



**National Assembly, New Assembly Building, Reginald
Pyne Lane, Banjul, The Gambia**

PARLIAMENTARY DEBATES

[HANSARD]

OFFICIAL HANSARD REPORT

FOURTH SESSION – THIRD MEETING

MONDAY, 21st September, 2020

SESSION – 2020



**National Assembly, New Assembly Building, Reginald Pye
Lane, Banjul, The Gambia**

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Fourth Meeting of the Third Session of the Fifth Assembly
of the Second Republic of The Gambia.

Proceedings of the Sitting of the House on Monday 21st September, 2020

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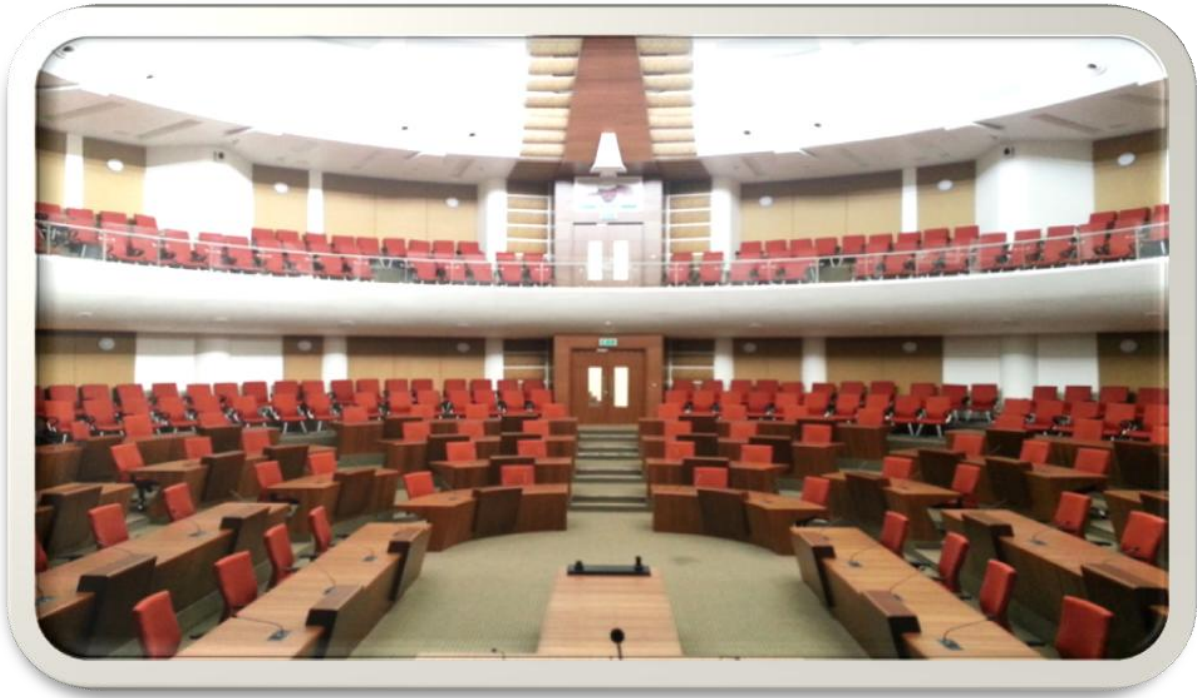
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**THE CHAMBERS OF THE NATIONAL ASSEMBLY OF THE GAMBIA
OFFICIAL HANSARD REPORT OF THE PROCEEDINGS OF THE
HOUSE**

**FOURTH SESSION – THIRD MEETING
OF THE FIFTH ASSEMBLY
OF THE SECOND REPUBLIC**

MONDAY 21st SEPTEMBER, 2020

1. PRAYERS:

[The Speaker, Hon. Mariam Jack Denton, Reads the Prayers].

[The House met at 10:00 a.m. in New Assembly Building, Reginald Pye Lane, Banjul].

[The Speaker, Hon. Mariam Jack Denton, in the Chair].

The House was called to Order

2. Communication from the Chair

THE SPEAKER: Good morning Honourable Members, good morning Honourable Ministers and members of the Press.

Honourable Members first, I wish to congratulate you all for your remarkable support and cooperation in making the event- the State of the Nation Address delivered by His Excellency, President of the Republic of The Gambia on Thursday the 17th of September, 2020 a success.

In the same vein, I also thank the Clerk, the entire Staff of the National Assembly and Members of the Taskforce for the support and commitment in ensuring that the event was successful. The success of the event is of course evident that they did well individually and collectively. And I register my special thanks and appreciation to all of them.

To the media and the public as usual, we are always grateful for the support and partnership over the years which have been very fruitful. Our sincere appreciation also goes to the media fraternity in particular for their continuous cooperation which is crucial in reaching out to the masses whom we represent.

Honourable Members, before we commence the debate on the State of the Nation Address 2020 delivered by His Excellency, the President of the Republic on Thursday the 17th September, 2020, the Assembly will as a matter of procedure provided for under clause 14(2) of the Standing Orders, first consider the Third Reading of the Women Enterprise's Fund Bill 2020 followed by continuation of the second reading of the Constitution of the Republic of the Gambia.

On that note, I thank you very much. Clerk can we proceed?

3. Correction and Approval of Record of Votes and Proceedings of the National Assembly Sitting of Wednesday 16th September, 2020.

THE SPEAKER: Thank you Honourable Members, the Record of Votes and Proceedings of the National Assembly Sitting of Wednesday the 16th of September, 2020 is before us for consideration and adoption. Can any Honourable Member

please move that the said Record of Votes and Proceedings be considered and adopted?

HON. KAJALI FOFANA [JARRA WEST]: Thank you Honourable Speaker, I rise to move the motion that the Record of Votes and Proceedings of the National Assembly Sittings of Wednesday 16th September, 2020 be corrected and adopted. Thank you.

THE SPEAKER: Thank you very much, Any Seconder?

HON. ALHAGIE H. SOWE [JIMARA]: I so second Madam Speaker.

THE SPEAKER:

(Question Proposed)

Any issues or observations, corrections from Honourable Members? Two Records have been circulated, the one for the 16th September and 17th September, so we start with the 16th September, 2020.

SPEAKER: Foni Berefet are you satisfied now? Thank you.

HON. ALHAJI SANKUNG JAMMEH [FONI JARROL]: page 3, thank you Madam, for consistency purposes my name Alhaji S, I do not use (S) as an initial because (S) could mean any other name different from Sankung so I would want them to maintain "Sankung" instead of writing (S) please.

HON. SUWAIBOU TOURAY [WULI EAST]: Page 7 under the adjournment, first line, the Assembly do stand 'adjourn', "ed" should be added to adjourn.

HON. ALHAGIE DARBOE [LOWER FULLADU WEST]: Yes on Page 8, those in favour please say 'Aye' and those not in favour please say 'No'. It is either the 'Ayes' or 'Nos' have it but nothing is mentioned here in the record. Which one have it, is it the Ayes or the Nos?

HON. SUWAIBOU TOURAY [WULI EAST]: Page 8 the last paragraph, this Assembly now stands adjourned. If you are reporting just say this Assembly was adjourned instead of repeating what you have said.

THE SPEAKER: If we adjourned till Thursday, I thought we say the Assembly stands adjourned till Thursday.

HON. SUWAIBOU TOURAY [WULI EAST]: Well say now the Assembly stands, you were saying that at that time but today the Assembly stands adjourned.

THE SPEAKER: Yes, I understand but is it not correct that we are reporting what happened on that day?

HON. SUWAIBOU TOURAY [WULI EAST]: Yes, we are reporting.

THE SPEAKER: We are reporting what happened that day. No, I am just asking, is it not also the fact that this is a report of what transpired on that day?

HON. SUWAIBOU TOURAY [WULI EAST]: Yes I know, you mentioned that this Assembly now stands adjourned, that is what you have said on that day but when you are reporting now, you are not supposed to use now, you are mentioning today. This Assembly was adjourned because it was done before not now.

(Question Proposed Put and Agreed to)

(That the Record of Votes and Proceedings of the National Assembly Sitting of Wednesday 16th September, 2020 has been adopted with amendments).

4. Correction of Record of Votes and Proceedings of the National Assembly Sitting of Thursday 17th September 2020.

THE SPEAKER:

Honourable Members the Record of Votes and Proceedings of the National Assembly Sitting of Thursday 17th September, 2020 is before us for consideration and adoption. Can an Honourable Member please move that the said Record of Votes and Proceedings be considered and adopted?

HON. KEBBA JALLOW [JARRA CENTRAL]: Thank you Honourable Speaker, I rise to move that the correction and approval of Record of Votes and Proceedings of the

National Assembly Sitting of Thursday 17th September, 2020 be corrected and approved. Thank you.

THE SPEAKER: Any Seconder?

HON. KADDY CAMARA [FONI BONDALI]: I rise to second the Motion, Madam Speaker.

(Question Proposed)

Any issues or observations Corrections from Honourable Members? The Records have also been circulated.

HON. SIDIA S. JATTA [WULI WEST]: Honourable Speaker, the names of Members are they written alphabetically or they are splitting helter-skelter? Because my name keeps on floating between 9, 30 something, 20 something, what is that? I am asking whether our names are written alphabetically or helter-skelter. For consistency purposes, they should be written alphabetically.

THE SPEAKER: Consideration, but I am being informed by the Table Office that we cannot be consistent because at the moment, we will look into it as I said but that Honourable Members come in and not everybody gets in at the same time and usually I see the Table Office Clerks going round, taking record of Honourable Members present. We have taken note and it will be looked into, thank you.

HON. ASSAN TOURAY [BAKAU]: Page 1, the Honourable Member for Jeshwang was not here on Thursday and his name is captured in the attendance list as present.

THE SPEAKER: It will be corrected, thank you.

HON. SAINÉY JAWARA [LOWER SALOUM]: On the attendance No. 36, Hon. Sulayman Saho, Central Badibu was not here too and his name is captured in the list.

THE SPEAKER: Honourable Members, 2 Honourable Members Lower Saloum and Illiassa usually find it difficult to pick up your words but thank you for the correction it is taken note of. Any more correction?

HON. OUSMAN TOURAY [SABACH SANJAL]: Page 2, No. 41 Alhagie H. Sowe was also absent on that day.

HON. MAHTARR M. JENG [LOWER NIUMI]: Page 3, Communication from the Chair, the third line of the paragraph, if I may take a snoop of it. 'The Nation on the condition of the Gambia', it should be "conditions of the Gambia"

THE SPEAKER: We will take the wordings of the Constitution. Thank you

HON. ALHAGIE H. SOWE [JIMARA]: Thank you Madam. I think the Honourable Member for Foni Jarrol raised something very important concerning about the way his name is written 'Alhaji S. Jammeh' but then it should be "Alhaji Sankung Jammeh" for consistency purpose.

HON. ASSAN TOURAY [BAKAU]: Page 3, where you have the following National Assembly Member's seat was vacant, the Honourable Member for Niamina West. I think the reason of the vacancy should be indicated.

THE SPEAKER: Please, this should be sorted out once and for all because it keeps on coming up every sitting. Any more on page 3?

HON. SUWAIBOU TOURAY [WULI EAST]: Page 4, first paragraph second line, His Excellency 'will' should be changed to 'would'

HON. SAINY TOURAY [JARRA EAST]: Thank you Madam Speaker Page 5, the last paragraph where you have, finally the Honourable Speaker thanked the Honourable Deputy Speaker, Office of the Clerk, Taskforce Members and all those who in their various ways contributed immensely to making the event a success and pray that the Almighty Allah 'continued' to bless and guide us all. It should be 'continue' not "continued."

THE SPEAKER: Honourable Member for Wuli East, I am sure you will prefer this sentence to the previous one contained in the proceedings of 16th September, 2020. I said I am sure you will prefer this where it says 'Honourable Speaker adjourned the Assembly instead of now.

We have also taken note of the observations and they will be addressed in due course.

(Question Proposed, Put and Agreed to)

(That the Record of Votes and Proceedings of the National Assembly Sitting of Thursday 17th September, 2020 be adopted with amendments)

BILLS:

Standing Order 72(20) and 75 Third Reading of the Gambia Women Enterprise's Fund Bill 2020 (By: the Honourable Minister for Women and Social Welfare).

THE SPEAKER: Thank you very much, Honourable Members will recall that the consideration stage of 'the Gambia Women Enterprise's Fund Bill 2020' was concluded on Monday 14th September 2020. Accordingly, today is the appointed day for the third reading in accordance with Standing Order Clause 75.

Now, I would therefore invite the Honourable Minister for Women, Children and Social Welfare to move a motion for the third reading of the Bill entitled 'the Gambia Women Enterprise's Fund Bill'. Honourable Members will recall that we had completed the consideration stage and the Bill was supposed to have been circulated, the neat version which I hope has already been done and everybody has a copy because once it is passed we cannot touch it any more.

Honourable Minister before I allow you, let me allow Honourable Member for Central Badibu then may be the Chair will come because I saw his tag up.

HON. SULAYMAN SAHO [CENTRAL BADIBU]: I wanted to ask for the neat version of the Bill but I am being informed that it is circulated already and my copy is in the pigeonhole.

