**THE GAMBIA *vs*. THE BRITISH COMMONWEALTH: A SOURED RELATIONSHIP**

 **Abstract**

The paper explains the withdrawal of The Gambia from the Commonwealth against the backdrop of developments in Southern Rhodesia[[1]](#footnote-1)during the unilateral declaration of independence (U.D.I.) era. It highlights how Britain reacted to affronts to rule of law, democracy, and human rights violation during U.D.I, while Africans were dispossessed and disenfranchised. Besides, the Southern Rhodesian 1923, 1961, and 1965 constitutions exacerbated the desolation of Africans by intensifying colonialism and racism. The O.A.U., The Government of Jamaica, and the United Nations were of assistance to Africans in Southern Rhodesia, during the siege, as the Commonwealth remained aloof in the face of racially motivated civil liberties abridgement. Against backgrounds of this nature, the present Gambian administration views Britain with caution when The Foreign Office announced an unprovoked travel ban on the country. While the Commonwealth has no direct meaningful impact on the lives of ordinary Gambians as its neo-colonial policies and British interests dovetail, the government considered it imperative to resign its membership.

Key words: Colonial rule, Commonwealth, Rhodesia-Zimbabwe, The Gambia.

**INTRODUCTION**

 “The Government has withdrawn its membership of the British Commonwealth and has decided that The Gambia will never be a member of any neo-colonial institution and will never be a party to any institution that represents an extension of colonialism,” (Hirsch 2013). The Gambia State House press release did not surprise those keeping track of developments in the country,[[2]](#footnote-2) but not the Commonwealth Secretariat.

The Commonwealth is an association of independent states straddling all continents whose origin dates back to the defunct British Empire. The organization had no deed at its inception rather; it has been regulating its activities with issued regulations, which very recently include the Commonwealth Charter (2013).[[3]](#footnote-3) These documents encapsulate the values that unite member countries namely: Democracy, Human Rights, and the Rule of Law. Various independent ex-British colonies joined the fold at various times after their independence. However, in 1995 and 2009, Mozambique and Rwanda gained admission as members, countries with no former colonial ties with Britain.

The Queen of England heads the association, while the Secretary General, a nominee of the Commonwealth leaders runs the Secretariat as the Chief Executive. “The Commonwealth is a badge of honour, an acknowledgement that their admittance by the other members of the association bestows upon them acceptance that they are committed to the broad ideals of peace, democracy, the rule of law, liberty, human rights and progress not only in their own countries, but also in the rest of the world.”[[4]](#footnote-4)It is like a family that exerts constant kinfolk discipline on member states. Instances of such pressure include the suspension of Nigeria on November 11, 1995 to May 29, 1999 for human rights related matters. Pakistan was first suspended for staging a successful coup, and once again in November 2007 for declaring a state of emergency. She later resigned her membership on January 30, 1972 in protest of the Commonwealth’s recognition of breakaway Bangladesh, but returned on August 2, 1989.[[5]](#footnote-5) While in 1961, South Africa withdrew its membership over Apartheid related concerns but later returned in 1994.

The unprecedented Gambian proclamation took member states unawares as none has hitherto voluntarily renounced its membership. The Gambia’s chequered relationship with the British authorities commenced when the present President Yaya Jammeh led a bloodless coup, on July 22, 1994, ousting President Jawara from office, after ruling the country for three decades. On November 23, 1994, The British Foreign and Commonwealth Office unilaterally announced its third travel ban on the country.[[6]](#footnote-6)The pronouncement would become an integral component of the accumulated grievances the government harboured against Britain and the Commonwealth.[[7]](#footnote-7)

Within a week after the travel advice, virtually all major hotels were devoid of guests, resulting in massive unemployment of seasonal workers comprising of taxi drivers, hawkers, artisans and artists, brewers, market gardeners, etc. who suffered irretrievable loss of income, a consequence of the travel advice apparently designed to discredit and stifle the new military administration. Government equally suffered due to reduced earnings from airport departure tax and import duties. Virtually all the flights that transport tourists to the country are chartered flights. On their subsequent return trips, they often convey tropical fruits and vegetables and some flowers to various European destinations. Nationals of other European countries complied with the travel advice. As the change of government was peaceful, it has remained unclear on what premise the Foreign Office based its assessment as the announcement portrayed the country as a potential war zone hence tourists took precautionary measures. “Conversely, The Gambian government asserted that the travel advice was a politically motivated decision aimed at mounting pressure on the new dispensation, a view also shared by many national (including The Gambia Hotel Association), non-governmental and international organizations within the country,” (see Sharpley, et. al. 1996).[[8]](#footnote-8)

There appears to be no dichotomy between British interests as a nation and those of the Commonwealth, a consternation member countries and the Gambian leader in particular have been tolerating; a cautiously crafted anomaly to enhance Britain’s postcolonial agenda. Developments indicate that the Commonwealth is an association of unequal partners who are fantasizing equality.[[9]](#footnote-9) Events in Southern Rhodesia (Zimbabwe) awfully spiced with unsavoury racial connotation particularly during the Unilateral Declaration of Independence (U.D.I.) era are an attestation.

Intrinsically this write-up is not directly concerned with the Southern Rhodesian state of affairs; rather, it examines it within the context of the prevailing situation in contemporary Gambia. This approach will unveil Britain’s age long turncoat diplomacy that eventually marred its relationship with The Gambia. In addition, some critics of African leaders, particularly those of President Jammeh of The Gambia and Prime Minister Mugabe of Zimbabwe, in the obsession with western ideals which in some cases contradict African values, are harsh while they know virtually nothing of the historical antecedents to problems and issues they claim to analyze.

Some experts, most of whom not grounded in the history of British colonial activities in Africa, have started advancing opinions on the issue. However, the specific factors that motivated the exit will be open to speculation for a long time, as various superficial analyses that followed the unilateral severance of ties has shown. Nevertheless, an official of the Gambian Foreign Ministry has been widely quoted in foreign newspapers as saying that the disagreement concerns a Commonwealth backed a proposal by a human rights organization in 2012,[[10]](#footnote-10) concerning the creation of a commission on human rights, press freedom, and corruption in government circles in Banjul. These grave allegations are worth examining in view of the stance the Gambian leader often maintains in international affairs. Therefore, understanding certain historical antecedents illuminated situations already made murky by the passage of time and it will bridge the chasm between contemporary Gambian affairs and erstwhile events elsewhere in Africa.

**ZIMBABWE EXPERIENCE WITH THE COMMONWEALTH**

Among African Commonwealth members that have encountered misunderstandings with the association, the Zimbabwean case is the most challenging. It is demanding because in contrast to what obtained in most African countries that literally attained independence on a platter of gold, the intransigence of a white minority regime, resulted in blood-spattered conflicts between African nationalist forces and the Southern Rhodesian Armed Forces. The protracted insurgency claimed a conservative estimate of fifty thousand lives, before ushering in black majority rule in 1980. Undisputedly one of the greatest challenges the Commonwealth has grappled with is Southern Rhodesia unilateral declaration of independence U.D.I. During the incident, four British African colonies had not attained self-governing status. These were Northern Rhodesia, Southern Rhodesia, Bechuanaland, and Nyasaland. In July 1964, Nyasaland gained its independence as Malawi while in October 1964 Northern Rhodesia became Zambia. Bechuanaland attained the status in 1966 as Botswana.

 To fathom developments in Zimbabwe, especially U.D.I., an appreciable understanding of the country’s colonial history, which is the bane of its row with Britain, is indispensable. The rift revolves around land ownership. In October 1830, Cecil Rhodes received a royal charter of incorporation establishing the British South African Company (B.S.A.C.) authorizing the company to possess and retain the benefits of the treaties he had already entered into with African Kings. He was also empowered to govern and ensure public order. With the assistance of the British Expeditionary Force, between 1890 and 1920, British settlers who constituted about 1% of the population, confiscated more than 75% of the best arable land (39 million hectares of land), while 99% African population, under duress, was confined to less than 24% of the land, the agriculturally least productive parts of the country. During the land seizure bonanza, the British settlers confiscated more than 250,000 heads of cattle. Africans (the first Chimurenga[[11]](#footnote-11) war of 1897) fiercely resisted the inauguration of the B.S.A.C. government. The next concerted action in opposing white domination commenced on April 28, 1966 (the second Chimurenga war); both efforts classed the protracted Zimbabwean liberation struggle among the bloodiest in African colonial history. It is therefore not surprising that the rancorous struggle launched by the descendants of the disposed Africans has been land based.

The Privy Council in 1918 complicated the crisis by ruling that all land unalienated is the property of the British Crown, not that of B.S.A.C. The Lords solidified their claim on the assumption that African lands were *Terre Nullius*.[[12]](#footnote-12) They concluded that, “whoever now owns the unalienated lands, the natives do not.” “The decision that set a precedent for justifying land expropriations from indigenous communities in various parts of the British Empire shows the critical role played by the judiciary in the interpretation and enforcement of land expropriation rights. The legislature weighed in with new laws to legalize expropriation of more land,” (Magaisa 2010:4).

 At the expiration of the royal mandate granted B.S.A.C. in 1922, Britain organized a referendum to ascertain whether Southern Rhodesia should merge with the Union of South Africa or maintain direct links with London as a Crown Colony enjoying what was euphemistically referred to as ‘responsible government.’ During the said referendum, only 60 out of a population of one million blacks were eligible voters. The result was 8,774 to 5,989 votes against joining South Africa. Hence, the Colony of Southern Rhodesia came into being in October 1923 with the 1923 constitution that effectively disenfranchises Africans by its property and literacy clauses. In 1953, for example, only 450 Africans had the vote and besides, none was ever a member of parliament throughout the lifespan of the 1923 constitution.

Contrary to popular impression, the 1923 constitution did not grant Southern Rhodesia full internal self-government. The British government and its parliament retained elaborate rights that included powers of ‘disallowance and reservation.’ “A bill concerning situations whereby Africans are to submit to, or made liable for any conditions, disabilities, or restrictions to which persons of European descent are not also subjected or made liable, requires the signification of His Majesty,” (U.N. Publication 1975: 5-6). However, the failure of the United Kingdom to exercise these powers resulted in the passing of the Land Appropriation Act of 1930 and the Land Tenure Act (1969)that consolidated colour bar in the colony by designating half of the country as European area. Such tacit passivity enabled the illegal regime of Southern Rhodesia to assume later on that a tacit understanding was in place, restraining the British Government from interfering in its internal affairs.

**THE ILL-FATED FEDERATION OF CENTRAL AFRICA**

 To demonstrate the implicit connivance of Britain with the white minority regime, on September 3, 1953, the British Government established the Central African Federation of Rhodesia and Nyasaland through merging the territories of Northern Rhodesia, Nyasaland, with Southern Rhodesia. The intension was ostensibly to counteract the Boer hegemony in South Africa and to accelerate the economic development of the constituent countries. White businesspersons approved of the idea as it would expand their economic base and ultimately increase profits. Besides, it would also weaken the control of the Colonial Office, over the internal affairs of Southern Rhodesia. However, some were initially opposed to the move on the ground that it will fortify black political power, as the ratio of blacks to whites will increase. Their fears tallied with that of Lord Monckton, who headed an inquiry set up in 1960 to examine the proposed federal structure and concluded that the federation could not survive if not amended adequately to make it acceptable to the indigenes of the constituent colonies. However, the whites sanctioned it by 25,570 votes to 14,750 in a referendum as it would avail them unfettered access to the mineral deposits of the neighbouring states. Other than the 429 who had the vote, there was no consultation with the 2.4 million Africans, (see Reginald 1975:72). From its inception, African leaders vehemently opposed the formation of the federation as they dreaded the spread of Apartheid policies to their countries. The combined nationalist activities eventually contributed to its collapse ten years later.

