

COMPARISON BETWEEN THE 2020 AND 2024 DRAFT CONSTITUTION

POSITION PAPER ON THE GAMBIA'S 2024 DRAFT CONSTITUTION

Prepared by Civil Society Organizations of The Gambia

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Introduction

The Gambia's ongoing commitment to democratic governance underscores the need for a constitution that reflects the collective will of The Gambian people and upholds the fundamental rights and freedoms of all, and embedding the principles of transparency, accountability and the rule of law in the legal, economic and socio-political governance of the country. The 2024 Draft Constitution is a good step by government to revive the constitutional building process by Gazetting of the Bill for its ultimate presentation in the National Assembly. However, the process also attracted wide criticism by CSOs and other relevant stakeholders for the perceived lack of a participatory, inclusive and consultative approach.

Whereas the 2020 Draft was widely recognized for its strong position on separation of powers and a more equal equilibrium of power between the three branches of government, many Gambians also view it as a potential shift towards a more centralized executive power. This position paper, based on a comprehensive review by Gambia Participates and a week-long engagement with Civil Society Organizations (CSOs), seeks to constructively and meaningfully contribute to the discourse on the ongoing constitutional building and reform process. The report will highlight areas where the 2024 Draft could be strengthened to better reflect the democratic aspirations of Gambians and to ensure an inclusive, consultative and transparent process that resonates with the will of the people.

Executive Summary of Recommendations

1. Restore and uphold the checks and balances provisions, particularly concerning executive powers, to mitigate any potential over-concentration of authority in one arm of government.
2. Reinstate provisions from the 2020 Draft that strengthen human rights, transparency, and public accountability, ensuring compliance with international democratic standards.
3. Enhance mechanisms for public service appointments, emphasizing meritocracy and reducing political patronage.
4. Fortify institutional integrity and independence, particularly within the judiciary and anti-corruption agencies, to create a robust governance framework.
5. Reinstate the Chapter on Leadership and Integrity to promote good governance, accountability, and safeguard the rule of law and improve democracy.

Recommendations

COMPARISON BETWEEN THE 2020 AND 2024 DRAFT CONSTITUTION

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	Has 319 Clauses	293 Clauses	Difference of 26 clauses	
CHAPTER I: THE REPUBLIC AND SOVEREIGNTY OF THE PEOPLE				
2 (3) (a) (b) (c) - 2020 Draft	Sovereignty of the people Defines the 3 organs of government	Section 2 (3a, b, c) deleted from the 2024 draft. Defined under section 290(1) of the 2024 Draft.	The 3 organs of government are defined under “ Interpretation ” Section 290(1) of the 2024 Draft	Maintain the position of the 2020 draft provisions
2(3) - 2024 Draft				
5(2) for both 2020 and 2024	Decentralization of government - State organ	Decentralization of government - Executive	The term state organ is substituted to “ Executive ”	Reinstate the language of the 2020 Draft by maintaining “State organ”
CHAPTER II THE CONSTITUTION AND THE LAWS				
7(3) for both 2020 and 2024	Supremacy of the Constitution - The validity or legality of this Constitution is not subject to challenge by or before any court or other organ of the	Supremacy of the Constitution - The validity or legality of this Constitution is not subject to challenge	The 2024 is stronger as it limits any application for the invalidation of the constitution and the court is limited to entertain any application	We have noted the clarity of clause 7(3) in the 2024 Draft and recommend it to be maintained.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	State.	by any person before a court and no court shall entertain any such challenge		
8(1)	Defence of the Constitution - Every person, including every organ of State...	Defence of the Constitution - Every person, organ of government, state institution, public enterprise and Local Government Authorities...	2024 is more specific and widens the scope by giving examples of who is responsible for upholding the defence of the constitution.	We have noted and recognized the elaborate nature of the provision of the 2024 Draft and recommend it to be maintained
8(3)	Defence of the Constitution -Limited to 8(3)(a)(b)	Defence of the Constitution -Added “attempt to do any act referred to in paragraph (a); or”	8(3)(c) “attempt to do any act referred to in paragraph (a); or” was added in the 2024 draft.	We have noted and agreed with the addition of “ attempt to do any act referred to in paragraph (a); or ” in the 2024 Draft.
9(2)	Enforcement of the Constitution -In addition to a person acting in their interest, court proceedings under subsection (1) may be instituted by...	Enforcement of the Constitution -In addition to the person mentioned in subsection (1), the following have the right to institute court proceedings, claiming that this Constitution has been contravened,	There has been an expansion of the explanation in the 2024 draft	We note and recognize the expansion and precision of clause 9 (2) in the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		or is threatened with contravention...		
10(1)(b)	Laws of The Gambia -the existing laws;	Laws of The Gambia -the common law and principles of equity	“The existing laws” have been replaced with “the common law and principles of equity” in the 2024 draft.	We have noted the replacement of “the existing laws” in the 2024 draft. It still makes not much of a difference as the existing laws are made in a common law jurisdiction
Chapter III NATIONAL VALUES AND PRINCIPLES				
12(2)	Culture -The State shall	Culture -The organs of government shall	“The State shall” has been replaced with “The organs of government shall” in the 2024 draft	We have noted the replacement of the words “The State shall” has been replaced with “The organs of government shall” in the 2024 draft. This is a matter of semantics.
Chapter IV CITIZENSHIP				
14	Citizenship on the commencement of this Constitution - “Every person who, immediately before the coming into force of this Constitution, is a citizen of The Gambia, shall, subject to this Constitution, continue to	Citizenship on the commencement of this Constitution - “Every person who, immediately before the coming into force of this Constitution, is a citizen of The	The language of this clause was changed. “Continue to be a citizen of The Gambia and retain the same status as a citizen” in the 2020 draft was removed and elaborated in 14(a)(b).	Retain the provisions regarding citizenship as outlined in the 2020 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	be a citizen of The Gambia and retain the same status as a citizen”	Gambia and, subject to this Constitution”		
15	Citizenship by Birth and Decent -The 2020 draft has 15(3) “A child of not more than eight years of age found in The Gambia, whose parents are not known, shall be presumed to be a citizen of The Gambia by birth.”	Citizenship by Birth -The 2024 draft does not include 15(3).	15(3) was removed from the 2024 draft.	We endorse the provisions on children's rights in the 2024 Draft.
16(1)	Citizenship by registration - “A person who is or has been married to a citizen of The Gambia and has, since the marriage, been ordinarily resident in The Gambia for a period of not less than five years is entitled, on application, to be registered as a citizen.”	Citizenship by registration - “Subject to subsection (2), a person who is or has been married to a citizen of The Gambia at least ten years and has, since the marriage, been ordinarily resident in The Gambia for a period of not less than five years is entitled, on application, to be	The duration of marriage to a citizen of The Gambia to be registered as a citizen has been changed from “ not less than five years ” in the 2020 draft to “ at least ten years ” in the 2024 draft.	Maintain the position of the 2020 draft provisions

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		registered as a citizen.”		
16(2)	Citizenship by Registration -The 2020 draft does not include “The marriage shall subsist at the time the applicant makes the application to be registered as a Gambian and his or her Gambian spouse shall consent to the application.”	Citizenship by Registration- The 2024 draft includes “The marriage shall subsist at the time the applicant makes the application to be registered as a Gambian and his or her Gambian spouse shall consent to the application.”	A new clause “The marriage shall subsist at the time the applicant makes the application to be registered as a Gambian and his or her Gambian spouse shall consent to the application” was added to the 2024 draft.	The 2024 Draft made it a requirement for the Gambian spouse to “consent” or support the person’s application to be granted citizenship. We recommend maintaining the position of the 2024 Draft
21(a)	Act of the National Assembly on citizenship - “registration as a citizen of The Gambia of a person who, on or before the 31st December, 2019 , was born in The Gambia of non-Gambian parents, if the person had, since his or her birth, lived in The Gambia;”	Act of the National Assembly on citizenship - “registration as a citizen of The Gambia of a person who was born in The Gambia of non-Gambian parents, if the person had, since his or her birth, lived in The Gambia;	The date in the 2020 draft has been removed in the 2024 draft.	Retain the provisions regarding citizenship as outlined in the 2024 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
Chapter V (2020) LEADERSHIP AND INTEGRITY				
	Included a chapter on Leadership and Integrity	Chapter on Leadership and Integrity deleted from the 2024 draft	The entire chapter on Leadership and Integrity was removed from the 2024 draft.	We recommend the Chapter on Leadership and Integrity to be reinstated in the 2024 Draft as it was in the 2020 Draft. It is essential to have this Chapter as it provides a Code of Conduct for Public Officials, which is an advancement on section 222 of the 1997 Constitution. The Chapter also provides for the enactment of an Act of Parliament on Ethics and Integrity for its practical operationalization.
Chapter VI (2020) - Chapter V (2024) FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS				
32(1)- 2020 24(1)- 2024	Application of fundamental human rights and freedoms - “The fundamental rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive and its agencies, the Legislature and, where applicable to them, by all natural and legal persons	Application of fundamental human rights and freedoms - “The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld	The phrase “...the executive and its agencies, the Legislature” in the 2020 draft has been replaced with “the state” in the 2024 draft.	Maintain the comprehensive chapter on fundamental human rights and freedoms as provided in the 2020 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	in The Gambia, and shall be enforceable by the courts in accordance with this Constitution.”	by the State and by all natural and legal persons in The Gambia, and shall be enforceable by the courts in accordance with this Constitution.”		
34(1,2,3)- 2020 26(1,2,3)- 2024	Enforcement of fundamental human rights and freedoms	Enforcement of fundamental human rights and freedoms There is a complete reconstruction of this section in the 2024 draft, seemingly expanding on the enforcement of these rights in the High Court	There are changes in the wordings and objects in clause 26(1,2 and 3) as compared to the section 34(1,2,3) in the 2020 draft.	We recommend maintaining the chapter on fundamental human rights and freedoms as provided in the 2020 Draft.
34(4) - 2020 26(4) - 2024	Enforcement of fundamental human rights and freedoms -Section 34 ends at sub-section 4	Enforcement of fundamental human rights and freedoms -Section 26 includes sub-section 5,6,7,8 and 9	The 2024 draft introduced new sub-sections 26(5,6,7,8,9)	Maintain the 2024 draft provisions

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
35(2) - 2020 27(2) - 2024	Authority of courts to uphold and enforce this Chapter - 35(2) does not include “a writ”	Authority of courts to uphold and enforce this Chapter -27(2) includes “a writ”.	The phrase “a writ” was added in the 2024 draft.	Maintain the provisions of the 2024 draft
38(1) - 2020 30 – 2024	Right to life - “A person shall not be deprived of life intentionally. ”	Right to life - “Every person has the right to life.”	38(1) in the 2020 draft has been changed to “Every person has the right to life” in the 2024 draft.	Maintain the provision on the right to life from the 2020 Draft. I believe we looked at the purpose and intention of the nuances of the language and eventually aligned ourselves with the 2020 Draft on the basis that the 1997 constitution on the right to life is the same or similar to the 2020 Draft. The “intentionally” in the 2020 Draft carries more weight than simply asserting the right to life as it is more concerned with the protection of that right to life than simply stating it.
38(2) - 2020 30 – 2024	Right to life -“Without prejudice to any liability for a contravention of any other law with respect to the use of force in such cases	Right to life - The clause was deleted	38(2) in the 2020 Draft was deleted in the clause 30 of the 2024 draft. Which gives no exception for the taking of one's life	We recommend the provision on the right to life from the 2020 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	as are mentioned in this subsection, a person shall not be regarded as having been deprived of his or her life in contravention of this section if he or she dies as a result of the use of force to such extent as is reasonably justifiable in the circumstances of the case, that is to say- “			
39(4)(f)(i)-2020 31(4)(f)(i)-2024	Protection of liberty - “forty-eight hours after being arrested;”	Protection of Liberty - “seventy-two hours after being arrested;”	The duration in this clause regarding detention has been increased to seventy-two hours in the 2024 draft.	Recommend maintaining the 48-hour detention limit in the 2020 Draft, as opposed to the 72 hours stipulated in the 2024 Draft. This is because for the most part 48 hours is quite adequate and the 72 hours is abused by law enforcement and people are unnecessarily detained longer for no good reason other than that is what the law says and it is used as a legal justification by the police/authorities.
47 – 2020 39 (3)– 2024	Freedom of the media -The 2020 draft does not include “The right to own and operate media in subsection	Freedom of the media -The 2024 draft includes “The right to own and operate	A new clause 39 (3) “The right to own and operate media subsection (2) (a) shall be limited to only	Preserve the provisions in the 2020 Draft that ensure the right to own and operate media houses and for the mechanisms for the regulations to safeguard media

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	(2) (a) shall be limited to only Gambians.”	media in subsection (2) (a) shall be limited to only Gambians.”	Gambians” has been added in the 2024 draft.	freedom and expression to be contained in an Act of the National Assembly.
47 (5) – 2020 39 – 2024	Freedom of the media -The 2020 draft includes “The State shall not penalise any person for any opinion or view or the content of any broadcast, publication or dissemination.”	Freedom of the media - The 2024 draft does not include “The State shall not penalise any person for any opinion or view or the content of any broadcast, publication or dissemination.”	A clause “The State shall not penalise any person for any opinion or view or the content of any broadcast, publication or dissemination” was deleted in the 2024 draft.	Reinstate the deleted Clause 47 (5) of the 2020 Draft in the 2024 Draft.
50 – 2020 42(1) – 2024	Freedom of assembly - Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities or private institutions.	Freedom of assembly - Every person has the right to freedom to assemble and demonstrate peaceably and without arms.	The 2020 draft included “to picket, and to present petitions to public authorities or private institutions” which was removed in the 2024 draft.	Uphold the 2020 Draft's provisions on freedom of assembly and the right to peaceful assembly. Citizens should be able to peacefully assemble and express their feelings peacefully without subjecting it to police consent.
50 – 2020 42(2) - 2024	Freedom of assembly -Provides for the right to assembly	Freedom of assembly	A new clause “The freedom referred to in subsection (1) shall be exercised subject to the law of The Gambia in so	We recommend the deletion of Clause 42(2) in the 2024 Draft and maintain the provision on

