

The Role of Parliaments in SSG: The case of The Gambia



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Introduction

The Gambia, one of the smallest and most densely populated countries in West Africa, has recently experienced a political transition after incumbent President Yahya Jammeh, who led the country for 22 years, was democratically succeeded by Adama Barrow in December 2016. This new political landscape has paved the way for long-awaited security reforms, as Jammeh's rule was marked by widespread human rights violations against dissenters, human rights defenders, and independent media – who were the regular victims of arbitrary detention, forced disappearances, extrajudicial killings, and torture.¹ This systematic repression notably reached its peak in July 2005, when security forces arrested about 50 migrants accused of involvement in a coup attempt. Over the next few days, most of these suspects were killed and their bodies dumped in wells.²

The Inspector General of the Police, the Director General of the National Intelligence Agency, the Chief of the Defence Staff, and the commander of the National Guard were reportedly all complicit in this crime and allegedly destroyed key evidence to hinder the work of international investigators. In fact, large-scale violations under Jammeh's rule were mostly perpetrated by or with the consent of the state security apparatus, which was highly politicized and riddled with corruption.³ Indeed, in the 2016 Transparency International Corruption Perceptions Index, released shortly before Jammeh's ouster, The Gambia ranked 145 out of the 180 countries assessed.

Since he entered office, President Barrow has vowed to depart from the misconduct of his predecessor. In keeping with his campaign promises, he has regularly reiterated his commitment to democratic norms, good governance, and the rule of law, as well as his intention to rid the country of a culture of impunity.⁴ To that end, and as part of an unprecedented attempt to reverse authoritarian trends in The Gambia, the government has initiated a series of reforms to promote good governance of the security sector and hold the executive to account for the conduct of security services.⁵

In their capacity as elected representatives, and as a key component of the oversight mechanisms that contribute to greater security sector governance (SSG), Gambian lawmakers should play a leading role in these ongoing reforms. Under the 1997 Constitution of the Republic of The Gambia (hereafter, the Constitution), the National Assembly – in particular, the Standing Committee on Defence and Security (SCDS) – was vested with powers that theoretically enable it to monitor the efficiency, transparency, and responsiveness of security institutions and officials.⁶ However, in the past, the Assembly was “severely constrained by the repressive measures of Jammeh's regime.”⁷ In 2013, for example, three members of the opposition were convicted of sedition and sentenced to five years' imprisonment after allegedly being tortured and deprived of legal representation.⁸ This

1 Amnesty International, *Dangerous to Dissent: Human Rights Under Threat in Gambia* (London, 2016). Available at: https://www.ecoi.net/en/file/local/1066761/1226_1465455365_afr2741382016english.PDF

2 See: Human Rights Watch, “Gambia: Ex-President Tied to 2005 Murders of Ghanaian and Nigerian Migrants,” 16 May 2018, <https://www.hrw.org/news/2018/05/16/gambia-ex-president-tied-2005-murders-ghanaian-and-nigerian-migrants> (accessed 2 March 2021).

3 In several reports, Human Rights Watch found that “the Jungulers,” an unofficial unit of up to 40 personnel largely drawn from the Presidential Guard, was most frequently implicated in serious abuses.

4 Abdoulie John and Carley Petesch, “New Gambian president promises reforms, freedoms,” Associated Press, 18 February 2017, <https://apnews.com/article/189d55850c344dcf8aca4bb7a7197bde> (accessed 2 March 2021).

5 This has led to the launch of both transitional justice and SSR processes. See: “Two-and-a-half years after Yahya Jammeh was chased from power, The Gambia stands at a crucial juncture in its transition process,” The Peace and Security Council Report, 24 July 2019, <https://issafrica.org/pscreport/psc-insights/the-democratisation-process-in-the-gambia-remains-fragile>

6 Section VII of the Constitution provides for “additional Functions” of the National Assembly's legislative powers. See: <http://hrlibrary.umn.edu/research/gambia-constitution.pdf>

7 DCAF, *SSR in The Gambia: Final Assessment*, 61.

8 Amnesty International, “The Gambia must immediately release three opposition members convicted of sedition,” 18 December

climate profoundly weakened the *authority, ability, and attitude* of Gambian lawmakers,⁹ as well as their capacity to provide any meaningful oversight.

To break with this past, newly elected lawmakers have expressed their willingness to adopt a culture of accountability that prioritizes the provision of responsive, people-centred security and justice.¹⁰ Still, despite the country's recent political transition, a number of challenges inherited from Jammeh's rule linger. Truly implementing SSG in The Gambia will only be possible if parliamentarians make full use of both their constitutional powers and

the support of international actors that have been promoting greater accountability in the country's security sector since 2016.

Following a brief overview of the ongoing challenges facing Gambian lawmakers, this case study offers an overview of potential remedies available in the context of SSG. It then reflects on the international support that has been provided to the National Assembly of The Gambia since the 2016 elections, before concluding by providing a series of recommendations aimed at ensuring that elected representatives embrace their role as leading actors in the SSG reform process.

Challenges inherited from the authoritarian period

During Jammeh's rule, the National Assembly was often described as "dormant,"¹¹ for it never fully performed its core functions, including scrutiny of the conduct of defence and security forces. Although the country's

recent political transition has brought new opportunities for Gambian parliamentarians, emerging difficulties related to the COVID-19 crisis are adding to unaddressed challenges inherited from the authoritarian period.

