

# PARLIAMENTARY OVERSIGHT ASSESSMENT

Country: The Gambia

Assessment Period: 2022 - 2023

2022 - 2023







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**Scores**

1 = non-existent

2 = weak

3 = basic

## Executive summary

Gambia Participates recently assessed the strength of the Parliament of The Gambia in holding the government to account (oversight), aiming to identify areas for improvement and provide recommendations for enhancing its overall performance. The assessment was based on Transparency International's Parliamentary Oversight Assessment Tool, which is a comprehensive evaluation mechanism designed to assess the mandate, performance, and impact of parliamentary oversight. The assessment was conducted across six pillars which included; Oversight as a priority for parliament, Oversight powers and tools for parliament, Oversight opportunities for opposition and independent MPs, Financial oversight, post-legislative scrutiny, and Relationship with other actors to conduct oversight. The assessment period 2022-2023 focuses on the new parliamentarians who have been in parliament for just a year and 2 months and the old parliamentarians who were in parliament in the last previous 5 years. The executive summary provides a brief overview of the key findings and recommendations derived from the assessment.

The assessment is based on findings from various sources ranging from legal documents, publications, in-person interviews, etc. The assessment focuses specifically on the oversight role of parliamentarians as it is one of their key mandates. The effective monitoring of the executive by the parliament is an indicator of good governance. Besides the parliament's legislative function, it is through oversight that the parliament can ensure checks and balances of power and assert its role as the defender of the people's interests.

The assessment revealed several positive aspects of the parliament's oversight functions backed by legal frameworks and effected through practice. Parliament has a strong legal framework that articulates oversight as one of the main mandates of parliament especially on the executive. Parliament can summon any minister for questioning, which can be done through writing. Parliament equally has the power to scrutinize the government's financial activities, including approving budget estimates for each fiscal year and amend the proposed budget. Parliament has basic legal measures that safeguard oversight opportunities for opposition and independent MPs and protect them from the influence of the executive. Parliament also has most of its standing and select committees headed by opposition MPs.

However, the assessment also identified areas that require attention and improvement for effective parliamentary oversight. For instance, oversight on post-legislative scrutiny is very weak, there is no PLS after the enactment of laws. Similarly, parliament does not have the legal power to approve or dismiss ministers as well as members of most independent oversight institutions such as the National Audit Office and the Independent Electoral Commission. Some other oversight mechanisms were found to be limited, to address these challenges, several recommendations are put forward.

First, enhancing the capacity and resources allocated to parliamentary committees is crucial to strengthen oversight functions. This includes providing adequate technical training, research support, and staffing to enable committees to effectively scrutinize government actions.

There is also the need for parliament to make legal amendments to some provisions such as the time duration in receiving and approving the proposed budget. Parliament also has to create more platforms to foster relations with other actors to enhance their oversight mandate

Third, technology should be leveraged to modernize parliamentary operations and enhance citizen engagement. Implementing digital platforms for public consultations, online voting, and e-petition systems can foster greater public participation and transparency whilst equally enhancing the relationship between parliament and other state actors.

In conclusion, the Parliamentary Assessment Tool provides valuable insights into the performance of the parliament, highlighting areas of strength and areas for improvement. By implementing the recommended measures, the parliament can enhance its capacity for effective legislation, robust oversight, inclusivity, transparency, and cooperation, ultimately leading to stronger democratic governance and better representation of the people's interests.

## Country context

The Gambia embodies a presidential system of governance typically in which the President serves as the head of state and head of government, and a multi-party democratic system where political parties partake in the democratization process. As per the constitution, section 61 clearly highlights the powers of the executive to govern only through the implementation of laws. While executive power resides in the Presidency, Legislative powers are vested in the Parliament to enact laws, and representation and exercise oversight functions on public institutions in the Gambia. In summary, the executive exercises executive powers while the parliament exercises legislative powers.

Cordial relationships between parliament and the executive are critical to the functioning of parliamentary democracy. The parliament of the Gambia stands as the powerhouse of governance upon which the executive depends to implement laws, and secure policy, and budget approvals. Similarly, the executive's influence is imbued in its power to initiate legislation, propose budgets, and have the authority to implement policies subject to parliamentary approval and oversight to ensure conformity with standards and the spirit of accountability and accountability.