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		Provides for the right to assembly with restriction	far as that law imposes reasonable restriction on the exercise of the rights and freedoms thereby conferred, which are necessary in a democratic society and are required in the interests of the sovereignty and integrity of The Gambia, national security, public order, decency or morality, or in relation to contempt of court” was added in the 2024 draft.	“Freedom of assembly” in the 2020 Draft.
54 – 2020 46(2) - 2024	Right to marry and found a family -The 2020 draft did not include subsection (2).	Right to marry and found a family -The 2024 draft included subsection (2) which states “Marriage shall be recognised solely as a union between a man and woman and, no other union shall be legally recognized or construed as equivalent to marriage.”	A new sub-section is added to unequivocally make marriage legal between a man and a woman only	Adopt the 2024 Draft's position on marriage which explicitly defines marriage as a union between a man and a woman.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
56(1)(a) - 2020 48(1)(a) - 2024 48 (1) (f) - 2024	Rights of children Every child has the right to - “to a name and nationality from birth;”	Rights of children Every child has the right to - “from birth to a name, acquire a nationality and, subject to legislation enacted in the best interest of children, to know and be cared for by their parents;” (f) not to be detained, except as a measure of last resort, and then only for the shortest appropriate period.	The 2024 draft expanded the right of a child to not only have a name and nationality, but to be cared for by their parents. .	Maintain the provisions on children's rights in the 2024 Draft.
57(2)(a) - 2020 49(2)(a) - 2024	Right to education - basic and secondary education shall be free, compulsory and available to all;	Right to education - basic education shall be free, compulsory and available to all;	“Secondary” education is not free under the 2024 draft.	Reinstate the 2020 Draft provisions on the responsibilities of the state in providing free basic and secondary education.
57(2)(d) - 2020 49(2)(d) - 2024	Right to education -functional literacy shall be encouraged and intensified as far as possible	Right to education - functional literacy and numeracy shall be encouraged and	The word “numeracy” is a new addition in the 2024 draft.	We endorsed the 2024 Draft's inclusion of the word “numeracy” literacy.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		intensified as far as possible		
65 - 2020	Consumer protection rights -A section on consumer protection rights was included in the 2020 draft.	This section has been deleted in the 2024 Draft	The entire section on “consumer protection rights” was deleted from the 2024 draft.	Reinstate the consumer protection section omitted in the 2020 Draft to enhance coherence and accountability in consumer related matters.
70(1) - 2020 61(1) - 2024	Declaration of state of public emergency - The President may, at any time, by Proclamation published in the Gazette, declare a state of public emergency.	Declaration of state of public emergency - The President may, by Proclamation published in the Gazette, declare a state of public emergency.	The phrase “at any time” in the 2020 draft was deleted in the 2024 draft.	Maintain the provisions in the 2024 Draft regarding the president's declaration of a state of emergency.
70(2)(c) - 2020 61(2) - 2024	Declaration of state of public emergency - it is necessary to meet the circumstances identified in paragraphs (a) and (b).	Declaration of state of public emergency The sub-clause 70(2)(c) was not included in the 2024 draft.	The requirements to meet clause 61(2)(a) and (b) is deleted from the 2024 draft.	Maintain the provisions in the 2024 Draft regarding the president's declaration of a state of emergency while reinstating Section 70, subsection 7 of the 2020 Draft, which empowers the Supreme Court to validate such declarations.
70(4) - 2020 61(4) - 2024	Declaration of state of public emergency	Declaration of state of public emergency	The period was increased from “sixty days” in the	We recommend maintaining the duration of public emergency to sixty days as in the 2020 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	- The National Assembly may, before the expiration of a period of public emergency specified in subsection (3), extend the period for up to sixty days at a time.	- The National Assembly may, before the expiration of a period of the state of public emergency specified in subsection (3), extend the period for up to ninety days at a time.	2020 draft to “ ninety days ” in the 2024 draft.	
70(6) - 2020 61(6) - 2024	Declaration of state of public emergency - A declaration made under subsection (1) may at any time be revoked by the President by Proclamation published in the Gazette.	Declaration of state of public emergency - A declaration made under subsection (1) may be revoked by the President by Proclamation published in the Gazette.	The phrase “at any time” in the 2020 draft was removed in the 2024 draft.	
70(7) - 2020 61 - 2024	Declaration of state of public emergency -The 2020 draft included subsection (7) on the role of the supreme court in deciding the validity of a state of public emergency.	Declaration of state of public emergency -This subsection was not included in the 2024 draft.	The powers of the Supreme Court to decide on the validity of a public emergency is removed	Maintain the provisions in the 2024 Draft regarding the president's declaration of a state of emergency while reinstating Section 70, subsection 7 of the 2020 Draft, which empowers the Supreme Court to validate such declarations.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
71(3)(c) - 2020 62(3)(c) - 2024	Derogations from fundamental human rights under emergency powers - the protection from slavery, servitude, human trafficking and forced labour;	Derogations from fundamental human rights under emergency powers -the protection from slavery, servitude, and human trafficking;	“and forced labour” in the 2020 draft was removed in the 2024 draft.	Acknowledge the potential compromising of human rights during public emergencies and consider the economic ramifications on businesses and ordinary citizens as it is in the 2020 draft.
Chapter VII (2020) - Chapter VI (2024) REPRESENTATION OF THE PEOPLE				
75(1)(d) - 2020 66(1) - 2024	The right to be registered and to vote - has not been convicted of an election offence during the preceding five years.	The right to be registered and to vote -This subsection was not included in the 2024 draft.	75(1)(d) in the 2020 draft was removed in the 2024 draft.	Recommend addressing voting eligibility for individuals with a history of conviction in the Election Act rather than the Constitution itself. We endorse the position of the 2024 Draft.
79(4) - 2020 70(4) - 2024	Electoral laws - The National Assembly shall not amend, repeal or introduce any law in relation to elections within a period of nine months before elections are scheduled to be held.	Electoral laws - The National Assembly shall not amend, repeal or introduce any law in relation to elections within a period of six months before elections are scheduled to be held.	The period was decreased from “nine months” in the 2020 draft to “six months” in the 2024 draft.	We recommend the position of the 2024 draft to maintain 6 months instead of 9.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
81(3) - 2020 72(3) - 2024	Establishment and membership of the Independent Boundaries and Electoral Commission - The members of the Commission shall be appointed by the President, subject to confirmation by the National Assembly with the votes of at least sixty percent of all the members of the Assembly.	Establishment and membership of the Independent Boundaries and Electoral Commission - The members of the Commission shall be appointed by the President in consultation with the Judicial Service Commission and Public Service Commission.	“subject to confirmation by the National Assembly with the votes of at least sixty percent of all the members of the Assembly” in the 2020 draft was changed with “in consultation with the Judicial Service Commission and Public Service Commission” in the 2024 draft.	We recommend the 2020 draft for the appointments of the members of the Commission of IBEC to be made by the president with National Assembly confirmation, requiring a 60% majority. The IBEC is a sensitive and a delicate institution, and thus, the appointment of its leadership should follow an independent process.
82(1)(l) - 2020 73(1)(l) - 2024	Functions of the Commission - confirming that a candidate for public election has made a full declaration of his or her assets to the Anti-Corruption Commission.	Functions of the Commission - confirm that a candidate for public election has made a full declaration of his or her assets to the Commission.	“Anti-Corruption Commission” in the 2020 draft was changed to “Commission” in the 2024 draft.	We recommend the Anti-Corruption Commission to administer the declaration of assets by candidates as contained in the 2020 Draft.
83 – 2020 74(2) - 2024	Electoral boundaries -This subsection was not included in the 2020 draft.	Electoral boundaries - The demarcation of constituencies and other boundaries shall be subject to the	74(2) was added in the 2024 draft.	The demarcation of constituencies and other boundaries are purely operational issues and the IBEC should be allowed to demarcate

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		approval of the National Assembly		electoral boundaries as and when it is necessary
84(2)(i)(j)(k) - 2020 75(2) - 2024	Political parties (i) promote the objects and principles of this Constitution and the rule of law; (j) declare to the public their revenues and assets, and the sources of those revenues and assets; (k) publish to the public annually their audited accounts within six months of the end of the financial year, failing which the Independent Boundaries and Electoral Commission may deregister the party; and	Political parties -The 2024 draft deleted these sub-sections	84(2)(i)(j)(k) in the 2020 draft were all removed from the 2024 draft.	The 2020 Draft makes it mandatory for political parties to be transparent and accountable in the manner they raise and spend money, thus making it a constitutional requirement for them to publish their annual audited accounts. This is also consistent with Section 104(6)(a) and (b) of the Elections Act, 1996. We recommend maintaining section 84(2)(i)(j)(k) of the 2020 draft in the 2024 Draft. This will as well prevent money laundering and illicit financial flows through political parties
84(5) - 2020 75 - 2024	Political parties - No political party shall receive a contribution or donation from any person who is not a citizen of The Gambia or from any corporate or unincorporated body.	Political parties -This subsection was not included in the 2024 draft.	84(5) in the 2020 draft was removed in the 2024 draft.	We recommend maintaining the position of the 2020 Draft (84(5)) which governs campaign financing. This should be constitutional requirements and its deletion in the 2024 Draft will likely open the floodgates of illicit campaign financing

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
Chapter VIII (2020) - Chapter VII (2024) EXECUTIVE				
87(4) - 2020 78(4) - 2024	Office of President - The President shall at all times	Office of President - The President shall	“at all times” in the 2020 draft was removed in the 2024 draft.	Reinstate the provision on 2020 draft on obligation for the president to uphold constitutional provisions " at all times "
88(1)(j) - 2020 79(1)(j) - 2024	Powers of President - issue commissions of inquiry in accordance with this Constitution and an Act of the National Assembly;	Powers of President - establish commissions of inquiry in accordance with this Constitution and an Act of the National Assembly;	“Issue” in the 2020 draft was changed to “establish” in the 2024 draft.	Maintain the language in the 2024 draft constitution
88(1)(m) - 2020 79(1)(m) - 2024	Powers of President - subject to the prior approval of the National Assembly, to declare war and make peace;	Powers of President - subject to the prior approval of the National Assembly, to declare war, deploy troops outside The Gambia and make peace;	“deploy troops outside The Gambia” was added in the 2024 draft.	Maintain the provisions of the 2024 draft
88(4) - 2020 79 - 2024	Powers of President -The 2020 draft included subsection (4) “Where, under this Constitution or an Act of	Powers of President	88(4) in the 2020 draft was removed from the 2024 draft.	We recommended the previous in the 2024 draft for president to

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	the National Assembly, any appointment by the President requires confirmation or approval by the Assembly, such confirmation or approval shall, unless otherwise provided in this Constitution, be made if at least one half of all the members of the Assembly vote in favour of the appointment.”	-This subsection was not included in the 2024 draft.		appoint his cabinet without parliamentary approval. As for the independent institutions e.g. NHRC, IBEC, Anti-Corruption Commission, etc, they should be subject to Parliamentary confirmation.
89(1) - 2020 80(1) - 2024	Duty to attend and address the National Assembly - The President shall at the commencement of each year, but in any case not later than the end of April, attend and address the National Assembly.	Duty to attend and address the National Assembly - The President shall at least once in each year attend a sitting of the National Assembly and address a session on the condition of The Gambia, the policies of the Government and the administration of the State.	“not later than the end of April” in the 2020 draft was deleted in the 2024 draft.	Preserve provisions regarding the timing of presidential addresses to the National Assembly as outlined in the 2024 Draft.
89(3) - 2020 80(3) - 2024	Duty to attend and address the National Assembly - The President may, or if he or she so designates the Vice	Duty to attend and address the National Assembly	“or minister” was added in the 2024 draft.	Maintain the requirement for the President or the Vice President to appear before Parliament on a matter of “national importance on

