

Name of Transcriber:	Sainey
Date of sitting:	2020/09/22
Transcript Section:	Morning Sitting
Digital Recording Time:	01:00 to 2:00

**HON. MADI MK CEESAY [SERREKUNDA WEST]:** I do not see any problem amending or even changing that constitution to have a new constitution, including some of the beautiful clauses that were in the 1997 Constitution. It is a national document. That is how we should see it. It belongs to every one of us. The one we are writing now too, when it becomes the Constitution of this land, it belongs to everybody, it is not Adam Barrow's Constitution and it is not party A and X Constitution. It is Gambia's Constitution and I think we should be very clear about that, Madam Speaker.

Honourable Speaker, the 2020 draft really has reflected a good number of the aspirations and wishes of this country. To do justice to this draft Constitution before us is to allow it to go to the next stage, we are only a small fraction of the entire Gambia (something like two million people), we are about 56 or 57 in this Parliament. Let us also allow the masses to have their voices heard on this Constitution. Killing this Constitution here will not be doing any justice to our electorates. Let us give them the benefit of the doubt; let them decide on it, let us do our bit and then pass it to them. A total rejection really will be too catastrophic, having in mind that we have spent a colossal amount of money on this Bill. One Hundred and Sixteen Million Dalasi! Do you want to throw that in the waste? Do we want to throw that away, for no purposes? Then we are not going to be fair to our tax payers. One hundred and Sixteen Million Dalasi!

Horrible things are happening in our health sector today. Our mothers and sisters that are giving birth are dying in their numbers because of the poor health system we have. Would it not be wise, before we waste this Hundred and Sixteen Million Dalasi to plough that back into the health sector? Let us be fair to our electorates. Let us allow this bill a chance to go to the next level and allow the rest of the Gambian People, who elected us in office to have a say on this Constitution, Madam Speaker.

Madam Speaker, like I said earlier on, the Bill has so many beautiful clauses. Just to give you a few, the clause concerning the recall of Members of Parliament is very welcoming and beautiful. The 1997 Constitution has the same merit but then it tells us that it has to come in as an Act of Parliament. All the Parliaments from 1997 to date failed woefully to bring in an Act of Parliament so that we could be recalled by people who are not satisfied with us but with this Constitution (1997 Constitution), Section 144 is not as difficult so we refused to come up with an Act of Parliament to be recalled. Now the electorates can have that without even an Act of Parliament. That is one of the beauties of this new Constitution, Madam Speaker.

Madam Speaker, term limit; it is very progressive. All over the world, people have changed to term limits e.g. our neighbours Senegal, Mali, Sierra Leone, Ghana, South Africa, you name them. Why should we be left out? These are some of the merits of this Constitution.

Madam Speaker, the vetting of some key appointments by the Parliament is progressive. There is nothing like the Parliament being given too much power. There is nothing like the President or the Executive being given too much power. We have to check on one another. Certain key positions needed to be vetted by this Parliament. We can put our inputs there but let us allow the masses to decide. We are just a small fraction of the total population of this country.

Madam Speaker, the clause that is giving chance to the people in the Diaspora to vote is also another noble clause in this Constitution. Last but not the least, the clause that is asking the President to come to this Parliament not later than April of every year is beautiful, rather than saying you can go to the Parliament anytime. We must also understand that this Constitution before us is not Adam Barrow's Constitution; it is not targeting any individual. We had two former Presidents: Sir Dawda and Yahya Jammeh; they are gone. Former President Yahya Jammeh left his Constitution here. If it was his, he would have gone with it. So, this is no one's Constitution; this is our national document. These are some of the beauties of this Constitution. I am convinced that we should make sure it passes this stage and allow our electorates to have a say on it. They are watching us, they are listening to us, they are following our deliberations, and we must do the right thing.

Madam Speaker, I urged my colleagues to do what is right by passing this Bill. Like I said, allow the masses to have a say or have a chance in a referendum. It would not be fair for us to kill it here and it is in the best interest of this National Assembly to make sure that this Bill gets to the next stage.

To conclude, Madam Speaker, these are some of the disadvantages of coming last; almost every beautiful thing has been said by my honourable colleagues. I am sure we will start to think twice to allow this Bill to go to the next stage, if you want to do justice to the document and also to give our people who elected us here the right. We are here by chance but we are not the best in this country; we are here by chance but we are not the most knowledgeable in this country. Why would we not give chance to the 1.9 million that is out, or even more than that. My mathematics is not good but you take 56 out of 2 million people, why do we not give chance to the rest of the millions to also have a say? So, I urge my honourable colleagues to do justice to the document and allow it to go through the processes.