A lack of independence weakens the authority of the National Assembly

Over the past decades, the National Assembly has enacted a number of laws governing the security sector. These include the Gambia Armed Forces Act, the Police Act, the National Intelligence Agency Act, the Gambia Revenue Act, the Prisons Act, the Drug Control Act, and the Official Secrets Act. Yet, none of these laws contain provisions specifying the role of parliament; thus, the extent to which Gambian lawmakers can employ parliamentary tools to influence government policy and oversee the security services relies exclusively on provisions of the Constitution.¹²

The need for a new basic law has long been a central issue of debate in The Gambia. During the country's 22 years of dictatorship, the Constitution was altered through countless amendments that allowed Jammeh's party,

the Alliance for Patriotic Reorientation and Constitution (APRC), to manipulate the political process. This especially applied to Section 91, which provides that a member of parliament can lose their seat if dismissed from their party. In the absence of an intra-party democratic culture and process, this provision implies that, as party leader, a president may exert control over parliamentarians by threatening to exclude them from the party. Similarly, Section 92 stipulates that "An Act of [the] National Assembly may make provision for the recall of an elected member of the National Assembly" but does not explicitly state how. Lacking clear constitutional guidance, and given that Section 88(b) of the Constitution allows the president to nominate five parliamentarians, Jammeh argued that as a nominating authority,¹³ he also

2013, <https://www.amnesty.org/en/latest/news/2013/12/gambia-must-immediately-release-three-opposition-members-convicted-sedition/> (accessed 2 March 2021).

9 This case study analyses the role of the National Assembly in SSG through the lenses of these three features, commonly referred to as "the trinity of As." For more, see: DCAF, "Parliaments," SSR Backgrounder, 2015. Available at: https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_8_Parliaments.11.15.pdf

10 For example, see: Bertelsmann Stiftung, BTI 2020 Country Report: Gambia (Gütersloh, 2020). Available at: https://www.bti-project.org/content/en/downloads/reports/country_report_2020_GMB.pdf

11 DCAF, "Report on capacity building for members of the Standing Committee on Defence and Security," 2018, 2.

12 Adedeji Ebo and Boubaçar N'Diaye, eds., *Parliamentary Oversight of the Security Sector in West Africa: Opportunities and Challenges* (DCAF, 2008). Available at: https://www.dcaf.ch/sites/default/files/publications/documents/bm_parliament_oversightssrafrica_en.pdf

13 Section 88(1)(b) of the Constitution empowers the President to "nominate five members of the National Assembly."

had the legal authority to remove a nominated member from the Assembly. As a result, in every parliamentary term, Jammeh nominated and dismissed as many lawmakers as he pleased, and notably did so when a parliamentarian voted against bills he had proposed.

Despite the protest of most members of parliament, President Barrow recently dismissed Ya Kumba Jaiteh in similar fashion, in retaliation for alleged criticism. Although supporters of Barrow contend he has the power

to make such a dismissal, the decision was met with strong dissent. Both local and international observers emphasized that no provision in the Constitution grants the president the authority to revoke, dismiss, terminate, or end the tenure of a nominated or elected member of the National Assembly, and that such practices have “profoundly eroded and undermined the fundamental doctrine of the separation of powers.”¹⁴

A lack of resources undermines the ability of the National Assembly to engage in oversight

In addition to the lack of authority afforded to the National Assembly as the result of certain constitutional provisions, Gambian lawmakers also lack the resources and expertise necessary to fully perform their oversight function. According to international standards, these resources should include both the financial means to fund public hearings, convene witnesses, and conduct on-site visits or inspections, and the human capital to ensure that advice from legal experts and specialized support staff informs the intentions of individual lawmakers and is translated accurately into proposed legislation.¹⁵ While the government can draw on large ministerial bureaucracies, Gambian parliamentarians have only a small internal support infrastructure, which prevents them from collecting firsthand information on their own; and notably, the staff mandated to assist in this task may have limited or no expertise in the area of SSG and may lack basic understanding of the research they are expected to undertake, as they have been

hired solely on the basis of personal affinities with either lawmakers or senior officials.¹⁶ As a result, a small number of experts must cover a wide range of activities, from secretarial work to judicial advice, to drafting legislation, documents, research papers, or speeches.¹⁷ To overcome these institutional weaknesses, the National Assembly tends to outsource this work and is heavily dependent on external “Subject Matter Specialists”.

Lawmakers themselves have received little to no training on SSG and/or cross-cutting issues, such as gender equality and compliance with human rights. Moreover, many newly elected members are young and possess only a secondary school diploma, as shown in Figure 1 below.¹⁸ Due to their limited expertise in these areas, efforts by parliamentarians to oversee justice and security institutions are often carried out on an ad hoc basis and fail to reflect any long-term vision for these sectors.¹⁹

14 See: Kebba Ansu Manneh, “Gambia Bar Association Faults Kumba Jaiteh’s Dismissal,” *The Chronicle*, 27 February 2019, <https://www.chronicle.gm/gambia-bar-association-faults-kumba-jaitehs-dismissal/> (accessed 2 March 2020); and Abdoulaye Fatty, “Attempted removal of nominated NAM is constitutionally wrong - Both legally and politically,” *Law Hub Gambia* (blog), 18 March 2019, <https://www.lawhubgambia.com/lawhug-net/attempted-removal-nam-is-constitutionally-wrong> (accessed 2 March 2021).

