

DOWNLOAD PDF CONSTITUTION OF THE REPUBLIC OF THE GAMBIA, 1997.

Chapter 1 : Oxford Constitutional Law: Constitution of the Republic of the Gambia: August 8, (Gambia [gm]

THE REPUBLIC OF THE GAMBIA, REPRINED The Constitution of the Republic of The Gambia A R R A N G E M E N T O F S E C T I O N S Section C H A P T E R I T H E.

Initially, Jammeh accepted the results on 2 December only to reverse his position a week later, refusing to step down thereby plunging the country into an unprecedented political stalemate. The about-turn generated widespread local and international criticism, and started a flurry of diplomatic negotiations by ECOWAS. On 17 January, the Alliance for Patriotic Reorientation and Construction APRC dominated National Assembly approved a state of emergency declared by the President a day before, and extended the term of the Parliament and the presidency by 90 days. In response to the recalcitrant position of Jammeh, ECOWAS mobilized troops with the mandate to enter the country and forcefully oust the former President in case the diplomatic missions failed. The Constitution and potential reform areas The Gambia adopted its second republican constitution in following a referendum held on the draft constitution on 8 August. The Constitution recognises The Gambia as a sovereign secular republic. It is premised on the principles of separation of powers, rule of law and respect for fundamental human rights. However, trends in The Gambia characterized by the complete disregard for the rule of law and the personalization of the state by former President Jammeh over the past two decades, posed a clear and present danger to the full realization of the Constitution. Not only was the former regime notorious for the disregard of the rule of law, but Jammeh further distinguished himself by a number of amendments to the supreme law with largely anti-human rights and undemocratic provisions, such as the removal of the two-term limit and sweeping reforms to the electoral law which required heavy financial deposits for Presidential and National Assembly candidates. Naturally, the new government has promised and has actually started the process of sweeping legal and institutional reforms, including repeals or amendments of several laws from the Jammeh era that eroded human rights. Electoral Reforms Section 26 of the Constitution guarantees citizens the right to make political choices, providing for free, fair and regular elections, and permitting qualified citizens to vote and stand for public office. The number of signatures needed to register a political party was increased from 10, registered voters with at least 1, from each of the administrative areas, in addition to the requirement that a party post a deposit of more than D 1 million USD 24, Opposition political parties not only regarded the increases as unreasonably high but also as a ploy by the government to drastically limit the participation of the opposition in elections. The basic salary for an average government employee in The Gambia is D Now, the amendment reduces the exorbitant fees back to their initial amounts: Change of retirement age and removal of upper age limit for holding office as President On the same day of the amendment of the Elections Act, the National Assembly also passed the Constitution Amendment Bill introduced by the Interior Minister on behalf of the President. The Bill amends section 2 b of the Constitution in extending the age at which a Supreme Court judge should vacate his or her office from seventy to seventy-five years. In addition, the amendment also removes the upper age limit of sixty-five for holding office as President provided under section 62 1 b. According to the Interior Minister, the amendments were an attempt to ensure that competent and experienced Supreme Court judges and politicians will not be forced out of office in light of the limited number of qualified judges and political leaders. In a televised statement, the Minister for Justice and Attorney General Tamedou advised President Adama Barrow not to sign the two recently amended constitutional provisions. The process of amendment of the constitutional provisions should have been guided by Section of the Constitution instead of Section which was the procedure used at the National Assembly. The section provides that before a Bill for amendment is presented for first reading, it must be published in at least two issues of the Gazette, the latest publication being not less than three months after the first. The Bill should also be introduced into the National Assembly not earlier than ten days after the latest publication and must be supported on the second and third reading by votes of not less than three quarters of all the National Assembly Members. This procedure was not followed. The Minister took full