HON. OUSMAN SILLAH [BANJUL NORTH]: Thank you very much Honourable Speaker as you indicated that the neat version is supposed to be before us, but some consultations were done during the weekend to ensure that it is cleaned. It captures everything that was discussed and agreed by the Committee of the Whole

House. But I have still noticed some missing things and I think it is important as you indicated for us to do the corrections now before the Minister comes.

The advice also is that when they have these things, it is important that they come and place it on our tables rather than pigeonholes because I think that is the problem that most of them are having. They are not in the habit of going to their pigeonholes when they come in the morning.

THE SPEAKER: Honourable, what I have suggested to the Office of the Clerk is that, I think it is only fair that in future, after these amendments are done at least we give 2 days to enable all the corrections, amendments to be adequately captured. But I think half a day is really too short to ensure between printing because you may print and observed that there are still further omissions which need to be corrected. So I do not know under the present situation, whether it will not be better if we push this or adjourn it and allow everything to be tidied up because in any event, you need a clean version as agreed between the Ministry and the Committees. That is just my proposal because I did not know, for me, I thought that everything was tidied up but we are being told that there are still some issues to be tidied and we thought we had finished the committee stage but they have some omissions not captured here but discussed at the committee stage am I right? If I get you the Honourable Member for Banjul North.

HON. OUSMAN SILLAH [BANJUL NORTH]: No, these are just one that can be called minor, the missing ones are like I said in our consultations were taken up and factored in the final document. But these are numberings and some wordings in terms of formatting is part of it but I do not know whether other members of the committee would want us to defer it till tomorrow or we proceed with it today but for me, it is not a problem I think we can proceed with it if they want.

THE SPEAKER: The committee members are here, we have the Co-Chair.

HON. OUSMAN SILLAH (BANJUL NORTH): The Co-Chair is suggesting that we move it for tomorrow.

THE SPEAKER: We are guided by your observations over your advice.

HON. HALIFA SALLAH (SEREKUNDA): Thank you Honourable Speaker, we are really operating according to Standing Order 72, paragraph 20 that when a Bill has been amended at consideration stage, the whole text of the Bill together with a revised memorandum of objects and reasons amendment shall if practicable be printed but if it is not practicable the text of every clause or schedule amended and every new clause or new schedule added shall be printed, published and circulated to members in advance of the final stage. So Honourable Speaker, this is the final document that we are voting on, it is the law and so it is prudent that we clean a lot before the end of this session so that it is simply coming and voting on what we have already processed.

So I would propose that we postpone it and allow that process to take place between the Committee, the Minister and our Staff so that we clean it up and circulate the copy that we would finally consider to be the law.

THE SPEAKER: I think Honourable Sallah that is exactly what I said or suggested and I said I would leave it with the committees so in that case, we would suspend the deliberation on this bill that is the third reading until things are sorted out because we need to get it printed and the final and neat copy circulated to members well in advance. We still have time to go to the third stage. So Honourable Minister I am sure the Committee and also Table Office would get back to you so that you can get the finalised printed and circulated well in advance to Honourable Members for them to ensure that everything has been adequately captured.

On that note, we would push the continuation until later. Clerk can we continue with the next item on the Order Paper. Thank you.

BILL:

Standing Order 67(1) – Second Reading of the Bill: The Constitution of the Republic of The Gambia, 2020 (Promulgation) Bill, 2020 and the general merits and principles.

THE SPEAKER: This is a continuation from where we stopped the last time. Honourable Members will recall that the second reading of the Constitution of the

Republic of Gambia 2020 Promulgation Bill 2020 was done on Wednesday the 16th of September, 2020 and the debate commenced then. Today we will continue with the debate on the general merits and principles of the said Bill. Therefore, in accordance with clause 67 sub-clause (1) of the Standing Orders, I will open the floor for continuation of the debate on the general merits and principles of the Bill.

Any Honourable Member who wishes to take part and whose name was not recorded can raise his or her constituency tag and I will do the recording accordingly. But before giving any Honourable Member the floor again, I wish to strongly emphasize or lay emphasis on Standing Order Clause 67(1) that the debate shall strictly be on the merits and principles of the Bill and I would not hesitate to call to order any Honourable Member who deviates from this. For now, we are not debating the details of the Bill.

Furthermore, after the debate on the general merits and principles, a vote shall be taken on the second reading as required by Section 226 (2) B and 4(B) of the 1997 Constitution. A vote of not less than three quarters of all members is required before the Bill can proceed to the next stage of the process. This is a Constitutional requirement for all Honourable Members to kindly take note and on that note, I thank you very much and as I said, the floor is opened for continuation. I already had a list so I want to continue from where we stopped. Yes I have noted Foni Brefet, I just want to confirm you were originally on the list. Foni Brefet, yes I have noted you down.

HON. MOMODOU S. CEESAY (JANJANBUREH): Thank you Madam Speaker for giving me the floor. I just want to remind myself and my fellow National Assembly Members that one of the reasons why the entire Gambia decided to go in for a new constitution. First of all, if I stand here today and hold this constitution, I do not think I am holding the right constitution because this has been doctored more than 50 times so this is not the right constitution.

Secondly, Wuli West has said it here that in this constitution the Gambia was not defined so there are a lot of salient issues that are not in this and at the time when

the act was coming to this Parliament, I do not think there was anyone here who would have gone against this constitution.

Madam Speaker, we have been informed according to the report that because of the process they took, we asked them to go because the Act was approved by us here. In other words, we asked the CRC to prepare this document and how did they do it? They informed us that they went according to the Act which was prepared by the Executive and sent to us for approval. They informed us that they had 263 focus group discussions throughout the Gambia which involved almost more than 8000 people individually and a lot of processes that are mentioned here.

Madam Speaker, the CRC also informed us that the first 3 months of the work, they reviewed the 1965, 1970 and 1997 Constitutions. Unfortunately, I would agree with some of my Honourable colleagues that I think the Kenya's one should have been included here so that when you quote from it, it can be valid but it is not that unfortunately. Again, we are being informed that they have consulted, position papers that were given to them by 31 NGOs, 23 Departments, Ministries and Agencies, 8 Religious organisations and I do not even know that we have 8 Religious organisations in this country.

(Point of Clarification)

HON. HALIFA SALLAH [SEREKUNDA]: Honourable Speaker, if you look at page 217 of the report, it mentions references, page 217 and if you go to page 219 item 30, 31, 32, 33, 34, you will see Ghana Citizenship Act---

THE SPEAKER: Can you refer me to the relevant page?

HON. HALIFA SALLAH [SEREKUNDA]: It is the report of the Constitutional Review Commission.

THE SPEAKER: I am using the gazetted copy that is why.

HON. HALIFA SALLAH [SEREKUNDA]: No, not the copy itself but the report, page 217 has references and if you go to page 219, it mentions many constitutions, 30 Ghana Citizenship Act and 31 is Ghana Constitution, 32 Malawi Citizenship Act, 33

Malawi Constitution, 34 Kenya Constitution. Well in academia, what you really do is make references anytime you have literature review. You make references so that nobody can allege that you have plagiarized.

HON. MOMODOU S. CEESAY (JANJANBUREH): Thank you for that rectification. Honourable Member, I have not reached to that portion may be that is why I did not see it. We are informed that 10 International Governmental organisations put in their position papers, 98 individuals which anyone of us could have done.

In fact, I want to say this Madam Speaker that National Assembly Members have the opportunity to have met with CRC on numerous occasions, I stand to be corrected but I think they had meetings in every district of this country and some of us here have more than one district in their constituencies. So the opportunity to have met them was numerous but we did not. The National Assembly was consulted through the right committee and I think if I am right, they have sent in their position papers. 4 educational institutions sent in their position papers, 98 individuals again we could have been among and I think one of us could have written a position paper and I am sure some probably might have done that.

Finally, 3 political parties, all these listings were done by Gambians which really tells us that this constitution was very consultative and participatory. This does not the least mean that I do not also have my objections.

Madam Speaker, if I want to enumerate what comments I also have on this constitution, my number one thing would be the citizenship. I agreed that Gambians should open up and allow other people to be registered as Gambians but we are saying let it be in the right manner, go and do the naturalization or whatever in the right manner that is what we are asking for. So I think that portion of citizenship should have been more elaborated that is my feeling. And I think we are all at one time here, either at committee level or at the plenary that we said the President at least should be coming here twice every year, beginning of the year to highlight what he has planned and at the end of the year to come and tell us what they have achieved, what they have not achieved and why they have not achieved them. But this Constitution is saying that the president should come at least once.

Madam Speaker to my humble opinion, where you have presidential term limit, the National Assembly Members, Councillors, and the Chieftaincy is left quite open. If a 20 year old is elected as a chief and supposedly he is to live for 100 years he will be a chief for 80 years and we have seen numerous times where chiefs are not functioning, they sit in their rooms and their kids running the affairs of the district, we have seen that. It is my ardent belief that the Chieftaincy and the 'Alkaloship' should also for democratic purpose have term limits and we were all happy that certain appointments should be coming here for vetting.

Under normal circumstances, this is what is happening in a lot of countries but it is my feeling that if the president selects or nominates somebody for the National Assembly to approve, I think the National Assembly should also be consulted when that person is being dismissed. Not to take permission from them but at least give them the reasons why you dismissed that person but that is not in the Constitution.

Finally, Madam Speaker, the Commission's report, the Acts are being approved by the National Assembly and what normally happens, we have seen just recently when commissions are being summoned, we approved them without even knowing what the report contains. But all these I am saying are my personal opinions, is it the opinion outside? Is it the opinion even inside here? I do not think so or it may not be. So based on that, I do not think it will be fair for me to stand here to say I am going against the Constitution because I have my personal objections on certain parts of the Constitution. So I am again advising myself and my fellow NAMs that a lot is at stake, a hundred and sixty-four million had been spent to produce this. I would have been very happy if they had given that to Agriculture so that we buy equipment for the farmers but no it has been spent to produce this. Let it be hundred million plus the time and the energy spent on this. I was thinking probably if anybody is to object to this, it should be the people themselves, the people who were consulted, the people whose ideas are in this should be the people who will say yes we disagree because this is not what we had agreed on when you came here. So we are rejecting it that is my humble opinion.

Today after this debate, the onus is left on us, if this passes, it is the Gambian people that will win but if it fails by us, I think we will not be in the good moods of

the people because Madam Speaker, these days a lot has been said, a lot is going on since yesterday up till today on this Constitution. So, there is a definite need for us to rethink. This Constitution if it comes even after the referendum, any portion of it that we do not like, we can bring it back to the National Assembly to change it. Is not a Bible or Quran that one can say we cannot touch it. This is why I am appealing to my fellow NAMs to reconsider our positions. Yes there are one or two things that we may have some objections on in this Constitution but we must always remember that it is your personal opinion about it and if your personal opinion does not coincide with what was told to the CRC when they went to the people, I do not think the CRC will do a good job by putting your personal opinion here and leaving out the opinion of the people.

Madam Speaker, I appeal for us to reconsider our positions and pass this Constitution. Thank you.

HON. DEMBO K. CAMARA [ILLIASSA]: Thank you very much Madam Speaker for giving me the floor. Before I go further, we have heard or read so many opinions from CRC, so what we should do now is to establish facts that is what we should do.

Madam Speaker, when I read this draft Constitution, I was highly convinced that this is one of the best Constitution forever and Madam Speaker I was very disappointed to hear that most of the NAMs were saying that this is a carbon copy. Madam Speaker, I will ask them and also I will inform the National Assembly that there is only one original that God has created that is Adam and the rest are carbon copies. And I was even happy when I heard from you that you hardly understand my language, I was happy, I was very much happy to hear from you but now if I point out one among the MPs and say that he/she is not a carbon copy of his/her father, how would that person feel it? Uncomfortable.

The CRC did a wonderful job because if you could allow me, I will refer this House to their report page 32 number 7 of the report and it reads "the CRC contacted about 874 people and out of that, 818 individuals have participated in face to face interviews and 56 individuals volunteered to go and see CRC to express their views. For that being the case Madam Speaker, to be quite honest this Constitution is not

for witch-hunting anybody because the people who voted us in were asked by the CRC and they gave them their due and this is what they want to govern them that is this Constitution. So you should not rely on what people are saying that this is a carbon copy from Kenya and it is a shame. You cannot be perfect, collect ideas from people from there you can govern people otherwise you cannot be a good leader.

Madam Speaker, I have no doubt in this constitution, only few issues that I will point out during the Committee Stage that is the rights of women, qualification, nationality and term limit. I think it is not even necessary for us to debate on term limit. Let us try to recall the past, I think we are once against the First and Second Republic because of what over stay. So, at least to be honest to ourselves and to be godly and sincere to ourselves, if we are here for the interest of the nation, not for our own interest, at least we should accept all inclusive.

May I remind my fellow citizens during the 3 years demonstration, they all succeeded simply because the Constitution says that the president should stay for 5 years not 3 years that is why we are able to stay up to this time. Let me remind you again why Nigeria's president Good luck Jonatan, served for about only 4 years and he is now the happiest ex-president in Nigeria, Nelson Mandela, he served 27 years in jail and he was there to fight for freedom but for African presidents, I wonder why they are even greedy staying in power for over 15 years.