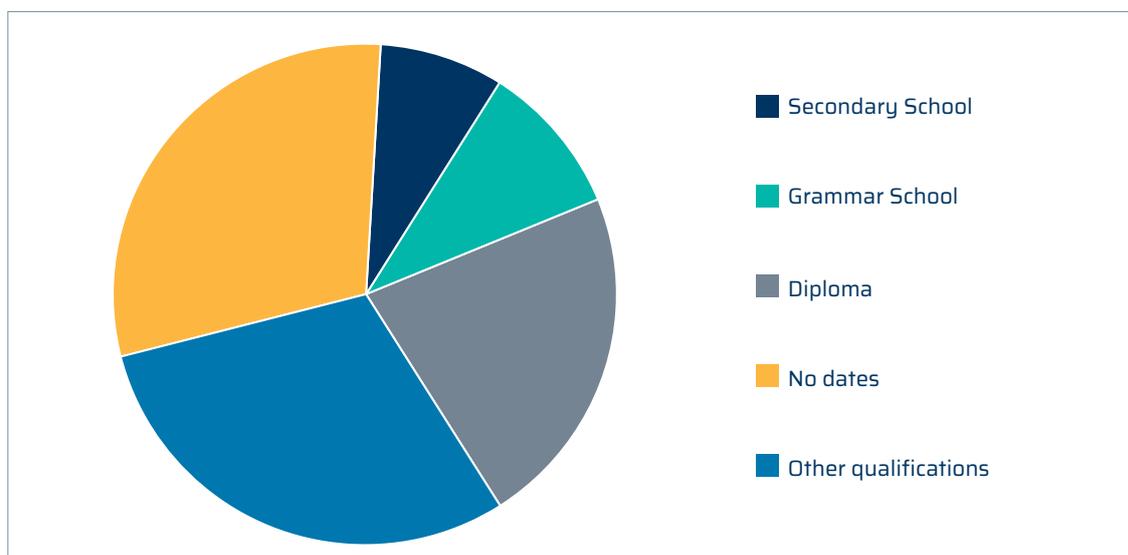
15 See: Commonwealth Parliamentary Association (CPA), “Recommended benchmarks for democratic legislatures,” Articles 5.1.1 and 5.1.4; and Katharine MacCormick, John Mark Keyes “Roles of Legislative Drafter Offices and Drafters,” Canadian Department of Justice, n.d., especially page 12: “a drafter is as critical to drafting than an advocate to a court case...” Available at: <file:///C:/Users/contej/Downloads/LD94-Maccormick.eng.pdf>

16 Interview by author with members of the Assembly.

17 Ibid.

18 According to the Interparliamentary Union, nearly 60% of parliamentarians are under 45 years old. Data on educational backgrounds from the Westminster Foundation for Democracy (see: <https://www.wfd.org/network/the-gambia/>)

19 DCAF, “Report on capacity building for members of the Standing Committee on Defense and Security.”

Figure 1. The educational background of National Assembly Members

Source: ECPR Graduate Conference, 4–6 July 2012

(<https://ecpr.eu/filestore/paperproposal/b72fcc08-74a1-481c-ad7d-40960013d1ba.pdf>)

A lack of established practices makes it hard to shape attitudes in the National Assembly

It is not enough to have the constitutional authority and resources for oversight; lawmakers must also have the will to effectively use the tools at their disposal in the context of well-rounded parliamentary practices. In the case of The Gambia, members of the National Assembly lack such practices, especially when it comes to legislative scrutiny. For example, contrary to international good practice suggesting that parliaments should “refer legislation to a committee, and any exceptions must be transparent, narrowly-defined, and extraordinary in nature,”²⁰ bills in the Assembly tend to be scrutinized in plenary rather than by the relevant standing committee.²¹ Even in cases where standing committees carry out a clause-by-clause analysis of a draft law and recommend amendments in a report presented in plenary, all members of the Assembly may re-introduce amendments, thus undermining the role and effectiveness of parliamentary committees.

Similarly, while international good practice recommends that “opportunities shall be given for public input into the legislative process,”²² there is no parliamentary practice in The

Gambia to hold public hearings that are open to citizens or civil society organizations (CSOs), and the National Assembly does not publish activity reports. The confidential nature of parliamentary hearing makes it difficult to ascertain whether Gambian lawmakers have demonstrated a reluctance to scrutinize the security sector under Barrow’s presidency, though some suspect his recent dismissal of Jaiteh may have discouraged other members of the Assembly from fully performing their oversight duties. Several local CSOs, including the Gambia Bar Association, have collectively denounced what they regard as an unconstitutional act by Barrow and have highlighted the risk of self-censorship that may result.²³

These concerns are even more immediate within the current context of a global health crisis. Indeed, the coronavirus pandemic has upset the balance of power between the legislative and the executive to an extent rarely experienced in peacetime in The Gambia. This has further impacted the authority, ability, and attitude of Gambian lawmakers.