The Gambia concluded its parliamentary elections in 2022, duly electing 53 parliamentarians with the president nominating 5 other members of his choice as constitutionally mandated to sit in parliament summing up to 58 parliamentarians. The conduct of this assessment is unique such that it coincided with the expiration of the term of the previous parliamentarians elected in 2017 making a significant mark of the beginning of the new legislative body elected in 2022. The assessment focused on the institutional performance of the previous legislature and partly the current sitting parliament.

The Speaker and Deputy Speaker are selected from amongst the presidential nominees seemingly a tactic to gain absolute monopoly and influence in parliament thus an infringement on accountability and transparency.

With a relatively volatile political environment characterized by political unrest between contesting parties, the Gambia conducted its Mayoral/ Chair and Councillorship elections in April and May respectively marking the end of the electoral cycle of 2021 -2023. The country is however still going through transition, with the rejection of the draft Constitution by the parliament of the Gambia on contentious issues ranging from citizenship, retroactive term limit of the President, marriage, etc political terrain is highly polarized leaving Gambian and international partners disappointed as it kills the hopes of the consolidation of the country's new democracy.

On international commitments on good governance, the Gambia has slightly retrogressed as per findings on widely prominent governance indices. As per the Index of the African Governance Report, the Gambia from 2012-2021 score/ rank was pegged at 9.5. and Score/Rank (2021). **55.3/16th.**

Similarly, the World Governance Index developed by the World Bank focuses on voice and accountability, government effectiveness, rule of law, regulatory quality, control of corruption, political stability, and absence of violence. Terrorism. the Gambia has performed rather too poorly as per the scores of each indicator.

## **Oversight as a priority**

### **Key findings**

According to the assessment findings, there is a strong legal framework that articulates oversight as one of the main functions of parliament. In express and additional functions of parliament as per of Section 102 of the 1997 Constitution of the Gambia states; the national assembly;

- a) receive and review reports on the activities of the Government and such other reports as are required to be made in accordance with this Constitution;
- b) review and approve proposals for the raising of revenue by the Government;
- c) examine the accounts and expenditures of the Government and other public bodies funded by public money and the reports of the Auditor General thereon;
- d) include in a Bill a proposal for a referendum on an issue of national concern defined in the Bill, or
- e) advise the President on any matter which lies within his or her responsibility.

The assessment also found that in practice there is a basic prioritization of oversight by parliament. Regardless parliament is seen to be conducting oversight functions, the practice is not rigorous, and parliament is not keen on following up with recommendations or ultimatums reached by the respective committees. Despite parliament's swift response to some issues before it, the capacity gap reveals parliament's weakness in reviewing their capacity or performance to give them a sense of what's going right or otherwise with respect to their functions. The Gambia transitioned from a previous parliament to a newly elected parliament where oversight was relatively strong and stringent. The outcome of the 2022 parliamentary elections saw the election of 33 new parliamentarians for the first time, with limited or no knowledge and understanding of parliamentary oversight dynamics.

Regular oversight training is a requirement for parliament to be able to consistently exercise accountability measures.

### Case study

Oversight as a priority lies at the heart of the functions of parliament as an avenue for establishing transparency and accountability.

Internally, the Office of the Clerk After the due election of parliamentarians, the National Assembly secretariat convenes inductions for all elected and re-elected parliamentarians to build their capacities in respect of parliamentary functions, processes, and procedures to better optimize their knowledge and performance in delivering on their functions as expected. The National Assembly service as the administrative component of the parliament has been so far able to conduct 2 internal training for parliamentarians.

Externally, parliament has been privileged to benefit from training from supporting institutions like the International Republican Institute (IRI), Westminster Foundation (WFD), and others.

Parliament received tailor-made capacity-building training from the Commonwealth Parliamentary Association UK (CPA UK) and the Westminster Foundation for Democracy (WFD) providing immediate and midterm parliamentary support following Gambia's parliamentary and presidential elections over the past year. The induction program addressed the 3 main responsibilities of NAMs: legislation, executive scrutiny, and constituency representation. Through Westminster-style debates and committee hearings, the team of UK MPs and officials will provide an insight into the processes and procedures of the role of parliamentarians.

The national assembly has equally received capacity-building training from Civil Society organizations (Gambia Participates) on budget and its relationship with policy. This was intended to offer parliamentarians hands-on techniques for identifying the synergy between approved budgets and how they fall in line with policy directives which will further solidify their oversight functions.

Parliament's Finance and Public Accounts Committee (FPAC) and the Public Enterprise Committee (PEC) have also been privileged to undertake capacity-building training on oversight of State-Owned Enterprise budget tracking. This will enable parliamentarians to intensify oversight functions on public institutions to ensure more transparency and accountability.

