



**NATIONAL COUNCIL FOR CIVIC EDUCATION
(NCCE)**

NATIONAL CONSTITUENCY CONSULTATIVE DIALOGUES

2024 DRAFT CONSTITUTION

17th May – 1st June, 2025



FINAL DECLARATION

NATIONWIDE CONSTITUENCY CONSULTATIVE DIALOGUE

Final Declaration

Introduction

The National Council for Civic Education (NCCE), in close collaboration with the National Assembly, successfully concluded the **National Constituency Consultative Dialogue on the 2024 Draft Constitution** from **May 17 to June 1, 2025**. This vital initiative, themed "**A New Constitution for a New Republic: Get Informed, Get Involved**," was undertaken with the invaluable support of the European Union and the United Nations Development Programme (UNDP) under the EU-funded GREAT Project. It underscores our collective commitment to fostering robust civic engagement as The Gambia continues its profound journey toward a fully matured democracy.

Purpose

The primary aim of these extensive dialogues was to provide a dedicated platform for direct civic engagement, enabling an enhanced public understanding of the 2024 draft Constitution. Furthermore, the sessions were designed to gather critical feedback directly from citizens to inform the legislative process and to significantly strengthen the vital link between elected representatives and their constituents. Recognizing that the constitutional building process has reached a critical juncture, robust civic participation is deemed essential for a successful legislative outcome that genuinely reflects the will of the Gambian people. Through these dialogues, the NCCE sought to deepen public discussions, establish a structured mechanism for citizens to share their views with their representatives, and ensure that decisions about the constitution are made with broad-based consultation and support.

Scope

The dialogue series comprised 20 sessions conducted nationwide, encompassing all seven Administrative Areas and all 53 Constituencies of the country. Approximately 2,000 Gambians actively participated, representing a broad spectrum of society. This included National Assembly Members (NAMs), Regional and District Authorities (Governors, Council Chairpersons/Deputy Chairpersons, Councilors, Chiefs), Local Authorities and community leaders (including religious leaders), public officials, Civil Society Organizations (CSOs), Media representatives, political actors, Persons with Disabilities (PWDs), Women leaders, Youth leaders, and Community-Based Organizations (CBOs). Each session commenced with formal opening ceremonies, featuring keynote statements delivered by representatives of the NCCE, distinguished guests, and Honorable National Assembly Members.

Key Deliberations and Feedback

The discussions and consultations covered a diverse and comprehensive range of issues, providing participants with a thorough understanding of the constitutional building process. Key areas of deliberation included:

- ✓ A review of The Gambia's constitution-making history from pre-independence to the 1970 Constitution and the 1997 Constitution.
- ✓ An in-depth look at the recent constitutional building efforts, including the 2017 enactment of the Constitution Review Commission Act, the Commission's establishment, and the subsequent production of the 2020 draft Constitution (its rejection by Parliament and lessons learned).
- ✓ Extensive analysis of the 2024 draft Constitution, often comparing it with the current 1997 Constitution and, at times, referring to the 2020 draft Constitution to facilitate informed discussion and better understanding, as well as to identify areas of convergence and divergence for opinion sharing and feedback gathering.

The **overarching aim** was to gather comprehensive feedback to inform, support, and guide National Assembly Members in the legislative process, emphasizing that the development of a new constitution is a monumental task requiring the active participation and collective wisdom of every Gambian citizen.

While there was a strong and consistent desire and call for unity and concerted effort towards adopting a new constitution, with many participants describing the current 1997 Constitution as a "mismatch" for a fully mature democracy, significant concerns were also raised. A prominent and recurring point of criticism throughout the dialogues was the perceived insufficient citizen consultation during the initial development of the 2024 draft Constitution. Many participants believed this perceived lack of inclusiveness had "cast a stain on its credibility and eroded public trust and confidence" in the entire process. This is said to have overshadowed public discussions on the 2024 draft Constitution since its gazetting, thus shifting the focus from its content towards process-related concerns.

Mainly focusing on the content of the 2024 draft Constitution, the deliberations were characterized by spirited debates, diverse reactions, insightful observations, and numerous recommendations. While agreements were reached on a good number of provisions, several concerns were also voiced about specific issues and provisions in the 2024 draft Constitution. Participants strongly urged the National Assembly to take note of these highlighted concerns and to make all possible efforts to address them.