On my final note Madam Speaker, I swear to the Holy Quran as a pure Muslim, if this Constitution fails, Illiassa constituency and I will point finger at the president honestly speaking and they should obey it as of everybody. According to the script that I have, it is talking about the election but there is no emphasis on this Constitution. My stand is that the Constitution is one of the best so far but my problem is that of women's rights which I will talk about later. Before I take my seat, Madam Speaker, if the National Assembly Members refuse to endorse this Constitution, the future will tell.

Name of Transcriber:	Sainey
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Digital Recording Time:	01:00 to 2:00

HON. ALHAJI SANKUNG JAMMEH [FONI JARROL]: Thank you very much Honourable Speaker, for giving me the floor. If I am to start first with the issues on the table discussed, I will say that this is a conspiracy against the 1997 Constitution and which I may assure you that it will not work.

Honourable Speaker, going through the document, the consultation with my people who through them I am here as a National Assembly Member. We went through the document and what we came out with is that there are many irregularities, many loopholes that need to be looked into for what so ever, we cannot be fooled twice as a country. I mean we have to be very careful; it is this 1997 Constitution that has made you and I and the President to be what we are today because we all sworn to it and up to date, it is that document that the government is still functioning on. So, why the repeal? We can made amendments, go through some of the necessary or unnecessary things that we think are not fit to be there and we make changes. Saying we have spent [116] million, I mean that is nothing to me because it is all about life and this is all about governance, this is why sometimes when you are taking up things, you have to be very careful and study it thoroughly. Do not just say because I am in power so I have to do whatsoever. Most of us here are opposing the coalition government and we are the very people who came up with that selection to get this man there that is the president and now we are saying no, because of certain weaknesses that are prevailing. So, should we also allow the same thing to happen to this document? I have my reasons as I said now by the way, if I may refer to chapter [8] of the draft bill if you may allow me on Section [84] page [37] on political parties, now if you go to subsection [2], G and H to my people.

[G] *“said that; ensure that at least 10% of candidate for election to the National Assembly are youth but how are we going to be sure of this? Maybe in an area where you do not have that youth participation in politics, at least to give you that number, percentage as a political party would not be easy. Then what are you going to do? And*

[H] *“Says publish to the public annually, their audited accounts within six months of the end of the financial year for which independent boundaries and electoral commission may register the party”. What for?*

When that public do not sponsor your party or the public is not the group that is sponsoring your party only the militants, why can that be in the congress, whereby you tell your people how you spent the party’s money rather than the public. It is not like the government where everybody’s money is being put into, but for parties not everybody’s money is put into. It is only those people who are in the party who contribute to the welfare of the party. So, it is important to let that people know but the entire nation, meaning you are revealing your secrets and every life needs secrecy. So, to us this will be very important if it is talking to the congress.

Now you move again to Section [85], on Subsection [2]. Madam Speaker, *“the Executive authority vested in the president includes upholding the values and principles of this Constitution and all other laws validly enacted by the National Assembly”.*

So, do the CRC want to tell us that whatever we enact here are not validly enacted? So, the word validly to me should not be there. So, if you are to maintain that validity meaning the National Assembly has not been enacting issues that are valid. So, to us we forget about validity or validly and they say all other laws enacted by the national Assembly simple.

Honourable Speaker, to be honest with you I know many people are talking, you go to the media, you go to ghettos everywhere, people are talking about this issue and we have to be honest. We are all represented by people or we are representing people and it is this people who brought us here and people have different opinions. So, let no one sees us to say – because I am saying no to it, so I am a bad Gambian.

If you think that is right on your side, that is your opinion but my people who brought me here are saying let me not see that this document should be something that I should agree to and we have our reasons if time will allow me to come up with it.

May I refer you again to Section [89] Subsection [2] which reads: "The *address by the President shall relate to matters concerning the state of the nation and may include previous, current and future policies of the government*". So, it is not mandatory. He can say what has happened past or not and we would want to know what the president has been doing in the past because that present situation you are telling the people, what you have done and what your achievements are or where but now if you say may, that is not mandatory. He may or may not. So, if he should say shall include previous, the President should tell us what his or her government has achieved and then again 97, if you can go to 97.

THE SPEAKER: Can you avoid the details for the time being, you can deal with this specific section but just the general principle of it. Let us just try to avoid the details for the time being.

HON. ALHAJI SANKUNG JAMMEH [FONI JARROL]: But I am getting from the Bill, so I think I am on the right track. I said page [97] but before 97 can we see [94] on page [42]; disqualification for election as president, B, C, and D; our concern here is the gross misconduct and [D], terminated; now to us when your service is terminated, it is different from when you are dismissed because termination goes with benefits. So, somebody whose services is terminated, if you want to say that person will not be qualified to stand as a president, I cannot understand that. So, maybe unless you buttress and explain it to us to understand, we are saying maybe to make the sentence or the phrase or clause correct - is subject to Subsection 2[A] as during any period of service in a public office or a private sector in the Gambia, being dismissed for dishonesty or immoral conduct something like that but when to say I am terminated but is not because of my misconduct or immorality caused my dismissal. So, am I not qualified to stand as a first elect candidate? So I want you to help me and my people to understand that.

Section [97] page [44], procedure of election of president, we have to study this place very thoroughly, like it says if I may read; [97] 1,2,3, and 4, especially 4 where it stated that *"At the first election more than two candidates receive equally the highest number or second highest number of valid votes, the candidates who received the highest number and second highest number of valid votes, shall participate in the second election unless any of them withdraw his or her participation"*.

Like for example, this is like a mathematical work, like you have five candidates that stood for the election and maybe, [A] got 36 and [B] 28, [C] 28, [D] 5 and [E] 3 sum up that and you have [100]. You go to the second round, now it is A, B and C, because they have the same number of votes going for the second round and there you have 33 [A] but 33[B] got 35 and [C] got 32. So, here by the Constitution you should have 50 plus. By looking at the mass calculation, the second person who got 35 in the second round did not have 50 plus 5. So, I want you to explain to us how is this man qualified to be the president when at the first round, the first got [36] and there he is not considered, went to the second round and then you have somebody who got [35] and that man is chosen as the president. So, I want you to explain it to us to understand ok.

THE SPEAKER: I do not like to interrupt Honourable Members when they make their interventions but as I said early on, can we just deal with the merits and the principles. It appears as if you are going into the details to the extent of even doing some mathematical calculations, I stand to be corrected. You can broaden your argument to cover a large scope and then it will be understood because the sections are there, we can all read. Just a second please let me learn Honourable Member for Serekunda. Are you with me? Are we together?

[Point of Clarification]

HON. HALIFA SALLAH [SEREKUNDA]: Well I hope the Honourable Member is guiding us properly in terms of the interpretation of what he is saying. What this seems to be saying is that, if you have the person [35] and the second position, you have two people having [33], then you have a problem there all three are there, one is first and the other two are second, so if the other two, one drops you can still continue otherwise all of them will have to participate. So, what are you guiding us?

THE SPEAKER: Just avoid the details for the time being.

HON. ALHAJI SANKUNG JAMMEH [FONI JARROL]: what am trying to say here for the Minister to explain for me to understand is the calculation I came out with, because I said first round you have two brackets with one leading this course and now going for the second round, there now you do not have bracket but you have 32, 33 and 35 and that is where according to this Constitution, the election stops there because there is nobody that has given up for the other. Now, in this event how are you going to go up again? Where there is nobody among this people who has plus [51], this is what I want to understand and that is why the election stops.

Honourable Speaker, as I said earlier, the 1997 Constitution should have been looked into for amendments and I am even much disappointed when my fellow members dare to say that there were many allegations against that 1997 Constitution. They said it is a military Constitution, APRC Constitution you name it. So, where are the people for 22 years, the National Assembly has been existing up to today, there is no challenging except when his time came up to say let us review. Some said it here, no need to review it or to get another new one. Can you not go through and see how best we can make some changes or bring in those that were deleted and see so that, we will have at least not that much cost as you are saying. I think it is going to be lesser cost than what we are now expecting and let me tell you, it is not also bad to send your child to the shop to buy you something that you want, that child went to the shop and did not come up with what you want, what do you do? You ask the child to go back and get what you want. So, if the same comes, this Constitution has come, we ask this people to give us what the Gambian people want and it did not happen in a way we wanted. Obviously, we have to ask them to go back and bring in something that we are looking for. So, it is not bad. It is only

when you do not care about whether the child has done right or wrong, you do not care about it so you will not worry but for us we sent CRC to bring us or to give us as expected and it is not done in that right way, So, what do you want us to say? Go and redo it or we properly continue with our 1997 Constitution. We amend it and see how best we can put things together, because it is for the whole Gambia. For 22 years, is not 22 days and we have seen what they have been doing. So, in that Constitution, it is the people - in fact what I sometimes say, it is the people who make the Constitution not the Constitution that makes the people because we are the people who do the works or the instructions of the Constitution. So, we fail to do so and then it means we are failing our own self. So, this is what happen and let people not fear because others would say yes If you retain the 1997 Constitution' 'Babbily Mansa'' will come and when that happens, many people will run away. Who is 'Babbily Mansa'? Who will make people run away? Is he not a human being like you and I. So, let us see what benefits the Gambia and we can carry forward.

[Point of Observation]

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Madam Speaker, the Member is deviating.

HON. ALHAJI SANKUNG JAMMEH [FONI JARROL]: So, in short Madam, If you go to the judiciary and before there, the National Assembly Service Commission, if you look at it thoroughly, why inviting other people to come and interfere in our own administration? Creating like three people something like that. If I can quote it rightly Getting some two females to be part of the commission and if you look at the judiciary commission, they are comprised nearly all – they are all judiciary minded people.

THE SPEAKER: Are those not details? You have to be able to distinguish between generality and detail.

HON. ALHAJI SANKUNG JAMMEH [FONI JARROL]: But this is what am trying to put to you but if you do not want me to give my conscience, well, I do not know

what democratic system is this. Anyway, on a serious note, the Parliament have to be very serious because otherwise, the legacy that we want to come up with will make us one of the worst parliaments so far since the creation of the Parliament in the Gambia. So, we have to be very careful and be very honest to our people. This is the opinion of my people that this 2020 Constitution is a conspiracy Constitution against the 1997 Constitution. So, it will not work so I thank you.

HON. SUNKARY BADJIE [FONI BREFET]: Madam Speaker, thank you very much. To begin with, let me seize the opportunity to thank the CRC for doing a good job, I do appreciate what they did. However, it is my responsibility also to look at their work in detailed as a representative of the people. It is also important to reflect the minds, ideas and the ideology of the people I represent.

Madam Speaker, lot of issues that I want to raise have already been raised by my colleagues and as a result, I do not want to take too much of a time or to belabour to repeat them. However, I want to pick up two issues in addition to the one that has already been raised and bring them to the light of this general Assembly that is the issues of the judiciary. I think the issues of the judiciary that does not mean to say that I am down playing their importance, of course they are equally very important like any other institution but my observation has indicated that there are kind of preference being given to the judiciary and I will tell you why!

First thing is their retirement benefits and if I just quote from what I have summarised, "*Retired superior court judge, the pension increases equally of the same level as a salary of a service superior court judge*". If this is applicable to all other institutions, I am ok but if it is not, to me is biased in favour of the judiciary and this brings in economic burden on an already flagging economy.

The second issue Madam Speaker, is Judiciary budget.

[Point of Order]

HON. DAWDA KAWSU JAWARA [UPPER FULLADU WEST]: clause [23] of the Standing Orders.

Madam Speaker unless I do not understand but Members are going into clauses of the Constitution and try to lay their concerns. If that is the case, we cannot stop anybody from going in to the Constitution.

THE SPEAKER: Honourable Members, please I can assure you that I will try to conduct only one session. We are not going to have two sessions neither are we going to have dialog. Honourable Members have the right to intervene but let us do it procedurally. We cannot be shouting from one side of the Assembly to the other and be talking at the same time. In fact, it is not even permissible, so let us exercise decorum and anybody who wants to raise a point of order is entirely at liberty to do so. Recite the relevant provision and we will see if it is applicable or not. Alternatively, if it is an observation and the Honourable Member who is on the floor allows you fine, we will proceed accordingly but what we should all avoid as responsible and mature Honourable Members, let us not be interrupting each other. We can all listen and see if we are on course. If we are not on course, we just raise an objection as simple as that but before you proceed can we just.....

HON. DAWDA KAWSU JAWARA [UPPER FULLADU WEST]: It is nothing to do with what he is saying. I have referred to the clause on Section (23) of the Standing Orders. My point is you have raised it time and time again to remind Members that we should not go into the details or –

[Point of Order]

THE SPEAKER: You did not ask for the floor and as I said we are not shouting, we are not going to entertain any shouting and anybody who wants to raise any issue is at liberty to do so but it has to be done according to the laid down procedures period.

HON. ALAGIE JAWARA [LOWER BADDIBU]: I raised a point of order on the standing order [18], any Member deviating from this Standing Orders maybe immediately be called to order by the Speaker or by any other Member raising a point of order. A member raising a point of order in accordance with standing order

[32] 1 A, permissible interruption shall direct attention to the point he or she desires to bring to notice and submit the same to the Speaker for decision.