responsibility for the error and promised to take actions to remedy the situation as well as avoid such occurrence in the future. He further underscored the urgent need to do a comprehensive review of the Constitution. Other immediate potential reform areas for the government: Introduction of presidential term limits The issue of term limits is not stipulated in the Constitution. Currently, The Gambia and Togo remain the only two countries in West Africa without presidential term limits. This led to the abandonment of the idea by the sub-regional body. The absence of term limits enabled ex-president Jammeh to stand and win elections four consecutive times and even to seek a fifth term unsuccessfully in December It further provided him the opportunity to misrule the country and govern horribly against his people for twenty-two years. According to Memorandum of Understanding MOU of the Coalition, one of the key goals of the Coalition government is the institutionalization of term limits. There is an urgent need for an amendment to include a two-term limit of 5 years. In assuring Gambians that his government will introduce a two-term limit of 5 years , President Barrow stated that "with term limits, any president that comes will serve appropriately and have respect for the laws of the land because the person will know that there is an end to his or her tenure. Media law reforms Section 25 of the Constitution guarantees a wide range of rights, including freedom of speech and expression, and freedom of thought, assembly, and association. As a dictator, Jammeh stifled the independent media. There are several problems with such provisions, including the difficulty of distinguishing between fact and opinion; the chilling effect of such provisions have upon freedom of expression; and the fact that they do not serve any legitimate purpose which would justify restricting freedom of expression. In addition to repealing these laws, a new Freedom of Information Act should be enacted to ensure the right to free speech and independence of the media. This will be in line with the promises made by the Justice Minister to make reforming media laws a priority. This will also guarantee the protection of press freedom which is vital to establishing and maintaining an open and democratic society in The Gambia. Conclusion We, Gambians fought against dictatorship because we wanted change: The hallmark of that dictatorship was the constant abuse of power through the blatant disregard for the rule of law as laid down in our Constitution. Going forward, Gambians must act as watchdogs to ensure respect for fundamental human rights by the government. It means also that every citizen must be a human rights defender or protector. Furthermore, this will also ensure efficient leadership and effective government that is responsive to our needs and accountable to the citizenry. In order to ensure that our democratic aspirations are attained, there is need for the creation of a participatory platform between state and non-state actors to agree on set human rights-based goals and priorities which are underpinned by the rule of law, transparency, and accountability. The Gambia can provide a blueprint for democratic movements in Africa through its transition from dictatorship to democracy. For that to be possible, provisions in our Constitution that are repugnant to natural justice or at variance with international human rights law must be expunged or amended to fall in time. Satang Nabaneh is a Gambian human rights defender. B Hons from University of The Gambia.

Chapter 2 : The Constitution of The Republic of The Gambia - The Gambia Times

*The Constitution of the Republic of The Gambia ARRANGEMENT OF SECTIONS Section CHAPTER I THE REPUBLIC
1. The Republic 2. Public Seal 3. National flag and anthem.*

Present, interested, and wielding the veto: In no small way, the Constitution of The Gambia comprehensively failed this basic test. Not only are the Legislative and Judicial branches accorded inferior status in the Constitution by making both ultimately answerable to the Executive, critical independent agencies necessary to the proper functioning of a democratic society are all similarly degraded. In a nutshell, meaningful national power is entirely concentrated in the Presidency. In the most benign hands, such concentration of public power can only erode the freedoms essential to creating and nurturing a democratic society. In addition, there are express contradictions between key Constitutional provisions, as well as considerable fluff in need of pruning from such a vital document. The penchant for amending the Constitution is no less troubling. Accepting that a polity with weak institutions cannot ensure accountability under the best constitution, there is nevertheless a compelling need to retreat from the brazen amalgamation of public power in one branch of government, and this by the supreme law of The Gambia. This paper seeks to argue for the sensible allocation of public power by the proper demarcation of Constitutional authority between fully independent and internally self-governing branches of government. It also calls for efficacious independent agencies, an internally coherent, rationalised, shorter, and more democratically robust document. In and of itself, differential application of laws may not connote their inherent unsoundness, or necessarily that of the prevailing legal regime. However, systemic incoherence of a legal regime in terms of conflicting provisions on the same issues present a more profound challenge to the meaningful existence and survival of any nation that prides itself as a plural democracy anchored in the separation of powers under the rule of law. In the hierarchy of law, it is common currency that the constitution of a nation sits at the apex. In The Gambia, that state of affairs is expressly enshrined in the actual text of The Constitution of the Republic of The Gambia the Constitution [1] as a supremacy statement over all other law section 4. Notwithstanding its claim, the Constitution does not meaningfully separate power. By deliberate design, it concentrates power in the Executive to the detriment of pluralism and accountability. Its labyrinthine structure virtually guarantees conflict between provisions touching on the same matters. However viewed, this is a matter of great concern, but some observers may retort that its systemic difficulties support the contention that there is nothing anyone can do except sit out the political dispensation responsible for the state of affairs referenced above. In other words, no matter how beautifully crafted, law that will continue to be either differentially applied, or not applied at all, present no compelling case for reform as long as its underlying political system holds sway. About beauty and law, not many are likely to accuse the Constitution of aesthetic excellence. Even granting the plausibility of the contention that systemic Constitutional reform is impossible under the current political dispensation, there is nevertheless the need to engage the issue with a view to raising awareness as a prelude to requisite reform when that opportunity inevitably presents itself in the course of time. This discussion is also germane because no challenge is more profound to national cohesion and survival than a Constitution that serves only the interest of a fraction of the overall polity, in this case the Executive. This existential point cannot be overemphasized! As a national document, the constitution of a democratic state must settle public authority in a manner that avoids concentrating power in any one segment of a political system. In no small way, the Constitution comprehensively failed this basic test. Not only are the Legislative and Judicial branches accorded inferior status by making both ultimately answerable to the Executive, critical independent agencies indispensable to the proper functioning of a democratic state are all similarly degraded. In a nutshell, meaningful national power is entirely concentrated in the Executive. In the most benign hands, such a state of affairs can only erode the freedoms essential to creating and nurturing a transparent and accountable government. Additionally, there are express contradictions between key Constitutional provisions, as well as considerable