20 Commonwealth Parliamentary Association, “Recommended benchmarks for democratic legislatures,” Article 3.2.2.

21 DCAF, “Report on capacity building for members of the Standing Committee on Defense and Security,” 5.

22 Commonwealth Parliamentary Association, “Recommended benchmarks for democratic legislatures,” Article 3.1.5.

23 Manneh, “Gambia Bar Association Faults Kumba Jaiteh’s Dismissal.”

Emerging challenges related to COVID-19

In addition to the limitations detailed above, the recent outbreak of COVID-19 poses yet another challenge to the National Assembly. President Barrow is already facing serious economic and political crises that extend from Jammeh's legacy of mismanagement, and the global health crisis has the potential

to further destabilize his government if not properly addressed. According to the World Health Organization's COVID-19 Dashboard, The Gambia has reported nearly 4,000 cases of the virus and approximately 130 deaths, which is considerably more than in some of its similar-sized neighbours, like Guinea Bissau.

The impact of the COVID-19 pandemic on civil liberties and security

In a bid to curb the spread of the pandemic, the executive declared a state of emergency on 27 March 2020, subsequently adopting a series of measures restricting the freedom of movement of Gambians. Most of the exceptional measures adopted under this state of emergency have significantly impacted ordinary Gambians, generating widespread frustration, especially among the poorest and most vulnerable – many of whom are cut off from essential services.²⁴ Although officials have begun to ease some restrictions, allowing markets, religious establishments, and high schools to reopen on 8 June, for instance; measures such as curfews and quarantines continue to have an outsized impact on certain populations and restrict many people's access to healthcare.

The COVID-19 outbreak has also had a significant effect on the overall security context in the country. Pandemic-related restrictions and their economic impact have contributed to a worsening of existing tensions, in particular triggering clashes between local populations and the security apparatus. This was seen in a recent crackdown by security forces on thousands of demonstrators who gathered to demand that Barrow step down.²⁵ The police arrested 137 people and fired tear gas at protesters, who responded by throwing stones and setting tyres aflame. These developments are all the more worrying considering that the National Assembly is severely constrained in its capacity to perform its oversight functions as a result of the coronavirus crisis.

The impact of the COVID-19 pandemic on the functioning of the National Assembly

In such an exceptional context, it is essential to closely monitor the security measures adopted by the executive, and to correct them where necessary. Given its traditional oversight function and ability to scrutinize bills introduced by the government, the National Assembly is best equipped to meet this mandate. Yet, unlike most of its neighbours in the sub-region, where parliamentarians have continued to meet either physically or virtually during the pandemic, the National Assembly of The Gambia suspended its regular sessions altogether on 18 March 2020 for the duration

of the state of emergency.

It is important to note, however, that Gambian legislators have rejected motions to extend the state of emergency since May 2020, and President Barrow has unilaterally extended it anyway, despite the vote of the Assembly.²⁶ This has prompted some parliamentarians to consider launching a formal impeachment inquiry. Whether the National Assembly will actually implement such a strategy is unclear, though, raising serious concerns over the de facto permanence of the state of emergency.²⁷

24 See: UNDP, "Update on the Socio-Economic Situation Following COVID-19 Outbreak in The Gambia," Brief #1, 27 March 2020. Available at: <https://www.undp.org/content/undp/en/home/coronavirus/socio-economic-impact-of-covid-19.html>

25 "Gambia launches crackdown on anti-Barrow protests," CGTN, 27 January 2020, <https://africa.cgtn.com/2020/01/27/gambia-launches-crackdown-on-anti-barrow-protests/> (accessed 2 March 2021).

26 Kebba Af Touray, "Gambia: National Assembly Rejects Motion to Extend State of Public Emergency," Foroyaa, 14 July 2020, <https://foroyaa.net/national-assembly-rejects-motion-to-extend-state-of-public-emergency> (accessed 2 March 2021).

27 "Has The National Assembly Dashed The Hopes Of The People Again On The State of Emergency?" Foroyaa, 14 July 2020, <https://foroyaa.net/has-the-national-assembly-dashed-the-hopes-of-the-people-again-on-the-state-of-emergency/> (accessed

Though this situation is ultimately temporary, it has disrupted the work of Gambian lawmakers and has prevented them from performing meaningful parliamentary oversight. Under these circumstances, various rights, from the right to life to other human rights like freedom of expression, have been particularly exposed to violation. In fact, in June 2020, officers of Gambia's anti-crime police unit arrested and

jailed a journalist for photographing the arrests of people protesting COVID-19 restrictions.²⁸ Several CSOs have raised the alarm about this and other incidents, reporting what they regard as abusive practices and calling for greater scrutiny from the National Assembly of seemingly arbitrary measures taken under the state of emergency.²⁹

Potential remedies to the National Assembly's limitations

While the National Assembly of The Gambia has faced and continues to face the numerous challenges described above, all of which prevent it from fully exercising its core oversight function vis-à-vis the security sector, a deep cultural and institutional shift is needed to completely overcome these issues. Existing instruments and tools can help Gambian parliamentarians reclaim some long-neglected prerogatives and mitigate these difficulties,

including some tools and practices that, while flawed, proved useful even during Jammeh's era. And although it has been highly criticized, the institutional framework regulating the activity of the Assembly contains relevant enabling provisions that, when combined with renewed parliamentary practices arising from the political transition, could provide a sound basis for greater security sector oversight.