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	President shall, at any time during the course of the year attend and address a special sitting of the National Assembly on a matter of national importance if the President is so requested by the National Assembly on a resolution passed by not less than one half of all the members of the National Assembly.	- The President may, or if he or she so designates the Vice President or a minister, the Vice President or minister shall, at any time during the course of the year attend and address a special sitting of the National Assembly on a matter of national importance if the President is so requested by the National Assembly on a resolution passed by not less than one half of all the members of the National Assembly.		a resolution passed by not less than one half of all the members of the National” as stated in the 2020 Draft.
89(5) - 2020 80(5) - 2024	Duty to attend and address the National Assembly - The National Assembly may, after an address of the Assembly by the President, hold a debate on the address and, for that purpose, the President may, or if he or she so designates the Vice	Duty to attend and address the National Assembly - The National Assembly may, after an address of the Assembly by the President under	“under subsection (1)” was added in the 2024 draft.	Preserve provisions regarding the timing of presidential addresses to the National Assembly as outlined in the 2024 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	President shall, attend and answer any matter or question relating to the President's address.	subsection (1), hold a debate on the address and, for that purpose, the President may, or if he or she so designates the Vice President, the Vice President shall attend and answer any matter or question relating to the President's address.		
90 –2020	Decisions of the President -A section on the decisions of the president was added in the 2020 draft.	-This entire section was not included in the 2024 draft.	Section 90 in the 2020 draft was removed from the 2024 draft.	Uphold the requirement for presidential decisions to be documented in writing, as stated in the 2020 Draft.
92(2) - 2020 82(2) - 2024	Election of President - Election to the Office of President shall be held at least six weeks before the end of the term of the incumbent President.	Election of President - Election to the Office of President shall be held within three months but not later than six weeks before the end of the term of the incumbent President.	“within three months but not later than six weeks” was added to the duration in the 2024 draft.	We recommend maintaining the 2024 draft provisions
93(1)(c) - 2020 83(1) - 2024	Qualifications for election as President	Qualifications for election as President	93(1)(c) in the 2020 draft was deleted in the 2024 draft.	We recommend the position of the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	- has been ordinarily resident in The Gambia for the three years immediately preceding the date of nomination for election of President;	-This subsection was not included in the 2024 draft.		
93(1)(f) - 2020 83(1) - 2024	Qualifications for election as President - holds a minimum of an undergraduate degree plus five years' work experience after the date of attaining that degree; or	Qualifications for election as President -This subsection was not included in the 2024 draft.	93(1)(f) in the 2020 draft was removed in the 2024 draft.	We recommend the provision on the 2024 draft for the qualification of the president be secondary school education and with a minimum of 12 years relevant work experience.
94(1)(h) - 2020 84(1)(h) - 2024	Disqualifications for election as President - is found to have made a false declaration of his or her assets by the Anti-Corruption Commission in relation to the election at which he or she wishes to be nominated for election as President;	Disqualifications for election as President - is found to have made a false declaration of his or her assets by the Independent Boundaries and Electoral Commission in relation to the election at which he or she wishes to be nominated for election as President;	"Anti-Corruption Commission" in the 2020 draft was changed to "Independent Boundaries and Electoral Commission" in the 2024 draft.	We recommend the provisions in the 2020 Draft requiring asset declarations to the Anti-Corruption Commission for presidential candidates.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
95(b) - 2020 85(b) - 2024	Nomination of candidates for President - The Anti-Corruption Commission shall, upon receipt of an assets declaration from a candidate under subsection (1) (b) or section 96 (5) (b), conduct necessary investigations and submit a report to the Independent Boundaries and Electoral Commission before the date of nomination confirming whether or not the candidate has made an accurate declaration.	Nomination of candidates for President - The Independent Boundaries and Electoral Commission shall, upon receipt of an assets declaration from a candidate under subsection (1) (b) or section 86 (5) (b), conduct necessary investigations before the date of nomination to confirm whether or not the candidate has made an accurate declaration.	“The Anti-Corruption Commission” in the 2020 draft was changed to “The Independent Boundaries and Electoral Commission” in the 2024 draft.	We recommend maintaining the anti-corruption commission to administer asset declaration given their legal mandate to deter, detect and sanction corruption. The Anti-Corruption Commission also have the legal mandate to forfeit assets illicitly acquired. Thus, it falls within the mandate of the AC Commission to administer asset declaration by public officials or candidates running for public offices. Apart from the legal powers, the Anti-Corruption Commission has the expertise to detect and address corruption related issues and is thus better situated to deal with these issues more than the IBEC.
96(1) - 2020 86(1) - 2024	Procedure on nomination of candidates for President - If on the date appointed for the nomination of candidates for President only one candidate is nominated, the Independent Boundaries and Electoral Commission shall declare that candidate duly elected.	Procedure on nomination of candidates for President - If, on the date appointed for the nomination of candidates for President, only one	No Changes has been made in this subsection.	We recommend maintaining the anti-corruption commission as it was in the 2020 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		candidate is nominated, the Independent Boundaries and Electoral Commission shall declare that candidate duly elected.		
96(5)(b) - 2020 86(5)(b) - 2024	Procedure on nomination of candidates for President - a new candidate for election as President shall, within seven days before the election, lodge with the Anti-Corruption Commission a declaration of his or her assets;	Procedure on nomination of candidates for President - a new candidate for election as President shall, within seven days before the election, lodge with the Independent Boundaries and Electoral Commission a declaration of his or her assets;	“Anti-Corruption Commission” in the 2020 draft was changed to “Independent Boundaries and Electoral Commission” in the 2024 draft.	We recommend maintaining the anti-corruption commission as it was in the 2020 draft
99(1) - 2020 89(1) - 2024	Death of President-elect before assumption of Office - the Chief Justice shall be sworn in as acting President	Death of President-elect before assumption of Office - the Chief Justice or the most senior Gambian Judge of the	“or the most senior Gambian Judge of the Supreme Court where the Chief Justice is a non-Gambian” has been added in the 2024 draft.	We recommend maintaining the position of the 2020 Draft. At all times, the Chief Justice of The Gambia must be a Gambian.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		Supreme Court where the Chief Justice is a non-Gambian shall be sworn in as acting President		
103(1)(a)(ii) - 2020 93(1)(a) - 2024	Disclosure obligations of President - all the assets, liabilities and business interests of his or her spouse held by or on behalf of the spouse; and	Disclosure obligations of President -This subsection was not included in the 2024 draft	103(1)(a)(ii) in the 2020 draft was removed from the 2024 draft.	Require asset declarations from all public officials, including the spouses of the president and vice president; as well as ministers to declare their assets and liabilities alone without their spouses.
103(b)(ii) - 2020 93(1)(b) - 2024	Disclosure obligations of President - all liabilities, assets and business interests of his or her spouse held by or on behalf of the spouse.	Disclosure obligations of President -This subsection was not included in the 2024 draft.	103(b)(ii) in the 2020 draft was removed in the 2024 draft.	Require asset declarations from all public officials, including the spouses of the president and vice president; as well as ministers to declare their assets and liabilities.
105(4) - 2020 95(4) - 2024	Immunity of President from legal proceedings - The immunity granted to the President under this section shall not, after the President leaves office, extend to any offence the President committed during his or her tenure in office.	Immunity of President from legal proceedings -The National Assembly, with the approval of two-thirds of all its members, may remove an immunity granted to the President under	105(4) in the 2020 draft was completely changed in the 2024 draft.	Retain provisions regarding presidential immunity post-term from the 2020 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		this section after his or her term in office.		
106(3) - 2020 96(4) - 2024	Vacancy in the Office of President - the Chief Justice shall assume the Office as acting President.	Vacancy in the Office of President - the Chief Justice or the most senior Gambian Judge of the Supreme Court where the Chief Justice is a non-Gambian shall assume the office of the President for the residue of the term of the former President.	“the most senior Gambian Judge of the Supreme Court where the Chief Justice is a non-Gambian” was added in the 2024 draft.	Support provisions from the 2020 Draft that ensure the Chief Justice is a Gambian in the succession process. At all times, the Chief Justice of The Gambia must be a Gambian.
106 – 2020 96(2) - 2024	Vacancy in the Office of President -The 2020 draft did not include this subsection.	Vacancy in the Office of President - Whenever the Office of the President becomes vacant in the circumstances set out in subsection (1), the Vice President, or if there is no Vice President in office at the time, the Speaker shall assume the office of President for the residue of the term	96(2) in the 2024 draft is a new addition because it was not part of the 2024 draft.	Uphold the position of the 2024 draft with amendments that the IBEC organize an election within 90 days following a vacancy in the office of The President.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		of the former President.		
106(3) - 2020 96(4) - 2024	Vacancy in the Office of President - the Chief Justice shall assume the Office as acting President.	Vacancy in the Office of President - the Chief Justice or the most senior Gambian Judge of the Supreme Court where the Chief Justice is a non-Gambian shall assume the office of the President for the residue of the term of the former President.	"or the most senior Gambian Judge of the Supreme Court where the Chief Justice is a non-Gambian" was added in the 2024 draft.	Support provisions from the 2020 Draft that ensures the Chief Justice is Gambian in the succession process. At all times, the Chief Justice of The Gambia must be a Gambian.
106(4)(5) - 2020 96 - 2024	Vacancy in the Office of President -(4) Where the Office of President becomes vacant, the Independent Boundaries and Electoral Commission shall hold election to that Office within ninety days from the date the vacancy occurred. -(5) Subsection (4) shall not apply if the period between the vacancy in the Office of President occurring and when the next election for that	Vacancy in the Office of President -These subsections were not included in the 2024 draft.	106(4) and (5) in the 2020 draft were removed in the 2024 draft.	We recommend maintaining the position of the 2020 Draft regarding the conduct of elections following the vacancy of the office of the president.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	Office is due is nine months or less.			
106(6) - 2020 96(5) - 2024	Vacancy in the Office of President - Chief Justice, as the case may be, shall, before assuming office as acting President as provided in this section, subscribe to the prescribed oath in Schedule 2.	Vacancy in the Office of President - Chief Justice or the most senior Gambian Judge of the Supreme Court where the Chief Justice is a non-Gambian, shall, before assuming office as acting President as provided in this section, subscribe to the prescribed oath in Schedule 3.	"or the most senior Gambian Judge of the Supreme Court where the Chief Justice is a non-Gambian" was added in the 2024 draft.	Support provisions from the 2020 Draft that ensures the Chief Justice is Gambian in the succession process. At all times, the Chief Justice of The Gambia must be a Gambian.
106(7)(c) - 2020 96(6)(c) - 2024	Vacancy in the Office of President - the Chief Justice shall temporarily cease to sit on the Supreme Court.	Vacancy in the Office of President - the Chief Justice or the most senior Gambian Judge of the Supreme Court where the Chief Justice is a non-Gambian shall temporarily cease to sit on the Supreme Court.	"or the most senior Gambian Judge of the Supreme Court where the Chief Justice is a non-Gambian" was added in the 2024 draft.	Support provisions from the 2020 Draft that ensures the Chief Justice is Gambian in the succession process. At all times, the Chief Justice of The Gambia must be a Gambian.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
108(3) - 2020 98(3) - 2024	Removal of President by impeachment - The National Assembly may, by a vote of not less than one half of all the members of the Assembly, pass a resolution for the removal of the President on any of the grounds mentioned in subsection (2).	Removal of President by impeachment - The National Assembly may, by a vote of not less than two-thirds of all the members of the Assembly, pass a resolution for the removal of the President on any of the grounds mentioned in subsection (2).	The threshold of “one half” in the 2020 draft was changed to “two-thirds” in the 2024 draft.	Maintain the impeachment threshold at one-half of National Assembly votes as stipulated in the 2020 Draft.
108(7) - 2020 98(7) - 2024	Removal of President by impeachment -The tribunal shall comprise – (a) a Justice of the Supreme Court, as Chairperson; (b) three other persons who hold or have held high judicial office; and (c) one other person, not being a judicial officer (or having served as one) or a legal practitioner, who is of high moral character and integrity.	Removal of President by impeachment - The tribunal shall comprise – (a) the Chief Justice, as Chair; (b) one representative of – (i) the Supreme Islamic Council; (ii) the Christian Council; (iii) the Medical and Dental Council; and (iv) the Gambia	The representatives that the tribunal shall comprise of were clearly spelt out in the 2024 draft.	Maintain the impeachment threshold at one-half of National Assembly votes as stipulated in the 2020 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		Chamber of Commerce and Industry.		
109(4)(c) - 2020 99(4) - 2024	Salary and allowance - against whom an adverse finding of abuse of office or corruption has been made by a commission of inquiry after leaving office.	Salary and allowance -This subsection was not included in the 2024 draft.	109(4)(c) in the 2020 draft was removed in the 2024 draft.	Uphold the provisions on presidential salaries and allowances in the 2020 Draft.
109 – 2020 99(8) - 2024	Salary and allowance -This subsection was not included in the 2020 draft.	Salary and allowance - An Act of the National Assembly may make further provision for the purpose of this section.	99(8) is a new addition in the 2024 draft because it was not in the 2020 draft.	Uphold the provisions on presidential salaries and allowances in the 2020 Draft.
110(2) - 2020 100(2) - 2024	Office of Vice President -The President shall, within fourteen days of assuming office, appoint the Vice President.	Office of Vice President - The President shall, within twenty-one days of assuming office, appoint a Vice President.	The duration “fourteen days” in the 2020 draft was increased to “twenty-one days” in the 2024 draft.	Extend the appointment period for a vice president from 14 to 21 days, as proposed in the 2024 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
115(1)(a) - 2020 105(1)(a) - 2024 115(1)(b) - 2020 105(1)(b) - 2024	Appointment of Ministers - “such number of Ministers, not exceeding twenty, to assist with the running of the affairs of the State; and” Ten years legal standing requirement for the Attorney General and Minister for Justice	Appointment of Ministers - “such number of Ministers to assist with the running of the affairs of the State; and” Five years legal standing requirement for the Attorney General and Minister for Justice	“not exceeding twenty” in the 2020 draft was removed in the 2024 draft. Number of years of experience reduced to 5 years	Ensure ministerial appointments remain at the President's discretion, without National Assembly confirmation as in the provision of the 2024 Draft.
115(2) - 2020 105(2) - 2024	Appointment of Ministers -The President shall, within forty-five days of assuming office, nominate and appoint the Ministers, subject to confirmation by the National Assembly.	Appointment of Ministers - The President, within forty-five days of assuming office, shall appoint the Ministers.	“subject to confirmation by the National Assembly” in the 2020 draft was removed in the 2024 draft.	We recommend that the 2024 provisions be maintained
115(3) - 2020 105 – 2024	Appointment of Ministers - Where at any time during the term of office of the President, the President considers it necessary to nominate and appoint a Minister, the	Appointment of Ministers This subsection was not included in the 2024 draft.	115(3) in the 2020 draft was removed in the 2024 draft.	Ensure ministerial appointments remain at the President's discretion, without National Assembly confirmation as in the provisions of the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	Minister shall be subject to confirmation by the National Assembly.			
116(1)(b) - 2020 106(1)(b) - 2024	Qualifications and disqualifications of Ministers - has attained a qualification at tertiary education level and can speak and write the English language well;	Qualifications and disqualifications of Ministers - has attained a qualification at completion of senior secondary school level and can speak and write the English language well;	The academic qualification was changed from “tertiary education” in the 2020 draft to “senior secondary school” in the 2024 draft.	We recommend that minister’s qualification be a minimum of a senior secondary school leaving certificate and proficiency in English, with a minimum of 12 years of relevant experience.
116(1)(c) - 2020 106(1) - 2024	Qualifications and disqualifications of Ministers - has proven experience of not less than eight years from the date of earning the qualification mentioned in paragraph (b);	Qualifications and disqualifications of Ministers This subsection was not included in the 2024 draft.	116(1)(c) in the 2020 draft was removed in the 2024 draft.	Maintain the position of the 2024 draft
116(2)(e) - 2020 106(2)(e) - 2024	Qualifications and disqualifications of Ministers - subject to subsection (3) (b), has during any period of service in a public office or in the private sector in The Gambia, been terminated or	Qualifications and disqualifications of Ministers - subject to subsection (3) (b), has during any period of service in a public office, his or her services have been	“in the private sector” was removed from the 2024 draft.	We recommend adding “misconduct in the private sector in the 2024 draft. 106 (2) (e) (i) the timeframe was increased to 10 years in the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	dismissed for dishonesty or immoral conduct;	terminated or he or she has been dismissed for dishonesty or immoral conduct;		We also recommend clause 116 (2) (j) to be inserted into the 2024 draft
116(2)(g)(i)(j) - 2020 106(2) - 2024	Qualifications and disqualifications of Ministers - (g) has, within seven years immediately preceding the date of his or her appointment as Minister, been convicted by a court or tribunal of competent jurisdiction of an offence relating to elections; (i) is found to have made a false declaration of his or her assets by the Anti-Corruption Commission; (j) fails to produce a certificate from the authority responsible for the collection of taxes that he or she has paid all taxes due from him or her;	Qualifications and disqualifications of Ministers All these subsections were not included in the 2024 draft.	116(2)(g), (i) and (j) in the 2020 draft were all removed in the 2024 draft.	We recommend that minister's qualification be a minimum of a senior secondary school leaving certificate and proficiency in English, with a minimum of 12 years of relevant experience.
118(2) - 2020 108(2) - 2024	Functions and incidents of Office - The President shall, in assigning responsibilities in accordance with subsection	Functions and incidents of Office - The President may, in assigning responsibilities in	"Shall" in the 2020 draft was changed to "May" in the 2024 draft.	Reinstate the word "shall" in the 2020 Draft to ensure adherence to the constitution in assigning public responsibilities.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	(1), have due regard to the competence, expertise and experience of the Vice President or Minister concerned.	accordance with subsection (1), have due regard to the competence, expertise and experience of the Vice President or Minister concerned.		
119(1)(a)(ii) - 2020 109(1) - 2024	Disclosure obligations of Vice President and Ministers - all the assets, liabilities and business interests of his or her spouse held by or on behalf of the spouse;	Disclosure obligations of Vice President and Ministers -This subsection was not included in the 2024 draft.	119(1)(a)(ii) in the 2020 draft was removed in the 2024 draft.	Maintain the 2020 Draft which requires asset declarations from all key public officials, including the spouses of the president and vice president; as well as ministers to declare their assets and liabilities.
119(1)(b)(ii) - 2020 109(1) - 2024	Disclosure obligations of Vice President and Ministers - all assets, liabilities and business interests of his or her spouse held by or on behalf of the spouse, during his or her tenure in office.	Disclosure obligations of Vice President and Ministers -This subsection was not included in the 2024 draft.	119(1)(b)(ii) in the 2020 draft was removed in the 2024 draft.	Maintain the 2020 Draft which requires asset declarations from all key public officials, including the spouses of the president and vice president; as well as ministers to declare their assets and liabilities [excluding Minister's spouses].
120(c) - 2020 110 - 2024	Restrictions regarding Office of Vice President and Minister - establish, or advocate for, participate in or promote the establishment, or in any other	Restrictions regarding Office of Vice President and Minister	120(c) in the 2020 draft was removed from the 2024 draft.	Maintain provisions as outlined in the 2024 Draft, as the deletions have negligible impact.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	way engage in the establishment, directly or indirectly, of any organisation or institution of a civic, charitable or other nature.	-This subsection was not included in the 2024 draft.		
125(2) - 2020 115(2) - 2024	Secretary to Cabinet - The President shall nominate and appoint the Secretary to Cabinet, subject to confirmation by the National Assembly.	Secretary to Cabinet - The President shall appoint the Secretary to Cabinet.	“subject to confirmation by the National Assembly” was removed in the 2024 draft.	Support the provision allowing the President to appoint the Secretary to the Cabinet as provided for in the 2024 draft
126(5) - 2020 116(5) - 2024	International relations - The President or any person acting under his or her direction shall not suspend or withdraw The Gambia from any international treaty or organisation without the approval of the National Assembly on a vote of not less than two-thirds of all the members.	International relations - The President or any person acting under his or her direction shall not suspend or withdraw The Gambia from any international treaty or organisation without the approval of the National Assembly on a vote of not less than half of all the members.	The threshold of “not less than two-thirds” in the 2020 draft was changed to “not less than half” in the 2024 draft.	Revert to the 2020 Draft provision requiring a two-thirds majority vote from the National Assembly for international relations decisions.
127(2) - 2020 117(2) - 2024	Establishment of Prerogative of Mercy Committee	Establishment of Prerogative of Mercy Committee	“subject to confirmation by the National Assembly” was removed in the 2024 draft.	Retain the provision in the 2024 Draft allowing the President to appoint members of the Prerogative of Mercy Committee.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	- The members of the Prerogative of Mercy Committee referred to in subsection (1) (c) shall be appointed by the President, subject to confirmation by the National Assembly.	- The members of the Prerogative of Mercy Committee referred to in subsection (1) (c) shall be appointed by the President.		
129(2) - 2020 119(2) - 2024	Honours and awards - The Committee shall consist of not less than three, and not more than five, persons appointed by the President, subject to confirmation by the National Assembly.	Honours and awards - The Committee shall consist of not less than three, and not more than five, persons appointed by the President.	“subject to confirmation by the National Assembly” was removed in the 2024 draft.	Support the provision granting the President the authority to confer honours and awards as in the 2024 draft.
131(2) - 2020 121(2) - 2024 131 - 2020	Director of Public Prosecutions - The Director of Public Prosecutions shall be appointed by the President, on the recommendation of the Public Service Commission, subject to confirmation by the National Assembly. 2020 Draft does not include the retirement age of the DPP	Director of Public Prosecutions - The Director of Public Prosecutions shall be appointed by the President. (4) Subject to the provisions of this	“on the recommendation of the Public Service Commission, subject to confirmation by the National Assembly” was removed in the 2024 draft.	We recommend the provision in the 2020 draft, with an additional clause specifying a retirement age for the Director of Public Prosecutions to ensure the integrity and efficiency of the office. [Maybe the same retirement age as Judges as the qualification for position of DPP is almost identical to that of a Judge]

