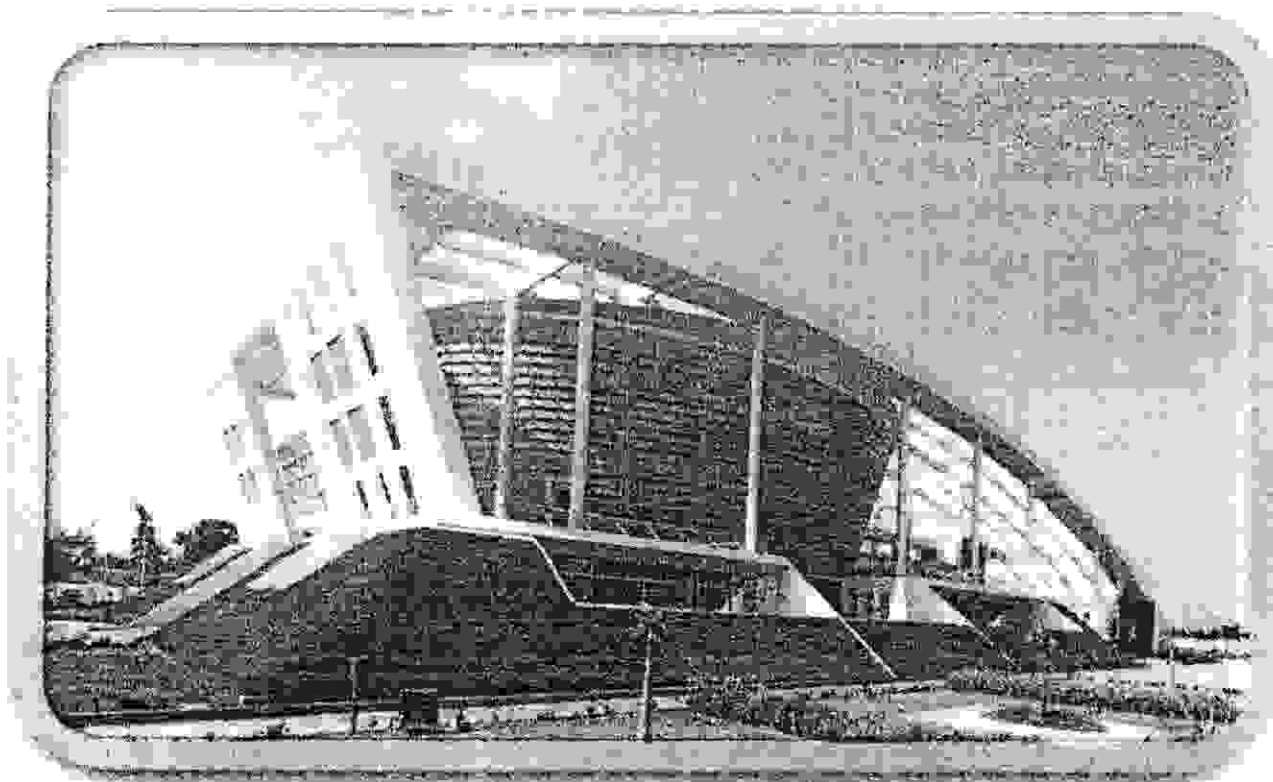




**National Assembly, New Assembly Building, Reverend Pye Lane,
Banjul, The Gambia**

PARLIAMENTARY DEBATES

[HANSARD]

OFFICIAL HANSARD REPORT

VOLUME: I

NUMBER: 4

Fourth Sitting of the First Ordinary Session of the Fifth Assembly
of the Second Republic of The Gambia.

Proceedings of the Sitting of Thursday 15th March of the Assembly,
2018.

