

ABSTRACT

A TALE OF TWO REGIMES/COUNTRIES: A COMPARATIVE ANALYSIS OF DEMOCRATIC TRANSITIONS IN GHANA AND THE GAMBIA

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This paper assesses the political transmutations from “Military to Civilian Leadership” of Jerry Rawlings in Ghana and The Gambia under Yahya Jammeh. It examines why Ghana seemed to have “successfully” transitioned to a more democratic dispensation under Rawlings and why The Gambia, under Jammeh, failed to do so. It addresses three key research questions: firstly, how and why did Ghana successfully “transition” to a leading democracy in the continent under the watch of Jerry Rawlings? Secondly, how and why did The Gambia “fail” in its transition efforts to move toward more democratic norms under President Yahya Jammeh? Finally, what accounts for the different pathologies and outcomes in the transition programs of Rawlings’s in Ghana and Jammeh’s Gambia? The basic argument the paper makes is that the varying political and economic outcomes in The Gambia and Ghana are attributable to the levels of regime/ leadership commitment to democracy and perhaps, more importantly, to neo-liberal reform in both countries.

A TALE OF TWO REGIMES/COUNTRIES: A COMPARATIVE ANALYSIS
OF DEMOCRATIC TRANSITIONS IN GHANA AND THE GAMBIA

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Table of Contents

Introduction.....	1
Theoretical Framework.....	2
Rawlings and Jammeh “Military to Civilian” Leadership Transformations Compared.....	5
Defining “Success” in the Transition Programs.....	6
Rawlings and Jammeh, Commitment, and Economic Reform, Success?.....	7
Rawlings, Jammeh, Commitment, and Democratization, Success?.....	17
Rawlings and Jammeh, Commitment, and Judicial Reform, Success?.....	22
Rawlings and Jammeh, Commitment, and Human Rights, Success?.....	24
Rawlings and Jammeh, Commitment, and Press Freedom, Success?.....	28
Other Factors to the Rawlings Regime’s Transitional Outcomes.....	29
Conclusion.....	31
Bibliography.....	32

Introduction

Flight Lieutenant (now “former” President) Jerry Rawlings of Ghana and Lieutenant (now President) Yahya Jammeh of The Gambia embarked on many overlapping, but noticeably different, economic, political, and personal governance approaches as they sought to move their respective countries away from authoritarian rule. Despite these differences, however, their transition strategies shared a lot in common, as Rawlings’ model of *controlled transition* was used by President Jammeh and many other West African strongmen to remain in power. A discussion focusing on Rawlings and Jammeh, i.e., soldier-turned-civilian-president, starting with Lt. Jerry Rawlings is important.¹

On June 4th 1979, then Flight Lieutenant Jerry Rawlings led a military coup that overthrew General Fred Akuffo of the Supreme Military Council (SMC). Shortly thereafter, Lt. Jerry Rawlings handed power to civilian politician Dr. Hilla Limann who led Ghana until his sudden overthrow on the 31st of December. Ironically, it was Lt. Rawlings who led the coup and his Armed Forces Revolutionary Council (AFRC), renamed the Provisional National Defense Council (PNDC), ruled Ghana from 1983 to 1991. This period in Ghana’s history witnessed a process of political and economic reforms that laid the foundation for a future of democratic competition that brought to power two-term president John Kuffour in 2001 and John Atta Mills in the recent 2008 presidential elections.

Meanwhile, in The Gambia, Lieutenant Yahya Jammeh followed suit and in July 1994 led a bloodless coup d’état against The Gambia’s founding President, Dawda K. Jawara. Soon after, he formed the Armed Forces Provisional Ruling Council (AFPRC) to oversee a “preliminary”

¹ The soldier-turned-civilian-president paradigm evolved from the ideological transformation of African political leadership beginning in the late 1970s to the 1980s. It captures the evolution of African leaders from their military inclinations to more civilian-led democratic norms on governance. More detailed discussion of this paradigm is provided in the upcoming section on the “‘Modernizing Military View’ and the ‘Military to Civilian Leadership Model,’” pp. 3-4.

transition program back to “civilian” rule (1994-1996). Like Rawlings, Jammeh also formed the Alliance for Patriotic and Re-orientation Construction (APRC) to shed his military image and background. This was in “response to international and domestic pressures to restore democratic norms and the rule of law.”²

Theoretical Framework

This paper is built around the “Military to Civilian Leadership” Model, a theoretical concept that captures the nature of regime change in the African polity. I define this model as the voluntary transformation and transfer of militarized leadership and governance to a civilian leadership and governance. Simply put, it is essentially the transmission of political power from a military individual and institutional establishment to a civilian mode of governance. The Military to Civilian Leadership model has long been a leitmotif in African and other third world political establishments. Its proliferation in Africa was made known by scholars who wrote from assumptions derived from the Modernization Theory, thus the “Modernizing Military View.”

The Modernizing Military View and the “Military to Civilian Leadership” Model

The Modernizing Military View was centered on the belief that African military leaders and their military institutions were essential for the prosperous governance of African countries. The argument was that because the military was modernized and possessed remarkable grip of itself that it ought to be pushed as the modernizing agency of African society, a governing philosophy and outcome that Saine appropriately discusses in *the Paradox of Third-Wave Democratization in Africa* as the “Modernizing Military View.” In the end, what followed many Modernizing Military Views were waves of military rule, or what Paul Nugent categorized as “Khaki Fatigue.” The first significant coup d’état took place in Togo in 1963, later to be followed by identical and seemingly sequential events in Benin, the Central African Republic,

² Abdoulaye, Saine. *The Paradox of Third-Wave Democratization in Africa: The Gambia under AFPRC-APRC Rule*, 1994-2008, Lexington Books, p. 23.

Ghana, Uganda, and Nigeria, just to name a few.³ State after state military leaders argued “forcefully” that they could do it better, but reality reflected instabilities and “mafia states.”

Liberalization, pluralism, democracy, human rights, rule of law, and good governance were not political ideologies championed voluntarily by the post-1980 African military leaders. By the 1980s, a changed international political arena aided by globalization and built on nuanced ideological norms and values such as neo-liberalism (free and liberalized market, democratic rule, the rule of law, and press freedom) literally forced African “military” political leaders to trade in their military khakis for civilian clothes or be ostracized or sanctioned. The change in the international environment also forced the abandonment of the Modernizing Military View as a dominant or considerable policy option in Africa. The Military Modernizing View was later replaced with Liberal norms on governance and modernization.

These liberal norms and values of governance and modernization manifested themselves in structural adjustment policies imposed on African leaders by international financial institutions. Economic deprivation and political instability in Africa had obliged African political leaders to seek the dreaded help of international financial institutions such as the International Monetary Fund (IMF) and the World Bank (WB); Lt. Jerry Rawlings and Lt. Yahya Jammeh’s initially militarized regimes in Ghana and The Gambia were no exception. Lt. Rawlings and Lt. Jammeh simply traded in their military uniforms for civilian attires. The “Soldier-Turned-Civilian-President (STCP)” leaders were once soldiers that transformed themselves into civilian presidents.⁴

Consistent with the STCP Model, Lt. Rawlings transformed himself from a military leader to a civilian leader in 1993 and renamed his militarized regime, PNDC, the National Democratic Congress (NDC). By contrast, Lt. Yahya Jammeh continues to lead The Gambia as president nearly 16 years after his bloodless military coup d’état through use of engineered elections,

³ Paul, Nugent. *African since Independence: A Comparative History*. Palgrave Macmillan. pp. 204-260.