Creed Mushimbo succinctly explains that the purported Federation of Central Africa was composed of unequal partners. It comprised of fourteen white representatives from Southern Rhodesia, eight from Northern Rhodesia, and four from Nyasaland. Six figurehead Africans and three Europeans were responsible for African affairs. Also appointed was a separate Secretary General answerable to the British Government administered Northern Rhodesia and Nyasaland. Mushimbo further give details that in 1957, Britain made concessions to the federal government by reducing the proportionate influence of African representatives and its own powers in the federal arrangement. By 1964, Southern Rhodesia the senior partner had already dispensed over 70% of the invested capital in the Federation. The federation financed the massive hydroelectric powerhouse, Kariba Dam and The University of Rhodesia and Nyasaland in Southern Rhodesia. Prior to the formation of the federation, Southern Rhodesia was in debt to the tune of £88 million, a liability the federation inherited. Northern Rhodesia contributed the lion’s share of the federation budget to the tune of £75 million annually from copper and other exports, while Southern Rhodesia contributed £18 million from tobacco exports. It is the discovery of copper in Northern Rhodesia in 1928 that partly motivated the white minority government, in connivance with their kith and kin in Britain to advance the idea of a federation.

When the arrangement eventually collapsed at the Victoria Falls Conference on December 31, 1963, Southern Rhodesia had already waxed stronger at the expense of the other partners besides, the entire federal military command and its accessories completely relocated to Southern Rhodesia. Moreover, the strained relations between the two races did not improve in any perceptible way despite the partnership. Creed Mushimbo further clarifies that “for the first time since the Suez Crisis of 1957, Britain vetoed a Security Council resolution on September 13, 1963 requesting it, ‘not to transfer to its ‘Colony of Southern Rhodesia’ the powers and attributes of sovereignty, especially the control and operation of military forces and arms, until the establishment of a truly representative government.” (2005:52). The United Nations entertained fears over the deployment of the formidable war arsenal in suppressing nationalist movements. The British Permanent Representative at the United Nations, Patrick Dean, allayed the fears as “irrelevant, untrue, and wildest flights of the imagination,” (Reginald 1975:53). Eventually Southern Rhodesia’s army was propped by South Africa, to become an operative weapon against African freedom movements in Southern Rhodesia and even beyond in the Frontline states. The entire federation arrangement capacitated Rhodesia to have unrestrained access to the mineral deposits in Northern Rhodesia to the advantage of British manufacturing companies, a state of affairs African nationalists branded as colonial plunder. Besides, it equally fortified the white settlers against any potential military showdown with Africans.

 Having assisted the white settlers in undermining African political power in the war of liberation and the revolts in 1896-97, Britain ensured the eventual transfer of power to the settlers after fortifying the regime, (Reginald 1975:29). By the end of 1898, the future structure of government was intact, the major institutions, instruments of administration, and legislative policies, etc. The representative principle was in place through the creation of a Legislative Council. With a minority of elected members to constitute a Legislative Council with no executive responsibilities, the first step towards ‘responsible government’ was in place. A franchise couched in non-discriminatory language, but with property and monetary qualifications and the additional requirement of literacy that will exclude the majority of Africans was also in position. A Native Affairs Department responsible for government relations with Africans was equally established. In urban areas, laws governing municipalities, and legislation providing for the control of Africans in such areas were ready. The Reserve system in its design catered for land ownership. All the machinations empowered Britain with complete control of legislation: indeed the major legislative measures providing the framework for future administration and policy were operational by Order in Council and High Commissioner’s Proclamation. These provisions were in place since Britain had decided that Southern Rhodesia should tow the path set by South Africa and would eventually become part of a white self-governing South African federation, a colony of settlement,[[13]](#footnote-13) (Reginald 1972:29; Palley 1966:155).

 Austin Reginald further posits that a question that readily comes to mind is how the settlers could and their successors regard themselves superior to the African civilization they confronted and indulge themselves in obvious dishonesty and brutality. “Part of the answer,” he reasoned, “may lie in the nineteenth-century spirit of European adventure, part in the very strong feelings of racial supremacy. Throughout the history of the settler occupation, it has been possible for whites to impose this humiliation upon blacks, apparently with pride, and certainly without regret,” (1975:28).

**THE 1961 CONSTITUTION**

Reginald summarized white consolidation of power thus:Being in charge of land through unequal tenure and allocation, and contrary to forming a truly representative government, the whites controlled the executive, legislative, and judicial arms of government with the African majority being responsible to a white electorate. Europeans equally control the power of labour by ensuring monopoly of skills through restricting training and education to whites, combined with control and over bargaining power through trade union legislation that discriminated against the organization of black workers. Lastly, structures were in place to guarantee the retention of political power (referred to as 'responsible') by white Rhodesian politicians, (1975:30).

In 1961, Britain and the Government of Southern Rhodesia formulated a new constitutional arrangement when it was evident that the Federation of Central Africa will not stand the test of time. Section III of the constitution still vests the British Government the power to have significant control over relevant sectors of the economy. African nationalists rejected the deal, as they are accustomed to European gimmicks of reforms that subsequently unleash totalitarian measures that include denial of the habeas corpus, extrajudicial executions, and the banning of political parties. Their denunciation was on the following grounds:

 As they expected considerable improvement in their civil liberties status, rather than living on European benevolence, the collapse of the Federation of Central Africa became a haunting lesson throughout the liberation struggle, a testimony that fortified their resolve not to take European promises for granted. The new arrangement enabled Europeans to determine the will of Africans and their will to determine the interests of Africans. The constitution that retained power absolutely in the hands of Europeans made franchise requirements for Africans much stiffer with higher literacy and economic requirements. The constitution empowered Africans with only five out of sixty-five seats in parliament and to crown it all, all the draconian discriminatory laws remained intact. The rejection of the scheme was on the ground that it catered for the economic well being of settlers at the expense of African political and social interests. During the entire process of constitutional drafting and deliberations, neither Britain nor Southern Rhodesia sought the opinions of Africans. At the eleventh hour, they expect them to sanction rather than debate its provisions, (Reginald 1975:76-77).[[14]](#footnote-14)

The outright rejection of the racial constitution intensified African nationalist activities. In response to which, on attaining power in a general election, the Rhodesian Front[[15]](#footnote-15) commenced advancing objectives of securing an independent white governed Southern Rhodesia. Between 1963 and 1965, talks between the British and Southern Rhodesian Governments concluded that certain conditions, (The Five Principles) should be met, conditions that would eventually form the preconditions for subsequent talks for the attainment of independence, (Reginald 1975:95-96).[[16]](#footnote-16) Ultimately, superficial disagreement between the Rhodesian Front and Britain over the implementation of the principles resulted in a stalemate that prompted Ian Smith, the colony’s Prime Minister to terminate British rule with effect from November 11, 1965 (See U.N. Publication 1975:8).[[17]](#footnote-17)

On November 16, 1965, The British parliament reacted by passing the Southern Rhodesian Act of 1965 ascertaining Britain’s continued responsibility for the colony. In addition, the Governor of the colony Sir Humphrey Gibbs had already dismissed the Government of Ian Smith and Parliament from office.[[18]](#footnote-18) However, Smith and his cabinet remained in office defiantly. All legislative and administrative actions of the Southern Rhodesian Government became invalid by the British action. However, Smith insisted that the 1965 U.D.I constitution had superseded that of 1961, (Mkwentla 2001:13).

A lawsuit involving *Stella Madzimbamuto v. Lardner Burke* was among the first hurdles the illegal regime scaled. The litigation essentially questioned the legality of U.D.I. and the authenticity of the 1965 constitution. Nelson K. Mkwentla asserted thatin Stella Madzimbamuto’s suit, she alleged that her husband Daniel Madzimbamuto’s incarceration under emergency regulations of the 1965 constitution is unrecognized by Britain the colonizing power. The legality of the post U.D.I era now attracted attention. She lost the suit. The Chief Justice of Southern Rhodesia held that the Smith government was in complete administrative and legislative control of the country and was continuing to maintain the existing courts of law, whose orders it was enforcing. None of the legislative acts of the United Kingdom had been recognized or enforced in the territory since U.D.I. There was no other government within the territory competing with it in the exercise of its legislative and administrative powers. He further averred, “The status of the Smith government was that of a de facto government, in the sense that it was in fact in effective control over the state’s territory and that this control seemed likely to continue. However, the government was too shaky as to justify a finding that it was a de jure government. He also held that the government could lawfully do anything that its predecessor could lawfully have done, but until the 1965 constitution was firmly established, and it had thus became the de jure Constitution of the territory, its administrative and legislative acts had to conform to the 1961 Constitution, (Mkwentla 2001:14).

Mrs. Stella Madzimbamuto received a special leave to appeal to the Privy Council. Her appeal (July 23, 1968) was allowed by a majority of the Council members who were of the opinion that … “The Privy Council held that, however successful the revolution might appear to have been internally, or however effective it appeared to be at the time, the sovereign power was striving to crush the rebellion, albeit without the use of force. As a result, the rebellious regime could not attain the de jure status internally, otherwise, there would be two lawful governments co-existing,” (2001:15). Nevertheless, the South Rhodesian government under the full glare of the Commonwealth and British authorities disregarded the ruling [[19]](#footnote-19)(Reginald 1975:80). This prompted Hector Hughes to claim that the Privy Council appeal is no more than a ‘paper safeguard’ for minorities, (Mohr 2011:129).

The aftermath of StellaMadzimbamuto’scase was a legal triumph for the illegal regime, hence massive arrests and detentions continued despite the Privy Council’s ruling that authority rests with the Crown. Other suits in focus were those of *Dhlamini and Others vs. Carter N.O. and Another,* and *Archion Ndhlovu vs. The Queen.*

In the matter of *Dhlamini vs. Carte and some others,* Hopton T.C. explains thatthe Southern Rhodesian Appeal Court refused to grant a stay of execution to allow sufficient time to appeal to the Privy Council, thus obstructing an entrenched clause of the 1961 constitution as a favourable decision would prove ineffectual. Despite that decision, the accused received reprieve by Royal prerogative from their death sentences. ‘This put to the test the regime's pretence of loyalty to the Queen and brought the courts to a Rubicon, placing their loyalty into conflict with their dependence on the regime and its executive. No compromise was possible, and the Court held that the prerogative of mercy now lay with the regime. Any idea of retaining whole or part of the 1961 Constitution was no longer possible.’ Justices Fieldsend A.J.A. and Young J. consequently quit the Southern Rhodesian Bench while majority of the judiciary remained. The three reprieved Africans were executed on March 6, 1968. (Hopton 1978:79-80).