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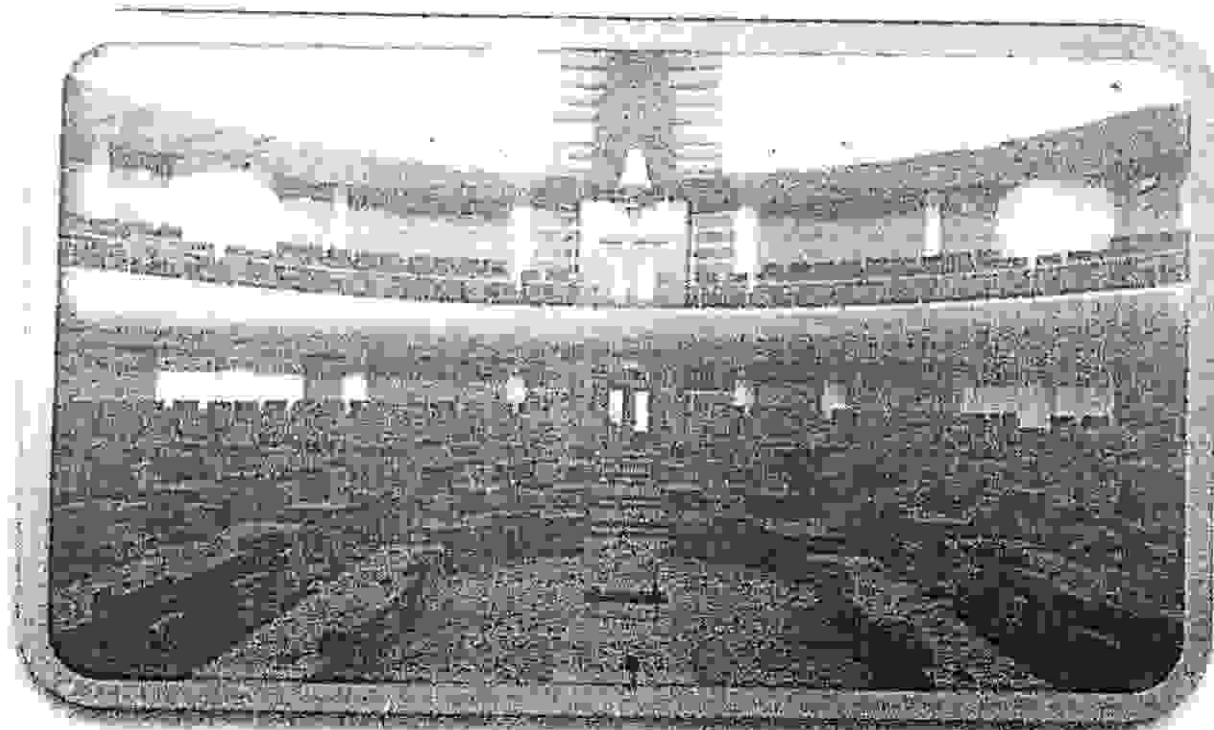
3. MOTION

Be it **RESOLVED** that this august Assembly do consider and ratify the:-

- i. **Agreement on Economic and Technical Cooperation (in the form of Gratuitous Assistance) Between the Government of the People's Republic of China and the Government of the Republic of the Gambia;**
(By: Hon. Minister for Foreign Affairs, International Cooperation and Gambians Abroad)
- ii. **Framework Agreement between the Governments of the People's Republic of China and the Government of the Government of the Republic of The Gambia on Provision of Concessional Load by China to The Gambia;**
(By: Hon. Minister for Foreign Affairs, International Cooperation and Gambians Abroad)
- iii. **Agreement on Visa-Free between the Republic of the Gambia and the Russia Federation for holders of Diplomatic and service Passports**
(By: Hon. Minister for Foreign Affairs, International Cooperation and Gambians Abroad)
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(By: Hon. Minister for Finance and Economic Affairs)

4. BILLS

- i. The Gambia Public Procurement Authority (Amendment) Bill, 2018;**
(By: Hon. Minister for Finance and Economic Affairs)
- ii. Income and value Added Tax (Amendment)**
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(By: Hon. Minister for Lands and Regional Government)



THE CHAMBERS OF THE NATIONAL ASSEMBLY OF THE GAMBIA

OFFICIAL HANSARD REPORT OF THE PROCEEDINGS OF THE ASSEMBLY

**FOURTH SESSION – FIRST MEETING
OF THE FIFTH PARLIAMENT
OF THE SECOND REPUBLIC**

THURSDAY 15th MARCH 2018

1. Prayers:

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

[The Assembly met at 10:30 a.m. in the New Assembly Building, Reverend Pye lane, Banjul,]

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

The House was called to order

2. Record of Votes and Proceeding of the National Assembly Sitting of Wednesday 14th March, 2018.

THE SPEAKER: Honourable Members, the Record of Votes and Proceeding of the National Assembly Sitting of Wednesday the 14th of March, 2018 is before us for consideration and adoption. Can someone please move that the record of votes and proceedings of the National Assembly of Wednesday 14th March, 2018 be considered and adopted?

HON. BAKARY CAMARA [KIANG CENTRAL]: I so move, Madam Speaker.

THE SPEAKER: Any seconder?