⁴ Abdoulaye, Saine. *The Paradox of Third-Wave Democratization in Africa: The Gambia under AFPRC-APRC Rule, 1994-2008*. Lexington Books, p. 8.

political repression and muzzling of the press. Both leaders came to power emphasizing the need for political, economic, and social reforms in their respective countries. They were both certain that these reforms would, in the end, remedy the political, economic, and social conditions left behind by the leaders they overthrew. In varying degrees, both Rawlings and Jammeh relied on the IMF and the World Bank who financially underwrote a neo-liberal reform package to move both countries into a neo-liberal mode of privatization and currency devaluations. In doing so, both leaders, with varying levels of commitments pushed for democratization, the rule of law, human rights, and press freedom- the cornerstones of neo-liberal policies.

From 1983 to 1993, Lt. Rawlings relentlessly reformed Ghanaian economic, political, and social spheres of life in manners unprecedented since the times of Kwame Nkrumah. Rawlings adamantly pushed Ghana to reform its economy through his Economic Recovery Program (ERP) and other reform measures such as Structural Adjustment Programs (SAP), mandated by international financial institutions. Initially, the reforms were very detrimental to the Ghanaian people, as commodity scarcity was a routine, and the standard of living for much of the country spiraled to levels worse than the pre-Rawlings-coup eras.⁵

However, since 1996, Ghana has experienced commendable “success.” Its economy has grown exponentially since the late 1980s; it is currently one of the most acknowledged and consolidated democracies in the developing world. There is law and order, human rights violations are not an issue of national prominence, and there is a vibrant press.

The Gambia on the other hand, has not been so successful. The Gambian economy is in shambles, the country is nowhere near being democratic, human rights violations are the norm, and there is no press freedom to speak of. Thus, my contention that the vastly different outcomes in The Gambia and Ghana are attributable to leadership/ regime commitment to neo-liberal reform seems borne out by evidence. Simply put, Ghana was successful in its “Military to

⁵ For more on Ghana’s development problems see Kofi, Kyereme. *Ghana's Development Problems: Some Reflections/solutions*. Rev, 2 ed. Kumasi, Ghana: 1998.

Civilian Leadership” transition because of its unflinching commitment to neo-liberal reform. The Gambia has not been so successful because of President Jammeh and the AFPRC’s lackadaisical commitment to neo-liberal reform and democratization.

The Military to Civilian Leadership Model serves as the overarching conceptual framework in examining the military to civilian leadership of Ghana’s Lt. Jerry Rawlings and Lt. Yahya Jammeh of The Gambia. The model is used to help address the three key research issues I raised earlier. To recap: firstly, how and why did Ghana successfully transition and The Gambia “failed” in its efforts? The paper is organized thus:

The first section of this paper provides a contextual overview of the Military to Civilian Leadership model, section two offers a brief discussion of how Lt. Jerry Rawlings and Lt. Yahya Jammeh symbolized this model. The third section briefly assesses the factors and variables that constitute “success” in the transition programs. Soon after, the fourth section introduces the “commitment” variable and categories of neo-liberal reform; economic development, democratization, the rule of law and human rights, and press freedom. These categories of neo-liberal reform were fundamental in determining the levels or nature of regime commitment to neo-liberal reform. Section five covers the central inquiries of the paper.

Accordingly, Rawlings’s and Jammeh’s “commitment or lack thereof” to economic reforms (either to Ghana’s Economic Recovery Program or the IMF and WB’s Structural Adjustment Program) will be analyzed to determine the residual impact on Ghanaian/Gambian economic development. Rawlings and Jammeh’s “commitment or lack thereof” to democratization will be examined to determine how it has affected democratic consolidation in both countries. Rawlings and Jammeh’s “commitment or lack thereof” to constitutional order will be investigated to show the extent to which the rule of law and the respect for human rights are evident in both societies. Finally, Rawlings and Jammeh’s “commitment or lack thereof” to the protection of the press will be evaluated to judge the prevalence of press freedom in both polities. In the final section, I conclude.

Rawlings and Jammeh “Military to Civilian” Leadership Transformations Compared

Lt. Jerry Rawlings “voluntarily” transformed himself from a military to a civilian leader to express and fulfill his regime’s commitment to democratic consolidation, but not without pressure. Like many other non-democratic leaders of his era, Rawlings bowed reluctantly to international pressure and transformed his PNDC to a civilian and democratic ruling party in 1992. Jeff Haines in “Ghana: From Personalist Rule to Democratic Rule,” points to this transformation by recognizing two significant events. First, a referendum on future political arrangements was successfully conducted in April 1992. Second, presidential and parliamentary elections were held in November and December. Lt. Rawlings was elected President of Ghana, and his party, the National Democratic Congress (NDC), won virtually all the seats in the legislature.” These two events marked the pivotal stage of the military to civilian leadership transition of the Lt. Rawlings regime.⁶

Lt. Yahya Jammeh’s Military to Civilian transition was symbolized by contradictory and increasingly authoritarian transitional measures. Following his bloodless coup d’état, from May to June 1995, Lt. Jammeh carried out a nation wide constitutional conference geared towards drafting and drawing a new Gambian constitution. He achieved this two months later when a new constitution was drafted. Subsequently, he appointed an eight-person Provisional Independent Electoral Commission (PIEC) to carry out presidential, national assembly, and local government elections. Overall, the PIEC, in partnership with the ruling AFPRC was to oversee a “Military to Civilian Leadership Transition.”⁷ The outcomes of these transition proposals are the primary queries behind this paper.

Defining “Success” in the Transition Programs

In the Military to Civilian Leadership transition paradigm, “success” is dictated by whether the Ghanaian/Gambian governments achieved their objectives under the neo-liberal reform programs. Also important is the impact, negative or positive, that these reform objectives

⁶ John, Wiseman. *Democracy and Political Change in Sub-Saharan Africa*. Routledge, Ch. 5, p. 95.

⁷ Abdoulaye, Saine. “The Gambia’s ‘Elected Autocrat, Poverty, Peripherality, and Political Instability, 1994-2006.’” *Armed Forces and Society*, p. 456.

have had on the economic, political, and social fabrics of their respective societies. Former President Jerry Rawlings and President Yahya Jammeh embarked on their coup d'état because of reasons that were quite often linked to the failures of the previous regime. Above all, how these leaders remedied or reversed the overthrown regime's poor policies in Ghana and The Gambia are good indicators of "success." Regime commitment to neo-liberal reform, economic, democratic, judicial, and press conditions are good measures of "success."

Rawlings and Jammeh, Commitment, and Economic Reform, Success?

The Coup D'états

The Rawlings and Jammeh regimes ousted the previous regimes due to the deteriorated conditions in their home countries. In Ghana, the deteriorated conditions ranged from poor infrastructures such as roads, railway systems, to worsened economic and social infrastructures.⁸ The Ghanaian economy took a substantial downward spiral in the 1970s as per capita income decreased at an average rate of 3%. Inflation figured at over 50%. Ghana's cocoa output was at levels seen at independence, and the country's major commodities, gold, timber, and diamonds had sharply reduced.⁹ Other agricultural commodities also took a significant decline. In the 1970s, there was a threatening food scarcity.¹⁰

In The Gambia, the justifications for the coup were "corruption" and "complacency." The Armed Forces Provisional Ruling Council (AFPRC) had accused President Dawda Jawara's regime of both. Saine explains that because of this, there was a "deep seated dissatisfaction and disillusionment among the populace." This sense of dissatisfaction aroused a desire for different governance framework, a framework different from President Jawara's quasi-democracy. There

⁸ Emmanuel, Gyimah-Boadi. *Ghana under PNDC Rule*. Senegal: Codesria, pp. 2-3.

