

STANDING ORDERS WORKSHOP - NATIONAL ASSEMBLY OF THE GAMBIA

SUMMARY REPORT

8 - 10 APRIL 2019

Impact:

Members of the National Assembly are more confident and skilled to implement the new Standing Orders, and conduct their parliamentary duties in an effective, accountable and inclusive manner, while strengthening the UK's relations with the Gambia.

Outcomes:

1. Members of the National Assembly have strengthened their understanding of the changes to the Standing Orders, identified the impact of these changes on parliamentary procedure and their responsibilities, and explored ways in which to implement these changes.

2. Clerks of the National Assembly have strengthened their understanding of the changes to the Standing Orders, identified the impact of these changes on parliamentary procedure, and increased their confidence in advising Members on these changes.

3. The relationship between the UK (CPA UK and the UK Parliament) and the Gambia has further strengthened.

Outputs:

1. At least 20 Members and five clerks of the National Assembly have attended the workshop programme and report greater confidence in performing their parliamentary responsibilities in accordance with the revised Standing Orders.

2. Participants have identified specific changes or actions they will undertake within six months after the end of the workshop as a direct result of their participation.

3. A comprehensive post-programme report is produced and disseminated to all participants and key stakeholders.

From 8-11 April 2019, Members, clerks and officials of the National Assembly of the Gambia participated in a workshop on the implementation of revised Standing Orders facilitated by CPA UK and the National Assembly. The workshop focused on **the role and legal framework of Standing Orders, rules and procedure within the Chamber and committees, the overall management of Assembly business, as well as resources and guidance to support parliamentarians and officials** in updating their processes. The delegation, led by the Lord German OBE and including Hon. Juan Watterson SHK and Nick Beech, collaborated with National Assembly Members (NAMs) in leading topical sessions with additional expertise provided by Hon. Sidia Jatta, National Assembly Member for Wuli West and Chair of the Standing Orders Committee, and Kalipha Mbye, Director of the Table Office.

The revised Standing Orders introduce changes that will directly affect the daily work of NAMs, from the endorsement of **authoritative Speaker's rulings** to early **availability of order papers** and **electronic voting** in the Chamber. One of the most challenging changes discussed concerned the legislative process: With bills previously passed in the National Assembly within one day, the new Standing Orders prescribe a nine-day process to facilitate **thorough pre-legislative scrutiny**. Workshop participants completed a process mapping exercise to clarify each step and stakeholder involved. **Interactive sessions** saw participants assess admissible or inadmissible **amendments**, draft an order paper as a Member of the new **Assembly Business Committee**, and identify different types of **parliamentary questions**. In feedback to CPA UK staff, NAMs and officials found the programme useful in resolving areas of uncertainty and testing the practical implementation of the new guidelines. Outcomes of the discussions will also inform further changes to the Standing Orders, expected to be adopted by the National Assembly later in 2019.

Part of a **two-year technical assistance programme** agreed between the National Assembly, CPA UK, and the Westminster Foundation for Democracy (WFD), the workshop followed an extensive **review of the Standing Orders** requested by the Hon. Speaker Mariam Jack-Denton and facilitated by CPA UK in August 2018.



Workshop participants with the Lord German OBE (Delegation Leader), Hon. Juan Watterson SHK (Speaker of the House of Keys, Isle of Man), Nick Beech (Senior Clerk, House of Commons Table Office), Matthew Salik (Deputy Head of International Partnerships, CPA UK), Felicity Herrmann (Programme Officer, CPA UK)

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INVESTORS
IN PEOPLE Silver



CPA UK and The Gambia have developed a strong relationship, primarily through a programme of engagement to strengthen the National Assembly's parliamentary processes, in particular its parliamentary committee oversight, legislation, communications and outreach.