HON. MOMODOU S. CEESAY [JANJANBUREH]: I so second, Madam Speaker.

[Question Proposed, put and agreed to]

THE SPEAKER: Any issues, observations/correction by the Honourable Members. We start with page 1, any issues on page 1, page 2, is everybody's name captured, no omissions, thank you. Then page 3, page 4, page 5, 6, page 7, page 8, page 9.

HON. MUHAMED MAGASSY [BASSE]: Madam Speaker, thank you. Page 10, first paragraph. Before Madam Speaker could open the floor for the ensuing debate, Hon. Muhamed Magassy, Member for Basse stood on his feet to raise a point of "order" not a point of observation please.

THE SPEAKER: I think you should just say, raise a point of order instead of stood on his feet to raise, I do not know and if you can also just correct that. Thank you.

HON. ALHAGIE MBOW [UPPER SALOUM]: Thank you Honourable Speaker. On the same page, page 10 the last paragraph it reads:

Hon. Speaker, Madam Mariam Jack Denton, adjourned the sitting until Thursday 15th March, 2017 it should be "2018".

HON. MAHTARR M. JENG [LOWER NIUMI]: Madam Speaker, page 10 second line. Could I go for the omission? On his feet.

THE SPEAKER: We have already corrected that I think. Anymore? I think I will commend the table office this time round. Thank you.

[The Record of Votes and Proceedings for the National Assembly Sitting held on Wednesday 14th March, 2018 has been adopted as amended]

Motion!

I. Agreement on Economic and Technical Cooperation (in the form of Gratuitous Assistance) between the Government of the People's Republic of China and the Government of the Republic of the Gambia;

HON OUSAINOU DARBOE [MINISTER FOR FOREIGN AFFAIRS INTERNATIONAL COOPERATION AND GAMBIAANS ABROAD]: Honourable Speaker ma, I beg to move that this august Assembly do consider and ratify the motion for the Agreement: Economic and Technical Cooperation between the government of People's Republic of the China and the Republic of the Gambia.

Honourable Speaker, the Government of the Republic of The Gambia and the Government of People's Republic of China in a view to further developing a mutual Economic Bilateral and Technical Cooperation between the two countries have decided

to conclude the Agreement on Economic and Technical Cooperation between the Government People's Republic of China and Republic of the Gambia.

The Republic of the Gambia is a developing country with diverse opportunities and to and make judical use of these opportunities, the Government of the Gambia must effectively take measures for the effective use of his natural resources.

A country's economic independence is weighted by its capacity to produce and transform its natural resources for the comparative benefit of the country's development and growth.

The agreement is an opportunity for the Gambia to receive from China a gratuitous assistant of 500 million Dalasi approximately 75 million Dollars to implement the project of roads and bridge construction in Upper River Region of the Gambia. This agreement will contribute immensely to the economic social and agricultural development of the Gambia

The Agreement on Economic and Technical Cooperation between the Government of People's Republic of China and the Republic of the Gambia is an opportunity for growth and will enhance our domestic movements and bring the people closer, it will also avail our country the opportunity to boost its economic and cultural relations with the People's Republic of China.

Honourable Speaker I beg to move.

THE SPEAKER: Any seconder?

HON. AMADOU CAMARA [NIANIIJA]: I so, seconded Madam Speaker.

[Question proposed]

THE SPEAKER: Any Honourable who wishes to take part in the debate can do so now.

HON. BILLAY G. TUNKARA [KANTORA]: Thank you very much Madam Speaker for giving me the floor. The reason why I want to take this opportunity is because my constituency is a primary beneficiary of this grant. 100% of this grant goes to URR which am representing.

First of all, before going into proper deliberation, I would like to recognize the effort of the Honourable Minister for Foreign Affairs for a job well-done and promise him that the agreement will receive the full support of this Honourable House because this would be one of the most fundamental things that this government has ever done since they came to power in January, 2017. I would also like to seize this opportunity to thank the President of the Republic of the Gambia for creating that bilateral relation with the People's Republic of China.

I would like to express the significance of this particular grant to my people. For the past 52 years, I said it in this parliament that, URR is a forgotten Region to the extent that the people of Kantora are identified by the dust due to poor road conditions whenever they come to Basse. I think this 75 million grant will become a dream come true for the people of URR, most importantly the road linking Basse via Koina. I will really not do justice without thanking the Chinese Government who have proven to be partners in development and that has to be recognized.