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
121(4) - 2024	as a requirement to vacate office	section, a person holding the office of the Director of Public Prosecutions shall vacate his or her office when he or she attains the compulsory retirement age.		
133 - 2020	Solicitor General and Legal Secretary -The 2020 draft included a section on the office of Solicitor General and Legal Literacy.	-This section was not included in the 2024 draft.	Section 133 in the 2020 draft was removed in the 2024 draft.	We recommend including the provisions for the Solicitor General and Legal Secretary as outlined in the 2020 draft to maintain consistency in the work of the SG.
Chapter IX (2020) - Chapter VIII (2024) THE LEGISLATURE				
136 – 2020 125- 2024	Establishment and composition of the National Assembly	Establishment, composition of the National Assembly and disclosure of assets	“disclosure of assets” was added to the heading in the 2024 draft.	We recommend maintaining the provisions of the 2024 draft, including those relating to the disclosure of assets to enhance transparency and accountability.
136(3) - 2020 125(3) - 2024	Establishment and composition of the National Assembly	Establishment, composition of the National Assembly and disclosure of assets	136(3) in the 2020 draft was changed in the 2024 draft. The Speaker and Deputy Speaker of the National Assembly shall	We recommend the deletion of clause 125 (3) in the 2024 Draft which makes it a constitutional mandate for the Speaker and Deputy Speaker to be elected from

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	- The Speaker shall be an ex officio member of the National Assembly, without a vote.	- The Speaker of the National Assembly and the Deputy Speaker shall be elected by the members of the Assembly from among the nominated members.	now be elected by the members from among the nominated members.	amongst the 5 nominated members by the President. For Parliamentary independence and separation of powers, the executive must not have the powers to decide on the leadership of Parliament
136 – 2020 125(4)(5)(6)(7)(10)(11) - 2024	Establishment and composition of the National Assembly -The 2020 draft did not include these subsections.	Establishment, composition of the National Assembly and disclosure of assets -The 2024 draft included subsections (4), (5), (6), (7), (10) and (11).	125(4), (5), (6), (7), (10) and (11) in the 2024 draft are new additions because they were not in the 2020 draft.	We recommend eliminating the nomination of members of parliament but propose adding a section to ensure the representation of marginalized groups, such as women and persons living with disabilities, to promote inclusivity.
137(1)(b) - 2020 126(1)(b) - 2024	Qualifications for membership to the National Assembly - has attained the age of twenty-one years;	Qualifications for membership to the National Assembly - has attained the age of eighteen years;	The age of “twenty-one years” in the 2020 draft was decreased to “eighteen years” in the 2024 draft.	We recommend the 2020 draft, which set the age requirement for National Assembly members at 21, with an additional recommendation that candidates should have at least 3 years of work experience.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
137(2) - 2020 126 - 2024	Qualifications for membership to the National Assembly - The Anti-Corruption Commission shall, upon receipt of an assets declaration from a candidate under subsection (1) (d), conduct necessary investigations and submit a report to the Independent Boundaries and Electoral Commission before the date of nomination confirming whether or not the candidate has made an accurate declaration.	Qualifications for membership to the National Assembly -This subsection was not included in the 2024 draft.	137(2) in the 2020 draft was removed from the 2024 draft.	We recommend that the asset declaration provision be introduced in the 2024 Draft by maintaining clause 137(2) of the 2020 Draft Constitution
138(1)(d) - 2020 127(1)(d) - 2024	Disqualifications for membership of the National Assembly - subject to subsection (2) (a), has, during any period of service in a public office or in the private sector in The Gambia, been terminated or dismissed for dishonesty or immoral conduct;	Disqualifications for membership of the National Assembly - subject to subsection (2) (a), has, during any period of service in a public office been dismissed or has his or her services terminated for dishonesty or immoral conduct;	“private sector” in the 2020 draft was removed in the 2024 draft.	We recommend maintaining the position of the 2020 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
138(1)(n) - 2020 127 - 2024	Disqualifications for membership of the National Assembly - is found to have made a false declaration of his or her assets by the Anti-Corruption Commission in relation to the election at which he or she wishes to be nominated for election as a member of the National Assembly;	Disqualifications for membership of the National Assembly -This subsection was not included in the 2024 draft.	138(1)(n) in the 2020 draft was removed in the 2024 draft.	We recommend retaining the disqualification provisions in the 2020 draft, with an added requirement for asset and liability declarations, to be overseen by the Anti-Corruption Commission and submitted to the IEC for further scrutiny.
139 – 2020 128 - 2024	Election of members of the National Assembly -The 2020 draft has six subsections on when and how election of members of the National Assembly should be conducted.	Election of members of the National Assembly -The 2024 draft has four subsections on when and how election of members of the National Assembly should be conducted.	The entire Clause of 139 section in the 2020 draft was changed in the 2024 draft.	We recommend maintaining the provision in the 2020 draft for holding all elections on the same day, as this is cost-effective and likely to increase voter turnout.
141(1)(h)(i)- 2020 130(1) - 2024	Vacancy in the office of member of the National Assembly - (h) having been elected as a member of a political party, he or she voluntarily resigns from that political party, joins another political party or opts	Vacancy in the office of member of the National Assembly -These subsections were not included in the 2024 draft.	141(1)(h) and (i) in the 2020 draft were removed in the 2024 draft.	We recommend amending the 2024 draft to remove the restriction that members lose their seats if they switch parties, as this infringes on their freedom of association.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	to sit as an independent member; (i) having been elected a member as an independent candidate, he or she joins a political party;			We recommend retention of subsection (1) (h) (i) of the 2020 draft in the 2024 draft.
144 – 2020 133(2) - 2024	Recall of members -This subsection was not included in the 2020 draft.	Recall of members - The President may recall a nominated member in the National Assembly before the expiry of the term of the Assembly.	133(2) in the 2024 draft is a new addition because it was not in the 2020 draft.	We recommend the removal of Clause 133(5) of the 2024 Draft. President must not be given the powers to appoint and recall parliamentarians. This is greatly against Parliamentary Independence and against the principle of separation of powers.
144 – 2020 133(5) - 2024	Recall of members -This subsection was not included in the 2020 draft	Recall of members -The President may recall a nominated member of the National Assembly by petition in writing – (a) setting out the grounds relied on; and (b) delivered to the Speaker and the member who is the subject of the petition,	133(5) is a new addition in the 2024 draft because it was not in the 2020 draft.	We recommend accepting the provisions in the 2024 draft regarding recall, but with the deletion of Clause 133(5) of the 2024 Draft to adhere to the principles of separation of powers
146(1) - 2020 135(1) - 2024	Deputy Speaker - There is established the Office of Deputy Speaker who	Deputy Speaker - There is established the Office of Deputy	“nominated” was added in the 2024 draft.	We recommend that the Deputy Speaker be elected by members of parliament rather than nominated,

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	shall be elected from among the members of the National Assembly.	Speaker who shall be elected from among the nominated members of the National Assembly.		promoting a democratic selection process.
146(3)(4) - 2020 135 - 2024	Deputy Speaker -The 2020 draft included subsections (3) and (4).	Deputy Speaker -These subsections were not included in the 2024 draft.	146(3) and (4) in the 2020 draft were removed from the 2024 draft.	We recommend that the Deputy Speaker be elected by members of parliament rather than nominated, promoting a democratic selection process
148 – 2020 137(3) - 2024	Taking oaths and vacating office -This subsection was not included in the 2020 draft.	Taking oaths and vacating office - Where the Speaker or Deputy Speaker resigns or is removed from office under subsection (2) (b) or (d), he or she shall remain as a nominated member of the National Assembly subject to other provisions of this Constitution.	137(3) is a new addition in the 2024 draft because it was not in the 2020 draft.	We recommend the recall of the Speaker and the Deputy speaker to follow the best practices and not by the President
151(2)(b) - 2020 140(2)(b) - 2024	Sessions of the National Assembly - in such place in The Gambia and at such time as the Clerk may appoint.	Sessions of the National Assembly - in such place in The Gambia and at such time as the Clerk in	“in consultation with the President” was added in the 2024 draft.	We recommend reverting to the provisions in the 2020 draft concerning the frequency and scheduling of sessions, rejecting

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		consultation with the President may appoint.		the changes made in the 2024 draft to ensure legislative efficiency.
161(4) - 2020 150 - 2024	Committees of the National Assembly - The Standing Committee appointed by the National Assembly under this section with respect to matters relating to finance and public accounts shall be chaired by the Leader of the Minority Party.	Committees of the National Assembly -This subsection was not included in the 2024 draft.	161(4) in the 2020 draft was removed in the 2024 draft.	We recommend reintroducing the provisions from the 2020 draft regarding the establishment and operation of committees to enhance legislative oversight.
167(2) - 2020 156(2) - 2024	Establishment of the National Assembly Service - The National Assembly Service shall be self-accounting, and the moneys charged on the Consolidated Revenue Fund or appropriated by an Act of the National Assembly for the National Assembly Service, shall be paid quarterly into the account of the National Assembly Service.	Establishment of the National Assembly Service - The National Assembly Service shall be self-accounting, and the moneys charged on the Consolidated Revenue Fund or appropriated by an Act of the National Assembly for the National Assembly Service, shall be paid monthly into the account of the	“quarterly” in the 2020 draft was changed to “monthly” in the 2024 draft.	We have noted a change in the word “quarterly” in the 2020 draft “to monthly” in the 2024 draft We recommend retaining the provisions in the 2024 draft regarding the establishment of the National Assembly Service to ensure its functionality.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		National Assembly Service.		
168(2)(b) - 2020 157(3)(b) - 2024	Establishment of the National Assembly Service Commission - the Deputy Speaker and, if more than one, both Deputy Speakers;	Establishment of the National Assembly Service Commission - the Deputy Speaker;	“and if more than one, both Deputy Speakers;” in the 2020 draft was removed in the 2024 draft.	We recommend maintaining the provision in the 2024 draft, which includes only one Deputy Speaker as The Gambia is a small democracy with minimal seats in Parliament.
169(b) - 2020 158(b) - 2024	Functions of the National Assembly Service Commission - provide facilities for the efficient and effective functioning of the National Assembly, including the drafting of Bills and the obtaining of such reasonable information from relevant Government Departments as may be required for that purpose;	Functions of the National Assembly Service Commission - provide facilities for the efficient and effective functioning of the National Assembly, including the drafting of private members’ Bills and the obtaining of such reasonable information from relevant Government Departments as may be required for that purpose;	“Bills” in 2020 was changed to “private members’ Bills” in the 2024 draft.	We recommend maintaining the provisions in the 2024 draft to clarify the roles and responsibilities of the National Assembly Service Commission.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
Chapter X (2020) - Chapter IX (2024) JUDICIARY				
173(2) - 2020 162(2) - 2024	Independence of the Judiciary - The Government and all Departments and agencies of the Government shall accord such assistance to the courts as the courts may reasonably require to protect their independence, dignity and effectiveness.	Independence of the Judiciary - The organs of the government, state institutions, public enterprises and local government authorities shall accord such assistance to the courts as the courts may reasonably require to protect their independence, dignity and effectiveness.	“The Government and all Departments and agencies of the Government” in the 2020 draft was changed to “The organs of the government, state institutions, public enterprises and local government authorities” in the 2024 draft.	We have noted the change from MDAs in the 2020 draft to “the organs of government” in the 2024 draft We have equally noted the removal of MDAs responsibility to assist courts in clause 137(2) of the 2020 draft in the execution of their functions in the 2024 draft
177(1)(b) - 2020 166(1)(b) - 2024	Jurisdiction of the Supreme Court - have such appellate and other jurisdiction as may be conferred on it by this Constitution or any other law;	Jurisdiction of the Supreme Court - have such appellate and other jurisdiction as may be conferred on it by this Constitution or an Act of the National Assembly;	“any other law” in the 2020 draft was changed to “an Act of the National Assembly” in the 2024 draft.	We have noted a change in the words “any other law in the 2020 draft to “an Act of the National Assembly” in the 2024 draft. We recommend specificity on the use of “An Act of National Assembly wherever applicable
179(1)(a) - 2020 168(1)(a) - 2024	Original jurisdiction - for the interpretation or enforcement of any provision	Original jurisdiction - for the interpretation or enforcement of any	“(which relate to fundamental rights and freedoms)” in the 2020	we have noted the removal of “(which relate to fundamental