We have the right to touch the Constitution and it is the document that we can fine-tune at committee level. Why would we want to kill it now? If you are not happy with certain clauses, let us wait until the committee stage, it will be changed. There is no doubt about that. We have the mandate to touch it so why would you want to kill it before it even hatches? I thank you all.

**HON. SAMBA JALLOW [MINORITY LEADER]:** Thank you, Honourable Speaker, for giving me the floor. Honourable Speaker, let me join my colleagues to thank the CRC and the Attorney General, for presenting this important document to this august House.

Honourable Speaker, other speakers have said that it is history; we are promulgating a Constitution on top of an existing Constitution. I think this is the first time it happens in The Gambia. The 1997 Constitution is guiding us on the transition of the 2020 draft.

Honourable Speaker, my first submission to the Attorney General is on the supremacy of the Constitution. Honourable Speaker this clause, many Members have actually forwarded it to the Attorney General but for me when I saw that clause, the legality and the validity of this Constitution cannot be challenged in court, I had to make a little research because at that time I was not actually comfortable with the clause. I knew that this submission might come from the Judiciary. Then I made effort until I get the observation of the Judiciary on this clause.

Honourable Speaker, since we are coming to decide on this important document and then tomorrow whatever happens, to every citizen or to any of us we are going to resort to the Judiciary for its interpretation, if you can allow me, let me read that piece of observation with regards to this clause. Honourable Speaker it

reads: *“Challenging the validity of this Constitutional clause [7] 3 of the draft Constitution provides as follows: the validity or the legality of this Constitution is not subjected to challenge by or before any court or organ of the State”.*

This provision, in our view, in so far as it seeks to oust the jurisdiction of the court, is inconsistent with the principle of access to justice and to the court. It is irreconcilable with the principle of the respect for the rule which permeates the rest of the Draft Constitution. How else should citizens be able to challenge the Constitution other than in the court of law? Why should the right be taken away? No cogent reason can, in our view, support such a proposal. We recommend that this provision should be deleted from the Constitution.

Honourable Speaker, I am not saying it is actually what happened because these are legally tested. When I saw the provision, I have to make my research until I get the submission of the Judiciary. So, Honourable Attorney General, I would definitely want you to help this House to understand this clause because this is dealing with supremacy of the Constitution and if the custodian of this Constitution has got their reservations at the drafting stage, definitely something should be done about it.

Honourable Speaker, my next point is the discrimination aspect of the new draft. We have seen a lot of discriminatory clauses in it. People have been talking about the issue of the Judiciary since yesterday. They were talking about their emolument and their retirement benefits but I believe there is some other discriminatory aspect also. If you look at the judges, a judge is just a judge. You have some judges that should be appointed by the President and confirmed by the National Assembly. You have some judges whose appointments should be under the Judiciary Service Commission. I do not know why they are treating their appointments differently. The other aspect of discrimination also, is about the retirement benefits, it is treated differently with the entire civil service of this country. The way pension is computed in our Civil Service is your total emolument and length of service; it is computed in that way. That means the retirement benefits of the judges and the other aspect of the society is treated differently; that is also another issue. The new Constitution and the 1997 Constitution, none of these is accepting discrimination. We go to the 2020 draft and we see what it means by discrimination. In Section 69, it talks about protection from discriminatory and this is a fundamental right. It says: *“All persons are equal before the law; no law shall make any provision which is discriminatory either of itself or in its effect”.* We have seen the discriminatory aspect in the new draft itself and it is almost the same text in the 1997

Constitution. Therefore, Honourable Speaker, promulgating any law that is discriminatory, is against both this one and the 1997 Constitution. I do not know how the Assembly would proceed with legislating laws that are actually discriminatory.

Honourable Speaker, the other discriminatory aspect of it is affecting the sitting President. The matter is not about the President. We are legislating and as long as we are legislating, we should legislate laws that suit everybody. If you look at it, the matter is not about term limit, I am talking about the discriminatory aspect of it. According to this Constitution, his current term is not accounted for and then actually he was given that right on this Constitution. Now if you go for elections, if a person wins other than him, he or she will serve two terms but for him if he wins, he serves one term. This is totally discriminatory. Are we going to enact law, especially the 2020 draft Bill itself and it will tell you, "Do not enact me as a law if I am discriminatory". What will be the approach?