A Memorandum of Understanding (MoU) detailing a two-year programme of technical parliamentary assistance was signed on 18 January 2018 in London by Madam Speaker Hon. Mariam Jack-Denton on behalf of the National Assembly, Rt Hon. John Bercow, Speaker, House of Commons, as Co-President of the Commonwealth Parliamentary Association UK (CPA UK), and Sir Henry Bellingham MP, as Chair of the Board of the Westminster Foundation for Democracy (WFD).

As part of the assistance programme, CPA UK arranged for two clerks from the Northern Ireland Assembly (NIA) to support Members and clerks of the Gambian National Assembly in reviewing their Standing Orders in August 2018. After the Standing Orders Select Committee approved the newly revised Standing Orders, the National Assembly hosted a two-day consultation workshop to discuss the changes with Members and clerks in February 2019. Project stakeholders and CPA UK agreed a workshop in April 2019 focused on implementing the new Standing Orders.

Recent engagements include a four-day induction programme for new NAMs in Banjul in September 2017 led by CPA UK Chair James Duddridge MP, a human resource capacity assessment and parliamentary staff training programme in May 2018, and the facilitation of a study visit to the National Assembly for Wales by two clerks in January 2019.

STANDING ORDERS WORKSHOP NATIONAL ASSEMBLY OF THE GAMBIA

ACTION PLAN

Over the course of the workshop, participants and delegates identified a plethora of priority issues, resolved open questions and uncertainties, proposed additional changes to the draft Standing Orders, and suggested ways to effectively implement the new rules and prepare National Assembly Members (NAMs).

This action plan outlines the recommendations and changes proposed and agreed by participants during sessions and group discussions of the workshop. The resulting action points below are grouped under four key goals:

Goal 1: The finalised new Standing Orders are consistent, certain, and clear, and adopted by the National Assembly by December 2019.

Goal 2: National Assembly Members are well briefed on the new Standing Orders and fully aware of changes to parliamentary procedure.

Goal 3: National Assembly Members implement the procedures as determined in the new Standing Orders in the Chamber and in committees.

Goal 4: National Assembly Members utilise the new Standing Orders to effectively scrutinise the executive.

Each action point is allocated to one or more stakeholders (for example, National Assembly Members or NAMs, Clerks, or the Table Office) to take forward and implement. While some action points include suggested timelines, others invite flexibility for longer-term implementation. To check on progress Members and parliamentary officials are encouraged to review this report quarterly or at other regular intervals.

Goal 1: The finalised new Standing Orders are consistent, certain, and clear, and adopted by the National Assembly by December 2019.

- When making final changes to the new Standing Orders, Members and Clerks need to ensure they are **consistent, certain, and clear**. This allows National Assembly Members (NAMs) to follow and rely on the new rules and procedures, in turn ensuring transparency and accountability across the Assembly. Efforts have already been made to make the Standing Orders accessible to all with rules written in plain English.
- Review the **new draft Constitution** in July 2019 and consider its impact on the Standing Orders, in particular around nominated Members and the election of the Speaker. In case of omissions or contradictions, prepare another submission to the Constitutional Review Commission to incorporate into its final draft.
- The process to redraft the Standing Orders is not reserved for experienced Members; **recently elected NAMs** can make a valuable contribution with a fresh perspective.

Action Points for
Standing Orders Committee

Action Points
for Clerks

Goal 2: National Assembly Members are well briefed on the new Standing Orders and fully aware of changes to parliamentary procedure.

- Attend the **CPA UK Legislative Scrutiny Workshop** scheduled for October 2019.
- Inform the Standing Orders Committee and/or the Clerk to the House of outstanding information or **training needs**.

Action Points
for Members

Goal 2: National Assembly Members are well briefed on the new Standing Orders and fully aware of changes to parliamentary procedure.