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	of this Constitution, other than any provision of sections 31 to 69 and 72 (4) (which relate to fundamental rights and freedoms);	provision of this Constitution, other than any provision of sections 23 to 62 and 63 (4);	draft was removed in the 2024 draft.	rights and freedoms)” in the 2020 draft was in the 2024 draft 168 (1)
185(2) - 2020 174(2) - 2024	Jurisdiction of the High Court - The High Court shall, in the exercise of its original jurisdiction, have all the power and authority as may be conferred by this Constitution or any other law.	Jurisdiction of the High Court - The High Court shall, in the exercise of its original jurisdiction, have all the powers as may be conferred by this Constitution or any other law.	“authority” in the 2020 draft was removed in the 2024 draft.	We have noted the deletion of the word “Authority in the 2024 draft”
190 – 2020 179 – 2024	Appointment of Chief Justice and other judges	Appointment of Chief Justice, other judges and disclosure of assets	“disclosure of assets” was added in the 2024 draft.	We have noted the addition “disclosure of assets to the appointment of judges in the 2024 draft.
190(1)(a) - 2020 179(1)(a) - 2024	Appointment of Chief Justice and other judges - the Chief Justice and other judges of the Supreme Court, acting on the advice of the Judicial Service Commission, after confirmation by the National Assembly;	Appointment of Chief Justice, other judges and disclosure of assets the Chief Justice and other judges of the Supreme Court,	“after confirmation by the National Assembly” in the 2020 draft was removed in the 2024 draft.	We have noted the deletion of “after confirmation by the NA in the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		acting on the advice of the Judicial Service Commission;		
190 – 2020 179(4)(5) - 2024	Appointment of Chief Justice and other judges -These subsections were not included in the 2020 draft.	Appointment of Chief Justice, other judges and disclosure of assets -The 2024 draft included subsections (4) and (5).	179(4) and (5) in the 2024 draft are new additions because they were not in the 2020 draft.	We have noted that subsections (4 and 5) are new additions to the 2024 draft. We recognize and concur with this addition as it enhances transparency and accountability
191(2)(a) - 2020 180(2)(a) - 2024	Qualification for appointment of judges - qualified to practise as a legal practitioner in The Gambia and has been so qualified for a period of not less than fifteen years;	Qualification for appointment of judges - qualified to practise as a legal practitioner in The Gambia or a country with a common law tradition and jurisdiction or a Shari’ah tradition and jurisdiction and has been so qualified for a period of not less than fifteen years;	“or a country with a common law tradition and jurisdiction or a Shari’ah tradition and jurisdiction” was added in the 2024 draft.	We recommend maintaining the position of the 2020 Draft. Coming from a Shari’ah tradition and jurisdiction does not really makes on an expert in common law as they are two distinct jurisprudences.
191(3)(a) - 2020 180(3)(a) - 2024	Qualification for appointment of judges	Qualification for appointment of judges	“or a country with a common law tradition and jurisdiction or a Shari’ah	We recommend maintaining the position of the 2020 Draft. Coming from a Shari’ah tradition

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	- qualified to practise as a legal practitioner in The Gambia and has been so qualified for a period of not less than twelve years;	- qualified to practise as a legal practitioner in The Gambia or in a country with a common law tradition and jurisdiction or a Shari'ah tradition and jurisdiction and has been so qualified for a period of not less than twelve years;	tradition and jurisdiction” was added in the 2024 draft.	and jurisdiction does not really makes on an expert in common law as they are two distinct jurisprudences.
191(4)(a) - 2020 180(4)(a) - 2024	Qualification for appointment of judges - qualified to practice as a legal practitioner in The Gambia and has been so qualified for a period of not less than seven years;	Qualification for appointment of judges - qualified to practice as a legal practitioner in The Gambia or in a country with a common law tradition and jurisdiction or a Shari'ah tradition and jurisdiction and has been so qualified for a period of not less than seven years;	“or a country with a common law tradition and jurisdiction or a Shari'ah tradition and jurisdiction” was added in the 2024 draft.	We recommend maintaining the position of the 2020 Draft. Coming from a Shari'ah tradition and jurisdiction does not really makes on an expert in common law as they are two distinct jurisprudence.
192(2) - 2020 181(2) - 2024	Vacancy in Office of Chief Justice - A vacancy in the Office of Chief Justice shall be filled by	Vacancy in Office of Chief Justice - A vacancy in the Office of Chief	“within four months of the Office becoming vacant” in the 2020 draft was changed to “within a	We recommend specificity on the “within reasonable Time” in the

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	a substantive appointment within four months of the Office becoming vacant.	Justice shall be filled by a substantive appointment within a reasonable time.	reasonable time” in the 2024 draft.	2020 Draft as opposed to the open timeline in the 2024 Draft. We further recommend clause 182 (3) of the 2020 draft to be added to the 2024 draft
194(8)(a)(i) - 2020 183(8)(a)(i) - 2024	Removal from office - a judge of a Supreme Court or its equivalent in a country with a common law tradition and jurisdiction, as chairperson;	Removal from office - a retired or sitting judge of a Supreme Court or its equivalent in a country with a common law tradition and jurisdiction, as chairperson;	“a retired” was added in the 2024 draft.	We have noted the insertion of the word “retired” in the 2024 draft
194(8)(a)(iii) - 2020 183(8)(a)(iii) - 2024	Removal from office - a legal practitioner of not less than twenty years’ experience with high moral character and proven integrity;	Removal from office -a legal practitioner of not less than fifteen years’ experience with high moral character and proven integrity;	The years of experience was decreased from “twenty years” in the 2020 draft to “fifteen years” in the 2024 draft.	We recommend maintaining the position of the 2024 Draft.
194(12) - 2020 183(12) - 2024	Removal from office - The proceedings of the tribunal under this section shall be held in camera.	Removal from office - The proceedings of the tribunal under this section shall be held in public.	“held in camera” in the 2020 draft was changed to “held in public” in the 2024 draft.	We recommend maintaining the position of the 2024 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
195 – 2020 184(7) - 2024	Remuneration and retirement benefits of judges -This subsection was not included in the 2020 draft.	Remuneration and retirement benefits of judges - A retired Judge who chooses to practice shall forfeit the state pension.	184(7) in the 2024 draft is a new addition because it was not in the 2020 draft.	
198(1) - 2020 187(1) - 2024	Financial matters - The Judicial Secretary shall, with the approval of the Chief Justice, and subject to section 250 (3) (b), submit the annual estimates of expenditure for the Judiciary directly to the National Assembly.	Financial matters - The Chief Justice shall submit the annual estimates of expenditure for the Judicature to the President for presentation to the National Assembly in accordance with this Constitution and the President shall cause the estimates to be placed before the National Assembly without amendment, but may attach to them his or her own comments and observations.	198(1) in 2020 was changed in 187(1) of the 2024 draft.	We have noted the provision for the CJ to present Judiciary's Estimates to the President in the 2024 draft We recognize and concur with this provision

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
198(2)(3) - 2020 187 - 2024	Financial matters -The 2020 draft included subsections (2) and (3).	Financial matters -These subsections were not included in the 2024 draft.	198(2) and (3) in the 2020 draft were removed from the 2024 draft.	We have noted the removal of subsections 2 & 3 of clause 198 in the 2024 draft. We recommend it to be retained in the 2024 draft
198(4) - 2020 187(2) - 2024	Financial matters - The Judiciary shall be self-accounting, and the moneys charged on the Consolidated Revenue Fund or appropriated by an Act of the National Assembly for the Judiciary, shall be paid quarterly into the account of the Judiciary.	Financial matters - The Judicature shall be self-accounting, and the moneys charged on the Consolidated Revenue Fund or appropriated by an Act of the National Assembly for the Judicature, shall be paid by the Accountant General to the accounting officer for the Judicature as required by the Chief Justice.	“quarterly” in the 2020 draft was removed in the 2024 draft.	We have noted the removal of the word “quarterly” in the clause of the 2024 draft and we further recommend the clause to be revisited
199(1) - 2020 188(1) - 2024	Establishment and composition of the Judicial Service Commission	Establishment and composition of the Judicial Service Commission	The subsections in the 2020 draft were changed in the 2024 draft.	We recommend the composition of the JSC as stated in clause 91 of the 2024 Draft. It is more independent and balanced as compared to the 2024. For example, the IGP cannot be part of the Executive who can sue

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
				and be sued and at the same time have a say on the JSC's role to recommending judges to be appointed, promoted or recalled.
192 - 2024	-This section was not included in the 2020 draft.	Establishment of a special internationalised tribunal -This section was included in the 2024 draft.	Section 192 is a new addition in the 2024 draft because it was not in the 2020 draft.	We agree with the addition of the special internationalized tribunal in the 2024 Draft.
Chapter XI (2020) - Chapter X (2024) LOCAL GOVERNMENT AND TRADITIONAL RULERS				
203 - 2020	Principles of decentralised government -The 2020 draft included a section on the principles of decentralised government.	-This section was not included in the 2024 draft.	Section 203 in the 2020 draft was removed in the 2024 draft.	We recommend the principles of decentralized government to be reinstated in the 2024 Draft.
204(1) - 2020 193(1) - 2024	System of local government - A Local Government shall be based on a council which shall be the highest political authority for local governance within its area of jurisdiction and which shall have legislative and executive powers to be exercised in	System of local government - Local government administration in The Gambia shall be based on a system of democratically elected Local Government Authorities with a	The language in 204(1) in 2020 was changed in 193(1) in 2024.	We have noted a complete change in the language in clause 204 of the 2020 draft in clause 193 (1) in the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	accordance with this Constitution and an Act of the National Assembly.	high degree of local autonomy.		
204 – 2020 193 - 2024	System of local government -The 2020 draft included subsections (1), (2) and (3) on the system of the local government.	System of local government -The 2024 draft included subsections (1), (2), (3), (4) and (5).	Section 193 in the 2024 draft was restructured. Section 205(1)(2)(3) and Section 206(1)(2) in the 2020 draft were added to section 193 in the 2024 draft.	We have noted a change in the wordings of both clauses and we concur with the 2024 draft as it clearly defines and confers independence on LGAs
207 – 213 (2020) 194 (2024)	-The 2020 draft included sections 207, 208, 209, 210, 211, 212 and 213.	Local Government Authorities -The 2024 draft included section 194 on Local Government Authorities.	Sections 207, 208, 209, 210, 211 and 213 in the 2020 draft were replaced with section 194 in the 2024 draft.	
Chapter XII (2020) - Chapter XI (2024) INDEPENDENT INSTITUTIONS				
214 – 2020 195(2) - 2024	Establishment of independent institutions and offices -This subsection was not included in the 2020 draft.	Establishment of independent institutions and offices - An Act of the National Assembly may establish other independent institutions.	195(2) in the 2024 draft is a new addition because it was not in the 2020 draft.	We agree with the addition of sub 2 in the 2024 Draft to give room to Parliament to create an independent institution when necessary.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
215(3) - 2020 196(3) - 2024	Objects and funding of Independent Institutions and Offices - Save in relation to the Central Bank, the National Assembly shall allocate adequate funds to enable each independent institution and office to perform its functions, and the budget of each independent institution and office shall-	Objects and funding of Independent Institutions and Offices - Except in relation to the Central Bank, the National Assembly shall allocate funds to enable each independent institution and office to perform its functions, and the budget of each independent institution and office shall be-	The word “adequate” in the 2020 draft was removed in the 2024 draft.	We have noted the removal of the word ‘adequate’ in the 2024 draft which was included in the 2020 draft
216(2) - 2020 197(2) - 2024	Appointments and term of office - The Chairperson, each member of an independent institution, and the holder of an independent office, as provided in this Chapter, shall be appointed by the President, subject to confirmation by the National Assembly.	Appointments and term of office - The Chairperson, each member of an independent institution, and the holder of an independent office, as provided in this Chapter, shall be appointed by the	“Subject to confirmation by the National Assembly” in the 2020 draft was changed to “in consultation with the Public Service Commission” in the 2024 draft.	We recommend the position of the 2020 draft for the appointments of all members of independent institution to be subject to Parliamentary approval.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		President in consultation with the Public Service Commission.		
216(8) - 2020 197 - 2024	Appointments and term of office - A Chairperson, and Vice-Chairperson where applicable, of an independent institution or office shall – (a) not be of the same gender; and (b) at the end of his or her tenure, be succeeded by a person of a different gender.	Appointments and term of office -This subsection was removed in the 2024 draft.	216(8) in the 2020 draft was removed in the 2024 draft.	We agree with the position of the 2024 Draft. The President may consider gender in his nomination but it must not be a constitutional requirement to dictate the gender of the leadership of the commission, as it should be merit based and not gender.
217(1)(2)(3) - 2020 198 - 2024	Qualifications and disqualifications -The 2020 draft included subsections (1), (2) and (3).	Qualifications and disqualifications -The 2024 draft only included section 198 “An Act of National Assembly shall provide the qualifications and disqualifications of a person to be appointed as a member of an independent institution or a holder	217(1), (2) and (3) in the 2020 draft was removed and replaced with section 198 in the 2024 draft.	We have noted the removal of clause 217 (1) (a-f) to be left to the NA to set the criteria. We recommend it to be maintained

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		of an independent office.”		
218(1) - (6) in 2020 199 in 2024	Removal from office -The 2020 draft included subsections (1), (2), (3), (4), (5) and (6).	Removal from office -The 2024 draft only included section 199 “An Act of the National Assembly shall provide the grounds and procedures to remove a member of an independent institution or a holder of an independent office from his or her office.”	218(1), (2), (3), (4), (5) and (6) in the 2020 draft were removed and replaced with section 199 in the 2024 draft.	We have noted the deletion of the listed subsections of clause 218 in the 2020 draft and replaced with clause 199 in the 2024 draft We recommend to maintain the position of the 2024 draft
219(4) - 2020 200 - 2024	Finance - The National Assembly shall not reduce the budget estimates and expenditure of an independent institution or office below what was approved for the immediately preceding year.	Finance -This subsection was not included in the 2024 draft.	219(4) in the 2020 draft was removed in the 2024 draft.	We recommend the position of the 2024 draft. The NA should be able to reduce the budget of any budget entity as an when it is required.
220(3) - 2020 201(3) - 2024	Reporting obligation - Every report required from an independent institution or	Reporting obligation - Annual reports of an independent	“Every report” in the 2020 draft was changed to “Annual reports” in the 2024 draft.	We have noted a change from “Every report” in the 2020 draft to “Annual reports” in the 2024 draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	office shall be published in the Gazette.	institution or office shall be published in the Gazette.		We recommend to maintain the position of 2024 draft as certain sensitive reports might not be fit for immediate publications
222(3)(e) - 2020 203(3)(e) - 2024	Composition, functions and powers - receive and deal with declarations of assets as may be required under this Constitution or an Act of the National Assembly;	Composition, functions and powers - receive and deal with declarations of assets as may be required under this Constitution or an Act of the National Assembly except elections conducted by the Independent Electoral and Boundaries Commission;	“except elections conducted by the Independent Electoral and Boundaries Commission” was added in the 2024 draft.	We recommend maintaining the position of the 2020 Draft.
224(b) - 2020 205(b) - 2024	The Auditor-General - who shall hold office for a term of nine years and shall not be eligible for re-appointment.	The Auditor-General - who shall hold office for a term of five years and may be eligible to be appointed for another term of five years and no more.	“term of nine years and shall not be eligible for re-appointment” in the 2020 draft was changed to “term of five years and may be eligible to be appointed for another term of five years and no more” in the 2024 draft.	We recommend to maintain the provisions on the 2020 draft on the auditor general tenure, powers, and report provisions.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
226(4) - 2020 207(4) - 2024	Powers of the Auditor-General - Wherever discrepancies of a criminal or fraudulent nature are discovered during the audit of accounts, the Auditor-General shall immediately cause a report of his or her findings to be submitted to the Inspector-General of Police and the Anti-Corruption Commission.	Powers of the Auditor-General - Wherever discrepancies of a criminal or fraudulent nature are discovered during the audit of accounts, the Auditor-General shall immediately cause a report of his or her findings to be submitted to the Inspector-General of Police.	The “Anti-Corruption Commission” in the 2020 draft was removed in the 2024 draft.	We recommend the findings to be submitted to the Anti-Corruption Commission for further investigation and subsequent prosecution where applicable.
227(1)(b) - 2020 208(1)(b) - 2024	Auditor-General’s report - publish his or her annual reports on the accounts referred to in section 225 (1) after ninety days of submission of the report to the National Assembly, or after the report has been discussed in the National Assembly, whichever is earlier.	Auditor-General’s report - publish his or her annual reports on the accounts referred to in section 206 (1) after submission of the report to the National Assembly, or after the report has been discussed and adopted by the National Assembly.	The duration of “ninety days” in the 2020 draft was removed in the 2024 draft.	We recommend the maintenance of clause 227(1)(b) of the 2020 Draft Constitution as it allows the AG to publish the GoTG audited accounts after 90 days of submission in Parliament. This is line with the Open Budget Survey in regard to budget transparency. In addition, it facilitates timely public accountability where the NA failed to take action on the audited report.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
229(1)(a)(b)(c)-2020 210(1)(a)(b)(c)-2024	Central Bank - (a) a Chairperson; (b) the Governor of the Central Bank; and (c) three persons, not being members of the Central Bank, with extensive experience in the fields of economics, finance, banking or law.	Central Bank - (a) a Chairperson, who shall be the Governor and Chief Executive of Central Bank; (b) the Permanent Secretary of the Ministry responsible for finance; and 118 (c) four other Directors, who are not members of the Central Bank, with extensive experience in the field of economics, finance, banking, law or other any other relevant field.	The composition of the Board of Directors was changed in the 2024 draft.	We recommend maintaining clause 229 of the 2020 draft as the composition of the authority of the CBG is more representative and avoids the conferring of excessive power on one individual.
229(2) - 2020 210(2) - 2024	Central Bank - The non-ex officio members of the Board of Directors shall be appointed for a term of five years, subject to renewal for one more term, and their appointments shall be made in such a way that they all do not expire at the same time.	Central Bank - The non-ex officio members of the Board of Directors shall be appointed for a term of two years, subject to renewal for one more term, and their appointments shall be made in such a way that they all do not	The term of ‘five years in the 2020 draft was decreased to “two years” in the 2024 draft.	We recommend specificity on “who form the ex officio members”