My point of order here is, the Honourable Member for Upper Fulladu raised a point of order without directing it to the Assembly or to the point of order he is talking about to give us the benefit of the doubt.

SPEAKER: I would again appeal to Honourable Members to exercise patience and decorum, everybody has a right to intervene as the relevant clause has just been cited by the Member for Lower Badibu. If you have a point of order, just raise it and direct it to the Chair. It will be addressed. If you want to withdraw it is fine, if you have an observation you can ask for permission and if it is granted you proceed if not that would be the end and we proceed. But we cannot be raising our voices at the same time. We will not hear each other even if we all want to speak at the same time. It is just an appeal Honourable member, let us exercise decorum.

HON. SUNKARY BADJIE [FONI BREFET]: Madam Speaker, it is very important that Members listen to one another so that we can get the sense of what people are making, that will enable us make a head way.

But in general, talking about the issues of the judiciary that is earlier said has been given economy preference and I just try to explain that. I have highlighted the first issue of the retirement benefits and the second issue is their budget. In considering the estimates the National Assembly shall not, which is mandatory reduce their budget. For example, last year's budget we cannot reduce anything less than last year's budget and let us remind ourselves that we are tax-based economy, our budget system is also program-based budgeting. Now, if you say a particular institution's previous budget cannot be reduced, what happens if priorities changed? What happens if the funds are not available? For the meantime, you have to compromise other institutions which are equally important - like Health, Agriculture and Education to satisfy that mandate of the Constitution. So, it is where I have a problem the National Assembly shall have the power to reduce or increase any institution's budget which is fair enough because our budget is based on availability and prioritisation. We have limited economy and limited finance, therefore there is

need for us to prioritize our budget and expenditure but you cannot say the budget cannot be reduced, for me that needs to be reconsidered.

In addition, they should become independent the way they manage their own funds and their fund's appropriation should be deposited to their account on quarterly basis. That take us to the same issue, what happens if funds are not there or If funds are limited, do we have to take from health to satisfy that constitutional mandate? This is where I have a problem.

Madam Speaker, in conclusion, it is very important that all issues that have been raised be considered. I do not know how you proceed from that but it is important that this vital issues that had been raised by the fellow NAMs is worth considering. This will avoid the Constitution being amended several times. So, I understand the 1997 Constitution was amended [52] times, but if the concern raised are not being taken care of, I am afraid this might be amended two times [52].

So, in inclusion Madam Speaker, it is important actually that members look at it thoroughly and that is not just to suggest that if a particular Member objects the passing of this Bill that does not suggest that he or she does not make consultation. It is our responsibility; hence we are people's representatives to make consultation with our people. I am not quite sure whether all have done it but for me in person, I have done exhaustive consultation with my people and they have come up with certain issues, I do not want to proceed because some of those issues had been highlighted by previous speakers, so I do not want to prolong the discussion and take much of the Assembly's time.

The issue of Constitution has been mentioned over and over by Honourable Members and that also needs to be thoroughly looked into to avoid what had happened in other countries. I can see that history has indicated that in Ivory Coast previously, there was a problem like that. So, it is a very sensitive issue that we need to look at critically and to sum it up Madam Speaker as I said actually that it is important.

Finally, let us take note of all these issues raised and also let us respect each other's opinion but to stand in the National Assembly and say 'I found it good for Members

who try to advocate for the failure of the draft Constitution so that it will not pass the second stage'. It is your responsibility to convince because as a National Assembly member, what you could do is to convince others but you cannot avoid people from speaking their minds. Perhaps Some people are not very much informed, if you approach them and try to speak you may convince them but you fail to do that by speaking aggressively, it will not yield results. So, it is important that we respect each other's opinions if we want to make a head way.

Madam Speaker, on that note I want to thank you very much and I beg to take my seat.

HON. ALHAGIE H. SOWE [JIMARA]: Thank you very much Honourable Speaker, I think mine will be the shortest. I will also join my colleagues to thank the CRC for a job well-done.

Honourable Speaker, as at now I did not make any decision whether to vote yes or no, I want to make it very clear until my concerns are answered by the Honourable Minister.

Honourable Speaker, the CRC make a consultation in most of the regions and constituencies including political parties, but then I have gone through the final draft Constitution and most of the issues raised by the people and the political parties are not put in the draft constitution and my question is; will it be possible Honourable Minister to put those issues which were raised before we adopt it in the National Assembly?

Honourable Speaker, I think those are the issues that I have.

Thank you very much.

HON. OUSMAN TOURAY [SABACH SANJAL]: Thank you very much Honourable Speaker, let me begin by thanking everybody and recognising the presence of the media and everybody here. I also want to register my sincere appreciation to the efforts of the CRC, they have taken a daunting task to come up with such a Constitution.

Madam Speaker, however, I will just state as some other people have stated but I have series of concerns about this Constitution. I did not exhaust all that I want to say or all that I observed but I will select few among them and I would like some clarification on them by the Honourable Anthony General and there I will draw the curtain.

Madam Speaker, first and foremost, I want to talk about the separation of powers, the essence of democracy is the principle of separation of powers and good governance and I think we are all dreaming that fundamental system.

Madam Speaker, when I looked at the draft, I do not see any power being separated from the different arms of the government. I can even say, there is one arm of the government which is more powerful than the rest of the others.

Madam Speaker to me, this is not justice and it will not give us good governance. I will specifically mention the National Assembly, being the legislature has been given to amend those powers which I think is going far beyond their boundaries.

Madam Speaker, for the sake of separation of power again, Parliament have the mandate to enact laws to perform oversight and many other things. Now looking at the draft, the Parliament is mandated to engage into activities of the Executive, Judiciary and there is no organ of government that has hand in the Parliament. What type of separation of power is that? So, I am really doubtful, if we go by this, we are bringing a dictator Parliament. Today, I am a National Assembly Member but tomorrow who knows whether I will be?

Therefore, Madam Speaker, I condemn in the strongest possible term that the National Assembly participating in the affairs of the Executive. I do not want to go into the detail but these are found in the constitution in the draft and because of that I am really doubtful.

Honourable Speaker, the other arm which is also given a tremendous power is the Judiciary. If you look at the judiciary, they are equal to other public officers, of course they are independent body by the nature of their functions, their job actually the way they operate should be different from all other organs. But the state should

treat all officers equally, especially in terms of retirement, in terms of remuneration and many other things.

So, Madam Speaker, what I see in the draft, the judiciary is given a power – because looking at their retirement benefits, you will see that a job of a superior court or high court judge upon retirement will be paid the salary that he retired continuously plus his gratuity and other benefits and this does not apply to any other public officer in the country.

Madam Speaker, the 1997 Constitution, denied this Parliament to make a law or enact a law that will separate or discriminate the public officers and that is one fundamental thing I want to mention.

Madam Speaker, aside from the separation of Power. I have another concern regarding the civil service again and that is in Section [27] of the draft. Madam Speaker, no Public Officer should engage into any gainful employment if you are employed by the state. Madam Speaker, I cannot subscribe to that law. I have to make that clear because if you look at the Gambia, even the university of the Gambia, a good chunk of the lecturers are on part time, they are employed somewhere and they took another employment there. Now, if we denied this people to do that, how is our university going to function? Now if you go to the Gambia College the same thing, our teachers – because we have a low economy, the government cannot pay them the right salaries so, they also go for another private schools so that they can sustain themselves. Now, if you denied this people that right to go and look for another gainful employment, how are you going to maintain them? Whatever I am saying here is based on my conscience and the research I made on this document. I have facts to explain all those things.

Madam Speaker, that is a concern to me and I do not think this is really a progressive provision. It is alleged that the 1997 Constitution was amended for [52] times but this Constitution as drafted, if you let it passed Madam Speaker, I can tell you it will go for more than [100] amendments because there is nobody who can govern a country under this Constitution and then you have a peaceful country. That is the fact.

Madam Speaker, if you look at the media over the past three [3] days, they are calling Members, they are talking about lot of things. If you look at Facebook, lot of insults and people are doing this because of ignorance and they are misled and misinformed. Some of them do not have a copy of this draft and they are saying a lot of things about the draft. I think National Assembly Members should be left to do their work diligently and in a very independent way. They are members of a particular group or interest group, do not concern me, my concern is the entire Gambia. So, based on those fact Madam Speaker, I will faithfully act on behalf of the Gambians for the best interest of the Gambia not a specific group.

Madam Speaker, allow me to continue from there. If you look at section [37], that provision also is inconsistent with the ICCPR treaty in which Gambia is a party, that provision is completely inconsistent with that document. Madam Speaker, I think this needs to be looked at.

Madam Speaker, if I can go further, I would like to touch on the armed forces, the armed forces Madam Speaker, in the 1997 Constitution, I do not want to go into detail but I just want to bring comparison so that you can also do the same thing and see what I am talking about. Their mandate has explicitly explained their responsibilities in the 1997 Constitution but if you go to the draft, less is being talked about the armed forces, the draft is just saying the Parliament will further do those things.

Madam Speaker, I think this Constitution is the document that should set the framework, the principle of how this country should be governed but everything should not be left in the hands of the parliament. I am not saying that this is a regulation but in certain terms, you can denote that.

Madam Speaker, if I go to Section [10], in the draft Constitution where the laws of the Gambia is, it is not entrenched and in the 1997 Constitution, we have those laws protected so that you could not affect them or touch them unless and until it goes to referendum. So, which is giving a room for any manipulation on this Constitution by another who have a semi dictator behaviour. So, Madam Speaker, we should be very careful in the way we enact our laws and we should be very careful the way we pass

these laws. I think explicitly under that section [10], where the "Sharia" law is, creates a loud outcry of public concern and I think Madam Speaker, if we should do justice, we should try to look into that to see how possible we can entrench that clause.

Madam Speaker, removal of the President is another issue that I observed, to me there are two stages but I think the first stage should have carried more magnitude or more powers than the rest of the stages, because if you allege a particular president, to substantiate that should carry at least a heavy weight and if I compare this with the Judiciary, removing a high court judge Madam Speaker, it is just crazy, somebody who is elected by the general public and the person appoints some somebody, it is easier to remove the person elected by the general public than removing that man appointed. Madam Speaker, is that justice? Madam Speaker, this is why the public should know what is imbedded in the constitution before they claim anything or before they talk to anybody. I receive some insults from people and they are subjecting me to approve what they do not know.

Another point Madam Speaker, if you look at the 1997 Constitution, Section [111] is denying anybody to condition a National Assembly Member to do anything out of his or her conscience, it is a contempt and people were doing it over the last two days up to the extent of even pressuring you telling you that if you do not do it next time we will campaign against you. Madam Speaker, I want to believe that the process of this Bill is being fully politicized.

Madam Speaker, on citizenship, it is very important, I tend to laugh because when I look at the CRC report on page [53], consultations were done especially outside the Gambia and some bills were captured and rated in percentage but the CRC failed to come up with a clause to direct the parliament as what to do but to just tell them that parliament – this needs to be reconsidered because parliament will see how best they can rule on this citizen issues. There are this specific group who are claiming to be a citizen of Ghana that is the descendants of the slaves, those people you know in history, the Arab and other civilizations came to Africa to scramble for human beings. They took our people, our grandparents and enslaved them, now children and grandchildren of those people look into their history and Identify that

some of them are part of Gambia and this people wants to come back to the Gambia as a citizen but this document is still not giving them that liberty despite that they approached and consulted them and [70] something submissions were given to CRC but none of them were captured neither in the report nor in the draft.

Madam Speaker, this is really serious because we are not building single institution but rather, we are building a country and I think we should not build a country where in two, three days or two, three months' time, you will see catastrophe. If we are to be honest to ourselves, many Gambians leave this Gambia, go to other European countries and they are guaranteed citizenship. So, why is Gambia denying other people who chose to be Gambians and their parents were taken here forcefully and still we are saying we do not have time for them.

Madam Speaker, in these days of the world, we are talking of global village so, I do not think that is a genuine cause. Madam Speaker, I am sorry for the term I used but I am not happy with that and I pray we should also revisit that.

Madam Speaker, as I said earlier, I cannot finish it but I also want to mention the appointment of judges, in the appointment of judges, you have the Judiciary Service Commission who is doing all the screening and through that process, they identify for the president to appoint. Now why subjecting those people to another level of scrutiny by bringing them to the National Assembly. If we do that Madam Speaker, we are politicising our judiciary because I am a politician and if somebody wants to go for that position and is not shortlisted Madam Speaker, if I have any power, I will make sure that person is appointed. So, those are the dangers in Parliament's interference into such things. So, Madam Speaker, I think we should advise ourselves very well, although, we want to have a third republic, it is not because when I came to this Parliament some of this statement I heard about the 1997 Constitution is that it is among the best constitution in the sub-region but it was amended for this number of times to suit somebody's interest. For me, it does not even require us to go for a new constitution but at that time we were so ambitious to usher in a third republic that is the main factor, the main objective why we go for a new constitution. But I was not expecting a constitution that will bring discrimination among its citizens that will bring chaos in the governance of the

country setting in an ungovernable situation because a country has to be run by principles based on respect and mutual understanding.