- Develop **guidance materials** for the new Standing Orders, particularly around procedures around committee work and speaking in the Chamber, by the end of 2019. Cross-reference the Constitution, Standing Orders, Primary Legislation and Speakers' Rulings as Clerks and Members might find a unified document more useful. In South Africa, the SOs are published along with the Constitution and additional guidance within the same booklet for easy reference.
- Arrange a **document induction** for new NAMs to ensure recently elected Members are aware of guidance materials and where to find resources. Consider introducing NAMs to – or reminding NAMs of – the availability and role of research staff.
- Hold a **team meeting** on consistent interpretation of and advice on the revised Standing Orders to NAMs.
- Record and document **induction programmes** for NAMs for later use as guidance materials.
- Prepare a training session or guidance seminar ahead of the establishment of the **Assembly Business Committee** (ABC).
- Arrange **training** for NAMs and parliamentary staff on sexual harassment, bullying & diversity.

Action Points for Clerks



Hon. Sidia S. Jatta, Chair of the Standing Orders Committee, takes the floor



Participants made use of the many opportunities for Q&A

Goal 3: National Assembly Members implement the procedures as determined in the new Standing Orders in the Chamber and in committees.

- Raise a **point of order** only in reference to a specific Standing Order – the Speaker may ask Members to specify before granting a point of order. Only points of order and points of clarification are classified as “permissible interruptions” (Standing Order 32.1). Points of order should not needlessly disrupt business or be abused for making political statements.
- Note the new limit of **five supplementary questions** only. The time taken to ask and answer a supplementary question is limited to one and two minutes respectively, at the discretion of the Speaker. See Standing Order 43 for details.
- Before submitting a question, **ensure it is admissible** (as per Standing Order 38) and within the remit of the Minister or government department. The Table Office can provide guidance or help in redrafting an inadmissible question.
- Refer **disagreements** with the Speaker or with a Speaker's ruling to the Standing Orders Committee. It is not productive to challenge the Speaker in the Chamber. The Committee may recommend a change to the rules if it supports your case.
- Committee deliberations should not be repeated in the Chamber. With all parties represented in committees, different views will have already been considered within committee sessions. Repeating these in plenary is an ineffective use of time.
- Inform the Speaker and obtain **permission before leaving the Chamber** for an extended period during a session.
- Do not exceed allocated **speaking times** as this may delay other business. At least **two clocks** should be installed in the Chamber, one facing the Speaker, at least one facing NAMs. Keep track of the length of speeches and statements using these clocks, and have the last sentence ready in writing in case the Speaker ask you to conclude. For greater impact, repeat the outcome you are seeking to achieve.
- The Speaker should not vacate the Speaker's chair but may at any time ask the Deputy Speaker to take the Chair temporarily (Standing Order 6.5). In the absence of the Deputy Speaker, the Assembly may by motion elect a Member to preside over the election of a new Speaker under the supervision of the Clerk (Standing Order 9.4).

Action Points for Members in the Chamber

Continued on Page 6

THE LEGISLATIVE PROCESS - NATIONAL ASSEMBLY OF THE GAMBIA AS AMENDED

A government, committee or member bill is introduced. Intention to introduce the bill is published in the Gazette or newspaper in advance (see S.O. 63).

An accompanying memorandum should be produced accompanying the bill (see S.O. 64).

First Reading

S.O. 65 - A bill is introduced to the Assembly

Second Reading

S.O. 67 - A general debate on the main substance of the bill is debated in the Assembly.

Once read a second time, the bill is referred to the Assembly Business Committee (ABC) to commit the bill to a committee for investigation and report (see S.O. 68).

Committee Stage

S.O. 69 - An opportunity to undertake line-by-line scrutiny of the bill, to call evidence and witnesses and the propose amendments.

This could be Select, Standing or Special Committees. It may also be in a Committee of the Whole House where unique procedures are utilised (see S.O. 70)

With the exception of a Committee of the Whole House a report is published and following referral to the ABC it is presented the the Assembly.

Consideration Stage

S.O. 72 - An opportunity to consider the outcome of the above committees and propose amendments.

The amended bill and memorandum and reasons are circulated to Members in advance of its final stages.

Reconsideration Stage

S.O. 74 - A further opportunity to amend the bill.