Honourable Speaker, the Member for Jeshwang, was mentioning a clause. I think it is clause 27 and 29 of the 2020 draft Bill. Honourable Speaker, there is some laws that are heartless and as people's representatives, we should be very mindful of those laws. Clause 27, restriction on the activity of public officers, here it is telling you if you are employed by the government or any public institution, you are not going for any gainful employment.

Honourable Speaker, if our brothers travel outside, they work for 24 hours, 16 hours; they are given that right in foreign countries. For us, our own people, we deny them a right that they are given outside. I think we must think logically. Let us look at the laws that we are putting in place. How many Gambians in this country receive salaries that can sustain them even for one week? You are telling me if I have the energy, I have the power to work for government for 8 hours and then go and work somewhere else for 8 hours to improve my living, you said no to that and you want me to append my signature on that note? I will not do it.

You go to Section 28, which is the worst one; consequence for contravention... You go to Subsection 3:

*A person who has been dismissed or otherwise removed from office, or whose relationship with the organ or agency of the State or the Statutory Body or State Owned Enterprise has been terminated, shall –*

*(a) in the case of a public officer, be disqualified from holding any other public office for life...*

What are we doing? We are enacting laws that will be killing our own people, our own people that we say we are representing and we want to enact such and we said this is draconian; which law is more draconian than these clauses? We are here to enact draconian laws and we are enacting draconian laws. What is more serious than this one? These two clauses alone disqualified this 2020 Constitution because it is directly affecting the people we represent. We are banning them from work for life.

When the Jannet Commission submitted a report here, there were some people who were banned for life and it was a public outcry. Today we are legislators and we are asked to legislate such laws and we said it is progressive. One rotten potato spoils the whole lot and these clauses have spoiled this Constitution.

Honourable Speaker, on the session of the National Assembly, that is a beautiful clause that I wanted to add because, Honourable Speaker, I was expecting that we have a very innovative Standing Orders and we are drafting a law. Currently, if you look at how many bills we do refer to various committees, I would have loved the CRC to look into our Standing Orders, then our session be at least open. Because in our Standing Orders, the way we treat bills, we will have a session refer all those bills. We will not finish the process of those bills then we go again into the next session and have another Bill. That means that we are working with a backlog. If we do not mind, our term will finish and we will still have some backlog of Bills to treat. Since we are coming up with a new Constitution, I think the sitting of the Assembly could have been considered at least open and we have a long recess so that we can handle all our Bills in a session. But the way the trend is moving now, we might exit this term but still we will have some Bills behind and then I believe our session should have been definitely looked at so that instead of quarterly sittings, we open it then we have a longer recess so that we can handle our National Assembly business according to our Standing Orders. Presently, our Standing Orders, did not match with this quarterly sitting. I was actually expecting that.

Honourable Speaker, I heard some interventions; others are saying let us legislate it and then after we can come and amend. For me, I cannot understand that as a legislator. When it is wrong, it is wrong. You dare not legislate it while it is wrong and then you come back and say you are amending it; that is a wrong process. Once it is wrong, it is wrong, let it stop there. If you do not have anywhere to amend it, let it stop there. The thinking of saying, "No these are clauses, some of them are positive", why do we not legislate and after we come and amend. AH-AH, that is not the case; that is not how we legislate.

Honourable Speaker, my submission will be a little bit short because most of the bullets were fired. Honourable Speaker, the other issue is about Section 108, i.e. the reason for filing an impeachment against a sitting President. One of the clauses, as far as I am concerned, is very straightforward. It reads: "One of the violations is violation of the Constitution". You see any sitting President can violate the Constitution. According to the way it is texted in the 1997 Constitution, it is more preferably a wilful violation, if you violate it wilfully. Just to violate a Constitution, that means every month, we will file a motion of impeachment against a sitting President because it is easy to do it. You can do it but not wilfully but why do we not consider it and look at it rather than leaving it this way. We have the word "wilfully", if he wilfully does it, I do not have a problem but sometimes also, a human being is a human being. He can do it while it is not wilful and it can definitely land him into something. I think we need to look at that provision.