fluff in need of excision from the document. Accepting that a polity with weak institutions cannot ensure accountability under the best constitution, there is nevertheless a compelling need to retreat from the brazen amalgamation of public power in one branch of government. In similar vein, it also calls for efficacious independent agencies, an internally coherent, rationalised, shorter, and more democratically robust document. Even where the call for a properly balanced Constitution is heeded, the recognition must nevertheless remain that no matter how beautifully crafted, and appropriately balanced, law has no capacity for self-implementation. It relies on the responsiveness of a political system to the rule of law, both as abstract doctrine, and a reliable instrument of practical governance. This may be attributable to the fact that the political midwives of the Constitution were also present at the critical juncture of its creation. As they were interested, had absolute power, and wielded the veto, the resulting product was way short of the minimum standards a document like a national constitution must acquire to pass the requisite test of balance and neutrality, a document, so to speak, that can serve as a fitting legacy for posterity. Unsurprisingly, what resulted is a document with immense potential for violence [2] against the citizen, and of stalemate and paralysis in governance. A crisis, any crisis in governance is therefore only solvable via the agency of raw power, not through the more sublime avenues of political and legal negotiation in a public environment equally responsive to the legitimate needs of all its members. Its current Constitution cements dictatorship in spectacular fashion! The preamble and its claims Although not strictly a constitutional provision, the preamble offers a roadmap of how a particular nation intends to manage its public life with its supreme document as guide. It is like the mission statement of an organisation, an encapsulation of the values that underlie a particular system as are expressly articulated in the constitutional text. The preamble of the US Constitution states: This preamble is anchored in language that evinces neutrality, inspiration, and equality. Cognisant of the fact that no system is perfect, the American Constitution, in the fullness of time, came to represent most of these values for all Americans. For a secular, multi-faith Republic, this clearly religious statement should have no place in the Constitution. The preamble also personalises the Constitution by justifying the forceful overthrow of the previous government, as well as needlessly demonising that government, and in the process projecting a less-inclusive national document. Recognising the sharp philosophical differences over the legitimacy of the forceful change of government in , there is nevertheless the need to craft a national document that speaks to all Gambia. Clearly, paragraphs , and , of the preamble, have no place in the Constitution and are better removed in any reform. Although significant and properly in the preamble, paragraphs must nevertheless be extensively reworked to provide focus as to what values The Gambia wants its fundamental law to project. What must always be remembered is that in themselves, words do not perform the task of good governance and democratic accountability. Rule of law and the separation of powers Considering its length, this discussion makes no attempt to rewrite the Constitution provision for provision, or even Chapter for Chapter. Fundamentally, the idea is to examine its architecture to highlight the design flaws that must be rectified when the opportunity for requisite reform comes along. Consequently, the focus is on the basic ingredients that must go into a modern democratic constitution to pass the crucial test of separated powers. The demand for the separation of public power is premised on the need to ensure the liberty of the person. The proposition that no society can even begin to approach completeness in the absence of explicit rules which are understood by, and applicable to all, without distinction, is unassailable. Stated differently, there is compelling truth to the contention that no society can meaningfully endure in a climate where lawlessness pervades the spirit of its public life. As a concept, the rule of law is one of those political and governance principles whose ostensible embrace, by dictators and democrat alike, makes it susceptible to perverse interpretation and the confusion naturally attendant to that abuse. Suffice to say that as the sanctity and the dignity of the person is directly implicated, the rule of law is a practical freedom and human rights concept open to objective validation, and as such, virtually any observer is capable of deciphering its presence or otherwise in a particular country. In the foregoing is the clear suggestion that a fundamental prerequisite of the rule of law is the separation of public power. Simply put, the entity that promulgates a law should not at the same time