Reaffirming the authority of the National Assembly through the legislative framework

Despite numerous amendments to the Constitution made by Jammeh to give extensive power to the executive at the cost of the National Assembly, several provisions in the Constitution nonetheless retain effective tools for parliamentary oversight.³⁰ Given the new political landscape in The Gambia,

these provisions could be used to reaffirm parliamentary authority. Beyond this, the authority of the Assembly is reinforced by its Standing Orders, which give it "the power to regulate its own procedure, proceedings and how to make law."³¹

The 1997 Constitution

Section 109(d) of the Constitution is key to oversight by the National Assembly, granting Gambian parliamentarians various powers of monitoring, including the power to "investigate or inquire into the activities (...) of the government (...) or any matter of public importance." Such investigations or inquiries "may extend to making concrete proposals for legislation." Similarly, Section 109 provides

that, for the purpose of effectively performing its functions, the SCDS shall have the same powers as the High Court during trials. Notably, this includes enforcing the appearance of witnesses and examining them - including from abroad - as well as compelling the production of documents, regardless of their confidential nature. Any information collected during SCDS hearings, along with any gathered from other

2 March 2021).

28 "Gambian police detain journalist documenting COVID-19 protests," Committee to Protect Journalists, 15 July 2020, <https://cpj.org/2020/07/gambian-police-detain-journalist-documenting-covid-19-protests/> (accessed 2 March 2021).

29 "The National Assembly Must Maintain Oversight," Foroyaa, 1 April 2020, <https://foroyaa.net/the-national-assembly-must-maintain-oversight/> (accessed 2 March 2021).

30 For more on Jammeh's constitutional legacy, see: Madi Jobarteh, "From dictatorship to a new Constitution in The Gambia: Issues and Concerns," ConstitutionNet, 22 January 2018, <http://constitutionnet.org/news/dictatorship-new-constitution-gambia-issues-and-concerns> (accessed 2 March 2021).

31 The Constitution of the Republic of The Gambia, Section 108(1).

sources, is analysed by the Committee and may result in the formulation of recommendations or the production of a report.

The Constitution also establishes a system of checks and balances to prevent the executive from concentrating or consolidating power, especially in times of crisis. Importantly, Section 34 subjects the exercise of presidential power in declaring a state of public emergency to the oversight and scrutiny of the National Assembly. In constitutional terms, the President has the power to declare a state of public emergency, but the power to extend this extraordinary measure beyond the legal term of seven days is vested exclusively in the Assembly. Still,

a recent attempt by Gambian lawmakers to enforce this provision within the context of the COVID-19 health crisis was unsuccessful.

Gambian parliamentarians made an important change to the legal framework in December 2017 by voting overwhelmingly to repeal Section 91(1) of the Constitution.³² This section rendered its members vulnerable to removal from office by party leaders. According to Hassan Bubucar Jallow, who moved the motion, it was intended to “grant independence to the National Assembly members from their respective parties and political leaders” and “further enhance the freedom of speech and debate as enshrined in the Constitution.”³³

Standing Orders

Standing Orders empower the National Assembly to regulate its own procedure and law making, and the national courts are barred from inquiring into any “decision, order or direction of the National Assembly or any of its Committees or the Speaker relating to the Standing Orders of the National Assembly, or to the application or interpretation of Standing Orders, or any act done by the National Assembly or the Speaker under any Standing Orders.”³⁴ In June 2020, the Standing Orders of the Assembly were thoroughly revised. As the Chairperson of the Standing Order Committee Sidia Jatta has noted, these Orders “are dynamic living documents that require updating and amendments to meet the prevailing time and circumstances (...) and are geared to ensure sanity and order in the current Legislature.”³⁵ To that end, Gambian lawmakers have renewed various instruments at their disposal to fulfil their security sector oversight function. This particularly applies to the SCDS, to which a new Standing Orders confers the duty to “consider and advise the government on all matters connected with defence and security of the Nation.”³⁶

According to Section 36 of the Orders, “The Vice President and Ministers shall (...) be requested to attend sittings of the Assembly to answer... topical questions and urgent oral questions asked of them.” Through this mechanism, Gambian parliamentarians have the power to submit an official request for information or clarification to the government in relation to national security policy. In addition, they may put written questions to the government, either in relation to its general national security policy or to operations under the charge of a specific security department.³⁷ A disagreement between the government and the legislature may, in some circumstances, result in a vote of no confidence.³⁸ Sections 55 and 56 of the new Standing Orders specify the conditions under which Gambian lawmakers can withdraw confidence in the government or organize votes of no confidence against individual ministers or the president, on such grounds as abuse of office, violations of any provision of the Constitution, or misconduct.

32 In the draft constitution of 2020, Section 91 has been replaced by Section 142, which provides that the office of a member of the National Assembly becomes vacant if, “having been elected as a member of a political party, he or she voluntarily resigns from that political party (...) or joins another political party. Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/110050/136735/F-960144044/GMB109558%202020.pdf>

33 “Nams Pass Bill To Strengthen Their Independence,” Foroyaa, 23 December 2017, <https://foroyaa.net/nams-pass-bill-to-strengthen-their-independence/> (accessed 2 March 2021).