Since the coming of this new Government, China has been in the fore front helping Gambia to realize its potentials to reform the democratic dispensation that we newly see ourselves in. Among such assistance is the 50 million dollar projects, the conference center going on right now and the equipment support to the National Assembly in the form of printers, scanners and laptops to make sure that your work as Member of Parliament is enhanced.

On behalf of my people and my humble self, we are grateful to the Minister of Foreign Affairs, grateful to His Excellence the President for bringing such grant. I said it here and I will also ask the Minister of Finance and Economic Affairs that through my budget

scrutiny, I have not seen Kantora construction project captured in the budget. What is the state of the 25 million grant given to Gambia? Why it is not captured in the budget? And I begin to realize what is said to me in those days is the reality and this budget I want to urge my colleagues not to waste any time to support this particular bill/cooperation, let us give it maximum support.

On that note without wasting the time of the Honourable House, I beg to take my sit. Thank you so much.

HON. ALFUSAINY CEESAY [SAMI]: Thank you very much Madam Speaker for giving me the floor.

First and foremost, I would like to thank His Excellency the President Adama Barrow and of course our Minister for Foreign Affairs, International Cooperation and Gambians Abroad for coming up with such an agreement.

Madam Speaker, I always say in this Chamber that this government should concentrate more on rural areas than urban areas for the simple fact that development disparity between the two is very wide. Such grants is what the government can use to develop the country because before you think of any other development, people must have access and movement. I am very happy that we are having such a grant. I think Honourable Minister for Foreign Affairs these are some of the things we should always look for so that we can develop this country.

Madam Speaker, if roads and bridges are constructed development will easily come because before you think of any other development these things must be in place.

Madam Speaker, I know you are doing very well in terms of supporting our oversight function but the select committee on monitoring government projects, I think should be given time to go out and look for some of these government projects so that they know what is actually taking place in those sites.

On that note I definitely support this agreement and this is what this new government is yearning for. Thank you very much.

HON. MUHAMED MAGASSY [BASSE]: Thank you very much Madam Speaker, I think the Member for Kantora said it all and we will not have much to say here but just to show our gratitude to the new Government. We are the people who went campaigning, we are the people who talked to the people that if you vote for our coalition you are going to benefit from development.

Upper River Region we can all agree is a forgotten region. I always said it here in this Parliament that Upper River Region has been forgotten. So, such moves by the government will indeed put a smile on the faces of citizen of Upper River Region and give them hope that one day all the suffering they face will be history.

Honourable Speaker, the biggest challenges in Upper River Region that is affecting all development sectors is the road network and the bridges. If you want to go to Wuli, there is time that you can go there; if you miss those times you cannot go to Wuli, if you want to go from Kantora to Wuli East again, we are facing the same problem because URR North and URR South is separated by river and you cannot cross the river if there is no ferry, if there is no bridge and I hope the bridges they are talking about I do not know whether the Honourable Minister could clear my doubts to help me understand better.

Bridge construction in Upper River Region, what kind of bridge are you referring to? Is it a bridge over the river between Basse and Wuli West and between Kantora and Wuli East because it is not specified on the document?

For road construction, we know Lamin koto Pasamass is in progress from the river side going down to Wuli West, Wuli East and Sandu definitely these are problems in Upper River Region. From Basse to Kantora, I do not think I need to mention that because everybody knows how challenging that road is, especially, during the rainy season.

The position of Basse in the Gambia is very important because Basse could be an Economic Capital of the Gambia and I think this is just a start but I hope this government will continue so that one day we will ratify here a bill or a grant to build a second Airport of the Gambia in Basse, to establish the second Ports of the Gambia in Basse, to establish a UTG adult faculty in Basse and so on. I think that will help us to transform Basse into the economic capital of the Gambia. So, Honourable Speaker, I just want to speak on behalf of my people in Upper River Region to say to the Honourable Minister and through him to say to the government that we have started tasting the sweetness of the Coalition Government and we hope that these will be a continuation. On that note through the Honourable Minister, I want to thank the entire cabinet and the government.

Thank you Honourable Speaker I beg to resume my seat.

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you very much Madam Speaker, am sure my colleagues and I from URR are delighted by this agreement, excited also knowing that the government has not forgotten the role it should play to include all Gambians in the economic development of the country.

Honourable Speaker, the grant is a welcoming one and when I read through, I have seen that the Chinese are bringing all the materials, all the technical assistance and everything but I will appeal to the Minister to at least put it to them that they should be able to employ some youths in the URR in the whole process so that it can create some employment for our youths.