Third Reading

S.O. 75 - Further amendments can be proposed to the bill.

See Part 3, Section 3 of the Constitution of The Gambia.

Presidential Assent

SOURCES OF PROCEDURES AND POWERS OF THE NATIONAL ASSEMBLY

Left:

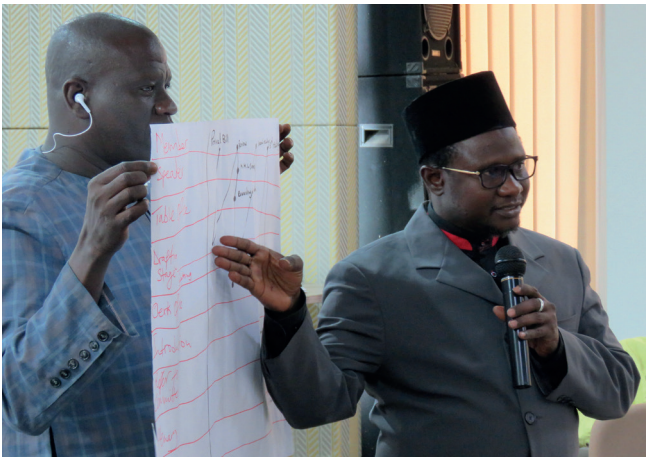
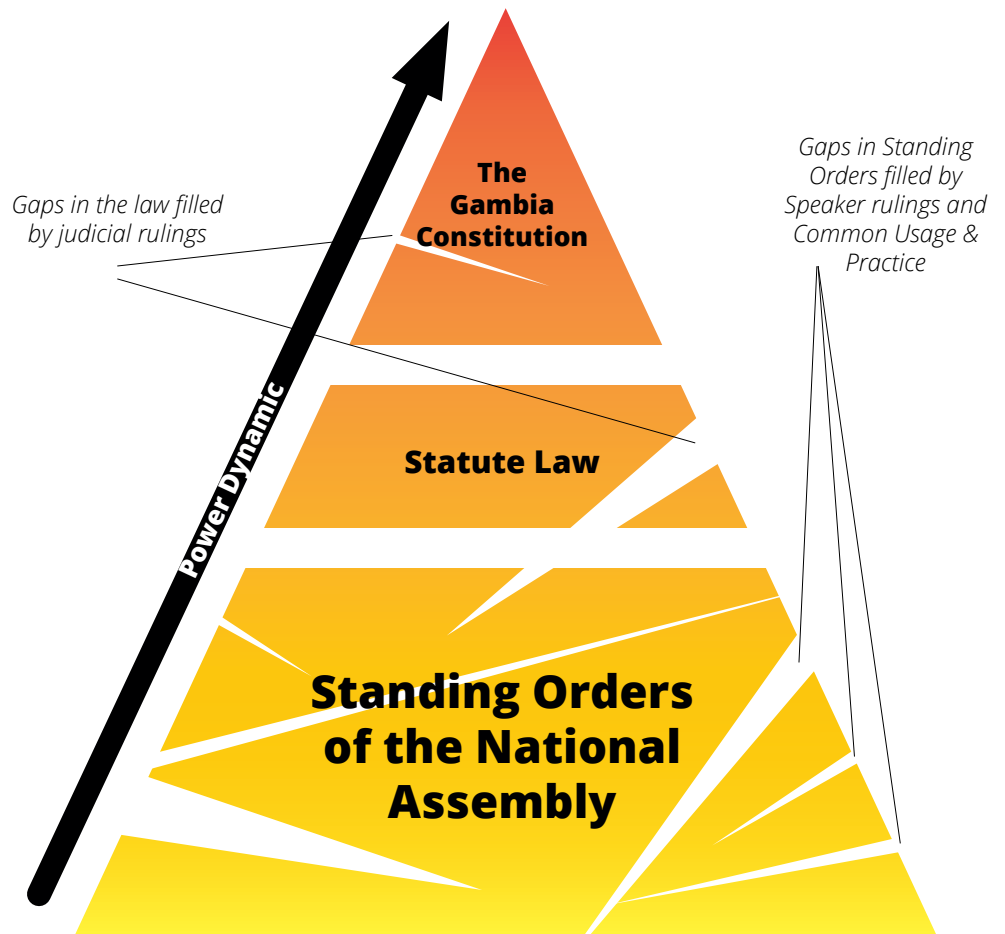
Infographic displaying the legislative process as detailed in the amended Standing Orders of the National Assembly of the Gambia