Areas of concern and calls for inclusion

- i. **Citizenship:** While the provisions on citizenship under chapter IV were generally accepted, several concerns were raised regarding the situation of children born in The Gambia to non-Gambian parents who have resided, been raised, and educated in the country since birth. Participants noted that current Gambian laws do not adequately cater for these children. Although the 2024 draft Constitution acknowledges their existence (unlike the 1997 Constitution), it fails to prescribe clear pathways for them to acquire citizenship, instead requiring a separate Act of Parliament to make such provisions as stated in section 21.
Additionally, the stringent registration and naturalization process (stated in section 16 & 17 of the 2024 draft Constitution) drew concerns, with participants suggesting that its difficulties prompt some to seek irregular means to obtain citizenship, underscoring the necessity to streamline these requirements.
- ii. **Leadership and Integrity:** Given the heightened public perception regarding issues of bad governance, poor leadership, lack of transparency and accountability, and pervasive corruption, there was a strong and widespread call for the explicit inclusion of robust provisions on "Leadership and Integrity" within the 2024 draft Constitution.
- iii. **Right to Marry and Found a Family:** While the crafting of section 46 of the 2024 draft Constitution (Right to Marry and Found a Family) is well-acclaimed for clearly addressing ambiguities and concerns raised regarding the 2020 draft Constitution—by explicitly stating that marriage shall be solely a union between a man and a woman—there were still some concerns and called for a clearer definition of "man" and "woman".
- iv. **Right to Education:** There was a general call to extend free and compulsory education to the Senior Secondary School levels, rather than limiting it solely to Basic School levels, as currently stipulated in Section 49 (2a) of the 2024 draft Constitution.
- v. **Consumer Protection:** Considering the enduring economic challenges and the perceived unregulated business environment, which allegedly leads to the exploitation of citizens (consumers) by the business community, it was strongly opined that the inclusion of a consumer protection clause in the Constitution is crucial to address such exploitation, particularly by private entities.

- vi. **Independent Electoral Commission (IEC):** To guarantee the independence, public trust, and credibility of the IEC (and potentially IBEC), there was a strong call for the inclusion of National Assembly confirmation for Presidential appointments of its commission members. This concern stems from Section 72 of the 2024 draft Constitution, which limits the appointment authority to the President, without requiring National Assembly involvement.
- vii. **Qualifications of President:** On the qualifications for election as President (Section 83 of the draft Constitution), there was an overwhelming call to adjust the educational requirement from Senior Secondary School to at least a college diploma. This recommendation was based on the understanding of the Presidency as the highest office in the land, coupled with the increasing number of Gambians acquiring higher educational qualification. Concerns were also raised regarding the stipulated 12 years of work experience, which was described as excessive. Participants recommended limiting the work experience requirement to professional work and reducing the duration to at least five years of professional experience. Additionally, the lack of an upper age limit for the President was queried, with participants suggesting this be addressed.
- viii. **Presidential Term Limit Commencement:** While the presidential term limit of two five-year terms, as stipulated in Section 92 (2) of the 2024 draft Constitution, was welcomed, concerns were raised regarding the lack of specificity on the commencement of this term limit. This prompted a call for greater clarity to avoid ambiguity.
- ix. **Educational Qualification for Ministers:** Similar to the concerns raised for the presidency, the educational qualification for ministerial appointments, as stated in Section 106 of the draft Constitution, was widely queried as being too low. Considering the critical role of ministers as principal advisors to the president in their respective sectors, it was strongly recommended to increase the educational qualification to at least a university degree.
- x. **Disclosure Obligations:** It was recommended that Asset declaration for the Vice President and Ministers, as stated in Section 109 (1) of the 2024 Draft Constitution, should be extended to include declarations after leaving office, rather than being limited solely to the time of assuming office.
- xi. **Independence of the Director of Public Prosecutions (DPP):** The crucial need to safeguard the independence of the Director of Public Prosecutions (DPP) was a

significant concern. Consequently, recommendations were made to improve the provisions under Section 121 of the draft Constitution, particularly subsections (2), (5), and (9), which pertain to the appointment, removal, and control of the DPP.