⁹ Gyimah-Boadi, pp. 13-14,

¹⁰ For more on the pre-coup woes, see Jeffrey Herbst. *The Politics of Reform in Ghana, 1982-1991*. University of California Press: Ch. 2.

were also apparent inequalities between military officers of Nigerian origin and native Gambians that caused severe frictions between the ranks.

These inequalities were said to have stimulated “discontent, frustration, and dissatisfactions” amongst junior Gambian officers, partly because of their inferior positions, which meant limited opportunities for advancement. Also, Saine contends that instabilities in Sierra Leone, Liberia, and Guinea were said to have a negative “contagion” effect on the Gambian polity. Above all, lack of transparency and accountability in governance were paramount reasons for the coup. Following the coup, the “soldiers with a difference,” stressed their willingness to “protect human rights and govern with the rule of law.”¹¹ To remedy or attend to these issues, both regimes proposed ambitious neo-liberal reform projects.

The Regime Neo-liberal Reformation Objectives

The Rawlings and Jammeh regimes both came to power expressing grand visions for neo-liberal reform. For Rawlings, these visions were communicated through the “Economic Recovery Program (ERP). For Jammeh, “Vision 2020,” was to “transform the Gambian economy and make it more competitive, diverse, and highly integrated into the global economy.”¹² Rawlings’s ERP I and ERP II promised to:

- a) Arrest and reverse a decade of precipitous decline in production in all sectors of the economy, particularly agriculture, including cocoa;
- b) Control factors fuelling the fires of hyper-inflation in the economy (reaching 116% in 1977 and 1981) through the restoration of financial discipline;
- c) Rationalize the exchange rate in order to stimulate export and to curb the consumption of luxuries and to make the scarcity of foreign exchange a factor in its official pricing;

¹¹ Abdoulaye, Saine. “The Gambia’s ‘Elected Autocrat, Poverty, Peripherality, and Political Instability, 1994-2006,” pp. 454-455.

¹² Saine, 2009, pp. 98-99.

- d) Improve the tarnished image of Ghana in international financial circles through effective external debt and foreign exchange reserve management, and restore confidence in the economy with overseas banking and supplies establishment;
- e) Rehabilitate the productive and social infrastructure;
- f) Mobilize the necessary domestic and external resources to restore the standard of living of Ghanaians (including over a million expelled from Nigeria) from the depths to which this had sunk as a result of their disastrous economic performance, and unprecedented drought and raging bush fires;

ERP II expressed these objectives:

- a) To sustain economic growth between 5-5.5% a year over the medium-term;
- b) Increase the level of public investment from about 10% of national income to about 25% by the end of the decade;
- c) To increase the domestic savings from about 7% at the end of ERP I to about 15% by the end of the decade;
- d) Further improve the management of resources in the public sector;
- e) Effectively mobilize the resources thus generated to improve the social and overall well-being of the people of Ghana, particularly the underprivileged, deprived, and the vulnerable.¹³

The Rawlings regime took several noteworthy neo-liberal measures to achieve their policy objectives, one of which was to increase the cocoa producer price in the country. The regime eliminated price controls, with the exception of imported rice, sugar, baby food, cement, textiles, drugs, matches, and soap. They took strong fiscal policy measures to restore fiscal balance by tax collection and selective increases in taxes and charges, but also removed the practice of

¹³Gyimah-Boadi, Ch. 2, pp. 13-20.

government subsidizing. Gyimah-Boadi noted that credit ceilings had been set by the Ghanaian bank for any financing of the budget and the granting of loans to the private sector. Additionally, in 1989, controls on the sectoral distribution of credit were abolished, except for agriculture, where a minimum lending requirement of 20% was still applicable. Interest rate policy had been liberalized to promote competition and the efficient mobilization and allocation of financial resources.¹⁴

There was also vast labor retrenchment and redeployment in areas pertaining to the civil service, agriculture, education, and vocational institutions. Of course, no neo-liberal reform program would be complete without “import liberalization.” The Rawlings regime had abolished and replaced a system of import declaration. The tariff marks were relaxed and reduced. The Rawlings regime established a Divestiture Implementation Committee that involved representatives of government ministries and agencies, a representative of the Trades Union Congress and of the Ghanaian Central Bank, to implement a privatization and divestiture of 32 enterprises. All of these actions were taken to improve the climate for private sector investment. Finally, programs had been created to rehabilitate the Ghanaian transport, energy, mining, cocoa and timber industries. Educational and health care reforms were equally a substantial part of the neo-liberal measures taken by the Rawlings regime.¹⁵

Carlene Edie in “Democracy in the Gambia: Past, Present and Prospects noted that the Jammeh regime lacked its own economic program and vision, but was committed to the neoliberal policies of the Jawara regime.¹⁶ Simply, Jammeh’s “Vision 2020” was nothing more than the neoliberal vision of the ousted regime’s “Gateway Project” because of the many similarities. In either case, Vision 2020 articulated the following ambitions:

¹⁴ Gyimah-Boadi, pp. 20-22.

¹⁵ Gyimah-Boadi, pp. 20-24.

¹⁶ Carlene, Edie. “Democracy in the Gambia: past, present and prospects for the future.” Africa Development, volume. 25 issue 3, 2003, p. 182.

- a) Achieve food self-sufficiency while strengthening and diversifying the production base, so as to cater for the needs of an export-oriented industry, meaning “not high-volume, but high value crops,” light agro-based industries, light manufacturing, high technology, and high value-added industrial activities.
- b) Transform The Gambia into a middle-income country with higher incomes, and improved living standards.
- c) Rebuild private-sector confidence, shaken by the coup and attendant uncertainties.¹⁷

Commitment to Economic Reform: Rawlings

Above all the categories of neo-liberal reform, the Rawlings regime strictly and relentlessly followed neo-liberal economic reform the most. Rawlings was said to have had no previous interest in neo-liberal reform. In fact, he had viewed international financial institutions as forces of neo-colonialism.¹⁸ The bulk of Ghanaian society at large had developed a strong mistrust for capitalistic forces, most notably, international financial forces. These anti-capitalist perceptions had been a result of a heavy sense of and a strong liking for the political economy of socialism, first preached and partly implemented in Ghana by Kwame Nkrumah’s socialist beliefs. When Rawlings achieved power for the second time, he reiterated and sought to implement some of these socialist ideas.¹⁹ Despite this, Rawlings forced Ghanaians to swallow the structural adjustment or neo-liberal reform pill.

The post-coup era had been ripe for neo-liberal reform because of the estimated availability of funds from international financial institutions. Jeffrey Herbst remarked that the Rawlings regime’s decision to adopt a reform program came at a *fortuitous moment, just as the international community was increasing resources in Africa*. Therefore, despite the societal opposition to neo-liberal reformation, Herbst recognized that *the intellectual and financial clout*

¹⁷ Abdoulaye, Saine, *the Paradox of Third-Wave Democratization in Africa*, pp. 99-100.

¹⁸ Rothchild, 1991, p. 5.

¹⁹ Jeffrey, Herbst. *The Politics of Reform in Ghana, 1982-1991*. University of California Press, pp. 73-74.

*of the World Bank and the International Monetary Fund had a profound impact on domestic Ghanaian politics. The positions of those favoring stabilization and adjustment were strengthened because they could point to the availability of real resources. Ultimately, what convinced many was “the fact that Ghanaians could argue that at least part of their reform program was locally developed; [this] may have helped somewhat in convincing the public to swallow the IMF’s bitter ‘structural’ medicine.”*²⁰

Striving to win the minds of Ghanaians on neo-liberal reform was one aspect of Rawlings’s commitment to neo-liberal reform. However, the most significant sign of Rawlings’s commitment to neo-liberal reform was seen in the face of initial negative ripple effects from the country’s neo-liberal reform. In the early stages of implementation, from 1978 to 1983 to be exact, Ghanaians experienced economic hardships never before seen in the history of the country’s development as a consequence of the regime stringent implementation of ERP I. Ironically, the country’s economic condition had actually worsened to pre-coup levels.