Right:

Diagram showing the hierarchy of legal instruments and conventions governing rules and procedures in the National Assembly of the Gambia

Below:

Workshop participants discuss the legislative process, codes of conduct, and draft order papers in groups and present their findings



Goal 3: National Assembly Members implement the procedures as determined in the new Standing Orders in the Chamber and in committees (continued).

Action Points for Members

- Standing Orders in many parliaments are used differently at different points in time. It is up to parliamentarians to identify ways to make the Standing Orders work most effectively for them. The Standing Orders of the UK Parliament, for example, include provisions for emergency debates, but only 13 were held in the House of Commons from 1980-2000. More recently, however, 19 emergency debates were held in only two years (2017-2019). This underlines the power of parliamentarians to shape parliamentary procedure and make effective use of the Standing Orders.
- Each party must provide one or more NAMs to sit on the **Assembly Business Committee** (ABC). The composition of the ABC is specified in the SOs to ensure all parties participate in determining the order of business.

Action Points for Clerks

- Arrange for the procurement and installation of **two clocks in the Chamber** to aid NAMs and the Speaker to anticipate the end of their speaking time.
- Record **Speaker's rulings** to create a comprehensive, authoritative record of precedent. The record should be freely accessible to all Members.
- Publish NAMs' **voting record** to inform members of the public and the media, and ensure decisions taken by the National Assembly are transparent with NAMs accountable to voters.
- Prepare **Order Papers** at least a day ahead of the sitting.
- Explore ways to make Order Papers as **accessible** to NAMs as possible (e.g. online publication, distribution by email, WhatsApp notification when hard copies available).
- Distribute the **question guidance manual** to all NAMs and explore which other procedures require a separate manual.
- Produce **additional guidance material or manuals** on parliamentary procedure and ensure existing and future materials are easily accessible to all NAMs. These documents and instructions on where to access them should also feature in the induction of newly elected NAMs.

Goal 4: National Assembly Members utilise the new Standing Orders to effectively scrutinise the executive.

Action Points for Members and Clerks

- According to the new Standing Orders, Ministers are required to respond to questions within ten days. Monitor the time taken to receive a response and **follow up on the question** if the time limit has been exceeded.
- In the interest of time, ask only the **Committee Chair** to speak on a relevant motion or report on the floor of the House. By not contributing, other Committee Members emphasise the unified position of the Committee, avoid repeating the same points, and save valuable speaking time.
- Determine a **deadline** for government departments to respond to **committee reports**. Ensure this requirement is communicated clearly to the relevant government departments. Clarify what is expected from Ministers or civil servants: In the UK, for example, departments accept or reject individual recommendations, providing a rationale or justification for each decision. Committees often refer back to these responses in following up with departments to check on progress made.
- Establish a system to **continuously follow up on recommendations** and record government responses and/ or actions. This will increase pressure on the executive to act, thereby increasing the impact of parliamentary work.
- Consider inviting the relevant government department to the National Assembly. The Health Committee, for example, invited the Ministry of Health & Social Welfare to the National Assembly to attend the report laying in the Chamber.
- Use **all tools** available to Members as stated in the Standing Orders to raise an issue or scrutinise policy: Many parliamentarians prefer asking questions, but tabling motions, speaking in debates, and applying for adjournment debates can also be highly effective.
- Scrutiny tools complement each other very well in most scenarios. For example, a Member may first research a given topic or constituency matter and submit a written question. This information will then help in drafting a motion to raise awareness and identify other interested parties in the House. This in turn will help in asking specific oral questions on the floor of the House.
- Form teams and **identify allies** to tackle a particular issue and encourage change. In the UK Parliament, Members form All-Party Parliamentary Groups (APPGs) to combine forces and collaborate on a given topic.
- **"Play the ball, not the person."** Parliamentary scrutiny should avoid any personal attacks. Addressing the chair instead