interpret and enforce it as that may tantamount to inventing a formula for arbitrariness and abuse. Regardless of geographic location, the timeless issue for Gambians must of necessity address the question of how the public space is organised along the lines of live and let live. In the absence of demonstrable commitment to the rule of law, is it possible for the Constitution to meaningfully separate public power? From the onset, the Constitution presents a challenge for even the theoretical underpinnings of democratic pluralism. Amendments since introduced made the document a complete disaster! The Constitution effectively emasculated the Judiciary, and the National Assembly, by reducing these constitutional pillars of the state to mere appendages of the Executive through the unjustifiable centralization of all power in the President. Its general thrust is inimical to both the doctrine of the rule of law, and the concept of power separation. In a tragic way, this may ordinarily constitute a blessing in that under properly mounted challenges against routinely arbitrary Executive conduct, the courts would struggle to anchor sensible and defensible decisions on significant questions in this highly compromised and labyrinthine document. It stretches the boundaries of common sense to argue that the Constitution separates power in the way that term is properly understood. On any sensible separation of public power in a democratic society, one branch of government cannot legitimately claim complete dominance over the others. Where public power is adequately separated, the hiring and firing functions across different branches of government must be decoupled to avoid a concentration of power in one hand. Under both constitutional theory and practice in a proper system of democratic governance, the appointer can become *functus officio* in cases where his hiring power traverses constitutional demarcations. In other words, the Executive should have no authority whatsoever to fire either National Assembly Members, or judicial officers ranging from Magistrates, to Justices of the Supreme Court. In similar vein, constitutionally envisaged independent agencies like the Independent Electoral Commission, and the Ombudsman, must reside outside the purview of presidential influence. This is not to suggest these categories of officers are exempted from legitimate control mechanisms, but that they ought to be protected from the capriciousness of an almighty Executive. Once appointments are made in these areas, the President must have no sole removal powers. On a straight application of the doctrine of separation of powers, the President can have no authority to fire a member of the National Assembly. Perversely though, the Constitution permits this through a deliberate loophole allowing party leaders to fire elected members of the National Assembly. It must be emphasised that this is far from a theoretical possibility. The power is actual [3] , and it has been used on numerous occasions since If the President felt sufficiently threatened, this is the surest legal route to eliminate recalcitrant parliamentarians without consequence. On a large scale, such conduct will likely trigger a constitutional crisis and a power struggle, but with national power so heavily centralised, the bet should be on Executive victory. In the First Republic, the tendency for elected parliamentarians to jump parties was frequent. Considering the forgoing was a perspective from higher up the Government then, there is an apparent consensus on the question of cross carpeting. They condemned it as a flagrant disregard of our rules and Constitution and a total lack of principle. No matter how frequent the incidence of cross carpeting, there is no justification to solve it with a Constitutional provision as draconian as section 91 1 d. Is it not the case that in seeking a cure for a minor issue like cross carpeting, the mandate of the electorate can now be so cavalierly vitiated by party leaders? No less of a concern is the direct Executive control of the National Assembly through the very colonial instrument of nominations to the legislature. This is of course inherently anti-democratic and unfair, but its real problem lies elsewhere. By this mandatory Constitutional provision, the President exercises direct control over the National Assembly as he has the only realistic power to terminate the services of the Speaker by rescinding his nomination. Even the Judiciary [4] is not exempted from the centralization of national power in the Executive. To appreciate the subtle if legal subjugation of the Judiciary, to the Executive, it is vital to disentangle the architecture of the management structure at the former. What is the basic appointing criteria regarding Superior Court judges other than the Chief Justice? Committed to leaving nothing to chance, the Constitution provides an explicit answer. Considering the ostensibly heavy consultation the President must engage in with the JSC in the appointing process of Superior Court Judges [7] , and the Judicial Secretary, it is