34 The Constitution of the Republic of The Gambia, Section 108(2).

35 Kebba AF Touray, “National Assembly Adopt Revised Standing Orders 2019,” Foroyaa, 13 September 2019, <https://foroyaa.net/national-assembly-adopt-revised-standing-orders-2019/> (accessed 2 March 2021).

36 Standing Orders of the National Assembly, 25 June 2020, Section 117(1).

37 Ibid., Section 46

38 Ibid., Section 55

Strengthening the authority of the National Assembly through renewed practices

While various tools and instruments fell into disuse under Jammeh's rule, there has been a notable change in the attitude of Gambian parliamentarians in the post-Jammeh era. In a marked departure from the past, and despite the fact that a majority of lawmakers still belong

to the ruling party, newly elected members of the National Assembly have demonstrated a serious commitment to holding the executive to account. They appear to be willing to use all the mechanisms available to them, including several important renewed practices.

Questioning and hearings

In 2017, the National Assembly posed 180 questions during just one of its four annual sessions. This may not seem remarkable, except that only 17 questions had been raised by the previous Assembly in the entire 22 years of Jammeh's dictatorship.³⁹ Some parliamentarians in the new legislature, including Halifa Sallah, Sidia Jatta, Dawda Jawara, and Ya Kumba Jaiteh, have been particularly active in that regard and therefore enjoy considerable popularity among CSO activists and local media. On 9 July 2020, for example, Sallah

put forth a motion, which was subsequently adopted, to summon Vice President Isatou Touray to clarify the position of the government on the declaration of a state of emergency and its potential extension.⁴⁰ Similarly, members of the SCDS have summoned security sector actors to hearings, either to gather information for the purpose of reviewing a draft bill or to obtain relevant documents to help them make better-informed decisions; often resulting in the formulation of recommendations or the production of a report

Motions and vetting

To regain its influence and perform its oversight function more effectively, the National Assembly has also been instrumentalizing motions – both by issuing them and by rejecting those put forth by the government. As discussed earlier, the Assembly adjourned a motion to extend the state of public emergency on 3 April 2020, and referred the issue to the parliamentary Standing Committee on Human Rights and Constitutional Matters to ensure that the appropriate choice was made “for the well-being of Gambians.”⁴¹ Although President Barrow disregarded the vote of the Assembly

and unilaterally extended the state of emergency, this attempt by parliamentarians to hold the government to account and monitor its actions even under exceptional circumstances clearly demonstrated the renewed commitment of members to their oversight duties. The Assembly has proven quite effective at vetting the appointments of high-ranking security sector officials as well, for example rejecting the December 2019 appointments of Baboucar A. Suwaneh as Ombudsman and Col. Ndow Njie to serve on the Gambia Armed Forces Council.

On-site visits

Since President Barrow's election, relevant committees of the National Assembly have also carried out several on-site visits to strengthen their relationship and build trust with local communities. In October 2020, for instance, the Standing Committee on Human Rights and Constitutional Matters spent a week visiting

detention centres in various parts of the country. According to a public statement released on the Assembly's website, the purpose was to enable the Committee to collect and analyse “first-hand information on the level of compliance of the country's detention facilities with human rights standards.”⁴²

39 The Gambia National Development Plan (2018-2021), p. 186. Available at: <https://www.thegambiatimes.com/wp-content/uploads/2018/02/1.-The-Gambia-National-Development-Plan-2018-2021-Full-Version.pdf>

40 “State of Emergency: Halifa Sallah Casts Proposal For National Assembly To Summon Vice President,” The Fatu Network, 9 July 2020, <https://fatunetwork.net/state-of-emergency-halifa-sallah-casts-proposal-for-national-assembly-to-summon-vice-president/> (accessed 2 March 2021).

41 Ismaila Sonko, “Assembly refers motion for extension of State of Public Emergency,” The Point, 3 April 2020, <https://thepoint.gm/africa/gambia/article/assembly-refers-motion-for-extension-of-state-of-public-emergency> (accessed 2 March 2021).

42 Facebook post of The Gambia National Assembly, 20 October 2020, <https://www.facebook.com/GambiaAssembly/posts/685258678763400> (accessed 2 March 2021).

International community support to the National Assembly

In addition to these enabling instruments and practices, Gambian parliamentarians can also rely on support from the various international actors that have encouraged the country's transition towards democracy since the 2016 presidential election. Within this framework, several notable assistance programmes have been implemented to help strengthen the ability of the National Assembly to perform its oversight function. Indeed, while

the international community's disappointment with Jammeh led to significant cuts in foreign aid to The Gambia during his rule, the country has gained renewed international attention since Barrow was elected and has benefited from numerous assistance projects designed to support its democratic transition – including through capacity building among National Assembly members.