Honourable Speaker, on the issue of the Attorney General, as I mentioned earlier on, we are promulgating a Constitution while there is an active Constitution guiding us. I would want you to help me here, if you go to Section 100 of the 1997 Constitution that deals with legislative powers of the National Assembly. I just want you to guide me because we are in the process of legislation. Section 100 reads: "The legislative power of The Gambia shall be exercised by a Bill passed by the National Assembly and assented by the President". Clause 2 is bringing a limitation or a restriction: "The National Assembly shall not pass any bill to establish one party state, to establish any religion or to alter a decision or judgement of a court in any proceeding to the prejudice of any party to those proceeding or to deprive any person retroactively of a vested or acquired right" but it continues, "but subject there to, the National Assembly may pass bills designed to have retroactive effect". I want the Honourable Attorney General to guide this Assembly as to what this clause is saying because, as I said earlier on, we are legislating but this is the guiding principle of our legislation, as long as it is still existing and active. Anything that we are dealing, we are using Section 225 to promulgate this Bill. Since the existing Constitution is limiting our powers to certain things, to me, it is still binding because as long as we are speaking it is the existing one. I would definitely want you to help this Assembly to get clarification before we even pass this one, before someone will go and challenge our decisions in court because everybody is sitting down and looking at us.

Honourable Speaker, let me come to our people that we assigned to do this piece of legislation for us. I thank them very well. There is something that I will need, whether they did it or not; the statistics and survey, if we can get it or if

Deleted[LEManneh]: So

Deleted[LEManneh]: [

Deleted[LEManneh]: ]

Deleted[LEManneh]: that is

Deleted[LEManneh]: it

Deleted[LEManneh]: ,

Deleted[LEManneh]: but

Deleted[LEManneh]: e,

Deleted[LEManneh]: .

Deleted[LEManneh]: but

Deleted[LEManneh]: ,

Deleted[LEManneh]: in

Deleted[LEManneh]: `

Deleted[LEManneh]: '

Deleted[LEManneh]: we

Deleted[LEManneh]: ,

Deleted[LEManneh]: and then

Deleted[LEManneh]: [

Deleted[LEManneh]: ]

Deleted[LEManneh]: .

Deleted[LEManneh]: [

Deleted[LEManneh]: ]

Deleted[LEManneh]: and it

Formatted[LEManneh]: Font: Italic

Deleted[LEManneh]: *accented*

Deleted[LEManneh]: [

Deleted[LEManneh]: ]

Deleted[LEManneh]: ,

Formatted[LEManneh]: Font: Italic

Deleted[LEManneh]:

Deleted[LEManneh]:

Formatted[LEManneh]: Font: Italic

they can put it in the public domain. The outcry is now the people's opinion. I can understand they give us a report and that is the report. I know but they have statistics that if you look at, you can definitely know if they have captured the will and aspirations of the people; not only the report but I will also need the statistics. They can make sure we get it or put it in the public domain.

Deleted[LEManneh]: because

Deleted[LEManneh]: ,

Deleted[LEManneh]: it

Deleted[LEManneh]: ,

Deleted[LEManneh]: If

Honourable Speaker, Attorney General we are in a process of promulgating a new Constitution, drafting Constitution is very difficult and amending the entire Constitution is very difficult. We have the power but you know these things are technically written and they are all intertwined. So, I do not know what will be our guideline because there are so many defects in this draft. We are here today saying, "this one was amended 50 times" but if you look at the proceedings of this Assembly, this one when it comes into existence, you will not amend it 50 times. Rather, you will amend it more than 100 times. This Constitution is so explicit, it looks like an Act and a regulatory body. That is not how the Constitution works. This is why everybody can just look at it and pick-up problems because it is so explicit. It is quite different, even the legal texting.

Deleted[LEManneh]: ive

Deleted[LEManneh]: `

Deleted[LEManneh]: ,

Deleted[LEManneh]: ,

People are saying this is bad; constitutions are not bad, it depends on the people who are implementing the Constitution. It is not the 1997 Constitution; that the texting was not good, the provision were not good; it was about the implementers. If you forget the rule of the Constitution, what the Constitution is saying to you and you rule on your own way, that is not the fault of the Constitution. This is legally texted, you can be looking at this one for the whole day and you hardly extract something from it because it is legally texted. This one is just like grammar, you can just go in and pick a problem and this is what give us a problem in this Constitution.