From 1983 onwards Ghanaians had endured extreme economic hardships. Currency devaluations and rocketing commodity prices caused essential commodities to be virtually unattainable regardless of their vast availability. The wages that Ghanaians received were not compatible with the demands of everyday prices and expenses. The most vulnerable that the regime had ever become to being ousted was when nearly two million Ghanaians were expelled from Nigeria and forced to return to Ghana. This event caused unprecedented economic pressures on the reform initiatives and nearly crippled it.²¹

These economic hardships that Ghanaians were forced to endure gave rise to internal opposition of the reform package that the Rawlings regime had instituted. There were widespread anti-government protest by students, laborers, and city dwellers that were amongst some of those most severely affected by the reform policies. Paradoxically, while the national

²⁰ Herbst, pp. 35-36.

²¹ Rothchild, pp. 144-145, discusses in much more detail, the economic hardships that Ghanaian faced as a result of neo-liberal reform.

economy was reported to have been growing by a margin of 5-6% each year, the standard of living for Ghanaians had been decreasing. By 1993, the minimum day's wage of C460 was equal to \$0.33. With petroleum standing at C1, 600 a gallon, a minimum wage employee earning a monthly income of C12, 420 could only afford 7.76 gallons of gas, nothing more.²² This reality was even acknowledged by the Ghanaian authorities as they saw fit to draft and implement the Program of Actions to Mitigate the Social Costs of Adjustment (PAMSCAD) to help Ghanaians worst affected by adjustment policies.²³ In spite of these residual occurrences, Rawlings and his regime's commitment to Ghana's neo-liberal reform programs remained unflinching and perhaps became more intense over the years.

The more Ghanaians pressured the regime to reconsider its reform measures, the more fervently committed the regime became. There was a general fear amongst Ghanaians that the regime was willing and did seek to implement its reform measures by any means necessary. Herbst reported that one regime official asserted that "*this [PNDC-NDC] was prepared to take action. It also had a strong constituency among those who held the gun, the population [knew] that if [they] [complained] they would be silenced; if they misbehaved, they would be taken care of.*"²⁴ The strong arm that Rawlings and his regime used to implement their neo-liberal measures allowed them to stay committed, long enough for Ghana and Ghanaians to reap the positive results of their commitment.

The Ghanaian government had gone from a negative 38% deficit on its government expenditures in 1980 to a surplus of 72% by 1988. Gross national investment rose from a historically low number of 3.7% in 1983 to an estimated 16.0% in 1990.²⁵ The larger numbers of investment were financed by the surplus in government expenditures. For the first time, credit had become widely available to Ghanaians. Ghana now has one of the highest per capita on the

²² Wiseman, p. 94.

²³ Herbst, p. 53.

²⁴ Herbst, pp. 45-46.

²⁵ International Monetary Fund, 1991, pp. 12-15.

continent. The country's economic annual growth rate stands at 6.3%. With the recent discovery of oil on Ghanaian soil with connection to already established plans for transparency, accountability, and responsibility in dealing with the oil revenue, Ghana and Ghanaians are today in a better position to achieve what the Gambians call "Vision 2020," to transform their country into a middle-income country, literally by 2020. This prospect would not have been feasible without the unflinching neo-liberal reforms and institutions of former President Jerry Rawlings.

Commitment to Economic Reform: Jammeh

President Jammeh's "commitment" to neo-liberal reform has been certainly unimpressive and inconsistent. The Jammeh regime had inherited an external debt with estimated numbers at \$600 million. Economic sanctions had been placed on the regime as a result of the coup. Saine noted that because of these economic sanctions, The Gambia had lost approximately \$100 million.²⁶ The substantial debt and the heavy sanctions placed on the regime forced the Jammeh regime to not only welcome neo-liberal economic reform, but to implement it half-heartedly. The following words sum up the Jammeh regime's inconsistent and less than impressive ability and commitment to implement the neo-liberal norms imposed on the regime.

Corruption, miss-management, and negligence were words used to describe the Jammeh regime's commitment to neo-liberal economic reformation; low agricultural productivity, over-borrowing, over-spending, rampant inflation, rising external debt were common features of the regime's implementation measures. Saine also commented that the IMF's 2004 evaluation of the regime's neo-liberal economic reform emphasized "poor execution of monetary and fiscal policy. He further noted that perhaps the most serious indictment of President Jammeh's regime was the conclusion reached by the IMF that the regime's economic policies were not only 'far off track' but that its data on economic performance was 'incomplete, missing, and or fabricated.'²⁷

²⁶ Saine, 2008, p. 464.

²⁷ Saine, 2009, p. 95.

These observations reflect serious indictments against the Jammeh regime's commitment to neo-liberal economic reform, but the most serious indictments are to be derived from corrupt, miss-managing, and negligent actions of President Jammeh over the years. One of these regime incompetent actions took place on December, 1995, when despite the economic challenges that were mounting in the country, the regime decided to spend anywhere from \$1 to \$6 million on the construction of an arch that would commemorate the coup which brought the regime to power, officially entitled, Arch 22. The regime's rationale was that the arch would attract "European" tourists to the country. Ironically, immediately following the coup, European governments had advised their citizens "not" to visit the Gambia. So, as one can clearly see, regime corruption, miss-management, and negligent actions were common as early as 1995.²⁸

Like many African leaders involved in the application of neo-liberal economic reform, the Jammeh regime has been found guilty of diverting state funds into private accounts. Embezzlement was a serious problem throughout the years for the Jammeh regime. These hindering realities obliged the IMF to threaten the Jammeh regime to do more to be accountable and commitment or face a freeze in assistance. While Jammeh did adhere to these pressures, relieving several high ranking Gambian banking officials of their duties, the regime's response was often, more irresponsible spending. Though The Gambian economy was said to have increased 2.5 percent each year from 1995-1998, government expenditures far exceeded the economic growth figures. Real per capita income decreased 0.8 percent during those years. Combine such alarming numbers with plummeting government revenues and the result was deterioration of the standard of living for Gambians. In the end, President Jammeh's lack of commitment to neo-liberal economic reformation enabled him to become, according to Saine, "one of the richest heads of state in West Africa." Quite a fascinating achievement knowing that the country's economic state reflects underdevelopment and poverty.

There are some commendable attributes to the Jammeh regime's application of neo-liberal economic reform. Despite the horrendous economic numbers, the regime credits itself and is accredited by others to have "built stuff." By "building stuff," reference is made to the

²⁸ Wiseman. "Military rule in The Gambia: an interim assessment." *Third World Quarterly*, p. 933.

countless schools, clinics, roads, and other infrastructure projects that the regime has been acknowledged to have built. Saine describes these projects as “feel good” projects.²⁹ Beyond the feel good projects, The Gambian economy has undergone turbulent times, especially, during its “2000-2004 economic crises,” as a result of Jammeh’s lackluster commitment to neo-liberal economic reform.

Low economic productivity, massive inflation, political and economic instability, and other factors devalued The Gambian currency between 2000 and 2004. This had lingering effects on many aspects of Gambian life, similar to those discussed in Ghana. Between these times, the Gambian external debt had amounted to \$573 million by the end of 2002. The Gambia continues to be on the dreaded lists of the world’s most dependent countries. By the end of this period, the regime’s lack of commitment and failure in meeting structural adjustment goals has led international financial institutions to halt assistance, further affecting the economic plight of the country. Between 2005 and 2008, however, the country witnessed a reverse in its economic plight.