Efforts by the international community to build capacity and strengthen oversight

Certain parliamentary committees, including the SCDS, must have sufficient capacity and logistical means to effectively perform their mission. Every parliament must therefore ensure that lawmakers operate in a workspace well-equipped for this purpose. Thus, since 2018, the Westminster Foundation for Democracy (WFD) has been supporting the National Assembly in building internal structures and increasing the capacity of staff. For the first time since the National Assembly was established, this initiative has contributed to the creation of specific research and communication units, which are now fully functioning.⁴³

To strengthen the internal processes of the Assembly at large and improve the capacity of members to perform their core law making and oversight functions, WFD also helped Gambian parliamentarians undertake a review of the Assembly's Standing Orders. In a three-day workshop organized by WFD in 2019, participants explored new procedures for legislative scrutiny, the roles and responsibilities of different stakeholders in this process, and effective methods for public consultation and engagement.⁴⁴ This was important groundwork in the process of updating the Standing Orders, which has reinforced the oversight authority of the Assembly, as noted above.

Given the critical importance of the national budget and the highly specialized skills needed

to analyse it, several international organizations have also focused their support on strengthening the financial oversight capacity of Gambian lawmakers.⁴⁵ Notably, in November 2020, the International Republican Institute (IRI) organized a three-day retreat to help Gambian deputies carry out a comprehensive analysis of the 2021 draft estimates of revenue and expenditures of the government.⁴⁶ In accordance with Section 27 of the Public Finance Act (2014), which requires the National Assembly to appoint a small core of technical staff ahead of its deliberations on the national budget, this activity enabled Gambian lawmakers to improve the overall efficiency, transparency, and accountability of public services – including in the security sector.

The EU has provided support on budgetary oversight to Gambian lawmakers, too. In fact, within the framework of the INTER PARES initiative, and in collaboration with International IDEA, a fully-fledged financial management system has been developed for the National Assembly. Several activities to ensure that committees have the necessary procedural, human, and financial resources in place to perform budgetary oversight have been implemented by the EU as well. Further, it has developed a parliamentary management structure establishing an effective operational framework to clearly outline the roles of different political and administrative actors and ensure an effective and operational organizational chart.⁴⁷

43 Information provided by WFD.

44 See: Commonwealth Parliamentary Association UK, "The Gambia - Standing Orders Workshop," 12 April 2019, <https://www.uk-cpa.org/news-and-views/the-gambia-standing-orders-workshop/> (accessed 3 March 2021).

45 The importance of budget scrutiny as an element of parliamentary oversight is emphasised, for example, in: Ornella Moderan, "Political Leadership and National Ownership of Security Sector Reform Processes" in Toolkit for Security Sector Reform and Governance in West Africa (Geneva: DCAF, 2015), Tool 5: Parliamentary Oversight of the Security Sector.

46 Facebook post of The Gambia National Assembly, 13 November 2020, <https://www.facebook.com/GambiaAssembly/posts/702502413705693> (accessed 3 March 2021).

47 For more on the work of the INTER PARES initiative – which is part of the EU Global Project to Strengthen the Capacity of Parlia-

The contribution of DCAF to strengthening parliamentary capacity in The Gambia

In this context, DCAF has been another important international partner for The Gambia, contributing to various capacity-building initiatives in the country since 2018. Two projects – funded by the EU and France – have allowed the organization to pursue the objective of supporting a fully inclusive, coordinated SSR process, and one with genuine civilian oversight. The EU-funded project, Support to Security Sector Reform in The Gambia (2018-2020), is structured around two main axes: (1) supporting SCDS members in exercising oversight of the security sector in an effective and transparent manner, and (2) strengthening awareness among relevant CSO and media representatives of key security-related issues.⁴⁸ To ensure local ownership and impartiality throughout implementation, all project activities have been designed and implemented jointly with members of the National Assembly. In particular, training was delivered on topics that Gambian parliamentarians themselves identified as priorities, which led to the adoption of a strategic plan. To encourage the involvement of the greatest number of Assembly members, DCAF also remained flexible in its implementation of the project; for instance, removing some training topics from the schedule in order to dedicate more time to strategic planning based on real-time feedback from SCDS members.

Other activities organized by DCAF have helped Gambian lawmakers to set up clear oversight goals. Notably, a study trip to Ghana gave them an opportunity to exchange views and knowledge with their Ghanaian peers and identify concrete strategies to better implement oversight prerogatives. Gambian lawmakers highlighted some of the direct outcomes of this effort, including: their scrutiny of the bilateral security agreement between The Gambia and Turkey, which led members to convince the government to substantially modify some key provisions;⁴⁹ the decision to hold proactive meetings with the

heads of security institutions during 2019 budget deliberations and jointly address priorities and concerns throughout the drafting phase; and the organization of parliamentary hearings to inquire about agreements between the government and SEMLEX for the production of biometric national identification cards.⁵⁰

Still, in a final evaluation report for the project, DCAF noted that most parliamentarians who were interviewed expressed concerns that they would be prevented from making full use of their newly acquired skills by the lack of parliamentary infrastructure. For example, due to high turnover in the National Assembly, many SCDS members may not be nominated or re-elected in upcoming legislative elections, and in the absence of an effective handover mechanism, lawmakers worry about significant losses of institutional knowledge. On top of this, though SCDS members reported improved relations with the heads of key security institutions, notably in the defence sector, they still viewed their interactions with these officials as too limited and said that information exchange occurred primarily between individuals with minimal influence on the legislative process.