**O.A.U. EFFORT**

Southern Rhodesia colonial status contrasts other African colonies. The Colonial Office tacitly had no control over its armed forces and internal affairs. Hence, its armoury harboured one of the finest collections of weaponry in Africa. Strictly speaking, Southern Rhodesia was not a colony as it has enjoyed a considerable degree of autonomy since 1923. The Land Apportionment Act of 1930 dispossessed Africans the right to productive farmlands. The 1961 constitution concentrated political power in the hands of the white minority that constituted one percent of the population. Similar to the Group Areas Act (1950) of South Africa, only Africans with valid passes and residential urban rights could visit urban areas. The property and literacy clause in the constitution disenfranchised Africans. The Law prohibited Black nationalists from engaging in political activities. Hence, from 1964, the two leading black political organizations[[20]](#footnote-20) were illegal and their leaders were behind bars. Contrary to normal standard practices, Great Britain had diplomatic accreditation in Salisbury (Sir John Johnston) while Andrew Skeen represented Salisbury in London.[[21]](#footnote-21)

Concisely, racial segregation akin to Apartheid South Africa was an unpleasant fact in Southern Rhodesia. The Council of Ministers of the O A U meeting in its fifth ordinary session in Lagos, June 1965, adopted a general resolution deploring “the refusal by the government of the United Kingdom to take positive and vigorous steps to meet her political, moral, and constitutional responsibilities by suspending the undemocratic 1961 constitution. As the colonizing power, Britain was urged to convey a constitutional conference comprising all the political parties in Southern Rhodesia with a view to establishing positive foundations for rapid independence of the territory on the basis of universal suffrage.”[[22]](#footnote-22) At the O.A.U., second ordinary session in Accra, Ghana, in October 1965 adopted a special resolution. Virtually all the O.A.U. meetings of Heads of States and the council of Ministers addressed the South Rhodesian crisis.

**THE JAMAICA GOVERNMENT INITIATIVES.**

The Government and Parliament of Jamaica, being among those vehemently opposed to the inexcusable conduct of the Southern Rhodesian regime, took steps to address the situation. On November 12, 1965, cabinet met during which the Acting Prime Minister issued a statement deploring the action of Mr. Smith’s rebel government. The United Kingdom was called upon to restore constitutional government, agreed to support any action, including the use of force, to remove the illegal regime, and place a complete embargo on trade and financial transactions with Southern Rhodesia. Jamaica refused to recognize the Smith government.[[23]](#footnote-23)

Commonwealth Heads of Government again conveyed in London in September 1966, where the main topic of discussion was the Southern Rhodesian crisis. It was resolved at the conference that if Britain still loath using force to overthrow the rebel regime, alternatively she should sponsor a resolution in the Security Council before the end of the year, providing for comprehensive mandatory sanctions against Southern Rhodesia.

Meanwhile the U.N. was actively engaged in bringing pressure to bear on Britain to initiate clear cut steps to topple the illegal régime even if force become necessary. The British Government failed to comply despite voluntary sanctions being imposed by many countries, rather Britain recommended selective mandatory sanctions. On December 16, 1966, the Security Council passed Resolution No. 22 (1966) imposing certain selected mandatory sanctions against Southern Rhodesia.

An action perpetrated by Ian Smith’s government was brought to the attention of the Jamaican House. The March 6, 1968, execution was followed in Salisbury on Monday, March, 11, 1968 by more executions of Africans who had been on death row for two and a half years, most of who had been reprevied by the Queen, with more than 100 more awaiting execution. The objectionable effontry prompted Security Council resolution 253 of 1968 which imposed comprehensive mandatory sanctions, requiring U.N. Member States to terminate trading relations with Southern Rhodesia.

The news of the execution of the Africans horrified the Jamaican Acting Prime Minister as the illegal regime had taken the ultimate step in defiance of world opinion and in disdain of the reprieve granted the prisoners by Her Majesty. Jamaica was of the opinion that precious time was being squandered in an attempt to negotiate with the illegal regime and only the sternest measures could save the country and its people from upcoming atrocities of this nature. Every effort must be made to ensure that the Regime is brought down and that the country returns to constitutional rule early so that similar atrocities may avarted, (See Rhodesia - The National Library of Jamaica).

The Roman Catholic Commission for Justice and Peace reported that in May 1975, the illegal regime’s security forces were involved in deliberate assaults and show of gross disregard for the life and property of the local inhabitants. The Commission authenticated allegations that villages, houses, property and crops had been deliberately vandalized by the forces. The complaint also included the forceful relocations of thousands of people into so-called ‘protected villages’ which is actually concentration camps. A particular instance was the appalling conditions at Nyachuru protected village where 200 to 300 people lived behind barbed wire fences. These and a number of other cases were overlooked, rather Mr. Lardner-Burke, the Minister for Law and Order, objected to a demand for a judicial inquiry on the ground that the allegations were unsubstantiated. Also, Mr. Clifford Dupont announced at the opening of Parliament in June 1975 that government would introduce legislation in July indemnifying the security forces against civil and criminal actions arising from anti-guerrilla force’s activities, (See U.N. Publication, 1975:22).

**BRITAINS’ COMPLICITY**

During the Southern Rhodesian imbroglio, the Han Kelsen’s Pure Theory of Law was applied to legitimize the Smith’s regime when the 1965 constitution was promulgated to supersede the British approved 1961 constitution.[[24]](#footnote-24) Courts were hearing cases under the 1961 constitution before U.D.I. However, under the new dispensation, the power of the British parliament to legislate for Southern Rhodesia under certain conditions was abrogated. Her majesty’s representative was locally appointed while the judges were allowed to be on the bench on the conditions that they pay allegiance to the 1965 constitution. Besides, it was no longer possible to appeal to the Privy Council. The development came as no surprise because after the 1948 general elections in South Africa which brought the National Party to power, Apartheid became a state policy, and two years later, the right of appeal to the Privy Council was abolished outright. The Colonial validity Act of 1865[[25]](#footnote-25)which barred colonial legislature from amending a constitution except in line with the stipulated manner in that constitution was utterly disregarded. In short, the 1965 constitution derived legitimacy, neither from Britain nor its precursor.

The UN publication explains thatdespite the appalling intractable nature of the problems, the intransigence of Britain to forward information as to whether the territory had achieved a full measure of self-government caused the first subject to be first tabled before the U.N. General Assembly in 1962. The publication further explains that acting on the assertion of Britain regarding the status of the colony, the Special Committee on the Granting of Independence to Colonial Countries and Peoples examined the question whether Southern Rhodesia had attained a full measure of self-governing status in compliance with approiprate U.N. resolutions. Following a visit to London in April 1962 by a sub-committee of six members, the Special Committee validated the report of the sub-committee concluded that Southern Rhodesia had not attained self-government and recommended that the situation be addressed as a matter of urgency by the General Assembly. A month later, the General Assembly adopted the conclusion of the special committee affirming the non self–governing status of Southern Rhodesia. Britain was thereby requested to convey a constitutional conference to draft a new constitution on the basis of one man, one vote, and to ensure the restoration of civil and political rights to the African population. The resolution was ignored by Britain who later stated that Southern Rhodesia was constitutionally free to conduct its internal affairs and Britain did not possess the authority to effect the reforms requested by the United Nations, (U.N. Publication 1975)

A few days preceding U.D.I., a U.N. resolution called on Britain to suspend the 1961 constitution and, inter alia, organize a constitutional conference, ensure the release of all political detainees and repeal all repressive and discriminatory laws. The U.K. was empowered to employ military force if necessary to implement these and other measures. As the news of an imminent U.D.I., became increasingly disturbing, the U.N. Security Council adopted a resolution on May 6, 1965 calling on Britain to end the rebellion, and on all member states not to recognize the racist regime and it should not be rendered any assistance. Within a decade of U.D.I, fifteen resolutions on Southern Rhodesia were passed. For the first time in the history of the U.N., selective sanctions was imposed on Southern Rhodesia on November 1, 1965 and in May, 1966, it was upgraded to comprehensive mandatory sanctions, (See U.N. Publication, 1975).

Britain intentional failure to exercise authority over Southern Rhodesia for almost four decades reinvigorated the U.N. interest in the crisis. On a number of instances, Britain used her veto power to shield Southern Rhodesia from contemplated corrective measures. However, when sanctions were eventually imposed in November 1965 and May 1966 many U.N. member states complied. As the embargo affected only selected products particularly crude oil, its impact was negligible. Crude oil in particular was being smuggled through Portuguses Mozambique into the country. Besides, South African, Namibian, and Angolan ports were on standby. European and American companies were still investing in Southern Rhodesia through their South African affiliates. On its part, the Southern Rhodesian government made it mandatory for foreign investors not to remit profits, rather reinvestments was the policy. And to solve the problem of unemployment among the white population, thereby shielding them from the effects of sanctions, the permission of the Minister of Labor was obligatory to lay off any European employee while the rule does not apply to Africans who can be laid off to conserve profits. Besides, there was no pay increase for Africans. This development made a number of analysts to conclude that sanctions were hurting those they were meant to protect. On their part, Ronald Reagan of the United States (1981-1989) and Margret Thatcher of Britain (1979-1990) frowned at the imposition of sanctions on Apartheid South Africa on the pretext that it will hurt the ordinary people. This was no doubt with the knowledge that white interests in South Africa were of prime importance to them than Africans, (Reginald 1975: 96-97). Nevertheless, Africans viewed the deprivations and other hardships they were subjected to by sanctions as inevitable consequences and a price they have to bear to accelerate the collapse of the white regime. The most remarkable impact of sanctions on the illegal regime is that, [with the exception of Britain], it received no recognition form any country of the world, not even South Africa, (Reginald 1975:98).

However, the effect of the U.N. imposed sanctions took a different dimension as the tide of change turned against Southern Rhodesia. Zambia eventually gained independence in 1965, while Botswana and Malawi attained theirs in 1966. South Africa was experiencing acute port congestion at Durban and Cape Town ports coupled with escalating levels of violence and lawlessness nationwide triggered by black resistance to its Apartheid policies as well as U.N. imposed trade embargo among other complications. The Salazar-Caetano regime in Portugal was overthrown in 1974 and replaced by a government that was favorably disposed towards granting independence to Portuguese African colonies. Coupled with the intensification of the liberation struggles coordinated from the Frontline States, and the nationalization of the British Petroleum Company in Nigeria, Ian Smith was compelled to opt for a negotiated settlement at Lancaster in 1979.

The refusal of Britain to apply force in calling the illegal regime to order demonstrate the extent she went into protecting her kith and kin while unprecedented atrocities were being perpetrated against Africans by settlers who with her connivance were transformed into overlords. After the declaration of U.D.I, in contravention of United Nations resolution Britain made it crystal clear that it will not resort to the use of military force as an option under the pretext that she wish to avoid bloodshed, a decision that fortified Smith’s intransigence. Offers from Zambia to make available her territory for British military intervention was rebuffed by the United Kingdom (U.N. Publication, 1975).