### **Areas and opportunities for improvement**

Tailored Oversight Training- As per the findings, there is a need for tailor-made oversight training to build and strengthen the capacities of new parliamentarians on hands-on oversight expertise in devising internal key performance indicators (KPIs) to monitor the progress Ministries, Departments, and beyond the submission and intermittent quizzes on reports. These skills will be instrumental in the execution of their functions and in keeping the government in check.

Utilisation of Technology: One of the gaps identified in parliamentary oversight is the limited use of technology as a way of modernising and refining parliamentary oversight operations as well as enhancing public participation in the oversight processes.

### **Recommendations**

- Parliament should be trained continuously to enhance their oversight knowledge and skills so they can effectively hold government Ministries, Departments, and Agencies to account.
- Parliament must be trained and acquainted with modern software tools for effective oversight. This prepares and enables parliamentarians to continue exercising oversight even in terms of crisis where remote work could be required

## Oversight powers and tools of parliament

### Key findings

As per the outcome of our findings, there are basic legal and regulatory mechanisms and frameworks that govern the conduct of parliament to foster the culture of accountability in the governance system. Parliament reserves several tools at its disposal to enable them to exercise effective oversight some of which include; sanctions, oral questions, and interpellations, to elicit pertinent information from duty bearers according to Articles 41-47 of the Revised Standing Orders 2020. The standing orders that dictate the conduct of proceedings in parliament make express mention of the oversight tools available to parliament to assert control over their functions and the right to sanction defaulters for contempt of the assembly. This enhances citizens' trust in the national assembly and also encourages the culture of transparency on the side of public institutions that are answerable to the public but also provide an additional layer of security and oversight.

Over the past months, parliament has summoned Ministers for questioning on key administrative issues within their purview. During our rigorous expert and key informant interviews this was a result of the reluctance of parliamentarians attributed to the ruling party in holding public officials accountable during oversight. Affiliated parliamentarians will rather abstain from participating to protect their party interest. Even if there is limited participation, the parliamentarians will not want to be seen asking leading questions.

### Case study

In the context of the exercise of oversight functions, parliament leveraged its sanction oversight tool to reprimand the Attorney General and Minister of Justice for the failure to appear before the general assembly to answer to Bills under his charge as recognized by the Assembly Business Committee (ABC).

As the Minister solely responsible for government Bills, the Anti-corruption Bill was tabled before parliament in 2019 during the 5<sup>th</sup> legislature making it past the first reading, and second reading with hopes of reaching the consideration stage when the Minister of Justice failed to appear before the assembly to discuss all the Bills under his charge including the anti-corruption Bill without due notice to parliament.

This conduct of the Minister was seen as an affront to the entire assembly, as a result, the office of the Speaker exercised its discretionary power to sanction the Minister by writing off all Bills



under the charge of the Minister of Justice until further notice for flouting parliamentary processes and for failure of putting the assembly on notice. lingering in parliament since 2019 the context of the Gambia, the Anti-Corruption Bill was one of the Bills scheduled for discussion on the parliamentary business agenda, as at this time, the Minister of Justice failed to appear before the assembly to discuss all Bills under his charge. Parliament frowned at the conduct of the Minister which resulted in an indefinite sanction warranting a deletion of all Bills under the charge of the Minister until further notice.

### Areas and opportunities for improvement

- Exposure of Parliament to more oversight tools to better enhance accountability and transparency.
- Advocate for the amendment of standing orders to strengthen parliament's oversight powers on conducting public hearings.
- Amendment of standing orders to provide for more stringent measures in ensuring compliance with parliamentary processes.
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### Recommendations

- Parliament should amend the Standing Orders to provide follow-up measures to non-compliance with oversight actions by parliament, including establishing sanctions for unjustified repetitive default by summoned officials to appear before parliament, answer questions, or provide requested information.
- Parliament should expeditiously push for the reintroduction of the Draft Constitution as the foundation upon which all other legislations derive powers. Parliament may pay attention to international practices and principles
- Parliamentarians need to ask more written questions in case they do not have the time for oral questions due to a tight schedule

## Oversight opportunities for opposition and/or minority MPs

### Key findings

Based on the findings there are basic measures in place for oversight opportunities for opposition MPs. There are no express provisions that distinguish between parliamentarians in terms of available oversight opportunities as it applies to all despite their party affiliations. Amongst various measures in place, is that the parliament of the Gambia has a considerable degree of

oversight opportunities to be exercised over the executive irrespective of parliamentary status whether opposition or minority MPs.