For these reasons and others, SCDS members were pessimistic about the reform process, despite their positive assessment of the support provided by DCAF and the outcomes of the project. Many also cited a lack of political will from the executive as an obstacle, as well as the increasing politicization of parliamentary debate following the break between President Barrow and his former party.⁵¹ This may make it even harder to reach consensus over what SSG implies in The Gambia.

ments – in The Gambia, see: <https://www.inter-pares.eu/partnerships/inter-pares-partnership-national-assembly-gambia-round-i> (accessed 3 March 2021).

48 For more on DCAF's activities in The Gambia, see: <https://www.dcaf.ch/ssr-gambia>

49 "Gambia, Turkey to strengthen bilateral relations," Agence de Presse Africaine, 24 January 2020, <http://apanews.net/en/pays/gambie/news/gambia-turkey-to-strengthen-bilateral-relations> (accessed 3 March 2021).

50 The thoughts of lawmakers were included in DCAF's final evaluation report for the project.

51 See: "Gambia: President Adama Barrow launches his political party," The North Africa Post, 3 January 2020, <https://northafricapost.com/36670-gambia-president-adama-barrow-launches-his-political-party.html>; and Sarah Mukabana, "Gambia president forms new political party," CGTN, 1 January 2020, <https://africa.cgtn.com/2020/01/01/gambia-president-forms-new-political-party/> (accessed 3 March 2021).

Conclusions and Recommendations

Since the peaceful end to Jammeh's 22-year authoritarian rule in 2017, The Gambia has been implementing SSR processes as part of national reconstruction efforts.⁵² Once known as a country where forced disappearances, arbitrary arrests, torture, and extra-judicial killings were perpetrated with impunity by security services against political opponents of the regime, significant improvements have been made to enhance the accountability, professionalism, and democratic civilian controls of security forces. Indeed, in close collaboration with the international community, a series of SSR initiatives were implemented to develop policy frameworks and to reform the Gambian military, police, and intelligence services. However, The Gambia continues to grapple with numerous challenges, and remnants of former autocratic state institutions remain.⁵³

It is promising that newly elected parliamentarians have expressed their willingness to adopt a culture of accountability that focuses on the provision of responsive, people-centred security and justice.⁵⁴ But the overall lack of capacity and resources within the National Assembly, coupled with the lack of political consensus over what good SSG entails, will make their task challenging for the foreseeable future. Whether the country can establish a stable political system that fosters security and create an environment conducive to economic growth and democracy will largely depend on its ability to ensure that the National Assembly fully takes on its leading role in the SSR reform process.

While this case study did not seek to identify specific programmatic strategies for future assistance – which would require extensive dialogue with Gambian parliamentarians – several avenues of support may be worth exploring going forward, to strengthen the impact of members of the National Assembly on SSR/G:

1. Firstly, although Gambian lawmakers have received comprehensive training through various international assistance programmes since 2017, they have not (and cannot be expected to) become SSR/G specialists in this short time and still lack experience in this field. Therefore, efforts should be sustained to expand their knowledge of core SSR/G principles as well as to raise their awareness about the impact of parliamentary functions on the overall SSG process. To ensure greater continuity, training should be delivered at regular intervals by “in-house advisors” and/or include a “training-of-trainers” (ToT) component.
2. Secondly, and similarly, efforts to engage former and current parliamentarians in a lessons-sharing process should be continued, to avoid institutional knowledge loss and more effectively mitigate the effects of parliamentary turnover. This exchange should include key tips for incumbents and documented good practices, and could lead to the adoption of recommendations that the Assembly could eventually translate into internal policy.
3. Thirdly, capacity-building programmes should place a greater emphasis on involving staff in the Assembly, including senior clerks and legal advisors. Impartial, highly professional, and qualified staff with institutional knowledge are a key resource for both continuity and sustainable change in parliaments.⁵⁵ To prevent Gambian lawmakers from over-relying on reports from so-called Subject Matter Specialists, who often fail to provide them with in-depth analysis of current security issues, parliamentary staff should receive regular training to help them effectively collect and analyse information that is relevant to the daily work of parliamentarians. Hence, future assistance programmes should consider providing ongoing training and mentoring of staff, possibly through the development of a training centre. Training programmes could be supplemented by

52 Chido Mutangadura, “Security sector reform in The Gambia: What is at stake?” Institute for Security Studies, West Africa Report 31, November 2020. Available at: <https://issafrica.s3.amazonaws.com/site/uploads/war-31-1.pdf>

53 Ibid.

54 BTI 2020 Country Report: Gambia

55 Inter-Parliamentary Union, “Common Principles for Support to Parliaments,” 2014. Available at: http://archive.ipu.org/pdf/publications/principles_en.pdf

the production of guidance documents and handbooks on good practices in research and analysis.⁵⁶

4. Lastly, to mitigate the lack of direct communication between Gambian parliamentarians and state security providers, future efforts should encourage both parties to interact on a more formal, regular basis. This could be achieved through joint activities, such as seminars and study tours, involving Gambian lawmakers and the senior leadership of relevant security institutions. In addition to forging new communication channels, this would enable Assembly members to share views on common SSG issues and adopt a holistic approach to the ongoing reform process; a task that the parliament is now better equipped to take on.

⁵⁶ For example, see: DCAF, "Training Toolkit for Parliamentary Staffers," June 2012. Available at: https://www.dcaf.ch/sites/default/files/publications/documents/Toolkit_PSAP_all.pdf



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