Deleted[LEManneh]: 'heh'

Deleted[LEManneh]: ,

Deleted[LEManneh]: No,

Deleted[LEManneh]: ,

Deleted[LEManneh]: but

Deleted[LEManneh]: , it

Deleted[LEManneh]: a

Honourable Speaker, we should be very mindful of this Constitution because people are talking about One Hundred and Sixteen Million Dalasi. For me, the One Hundred and Sixteen Million is already gone but what about if you subject it to a referendum, where you are going to spend another One Hundred and Sixteen Million again and you are very sure, it will not pass? The opinion polls are there, nobody should talk before the Constitution works. This 2020 Constitution developed its problem from the drafting stage. When Christians say no to it, when Muslims say no to it, when other institutions say no to it, who are they to vote for the people? Are they to vote for it? Are they not people? This is telling you that if it goes there, it is going to fail and you are going to waste another money again. That is what will happen. If any politician goes inside and outside of this country and talk to the people, you have to look at the threshold that will

Deleted[LEManneh]: So,

Deleted[LEManneh]: ,

Deleted[LEManneh]: .

Deleted[LEManneh]: ,

Deleted[LEManneh]: Since at the drafting stage

Deleted[LEManneh]: develops

Deleted[LEManneh]: -

Deleted[LEManneh]: and

pass this Constitution at referendum stage. Meeting that threshold is the biggest challenge and it will cost the government huge money to go and campaign against it. Those who are in for it, it is huge money: to go and campaign for it and you know it is going to be another waste? Actually, if we do not get what we want, let us find a way how we can get what we want to avoid waste. You know this one is donor funding but the referendum on this one is not going to be a donor funding. Instead, we are going to fund it. The public has already showed up their position, they are all keeping quiet. In fact, they will say go and enact it, we are the final decision makers.

Anyway, Honourable Speaker, this is what I have to say, just to show a little dissatisfaction with the CRC, the way they approached the crafting of the Constitution. You are drafting the Constitution depending on the reality and what is happening at present. If you draft Constitution like that, you lead people into a problem. The Constitution was actually drafted based on the reality, just what was happening within the country. This is why it is so explicit and reflects what is happening in the country and this is what has given this Constitution a problem. Honourable Speaker, on that note I thank you.

**HON. ALH. MOMODOU L.K. SANNEH [DEPUTY SPEAKER]:** Thank you very much Honourable Speaker, for giving me the opportunity.

Honourable Speaker, I will start my intervention with a word of wisdom and to thank the former Attorney General and Minister of Justice for ably bringing this Commission Bill to the National Assembly and advised the government with regards to CRC. I think he has done a very good job, Honourable Speaker. Coming back again, he is not around but the current Attorney General, who succeeded him, also had the opportunity to bring this 2020 Constitutional Bill to the National Assembly. They have done a good job; they have made history and then it will be in the history books.

Honourable Speaker, this is a process and it is a very long process and the process will go on for a very long time. Constitution is a very important document; it is the supreme law of the land. So, I am very much proud and happy that a Constitution of this nature is being drafted by our able personnel of The Gambia legal fraternity who took the charge of this Constitution. Honourable Speaker, they have done a wonderful job as far as I am concerned. A lot of consultations have been done with regards to this new Constitution and before this Constitution. Honourable Speaker, if you can allow me, I will go a little bit back to the First Republic. On 18<sup>th</sup> February 1965, Gambia achieved independence and in 1970, Republican status; a Constitution was prepared by

Deleted[LEManneh]: ,

Deleted[LEManneh]: its

Deleted[LEManneh]: ,

Deleted[LEManneh]: .

Deleted[LEManneh]: So,

Deleted[LEManneh]: you

Deleted[LEManneh]: ,

Deleted[LEManneh]: So,

Deleted[LEManneh]: ,

Deleted[LEManneh]: So

Deleted[LEManneh]: and

Deleted[LEManneh]: and

Deleted[LEManneh]: ,

Deleted[LEManneh]:

Deleted[LEManneh]:

Deleted[LEManneh]: and

Deleted[LEManneh]: ,

Deleted[LEManneh]:

Deleted[LEManneh]: in

Deleted[LEManneh]: s

Deleted[LEManneh]: e

the then First Republic but what was lacking there. Honourable Speaker, was the term limit of the President, which is very important. That warrant our first President to go up to a level of almost 30 years in power. Then the Second Republic, its Constitution is also a very good one but it lacks term limit and that also moved the second President of the Republic of The Gambia for another 22 years. The issue of term limit, Honourable Speaker, is very key and it is very important. It is a control measure to change our leaders and this Constitution, as far as I am concerned, has captured that. It is a way of controlling our leaders, and limit them to what the Constitution says. After the first five years, if you are elected again for the second term, you serve for another five years.