High growth in the construction, tourism, telecommunications sectors as well as an identifiable flow of foreign direct investment into the country permitted a 6 percent growth in the country’s economy during this period. Nonetheless, as observed in Ghana in the early stages of Ghana’s neo-liberal economic reformation, these rising numbers have yet to have a respectable impact on most Gambians. Extreme poverty continues to be the predicament of most Gambians. The regime is lambasted for neglecting agriculture and food production, a failure that is said to be linked to the food scarcity all across the country.

The regime’s foreign policy choices and decisions, mainly dealing with the issue of terrorism and other burning matters of the contemporary times has stifled The Gambia’s tourism industry. Knowing that the Gambia’s tourism industry contributes the most to the state’s revenues, one can imagine the devastation that has been caused in recent years because of the

²⁹ Saine, 2008, p. 465.

economic and political instability surrounding the regime.³⁰ Also important is the fact that The Gambia remains a mono-crop economy, with heavy dependence on peanuts.³¹ In all, 13 years of neo-liberal structural reformation has neither achieved any notable goals in “Vision 2020,” nor has it diversified or made the Gambian economy more competitive and integrated into the global economy. The reasons lie in the regime’s lackluster commitment to neo-liberal economic reformation.

Rawlings, Jammeh, Commitment, and Democratization, Success?

Democratization under both regimes has been characterized by paradoxical objectives and outcomes. Following his first coming to power in 1979, Rawlings articulated a desire to eventually relinquish power and democratize Ghana. Rawlings and his regime upheld their promise and relinquished power to a democratically elected Hilla Limann.³² This transition was important because it represented Rawlings’s early commitment to not only “eventually” give up political power but to democratize as well. His commitment to democratize Ghana was demonstrated in his second coming to power. Because of Rawlings’s commitment to democracy in Ghana, his regime transformed Ghana from a country governed by military dictators to arguably one of the world’s most consolidated democracies by the turn of the 20th century. The process was long and difficult, but in the end, democracy “won the intellectual debate” in Ghana.

The Rawlings regime’s first policy priority was to transform the Ghanaian economy along neo-liberal lines. Second on its policy priorities was the formulation of what can be appropriately called an “exit strategy,” the Rawlings regime had long announced its intention to exit from the political scene. Democracy was “eventually” viewed as an appropriate framework for that exit. To democratize Ghana, Rawlings and his regime relied a great deal on “mobilization forces.” These mobilization forces were organized under the umbrella of the Committees for the Defense

³⁰ See Momodou, Darboe. “Islamism in West Africa: Gambia.” Miles, Williams. *Political Islam in West Africa: State-Society Relations Transformed*: Lynne Rienner Publishers, Ch. 6. pp. 129-161.

³¹ Saine, 2009, pp. 105-116.

³² Herbst, p. 24.

of the Revolution (CDRs). Accordingly, the CDRs were to serve as agents of democratic mobilization. They were created to assist the regime facilitate the mobilization of the masses to participate in the government program and to build grassroots democracy through district assemblies and popular elections. The defense committees operated quite independently of the government and enjoyed remarkable autonomy in their daily operations.³³

The Rawlings regime also created the National Commission for Democracy (NCD), a governmental bureaucracy designated the key responsibility of aiding Ghana's democratization efforts. Together with the CDRs, the regime re-demarcated and "decentralized" the country into administrative districts and conducted a massive voter registration drive. Consequentially, 110 districts had been created from the previous 65. Each district had been designated an assembly or council. 4,840 electoral stations within the 110 districts served the basic representative functions of a democracy. 841 councils, 5, 008 zonal councils, and 15, 798 unit committees linked the districts together and created a solid foundation for democracy.³⁴

The Rawlings regime's early democratization initiatives did not come without backlashes. The premature democratic climate had allowed opposition to brew and challenges to the PNDC intensified. The PNDC's very existence came to be threatened.³⁵ Internal disputes within the regime hindered the salience of the entire regime scheme.³⁶ Regardless of this, the Rawlings regime did not relent on its commitment to democratize Ghana. On July 1st, 1987, the PNDC launched a "Blue Book" on district political authority and modified district level elections. The regime passed PNDC Law 207 to complement and enforce its Blue Book. These regime actions were interpreted to demonstrate and carry out the regime's motto of giving "power to the

³³ Gyimah-Boadi, pp. 107-109.

³⁴ See Gyimah-Boadi, pp. 119-124 for a breakdown of the, committees, assemblies, councils, their functions and institutional structures.

³⁵ Gyimah-Boadi, pp. 110-112.

³⁶ Gyimah-Boadi, p.127 discusses more on the decentralization scheme.

people.” Democratization efforts made as a prelude to the fourth republic were more decisive in Ghanaian democratic consolidation.

Democracy Consolidated in Ghana

The emergence of Ghana’s Fourth Republic began at the mark of the PNDC’s tenth year in power. It was followed by two notable political events that would profoundly impact the Ghanaian polity. Firstly, a referendum was held, geared towards determining the future of politics in the country. Secondly, parliamentary and presidential elections were held in November and December, with Rawlings being fittingly elected the first President of the Fourth Republic under the umbrella of his NDC, “fair and square.”³⁷ The NDC was an assemblage of groups and popular movements with socialist and pro-Nkrumah orientations. Using a populist and socialist political economy approach, Rawlings and the NDC were able to reclaim victory and strengthen Ghana’s democratic consolidation efforts.³⁸ Nonetheless, Rawlings’s second election victory did not necessary mark the full consolidation of democracy in Ghana.

Ghana’s December 2000 presidential elections arguably marked the consolidation of democracy in Ghana. It marked the consolidation of democracy because it witnessed the fulfillment of Rawlings’s promise to restore democracy in Ghana. The 2000 presidential elections symbolized an end to an era of political dominance by President Jerry Rawlings and his political cadres. After nearly 20 years in power, President Rawlings was constitutionally mandated to step down. The 2000 presidential elections centered on a contest between John Agyekum Kufour of the opposing New Patriotic Party and the NDC’s John Atta Mills in a highly contested election. In the first round, the contest was neck to neck, Kufour won 48 percent to Mill’s 45 percent. No candidate received the majority vote. On 7th of January, 2001, in a run-off context, John Kufour emerged as the second president of the Fourth Republic of Ghana.³⁹

³⁷ Wiseman, p. 107.

³⁸ For further details on the 1992 parliamentary and presidential elections, see Wiseman, pp. 99-115.

³⁹ See Gyimah-Boadi. “A Peaceful Turnover in Ghana.” *Journal of Democracy*, pp. 103-104.

If the 2000 presidential elections did not convince one of democratic consolidation in Ghana, perhaps the recent 2008 presidential elections should do so. John Kufour served two terms as the president of Ghana. In 2008, he adhered to constitutional term-limits and stepped down. Again, in a highly contested race, the NDC's John Atta Mills defeated Nana Akufo-Addo of the New Patriotic Party to become the third President of the Fourth Republic. In a gesture of acknowledgement and reward for the Black Stars democratization progress, the United States President Barack Obama picked the Republic of Ghana to host him in his memorable first visit to Sub-Saharan Africa on July 11th, 2009. None of these outstanding achievements would have been possible without the decision, but most importantly, the "commitment" of Lt. (former President) Jerry John Rawlings to democratize Ghana.