However, opposition and minority MPs in parliament have the same opportunity to conduct oversight roles in the context of the Gambia's parliament. For instance, the Finance and Public Accounts Committee, the National Assembly's most powerful and prominent standing committee, is presided over by a member of the opposition party, who also serves as the Minority Leader in the legislature. It's worthy to note that out of as per the data emanating from the approved list of parliamentary standing and select committees, 14 out of 22 parliamentary committees are headed by opposition party members within parliament thus showing an equal disposition of power in terms of oversight in parliament. The mere occupation of most pertinent committees by opposition parliamentarians does not in itself signify strong oversight

By virtue of their office, all parliamentarians are afforded equal opportunities under the *Revised Standing Orders of the Parliament 2020 sections 131-137 ,52-54*. These include the right to propose motions of no confidence or disallowance, parliamentary independence, freedom of expression, opposition days, on which the opposition sets the agenda, the right to call for a vote, and the right to attach a minority or dissenting report to a committee report. In addition, all members of parliaments irrespective of opposition and or minority, independent and nominated members have the leverage to ask various oral questions as well as supplementary questions *according to provisions in articles 42-46 of the revised standing order*. In practice, most oral questions posed in parliament to summoned officials are from parliamentarians from the opposition group.

The Public Enterprise Committee (PEC) used to be presided over by a member of the ruling party, and the Speaker of the Parliament presided over the Finance and Public Accounts Committee (FPAC). The FPAC, PEC, and Human Rights Committee, respectively, are now all chaired by members of the opposition due to a shift in the status quo. Strong lawmakers from opposition parties serve on the FPAC, PEC, and HR committees to prevent the committee from being wholly politicized as parliament is a mixture of various political parties and party inclinations may surface which could influence decision-making.

### Case study

During the outbreak of one of the most pressing and dreadful Acute Kidney Injury (AKI) in the Gambia in November 2020 - mostly caused by the usage of certain syrups imported from India- the lives of 70 children between the ages of 5-6 years were lost. As a result, there was widespread public discontent and called on authorities to probe this harmful and sudden disease. Consequent to this, the opposition parliamentarians filed an urgent motion to convene an extraordinary sitting to discuss the matter in question precipitating an investigation into the matter by the National Assembly Standing Committee on Health (<https://gainako.com/minority-leader-moves-motion->

[for-full-scale-parliamentary-inquiry-on-over-70-aki-deaths/](#) ) This occurred in the 6th Legislature of the newly sworn-in parliament but its occurrence shows a pattern of opposition parliamentarians' freedom to move motions. This however is to accentuate the fact that, opposition parliamentarians and or minority MPs have a considerable degree of and equal opportunities to participate in exercising oversight over the government on any matter of parliamentary or public concern as guaranteed by law as duly elected and legitimate members of the National Assembly of the Gambia.

### Areas and opportunities for improvement

Despite the current level of improvement in the National Assembly of the Gambia, there is still room for improvement as society, institutions, and processes evolve over time. Hence, Parliament can be augmented to suit the contemporary needs of society in the following areas.

- Need for inclusion of opposition dissenting or minority reports in committee reports

### Recommendations

- Clear provisions need to be included in the revised standing order act to effectively secure the minority MPs from the influence of the executive.
- Strengthen opposition capacity on parliamentary oversight

## Financial oversight

### Key findings

According to our findings, there are strong legal measures that provide parliamentarians with powers to scrutinize the financial activities of the government. As per the National Assembly Standing Order section 82(1)(2) the executive has to submit its budget which covers estimates and forecasts of expenditures and revenues. Parliament is legally mandated to deliberate on the budget, approve it, monitor its implementation, and ensure it reflects the government's financial policies, thereby ensuring transparency, accountability, and good governance as per provisions of the revised standing order 86. Over the past 12 months, the minister of finance laid before parliament the Executive Budget Proposal and parliamentarians did scrutinize the budget within 14 days and then to the plenary for debate

Findings also revealed that for the contraction of external loans and supplementary expenditure that was not in the approved budget, the government has to seek approval from the parliament as per the Revised Standing Orders 2020, Article 91

Parliamentarians also have the legal mandate as envisaged in the National Audit Act 2015 in articles 20, 21, and 22 respectively, Section 159 (4) of the 1997 Constitution of the Gambia and Provision 112 of the revised standing order to scrutinize the operations and reports from the National Audit Office responsible for auditing all government accounts. The Finance and Public Accounts Committee (FPAC) over the last 12 months has received the tabled report of the Auditor General on the Financial Statement of The Gambia for the year ended on the 31<sup>st</sup> December 2019.