imperative that the composition of this central body on judicial appointments [8] be properly scrutinised. In both appointments to, and removals from, the JSC, the President is the predominant player. In reality, there is no ex officio member of the JSC considering that even the representative of the Bar must be nominated by the Attorney General, a Cabinet appointee who holds his position at the exclusive pleasure of the President. As for JSC members coming under sub-sections a , b , c , and e , of section , the President has undiluted power over their fate [9]. Intricately connected with the Constitutional architecture of the Judiciary is the pivotal question of how a judge of the Superior Courts is actually removed from office. Considering several suffered summary termination over the years, it is by no means trivial to investigate what removal mechanisms there are in the Constitution. When former Chief Justice Abdou Karim Savage was removed, questions were raised about the Constitutionality of the manner of his termination.

Chapter 3 : DWG reviews Constitutional - The Point Newspaper, Banjul, The Gambia

The current Constitution of the Republic of Gambia was adopted by national referendum on April 8, , repealed the Constitution and entered into force on January 16, It was last amended in

Following the proclamation of a republic in , the long-form name of the country became Republic of The Gambia. History of the Gambia Arab traders provided the first written accounts of the Gambia area in the ninth and tenth centuries. During the tenth century, Muslim merchants and scholars established communities in several West African commercial centres. Both groups established trans-Saharan trade routes, leading to a large export trade of local people as slaves , also gold and ivory , as well as imports of manufactured goods. Senegambian stone circles megaliths which run from Senegal through the Gambia and are described by UNESCO as "the largest concentration of stone circles seen anywhere in the world". By the 11th or 12th century, the rulers of kingdoms such as Takrur , a monarchy centred on the Senegal River just to the north, ancient Ghana and Gao had converted to Islam and had appointed to their courts Muslims who were literate in the Arabic language. The Portuguese reached this area by sea in the midth century, and began to dominate overseas trade. Letters patent from Queen Elizabeth I confirmed the grant. Between and , some parts of the Gambia were under the rule of the Duchy of Courland and Semigallia belonging to Polish-Lithuanian Commonwealth "modern-day Latvia "and were bought by Prince Jacob Kettler. During the late 17th century and throughout the 18th century, the British Empire and the French Empire struggled continually for political and commercial supremacy in the regions of the Senegal River and the Gambia River. The British Empire occupied the Gambia when an expedition led by Augustus Keppel landed there following the Capture of Senegal in This was finally ceded to the United Kingdom in As many as three million people may have been taken as slaves from this general region during the three centuries that the transatlantic slave trade operated. It is not known how many people were taken as slaves by intertribal wars or Muslim traders before the transatlantic slave trade began. Most of those taken were sold by other Africans to Europeans: In , the United Kingdom abolished the slave trade throughout its empire. It also tried, unsuccessfully, to end the slave trade in the Gambia. In , The Gambia became a separate colony. An agreement with the French Republic in established the present boundaries. The Gambia became a British Crown colony called British Gambia , divided for administrative purposes into the colony city of Banjul and the surrounding area and the protectorate remainder of the territory. The Gambia received its own executive and legislative councils in , and it gradually progressed toward self-government. Slavery was abolished in [citation needed] and following a brief conflict between the British colonial forces and indigenous Gambians, British colonial authority was firmly established. Though these soldiers fought mostly in Burma , some died closer to home and a Commonwealth War Graves Commission cemetery is in Fajara close to Banjul. After World War II, the pace of constitutional reform increased. Following general elections in , the United Kingdom granted full internal self-governance in the following year. Post-Independence "present [edit] The Gambia achieved independence on 18 February , as a constitutional monarchy within the Commonwealth , with Elizabeth II as Queen of the Gambia , represented by the Governor-General. Shortly thereafter, the national government held a referendum proposing that the country become a republic. Prime Minister Sir Dawda Kairaba Jawara assumed the office of President , an executive post , combining the offices of head of state and head of government. President Sir Dawda Jawara was re-elected five times. An attempted coup on 29 July followed a weakening of the economy and allegations of corruption against leading politicians. By 6 August, some 2, Senegalese troops had been deployed, defeating the rebel force. The Senegambia Confederation aimed to combine the armed forces of the two states and to unify their economies and currencies. After just seven years, The Gambia permanently withdrew from the confederation in Jammeh was just 29 years old at the time of the coup. The Provisional Independent Electoral Commission PIEC was established in to conduct national elections and transformed into the Independent Electoral Commission IEC in and became responsible for