 The Commonwealth conference of 1965 witnessed a racial divide when a majority of African and Asian delegates called on Britain to resort to the use of force in calling the erring regime to order. However, the Anglo Saxon members comprising of Britain, Canada, Australia, and New Zealand advocated caution. “Indeed, in December 1965 OAU Council of Foreign Ministers went as far as passing a resolution calling on all members to break off diplomatic relations with Britain if the rebellion was not finished within two weeks (Kandiah 2001:22).” Britain consistently opposed United Nations resolutions calling for military action and at meetings of Commonwealth Prime Ministers[[26]](#footnote-26)worked hard to limit the terms of the final communiqué to support British policy (2001:21). At the 1966 Commonwealth conference in Lagos, President Milton Obote of Uganda called for the excommunication of Britain, while Tanzania threatened to resign its membership. Britain’s intransigence, under the cloak of avoiding bloodshed, was exasperating to African Heads of States and nationalists taking into account that European powers forcibly possessed African territories even before the Berlin conference of 1884-1885. Meanwhile intoxicated executioners were having a field day hanging Africans extra-judicially encompassing those already granted reprieve by Her Majesty. Consequently, to avoid bloodshed, at independence in 1980, almost 50,000 African lives were lost (between 1965 and 1980) while hundreds of thousands were displaced refugees in the Frontline States, (Reginald 1975).

It is absurd that Britain is demandinga pound of flesh from those forcibly dispossessed of their heritage, colonial injustices that benefited its kith and kin. Till this day, the Commonwealth sees nothing wrong with the avaricious and racially motivated Anglo Saxon posture in the Zimbabwean crisis and besides, not even an iota of apology has been tendered for the colonial injustices. The issue at stake in Zimbabwe since 1896 has all along been land. If in Britain’s interest, the Commonwealth has remained apathetic over the plight of Africans in Southern Rhodesia and Zimbabwe, it should maintain the same posture when Africans elsewhere choose to determine their own destiny in which ever form, even with a change of government in a manner they deem fit.

The defunct Federation of Central Africa was an orchestrated strategy to plunder the resources of Northern Rhodesia to the advantage of white Rhodesians. Britain willfully at the end of the marriage by proxy, fortified Southern Rhodesia militarily clearly with ulterior motives: a long term ploy to fortify and prepare its kindred to permanently dispossess Africans of their heritage, in the same fashion the indigenes of Australia, Canada, The United States, and New Zealand were deprived by whites of Anglo Saxon extraction. The skewed representation of the various races in the defunct Federation of Central Africa was to the advantage of the whites, especially when in 1957, the African representation was further weakened. The fulcrum of the Zimbabwean crisis, which European impression of Africa centers on, is that European nations are yet to reconcile themselves with the reality that Africa has indigenes with an inalienable right to their cultural and natural heritage which include land.

The lackadestical attitude Britain exhibited during U.D.I. connote much taking cognizance of the fact that as a colonial power Britain, in other parts of the Commonwealth, has not been opposed to resorting to the use of military force in protecting and fostering her interests.[[27]](#footnote-27)

**ANALYSIS**

 The U.N. Convention on Civil and Political Right asserts, “all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.”[[28]](#footnote-28) The travel advice issued by the Commonwealth and Foreign Office to tourists in The Gambia in 1994 contravenes the above stated article, as it amounts to interference in the internal affairs of a sovereign state. Gambians are a people with the right to effect a change of government in whichever fashion, they deem fit, hence; it was no surprise that the government considers the Commonwealth action hostile and unacceptable. As there was no resistance in form of uprising to the change in dispensation, Britain undermined the opinion of a sovereign people. Even had the masses opposed the change, Britain still arrogated unmerited power to herself by using the Commonwealth to promote a personal agenda and besides, being an ex-colonial master of The Gambia does not qualify the latter as a second-class sovereign state. On virtually the same account, The Maldives had cause to withdraw her membership on October 13, 2016. Since June 6, 2000 Fiji has been suspended a number of times over coups and election related matters however, the issue of her membership seem to be in limbo as she apparently ignored the issue.

Ideally, the purpose of sanctions could be to oblige the victim government to reform, at least some of its ways. Though the 1994 British travel ban on The Gambia was not an official sanction or trade embargo per se, its effect had far-reaching consequences due to its indiscriminate nature. It led to goods and service boycott, plus trade restriction between The Gambia and its European partners. The notion to further impoverish commoners to garner support for an ousted corrupt administration is inane as the victims constitute a sizable component of the country’s breadwinner, a people without a say in the day to day running of government. It is therefore unclear on what premise the British Government based the advice, taking into cognizance that there was no such ban on countries with appalling human rights records (by western standard), nor areas with track records of political insecurity.

The Gambian situation of July 22, 1994 that marked the commencement of the cold relationship between the British/Commonwealth and The Gambia has some parallels. Nelson koala Mkwentla illustrates how ‘political doctrine of the sovereignty of a people is as a factor to be taken into account in applying the doctrine of successful revolution.’ On February 22, 1966, Dr. Milton Obote Prime Minister of Uganda announced to the nation that he has taken over all powers of government, including those of the president and his vice and a new constitution subsequently came into effect. As only, a two-thirds majority of the National Assembly could pass a resolution to remove the president and his vice from office, his action was unconstitutional. Subsequently, under the emergency powers declared by the government the arrest and detention of a Bugandan Chief Matovu occurred. The detainee filed a habeas corpus case as according to him the detention contravened his fundamental human right under the 1962 Uganda constitution. The Attorney General averred that a revolution had occurred in Law that rendered the 1962 constitution invalid, but validated the 1966 constitution, as there was ample evidence that the people accepted the new constitution and the revolution. The Attorney General’s application of Kelsen’s theory defeated the applicant’s case as the sovereignty of the people accentuates the doctrine of a successful revolution, (2001:11-12).

On January 15, 1966, the Nigerian military mutinied during which the Prime Minister, The Primers of the North and Western Regions, The Finance Minister, and a host of others including top military officers were assassinated. On January 16, 1966, the Acting President Nafor Orizu made an announcement to the effect that on the advice of the Cabinet; he has decided to hand power over to the Armed Forces of the federation. However, he lacked the constitutional power to take such action. He was justified by necessity, as the competent authority to perform the task was already incapacitated. Handing over power to a body that is capable of rescuing the state from chaos and ultimate destruction justifies the move by necessity; therefore, it is within the realm of Kelsen’s Theory, (2001:32-33).

The history of constitutional development of England shows that the execution of King Charles in 1649 and the dethronement of James II were instances where parliament assembled illegally without the summon of the King. In both instances, necessity superseded the Law.

The July 22, 1994 coup in The Gambia parallels the above stated perspectives, as there was a vacuum in the administration of the country. The President and the inner caucus of his cabinet had, out of fright, abdicated power, and sought sanctuary on an American war vessel on visitation to The Gambia. This was after being informed that irate soldiers were staging a protest march to the State House over their unpaid service allowances. The President and some of his ministers fled on board the vessel to Senegal for provisional sanctuary. The remaining cabinet members either took to their heels as well, or opted for self-imposed exile. The protesting soldiers walked into an empty State House, implying that there was a power vacuum. For the avoidance of anarchy, which could result from a likely power tussle, there was need for a government to be in place thereby, by necessity, justifying the coup. Besides, there was neither an uprising nor any perceptible sign of the breakdown of law and order. The people sanctioned the takeover, as authenticated incidences of rampant corruption and gross disregard for constitutional order in matters relating to state finances were rife before the coup. The Justice Alghali Commission of inquiry inaugurated to probe ex-government officials eventually established horrifying practices. This therefore brings the whole development under the ambit of the Han Kelsen’s Pure Theory of Law. Hence, the ill-conceived nature of the travel advice issued by the British Foreign and Commonwealth Office is indisputable.

Critics of the administration often adopt Commonwealth rhetoric that centres on the ideals of the association in evaluating issues. However, fundamentally, they nurture ulterior motives hence they should be addressed. Since 1994, the country has conducted a number of parliamentary and presidential elections adjudged free and fair by international observers. In addition, the country has equally experienced attempted coups. Britain has never condemned the undemocratic practices designed to topple the post 1994 Gambian regime. Besides, in other West African coup infested countries like Nigeria, the British government has not attempted disrupting their economies, especially the flow of crude oil and the imposition of trade sanctions even under military dispensations.

As democracy entails one-man, one vote, the same antidote befits Southern Rhodesia. Disenfranchisement of Africans on racial grounds is equally inequitable and reprehensible. In addition, the Commonwealth headquartered in Britain remained dumb over the May 6, 2005 badly flawed U.K. elections, with unspeakable irregularities.[[29]](#footnote-29)

The proposal allegedly advanced by a human rights organization in 2012 with the purported backing of the Commonwealth, concerning the creation of a commission on human rights, press freedom, and corruption in government circles in The Gambia merits attention. Accusations of human rights violation have been a recurring decimal in President Jammeh’s political equations since 1994. The most vociferous decriers in this regard are ex-top public officers (one time confrères of the administration) who fell out of grace. Most of who always claim ignorance when tasked over what led to their disengagement. Besides, virtually all of them least expected their dismissal when kicked out of office probably because the president (going by his pronouncement) is reputed for “giving every fool a very long rope with which to hang himself.” It is hard to comprehend why they always remain silent on the issue while in office.

A recurrent human rights complaint against the Gambian government has been revolving around the issue of detention without trial or rather delayed trial. This article does not define the question of accessibility of habeas corpus under Gambian jurisprudence; neither did it address the problems confronting its criminal justice system. However permitting independent magistrates to ascertain the grounds of incarceration is among the fundamental human rights enshrined in The Gambian constitution and it has been of help in defining limits in protecting citizens and non-citizens against potential excesses of government. David O. Aihe postulates that “When the liberty of the subject comes into conflict with the safety and corporate existence of the state, the liberty of the individual must give way to the latter, *salus populi suprema lex,* particularly during times of war or national emergency,” (1971:217). The succinct paraphrase explains why the writ of habeas corpus could be set aside in handling cases involving certain individuals. Since 1994, the government has cause to suspect that the integrity and corporate existence of the country is under peril, based on perceived threats to national security. On November 8, 1996, at a military installation at Farafenni, a group of dissident exiles with combat experience attacked the barracks with the intention of causing mayhem to facilitate a regime change. A similar action at Kartong in the West Coast Region took place shortly after. A number of exiles opposed to the regime, some allegedly based in contiguous states, are purportedly nursing intensions to effect a regime change.

With reference to historical developments through comparative examples, one can examine the role the abridgement of habeas corpus has played under various situations. Elizabeth A. Faulkner is of the opinion that “In emergency situations, states face conflicting obligations. Although a state must take steps to protect its very existence during national emergencies, the state must still protect individual rights. Reconciling these interests proves especially difficult during public emergencies. In the course of securing the state's national interest, or protecting the safety of its people, governments must reconcile individual and aggregate interests, (1994:655).

In the United States, after President Woodrow Wilson declared war in 1917, Congress enacted the Espionage Act of 1917; tenacious home opposition notwithstanding, and in the following year, the Sedition Act was passed. Geoffrey R. Stone asserts, “These laws effectively made it a crime for any person to criticize the government, the president, the draft, the war, the constitution, or the United States military. The Department of Justice prosecuted more than 2,000 individuals for alleged disloyalty, and in an atmosphere of fear, hysteria, and clamor, most judges were quick to mete out severe punishment to those deemed disloyal” (2007:2203-2204). Those who expressed anti-war sentiments in the United States received harsh sentences.

Charles Fairman explains how “On December 7, I94I, the Governor of the Territory of Hawaii, invoking the powers vested in him by the Organic Act,' suspended the privilege of the writ of *habeas corpus* and placed the Territory under martial law to be administered by the Commanding General, Hawaiian Department, (1942:1235).” Geoffery R. Stone further highlights how in 1942, after the bombing of Pearl Harbour, on February 19 President Franklin D. Roosevelt signed an executive order 9066, which mandated the military to designate areas from which certain people were to be excluded. Consequently, 120,000 Americans of Japanese ancestry were incarcerated in camps for three years with neither charge preferred against them nor was any hearing conducted, (2006:1319-1320).

