of the TRRC recommendations will be the application of an inclusive, participatory, and victim-centred approach.

The third specific objective acknowledges that the democratic and socio-economic transformation of The Gambia rests on the country's local governance and decentralization systems, which continue to barely operate due to inadequate technical and financial investments and capacities. This component will start with a comprehensive needs assessment and corresponding capacity development strategy and plan targeting specific communities. Once identified, local authorities governing the most vulnerable communities would be provided technical and financial support to enhance their ability to deliver essential, basic public services. Under this component, the review of the legislative framework underpinning local governance and decentralization would also be supported to strengthen the normative framework.

Overall, this Action provides a broad response to the people of The Gambia's aspirations for a transparent, accountable, and responsive transition to democracy. Increasing citizen engagement and, in particular, the active participation of women and youth is an important focus, including the Gambian diaspora considering its substantial technical and financial contributions to good governance and national development.

2 RATIONALE

2.1 Context

The Gambia is one of the smallest countries in mainland Africa. It is divided into five rural regions and two urban municipalities. The current population density is 125 per km – one of the top five highest in Africa, with a modest economy that relies primarily on tourism, rainfed agriculture, and remittances, making it vulnerable to external shocks.