[https://nawatch.org/ova\\_doc/national-assembly-score-card/](https://nawatch.org/ova_doc/national-assembly-score-card/)

Overall, from our findings, there is strong financial oversight which is backed by the legal framework, and in practice parliamentarians do scrutinize the financial activities of the government, however, there is a question of effectiveness and intensive scrutiny. As per provision 86 (2) in the revised standing order 2020, Parliamentarians are given just 14 days to scrutinize the budget before its approval, this is not an adequate time

### Case study

The National Assembly will be calling the finance minister Seedy Keita for clarifications over the purported agreement he signed with Africa50 to manage the Senegambia Bridge.

The minister had said the National Assembly is not needed in this arrangement which he said is not even binding yet. An international deal of such nature should be subjected to appropriate parliamentary scrutiny and approval. So, the Minister is being written, to appear to answer some questions because it is parliament's responsibility to keep the government in check and make sure its policies, programs, and agreements serve the best interest of Gambians.

<https://www.gambia.com/na-committee-on-govt-projects-summons-minister-of-finance-works-over-senegambia-bridge-deal/>

### Areas and opportunities for improvement

As per the constitution of the Gambia, the Vice President or minister of Finance and Economic Affairs has to table the estimates of expenditure and revenue at least 30 days prior to the new fiscal year, this is, however, insufficient considering that a limited time is allocated to the parliamentarians to scrutinize and make amendments in the budget. It is essential that this time be amended by parliamentarians to have the executive present the Executive Budget Proposal

at least 3 months before the beginning of the next fiscal year in order to be in line with international standards

There should be a legally mandated time stipulated for the accountant general to produce financial statements so they can be audited to avoid a backlog of audit reports in parliament.

### Recommendations

- Parliament should amend the law (Standing Order 81(4)) to require the executive to present the Executive Budget Proposal at least 3 months before the beginning of the next fiscal year, in conformity with international standards This would allow parliament and its committees to sufficiently and effectively scrutinize the budget.
- The audit report from the National Audit Office normally goes to Parliament for review and approval prior to publication. The NAO can also only audit government accounts after receiving financial statements from the accountant general. Due to no defined legal timeframe for the submission of financial statements from the accountant general, the National Audit Office cannot audit accounts of the government on a yearly basis. Parliamentarians need to define a legal timeframe mandating the Accountant General to submit financial statements to the NAO for auditing to prevent backlogs of reports.
- Parliament needs to add a provision to legally allow them to approve internal debt taken by the executive.

## Post-legislative scrutiny

### Key findings

According to our findings, there are non-existent legal provisions and measures put in place to foster post-legislative scrutiny by Parliament.

### Case study

On 1 July 2021, the Access to Information Bill was enacted by the Gambia National Assembly. The process of enacting the Bill has been to a large extent led by civil society through a National Coalition on Access to Information launched in 2018. From the beginning of the process, the Gambia Press Union (GPU), together with the civil society coalition, worked with relevant ministries including the Ministry of Information and Communication and the Ministry of Justice until the Bill was enacted.

The law provides for the right to access public records and information held by public authorities or by individuals and legal persons providing services for them. The law creates an obligation for proactive public disclosure and also puts in place the procedure to file access to information requests, the time limit for public institutions to respond, the grounds for denial, and how to appeal against a request being denied. However, it's been almost 2 years, and little or nothing has been done by the government in regard to this law and parliament has equally not been scrutinizing the implementation of this process. This equally lifts pressure off the government while daunting the will to implement this legislation due to weak oversight of parliamentarians on post-legislative scrutiny.

#### **Areas and opportunities for improvement**

- The parliament can establish a select committee that monitors and scrutinizes the implementation of legislation.
- Introduction of effective post-legislative scrutiny mechanisms to ensure accountability and good governance.

#### **Recommendations**

- Parliamentarians need to have legal backing in order to conduct proper oversight on the implementation of legislation.
- Parliamentarians are to be trained to build their capacities on post-legislative scrutiny.

## **Relations with other actors to conduct oversight**

#### **Key Findings**

According to our findings, there are weak legal measures that provide parliamentarians with powers to foster relations with other actors to conduct oversight. There are no platforms for parliamentarians to engage with citizens apart from petitions which have to fulfill certain criteria to be accepted.