Kenneth Roth commented, “In the 1970s, it [The United Kingdom Government] interned hundreds of suspected Irish Republican Army members without trial. But when Westminster realized that this policy generated sympathy for the IRA and aided recruitment efforts, it changed course (2008:10).” Habeas corpus abridgement is a measure used to address extraordinary times of this nature in diverse places. If a detention is on the grounds of vital national security, the outcome of such investigations in most cases is classified. This explains why critics cannot probably understand the practical details of any cases.[[30]](#footnote-30)In public interest, government ensures that the masses do not suffer on the account of a handful of sinners while dispensing justice, hence since 1994; there has been no official declaration of a state of emergency even during uncivil times.

Another contentious issue the administration grappled with is that of the execution of death row inmates. Chapter III §18(3) of The Gambian constitution states: “The National Assembly shall, within ten years from the date of the coming into force of this Constitution review the desirability or otherwise of the total abolition of the death penalty in The Gambia.”[[31]](#footnote-31) However, since 1997 when the constitution came into effect, the Assembly has been silent on the issue. Coincidentally, the murder rate has been soaring which has necessitated the passing of death sentences on thirty-eight of those convicted of murder and other transgressions. To stem the escalating tide of murder, the president signed nine of the death warrants in August 2013. This incurred the administration severe criticism from human rights organizations and a section of the international community.

The silence of the national assembly on the question of the desirability or otherwise of capital punishment does not absolve the condemned convicts of their crimes against the state. It is remarkable that, some Commonwealth countries like Nigeria, Uganda, Sierra Leone, and Ghana are yet to expunge the death penalty from their statute books. Besides, comparatively the executions of those who have been granted Her Majesty’s reprieve during U.D.I. is more reprehensible than what obtained in The Gambia, but the Commonwealth was insensitive to the developments during U.D.I. In the United States, a number of states and the military still enforce the death penalty. As long as the executed inmates in The Gambia accessed all avenues of justice that they explored, and exhausted, human rights organizations interference in the country’s internal affairs in this regard is unwarranted.

A touchy concern in society is the role of foreign judges. The Gambian bench is unique among others in that foreigners dominate it almost entirely. There has been resentment all over and even among citizens in the Diaspora, over allegations that its members are on special stipends, besides their official remuneration, as an inducement to facilitate them compromise their professional integrity. On this account they, particularly Nigerians, are been branded mercenary judges. Notwithstanding these grave allegations, the public prosecutor has lost a number of high profile cases, verdicts delivered by the allege mercenaries.[[32]](#footnote-32)

‘A judge, [it must be appreciated,] does not make Laws rather; it is the people that make the Law therefore, if the Law is unjust, and the judge judges according to the Law, that is justice, even if it is not.’ That is the opinion of Alan Paton who further states that ‘It is the duty of a judge to do justice, but it is only the people that can be just. Therefore, if justice be not just, that is not to be laid at the door of the judge, but at the door of the people. However, judges should be people of integrity, and for them to command respect they should be incorruptible. The incorruptibility is like a lamp set upon a stand, giving light to all that are in the house.’ ‘The judge is entrusted with a great duty, to judge and to pronounce sentence, even sentence of death. Because of their high office, Judges are called Honourable, and precede most other men on great occasions.’

It is therefore absurd that it has become a national pastime for critics to chastise foreign judges whenever judgments are not in their favour. The Gambia’s criminal procedures always commence with the police who, acting on information supplied by informants who are often indigenes, effect arrests before investigation. If a prima facie case is established, the case file goes to the Attorney General’s Chambers for fine-tuning to enable the public prosecutor secures a conviction in court. During the trial, particularly high profile cases, only Gambians so far have given evidence, especially during treason and allied trials. In virtually all cases, the defence lawyers are also Gambians. Judges rely on the evidence adduced during trials to pass their verdicts as unassailable judgments rests squarely on evidence. Gambian nationals are responsible for all the stages a case file goes through before an accused appears before a judge. It will be strange for a judge to overturn what they have accomplished for ‘it is the duty of a judge to dispense justice, but it is only the people that can be just.’

 If the people are just one wonders why no critic has ever chastised his fellow Gambians for ‘concocting’ testimony against a citizen during trials. No one has ever faulted the police and their informants, the military intelligence, or the National Intelligence Agency for any unwholesome practice during the investigation. No one has chastised his fellow citizens for ‘misleading’ the police with ‘concocted’ evidence. Satirically when the public prosecutor loses a case, the alleged mercenary judge goes unacknowledged for upholding the rule of law.

It is noteworthy that most of the venomous criticisms against the government emanates from either card-carrying members of the ousted regime or their sympathizers, those who underdeveloped the nation for three decades. It is noteworthy that there is no allegation levelled against the present regime that does not predate 1994 Gambia. As pre 1994 Gambia is a society, where birth rather than achievement determines ones position and importance, critics focus their attacks so much on the person of the president rather than his office. For this reason as well, some members of society are presumed to be above the law by virtue of birth. It is equally tantalizing that most of the critics have never read the constitution, the same document that confers virtually absolute powers of the president of the republic, which they all sanctioned in a referendum to be the supreme law of the land. It is worth mentioning that the same prevailing constitutional terms and conditions governed the country from 1965 until 1994. It is equally amazing that those who now contest the absence of a constitutional presidential term limit do not oppose it in their parties where the same candidates run for presidency repeatedly. Neither did they oppose it during the first republic where only one president ruled for thirty years. It should be worrying that political parties in the country are all one-man fiefdom, and ethnic based, whose second in command are unknown to the electorate. It is also disturbing why there is so much bickering among members of the opposition parties especially during general elections. It is alarming why they embark on campaign of calumny against their country overseas, a habit that has robbed the country of much needed assistance from would be good willed countries and organizations consequently, the masses are suffering on account of their inordinate ambition to regain power. Instead of attacking the laws of the country, laws made by their elected representatives, the person of the president have been the object of extraordinary attack. There is need to have faith in the Law, not judges, (See Paton 1948: 82).

On the issue of corruption in government, it is on record that the present Gambian administration has expended substantial efforts in addressing the problem, an effort unrivalled by any African country. Its effort in tackling the problem headlong indicates that official venality is deeply rooted in the country and it antedates the present administration. On assuming office in 1994, the Justice Alghali Commission of inquiry investigated cases of corruption and other allied practices in the erstwhile government. In addition, over the years, Justice Paul Commission of inquiry was constituted in 2005, to address the same issue, on both occasions, a seemingly infinite list of identified corrupt public officers were reprimanded. There is a permanent Assets Management and Recovery Commission, presently headed by an ex-magistrate, mandated to manage assets confiscated from corrupt individuals in the country. In the drive against corruption, no class of public officers in the country is above the law. Hence, an erstwhile Chief Justice and President of Gambia Court of Appeal and a Minister of Justice were in jail for soliciting bribes. An Inspector General of Police, two Solicitor-General, a Secretary to Government and Head of Service who concurrently held the portfolio of Minister for Presidential Affairs, are among those jailed after conviction for various unethical conducts. Yet another secretary General and Head of Service (the third) was in custody on court orders pending the outcome of investigations into allegations of corrupt deals at the state Social Security Finance and Housing Corporation. Also serving various jail terms are top ranking police and military officers, in addition to officers of the National Intelligence Agency. Some legal practitioners found wanting have also been to jail. A Director of Prisons was in custody while under investigation but later regained his freedom and reinstated to his position when was absolved. A case involving four members of the judicial service accused of pilfering the judiciary treasury was dropped as they were granted presidential reprieve probably because, among the suspects is a magistrate who is an expectant mother. A Judge of the special criminal court who was on the wanted list allegedly absconds from jurisdiction. A myriad of high-ranking public officers are in exile for assorted unwholesome reasons, most of which are indictable misconducts, while fraudsters have liquidated at least four commercial banks since independence.[[33]](#footnote-33)

All the presiding judges who passed the sentences are either British or Commonwealth trained. Government finds it appalling that indicted officials in previous commissions of inquiry are still covertly hand in gloves with corrupt public officers. The above facts coupled with the calibre of public officers involved demonstrate that baneful practices in high places predate the present Gambian administration as corroborated by the Justice Paul and Justice Alghali Commission reports. Barata, K. et al report on the latter reveals that

There was a collapse of the national accounting recording system, which led to the failure of national financial management. The account states that, in a country as poor as The Gambia in some cases, 80 percent more was spent on the ex-president’s travel than on education for a whole year. The expenditure on the ex-president’s household was approximately 60 percent more than the expenditure on drugs and dressings for the Ministry of Health for the entire year. In total, the expenditure on overseas travel was more than the health and education combined for a full year. From 1989 to 1994 for example, it was discovered that the ex-president embarked on 40 overseas trips with extremely large delegation, to a tune approximated to be $1, 813,446.00. This investigation revealed that the records regarding airfare costs had not been kept. The Ministry of Finance claimed not to have responsibility for documenting these costs and referred the investigators to the PMO (Personnel Management Office). The PMO also claimed not have responsibility for these records and subsequently suggested that the team check with the Accountant General’s Department, which also denied responsibility. Even the office of the Secretary General (Head of Civil Service) could not provide these records despite its responsibility for generating all information and instructions on Presidential visits. The Commission was able to recoup an amount equivalent to US $1,813,446.00 as a result of the evidence found in those records that were obtained. However, this excludes the cost of 610 primarily first-class airfares. The Commission of Inquiry that handled this case estimated that the amount, which could have been recouped, would exceed US $10,000,000 (World Bank. Barata K. et al., 1999:20)

Concomitantly, the attrition rate in the civil service caused by the firing of top government officers, including ministers for unethical behaviours, is undisputedly the highest and unprecedented in the history of West Africa. As at the time of writing, among the current serving ministers, with the exception of the Minister of Basic and Lower Education, none has been in office for more than twelve consecutive months.[[34]](#footnote-34) In addition, a Lands Commission investigated the issue of encroachment on public lands, and resulted in demolition of illegal structures. Another on tax evasion identified and brought tax evaders to book. There are other cases under investigation whose outcomes are pending. Hence, setting up a foreign special commission in the country to address the issue of corruption, as advocated by the human rights organization, will be an exercise in outstanding futility, as it will amount to duplication of effort if there is no ulterior motive behind the suggestion.

It is evident that the present Gambian dispensation surpassed its predecessors; include colonial administrations, in the war against corruption reckoning by the number and calibre of reprimand public officers. It is doubtful if a foreign commission can fathom the convoluted modus operandi of corruption and allied practices in the country, better than the prevailing effort. The 1994 coup would have been unjustified had the discredited politicians displayed just a fraction of the effort of the present political order

Besides, most Commonwealth states have instances of neglected cases of atrocious deeds. In the Republic of South Africa, for example, the multi-billion Rand arms deal scandal that culminated in the case involving *The State vs. Schabir Shaik & 11 others* in 2005, is profane enough to deserve at least Commonwealth condemnation.[[35]](#footnote-35) Davis H.J. Ruhe is of the view that “Transparency International (TI), a lobbying coalition against corruption in international business, contends that corruption is not merely a problem in third world nations, but is a threat to clean government in Europe as well,” (Ruhe 2003). The Corner-House briefing quoting *The Guardian*, 5 March 1999 asserts that:

 UK multinationals routinely pay commissions to gain contracts from other governments — and at least one UK government minister has assisted them in this process. Jonathan Aitken, a former Minister for Defence Procurement, was jailed in June 1999 because he lied in court about his visits to France and Switzerland in 1993 to attend a secret meeting to negotiate contracts for an arms deal. Three UK companies (GEC, Marconi, and VSEL) were hoping to obtain contracts to supply weapons systems to Saudi Arabia after they had paid “commissions” into a Swiss bank account for Saudi agents. The bribes ranged from three to 10 per cent on orders worth hundreds of millions of pounds (2000:04).