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registration of voters and for the conduct of elections and referendums. In late and early , The Gambia completed a full cycle of presidential , legislative , and local elections, which foreign observers[who? President Yahya Jammeh, who was elected to continue in the position he had assumed during the coup, took the oath of office again on 21 December On 2 October , the Gambian interior minister announced that The Gambia would leave the Commonwealth with immediate effect, ending 48 years of membership of the organisation. The Gambian Government said it had "decided that The Gambia will never be a member of any neo-colonial institution and will never be a party to any institution that represents an extension of colonialism". The Gambia sentenced main opposition leader and human rights advocate Ousainou Darboe to 3 years in prison in July , [28] disqualifying him from running in the presidential election. Following the 1 December elections , the elections commission declared Adama Barrow the winner of the presidential election.

Chapter 4 : Constitution of the Republic of the Gambia , as amended to

The full English version, as passed by the National Assembly, of the Constitution of the Second Republic of The Gambia which was adopted on 8 August , entered into force in January , last amended in

But there were other people who worked day and night to make sure that people voted for it and I have evidence of what I am trying to say here. When the draft constitution was being drafted, those who cared to defend the Republic contributed to the drafting of that Constitution, some as individuals and some as institutions; and this document entitled The Judicial Foundation Of The Second Republic contributed to the drafting of the Constitution, and when it eventually came out Mr Speaker, we took it upon ourselves to explain what exactly it meant. We serialized it chapter by chapter and simplified it for people to understand so that when they come to vote, they would know what they are voting for. These are the series of booklets we published from book one to book twelve. Those who care to know what was happening and who was doing what in that period, will understand what i am saying. So the constitution was indeed the work of the Gambian people. All those who cared to live in a republic and all those who cared to defend fundamental rights and freedoms, which is contained in book four of our series will understand what I am saying. So if anybody wants to know who contributed what to the draft Constitution, please read this document, Views On The Judicial Foundation Of The Second Republic and then you will understand the struggle that was waged to make sure that the constitution was voted for because we wanted a republic. It is different from the Constitution and the president looked at me and said you should have retained the Constitution and of course we were opposed to the Constitution because it has monarchical provisions and some of these have now been transferred into Constitution. But I will not go into that because some of you know them and that maybe it could be taken again at another time. Mr Speaker, I thought it is important for me to say this because what the president was saying the other day was misleading. It is the Constitution of the Republic of The Gambia. Some of us had sleepless night. He explained how he left Basse and was in Tallinding to gather all the materials he needed to sensitise people the same day. I know how it came about," he continued. You will know who was for and who was against. They were against it! In response, AM Joof said he need to know whom Sidia is referring to when he said we were for and they were against. This is our Constitution. It is not owned by anybody. Anybody who was interested in having a Republic in the Gambia worked for it. This is our proof if you go to records of newspapers at the time from to pre Please read newspapers of that period and then if you see the opposite of what I am saying, come to me, I will accept what you have. Read the original article on Foroyaa. To contact the copyright holder directly for corrections " or for permission to republish or make other authorized use of this material, click here. AllAfrica publishes around reports a day from more than news organizations and over other institutions and individuals , representing a diversity of positions on every topic. We publish news and views ranging from vigorous opponents of governments to government publications and spokespersons. Publishers named above each report are responsible for their own content, which AllAfrica does not have the legal right to edit or correct. Articles and commentaries that identify allAfrica. To address comments or complaints, please Contact us.