President Yahya Jammeh, The Gambia, and Democratization

What was the level of President Jammeh's commitment to democratization in The Gambia? Consider this, in 1996; President Jammeh uttered the following words responding to international criticisms of his domestic policies. When questioned and politically pressured on his lack of commitment to democratization, Jammeh responded by uttering that "if the Ruling Council refused to hold elections for a thousand years, no one can do anything about it and anyone against it will go six feet deep."⁴⁰ Well, because of the regime's serious dependence on aid, Jammeh had been humbled by neo-liberal demands for democratization. The proceeding paragraphs capture Jammeh's disinterest and lack of commitment to democratization in The Gambia.

In Saine's "Gambia's 'Elected Autocrat Poverty, Peripherality, and Political Instability,'" Saine comments that from May to June 1995, there were promising signs that a democratically friendly constitution was drawn and in August of the same year, a civic education panel appointed. "*Thereafter, troubling signs began to crop up that placed the transition program and the regime's commitment to democratization in question.*" On August 12, 1996, chairman Jammeh "*banned the three main opposition parties, the ex-president, and almost all of his ex-*

⁴⁰ Saine, 2008, p. 456.

*ministers from all political activity for periods ranging from five to twenty years.*⁴¹ The regime tampered with the country's constitutional mandates, expunging the term limits, and banning many from office through phony constitutional clauses. Arnold Wiseman noted that on the day of the election, challenger, human rights lawyer Ousainou Darboe, standing for the then recently created United Democratic Party (UDP), had to be housed in the Senegales embassy out of fear for his life.⁴² These anti-democratization efforts did not stop there. Para-political organizations were also used to undermine oppositional activities.⁴³

Though the regime adhered to political pressure from within and abroad and agreed to the holding of elections, The Gambian electoral process was rattled with anti-democratic practices. In the 2001 presidential elections, Jammeh intimidated voters and opposition members, stuffed ballots, and used the auxiliary structure of the state to steal the 2001 elections. This election was said to have been rigged in many ways; illicit voters, mostly Jammeh's tribal kinsmen, were said to have entered the country from nearby Senegal to cast illegal voters for Lt. Jammeh. The Electoral Commission Chairman was accused of manipulating the rules in benefit of President Jammeh.⁴⁴

The 2006 Presidential elections exhibited some of the same elements as the 2001 elections. The elections took place on September 22, 2006, highly contested and politically charged. This election was significant because it was another window of opportunity for the Jammeh regime to reverse course and be committed to democratization. On that highly charged day, instead of The Gambia taking a bold step towards democratization, the election was used to consolidate not

⁴¹ Saine, 2008, pp. 456-457.

⁴² Arnold, Wiseman. "Letting Yahya Jammeh off Lightly?." Review of African Political Economy, p. 268.

⁴³ For the specifics on the regime's Para-political organizations, see Arnold Hughe's "*'Democratization' Under the Military in The Gambia: 1994-2000*," Journal of Commonwealth and Comparative Politics, p. 38.

⁴⁴ Abdoulaye, Saine "Post-Coup Politics in the Gambia." Journal of Democracy: The John Hopkins University Press, volume. 13 number 4, October 2002, pp. 167-172, covers this particular election in great detail. See this article for more of the specifics.

democracy, but Jammeh's authoritarian rule as the electoral rules were again manipulated to secure Jammeh's victory. Violence, intimidation, rigging, murders, and political prosecutions were common occurrences. The reason why Gambians experienced "continuity not 'change'" in 2006 was because of President Jammeh's lack of commitment to a potentially democratic Gambia.⁴⁵

Rawlings and Jammeh, Commitment, and Judicial Reform, Success?

In this section, neo-liberal judicial reform is to be understood as reforms of the old judicial order for the sole purpose of re-establishing the rule of law. Attention is given to institutions reformed to establish safeguards against public violations of "individual and or collective" freedoms and rights guaranteed by and "specific" to the basic laws of the Ghanaian-Gambian societies. This section identifies and examines the legal pathologies taken by both regimes and whether or not their judicial pathologies resulted to the establishment and maintenance of "law and order." To be consistent with the theme of this paper, the rule of law and the visibility of social order is the ultimate sign of "success." With that said, Rawlings and his regime attended to "collective" judicial order as the bases for the re-establishment and maintenance of law and order in Ghana, not "individual rights."⁴⁶

Instantaneously after ceasing power, Rawlings declared that "what will be justice in this country will be justice of the people." Hereafter, a war on the pre-existing judicial establishment (judges, lawyers, and the Ghanaian Bar Association) was waged. "Justice of the people" was to be carried out through a "people's government," with the Peoples' Defense Committees (PDC), Workers' Defense Committees (WDC), and extra or quasi-judicial institutions serving as Citizens Vetting Committees and the National Investigations Commission all at the realm of the judicial order serving as judicial overseers.

⁴⁵ Saine, "The Gambia's 2006 Presidential Election: Change or Continuity," *African Studies Review*, 2008.

⁴⁶ The "individual versus collective" justice debate is centered on the notion that the concept of rights for the "individual" are not native to Africa where the rights of the "collective" reigns supreme in African societies and cultures (Chabal, 1986; 109-110).

Accordingly, this judicial order was directed to go to work on eradicating corruption. The first set of individuals targeted were officials and high ranking members of the Ghanaian bourgeoisie. They were instructed by Rawlings to examine individuals with account balances in the excess of C50, 000 (\$16, 000). The CVCs were ordered to investigate cases of alleged tax avoidance and default and invoke the proper punishment to those found guilty of tax invasion. Under Provisional National Defense Council (PNDC) Law No. 2, the NICs were empowered to investigate cases of individuals suspected of corrupt financial dealings and prosecute and imprison anyone found guilty of corruption.⁴⁷

Rawlings's judicial reform weren't popular with everyone. Gyimah-Boadi and Donald Rothchild viewed Rawlings's reform measures as "an assault on the civil liberties of Ghanaians." Ghanaian judges, lawyers, and the entire Ghanaian Bar Association waged a tsunami of protests to undermine Rawlings. Even so, it's imperative to emphasize that "judicial reform must be understood in a wider context- beyond a Western model of justice, since this approach tends to come with a Eurocentric bias. The point is this, as Jeff Haynes makes clear "viewing Rawlings's regime reform as a particular danger to civil liberties.....may be seen to be misplaced."⁴⁸

This point may have some validity because in the Rawlings regime, the people, ordinary citizens dictated what civil liberties were pertinent to them and enforced them accordingly. That's why the people were used to maintain law and order. Case in point was in 1988, when 28 Ghanaians were sentenced to death by the "people's tribunals" for armed robberies and murders.⁴⁹ Of all the means the Rawlings used to hold on to power, perhaps none was more effective than the judicial reform. This is because Rawlings realized that perhaps the people were just as instrumental as his military arm in stifling threatening elements to his rule while simultaneously maintaining law and order.

⁴⁷ Emmanuel, Gyimah-Boadi, and Donald, Rothchild. "Rawlings, Populism, and the Civil Liberties Tradition in Ghana." *Issue: A Journal of Opinion*, p. 64.

⁴⁸ Jeff, Haynes. "Human Rights and Democracy in Ghana: The Record of the Rawlings' Regime." *African Affairs*, p. 409.

⁴⁹ Haynes, p. 415.

President Jammeh and The Gambia

Jammeh's regime attended to "individual rights" as a framework for judicial order in The Gambia. Ironically, the only individual rights that the regime truly attends to are those of President Jammeh and party loyalists. Everyone else's individual rights have been up for violation at Jammeh's discretion. In addition, Jammeh's regime did not undertake any judicial reforms. Instead it settled for the old judicial order. He settled for the conventional judicial order because the previous regime under Dawda Jawara had a commendable commitment to justice and the rule of law.⁵⁰ Former Gambian President Jawara protected individual rights. He had helped ratify the International Covenant on Civil and Political Rights and played a notable role in the ratification of the African Charter on Human Rights, the Banjul Charter.