On the issue of press freedom for which the government is under attack, it is worth mentioning that the press in the country is pluralistic, with print and electronic media components run by both the public and private sectors.

In an orderly, civilized society, freedom of expression cannot be absolute, and this raises crucial issues of the permissible limits of restrictions on freedom of expression. Such issues involve consideration of the nature of the restriction, its scope and extent, its duration and the presence or absence of an efficacious corrective machinery to challenge the restriction. Generally, it is the judiciary which performs the task of reconciling freedom of expression with certain imperatives of public interest such as national security, public order, public health or morals, and individual rights such as the right to reputation and the right of privacy. The crux of the matter is whether censorship is ever justifiable and, if so, in what circumstances (Article 19:03).

The laws of defamation, sedition, libel etc. are not synonymous with press freedom.[[36]](#footnote-36) This explains why the editor and proprietor of *TODAY* Newspaper was on June 29, 2012 censured by the Banjul magistrate court in the case of Alhagie Gumbo Touray *vs.* The Inspector General of Police.[[37]](#footnote-37)

The fundamental problems with the Gambian press revolve around the issue of self-censorship and noxious rivalry among media practitioners. Inexperienced journalists with rudimentary knowledge of the ethics of journalism who, in most cases, are high school dropouts populate the profession. What the press fraternity may well embark on is to train and equip media practitioners with the rudiments of the profession, particularly the mode of news reporting. The poor readership and the poor reading culture countrywide needs improvement. In addition, due to the size of the country with its relatively scanty population, and with the introduction of mobile phones, virtually all news become stale before press time, hence many literate Gambians and non-Gambians alike have no taste for reading newspapers.

A number of pressmen interrogated by security forces for various reasons eventually regained their freedom. It is worth mentioning that an opposition party newspaper reputed to cross check facts before going to press, has been in print long before 1994, that could explain why it has not been proscribed. In addition, certain media outlets are being reproached for receiving clandestine support from foreign missions to paint a gloomy picture of events in the country. It is equally worth stressing that there are more newspapers on the newspaper stand and radio stations under the present dispensation. Government insistence on accuracy of information has led to the passing of the False Information Act that forbids any one to wilfully, supply false information to a public officer. The public prosecutor has lost many of these cases. A celebrated instance is the case of Alhagie Gumbo Touray *v*. the Inspector General of Police. The November 4, 2011 judgment confirms that the defendant established a prima facie case of unprecedented corruption and nepotism inter alia against the Vice-Chancellor of The University of The Gambia, an issue on which action is still pending the outcome of the investigation.

 Gambians, particularly the provincials who constitute roughly sixty percent of the total population, cannot comprehend the relevance of the Commonwealth in their daily lives.[[38]](#footnote-38) Apart from the occasional Commonwealth Games, from which the country never won a medal, and Commonwealth scholarship awards that come sparingly, ordinary Gambians have no use of the association. Cordial relationship with countries like Venezuela, a country that offered to foot part of the bill to build a permanent site of the University of the Gambia is of more relevance. Muammar Gadhafi’s contribution to the spread of Islam, through the building of mosques and promoting the welfare of Muslims, they consider more acceptable. Taiwan’s university scholarship offers to the indigenes, Cuba’s assistance in providing medical personnel and other contributions from Iran in miscellaneous ways have more lasting impact than memories of colonial heritage. The Gambia seems to be charting its course as a nation under the present dispensation rather than tying itself on to the apron string of a cold-hearted ex-colonial master. In the process, it has, kept the company of states that Britain does not sanction.

Government is of the opinion that rather than lending meaningful support to the country’s development efforts, some foreign powers are in sympathy with ethnic based opposition parties in their lust for power. A case in point is that of the Britain's Deputy High Commissioner, Bharat Joshi who was declared *persona non grata*. On August 22, 2001, the Press and Public Relations Unit of the Office of The President tasked Joshi to advance plausible grounds behind his attendance at the opposition party gathering as his presence at the meeting connote his deceleration of support for the opposition in the country. The decision to send the diplomat packing was long overdue, for engaging in reprehensible conducts that are inapt with his status. In retaliation on August 29, 2001, the British Government revealed that a Gambian trade delegation scheduled to visit the United Kingdom is undesirable as the Gambian authorities refused to reverse its resolve to oust the Deputy High Commissioner.

 Britain’s national interests and those of the Commonwealth should not dovetail hence the British Foreign Office and the Commonwealth Secretariat should be divorced, a condition worth fulfilling before The Gambia might consider returning to the fold. Going by the fashion in which the affairs of the Commonwealth has been steered, it is apparent that the ulterior goal for its establishment is to hold the wealth of member states of the defunct empire in common (hence the name Commonwealth) for Britain to continue having unregulated access to the wealth of nations she subjected to colonial plunder. The history of the British Empire and Commonwealth of Nations dates back to the creation of the United Kingdom (1603 & 1707). It has metamorphosed over time until April 1947 when it assumed its present name. Therefore, it is an oddity for the organization to exist over such timeless span before coming up with a charter (legal instrument) in 2013 to regulate its activities. The rational motivated the establishment of the defunct Federation of Central Africa. President Obote of Uganda in all probability thought of it when he proposed the expulsion of Britain from the Commonwealth.

Britain, in her relationships with African states seems to accord individual presidents more recognition than their countries. Examples include her preference of Sir Dawda Jawara to Yaya Jammeh. The same applies to Nigerian. Britain no doubt preferred General Yakubu Gowon to General Murtala Muhammed. It is on record that when the latter, who was a sitting Head of State, was assassinated on February 13, 1976 in an attempted coup led by Lt. Col. Suka Bukar Dimka the plotter paid the British High Commissioner a visit in the latter’s office.[[39]](#footnote-39)

**CONCLUSION**

It is recognizable that Eurocentric critics with European thought patterns do not have the panacea to Gambia’s problems. Experiences have shown that in Malawi, Kenya, Nigeria, Senegal, Zambia, and Ghana Eurocentric opposition parties have assumed office under the cloak of democratic elections. However, from the look of things, the wellbeing of the electorate in these countries remains unchanged.

It will be excruciatingly challenging to be convinced that Britain as an ex-colonial power that governed The Gambia for almost 122 years genuinely wish the country well.[[40]](#footnote-40)From the inception of colonial rule until July 22, 1994, the country had no television house, no university of any sort, had about five hundred kilometres of tarred road country wide, only one government owned High School and eight others (mission controlled) on government subvention, with 62 percent of the population classed as unembellished illiterates. The Methodist mission was running a stationery store that has the semblance of a bookshop, one of its kinds in the entire country that has no other bookshop. There was only one government hospital and an aerodrome that served as an only airport. Electricity and water supply were exotic luxuries provided intermittently to urban dwellers in a country whose total land area is 10,000 square kilometres with a population of barely one million, notwithstanding the substantial ground water resource. The country had no standing army until 1981, probably to eliminate the possibility no matter how remote, of a military takeover of government. However, after an attempted coup in 1981, the erstwhile first republic regime resolved to establish an army but under foreign command. Paradoxically, the same military under foreign command toppled the regime in 1994. It is doubtful if the country had up to ten university graduates at independence in 1965. This indicates that the country was deliberately kept backward for egotistic reasons, namely to serve the interest of the political class as they believe that it is improbable for an unenlightened populace to pose any significant threat to the order. In addition, it should not be astonishing if the footpaths traversed by Mungo Park at Pisina in 1795 and 1805 in his search of River Niger were still intact as of 1994. The president who took over the reign of power from Britain, and maintained the status quo for three decades was nicknamed the champion of human rights in Africa! However, when the people resolved that enough was enough, Britain and the Commonwealth slammed a travel ban on the country.

From the adduced attestations, it is glaring that the ban was ill-conceived taking cognizance of the underdeveloped nature of the country before the coup. In addition, the covert fraternity the opposition maintains with foreign powers to discredit the government only buttress the point that as an ex colonial master, Britain has other motives which supersedes the development wish of The Gambia. Rather than acknowledging the efforts of The Gambian government, detractors hide under unsubstantiated cloak of human rights abuses in their desire to regain political power while remaining unrepentant sinners.

As an alternative to setting up a special commission, human rights organizations should focus attention on sensitizing the populace on why high ethical standards, especially accountability and probity, should be the watchwords of public office holders. Equally important is the need for human rights organizations to investigate why and the motives behind legally indicted public officers in The Gambia, which is a common law country, readily gain employment in international organizations, most of which are human rights advocates that should be actively combating unwholesome practices.

Musiwaro Ndakaripa shows that the decisions to impose an embargo connote much as sanctions are a tool for developed countries to continue their dominance of developing countries. It is interesting to note that most sanctions applied in the 1970s and 1980s involved developed countries placing sanctions on less developed countries. (Ndakaripa 2014:137). In the former French Africa territories, the colonial pact entered into with their ex-colonial master before gaining independence is a testimony of the policy of perpetual underdevelopment the nominally independent countries are being subjected, identical motives Britain harbours.[[41]](#footnote-41)

 The values that hypothetically unite Commonwealth member countries namely: Democracy, Human Rights, and the Rule of Law are the exact standards, Britain trampled on in Southern Rhodesia hence she has no moral credibility to call The Gambia to order. Fortifying the colony of white settlers with formidable firepower encouraged Smith to disregard the authority of the Governor who represents the Crown as Commander-in-chief. Britain’s prejudice and racial injustices partly account for The Soviet Union’s condemnation of U.D.I. “…The South Rhodesian racialists would not have dared to carry out their criminal plans without a deal with the colonialists, who have permitted the racialist regime in Salisbury to acquire economic and military strength and who have rendered its all-out support,” (Soviet Neivs 1965:70).

Britain condoned affront to the rule of law during U.D.I. The *Stella Madzimbamuto v. Lardner Burke* case and the execution of Africans already granted reprieve by the Queen are testimonies. In drafting the 1961 constitution, and the formation of the Federation of Central Africa, the opinions of Africans were inconsequential. During the life span of the 1923 constitution, no African was a Member of Parliament as from the British point of view; African democracy denotes representation without consultation.