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		expire at the same time.		
230(1) - 2020 211(1)(e)(f)(g)- 2024	Objects and functions -These subsections were not included in the 2020 draft.	Objects and functions -The 2024 draft included subsections (e), (f) and (g).	211(1)(e), (f) and (g) are new additions in the 2024 draft because they were not in the 2020 draft.	We acknowledged and encouraged the maintenance of the newly added sub-clauses 211(1)(e), (f) and (g)
232(1)(b) - 2020 213(1)(b) - 2024	Presiding Commissioner - a legal practitioner of at least twenty years standing.	Presiding Commissioner - a legal practitioner of at least seven years standing.	The period of “twenty years” in the 2020 draft was decreased to “seven years” in the 2024 draft.	We recommend the position of the 2024 draft
Chapter XIII (2020) - Chapter XII (2024) PUBLIC FINANCE				
240 – 2020 221(3) - 2024	Imposition, waiver and variation of tax -This subsection was not included in the 2020 draft.	Imposition, waiver and variation of tax - An Act of the National Assembly may confer power on any person or authority to waive or vary a tax.	221(3) is a new addition in the 2024 draft because it was not in the 2020 draft.	We have noted a new addition of subsection (3) of clause 221. However, we recommend the 2020 draft and maintaining clause 240 of the 2024 draft
243(2) - 2020 224(2) - 2024	Contingencies Fund - The Minister responsible for finance shall not authorize any expenditure from the Contingencies Fund in excess	Contingencies Fund - The Minister responsible for finance shall not	“one per cent of the estimates approved” in the 2020 draft was changed to “two percent of the	We have noted an increase from 1% in the 2020 draft to 2% in the 2024 draft. This is a matter of threshold in expending the funds in the Contingency Fund before

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	of one per cent of the estimates approved by the National Assembly for the current year before he or she has caused a supplementary estimate in respect of such excess expenditure to be presented to the Assembly.	authorize any expenditure from the Contingencies Fund in excess of two percent of the estimates approved by the National Assembly for the current year before he or she has caused a supplementary estimate in respect of such excess expenditure to be presented to the National Assembly.	estimates approved” in the 2024 draft.	SAP is tabled in Parliament. 2% is still reasonable, especially in a period of public emergency.
245 - 2020	Salaries charged on the Consolidated Revenue Fund -The 2020 draft included a section on salaries charged on the consolidated revenue fund.	-This section was not included in the 2024 draft.	Section 245 in the 2020 draft was removed in the 2024 draft.	We have noted the removal of section 245 of the 2024 draft. It is our observation that it is limiting the offices whose salaries should be charged on the Consolidated Revenue Funds and thus recommend it to be removed as constitutional requirement. This could be provided for in a parliamentary statute
246(2) - 2020	Accountability - Any person holding a political or public office who	Accountability	246(2) in the 2020 draft was removed in the 2024 draft.	We have noted the removal of subsection 2 of clause 246 in the 2024 draft. We recommend it to be