It was no wonder that when President Jammeh came to power through military means, he paid "lip service" to the judicial mandates that were instituted by the previous regime. Since Jammeh and his regime did not reform the old judicial order, it's pointless to blob on about Gambian judicial reform or justice. However, the following section will illumine Rawlings and Jammeh's commitment to human rights. Since both regimes chose to acknowledge different frameworks on justice, they will be assessed according to how they respected and enforced human rights.

Rawlings and Jammeh, Commitment, and Human Rights, Success?

It's been made clear that the Rawlings regime instituted "collective" rights. Collective rights is the notion that the "rights of collectivities such as peoples, communities, land, and other things" deemed intrinsic to everyone and crucial to everyone's survival should enjoy equal and or superior acknowledgement to "individual rights," which are often construed as Eurocentric views on human rights.⁵¹ Because of it, "individual" rights such as the right to private property, due process of law, the right to habeas corpus, the right of judicial appeal, etc. was trampled on. These individual rights were secondary to the "collective" rights of Ghanaians. As such, this

⁵⁰ Saine, 2009, p. 73.

⁵¹ Vincent, R. J. *Human Rights and International Relations*. Cambridge University Press, p. 39.

trampling reflected poorly on the human rights record of the Rawlings regime. When the regime committed human rights violations, it was often done in opposition of “individual” privilege and in the name of the “collective” good.

Case in point was in 1983, when Amnesty International (AI) identified several concerns with the human rights records of the regime. AI detailed that its concerns had been based on four key points;

- a. The establishment of public tribunals to try certain types of offender, including political offenders...political prisons dealt with by a public tribunal (may) not have gotten fair trial which conforms to internationally respected standards of justice;
- b. The detention without trial of suspected opponents of the government;
- c. The imprisonment after an unfair trial of suspected political opponents of the government;
- d. Reports of arbitrary killings by members of the armed forces. These included the killing of suspected criminals and suspected political opponents of the government;
- e. The beating and ill-treatment of suspected political opponents and suspected criminals by members of the armed forces.⁵²

There is little doubt that these allegations were credible. What is important, however, was their “justiciability.”⁵³ In other words, the legal or constitutional clauses cited for their violations in the Preventative Custody Law (PNDCL 4), The News Paper Licensing Law (PNDCL 211), and the Public Tribunal Law (PNDCL 78). Rawlings and his judicial branch “legally” prosecuted and executed two individuals, both close friends of Rawlings; their

⁵² Haynes, p. 414.

⁵³ This term refers to a doctrine by which a court decides whether or not an issue is “justifiable,” meaning, the issue is appropriate for or subject to court trial.

crime was committing murder.⁵⁴ These individuals were prominent members of the Ghanaian military. They had been executed for abusing their privilege as military servicemen and most importantly, for “anti-‘people’ activities,” the most commonly cited “collective” claims for human rights violations by the regime. In 1988, at least 28 individuals received death sentences, 21 one of them were executed. These people were convicted of armed robbery and murder; none of them were political opponents of the regime.⁵⁵

The Rawlings regime’s judiciary was not necessarily ridiculed because it simply violated the individual rights of some Ghanaians, but because of the manner in which justice was carried out. Citing the AI report, it was ridiculed because of the regime’s weak due process. AI thought that the regime’s due process did not conform to internationally respected standard of justice. After all, there was widespread support amongst Ghanaians for the regime’s so called “standard of justice.”⁵⁶ This societal support helped the regime maintain law and order, however incompatible to an “international standard of justice” AI perceived it to be. The oppositional “elite” forces of Ghanaian society bore the brunt of the Rawlings human rights violations, primarily because they were perceived by the regime and the Ghanaian society as undertaking selfish, bourgeois, and anti-people interests. Though critics claim that the regime’s record on human rights may be “the worst in the political history of Ghana, there are no doubts that the regime’s “un-conformed standard of justice” was, nonetheless, decisive in the consolidation of law and order in 21st century Ghana.⁵⁷ Rawlings’s “populist justice” paved the way for the Ghanaian judicial system to be viewed as a model for the rest of Africa.

President Jammeh and Human Rights

⁵⁴ Vincent, p. 414.

⁵⁵ Vincent, p. 415.

⁵⁶ Vincent, p. 414.

⁵⁷ Gyimah-Boadi, 1993, p. 173.

President Jammeh has no commitment to the protection of “individual” and or “collective” human rights. Saine recognizes this by asserting that Jammeh has not necessarily identified a coherent set of human rights principles. Jammeh, Saine argues has selectively used both Western and Shari’ conceptions of human rights to enable himself to remain in power; he carries out justice not for the average Gambian but for the special few who are loyal to him and are silent and supportive of his rule.⁵⁸ Opposition politicians in The Gambia are one of the regime’s victims of human rights violation.

Saine reports that in 1994, ten former ministers of the ousted PPP were detained for periods spanning from six to thirteen months. As with any political prisoner, they were severely tortured and subjected to horrid living conditions. Ex-politicians and opposing citizens experienced similar levels of violence, detention, and abuse. These abuses were intensified during elections. Since the regime saw stiff political opposition to its rule during elections, this often resulted in violence even murder of opposition candidates to ensure Jammeh’s survival.

Human rights violations have been carried out against citizens, civil servants, and lawyers. The absence of the rule of law and a peaceful order has necessitated military human rights abuses against Gambian citizens, especially in areas where political support for the regime is low. Civil servants that are caught expressing opposition to the regime or its political policy choices are immediately apprehended. The regime often rules by decrees as oppose to law. In The Gambia, there could not be a greater disconnect between ordinary Gambians and the authoritarian policy choices of the regime. Voicing one’s opposition to government policies has been known to be deadly, regardless of one’s position in Gambian society.⁵⁹ More recent assessment of the human rights condition in The Gambia reveals alarming realities. Reports reveal that the human rights condition has actually worsened, particularly as it pertains to the detention and abuse of opposition figures, the most recent

⁵⁸ Saine, 2009, p. 75.

⁵⁹ See Saine, pp. 73-82 for more on specific cases of human rights abuses in the Gambia.

case being the detention of Halifa Sallah, a prominent figure of the opposition on March 18th, 2009.⁶⁰ This leads me to the last subject, freedom of the press.

Rawlings and Jammeh, Commitment, Press Freedom, Success?

Of all the issues highlighted thus far, more commonalities are evident between both regimes when it comes to the issue of press freedom. Both regimes relied on legislation to silence the opposing crowd. In Ghana, the legislation was the News Paper Licensing Law (PNDCL211), in The Gambia; it has been Decrees 70 and 71. The commonality has been that both legislations made it nearly impossible for ordinary citizens or opposing voices to establish media outlets such as newspapers. Jammeh's decrees 70 and 71 required that individuals wishing to start a newspaper had to deposit a bond of D100, 000 (\$10, 000).⁶¹ Rawlings's regime used more subtle ways to undermine press freedom. It issued and denied press licenses discriminatorily, and sometimes directly assaulted the press.⁶² There are stark diverting differences between both regimes and their behaviors toward their press.