“If African nations are to achieve growth and participate fully in the opportunities of globalization, they must be freed from the fetters of this colonial albatross. In order to attract additional direct investment in the economies, as opposed to just portfolio investment this situation must be changed. In the words of Mamadou Koulibaly[[42]](#footnote-42), “In Africa we do not need alms, our problem is not due to a lack of money. My conviction is that we must first of all clearly state our ownership rights over our own land and the resources in our soil which were taken away by the colonialists when they conquered our countries, and still be taken away through the Colonial Pact.”[[43]](#footnote-43)

In view of the epic contribution Gambians made in defence of the Crown during the world wars, coupled with over 130 years of producing groundnuts and other agricultural produce for the benefit of the Empire, the present generation of Gambians is disheartened. The situation is deplorable as there is nothing to show for the so-called colonial heritage other than a World War cemetery at Fajara, which rekindles sad memories. Going by Britain’s nonchalant posture towards her ex-African colonies in the face of the formidable tasks they have been grappling with in their development efforts, it is now dawning on Gambians that they have all along been expecting too much of Britain going by her track record of coldness towards the plight of Africans. They now realize that “An age is called Dark, not because the light fails to shine, but because people refuse to see it.”

 **REFERENCES**

 Aihe, D.O. (1971) Fundamental Human Rights and the Military Regime in Nigeria: What did the Courts Say? *Journal of African Law,* 15, 213-224.

Article 19 (1993) The Article 19 Freedom Of Expression Handbook International and Comparative Law, Standards and Procedures

[*https://www.****article19****.org/****pdf****s/publications/1993-handbook.****pdf***](https://www.article19.org/pdfs/publications/1993-handbook.pdf)*.*

Fairman, C. (1942) The Law of Martial Rule and the National Emergency. *Harvard Law Review,* Vol. 55, No 8. pp 1253-130.

Faulkner, Elizabeth A. (1994) The Right to Habeas Corpus: Only in the Other Americas. *American University International Law Review* Vol.9, No. 3. pp 653-687.

Hirsch, A. (2013) Gambia Quits the Commonwealth.

 *The Guardian.* www.theguardian.com › World › The Gambia .

Hopton, T. C. (1978):Grundnorm and Constitution: The Legitimacy of Politics *McGIll Law Journal, Vol.* 24 pp. *72-91.*

<http://www.irmt.org/documents/research.../IRMT_acc_rec_background>.

Kandiah, D. M. (ed.) (2001) *Rhodesian UDI. Institute of Contemporary British History*, London.

Magaisa, T. Alex, (2010) The Land Question, and Transitional Justice in Zimbabwe: Law, Force, and History’s Multiple Victims.

[www.csls.ox.ac.uk/.../MagaisaLandinZimbabweRevised290610](http://www.csls.ox.ac.uk/.../MagaisaLandinZimbabweRevised290610)

Minnite, Lorraine C. “An Analysis of Voter Fraud in The United States” Adapted from the 2003 report Securing The Vote, by L. Minnite and D. Callahan, Dēmos: A Network for Ideas & Action.

 [www.demos.org](http://www.demos.org)

Mkwentla, N K., (2001) Legal Effect of a Coup d’état on Traditional Constitutional Concepts. Master of Science Dissertation, Rhodes University.

Mushimbo, C. (2005) Land reform in post-independence Zimbabwe: a case of Britain’s neo-colonial Intransigence?(M. Sc. Diss., Graduate College of Bowling Green State University).

Ndakaripa, M. (2014) United States / European Union 'Sanctions' and the Contestation for Political Space Zimbabwe, 2000 to 2012. *American International Journal of Contemporary Research* Vol. 4, No. 4*.*

Palley, C. (1966) The constitutional history and law of Southern Rhodesia, 1888-1965, with special reference to imperial control*.* (Oxford. Clarendon Press.).

Paton, A. (1948) Cry, the Beloved Country. London: Jonathan Cape Publishers.

Reginald, A. (1975) *Racism and apartheid in southern Africa Rhodesia*. Paris U.N.E.S.C.O. Press.

Rhodesia - The National Library of Jamaica.

[www.nlj.govs.jm/MinistryPapers/1968/9.pdf](http://www.nlj.gov.jm/MinistryPapers/1968/9.pdf)

Roth, K. (2008) After Guantánamo: The Case against Preventive Detention. *Foreign Affairs,* Vol. 87, No. 3, pp.9-16.

Ruhe, J., Davis H.J. (2003) Perceptions of Country Corruption: Antecedents and Outcomes *Journal of Business Ethics,* Vol.43, No 4. Pp. 275-288.

Sharpley, R., et al. (1996) Travel advice or trade embargo? The impacts and implications of official travel advice. *Tourism Management Vol.* 17, No.3 pp. 1-7.

Siollun, M. 2007 *The Roller-Coaster Life of Murtala Mohammed*. Nigeria Village Square.

Soviet Neivs, (1965) “Soviet Government Statement: The Situation in Southern Rhodesia,” No. 5206, pp. 70. [www.fordham.edu/halsall/mod/modsbook](http://www.fordham.edu/halsall/mod/modsbook). asp.

Stone, G. R. (2006) civil liberties v. National security in the law’s open areas. *Boston university law review* vol. 86. Pp.1315-1334.

------------------ (2007) “National Security vs. Civil Liberties.” *California Law Review*. Vol. 95, No. 6, pp. 2203-2212.

The Corner House Briefing 19: (2000) Corruption, Privatization, and Multinationals.

[www.thecornerhouse.org.uk/resource/exporting-corruption-0](http://www.thecornerhouse.org.uk/resource/exporting-corruption-0)

United Nations, (1975). *Decolonization: A publication of the U.N. Department of Political Affairs, Trusteeship and Decolonization. Vol.*11, no. 5

White, I. (2012) Postal voting and electoral fraud 2001-09” *House of Commons Library, Parliament and Constitution Centre*. SN/PC/3667.

1. The country Southern Rhodesia was named after Cecil Rhodes but after independence in 1980 it was renamed Zimbabwe. In 1965 when the former British protectorate of Northern Rhodesia attained independence as Zambia; the white minority government in Southern Rhodesia unilaterally adopted the name ‘Rhodesia.’ However, the United Nations did not recognize the change of name hence the country continues to be officially addressed as Southern Rhodesia. In this write up, the recognized UN nomenclature is used. [↑](#footnote-ref-1)
2. Since 1994, The Gambia has been effecting changes in the names of public places glorifying colonial rule. Georgetown, the headquarters of McCarthy Island Division was changed to Janjanbureh now headquarters of Central River Region. McCarthy Square in Banjul the capital city was renamed July 22 Square to commemorate the revolution that ushered in the present administration. James Island is renamed Kunta Kinteh Island. Royal Victoria Hospital in Banjul now goes by the name Edward Francis Small Hospital, a nationalist and trade unionist during the colonial era. Kombo St. Mary Division now comprises of Banjul City Council and Kanifing Municipal Council. The entire streets in Banjul named after stalwarts of colonial rule in The Gambia are renamed after various illustrious Africans. Churchill’s Town, Cape Point, Denton Bridge, Albert Market, and Armitage High School and Brumen Bridge are still awaiting change of names. [↑](#footnote-ref-2)
3. Singapore Declaration (1991), Harare Declaration (2009), Trinidad and Tobago (2009), and a number of others. [↑](#footnote-ref-3)
4. 13 Eminent Persons Group, A Commonwealth of the People: Time for Urgent Reform, October 2011, pp 27–8.

Also see Debate on 17 October: House of Lords Library notes. Commonwealth Heads of Government Meeting in Sri Lanka’ [↑](#footnote-ref-4)
5. In the 1930s, Ireland withdrew its participation, but retained membership until April 18, 1949 when it declared itself a republic. Zimbabwe suspension in 2002 over its land reform and electoral policies led to its resigning its membership. Since June 6, 2000 Fiji has been suspended a number of times over coups and election related matters however, her membership seem to be in limbo as she apparently ignored the issue. [↑](#footnote-ref-5)
6. “Banjul is calm but the political situation in The Gambia remains uncertain and could deteriorate quickly. Those without compelling reasons to travel should consider postponing their visits. Those with essential business in The Gambia should register their presence with the British High Commission.” [↑](#footnote-ref-6)
7. The Gambia is the smallest country on mainland Africa with a population of barely one million at the time of the coup. Its mainstay is groundnut production and export; hence, its dependence on foreign assistance is imperative. During her first tourist season in 1965-1966, it received barely 250 to 300 tourists. However, the number grew steadily to nearly 150,000 at the time of the military takeover. [↑](#footnote-ref-7)
8. ‘The Gambia Hotel Association, press release, December 21, 1994. [↑](#footnote-ref-8)
9. No member state has ever reprimand Britain in any fashion rather, through the Commonwealth; she decides what is right and wrong among member states, even in matters relating to racism and colonial injustices. E.g., no member state has raised the issue of compensation for either colonialism nor colonial loot especially works of art. [↑](#footnote-ref-9)
10. ###  [Gambia Quits Commonwealth - Foreign Affairs - Nigeria - Nairaland](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0ahUKEwjnqdGbxuzPAhUc0IMKHZ8ED40QFgg0MAM&url=http%3A%2F%2Fwww.nairaland.com%2F1463339%2Fgambia-quits-commonwealth&usg=AFQjCNFHKdVVNK2TI7Kcy6PcZU6Pb-NjYg&bvm=bv.136499718,d.amc) [www.nairaland.com/1463339/gambia-quits-commonwealth](http://www.nairaland.com/1463339/gambia-quits-commonwealth) October 3, 2013

 [↑](#footnote-ref-10)
11. Liberation war [↑](#footnote-ref-11)
12. The core dispute was between the new settler community and the BSAC over who owned the land that was in its administrative capacity and any new Government should be declared the rightful owner of un-alienated land. [↑](#footnote-ref-12)
13. The difference between “colonies of settlement and colonies of exploitation were thus summarized in 1893 by the British colonial administrator Sir Harry Johnson in relation to Africa. “ Africa south of the Zambezi must be settled by the white race and that Africa which is within the tropics must be ruled by whites, developed by Indians, and worked by blacks.” While tropical (British ) Africa which is within the tropics must be ruled from Downing street, “ in districts where climatic conditions encourage true colonization, there undoubtedly the weakest must go to the wall and the black man must pay for the unprogressive turn his ancestors took some thousands of years ago; there the direct rule of Downing Street may cease” (See U.N. Publication 1975:04) [↑](#footnote-ref-13)
14. In 1948, Africans caught the whites off guard by successfully organizing a strike; consequently, The Subversive Activities Act of 1950 was passed banning meetings, establishing secret police, and criminalizing the dissemination of ideas. In 1955, the Public Order Act was passed suspending the habeas corpus, banning meetings (over 200 A.N.C. Youth League members were arrested for organizing a bus boycott.)