In my conclusion Madam Speaker, I also want to say that the CRC in one way or the other has ignored some of the proposals made by the people and even myself and I will give reference to even some people who are there and they attacked me on that.

Madam Speaker, if you go to transitional clauses, schedule [3] Section [5] is talking about term of the president which is another problem undermining the progress of this constitution. Madam Speaker, let us remind ourselves that we are just a chunk from the population and those people there are the people who we should reflect on our actions on whatever we do here. We are in the transitional period, we should reconcile. I was not expecting such a provision that will bring disintegration that will bring misunderstanding in the Gambia. For the sake of reconciliation, we should have avoided such provisions in this draft because the concept of the coalition. We all see what they conceptualized when they came to the people and what happened but that purpose was completely defeated. Now you think about that, you bring another provision that will bring more situation of tension. I am really surprised but definitely Madam Speaker, I was not expecting such provision in the constitution. When you are given right by a constitution, if you want to relinquish that right or if that right is to be seized from you, those people should consult you on that right and I do not know whether they did it. if they consult the President on that but I have not seen it in the report or the draft and I believe as people who respect fundamental human rights, they should consult the President about that and know his position. If he is ready to sacrifice that is well and good, we will have a peaceful and smooth transition. If he is insisting that it is his right and he wants to use his right, we know that will inform us how to go about the next stage.

But Madam Speaker, how can you just sit there and decide on somebody's right and this Constitution is also denying us to do that and remember, we are propagating this constitution by using this one and I took oath when I came here on the first day that I will defend this constitution without fear or favour. So, I cannot go against what I took oath of. So that is another fundamental issue Madam Speaker that I wanted to highlight.



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HON. OUSMAN TOURAY [SANACH SANJAL]:

Madam Speaker still now, let me just say this my position on what I said earlier about this provision. I do not see it on the transitional clause because the constitution is advocating for general election where the National Assembly and Presidential election will be held the same day. When this proposal came from IEC, some of us and I specifically said I have no problem in that but you have to tell me how will I get my rights? Now in doing that my power will be short of four months and what will you do about that four months? And also give them salary, if that is difficult why not you extend the presidential term for four months? If the presidential term in extended for four months will you not pay the president for that four months? The Constitution gives us that mandate they could do that; they could have done that. So, the response was when we do that this term will be seen as a full term, it will be understood that he served two terms. I further asked my remuneration that is my salary, allowance and other benefits, how will I get them? That was not

responded to. When I say that and I will quote Mr Gaye Sowe and Awa Ceesay Sabally told me "why are you so interested to get that?" so those are some of the comments I can still remember. I said it is my right and if you want to take my right, I think I should be contacted on that and you get my consent on my right.

So fundamentally Madam Speaker, we give the CRC the mandate on CRC Act. Section [6] this Parliament enacted the CRC and give them the mandate that they supposed to do and they did it but, in the process, some people or some rights are not respected and that is why we have this problem about this Constitution.

As others have said earlier, if the Honourable Attorney General can clearly clarify all my doubts specifically on those issues, I do not mind to support this but without that I am not convinced as well as my people because I consulted them and they gave me points. They told me what I should do and what I should not do. However, among the people I have consulted in my constituency, I can count three different views but the rest of the views are speaking the same language. As they sent me here, they are listening to me whatever I say or do has to reflect on them.

So Madam Speaker, I respectfully submit that let us rethink and look at this document carefully and let us not be very ambiguous especially in a political way. This is not about politics; this is about our country and we want to have a document that will stand the test of time. We do not want to have a constitution where in the next two years it will be subjected to lot of amendments.

Madam Speaker this is a concern and with those submissions, I respectfully take my seat. Thank you.

HON. ALHAGIE S.B SILLAH [NIANI]: Thank you Madam Speaker for giving me the floor. First of all, I would like to join my colleagues to thank the CRC for the job well done. Here we are speaking on the Draft constitution and to be frankly honest to my members, from my electorates of all the views I heard from them is to add my voice to make this draft to be adopted.

Madam Speaker, a draft constitution or a constitution in particular cannot be a tailor made. We should all know that as far as constitutions are concerned, other sections will favour you and others will not favour you but at the end of the day you have to

accept. One day I maybe at fault with that particular section but another day you can be successful in that particular section. So, on that Madam Speaker, of all what we are saying, let us be frank enough to accept this draft constitution. A lot have been said and the commission has been going round consulting people about their opinions. All those things cannot be factored in this draft but what we should understand is that at least most of the important issues have been elaborated in the constitution and well spelt out. So, I think Madam Speaker, there is nothing wrong for people to say their opinions but what we should understand is that this draft constitution a lot of finance, time, energy and resources have been spent. Though resources can be spent on something and it will not be valuable but in other parts as far as this draft constitution is concerned, we cannot assume everything we want is going to be factored in the constitution.

Actually, as other speakers said, we have already sworn to defend our constitution, our opinion and rights but whatever is happening let us not see it politically. We all know as a calf if you leave it, it will go to the mother, but whatever it is happening let us not see each other as that. Whenever I stood here, I always try to give my advice and always try to see what the reality is. It is true Madam Speaker that people have to say their opinion which was not spelt in the constitution. I have got calls and letters from my constituency to advise me and give their reasons why I must vote for the constitution. Almost 80% of my people are saying yes to this constitution as far as we are concerned. Even if you interpret it the other way round, some people will say this part should be removed and this is what I like but at the end of the day we all have to come to term and agree. So, as we are going changes will be happening as we said the 1997 constitution some have been changed according to how we are going and how generation is going. Notwithstanding, let us accept that we cannot make this tailor- made that the shirt and the trouser will suit me but you can assume that I can put on the shirt but the trouser made may also fit me one day.

So, on that note Madam Speaker, as I said there are other issues which I have to elaborate though as I said, it cannot be changed like whatever we do not want we change it. At the end of the day we will go without a constitution because it will not

suit everybody. On that, as far as the constitution is concerned, like first of all the citizenship, we all assumed as it is spelt out here that one of your parents should be born in the country. If you look at other populations, we are not that many so comparing strangers who are coming in and out, even if you lodge a stranger at your home and he came with a wife before he leaves there maybe the amount of birth, she will give will be more than what you will have in your compound. So, we should look at that side at least though, I know it will not be good on others but as I said it is my opinion. If you go to China before having a citizenship your mother and father must be a citizen of China and sometimes the grandparent must be a Chinese. So here if you say any of it at the end of the day, the ratio will be higher than us let us be frank with each other. Counting the number of strangers in the country is even more than us so at the end of the day if you start to cancel one is to one you will be left without any. So this is my opinion and this is how I looked at it. Other countries like America is fine but still the population of those citizens adding them together will not be more than 15% or 20% and still now the citizens of America will be higher than the strangers. Also, those people are still controlling the way you should get the certificate of birth as a citizen of the country. This is simple, you want to be a citizen go through the right procedure and you get your citizenship nobody denies that. So, Madam Speaker this is how I see it as far as the citizenship is concerned.

As I said I have seen here seven administrative areas, so I would love at least these administrative areas are different from the councils and the regions. If we would have got part of our region as CRR North to be its own region also, I would love that but maybe gradually subsequent members will consider that at least we have our own region to add it on other regions. It is a large region and if you compare it with another region still now, we are joining one region which is Janjanbureh. Notwithstanding, we have already stated it and it is a concern to us to have our own region call CRR north but unfortunately it did not factor here.

The other point Madam Speaker, as I said the only thing I have seen, you see if you are in a position you should also foresee the future. Today we are all members, one day who knows that one of us here can be a president. So, actually giving the whole power to the National Assembly and the Executive and the president have less

power, one day you may need it and you cannot get it. What is the most important if the president has appointed not a matter of nominating and bringing it to the Assembly for us to approve but what is important here is let it factor all the criteria on how a minister should be appointed. What I did not see here is at least that particular Minister should have an institutional memory that is the most important thing and other qualifications. If you bring a minister in an institution where he did not have that institutional memory, it will always be the problem of appointment. What is the most important for me, I think one day among us one can be a president and that day you will want to appoint and your appointment will not be approved without coming here. That is the portion, I really want to see that at least we give some powers to the Executive like the president so that whenever he is appointing let him have all the criteria. The only one I do not see here is that the person should have an institutional memory.

Madam Speaker, my other point is term limit, wherever we have problem in Africa is about long stay in office. If I know I will leave office next year, I will try all possible means to see how best I am able to cope with people because if I leave this office, a Mandinka proverb have it that; "a bull which is going to be slaughtered tomorrow you need not to measure the horn". So, if he knows that he is leaving obviously everybody who wants to be in that office will also be accepting that this is just about time one day he will be removed here. Somebody who is there never knows whether he will die before you or you will die before him so obviously you will be in a rush for him to be removed. This is not even about the president but even in our association. You will be in an association as a president and your time has elapse but you do not want to leave. At the end of the day you said I do not have anything in this association but you will not leave. So, these are problems and we should try to make sure that this term limit is good in the constitution because at the end of the day you are sure that after five or ten years you will leave. Ten years is not that long if you are healthy and I think we should bear with that.

The second term will be left by yourself because the first term people will vote for you but the second term is just like us. As the electorates are hearing from us and they sent us here as their representatives. They know what we are saying and, on

that note they will see how they will vote for me in the next five years. So, whosoever is here will know whether I will be voted for a second term because is left to you. The first one you tell them what will be good for them and they will assess what you have been saying to them whether that has happened or not, then they will vote for you on a second term. So, for that second term you also should know that is the end of your position. This why even as a civil servant you are pensioned at the age of sixty because you cannot be staying there for your whole life.

Madam Speaker, this is my concern for term limit. This is the problem with most African presidents, they will sit for a period and say, let us renew it and or change the constitution. What we wanted to understand here is Honourable Minister, we are saying ten years or two terms. All what our electorates knew is ten years in a position. Already he has stood for five years and he is looking for another five years. That is the way most of our electorates are seeing it.

[Point of clarification]

HON. HALIFA SALLAH [SERREKUNDA]: Honourable Speaker, for the term limit we have to be really careful in personalizing it. If you look at schedule [4] it is saying effective date means the date of the coming into force of this constitution which shall be the date after the day this constitution is adopted at a national referendum. That is the effective date. In essence, what it is saying in terms of the term limit like the member said in fact, even the National Assembly there is a transition. We do not break. What it says here is that [5] term of office of the incumbent president that the person duly elected president of the republic prior to the effective date and serving in office as at the effective date shall be the first president of the third republic of The Gambia and shall continue to hold the office of the president in accordance with the provisions of this constitution. Essentially, what this is simply saying is that by having the constitution adopted, it comes into force and by coming into force whosoever it is there will be considered to be the first president of the third republic. That is all it is saying and he continues to serve. In essence, it is not directed at a person, it is directed to an office and if we start looking at a person, we may confuse the whole agenda as if there is an agenda against a person.

HON. ALHAGIE S.B SILLAH [NIANI]: Thank you. I think all what we wanted to know is already been cleared. As he said we are trying to adopt the constitution and at the end of the day, if the constitution is adopted while anyone who is in position will start at wherever he is. All what I wanted to elaborate was that long stay in office should be factored very well.

Madam Speaker, the other one is ...-*[interruption]*

THE SPEAKER: Honourable, it is very important to know the scope of the debate that we are dealing with the principles but once you start going into details, there may be a tendency to slide and maybe that may cause some misinterpretation. I do not know, I am not saying it is but it is a possibility. So if we can just confine our interventions on the merits and general principles of the Bill, I think we would be doing the proper thing. Thank you.

HON. ALHAGIE S.B SILLAH [NIANI]: Thank you Madam Speaker. As I said a lot has been said. I am here standing to represent my constituency. As I said what I hear from them during my consultation with them is that they really accept the draft constitution. Almost vast majority whom I have been hearing from and I even got a letter form the youth of my constituency of their concern to make sure that I try to be part of the members who are going to accept this draft constitution. So, on that note Madam Speaker, these are my opinion and the opinion of my constituency that we are joining our hands so that we would be able to adopt this draft constitution. On that note Madam Speaker I will take my seat.

HON. LAMIN F.M CONTA [KOMBO EAST]: Thank you very much Honourable Speaker. I must also join my Honourable colleagues to thank the CRC for a job well done. It was not an easy job because they have to go all over the country as well as abroad to gauge the opinions of the people.

Honourable Speaker no constitution is perfect simply because it cannot get all the wishes and aspirations of every individual but as I am speaking to you, I think quite a number of Gambians are very much satisfied with the content of the draft constitution and I believe a lot have been given a consideration.

If you go into the draft constitution, you will realise that the establishments and composition of the local government authority is a step in a right direction. This Local Government Authority Act in the 1997 constitution, they cannot be autonomous because they rely on other authority. This time around they are relying on their own authority because this will have a positive impact on the lives and livelihood of the people within their localities. Therefore, it is good to go. I hundred percent support this Draft Bill and I believe I am speaking from my consent and the people I am representing because every individual here is representing people. Therefore, we are cognisant of the fact that one has to speak for the people we are representing.