Deleted[LEManneh]: ,

Deleted[LEManneh]: ,

Deleted[LEManneh]: and

Deleted[LEManneh]: ,

Honourable Speaker, ten [10] years for a presidency, personally for me, I think it is enough. It is a very big responsibility, being a President of a country. Having served ten [10] years and giving opportunity to others, Honourable Speaker, I think is a move in the right direction. The term of office is the reason why I am talking and this term of office on this Constitution, Honourable Speaker, is captured here and it is a move in the right direction.

Deleted[LEManneh]: ,

Deleted[LEManneh]: for me.

Deleted[LEManneh]: So,

Deleted[LEManneh]: give

Deleted[LEManneh]: was

Honourable Speaker, after having said that, I will go to another interesting point in the Draft Constitution, where it indicates promotion of agriculture which is in Section 255 [1] [a]: "The government shall encourage and support development of agriculture and take positive measures to ensure that growth and development of farmers within the area to achieve food self-sufficiency in the Gambia". I like this portion and I believe the Constitutional Review Commission Members, are real Gambians and they know the problem of the Gambia. That was the reason why, Madam Speaker, this is being captured and it is a very good area and it is captured. I think every Gambian should be happy about this because it is a way of creating our agriculture.

Deleted[LEManneh]: really

Deleted[LEManneh]: ;

Deleted[LEManneh]: ns,

Deleted[LEManneh]: ,

Madam Speaker, this country cannot go without agriculture. Agriculture is the backbone of this country and it is only agriculture that can take us out from poverty. It is only agriculture that can help us to be food self-sufficient. So, if it is captured in the Constitution, Madam Speaker, I personally see it as a very good foresight and it will help the government of the day to improve agriculture; to make sure that agriculture progresses, to make sure that agriculture becomes agriculture for the Gambian people. This is a very good clause, Madam Speaker, for which of course, I thank the drafters.

Deleted[LEManneh]: the

Deleted[LEManneh]: ,

Deleted[LEManneh]: ,

Deleted[LEManneh]: became

Deleted[LEManneh]: cause

Formatted[LEManneh]: Font color: Auto

My next point, Madam Speaker, is about sensitization. This Constitution, I think NCCE should have been seriously engaged and involved in sensitizing Gambians about this Constitution. It is a legal document that we will find very difficult to

Deleted[LEManneh]: ,

Deleted[LEManneh]: really

interpret, Madam Speaker. I think it is the role of NCCE to do that in consultation with the Office of the Minister of Justice, to make sure that there is a lot of clarity on this Constitution.

Honourable Speaker and Honourable Members, that being the case, I will propose that in our next budget, let NCCE be properly budgeted so that they will be able to carry out their functions effectively because it is very important. Most people in this country do not understand issues and they will go about saying things that are not correct, especially with this current trend of the Social Media in the country and outside the country. I think this is a good move. Honourable Speaker. That is my suggestion anyway.

Honourable Speaker, with regards to the appointment of Seyfos and Alkalos in the 1997 Constitution; Honourable Speaker, Page 40 Section 58: "The *President shall appoint the District Seyfo in accordance with the Minister responsible for the Local Government*". Honourable Speaker, before the First Republic, Seyfos were elected but when we came to the Second Republic, they have been appointed. With this election of the seyfolou, what I am not in agreement with is, there is no term limit; when the Republic of the country has a term limit, when the parliament has a term limit, why Seyfos who are being elected and there is no term limit? You want to elect a Seyfo and leave him to be a Seyfo throughout his life. Certainly, I am not in agreement with that. If that is what will stand, I will go by the 1997 Constitution in appointing them. If you do something wrong, you will be removed.

Honourable Minister of Justice, I think this Constitution; certainly, there is no perfect Constitution all over the world. Why I like this Constitution, is the separation of powers and the term limit because these are control measures that none of our incoming Presidents will over stay in power. Sir Dawda has done a wonderful job for this country, taking this country from colonial rule to independence. Honourable Speaker, but Jack of a term limit had given us a problem. The military came, and we were thinking that really they say Military of difference. That is correct, they have also done their part but what is lacking was the term limit. So, this term limit alone in this Constitution is very important and it is helping this country. It is shaping a way for our young leaders, especially the young parliamentarians. The opportunity is there; you can never know, one of them can be a President tomorrow provided that the opportunity we have, let them make sure that they use that opportunity by educating themselves, and improving themselves. The old people are going, it is their turn. There is nothing that can stop them, provided that they take their rightful positions in the society.