of the witness(es) directly helps maintain distance and decorum. This further protects the reputation of parliament and parliamentarians in any legislature.

- Use **simple, clear language** when drafting motions and amendments. The Table Office will offer guidance but can help best when presented with a draft motion or amendment.
- Before submitting an **amendment** ensure to include which part of a bill it concerns. Check previous legislation relevant to the new bill or the amendment.
- Committees can deliver excellent work even when faced with **resource constraints**. Summoning persons and documents, using social media, and researching independently are all ways to reduce the strain on time and finances.
- Determine and use **uniform style and format** for committee reports and create templates for use across different committees. A report by the committee on health could be used as an example.
- Consider adding an **explanatory note and impact statement** to each bill ahead of the first reading. This would provide an initial overview for NAMs who will be better prepared for debates. Standing Order 64.1 requires each bill to be accompanied by a memorandum.
- Similarly, consider adding an explanatory note to amendments. A note can provide additional details or context, enabling NAMs to more easily determine whether to support it.

MONITORING & EVALUATION

CPA UK staff received excellent feedback on the Standing Orders Workshop. Delegates found sessions “essential” to their work as parliamentarians, and stated it enhanced their understanding of the new procedures and changed roles as stipulated in the new Standing Orders.

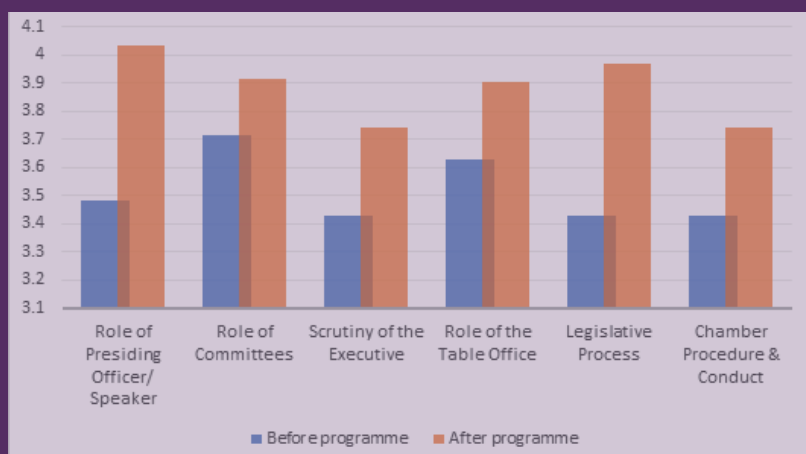
All participants found the programme met or exceeded their expectations.

(71% met, 29% exceeded)