Honourable Speaker, if you go into the draft constitution you will realise that there are so many provisions that should had been captured and are in line and conformity with the international standard.

With the nomination of the cabinet Ministers, conformation by the National Assembly is in conformity with the international standard. So I do not think there is any problem in that.

Honourable Speaker, if you go you will realise that there are cultural rights, rights to labour practices and right to clean environment, economic and social rights and rights to elderly. These are our social norms and values. So, I think it is good to go for us to actually support this very important Bill and I believe there is not much to be done by this and I do not think I have to bore the Assembly with lot of discussion on this issue. I definitely support the Bill and I am urging all Honourable Members to support this very important Bill. On that note Honourable Speaker, I thank you so much.

HON. ABDOULIE CEESAY [OLD YUNDUM]: Thank you so much Honourable Speaker for giving me the floor. First of all, I would like to thank the Constitutional Review Commission for having taken the procedures on the mandate given to them to bring the constitution that is tabled before the National Assembly for consideration.

Honourable Speaker, my colleagues in the National Assembly are all speaking their minds as to exactly what we have in the draft constitution and this is exactly what I am going to do as well. Having gone through the constitution myself with consultation with electorates in my constituency, we have found a lot of deficiencies on the constitution that we also want to bring forward. We know there is progressive clauses in the constitution that we cannot deny but we also have provisions that we think need to be looked at. Earlier on I did an interview with Chronicle and they asked me what did I think about the constitution. I said even the National Assembly members do not have the authority to touch the constitution, to touch the constitution and do some fine tuning, then Honourable Abdoulie Ceesay is not supporting the constitution that is my position. I have gone through it and I have about sixteen other clauses that I believe need to be reviewed or else that is going to be the end. People in my constituency have given me their consent and that is what I am bringing forward.

Honourable Speaker, the issue of citizenship in the draft constitution as alluded to by my colleagues are the same thing and I believe that provision need to be looked at very clearly. The 1997 constitution has given us a clear-cut provision that I believe should be the provision in this Draft Constitution for us to move but it has been changed and that is not good for us. The term of office of the president as well is also another thing. If you say the constitution when it comes into force the two-term limit of the president will start from this transitional year that is the five years meaning you are reverting the law back. That is another thing we also need to look at. From consultation people have not agreed on this particular provision and as a representative, I must bring forward for people to hear.

Honourable Speaker going forward on the appointment of Ministers as well, my colleagues have said here. I am just going to repeat just to make it constructive so that people will know. These are issues that are bordering us and I think we need to check them for the confirmation of Ministers in the National Assembly which can always be political. We have our personal reservations to that. the revocation of appointment by the president to revoke the appointment of the Vice President or another Minister as well. That is another thing to look at Honourable Speaker.

Section 195 that is the preference treatment of the judges as well. We have that in the constitution and we are not taking anything about that. You cannot have judges that are accorded privilege better than the doctors, soldiers and teachers in this country. Any privilege that is given to a judge must also be given to the other side of the service sector, the doctors, teachers, soldiers they are not benefiting from this particular provision so, I think that is not fair and we should not have such provision in the constitution and we need to look at that as well.

As well as in section 195[2] of the Draft constitution is another provision that is not given equal opportunity to all the citizens as well. It was only concentrating more on the judiciary. So I think when the state is giving out, it has to be an equal opportunity for all those that are representing the state in various institutions need to benefit from that.

Honourable Speaker, the election of speaker in the National Assembly is also not clear. The provision is there but we do not know how that will work. These are some of the things embedded in the constitution and I think they need to look at them critically. My position is, this constitution must be reviewed and if the law is saying that we cannot touch it, then I will not be supporting the constitution Honourable Speaker. On that note I thank you.

HON. SAINY TOURAY [JARRA EAST]: Thank you very much for giving me the floor. First and foremost, I rise to drum up support for this important piece of legislation. Honourable Speaker grant me leave to whet our appetite historically. At the eve of independence 17th February 1965, this country of ours was gripped by what I would call independence fever, there was much hype and jubilation that as a country we are at the threshold of being commanders of our own destiny. There came 18th February 1965 as the D-day when the Gambia gain her independence from the British.

Honourable Speaker, the moment the Gambia was declared an independent state, the union jack was lowered and the Gambia Flag was hoisted. Honourable Speaker, I do not know whether I am heard because we are trying to adopt to the new normal my mouth is gaped. That shows that lot of things have gone down the bridge, a lot

of water has passed down the bridge. Independence of a country is very significant. Significance in the sense that, it tells you that you as an entity, as a country you are at liberty to be in charge of your own destiny that we are no longer going to be dictated to. Therefore, as an independent state there are lot of gains that a country is likely going to enjoy.

Madam Speaker to come to the exact issue at hand, that is the Draft constitution, today the nation is gripped with mixed feelings in the sense that the general public is saying, will they? won't they? So, the country is looking at us and I think we will do the right thing. This august Assembly will do the needful and the needful is to give thumbs up to this draft Constitution because this draft Constitution Madam Speaker must be seen as an embodiment of the interest we seize and aspirations of the totality of Gambians that is the long and the short of it.

This draft constitution as I expand to dilate on its general principles and merits, I will not dissect into the provisions and shrines unless and until it is time for Committee of the Whole House that is the time I will dissect and study it thoroughly.

The Gambian masses are not oblivious of the fact that, lots of things happened in this country. We have the constitutional conference, the pre-independent talks and the post-independent talks and at this juncture, allow me to pay homage to our founding fathers in the person of his Excellency late president Sir Dawda Kairaba Jawara and his lieutenants who are deemed as the forerunners of our independence.

The independence was fought not by only men but also by women. Women of substance, dignity and men who could be described as gentlemen of the finest African tradition. I therefore want to recognise their mammoth contribution on our road to getting the Gambia enjoy internal self-government.

Honourable Speaker for this debate, we are confronted with what I would call a national conversation, and this national conversation is on the lips of every tom, dick and harry as a result, owing to its importance, It can be called a common refrain, is in everybody's lips. What is expected of us in this critical turning point of our history is to make decision. In making decision you must be guided by certain fundamental elements that is in as much as we are willing to make decision, our decision must be

preceded by good judgement. Our reactions must also be preceded by reasons and not emotions or sentiments. Because in this exercise it is about nation building and the Gambian nation is bigger than all of us. The Gambia is the main set and this august Assembly serves as the subset of the main set. So the main set is bigger than the subset. The Gambian masses are bigger than the Gambia National Assembly. Yes, we are at liberty by way of arrangement to have a say of this important national discourse but that does not mean that we can trample on the wishes and aspirations of the totality of Gambians.

Honourable speaker, unless you forget we are engaged in epoch making journey, we are making history and we must be guided by the fact that history is more than the past, left by the past for it influences our presence and it has the potency to define and shape our future as well. So, Madam Speaker in our quest to make that landmark history we must all work assiduously so as to be recorded...*[interruption]*

THE SPEAKER: Sorry to interrupt you. We are all guided by our Standing Orders as far as procedures is concerned and I think we should all try to adhere to that. I think it is good to talk about history, historical development of everything but I would rather want you to paraphrase and then you go straight into the merits and principles of the Bill, because you have been dealing, I will term it historical background how we arrive at where we are today but probably it could have been paraphrased and summarised then you go straight to the principles of the Bill. If you can just align your argument towards that angle of discussion. Thank you.

HON. SAINÉY TOURAY [JARRA EAST]: Honourable Speaker I am humbled as it pleases your good office. Thank you.

Honourable Speaker time is not our best ally, I am compelled to put my submission in a nutshell and I thank you for guiding me I am humbled.

Honourable Speaker, why constitution, why do we have constitution and what is the meaning of constitution, what is the meaning of constitution and what a constitution is capable of doing for a country. I think these things are very important. It was going without saying Honourable Speaker that the constitution serves as a supreme law of the country and as a result it goes to serve as the lifeblood of any given

country. The merits of having a constitution cannot be over emphasised. One of them is that, it serves to enhance good governance and the rule of law. Constitution is incompatible with dictatorship. Again, it is in a constitution that the rights and responsibilities of the citizens are enshrined and clearly spelt out. This is why where your rights stop that is where somebody's starts. We are able to have or enjoy these rights because of a constitutional instrument.

This constitution must enjoy yes vote. If you ask me why? Because it is an embodiment of the interest, wishes and aspirations of the totality of Gambians. So it must enjoy a yes vote. A lot of money, if my memory can serve me, D116, Million. That is a colossal sum by all standards and I do not think this august Assembly would like to be recorded on the wrong side of history because history is going to judge us and there is no way that we can escape the long arms of justices neither can we escape the long arm of history. So, in making history lets us work towards being recorded on the positive side so that tomorrow our children and our children's children will have a better Gambia.

Honourable Speaker, yesterday I received a lot of calls from concern Gambians both home and abroad. I can tell you for the fact that they have been calling, they are very much concern about the Gambian situation. This is why they keep calling to make sure that we help move the Gambia. When it comes to nation building there is nothing like Party A or Party B. All of us here are common denominator and that is we are all Gambians. We all have the same ID Cards and that is why we are discussing Gambian matter, it may be seen within that lens, it must be approached in a non-partisan manner, it must be an impartial in our deliberations and above all to be guided by Section 112 of the 1997 Constitution. That is whatever we are doing whether within or outside the confines of this parliament, it must be guided by national interest and conscience that is the only thing. So throwing this draft constitution under the dust may God forbid, it means we are throwing the wishes and aspirations of our fellow compatriots and that may not augur well for us. Talk less of the money that has been invested, we must be here to strengthen the voices of our people. The long and short of representation is to transform the fantasies of

our people into realities and if this draft constitution gets a yes vote, it means we have transformed in no small measure the wishes and aspirations of our electorates.

I heard some Honourable members talking about being asked not to give a stamp of approval to this important draft constitution. Honourable speaker, we are politicians and I want to use my skills here to convince them to give a yes vote to this constitution. Honourable Speaker, I am not oblivious of the fact that you can take a horse to the pond but you can never force the horse to drink but this time I am going to force you to drink. Is not poison, drink! If you should trust me, I have taken mine but I want you to take yours as well. I have no qualms with our divergent opinions; it is normal. Let us not forget Madam Speaker, this draft constitution contains a multiplicity of opinions. The CRC have toured the length and breadth of this country. They have sounded the opinions of every tom, dick and harry principally for them to have a very good opinion. An opinion that could be described as undiluted, unblemished and Gambians for that matter. I think for us to reject this draft constitution, that will tantamount to an abomination may God forbid. We should make history but make sure we make good history. I think by doing this small politicking, I have convinced the lefties to be called the right wings now. I think they are now convinced and I believe fervently all of them will give their thumbs up to this constitution. This draft constitution needs only one thing and that is a clean bill of health for it to navigate smoothly without any hindrance. And I could see in the eyes of my Honourable colleagues that they are all patriotic sons and daughters of this great country and if there is any motivation, I can tell you, it has to do with your patriotic sentiments, that is the only driving force. You are not forced to accept something that could be called an alien constitution but this is a Gambian constitution.

Honourable Speaker when I was in primary school, I was told that Democracy means government by the people, for the people and of the people and I can tell you so is this constitution, is by the people, for the people and of the people. So please let us have the country at the forefront. Let the interest of the country supersedes whatever parochial interest you might have, it is about the Gambia and all of us are part of that set and that is why you are considered as the subset so the

Gambian people are the main set. So let us make sure that we accept this draft constitution. Remember Gambians are the architects of this draft constitution by way of referendum. I have no doubt in my mind, the amount of money, human capital that has been injected in this constitutional building will not go in vain.

Honourable speaker, I think Honourable members have got me and they have heard me very clearly that the constitution is our own constitution is not something that is alien. I have no doubt in my mind that after thorough scrutiny, we are going to give a yes vote to this constitution. Remember, the Gambian people are very much concerned, they are not concerned about the money that has been invested but they are concerned about ousting their wishes and aspirations into the dustbin of history and I do not think we will do that madam speaker. I want to be counted for having voted for this draft constitution and I wanted to be counted as well. I am ready, are you ready? Thank you.

HON. MUHAMMED MAHANERA [SANDU]: Thank you very much Honourable speaker for giving me the floor to also take part in this debate. First of all, I want to register my sincere gratitude to the Chairperson of CRC and also to the Ministry of Justice for coming up with this document.

Honourable Speaker, we have argued here that CRC has cited references or quote from other constitution but I am sure those arguments, if they have a base is very little, because in academia, it is not illegal to cite references or quote from someone. In all knowledge, if you want to come up with a new knowledge you must use the existing knowledge and how do you come with new knowledge it is through research and if you are researching, you must use somebody's document. So, if you go to academia you want to write your thesis, you do not come with knowledge. You have to make research and the research is you have to go through somebody's work so that you can also get an idea how to come with a new idea. So, I do not think that is a base where we can subject this to until we come with a conclusion that we are going to reject this draft constitution. There is other salient points in this constitution, you should base your arguments on those.