- xii. **Election of Speaker and Deputy Speaker:** The call for the election of the Speaker and Deputy Speaker from among the elected National Assembly Members was strongly echoed across the respective sessions. This position contrasts with Section 125 (3) of the 2024 draft Constitution, which requires the Speaker and Deputy Speaker to be elected from among the nominated members.
- xiii. **Qualification of National Assembly Members:** Concerns were raised regarding the qualifications for National Assembly Members as stipulated in Section 126 (1) (c) of the draft Constitution. This section currently sets the minimum qualification at a secondary school education and the ability to speak English for participation in parliamentary deliberations. Participants considered this standard to be very low, leading to a request for an adjustment to a higher educational qualification, specifically at least a college diploma.

Furthermore, there was a unanimous call for a provision to allow the use of all national languages during debates at the National Assembly. This recommendation aims to ensure every citizen has the opportunity to follow and understand the issues being deliberated by Parliamentarians on behalf of their constituencies, thereby fostering greater public engagement and accountability.
- xiv. **Safeguarding the Independence of the National Assembly:** Concerns were raised regarding the authority granted to the President under Section 133 (2) and (5) of the 2024 draft Constitution to recall nominated National Assembly members. It was opined that amending these provisions is crucial to safeguard the National Assembly's independence and uphold the fundamental tenet of separation of powers within a democracy.
- xv. **Appointment of the Chief Justice:** There was a call for the appointment of the Chief Justice to be subjected to National Assembly confirmation, rather than being solely limited to the President in consultation with the Judicial Service Commission, as stipulated in Section 179 (1) of the 2024 draft Constitution. Additionally, it was widely recommended that the Chief Justice must be a citizen of The Gambia.

- xvi. **Appointment of Members of Independent Institutions:** It was recommended that the appointment of members to all Independent Institutions be subjected to National Assembly confirmation. This recommendation is in reaction to Section 197 (2) of the 2024 Draft Constitution, which solely vests this authority with the President in consultation with the Public Service Commission, without parliamentary oversight.

General Recommendations

Based on the extensive deliberations and feedback gathered from citizens across the country, the National Constituency Consultative Dialogue offers the following general recommendations for the ongoing constitutional building process:

- It is imperative that future stages of the remaining processes ensure broader, more transparent, and genuine citizen consultation. Addressing the perceived lack of inclusiveness in the initial development of the 2024 draft Constitution is crucial to rebuilding public trust and confidence.
- The National Assembly is strongly urged to carefully consider and incorporate the specific feedback and recommendations raised on critical provisions. These include, but are not limited to, qualifications for the Presidency, Ministers and National Assembly Members, and specify the commencement of the presidential term limit; strengthen accountability mechanisms and asset disclosure obligations; enhance the independence of institutions like the IEC, DPP, and other independent bodies; reviewing citizenship provisions to address the plight of children born to non-Gambian parents and ease stringent naturalization processes; explicit inclusion of "Leadership and Integrity" provisions; and addressing the need for a Consumer Protection clause.
- Provisions related to presidential appointments and the recall of nominated National Assembly members should be reviewed to reinforce the separation of powers and safeguard the independence of democratic institutions.
- The constitutional building process must continually strive to foster a sense of national ownership and unity, ensuring that the final document is a true reflection of the collective aspirations and wisdom of the Gambian people for a more inclusive, democratic, and just Third Republic.

Conclusion

These National Constituency Consultative Dialogues have unequivocally reaffirmed the public's profound desire for a new constitution and their eagerness to actively participate in the democratic process. The NCCE is dedicated to actively fostering civic engagement, national ownership, and democratic accountability by ensuring public involvement in The Gambia's constitutional building process. This approach moves beyond mere education, actively promoting constructive dialogue and diverse participation.

The invaluable insights and feedback garnered from these extensive discussions, particularly concerning both the content of the 2024 draft Constitution and the critical feedback on its consultation process, will be crucial in shaping the upcoming legislative efforts. The NCCE remains committed to facilitating a process that ensures the final constitution genuinely reflects the aspirations of all Gambians, thus laying a robust foundation for a more inclusive, democratic, and just Republic.

Done on the 1st Day of June 2025, Banjul, The Gambia



Alh. Sering Fye
Chairman, NCCE