In 1959, there was an emergency proclamation throughout the Federation to curb criticism by African nationalists. An accompanying massive detention occasioned a symposium being organized outside Khami Prison in the outskirts of Bulawayo, a fraternity among African nationalists many of who spent the following decade in jail in Southern Rhodesia. 1959-1960 witnessed the climax of the repressive laws. These include the Unlawful Organization Act, and the Preventive Detention Act as well as the amendment of the Native Affairs Act was passed in 1959. In 1960, the Emergency Powers Act, Law, and Order (Maintenance) Act, all designed to enhance detention, restriction, long-term imprisonment, and execution as recipes to African nationalism. The Law and Order Maintenance Act cut across every segment of the civil statute of Southern Rhodesia as it destroys constitutionally procedural guarantees such as the assumption of innocence of suspects. “The act has also been described aptly as ‘34 pages descriptive of what Africans cannot do, and what will happen to them if they do’. It empowers the executive to ban meetings and attendance at meetings, to ban publications, to order up to five years of restriction of liberty without trial. It allows and prescribes arrest and search without warrant, minimum sentences for vague and widely defined offences such as ‘intimidation’ (three years), possession of any ‘offensive weapon or material’ (twenty years), or of any ‘arms of war with intent to endanger the maintenance of law in Rhodesia’ (compulsory death sentence until 1969, now thirty years). Capital punishment (or thirty years) and a five-year minimum sentence is prescribed for ‘any act of terrorism or sabotage . . . done with intent to endanger the maintenance of Law and Order in Rhodesia . . . or in a neighbouring territory’ (the latter to catch guerrillas operating against South Africa or Portugal).” [↑](#footnote-ref-14)
15. political party [↑](#footnote-ref-15)
16. The principle of unimpeded progress to majority rule. There would also have to be immediate improvement in the political status of the African population. There would have to be guarantees against retrogressive amendment of the constitution. There would be progress towards ending racial discrimination The British Government would need to be satisfied that the basis proposed for independence was acceptable to the people of Southern Rhodesia as a whole. [↑](#footnote-ref-16)
17. Rhodesia: Unilateral Declaration of Independence Documents, 1965

[www.fordham.edu/halsall/mod/1965Rhodesia-UDI.asp](http://www.fordham.edu/halsall/mod/1965Rhodesia-UDI.asp) [↑](#footnote-ref-17)
18. Sir Humphrey Gibbs was constitutionally the Queen’s representative in Rhodesia and Commander –in-Chief of the Southern Rhodesian Armed Forces prior to U.D.I. [↑](#footnote-ref-18)
19. Other personalities detained under parallel circumstances as Mr. Daniel Madzimbamuto include Joshua Nkomo, Ndabaningi Sithole, Willie Musarurwa, Morton Malianga, Michael Mawema, Josiah Chinamano, Clem Muchadi, Robert Mugabe, Enos and Lazarus Nkala, and Edson Sithole, most of who suffered incarceration for over ten years [↑](#footnote-ref-19)
20. Zimbabwe African National Union and Zimbabwe African People’s Union. [↑](#footnote-ref-20)
21. ECM/Res. 8 (V) and ECM/Res. 12 (V). <https://www.issafrica.org/uploads/JCOM_1965X>. PDF [↑](#footnote-ref-21)
22. **Resolutions of the fifth extra-ordinary Session of the council of ministers held in Lagos from 10 to 13 June 1965**.<https://www.issafrica.org/uploads/JCOM_1965X.PDF>

Accra [*www.au.int/.../9570-council\_en\_14\_21\_october\_1965\_council\_minist*](http://www.au.int/.../9570-council_en_14_21_october_1965_council_minist)*...* African Union.

Uganda [*www.au.int/.../9588-council\_en\_18\_25\_july\_1975\_council\_ministers\_*](http://www.au.int/.../9588-council_en_18_25_july_1975_council_ministers_)African Union 25/7/1975. [↑](#footnote-ref-22)
23. See Jamaica initiatives at Rhodesia - The National Library of Jamaica.

[www.nlj.govs.jm/MinistryPapers/1968/9.pdf](http://www.nlj.gov.jm/MinistryPapers/1968/9.pdf) [↑](#footnote-ref-23)
24. “If a revolution does not fail, all laws emanating from the new government would not be subject to review because the old order under the pre-revolution Constitution would have yielded to the new legal order. If a revolution fails however, the provisions of the old Constitution will apply and the supreme court would be able to consider the Constitutionality of any law made by the organ that has usurped the power, for example the military government.” Mkwentla (2001:06).

 “Hans Kelsen says that every Jurist will presume that the old order to which no political reality any longer corresponds, has ceased to be valid and that all norms, which are valid within the new order, receive their validity exclusively from the new Constitution. Therefore, the norms of the old order can no longer be recognized as valid norms. He goes on to say that a new basic norm is pre-supposed…If the revolutionaries fail, their undertaking is an illegal act, they can be charged with treason according to the old constitution and its specific basic norm” [↑](#footnote-ref-24)
25. [www.ozcase.library.qut.edu.au/qhlc/.../qsr\_](http://www.ozcase.library.qut.edu.au/qhlc/.../qsr_) **colonial**\_**law**s\_**validity**\_**act**\_**1865**\_1may 85.**pdf**  [↑](#footnote-ref-25)
26. June 1965, January 1966, September 1966, and January 1969. [↑](#footnote-ref-26)
27. In 1897, a punitive expedition was launched against the Benin Kingdom in Nigeria, an action that eventually led to the deportation of the King, Oba Ovoramen, to Calabar where he died in 1914. The exile and repatriation of Prempeh I of Ashanti land from 1896-1924 is the outcome of the Ashanti British war. In 1894, King Foday Sillah was, in The Gambia, at daggers drawn with the British. It took a military showdown with Captain (Later Admiral) E. H. Gamble to compel him to relocate to Cassamance in Senegal before he was captured by the French and deported to Cayor Senegal where he died. In 1892, a chief FodyKabba, another Gambian, was exiled at Medina Senegal. Later in 1900, his followers confronted and killed two travelling commissioners, Messer F. C. Sitwell and Silva at Sankandi in The Gambia and this resulted in a punitive expedition led by Colonel H. E. Brake The Anglo-Zanzibar War was between the United Kingdom and the Zanzibar Sultanate on 27 August 1896. The conflict lasted around 40 minutes, marking it as the shortest war in history. The immediate cause of the war was the death of the pro-British Sultan Hamad bin Thuwaini on 25 August 1896 and the subsequent succession of Sultan Khalid bin Barghash. The British authorities preferred Hamud bin Muhammed, who was more favorable to British interests, as sultan.

On April 2, 1982, Argentina invaded the Falkland Islands located over 13,000 kilometers from Britain but only 480 kilometers east of the southern tip of Argentina. The surprise attack brought to climax a 140 years of controversy between Argentina and Great Britain over the sovereignty of the islands. [↑](#footnote-ref-27)
28. Declaration on the Granting of Independence to Colonial Countries and Peoples Adopted by General Assembly resolution 1514 (XV) of 14 December 1960

  [↑](#footnote-ref-28)
29. Isobel White’s account shows that the U.K electoral system is laughable with cases and allegations of fraud comprising undue influence, personation, bribery, and treating. Furthermore, the aftermath of the 2012, elections in the Miami Dade County in the United States remain tainted with serious allegations of absentee ballot fraud. Voter fraud in the United States is a reality, (See White 2012, Minnite 2003).Final Report of the Miami-Dade County Grand Jury Spring Term A.D.2012. [↑](#footnote-ref-29)
30. During World War II, there were discriminatory regulations against aliens and political dissenters, which were approved by the British parliament and upheld in the courts, demonstrating that as a nation the British chose security over liberty during the period (Goldman, 1973, 120). On May 29, 1940, Robert Liversidge was arrested under regulations 18B and locked up in the interest of national security. All attempts to regain his freedom through legal means failed.

 During the military interregnum of General Yakubu Gowon in Nigeria, the incarceration of the Nobel Playwright Wole Soyinka for two years is a case of a dissenting voice arrested and detained with neither charge nor trial. Soyinka fell out of favor with the Nigerian Federal Military Authorities after engaging the secessionist warlord in Eastern Nigeria, Colonel Chukwuemeka Ojukwu in an unsanctioned meeting intended to avert the outbreak of the Nigeria Biafra war. [↑](#footnote-ref-30)
31. “Constitution of The Republic of The Gambia.” www1.umn.edu/humanrts/research/gambia constitution. [↑](#footnote-ref-31)
32. Among which is that involving the State and Madam Isatou Touray of The Gambia Committee on Traditional Practices who was wrongly accused of a transgression against the State. Another is that of a former Director General of the Gambia Civil Aviation Authority, who was equally unjustly accused. Also, A former Mayor of Banjul Pa Sallah Jeng triumph over the State, as well as Gumbo Touray. Many of those charged with furnishing public officers with purportedly false information were victorious. [↑](#footnote-ref-32)
33. The Gambia Agricultural and Development Bank, The Gambia Commercial and Development Bank, The Meridian Bank, and Continent Bank. [↑](#footnote-ref-33)
34. It is noteworthy that not all the ministers, fired or replaced, involved themselves in reprehensible conducts. Probably some could not live up to expectation. In most instances, they do not know why they were terminated [↑](#footnote-ref-34)
35. In The High Court Of South Africa Durban And Coast Local Division

Durban. Case NO CC27/04. 2005/06/08— The State Versus Schabir Shaik & 11 Other. [↑](#footnote-ref-35)
36. Chapter 6 of Article 19 concerns threats to national security or public order, while chapter 7 addresses issues of defamation, invasion of privacy, rights of reply, advocacy of national , racial and religious hatred, insults to national institutions and the Head of State. Authority of the judiciary, contempt of court, and right to fair trial as well as comments on matters pending before a court. [↑](#footnote-ref-36)
37. The editor was reprimanded for the Publication of a material that is *sub judice*. Source: *The Point Newspaper* of The Gambia Friday, June 29, 2012. [↑](#footnote-ref-37)
38. Population and Housing Census 2003. Directory of Settlements. Gambia Bureau of Statistics.[www.csd.gm](http://www.csd.gm) [↑](#footnote-ref-38)
39. Lt. Col. Suka Bukar Dimka was among 38 military officers in addition to a civilian working at Radio Nigeria at Ikoyi Lagos faced a firing squad over the botched coup. Investigations after the coup caused a public furor when it was disclosed that Dimka had visited the British High Commission while the coup was in progress. He asked the High Commissioner Sir Martin Le Quesne to relay a message to General Gowon. Although Le Quesne refused to relay the message and declared that he would not be Dimka’s messenger, Dimka’s visit severely compromised his position, and would later cost him his job. This allied to suspect CIA knowledge of the coup caused anti-British and American sentiment. Matters came to a head when at the height of the national mourning for the slain Head of State, Le Quesne insensitively reminded Nigerians that he expected them to pay for the damage caused to the windows of the British High Commission by demonstrators. Although correct in principle, Sir Martin’s statement showed poor timing and insensitivity to the mourning of his hosts. This proved to be the last straw for the government. Sir Martin was declared persona non grata and told to leave the country, (Siollun 2007). [↑](#footnote-ref-39)
40. Britain officially declared The Gambia a colony in 1843. However, it is Britain’s oldest colonial possession in Africa. [↑](#footnote-ref-40)
41. The colonial pact maintained the French control over the economies of the African states; it took possession of their foreign currency reserves; it controlled the strategic raw materials of the country; it stationed troops in the country with the right of free passage; it demanded that all military equipment be acquired from France; it took over the training of the police and army; it required that French businesses be allowed to maintain monopoly enterprises in key areas (water, electricity, ports, transport, energy, etc.). France not only set limits on the imports of a range of items from outside the franc zone but also set minimum quantities of imports from France. These treaties are still in force and operational.

Dr. Gary K. Busch in Ocnus.net, le 6 février 2008

 <http://saoti.over-blog.com/article-17347736.html> [↑](#footnote-ref-41)
42. The President of the National Assembly in the Ivory Coast. [↑](#footnote-ref-42)
43. [www.leo-kanisani.blogspot.com/2011/01/servitude-of-colonial-pact](http://www.leo-kanisani.blogspot.com/2011/01/servitude-of-colonial-pact)html [↑](#footnote-ref-43)