Deleted[LEManneh]: but

Deleted[LEManneh]: for

Deleted[LEManneh]: ,

Deleted[LEManneh]:

Deleted[LEManneh]: So,

Deleted[LEManneh]: ,

Deleted[LEManneh]: .

Deleted[LEManneh]:

Deleted[LEManneh]: but

Deleted[LEManneh]: .

Deleted[LEManneh]: o

Deleted[LEManneh]: ,

Deleted[LEManneh]: lives

Deleted[LEManneh]: ,

Deleted[LEManneh]: Madam Speaker,

Deleted[LEManneh]: but

Deleted[LEManneh]: ,

Deleted[LEManneh]: this

Deleted[LEManneh]: is

Deleted[LEManneh]: a

Deleted[LEManneh]: not

Deleted[LEManneh]: ,

Deleted[LEManneh]: because

Deleted[LEManneh]: no

Deleted[LEManneh]: has

Deleted[LEManneh]: ,

Deleted[LEManneh]: are

Deleted[LEManneh]: -

Deleted[LEManneh]: ,

Deleted[LEManneh]: Madam Speaker,

Deleted[LEManneh]: ,

Deleted[LEManneh]: d

Honourable Speaker, this is what I have as my contribution and I will appeal and ask all the Parliamentarians to make sure that this Constitution moves from this Parliament. It is a process: it starts with the Constitutional Review Commission, when they finished, this document was submitted to His Excellency the President of the Republic. This is what the law says. I do not know but I know the President of the Republic together with his Executive, of course including the Justice Minister, who must have played a very important role to advise the government. He made sure that all the legal requirements, before it comes to the Parliament, are met. They have done their part; it is our part now, it is our right and it is a right of each and every National Assembly Member to comment as people's representatives. You are sent here to make sure that you comment on issues of national interest. Now that is the second stage; first stage, second stage and now we are on the third stage. I think if this Constitution is passed, it is left to the general population of this country. If they approve it in a form of a referendum, that is fine. If they do not, really the Executive have done their part. National Assembly have done their part and I think with this 5<sup>th</sup> Legislature, we have made history and legacy. People respect this National Assembly over other National Assemblies. So, as a result of the new dispensation and the democratic system of our country, I think we are doing well.

Honourable Speaker, I think this will be my contribution. Coming to citizenship, Honourable Speaker, most of my colleagues talked about it here, giving an example of UK, America and the like. This country is Gambia, when we want to go to America, you require a visa, when you want to go to UK, you require a visa but in The Gambia here, our neighbours, our porous borders are opened, people come and still live with us. I am not saying that people should not come because Gambians go everywhere but what I am saying is that, our citizenship in my own way, I do not think it should be compared with that of UK and US. It has been indicated that, if you want to become a citizen of this country, there is a way, procedurally, naturalization is there. There is nothing that stops you but we have to be very careful and we have to make sure that we guide our citizenship. I think there was a problem in Ivory Coast with regards to the current President. That leads to a longer judicial battle. With that history, I think we have to be very careful. With that few remarks Honourable Speaker, I thank you for giving me the floor and I stand by supporting the bill. Thank you.

**THE SPEAKER:** Honourable Members, that was the last I have on my list. As I always say, I would endeavour to give an opportunity to each and everybody to make his or her contribution and that was the last on my list but if there is any other Honourable Member who wishes to take part, whose name was not

- Deleted[LEManneh]: ,
- Deleted[LEManneh]:
- Deleted[LEManneh]: ,
- Deleted[LEManneh]: go by the law and at the same ti
- Deleted[LEManneh]: cause
- Deleted[LEManneh]: makes
- Deleted[LEManneh]: and
- Deleted[LEManneh]: ,
- Deleted[LEManneh]: and
- Deleted[LEManneh]: is left to them,
- Deleted[LEManneh]: Honourable Speaker
- Deleted[LEManneh]: ,
- Deleted[LEManneh]: but
- Deleted[LEManneh]: ,
- Deleted[LEManneh]: ,
- Deleted[LEManneh]: Honourable Speaker, I think
- Deleted[LEManneh]: the
- Deleted[LEManneh]: ,
- Deleted[LEManneh]: .
- Deleted[LEManneh]: ,
- Deleted[LEManneh]: ,
- Deleted[LEManneh]: ;
- Deleted[LEManneh]: ,
- Deleted[LEManneh]: So,
- Deleted[LEManneh]:
- Deleted[LEManneh]: Thank you Honourable Member.
- Deleted[LEManneh]: ,

captured, I will allow you. Majority Leader, I did not have his name. That is why I decided that I would allow everybody who wants to make an intervention.