Rawlings strong-armed the media when and only when their messages alarmingly undermined the revolution. His intent was not simply to eliminate the Ghanaian media, in fact, he assisted their proliferation. Jammeh on the other hand, sought their elimination. The only media outlets Jammeh tolerates are those of the state, the media outlets that his government controls and propagandizes. Rawlings's regime assisted their freedom as long as he was able to counter press claims against the regime. Overtime, the Rawlings regime's behavior towards the press became more relaxed and civil. By the fourth republic, in preparation for the final stages in the implementation of the "Military to Civilian Leadership" transition initiatives; the NDC instituted impressive media relations reforms.

⁶⁰ William, Hunt. "The Gambia," Blackwell Publishing Ltd., p. 17900.

⁶¹ Saine, 2009, p. 76.

⁶² Gyimah-Boadi, 1993, p. 172.

These reforms were instituted as part of the democratic consolidation efforts of the Rawlings regime. The press reforms included the easing or removal of the NDC monopoly over the press. For the first time, during the 2000-2001 parliamentary and presidential elections, the opposition began to receive state sanctioned media coverage. All political parties received daily rotations of free airtime on state electronic media (five minutes in the evening on state television and ten minutes in the morning on state radio). Additionally, there was a steady increase in privately owned opposition centered media outlets. Beginning in 1996, private FM radio stations had popped up, with about 30 in operation by 2000. Two privately owned television stations and two highly influential newspapers, the Ghanaian Chronicle and the Crusading Guide had emerged to help put the press monopoly at a near equilibrium.⁶³

Meanwhile, President Jammeh's abuse of press freedom continues. On August 5, 2002, President Jammeh signed into law the National Commission Bill, which imposed restraints on the press by giving power to a state-appointed and controlled committee the right to license and register journalists, force reporters to unveil sensitive journalistic sources, issue arrest warrants to journalists, and formulate a journalistic code of ethics. Since then, Gambian outlets such as *the Independent* had been bombed with regime violence, assassination and threats of assassination, against journalists. The regime has visibly worsened its attitude and behavior towards the Gambian press.⁶⁴ Ghana is now in a better position to achieve what the Gambians call "Vision 2020" largely because of the regime's utter commitments to the variables previously discussed, but other factors contributed to the Ghanaian transitional success.

Other Factors to the Rawlings Regime's Transitional Success

Structural Adjustment

One of these factors was the sheer pressure placed on the regime by international financial institutions such as the International Monetary Fund (IMF), the World Bank, and donor countries. In cases in which international financial institutions and donor countries perceived

⁶³ Gyimah-Boadi, 2001, p. 107.

⁶⁴ See Saine, pp. 75-78 for more on regime abuses of the Gambian press.

signs of wavering regime commitment to economic reform initiatives, the withholding of assistance was always sufficient for the regime to strengthen its approaches. Also important was the regime fear that the availability of loans from international financial institutions might become more stringent due to perceived negligence of structural policies. Nonetheless, there weren't much friction between the regime and international financial institutions. That's largely because the regime followed structural policies to the teeth, ensuring a harmonious relationship with international financial institutions. In contrast to the Jammeh regime, the Rawlings regime was very responsive to these international pressures. This is evident in the regime's stern adherence to structural plans, even in the midst of the increasing economic challenges previously discussed.⁶⁵

Democratic Consolidation

Ghanaian civil society, domestic (religious leaders, labor unions, professional bodies) and international forces (the EU, DANIDA, CIDA, USAID, and UNDP) were also instrumental in the consolidation of democracy in Ghana. They were instrumental because from the onset; they were active in ensuring the honesty and transparency of the regime elections activities. These international observers provided logistical and financial backing to aid the regime throughout the elections years. The domestic members of Ghanaian civil society along with journalists and TV cameras served as whistle blowers in cases of regime malpractice and negligence.

States and state actors in the international community applied diplomatic pressured on Rawlings to induce the regime to fulfill its commitment and abide by constitutional mandates on transitional objectives. Gyimah-Boadi in "*A Peaceful Turnover in Ghana*" explains that *world leaders (ranging from [then] President Bill Clinton to Nelson Mandela and the Queen of England) may have reinforced [Rawlings's] sense of statesmanship and his inclination to leave behind a positive historical legacy. Also, that the naming of Rawlings as one of the three "eminent persons" appointed by the UN Secretary-General [Kofi Annan] to promote*

⁶⁵ Baffour, Agyeman-Duah's "*Ghana, 1982-6: The Politics of the P.N.D.C.*" *The Journal of Modern African Studies*, pp. 632-635 captures this seemingly harmonious relationship between the Rawlings regime and international financial institutions and donor countries.

*“volunteerism and philanthropy” throughout the world in 2001 appeared well timed to coincide with [Rawlings’s] scheduled departure from the national stage and to his conceding commitment to defeat in the 2000 elections.*⁶⁶

Judicial Reform and Press Freedom

Domestic oppositional forces within Ghana, most notably, the Ghanaian Bar Association (GBA) and other forces of Ghana’s legal establishment were crucial in modifying and pushing through the regime’s initially authoritarian judicial reform. One should recall that the regime was committed to “collective” notions of the rule of law instead of “individual” Eurocentric sentiments on human rights. The GBA and others amongst the Ghanaian legal establishments, naturally inclined to protect and safeguard individual civil liberties, had heavily contested the regime to diversify and moderate its approach to the rule of law, simply, to include more individual civil liberties. Their confrontation with the regime’s “populist justice” was inspired by the brutal murder of three high court judges and a retired army officer, Mrs. Justice F.D Sarkodee, Mr. Justice K.A. Agyepong, and Major Sam Acquah. Following these brutal murders, the GBA and Ghana’s other legal establishments successfully confronted the regime into compromising on key judicial issues.⁶⁷

Conclusion

In sum, Lt. (later President) Jerry Rawlings’s Ghanaian regime was more committed to neo-liberal reform than The Gambia under President Yahya Jammeh. Economically, both regimes expressed varying levels of commitment to structurally reforming their poor and dependent economies. The Rawlings regime prioritized structural reforms to the extent that it nearly led to its overthrow. As a result of the regime’s commitment to structural economic reform, Ghana now stands to reap the benefits in the 21st century. President Jammeh’s Gambia on the other hand, continues to face structural challenges to its economy.

⁶⁶ Gyimah-Boadi, 2001, p. 111.

⁶⁷ See Gyimah-Boadi and Rothchild, pp. 65-67. Gyimah-Boadi and Donald Rothchild discuss the “populist justice v Ghana’s legal establishment” confrontation in detail.

Judicial reform was another one of Rawlings's top policy priorities. The regime instituted policy initiatives that placed the collective rights of Ghanaians at the forefront while negating individual notions of human rights. It is no enigma that individual human rights and press freedoms suffered because of it. President Jammeh paid lip-service to judicial reform, respect for human rights, and press freedom. Consequentially, regime respect for human rights and the rule of law continue to suffer in The Gambia. Essentially, what this paper suggests is the varying level of regime commitment to the categories of neo-liberal reform. The Rawlings regime was clearly more committed to the reform initiatives it embarked on. It is no surprise today, that Ghana now enjoys a different outcome in developmental success than The Gambia.

The objective of this paper is not to paint a rosy picture of neo-liberal reform in Ghana. It simply assesses the neo-liberal programs of two leaders and their regimes, and how these reforms impacted "Military to Civilian Leadership" transitions. Success was determined by the positive outcomes of these reform initiatives. That said; this paper has its limitations. Because the paper covers events spanning over three decades, key facts, events, or literature may have been unintentionally or intentionally left out. Therefore, this research could be improved by entertaining a counter thesis argument to the "Military to Civilian leadership" transition Model advanced by Saine. The transition model can also be used to examine other regimes on the continent and how they carried out their neo-liberal reform programs. Finally, this paper also recognizes that other factors could also account for the different outcomes in The Gambia and Ghana.

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