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
226 - 2024	directs, or concurs in, the use of public funds contrary to any law or existing instructions, shall be accountable for any loss arising from that use and shall be required to make good the loss even if he or she has ceased to hold that office.	-This subsection was not included in the 2024 draft.		maintained as it is a strong deterrent to aid, abet, counsel or procure the personalization of public funds.
247(1) - 2020 227(1) - 2024	Loans - The National Assembly may, by resolution supported by the votes of not less than one half of all the members, authorize the Government to enter into an agreement for the granting of a loan out of any public fund or public account.	Loans - The National Assembly may, by resolution supported by majority of the votes of members present and voting, authorize the Government to enter into an agreement for the granting of a loan out of any public fund or public account.	“supported by the votes of not less than one half of all the members” in the 2020 draft was changed to “supported by majority of the votes of members present and voting” in the 2024 draft.	We have noted a change from “less than half of all the members in the 2020 draft to supported by “by majority of the votes of members present and voting” in the 2024 draft. We recommend the position of the 2024 Draft.
247(2) - 2020 227(2) - 2024	Loans - An agreement to which subsection (1) refers shall be laid before the National Assembly and shall not come into effect until it is approved by not less than one half of all the members of the Assembly.	Loans - An agreement to which subsection (1) refers shall be laid before the National Assembly and shall not come into effect until it is approved by	“approved by not less than one half of all the members of the Assembly” in the 2020 draft was changed to “approved by the National Assembly” in the 2024 draft.	We have noted a change from “approved by not less than one half of all the members of the Assembly” in the 2020 draft to “approved by the National Assembly” in the 2024 draft. We recommend the position of the 2024 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		the National Assembly.		
248(5)(a) - 2020 228(5)(a) - 2024	Limits of state borrowings, public debts and state guarantees - at least twice a year, report to the National Assembly on the performance of loans raised or guaranteed by the Government;	Limits of state borrowings, public debts and state guarantees - at least once a year, report to the National Assembly on the performance of loans raised or guaranteed by the Government;	“at least twice a year” in the 2020 draft was changed to “at least once a year” in the 2024 draft.	We recommend maintaining at least once a year as proposed in the 2024 draft
250(2)(a)(b) - 2020 230(2) - 2024	Annual estimates and appropriation bill -Section 250, subsection (2) was further broken down to subsections (a) and (b) in the 2020 draft.	Annual estimates and appropriation bill -These subsections were not included in the 2024 draft.	250(2), (a) and (b) in the 2020 draft were all incorporated in section 230, subsection (2) in the 2024 draft.	We have noted the incorporation of the following subsections in the 2024 draft
250(3)(a) - 2020 230(3)(a) - 2024	Annual estimates and appropriation bill - by the President to the National Assembly, shall provide the President with such estimates at least ninety days before the end of the financial year;	Annual estimates and appropriation bill - to the National Assembly, shall provide the President with such estimates at least ninety days before the end of the financial year;	“by the President to the National Assembly” in the 2020 draft was changed to “to the National Assembly” in the 2024 draft.	We have noted the change of the word “President in the 2020 draft to “National Assembly in the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
Chapter XIV (2020) - Chapter XIII (2024) LAND, ENVIRONMENT AND NATURAL RESOURCES				
254(1)(i)(k) - 2020 234 – 2024	Principles of land, environment and natural resources policy -The 2020 draft included subsections (i) and (k).	Principles of land, environment and natural resources policy -These subsections were not included in the 2024 draft.	254(1)(i) and (k) in the 2020 draft were removed in the 2024 draft.	We recommend paragraph (i), (k) of clause 254 (1) of the 2020 Draft to be maintained in the 2024 Draft.
254(1)(j) - 2020 234(1)(i) - 2024	Principles of land, environment and natural resources policy - public participation in the management, protection and conservation of land, environment, and natural resources;	Principles of land, environment and natural resources policy - public private participation in the management, protection and conservation of land, environment, and natural resources;	“public participation” in the 2020 draft was changed to “public private participation” in the 2024 draft.	We have noted a change in the words “public participation in the 2020 draft to “public private participation in the 2024 draft
254(4)(a) - 2020 234(4)(a) - 2024	Principles of land, environment and natural resources policy - establishment of forest parks, wildlife parks and other ecological zones, including national parks and national reserves, and no established	Principles of land, environment and natural resources policy - establishment of forest parks, wildlife parks and other ecological zones,	“approval of the National Assembly” in the 2020 draft was changed to “approval of the Cabinet” in the 2024 draft.	We have also noted that “approval of the NA in the 2020 draft has been changed to “approval of the Cabinet in the 2024 draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	park or other ecological zone, including national parks and national reserves, shall be de-reserved without the approval of the National Assembly;	including national parks and national reserves, and no established park or other ecological zone, including national parks and national reserves, shall be de-reserved without the approval of the Cabinet;		
256 – 259 (2020)	LAND, ENVIRONMENT AND NATURAL RESOURCES COMMISSION -The 2020 draft included sections 256, 257, 258 and 259 on Land, Environment and Natural Resources Commission.	-These sections were not included in the 2024 draft.	Sections 256, 257, 258 and 259 in the 2020 draft were removed in the 2024 draft.	These sections were deleted and we recommend it to be included in an Act of the National Assembly
260(1) - 2020 236 - 2024	Land ownership - All land in The Gambia belong to the people of The Gambia collectively as a nation, as communities, and as individuals.	Land ownership -This subsection was not included in the 2024 draft.	260(1) in the 2020 draft was removed in the 2024 draft.	We have noted the removal of subsection (1) of clause 260 in the 2024 draft. We recommend maintaining the 2020 Draft constitution provision on land ownership
261(9) - 2020 237(9) - 2024	Land holding by non-citizens - A person who is not a citizen of The Gambia shall not,	Land holding by non-citizens - A person who is not a citizen of The	“unless it is done in partnership with a Gambian” was added in the 2024 draft.	We recommend the position of the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	directly or indirectly, engage in the business of buying and selling land.	Gambia shall not, directly or indirectly, engage in the business of buying and selling land unless it is done in partnership with a Gambian.		
Chapter XV (2020) - Chapter XIV (2024) THE PUBLIC SERVICE				
264(1)(a) - 2020 240(1)(a) - 2024	Appointment to and removal from offices in the public service - the President may, acting in accordance with the advice of the Public Service Commission, the Teachers Service Commission or the Health Service Commission, as the case may be, appoint persons to hold or act in any office in the public service of The Gambia of the rank of Permanent Secretary or head of an institution in the public service, including approval of appointments, the exercise of disciplinary control over such	Appointment to and removal from offices in the public service - the President may, acting in accordance with the advice of the Public Service Commission, as the case may be, appoint persons to hold or act in any office in the public service of The Gambia of the rank of Permanent Secretary or head of an institution in the public service, including approval of	“the Teachers Service Commission or the Health Service Commission” in the 2020 draft was removed in the 2024 draft.	We have noted the removal of the “Teachers Service Commission or the Health Service Commission” in the 2024 draft We recommend the position of the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	persons and their removal from office;	appointments, the exercise of disciplinary control over such persons and their removal from office;		
264(1)(b) - 2020 240(1)(b) - 2024	Appointment to and removal from offices in the public service - the Public Service Commission, the Teachers Service Commission, the Health Service Commission or the Local Government Service Commission, as the case may be, may appoint persons to hold or act in any office in the public service of The Gambia of which it has responsibility, other than the offices referred to in paragraph (a), including the approval of their appointments and the exercise of disciplinary control over such persons and their removal from office.	Appointment to and removal from offices in the public service - the Public Service Commission or the Local Government Service Commission, as the case may be, may appoint persons to hold or act in any office in the public service of The Gambia of which it has responsibility, other than the offices referred to in paragraph (a), including the approval of their appointments and the exercise of disciplinary control over such persons and	“the Teachers Service Commission, the Health Service Commission” in the 2020 draft was removed in the 2024 draft.	We recommend the position of the 2024 draft here as well.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		their removal from office.		
265(2)(b) - 2020 241(2)(b) - 2024	Secretary General and Head of the Civil Service - appointed by the President acting on the advice of the Public Service Commission, and subject to confirmation by the National Assembly.	Secretary General and Head of the Civil Service - appointed by the President acting on the advice of the Public Service Commission.	“and subject to confirmation by the National Assembly” in the 2020 draft was removed in the 2024 draft.	We recommend the position of the 2024 draft We recommend maintaining “acting on the advice of the PSC. The President can appoint his/her SG without subjecting it to Parliamentary approval.
265(3)(e)(g) - 2020 241(3) - 2024	Secretary General and Head of the Civil Service -The 2020 draft included subsections (3)(e) and (g).	Secretary General and Head of the Civil Service -These subsections were not included in the 2024 draft.	265(3)(e) and (g) in the 2020 draft were removed in the 2024 draft.	We have noted the removal of subsections 3 (e), (g) of clause 265 of the 2020 draft
266(1)(b) - 2020 242(1)(b) - 2024	Qualifications, disqualifications, tenure and removal of the Secretary General - has experience in public service affairs at a senior managerial level for a period of not less than fifteen years;	Qualifications, disqualifications, tenure and removal of the Secretary General - has experience in public service affairs at a senior managerial level for a period of not less than fifteen years or equivalent experience in the	“or equivalent experience in the private sector or civil society” was added in the 2024 draft.	We recommend to maintain the position of the 2024 draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		private sector or civil society.		
266(2)(c) - 2020 242(2)(c) - 2024	Qualifications, disqualifications, tenure and removal of the Secretary General - has, during any period of service in any public office or in the private sector, been terminated or dismissed for dishonesty or immoral conduct;	Qualifications, disqualifications, tenure and removal of the Secretary General - during any period of service in a public office, his or her service has been terminated or dismissed for dishonesty or immoral conduct;	“or in the private sector” in the 2020 draft was removed in the 2024 draft.	We have noted the removal of “or in the private sector in the 2024 draft We recommend to maintain the position of the 2024.
266(2)(e) - 2020 242(2) - 2024	Qualifications, disqualifications, tenure and removal of the Secretary General - is, or has at any time during such period of five years been, the holder of any office in any organisation that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of the National Assembly or of any Local	Qualifications, disqualifications, tenure and removal of the Secretary General -This subsection was not included in the 2024 draft.	266(2)(e) in the 2020 draft was removed in the 2024 draft.	We have noted the removal of 266(2)(e) in the 2024 draft. We recommend that this clause be reintroduced as it was in the 2020 draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	Government Authority or he or she has actively identified himself or herself with any such organisation;			
268(b) - 2020 244(b) - 2024	Protection of public officers - removed from office or reduced in rank or otherwise punished without due process of law.	Protection of public officers - removed from office or reduced in rank or otherwise punished without due process.	The word “law” in the 2020 draft was removed in the 2024 draft.	We recommend maintaining the word “law” as it was in the 2020 Draft
269(1) - 2020 245(1) - 2024	Restriction on political activities of public officers - Subject to section 27 (2), a person holding an office in the public service shall, in addition to the restriction contained in section 27 (2), not openly participate in any political activity.	Restriction on political activities of public officers - A person holding an office in the public service shall not openly participate in any political activity.	“Subject to section 27 (2)” in the 2020 draft was removed in the 2024 draft.	We recommend the provisions on the 2020 Draft and to include subsection 4 of the 2024 draft.
269 – 2020 245(4) - 2024	Restriction on political activities of public officers -This subsection was not included in the 2020 draft.	Restriction on political activities of public officers - If a person who has obtained leave of absence in accordance with this section fails to secure nomination or contested and lost the election, he or she	245(4) is a new addition in the 2024 draft because it was not in the 2020 draft.	We have noted that clause 254 (4) is a new insertion into the 2024 Draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		has resume work as of right immediately after the election.		
273(1)(b)(c) - 2020 249(1) - 2024	Establishment, composition and general functions of service commissions - (b) Teachers Service Commission; (c) Health Service Commission;	Establishment, composition and general functions of service commissions -These subsections were not included in the 2024 draft.	273(1)(b) and (c) in the 2020 draft were removed in the 2024 draft.	We recommend to maintain the position of the 2024 draft.
273(2)(b)(i) - 2020 249(2)(b)(i) - 2024	Establishment, composition and general functions of service commissions - in the case of the Public Service Commission, as it relates to offices other than those relating to the teaching, health services and Local Government sectors;	Establishment, composition and general functions of service commissions - in the case of the Public Service Commission, as it relates to offices other than those relating to Local Government sectors;	“the teaching, health services” in the 2020 draft was removed in the 2024 draft.	We recommend to maintain the position of the 2024 draft.
273(2)(b)(ii)(iii)- 2020 249(2)(b) - 2024	Establishment, composition and general functions of service commissions - (ii) in the case of the Teachers Service Commission,	Establishment, composition and general functions of service commissions	272(2)(b)(ii) and (iii) in the 2020 draft were removed in the 2024 draft.	We recommend to maintain the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	as it relates to offices in the teaching sector only; (iii) in the case of the Health Service Commission, as it relates to offices in the health service sector only with respect to medical and healthcare professionals;	-These subsections were not included in the 2024 draft.		
274(3)(a)(b)(c)(d) -2020 250 - 2024	Powers and functions of service commissions -The 2020 draft included subsections (3)(a), (b) and (c).	Powers and functions of service commissions -These subsections were not included in the 2024 draft.	274(3)(a), (b) and (c) in the 2020 draft were removed in the 2024 draft.	We recommend to maintain the position of the 2024 draft.
276(2)(e) - 2020 252(2) - 2024	Qualifications, disqualifications and tenure of members of service commissions - has, within the two years preceding his or her appointment, been nominated as a candidate in an election to the National Assembly;	Qualifications, disqualifications and tenure of members of service commissions -This subsection was not included in the 2024 draft.	276(2)(e) in the 2020 draft was removed in the 2024 draft.	We recommend to maintain the position of the 2024 draft.
277(2)(c) - 2020 253(2)(c) - 2024	Additional powers and independence of service commissions - shall, within three months of the end of each year, prepare and submit to the National	Additional powers and independence of service commissions - shall, within three months of the end of	“the President” was added in the 2024 draft.	We recommend the position of the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	Assembly a report on the performance of its functions for the preceding year.	each year, prepare and submit to the President and National Assembly, a report on the performance of its functions for the preceding year.		
278- 2020 254(1) - 2024	Appointment, qualifications, disqualifications and removal of board members of State Owned Enterprises -This subsection was not included in the 2020 draft.	Appointment, qualifications, disqualifications and removal of board members of Public Enterprises - In this Constitution, “Public Enterprise” means anybody corporate or other body or institution, wholly owned or controlled by the Government.	254(1) is a new addition in the 2024 draft because it was not in the 2020 draft.	We have noted a new insertion in 254 (1) in the 2024 draft
278(1) - 2020 254(2) - 2024	Appointment, qualifications, disqualifications and removal of board members of State Owned Enterprises - The members of the Board of Directors or other governing	Appointment, qualifications, disqualifications and removal of board members of Public Enterprises	278(1)(b) in the 2020 draft “for a term of three years each, renewable only once” was removed in the 2024 draft.	We recommend the 2020 draft, a possibility of adding certain progressive clauses from the 2024.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	body of a State Owned Enterprise shall be appointed – (a) by the President in consultation with the Public Service Commission; and (b) for a term of three years each, renewable only once.	- The member of the Board of Directors or other governing body of a Public Enterprise shall be appointed by the President after consultation with the Public Service Commission and shall be selected from amongst persons of integrity, competence and maturity of judgment.		
278(2) - (6) - 2020 254(3) - (8) - 2024	Appointment, qualifications, disqualifications and removal of board members of State Owned Enterprises -The 2020 draft included 278(2), (3), (4), (5) and (6).	Appointment, qualifications, disqualifications and removal of board members of Public Enterprises -The 2024 draft included 254(3), (4), (5), (7) and (8).	278(2), (3), (4), (5) and (6) in the 2020 draft was changed to 254(3), (4), (5), (7) and (8) in the 2024 draft.	We have noted an alteration that clause 278 (2), (3), (4), (5) and (6) in the 2020 draft was changed to 254(3), (4), (5), (7) and (8) in the 2024 draft. We recommend the 2020 draft, regarding the appointments, qualification and disqualifications of Heads of SOE
279 – 282 (2020)	-The 2020 draft included sections 279, 280, 281 and 282.	-These sections were not included in the 2024 draft.	Sections 279, 280, 281 and 282 in the 2020 draft were removed in the 2024 draft.	We have noted the deletion of clauses 279, 280, 281 and 282 respectively in the 2024 draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
Chapter XVI (2020) - Chapter XV (2024) NATIONAL SECURITY				
Part 1 – 2020 Part 1 - 2024	THE SECURITY SERVICES AND NATIONAL SECURITY COUNCIL	THE ARMED AND SECURITY SERVICES AND NATIONAL SECURITY COUNCIL	“ THE ARMED ” was added in the 2024 draft.	We recommend to maintain the 2024 Draft.
284(1)(e) - 2020 256(1)(e) - 2024	Security services - The Gambia Prison Service;	Armed and Security services The Gambia Correctional Service;	“Prison” in the 2020 draft was changed to “Correctional” in the 2024 draft.	We recommend to maintain the 2024 Draft.
285(1) - 2020 257(1)(h) - 2024	National Security Council -This subsection was not included in the 2020 draft.	National Security Council - Chief of Staff to the Office of the President.	257(1)(h) is a new addition in the 2024 draft because it was not in the 2020 draft.	We have noted the addition of paragraph (h) in clause 275 (1) of the 2024 draft which was not previously in the 2020 draft
285(3) - 2020 257(3) - 2024	National Security Council - Under the direction of the President, the National Security Council shall take appropriate measures to safeguard the internal and external security of The Gambia, and ensure the co-operation of the Departments and agencies of the Government in that regard.	National Security Council - Under the direction of the President, the National Security Council shall take appropriate measures to safeguard the internal and external security of The Gambia, and ensure	“the Departments and agencies of the Government in that regard” in the 2020 draft was changed to “the organs of government, local government authorities, state institutions, public enterprises or other	We have noted a change from MDAs of government in the 2020 draft to the organs of government, local government authorities, state institutions, public enterprises or other statutory bodies in that regard” in the 2024 draft. We recommend to maintain the 2024 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		the co-operation of the organs of government, local government authorities, state institutions, public enterprises or other statutory bodies in that regard.	statutory bodies in that regard” in the 2024 draft.	
286(2) - 2020 258(2) - 2024	The Gambia Armed Forces - The Gambia Armed Forces shall consist of the Army, the Navy and the Air Force, and such other services for which provision is made by an Act of the National Assembly.	The Gambia Armed Forces - The Gambia Armed Forces shall consist of the Army, the Navy, the Air Force, the Republican National Guard and such other services for which provision is made by an Act of the National Assembly.	“the Republican National Guard” was added in the 2024 draft.	We have noted a new addition in 258(2) in the 2024 draft. We recommend to maintain the 2024 Draft.
286 – 2020 258(3) - 2024	The Gambia Armed Forces -This subsection was not included in the 2020 draft.	The Gambia Armed Forces - Subject to subsection (1), the Minister responsible for defence shall develop and implement defence	258(3) is a new addition in the 2024 draft because it was in the 2020 draft.	We recommend to maintain the 2024 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		policies, oversee the Armed Forces, conduct international defence relations, handle crisis management and provide strategic direction for national defence.		
286(6)(a) - 2020 257(7)(a) - 2024	The Gambia Armed Forces - assisting and cooperating with other authorities in situations of emergency or disaster, and to report to the National Assembly whenever deployed in such circumstances;	The Gambia Armed Forces - assisting and cooperating with other authorities in situations of emergency or disaster;	“and to report to the National Assembly whenever deployed in such circumstances” in the 2020 draft was removed in the 2024 draft.	The recommend to maintain the 2024 Draft with further recommendation to reintroduce the clause 257(7)(a) in the 2020 Draft
286(7)(c) - 2020 258(8)(c) - 2024	The Gambia Armed Forces - for the establishment of an Armed Forces Council, including its composition, functions and all other related matters;	The Gambia Armed Forces - for the establishment of a Defence Council, including its composition, functions and all other related matters;	“Armed Forces” in the 2020 draft was changed to “Defence Council” in the 2024 draft.	We have noted the change in 258(8)(c) in the 2024 draft. We recommend to maintain the 2024 Draft.
287(1)(b) - 2020 259(1)(b) - 2024	Appointments in The Gambia Armed Forces - the Chief of Staff of The Gambia Armed Forces;	Appointments in The Gambia Armed Forces	“the Chief of Staff” in the 2020 draft was changed to “the Deputy Chief of	We have noted the change in 259(1)(b) in the 2024 draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		- the Deputy Chief of Defence Staff of The Gambia Armed Forces;	Defence Staff” in the 2024 draft.	We recommend to maintain the 2024 Draft.
287(1)(c) - 2020 259(1)(c) - 2024	Appointments in The Gambia Armed Forces - the Commanders of the Army, the Navy and the Air Force.	Appointments in The Gambia Armed Forces - the Commanders of the Army, the Navy, the Air Force and the Republican National Guard.	“the Republican National Guard” was added in the 2024 draft.	We have noted the change in 259(1)(c) in the 2024 draft.
287(3) - 2020 259(3) - 2024	Appointments in The Gambia Armed Forces - The President may remove from office the Chief of Defence Staff, the Chief of Staff of The Gambia Armed Forces, or the Commander of the Army, the Navy or the Air Force.	Appointments in The Gambia Armed Forces - The President may remove from office the Chief of Defence Staff, the Chief of Staff of The Gambia Armed Forces, or the Commander of the Army, the Navy or the Air Force.	There are no changes in this subsection.	We recommend for “Chief of Staff of The Gambia Armed Forces” in the 2024 Draft be changed to “Deputy Chief of Defence Staff of The Gambia Armed Forces” to maintain consistency with 259(1)(b) in the 2024 Draft.
289(f) - 2020 261(f) - 2024	Objects and functions of The Gambia Police Service - train staff to the highest possible standards of competence and integrity;	Objects and functions of The Gambia Police Service	“subject to the availability of resources” was added in the 2024 draft.	We recommend to maintain the 2024 Draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		- subject to the availability of resources, train staff to the highest possible standards of competence and integrity;		
290(3) - 2020 262(3) - 2024	Head of The Gambia Police Service - The Inspector General of Police shall exercise independent command over The Gambia Police Service, and perform any other functions prescribed by an Act of the National Assembly.	Head of The Gambia Police Service - The Inspector-General of Police shall exercise command over The Gambia Police Service, and perform any other functions prescribed by an Act of the National Assembly.	The word “independent” in the 2020 draft was removed in the 2024 draft.	We recommend maintaining 290(3) in the 2020 draft. We recommend the position of the 2020 Draft for the IGP to be independent in exercising command over the police according to the constitution or any other law as legislated by Parliament in the exercise of his/her functions
290(4)(a)(b)(c) - 2020 262(4) - 2024	Head of The Gambia Police Service - The Minister responsible for internal security may only give direction to the Inspector General of Police with respect to matters of policy for The Gambia Police Service but, save as provided in section	Head of The Gambia Police Service - The Minister responsible for internal security may give direction to the Inspector-General of Police with respect to	290(4)(a), (b) and (c) in the 2020 draft were removed in the 2024 draft.	We recommend maintaining 290(4)(a), (b) and (c) in the 2020 draft. We recommend the position of the 2020 Draft which provides safeguards for the independence of the IGP

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	131 (6), no person may give any direction to the Inspector-General of Police with respect to the – (a) investigation of any particular offence or offences; (b) enforcement of the law against any particular person or persons; or (c) employment, assignment, promotion, suspension or dismissal of any member of The Gambia Police Service.	matters of policy for The Gambia Police Service.		
291 – 2020 263(e)(f) - 2024	Removal from office -These subsections were not included in the 2020 draft.	Removal from office - (e) incompetence; or (f) any other just cause.	263(e) and (f) are new additions in the 2024 draft because they were not in the 2020 draft.	We recommend maintaining 263(e) in the 2024 draft but remove 263(f) to avoid ambiguity.
292(2) - 2020 264(2)(a) - 2024	Establishment of the Internal Security Service Commission -This subsection was not included in the 2020 draft.	Establishment of the Internal Security Service Commission - (a) the Vice President, as Chairperson;	264(2)(a) is a new addition in the 2024 draft because it was not in the 2020 draft.	We have noted a new addition in 264(2)(a) in the 2024 draft.
294(2)(e) - 2020 266(2) - 2024	Qualifications and disqualifications - has, within the two years preceding his or her appointment, been nominated as a candidate in an	Qualifications and disqualifications -This subsection was not included in the 2024 draft.	294(2)(e) in the 2020 draft was removed in the 2024 draft.	We have noted an omission in 266(2) in the 2024 draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
	election to the National Assembly;			
297(1)(c) - 2020 269(1)(c) - 2024	Obligations of the State to the youth - provide adequate funding to realise the matters specified in paragraphs (a) and (b).	Obligations of the State to the youth - provide funding to realise the matters specified in paragraphs (a) and (b).	The word “adequate” in the 2020 draft was removed in the 2024 draft.	We have noted an omission of a word in 269(1)(c) in the 2024 draft. The recommend to maintain the 2024 draft.
271, 272, 273 - 2024	-These sections were not included in the 2020 draft.	-The 2024 draft included sections 271, 272 and 273, making it mandatory for all youth to participate in the National Youth Service Scheme.	Sections 271, 272 and 273 are new additions in the 2024 draft because they were not in the 2020 draft.	We have noted new additions in sections 271, 272 and 273 in the 2024 draft.
Chapter XVIII (2020) - Chapter XVII (2024) THE NATIONAL COMMISSION FOR CIVIC EDUCATION				
299(2) - 2020 274(2) - 2024	Establishment, composition and finances of National Commission for Civic Education - The Commission shall comprise a Chairperson and four other members appointed by the President, subject to confirmation by the National Assembly.	Establishment, composition and finances of National Commission for Civic Education - The Commission shall comprise a Chairperson and four other members	“subject to confirmation by the National Assembly” in the 2020 draft was removed in the 2024 draft.	We have noted a change in the provision in 274(2) in the 2024 Draft and recommend maintaining the position of the 2020 Draft