Honourable Speaker, in the constitution, the draft before us here is not for an individual. We are coming with this document to strengthen our institutions so if you talked about National Assembly has been given power, it is not the members but the Institution that has been powered to do their work because when Mahanera is an MP today but tomorrow somebody also can come, so it is not to safeguard Mahanera alone in that seat because the seat does not belong to Mahanera, it belongs to the people of Sandu and the people of Sandu also have their thoughts in this draft constitution.

So, if you make research, the most reluctant people on earth, I can say is we the African because we are always reluctant to change and if we do not change, we cannot progress. You cannot just be sitting at one place and saying that the world is moving and we are still behind, why? Because we are reluctant to change. Like me, it will cost me any means to make sure that I stay on this seat; this seat does not belong to me it belongs to the people of Sandu. So why are you reluctant, you have to work with people if you do not want to be subjected to removal. So the constitution definitely is not for individuals, it is for offices and the aim is to make sure that our institutions are strengthened and the efficacy that we are looking for is achieved.

Honourable Speaker, with those remarks, I would now look at the importance of the constitution in our institutions. Why I have some objection to this constitution is that if you live you live for a purpose. As a Muslim, I have gone through this constitution and there are certain terms that I am definitely not happy with. We all have been talking about secularism that some people said it should not be in the constitution but others said it has to be in the constitution for protection. We can see that again in a way where secularism is embedded in this constitution and for me as a Muslim, I am not going to support that.

If you go to section 49[1] ..." every person has the right to freedom of conscience, religion, thought belief and opinion [2] ..." every person has the right either individual or in communities with others in public or private to manifest and practise any religion or belief without any interference by the state. This secularism was talked about in the 1997 Constitution and it continues 3 up to 4.

If you also go to right to marriage and found a family, the 1997 Constitution the way it was framed there was different in the new draft constitution as well. For me as a Muslim definitely, I prefer next world than this world so there is nothing that would lead me to do something that tomorrow when I am to be accounted for, there is nobody who will be there [President, Minister or whatever] to grantee you that you will not be accountable for and you will be accountable for. That is, a man or a woman of full age and capacity have the right to marriage and found a family and such marriage shall be based on the free and full conscience of the man and the woman". If you say man, that is a set and if you say a woman, it is a set so it means unless may be the Honourable Minister makes this portion clear to me that a man and a woman fine. A man and a woman means two people from that set can get married and two people from that set can also get married. Which means still now the gay marriage that we were talking about to me is still in this Constitution. Unless otherwise, that the Minister is able to justify and make me believe this does not mean the legal interpretation of this clause.

[Point of observation]

HON. HALIFA SALLAH [SERREKUNDA]: Honourable speaker, if you look at the 1997 Constitution it says under section [27] says that men and women of full age and capacity shall have the right to marry and found a family. So essentially, we are saying the same thing in this one. I think we must be careful in interpreting again.

THE SPEAKER: I do not even think that our role is to interpret here. We are not interpreters but at least let us state the facts as they are. Are you on a point of order or observation?

HON. MUHAMMAD MAHANERA [SANDU]: I think it is clear now what the Honorable Member for Serrekunda has just said. And I also said it very clear that until and unless the Honorable Minister is able to justify because I do not know the meaning am just asking when he comes to the podium whether he can justify this section for us. What it means I am not interpreting; I am just making a comparison between the two thank you very much for that observation. All right Honorable

Speaker, thank you very much, thank you Honorable Member for Serrekunda. You can see it now like what I was saying nobody is born with knowledge, you must get knowledge from other people. Honorable Speaker, alright I would leave it with the Honorable Minister to elaborate more on that. And Honorable Speaker, right to property, what I have seen here or is only government or states that may forfeit property from someone in the legal way but Honorable Speaker, right to property, we have been experiencing a lot of problems in our areas especially in the rural areas now. Honorable Minister, this constitution definitely is in line with our criminal laws if you go to our areas Honorable Speaker, the theft cases in URR is rampant and what will happen if somebody has right to his own property and somebody just come and steal that property from you, then the legal procedure is that, you should not touch the person but why are those people even going ahead to make sure that they also do something to those people is because our justice system. You take somebody to court at the end of the day you are frustrated you used money and pay lawyers so at the end of the day you only forgive your case. So on that note Honorable Speaker, I think this constitution also should try and address that not only government but also as an individual you have your property you should not give liberty to people when they come and steal and you still say no they should not be touched because of human right. It is true everybody has right you have right to steal my property so, do I not have right to do anything? I also have right to my property so, it happened there just recently in Sandu we are having so many problems like that Honorable Speaker. So, with this point definitely if the Honorable Minister would be able to convince me on this, I do not have any problem with this Constitution only to let it go and my stand is if those areas can be addressed as possible and if the Minister can convince me on those ones, definitely I would vote for yes so that this Constitution will go to the next stage because I am representing the people of Sandu. If I am here to exercise my right and scrutinize this document, I do not see any way that I can also seize their rights from them because they also have rights to go and exercise on this Constitution that is on the referendum. And also, for outside members, still now the parliament has power to do something with this if people are saying Parliament has no power fine but in our Standing Orders, you can see it from this stage now, it either goes to the next stage or we refer it to

the committee. The committee also can engaged so that anything that we do not want here, we can discuss it with the Ministry or CRC and see how best we can fine tune this one. But we will not definitely at this stage drop this constitution and definitely, I do not see any reason why we should do that Honorable Speaker, thank you very much.

HON. OMAR DARBOE [UPPER NIUMI]: thank you very much Madam Speaker for giving me the opportunity to express my view about this Constitution of the Republic of the Gambia 2020 Promulgation Bill 2020. Madam Speaker, laws are made for people and the merit and the principle of this particular Bill is that the 1997 Constitution we do not see it as something befitting to our condition and that was the reason why we set up CRC to come up with a new constitution. Madam Speaker, I only want to ask the Justice Minister this particular question because it is going on the Social Media that the NAMS do not have any right to take even a comma on this Constitution. So, if that is the case then after your clarification Honorable Minister, I would take my decision. But Madam Speaker in the merit and the principles, when you are making a law you make a law for all the people in the country but you do not make law out of sentiment or you make law out of emotion if that happens, then we will see that particular law as discriminatory meaning that it is discriminating a section of society or maybe it is made for an individual. So, with those reasons Madam Speaker, I would reserve my opinion till the Honorable Minister comes and clarify whether we can either make a change on this particular constitution or not, if not then my decision to this particular constitution is 100% no thank you.

HON. MOMODOU CAMARA [FONI BINTANG]: thank you very much Madam Speaker. Madam Speaker, most of the issues I want to highlight here are taken care of by my colleagues, nevertheless, I will be very brief and go straight to the points. Let me first go to the president's nomination of Ministers. Madam Speaker, I believe that we have the three arms of government that is the Executive, the Legislature and the Judiciary and you are all advocating that they should be independent. So, this is why I have the belief that the president should nominate his Ministers without coming to the Parliament for approval but more so, you have to know that if you

are saying that all these organs should be independent, the president also should not have any hand in selecting the National Assembly Members because he has also nominated members here so if you are saying that we should not involve in his appointment of Ministers, he should also not have any hand in nominating National Assembly Members, that is my stand. Madam Speaker, let me go to the Judiciary, most of the members have stated that Section 195 is talking about the remuneration and retirement of the judges. Madam Speaker, it says that any judge who is retiring you retire with your salary and it further went on to say that when you retire as a sitting judge your salary increases and the retirement benefits also increase. I think we should look at that very carefully. I want to be guided by the Minister if that is so, why is this especially for the judges? Why not the Legislative? Why not the Executive or other public servants or civil servants. So, I want to be guided by the Minister and went further to their budget, they said when they bring their budget this year, the next year we should not touch their budget. Madam Speaker, they may bring this year's budget and they include buildings and even buying of cars or so many things and the next year they do not need that, why would you leave that there? Is that not a misplacement of priorities? So, I do not know why they put it like that but I am totally not in support because we have to realize that our economy is a tax - based economy here and we see the problems we have here even the National Assembly itself, we do not have what we want every year. So, why are you saying that we should not touch the budget of the Judiciary? Madam Speaker, the other thing is the qualification of the Judges Section 191, really we want to "Gambianize" our Judiciary system but for me I think we also need to consider and open a small room for other countries to participate in our Judiciary system especially the commonwealth countries because if some of our Gambians are participating in commonwealth countries, if they also close their rooms what will happen to our people? And also look at the example, why I say this because I can remember the Office of the DPP still now they are advertising the position I think for almost a year now they cannot get a Gambian if I can be corrected by the Minister. Who is going to man this position now? This is why I say we need to open rooms to include the Commonwealth countries. Madam Speaker, the other thing is Section 62 that is the specific rights, you go to the economic and social rights, yes it is good we need to

have all those rights if possible but my concern is, the rights they mentioned there are numerous and really we need to have the realities of the country if not when this Constitution is enacted, you will start seeing people going to court because you may assume that a particular community may say I do not have water and I should have water because it is their rights. People will end up going to court and the government will have problem because the community cannot sustain it. So for me, I want them to include the economic realities of the country that is my concern but I need to be guided by the Minister also on that. There is also a section that has mentioned lot of commissions. I am also saying that we have to look at the economic realities for example, we have seen the Human Right Commission here when the commission is set for over a year, they do not have an office, they do not have staff because of the economy. So, we do not want to form commissions while you cannot pay it. So, let us form commissions that we know we can pay the commission members and it can be sustainable. So, this is my consent. Madam Speaker, the other thing is "Section 27 which talks about full- time civil servant shall not engage in gainful employment". Madam Speaker, when you look at this, I think we want to make some of our institutions very vulnerable or handicap. A member has mentioned here that when you go to the university, most of the lecturers especially the Law School are lawyers who are working somewhere else, you go to the clinics, most of the doctors and nurses are working in private clinics or pharmacies and you know the average earnings. So, if you want to bring that most of this people will leave the public service and go to private service and that will hamper the clinics or some of the institutions. Madam Speaker, "Section 147 the Speaker", they said the Speaker should be selected from outside, but my concern is, how can it be selected from outside? No process then. Are you going to the street and bring somebody to select him/her the Speaker? Or are you going to nominate? Or are you going to shortlist? How is the process done? We need the process, we want to be guided by the process. Madam Speaker, the other concern is the chieftaincy because they said when you are elected or once elected, you are there for life. Madam Speaker, I think you were all talking here that when you overstay, you become a dictator so, my concern here is if somebody is elected and is there for life he will do whatever he wants because he will know that nobody will challenge

him on his position. So, I need to be guided and I want if possible, let them be elected as National Assembly members or as the president and other people. Every 5 years, let your people gauge you and know whether they will want you to lead them or not. Madam Speaker, Clause [73], the supremacy of the court, sorry if you may allow let me read that one 'any law that is inconsistent with the Constitution is void'. Section 3, the validity or legality of this constitution is not subject to challenges by or before any court or other organ of the state. To my understanding, it is saying that when this draft constitution became the constitution of the republic of the Gambia, nobody should have right whatever to challenge it in the court and you are talking of many rights here. So, for me I want to be guided also by the Minister please. We are very sorry, although, you newly came and you were not there at the starting of the process. Anyway, this is the law this is the procedure. And the other thing Madam Speaker, why I want to be clear about this issue is, you have to know that after all this process, this draft constitution is going to a body and that body will resume interpretation and enforcement of this constitution, so this is why I want everything that is here to be clear to everybody so that I do not want when this goes to that body people start going to the court every time for interpretation. Madam Speaker, one thing I want to advise members and myself is that, when you are voting for this constitution, let vote on the basis of the merit and the progressive nature of the content of this draft not that the 1997 Constitution is bad, it is not bad and the campaign strategy people are using Madam Speaker can hamper the progress of this draft because some of them are using the 1997 Constitution attaching it to a political party which I think if not arrested can sway the electorates to vote along political lines and that is not our intention. This is a national document, this is not a political document it does not belong to any political party. It belongs to the Gambian people. what we want is the progress of the Gambia what is good for the Gambia so, I am advising because somebody called me yesterday and say Honorable, I did not know him and he started talking about this Constitution telling me that, this Constitution you know, Yaya Jammeh and APRC *...unclear...* I told him you are convincing the wrong person then, he says who are you? I think is Honorable Camara, I said yes. Honorable Camara of APRC he said no. You know you are reasonable you said I am foolish and you are saying that I am reasonable. So you

see this is why I said we should vote not on political lines we should not campaign on political lines, let us campaign on the merits and the progressive nature of the this text thank you very much.

SPEAKER: Honorable Member for Wuli East, let us have one forum please. I am not giving you the floor. Please listen to the Chair. I have not given you the floor. You would be next but not now.

[Point of Observation]

HON. SAINY JAWARA [LOWER SALOUM]: Thank you Madam Speaker for giving me the floor. I wanted to observe the member for Serrekunda my mentor. Yes Clause [34-1] of the Standing Orders page 17 and the closure of the debate [1]after the person ends his motion, the mover of which as you write to reply has been proposed by any member rising from his or her place and move that the mover now be called upon to reply, unless the speaker is of the opinion that such motion is against the ruling of the Assembly or an infringement of the right of a member, the questions that must now be called upon the reply shall be put forthwith and decided without amendments or debate if agreed to". The mover may immediately reply to the debate as soon as the mover has concluded or immediately. If the mover does not wish to reply, the speaker shall put the question on the motion. What am saying here Madam Speaker, I wanted to observe the Member for Serrekunda that when people put question to the Minister.....