Deleted[LEManneh]: –

Deleted[LEManneh]: ,

**HON. KEBBA BARROW [MAJORITY LEADER]:** Thank you very much, Honourable Speaker, for giving me the floor. I also want to join my colleagues to thank the CRC and also Members of the National Assembly for coming up with the Bill in 2017.

Deleted[LEManneh]:

Honourable Speaker, our country is at crossroads and I think it is very important for us as citizen of this country, to work towards ensuring that good governance and democracy is instituted in this country. We came out from a dictatorship of 22 years; we have seen what had happened over the last 22 years. The development of the 1997 Constitution was done at a rush and the people who were selected to do it are all citizens but the consultative process was very limited. I participated in the consultative process in my constituency in Kombo South, in 1996 and it was done in only one venue, i.e. Gunjur, with less than 30 participants for the whole of Kombo South which showed that, the consultative process was not that very consultative and the Gambians were not consulted as to what should be in that constitution. A lot has been said about the development processes that have taken place in the formulation of this Constitution and I think we have been very lucky to have a very good team. People were saying that they do not have more qualified judges or legal minded people in the drafting of this Constitution. In 1996, when the consultative process was going on, the chairperson of the consultation was a medical doctor by profession, very well educated and he was able to handle this process. The 2017 CRC Commission is headed by a judge ... and also Awa Ceesay-Sabally. Who in this country can tell me that Awa Ceesay-Sabally does not know how to draft a Constitution?

Deleted[LEManneh]:

Deleted[LEManneh]: we

Deleted[LEManneh]: ,

Deleted[LEManneh]: that is

Deleted[LEManneh]: . So,

Deleted[LEManneh]: has

Deleted[LEManneh]: ,

Deleted[LEManneh]: Those who

Deleted[LEManneh]: are

Deleted[LEManneh]: ,

Deleted[LEManneh]: But

Deleted[LEManneh]: consultative

Deleted[LEManneh]: ,

Deleted[LEManneh]: Ceesay

Deleted[LEManneh]: Ceesay

#### **POINT OF CLARIFICATION**

**HON. HALIFA SALLAH [SEREKUNDA]:** A dominant judge who was the President or Chairman of the Constitutional Review Commission.

Deleted[LEManneh]:

Formatted[LEManneh]: Centered

**THE SPEAKER:** Are you referring to the 1996 Consultation?

Deleted[LEManneh]: of the

**HON. HALIFA SALLAH [SEREKUNDA]:** For the Constitution, the Constitutional Review Commission, the Chairman was Justice Quay.

Deleted[LEManneh]:

Deleted[LEManneh]:

**HON. KEBBA BARROW [MAJORITY LEADER]:** What I am saying in essence, I think we have a very good team that have developed this Draft Constitution and the process was very widely done in almost all the villages, in all the

Deleted[LEManneh]:

Deleted[LEManneh]: So,

constituencies, in all the regions and most of the institutions were consulted in the drafting of this Constitution. I think the beauty about this Draft Constitution is, it has a lot of novelty in some of the sections that were introduced. If you look in the Draft Constitution, this is the first time that a section is talking about the affairs of the youths in this country and if you want to be serious in eradicating poverty and ensuring that youth unemployment is reduced. With 51% of our population, the youths need to be taken care of and this Constitution has given the mandate to be able to sit with the government and draw up their plans, resource them fully, to be able to run the Youth Empowerment Project (YEP) and other development projects that are there for the youths. This is a novelty that we need to work with and I think it is timely that we look at the problem of the youths, the women and the vulnerable Members of our communities.

Deleted[LEManneh]: who

Deleted[LEManneh]: .

Deleted[LEManneh]: (

Deleted[LEManneh]: )

Deleted[LEManneh]: So,