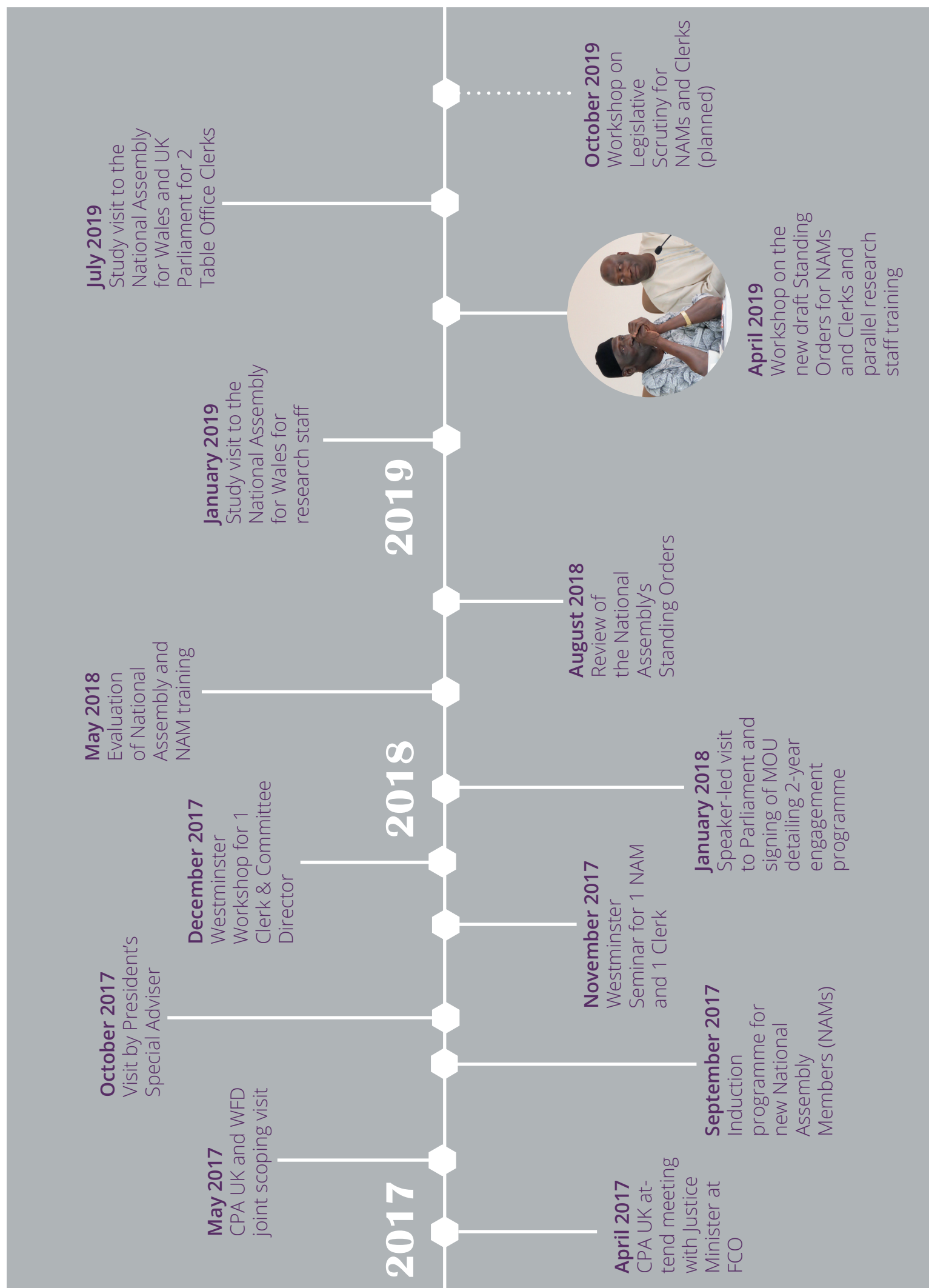
All participants felt the programme was fully or partially relevant to their role.

(84% fully relevant, 16% partially relevant)

Learning deepened across all priority topics included (see graph). At the start and end of the workshop, all participants completed pre- and post-assessment forms to gauge the initial and final level of understanding across key topic areas. Participants rated their own level of understanding from limited (1) to expert (5). The most significant increase in delegates’ self-assessed level of understanding was registered for the role of the Speaker and the legislative process. The latter will be the focus of our next major engagement, a three-day seminar on pre-legislative scrutiny. The workshop on the Standing Orders not only achieved its objectives, but will also inform the design and delivery of the seminar scheduled to take place in October 2019.



CPA UK & THE NATIONAL ASSEMBLY OF THE GAMBIA 2017-2019



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