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Chapter 5 : Gambia, The : Constitution and politics | The Commonwealth

The Gambia Launches the Truth, Reconciliation and Reparations Commission Constitutional Review Commission of the Republic of The Gambia on Possible Areas for Constitutional Reform Lawyers are Society's Problem Solvers, but not in The Gambia.

In the presidential republic of Gambia, the President of Gambia serves as both the head of state and head of government of the nation. The flag of the Gambia. Gambia is a small west-African country that it is a presidential republic where the president of the country is the head of government as well as head of state. The country exercises democratic elections every five years. The executive wields both executive authority and legislative authority. The country has had several periods in its history where military coups imposed the dictatorial governments. Constitution In Gambia, the Constitution is the supreme law, and other laws are subordinate to the constitution. The sovereignty of the country is enshrined in the Constitution of Gambia as well as the rights and freedoms of the citizens. The first Constitution of the Republic was promulgated after the country gained independence from Britain in . However, a military coup led to the suspension of the Constitution. When the military regime ended in , a revised Constitution was adopted. The ousting of former President Yahya Jammeh in who initially refused to vacate the office caused a tremendous constitutional crisis until he was forcefully ejected by ECOWAS-led forces. The Constitution indicates that the government is comprised of three branches the Executive, the Legislature, and the Judiciary. The Executive The Executive is the arm of government empowered to look into government interests both locally and internationally. According to the Constitution of Gambia, the president is the head of the Executive and wields executive authority. The president is elected through democratic elections using a popular vote to serve a five-year term with no restriction on the number of terms he can serve. Other members of the Executive include the vice-president, the attorney general, and cabinet ministers. All cabinet ministers are appointed by the president and cannot be members of the Legislature. The role of the cabinet ministers is to advise the president as well as to supervise the activities of their respective ministries. The Legislature The Legislature of Gambia is the branch of government mandated to create new laws and amend existing laws. Also known as the National Assembly, the legislature is comprised of 53 elected members as well as five members who are appointed by the president. Gambia has a unicameral parliamentary system with only one chamber of parliament that is the National Assembly. The speaker is the leader of the National Assembly and is mandated to moderate the proceeding of parliament as well as presiding over voting by members of parliament during the passing of bills. The speaker and his deputy are selected from the appointed members of parliament and not the elected members. Elected members of Parliament are elected through democratic process to serve a five-year term. The Judiciary The Judiciary is the arm of government whose mandate is the administration of justice where such administration is supposed to be impartial and fair. The chief justice is the head of the judiciary and is appointed by the president after consultations with the Judicial Service Commission. The highest office in the judiciary is the supreme court, and its judges who include the chief justice are all appointed by the president. This page was last updated on August 1, By Benjamin Elisha Sawe.

Chapter 6 : Gambia: Constitution of the Republic of the Gambia

This version of the Constitution incorporates changes made by the "Constitution of the Republic of The Gambia, (Amendment) Act, ". Disclaimer This is not a UNHCR publication.

Chapter 7 : Attorney General of the Gambia - Wikipedia

CONSTITUTION OF THE SECOND REPUBLIC OF THE GAMBIA. Adopted on 8 August , entered into force in January

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, last amended in CHAPTER III: CITIZENSHIP.

Chapter 8 : Independent Electoral Commission “ IEC Gambia ” Constitution of the Republic of The Ga

Every person born in The Gambia after the coming into force of birth this Constitution shall be presumed to be a citizen of The Gambia by birth if at the time of his or her birth, one of his or her parents is a citizen of The Gambia.

Chapter 9 : Gambia Constitution, The Second Republic

CONSTITUTION OF THE SECOND REPUBLIC OF THE GAMBIA Adopted on 8 August , entered into force in January , last amended in In the name of God, the Almighty.