For independent oversight institutions in the context of the exercise of their functions are independent but are answerable to the National Assembly as they send in their reports and can be called upon by the parliament for questioning. In their financial provisions, they have to appear before the national assembly as requested. Parliamentarians through its various select committees do have engagements with independent oversight institutions under their committee following up with their activities but as initially mentioned this mere practice rather than a legal mandate.

## Case study

The Public Petitions Committee of the National Assembly leveraged its power to entertain and act upon a petition filed by two concerned Gambians allegedly flagging massive mismanagement of public funds. This led to a swift investigation on the Gambia Ports Authority to produce their financial and activity report for scrutiny by the petition committee.

## Areas and opportunities for improvement

Please provide areas for improvement based on the findings

- Clearly defined austerity measures to sanction any minister who fails to respond to parliamentary questions.
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## Recommendations

- Parliament needs to create more platforms to foster relations with other oversight actors
- Parliament equally has to ensure that recommendations from the reports of other oversight actors are adopted and implemented.

## Research Process

This assessment was mainly based on desk research and interviews with relevant groups. Most of the desk research involved the review of documents such as the Constitution, the revised Standing Order Act, the Assembly Service Act, and media outlets. Interviews were conducted with parliamentarians, and support staff of the national assembly, particularly the research office, the office of the clerk of the national assembly, and the national assembly select committees. Select groups such as the National Audit Office, the National Human Rights Commission, and the Independent Electoral Commission were equally interviewed in person and some through calls.

The assessment was divided between 3 people: Andrew Mendy, Fanta Sanneh, and Annetta BV Mahoney, who took the various sections of the assessment while regularly reviewing the findings. The assessment was equally reviewed and validated by an external party.

## Sources of Information

The sources of information for this assessment through research have been derived from legal documents and articles including reports as well as interviews with various focus groups stated below;

The Constitution

<http://hrlibrary.umn.edu/research/gambia-constitution.pdf>

Revised Standing Order

[https://www.assembly.gm/?page\\_id=722](https://www.assembly.gm/?page_id=722)

Public Finance Act

[https://www.cabri-sbo.org/uploads/bia/gambia\\_2014\\_legislation\\_external\\_public\\_finance\\_legislation\\_ministry\\_of\\_finance\\_cen-sad\\_ecowas\\_english\\_1.pdf](https://www.cabri-sbo.org/uploads/bia/gambia_2014_legislation_external_public_finance_legislation_ministry_of_finance_cen-sad_ecowas_english_1.pdf)

Media Outlets

<https://thepoint.gm/africa/gambia/headlines/cause-of-aki-not-known-kids-die-without-consuming-suspected-drugs>

Articles

Parliamentarians

Phone and in-person interviews with MPs (Hon. Abdoulie Ceesay, Hon. Assan Touray, Hon. Lamin J Sanneh, Hon. Suwaibou Touray, Hon. Alhagie Mbowe, Hon. Samba Jallow, Hon. Kebba K. Barrow; date; 10 March 2023.

National Assembly- Research Office

[https://www.assembly.gm/?page\\_id=743](https://www.assembly.gm/?page_id=743)  
<https://www.youtube.com/watch?v=J4YQjOmo2Ik&t=83s>  
<https://www.youtube.com/watch?v=GBfwRsyCIDE>

National Assembly- Clerk office

[https://www.assembly.gm/?page\\_id=2831](https://www.assembly.gm/?page_id=2831)

The National Human Rights Commission

<https://www.gm-nhrc.org/>

The National Audit Office



## **Conclusion**

This assessment tool is of great significance in measuring the level of oversight played by the parliament also exposing the gaps and loopholes that can be improved. It is, however, usually hard to conduct research of any sort in The Gambia due to a lack of comprehensive data and data sources. There is also the issue of a lack of explicit laws considering that the supreme legal document of the Gambia which is the constitution has been set in a way that gives the executive too much power. The Gambia continues to operate under the 1997 Constitution, which the former dictator Yahya Jammeh repeatedly modified in his favour. This limits Parliament's ability to exercise effective oversight over the administration. Due to the constitutionally mandated overconcentration of power on the executive, Parliament lacks the authority to appoint and remove ministers for just cause. Additionally, the President is authorized by the constitution to nominate 5 members of parliament with little or no oversight. The President's ability to nominate individuals based on political patronage also encroaches on the effective, impartial, and unbiased delivery of the recommended candidates, making this practice undemocratic.