THE SPEAKER. Honorable with all due respect, I am not saying you are right or wrong but that ought to have been raised at the time, no no Honorable just a second at the time, you were reading closure of debate, no debate has closed yet. So, I will over rule that please. Honorable member for Serrekunda, there is no need to prolong this because it is not an issue and we are not on the same wavelength. This is closure of debate what he has referred to is closure of debate and no debate has closed yet, for the mover to be called upon to respond. So, Honorable Member for Lower Saloum you are over ruled.

SPEAKER: Who was on the floor? Is Kiang.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Madam Speaker, somebody is raising a point of order, can you give him the opportunity please?

THE SPEAKER. Yes, but you are not directing me to take Honorable Member for Serrekunda am I? No! If he wants to raise a point he can always do so. Everybody has been given a chance. Nobody has ever been denied a chance am I right or wrong? Yes! So, If you want to raise a point you can raise your tag and then refer us to the relevant section and we proceed because as I always say, nobody has monopoly over knowledge we are always guided by our collective whole here and if A is wrong, B might come on and show us the right that we should do. Let us look at AB and C but I do not want the impression to be given that anybody is being denied, thank you.

HON. HALIFA SALLAH [SERREKUNDA]: Yes! Honorable Speaker, I was raising a point of order against the member mentioning my name and attaching me to something that has nothing to do with me because I always intervene under Standing Order 32 which says very clearly.....

THE SPEAKER. But Honorable, my only point there is, I had overruled him so the issue is expunged from the records thank you.

HON. YAYA GASSAMA [KIANG EAST]: thank you Honorable Speaker for the opportunity to take part in this historic debate. Indeed, it is a historic moment for all of us here and before I begin my intervention, I would like to put on record that I am one of those National Assembly Members who is going to vote in favor of this new draft constitution. Honorable Speaker, may I say that should anything happen to me before the vote is taken, please I want Honorable members to remember me as one of those who are in favor of this Bill because it represents the wishes and aspirations of my people. Since the whole issue came up, I have never received a single call from my Constituency denying or rejecting this draft constitution. All the calls that I received so far have urged me to support this. So, I am actually doing it on the basis of the greater good of the Gambian people. Having said that Honorable Speaker, let me begin by appreciating all the efforts invested in to this Constitution by the CRC, lest we forget it is this very National Assembly that in December 2017

passed the CRC Act to have the 1997 Constitution reviewed. Now why did we want to review the 1997 Constitution in the first place? It is because it was found to be defective, there were a lot of defects in that Constitution. It has been amended over 50 times and when this new government of course and the National Assembly came in to existence, one of the fundamental changes that we wanted to do was to change the 1997 Constitution and for me honestly, I found it quite intriguing that the same National Assembly members who spoke in favor of reviewing the Constitution is now turning around and trying to condemn the new draft Constitution. I definitely find that intriguing. Honorable Speaker, you know this whole exercise has been a very very expensive one. A lot of material resources, a lot of human resources and a lot of financial resources was invested in it to a tune of over 116 million Dalasi. Now rejecting this Constitution, is like sending all that money in to the grave. This is something that we need to look at properly. One of the aims of the Constitution if I may read from my note is that, The CRC has stated clearly in their executive summary that the constitutional review was meant to uphold and respect for the rule of law and fundamental human rights, ensure democratic participation in national affairs, provide a solid foundation for good governance and establish governance institutions. If these reasons are not enough to convince anybody to support this Constitution, I do not know what else would because what I have just read are actually some of the fundamental flaws that the 1997 Constitution did not address. So, we constituted the CRC to address those issues and now we are turning around and say no, this is not good enough. This is something I cannot just understand. Honorable speaker, when the CRC set out to work on this draft constitution, they consulted extensively in the Gambia and outside of the Gambia and every single Gambian who cares to contribute any idea was given the opportunity including this very National Assembly members. We have been engaged, we were given opportunities to contribute and today what is happening, none of us here would say that the consultation process was discriminatory. I do not think because all the communities were visited in the Gambia and further afield. The consultation was extensive and nobody would say well, we are going to reject this constitution based on the fact that the ideas of Gambians who cared to contribute anything was not considered, nobody would say that. And now today we are here

talking as if nothing happened before as everything was imposed on us, these is not fair. We cannot trivialize all the efforts of this great men and women of the Gambia, who drafted this Constitution, who contributed everything to make sure that they provide us with a Constitution that is better than the previous one. How can we trivialize their efforts? I was listening to the debate yesterday and I was disappointed at some of the statements that were uttered here, one of which is that the Constitution was plagiarized. Those who spoke about plagiarism did not mention or may not necessarily mention the word plagiarism but when you say you cut and paste that essentially is plagiarism. That this Constitution is a plagiarized constitution from the German Constitution, in academia let say you do not know, plagiarism means taking somebody's work or somebody's idea and pass it on as your own. But when you use somebody else's work or ideas and acknowledged it, that is not plagiarism. I think they need to educate themselves about plagiarism. So, it is not a plagiarized Constitution and there is nothing wrong to borrow idea from other ideas, you always adopt and adapt, paste with our own situation that is what they have done and that is not plagiarism in case they do not know. Honorable Speaker, another issue that came up during the debate was on citizenship, a lot of people have expressed concern about citizenship which was reviewed in this Assembly and passed out of this Assembly but for me this is not a personal opinion that citizenship must be jealously guarded. We have to protect our citizenship. I know every country has their own peculiarities, so what is good in Uganda is not necessarily going to be good for the Gambia. So, we have to understand our own peculiarities when it comes to that. Gambia is one of the smallest counties in Africa, yet one of the most populated country in Africa. So, we cannot allow or just open the flood gates for everybody to come and become a citizen automatically to birth right, of course, the Constitution is clear nobody is barring anybody from acquiring Gambian citizenship and that is clearly stated. There are channels, there are legal ways of doing it through other registration or naturalization processes. So, I do not see anything wrong with that Honorable Speaker. And then there is also the issue of ministerial appointments being confirmed by the National Assembly and so many people expressed dissatisfaction with this particular law when it comes in to effect but for me, this is complementarity between the Executive and the Judiciary not necessarily

politicizing the whole exercise. When the Executive nominates people for the ministerial position, they are brought to the National Assembly for vetting and confirmation, for me that is complementarity and not necessarily going to subject anything to politics. But definitely, we do have a lot of different political parties represented here so, I do not think anybody is going to politicize it. If indeed the nation's interest is important to us, we will not politicize that appointment. I am going to keep it short and then Honorable Speaker, on my final note, I would just want to say that rejecting this draft Constitution is going to be one of the fundamental failures of this National Assembly and this government. It is going to be a fundamental failure for this National Assembly and the government, It is also going to be a lack of respect for the Gambians whose wishes and aspirations, we say we are representing in the National Assembly. So, Honorable Speaker, I would urge each and every one of us to vote in favor of this draft Constitution and on that note Honorable Speaker, I beg to take my seat.

HON. FODAY NM. DRAMMEH [TUMANA]: thank you Honorable Speaker for giving me the floor. I want to thank CRC for the very good job that they have done for the people of this country. I also want to seize the opportunity to thank each and every Gambian who participated in the entire process in drafting a new Constitution that we want to usher in the third republic. And again, I want to thank my fellow National Assembly members for the entire process too because it was in a faithful day or in a faithful month of December in 2017, the National Assembly of the Gambia established dtta Constitutional Review Commission to draft the country's third Constitution and both the current government and citizens appear to agree that give numerous amendments to the Constitution and several undemocratic provisions. Developing a new constitution that will meet the wishes and aspirations of the Gambians and the need for a new Constitution cannot be over emphasized Honorable Speaker. I also really want to take part in the debate and a lot have been said since last week up to now but any way I believe with this draft constitution, we have the destiny of this country at hand or on our shoulders. We either preserve it or we throw it away. The destiny of this country is this draft Constitution and I believe as Member of Parliament or members of parliament or people's representatives. We should really support this draft Constitution. On behalf of the

people of Tumana Constituency, I am in support of this draft Constitution. Honorable Speaker, the reason is that this constitution is not my Constitution, it is not the Constitution of this Parliament, it is not the president's Constitution neither the entire Executive's Constitution but this is the Constitution of the people of the republic of the Gambia because looking at the report, what the CRC told us here, the way and manner or the procedures that they follow to draft this Constitution, that is the public consultation I was very keen and we are all aware of what has happened in this country. The CRC went around the length and breadth of this country, you talk about the consultations in the Gambia, the face to face stakeholders' consultation, focused groups discussions, face to face interviews, households' surveys, public participation platforms, what else do we need? What else are we asking for as the people's representatives? If this is not enough, what else are we asking for as people's representatives? Please Honorable colleagues, the world is moving and the Gambia is not really moving and one of the reasons why we are not moving is because of the law that we have. It does not serve the interest of the people of this country and for us to build a better Gambia, we have to have a constitution that is going to serve for the supreme interest of this country and that is the people. We are not only here to represent ourselves; we are here to represent the people of this country that is the Gambian people. I believe that this document is in the supreme interest of the people of this country. If I have one or two things in the Constitution that did not favor me and in fact, I have them in this Constitution. I have some of the clauses that will not favor me as an individual but that does not necessarily mean that I should go against this entire Constitution. If I do that it means, I am nothing but a disappointment to the entire nation. As a young man and as a young representative, I am seeing what is happening, the realities in other countries even in our neighboring country here Senegal. If the people, the long serving parliamentarians in this parliament did not give us the genesis of what has transpired in this country, I would not even know the 1997 Constitution because I was seven years old but we have all seen what has transpired in this country. The processes that it follow and the processes that we want this one to follow. It is like the East and the West. Honorable Speaker, as many people talked about the term of the president, I think this is very simple. The current President of the Republic of the

Gambia gives unless if he did not want to stick to his words, he said "he does not know anything about the affairs of government," he only wanted to serve the people of this country just for 3 years but he is now given 5 years. If I were in his shoe, what is wrong if they do not include my current term in this draft Constitution? Should I kill myself about that? I am not saying that is what he is doing but many are defending on that dimension. And if we should do that, it means that we are not doing justice to the people of this country. Today a lot of people are following political parties but politically people are not aware. You go to this draft Constitution and you compare it with the 1997 Constitution, the NCCE 299 Subsection 3, you read about subsection 1, you read about Subsection 2, you read about subsection 3 and you compare it to the 1997 Constitution. I believe the people of this country majority of them are not politically aware but this Constitution wanted to make it or wanted to give the people the opportunity to be politically aware, to know what is really happening. Even with this draft Constitution, majority of the people do not even know what we are doing but you compare this to the 1997 Constitution. Honorable Speaker, you go to Section 2-96 the National Youth Development, I am a young man, a youth for that matter, this Constitution has catered for me different from the 1997 Constitution. I should not only just follow the ambiance of politics, I should not just only be clapping, I should not just only be singing and dancing but I am catered for in this draft constitution. You go to the political representation; every political party should have 10% representative in this National Assembly. I think this is something that has given the opportunity to young people of this country to come and represent themselves and tell the people the way and the manner they want to be ruled. You talked about women representation. This is a very good constitution Honorable Speaker and I believe the people, the Honorable members of this house would really support this Constitution to get to the people, either they accept it or not that is left to them but we have to pass this Constitution to the people. Honorable Speaker, the amount of money spent in drafting this Constitution is huge. The constituency without a health centre, 160 million can build first class health Centre in my constituency. We want that money to go in vain like that which should not be. Please Honorable Members, I believe you are going to support this. I am with the conviction that I am really optimistic and that you people are going to

support this Constitution. Honorable Members, please let us support this draft Constitution. It is the Constitution of the people and every Gambian is watching, every Gambian is watching and they want to know what we are going to do here today. Please Honorable members, let us support this draft Constitution because it is the Constitution of the people. Honorable Speaker, I wanted to buttress on certain points but I think there is no need because majority of the members have spoken on those areas. Section 157, I think this is very important as I am here representing the people of my constituency who are Fulas, Mandinkas, wollofs, sarahules, and any other tribes and they really want to know what I am saying in this parliament. So, to introduce a local language or national language in the parliament to speak to them in the language that they understand and know what I am saying, this constitution has catered for that. This is why I say this is the people's constitution. Honorable Speaker, looking at the 1997 Constitution, if anyone wants to defend the 1997 Constitution as your legacy, I am telling you that you are defending a very bad legacy. There are lot of things in that 1997 Constitution that did not couple with our current realities as a nation. On that note Honorable Speaker, I want to thank you.

THE SPEAKER: Honorable Members, we still have some more interventions and it is almost getting to 2:30 so, I am just thinking of suspending the session for a short break so that we can stretch our legs and if you agree we come back at 3:30, it is a proposal.

HON. SULAYMAN SAHO [BADDIBU CENTRAL]: let us have two more interventions.

THE SPEAKER: yes! ok so thank you very much in that case. I would suspend the sitting and we resume at 3:30 to continue with the debate as I still have some couple of Honorable Members to make their interventions thank you.

End of morning meeting