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
		appointed by the President.		
Chapter XIX (2020) - Chapter XVIII (2024) AMENDMENT OF THIS CONSTITUTION				
303(1)(h) - 2020 278(1)(h) - 2024	Amendment of entrenched provisions - sections 126 (5), 131 (8) and (10) and 215 (2) (which relate to The Gambia's international relations, the Director of Public Prosecutions, and the independence of independent institutions and offices);	Amendment of entrenched provisions - sections 116 (5), 121 (8) and (10) (which relate to The Gambia's international relations, the Director of Public Prosecutions).	“and the independence of independent institutions and offices” in the 2020 draft was removed in the 2024 draft.	We have noted a change in the provision in 278(1)(h) in the 2024 draft. We recommend the position in the 2020 Draft on all entrenched clauses.
303(1)(k) - 2020 278(1) - 2024	Amendment of entrenched provisions - sections 204, 206 (3), 209 and 211 (which relate to Local Government);	Amendment of entrenched provisions -This subsection was not included in the 2024 draft.	303(1)(k) in the 2020 draft was removed in the 2024 draft.	We have noted an omission in 278(1) in the 2024 draft. To maintain the clause on the independence of independent institutions and holders of office to be reintroduced in the 2024 draft and entrenched.
303(1)(o) - 2020 278(1) - 2024	Amendment of entrenched provisions - Schedule 4 (which relates to transitional provisions).	Amendment of entrenched provisions -This subsection was not included in the 2024 draft.	303(1)(o) in the 2020 draft was removed in the 2024 draft.	We have noted an omission in 278(1) in the 2024 draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
Chapter XX (2020) - Chapter XIX (2024) MISCELLANEOUS				
308 - 2020	Appointment of Chairperson and Vice Chairperson of Statutory Bodies -The 2020 draft included a provision on the appointment of chairperson and vice chairperson of statutory bodies.	-This section was not included in the 2024 draft.	Section 308 in the 2020 draft was removed in the 2024 draft.	We recommend the position of the 2020 draft.
316(1) - 2020 290(1) - 2024	"an Act of the National Assembly" - includes an Act of Parliament established under any previous Constitution of The Gambia;	"an Act of the National Assembly" - includes an Act of Parliament established under any previous Constitution of The Gambia and includes any subsidiary legislation made under such an Act;	“and includes any subsidiary legislation made under such an Act” is a new addition in the 2024 draft because it was not in the 2020 draft.	We have noted an addition in 290(1) in the 2024 draft. We recommend to maintain the 2024 draft.
316(1) - 2020 290(1) - 2024	-This provision was not included in the 2020 draft.	“organs of government” -means the National Assembly, the Executive, and the Judiciary;	290(1) is a new addition in the 2024 draft because it was not in the 2020 draft.	We have noted a new addition in 290(1) in the 2024 draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
316(1) - 2020 290(1) - 2024	“State Owned Enterprise”	“Public Enterprise”	“State Owned Enterprise” in the 2020 draft was changed to “Public Enterprise” in the 2024 draft.	We have noted a change in 290(1) in the 2024 draft.
Schedule 1 - 2024	-This schedule was not included in the 2020 draft.	DIMENSIONS OF THE NATIONAL FLAG -The 2024 draft included a schedule stating the dimensions of the national flag.	Schedule 1 in the 2024 draft is a new addition because it was not in the 2020 draft.	We have noted the addition of schedule 1 in the 2024 draft.
Schedule 3 – 2020 Schedule 4(d)- 2024	CONSTITUENCIES FOR NATIONAL ASSEMBLY ELECTIONS -This subsection was not included in the 2020 draft.	CONSTITUENCIES FOR NATIONAL ASSEMBLY ELECTIONS - 5 persons nominated by the President from among the private sector, civil society and other constituencies which may otherwise have not been represented in the National Assembly	Schedule 4, subsection (d) is a new addition in the 2024 draft because it was not in the 2020 draft.	We have noted an addition in schedule 4 in the 2024 draft. We recommend subsection (d) in schedule 4 of the 2024 Draft, which deals with the nomination of Parliamentary Members by the President to be removed
Schedule 4(5)(2) - 2020	Term of office of incumbent President	Term of office of incumbent President	Schedule 4, subsection (5)(2) in the 2020 draft	We have noted the omission of subsection (5)(2) in schedule 4 of the 2020 draft in the 2024 draft.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
Schedule 4(5) - 2024	- Notwithstanding anything contained in this Constitution or any other law or any rule of interpretation or rule of construction, the term of office of the person holding the Office of President as at the effective date shall be construed to include the existing term and the person may contest election for the Presidency for only one more term as provided in this Constitution after the expiry of the existing term.	-This subsection was not included in the 2024 draft.	was removed in the 2024 draft.	We recommend maintaining the position of the 2024 Draft.
Schedule 4(7)(3) - 2020 Schedule 5(7)(3) - 2024	The National Assembly - The expanded membership of the National Assembly shall take effect and the members thereof shall only be voted for at the next general election after the expiry of the term of the existing National Assembly.	The National Assembly - The expanded membership of the National Assembly shall take effect and the members thereof shall only be voted for at the next general election after the expiry of the term of the existing National Assembly.	Both provisions are the same but inconsistent with Section 128(1) in the 2024 draft which states that “There shall be an election of all the members of the National Assembly which shall be held four months after the election for the Office of the President”.	We recommend for this provision be re-visited and maintain schedule 5(7)(3) to have both Presidential and Parliamentary elections on the same day. This will reduce voter fatigue, reduce election expenditure by the state and makes the election cycle shorter.

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
Schedule 4(7)(5) - 2020 Schedule 5(7)(5) - 2024	The National Assembly - The Office of a second Deputy Speaker of the National Assembly shall not, if established, be filled until after the next National Assembly has been elected.	The National Assembly - The Office of a second Deputy Speaker of the National Assembly shall not, if established, be filled until after the next National Assembly has been elected.	Both provisions are the same but inconsistent with section 135 of the 2024 draft which does not have a provision for “a second deputy speaker”.	We recommend schedule 5, subsection (7)(5) be removed in the 2024 draft to maintain consistency in having one Deputy Speaker.
Schedule 4(8)(1)(a) - 2020 Schedule 5(8)(1)(a) - 2024	Term and language of the National Assembly - come to an end at the same time as that of the existing President and, accordingly, the existing National Assembly shall stand dissolved on the day immediately before a general election of members of the Assembly following dissolution;	Term and language of the National Assembly - come to an end at the same time as that of the existing President and, accordingly, the existing National Assembly shall stand dissolved on the day immediately before a general election of members of the Assembly following dissolution;	Both provisions are the same but inconsistent with section 128(1) in the 2024 draft which states that “There shall be an election of all the members of the National Assembly which shall be held four months after the election for the Office of the President”.	We have noted the difference of holding national assembly elections four months after the election for the Office of the President in section 128(1) of the 2024 draft and a general election in schedule 5(8)(1)(a) in the 2024 draft. We recommend section 128(1) be re-visited and edited to have both elections on the same day.
Schedule 4(16)(2) - 2020	Service Commissions	Service Commissions	Both provisions are the same but inconsistent with	We recommend for this provision be re-visited to ensure that both

Clause	2020 DRAFT CONSTITUTION	2024 DRAFT CONSTITUTION	WHAT CHANGED/REMOVED	RECOMMENDATIONS
Schedule 5(16)(2) - 2024	- Within a period of six months after the effective date, the Secretary General shall take all necessary steps to ensure the establishment of the Teachers Service Commission, Health Service Commission and Internal Security Service Commission as provided in this Constitution, and the Public Service Commission shall, after that period, cease to perform the functions assigned to those service Commissions under this Constitution.	- Within a period of six months after the effective date, the Secretary General shall take all necessary steps to ensure the establishment of the Teachers Service Commission, Health Service Commission and Internal Security Service Commission as provided in this Constitution, and the Public Service Commission shall, after that period, cease to perform the functions assigned to those service Commissions under this Constitution.	section 249(1) in the 2024 draft which lists out the commissions to be established. The establishment of the Teachers Service Commission, Health Service Commission and Internal Security Service Commission was not included in section 294(1) of the 2024 draft.	section 249(1) and schedule 5(16)(2) of the 2024 draft are consistent.

Conclusion

The 2024 Draft Constitution presents a crucial opportunity to advance The Gambia's democratic governance and strengthen our legal foundations. However, without incorporating the recommendations outlined above, the 2024 Draft risks centralizing power in ways that may compromise democratic accountability and undermine core principles of transparency, checks and balances, and the rule of law. While the 2020 Draft seeks to offer a forward-looking blueprint for a progressive and inclusive constitutional framework, the 2020 Draft must similarly embrace these values and aspirations of the Gambian people and not restrict rights or the apportioning of power between the three arms of government. We therefore, call upon all stakeholders to engage earnestly and constructively to ensure that the final document fully reflect our shared commitment to participatory governance, the protection of rights, and equal representation.

By fortifying the checks and balances that protect our democracy, the new constitution (if amended) has the potential to foster enduring stability and ensure that Gambians have a meaningful voice in shaping their government. Provisions that restrict executive overreach while promoting legislative and judicial independence is essential in any democracy, and we must work together to build a more robust, accountable, transparent and resilient democracy.

Call to Action

We, the Civil Society Organizations of The Gambia, appeal to the government, Ministry of Justice, National Assembly, and all Gambians to consider this position paper thoughtfully in the ongoing constitutional reform discussions. The recommendations contained here are not just technical amendments; they are vital for embedding accountability, transparency, and justice in The Gambia's constitutional framework.

We urge the National Assembly to carefully review and engage with the 2024 Draft, ensuring that it aligns with the democratic ideals and ambitions of the Gambian people. Our lawmakers, as representatives of the people, must remain committed to safeguarding citizens' rights and rejecting any measures that undermine the balance of power.

We further call upon the Parliament to pursue an inclusive, transparent, and consultative process in finalizing this Draft, prioritizing the long-term democratic health of our nation. This moment is a unique opportunity to build a constitution that serves as a symbol of fairness and hope for future generations, where rule of law prevails over autocracy, and the people remain the true source of power and sovereignty.

It is only through the collective effort of civil society, the Executive, Legislature and Judiciary, and the citizens, can we ensure that The Gambia's new constitution becomes an enduring legal framework and source of positive inspiration and guide for democratic governance,

protection of fundamental rights and freedoms, and sustainable progress. Let us seize this opportunity to build a constitutional framework that will withstand the test of time and fit for promoting and safeguarding the freedoms, dignity, and future of every Gambian cherished.

LIST OF CSOs INVOLVED

ACTIVISTA

BEAKANYANG

CASA- GAMBIA

CRPD

FACT CHECK CENTER

FLAG

GAMBIA BAR ASSOCIATION

GAMBIA CENTER FOR VICTIMS AND HUMAN

RIGHTS VIOLATION

NATIONAL YOUTH PARLIAMENT

PEACE AMBASSADORS GAMBIA

SOLO SANDENG FOUNDATION

TANGO

THINK YOUNG WOMEN

UTG- STUDENTS UNION

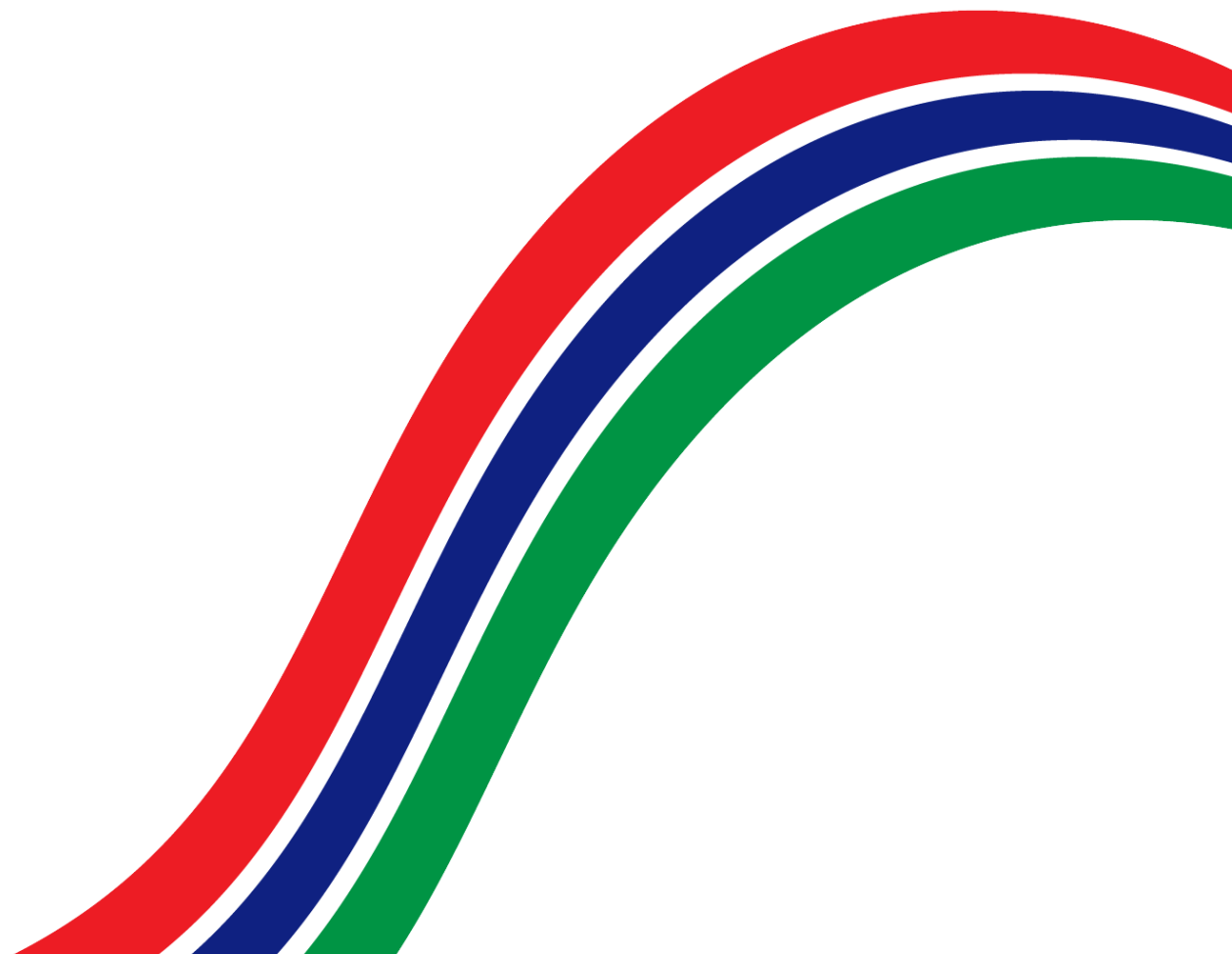
UTG-LAW STUDENTS ASSOCIATION

WAVE

WOMEN IN LIBERATION AND LEADERSHIP

GENDER PLATFORM

INFORMATION COMMISSION



Coordinated by: Gambia Participates