



Date: 21<sup>TH</sup> February, 2018

**Subject:**

**Explanatory memorandum of the  
Draft Reviewed Constitution of the University of the  
Gambia, ECOMANSA 2018**

**PREPARED BY ALAGIE JARJU LEGAL ADVISER 16<sup>TH</sup>  
EXECUTIVE COUNCIL.**

I wish to bring to your attention the Constitution of the University of the Gambia Economics and Management students' association 2018 (hereinafter "the Draft Reviewed Constitution") for adoption.

Congress delegates please allow me to briefly delve into how this task was accomplished. For it was no easy task, the 14<sup>th</sup> executive body under the dynamic leadership of **SHEIKH HYDARA** and the executive body.

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Motion moved for adoption of the constitution by Lalo Bajo, and seconded by Assan Beyia.

Who championed this crusade felt the dying and heroic need. And as such made giant strides in putting taught together.

This I must say prudently did accept it. Because it is in line with my plans as the legal adviser of the **UTGSU** to embarked in a total reviewing of all sub association's constitution to be in line with standards. As such having the ECOMANSA calling on me, was helpful to get my task accomplish.

This is what democracy is, this is what good governance is. This is what rule of law dictates. Thank you the 14th executive body, thank you the general students' body of the school of business and public administration, for you had accomplished a noble and historic task.

Congress delegates this draft reviewed constitution, captured a collection of various important provisions.

Provision like

**Citation**

**Interpretation**

**Correspondences in the name of the association**

**Elections matters been diligently dealt with**

**Election procedure and requirements been more regularized and accurate. And many other.**

This is geared in the pursuit of Mitting standard of higher education and tertiary institution around the world.

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Motion moved for adoption of the constitution by Lalo Bajo, and seconded by Assan Beyia.

This constitution is progressive both in its letter and intent, as it covers all the loopholes in the spirit of students' unionism.

It is my opinion that there are compelling and genuine reasons why the draft reviewed constitution should be put into law. Please allow me to elaborate on the primary reasons to review the constitution.

### **WHY THE NEED FOR A CONSTITUTIONAL REVIEW?**

A Constitution as a working document has to be précised and cleared in its provisions and intent. It should serve to clarify the association's goals and objectives. Outline in its basic structure and provide a cornerstone for building an effective and vibrant association. This will help students to have an easy understanding of the nature and provisions of the constitution to avoid ambiguity.

#### **The ambiguity of some provisions of the constitution**

The constitution which was reviewed contains a number of provisions which lack clarity. In the course of reading such provisions, one is put in a state of suspense and inability to discern the real intention of the drafters. This of course had and will continue to subject the constitution to different interpretation.

If members have different ways of interpreting provisions of the document that binds them, the attainment of our common goal will remain a virtual reality. The evil of obscurity of just provisions of the constitution can be averted by drafting provisions that are expressed in clear sentences and wordings that will reflect the will of its members.

## **The inconsistencies between the provisions of the constitution**

A constitution should not only be free from ambiguity but it should maintain consistency between its provisions. The lack of consistency will eventually lead to redundancy of certain provisions. A constitution should be read as a whole in order for the real intention of the drafters to be understandable. The constitution that was reviewed lacks, in most of its parts, this essential virtue.

## **The improper use of language to convey the real intention of drafters**

Many of the provisions of the constitution that was reviewed were drafted using (outdated) languages which are out of touch in the modern day of legal drafting, making them difficult to read and understand.

## **The need for a progressive constitution which will outlive its current subjects**

A constitution should be drafted in such a manner that it will outlive its time incorporation. This can only be achieved if the constitution is comprehensive and flexible to accommodate continuing changing nature of the academic setting. The constitution that was reviewed was haphazardly prepared because the naming of some of its parts does not

Commensurate the content therein. These shortcomings deprived the constitution the virtue of progressiveness.

In conclusion, congress delegates the outlined deficiencies of the existing constitution; the 14<sup>th</sup> shows the need for the constitution to be reviewed so as to perfectly reflect its yearnings and aspirations.

It is an open secret that the school of business and public administration is one of the biggest and best schools in the UTG and is a beacon of hope for the Gambia and I have no doubt that it will remain as such.

This was manifested in the recent 10<sup>th</sup> convocation of the UTG where the valedictorian (overall best student) came from the school of business and public administration.

As a matter of fact anything whatsoever incidental to the dealings of your endeavors should reflect standard, professionalism and perfection, as I learnt mistakes are not allowed in the world of economics and finance. Hence a single mistake can cost a life time fortune.

The constitution that binds you is not an exception as it will prepare you to be those professionals if its letters and provisions are followed.

Finally, I urge you the Congressmen and women to endorse this important working document i.e. the Draft Constitution, and enact it into law for a progressive **UTG-ECOMANSA**.

*Long live our dear mother land the Gambia!*

*Long live the University of the Gambia!*

*Long live the School of business and public administration!*

*Long live the spirit of unionism!*

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