Madam Speaker, there is an area I want to ask the Minister to do some clarification, it said all entries shall be booked according to the operating procedures of the China Development Bank, I want to have an understanding of what that means in the text. Also it is stated that all sides of this agreement is quite in order and it is in the interest of border countries especially of Gambia, my colleagues have already said URR has been the sleeping giant region of the Gambia.

These roads once constructed and this bridge, people will begin to see the impact of this construction and the economics of the country because of the situation in URR, once it is developed, you begin to see the investments that will come into the region by Gambians themselves because a lot of things have stagnated the region. Many people want to invest in the area but because of the situation of the roads and the difficulty in travelling, it was very difficult for people to spend their money to make such investment. So, these will go a long way to improving the situation and of course creating an enabling environment for more investment by Gambians themselves in the region.

Like the Honourable Member has already said, I will still urge the Minister to look for more agreements like this because is only this type of agreement that can help us to really push up the economics of this country. Agreement where we will pay 3%, 4% interest rate and then the period of payment is short those are agreement that will not help the situation.

So I thank the Minister for Foreign Affairs and also thank by extension the Minister for Works because when he came here he explained to us the policy of his Ministry, the plans that he has for the region. So I thank you so much.

HON. DEMBA SOWE [NIAMINA WEST]: Thank you very much Madam Speaker, for giving me the floor and am also saying a big thanks to the Minister of Foreign Affairs, International Cooperation and Gambians Abroad.

This is what we expect from them and this agreement is timely, it is welcomed because throughout the country is the same problem. We do not have good roads, if you go to Basse is the same problem, if you go to Niamina is the same problem, if you go to Kombo here is the same problem.

There are roads in the Kombos which are not accessible during the rainy season. If you are getting this type of agreement it is welcomed. It is a huge amount of money because it went up to an estimate of around 3Billion dalasi so I think certain areas

should be included not URR alone because I have the same problem; the road linking Njoya, Farasamba then go to Panyan, it was started construction by the former regime but the work has died.

And at the same time, let us not forget our rice field. We have so many problems with access to our rice fields and we can only be food sufficient, if you have access to those areas whereby we can work and come back.

Everyday a bag of rice is increasing in prices and let us invest in that area if you invest in that area. CRR alone can provide up to 75% of the rice we import in the Gambia. The Minister should definitely try and consider those areas also.

Madam Speaker, I do not have much to say just to thank the Minister of Foreign Affairs and also Minister of works to also ensure that the funds are well utilized. If it is well utilized, then I do not think it will have much problem but if it is diverted to another area then that will weaken the sector. Please if this particular area is provided with these funds, please let them invest in that area so that it will be at least closed. We go into another side. On this note am saying a big thanks to the Honourable Minister and also the National Assembly Members.

Thank you.

HON. SIDIA JATTA [WULI WEST]: Thank you Madam Speaker, this agreement lies within the framework of South- South cooperation which in my view is different from South North cooperation. South, South cooperation because we share fundamental experiences and we are all inspired by the spirit of non-alignment.

The development of roads infrastructure and related infrastructure is fundamental to the economic development of this country. If you look at the situation in the URR (Upper River Region) you would see that both Wuli East and Sandu are locked away from the regional capital particularly during the rainy season and when you are thinking in terms of the health facilities which exist on the North Bank in Wuli and

Sandu. Honourable Speaker, when you refer a patient from Yorrobawu to Basse at night, there is no ferry; there are only two possibilities, either the patient dies or is helplessly put in a canoe and some patients cannot necessarily be treated in that fashion and the same problem exist in Fatoto -Pasamass. If these two bridges are constructed in URR, it is going to erase that big problem which has been affecting patients in both Sandu and the Wulis. But it is also going to facilitate movement between the two areas, North and South URR. I think this is an excellent initiative and as Chairperson of the Foreign Affairs Committee, I would like to thank the Honourable Minister of Foreign Affairs for this fantastic initiative.

I have 1 or 2 observations to make on the agreement. Firstly, I think it is important that when you have this type of agreement, the sums involved are stipulated also in our currency. I think it is always important for them to be stipulated in dollars and if possible also in our currency for the purpose of making it comprehensible because we are representing people who will be happy to know what the agreement is, it will still be very pleasing to the people if they should know what it means and what is involved.

And the second observation is that, on the first page in the second to the last paragraph, the last sentence there said; 'The details shall be stipulated in the agreement to be signed subsequently between the two sides'.

In other words, it appears to me that the agreement is still incomplete because the details are still absent. In other words we are ratifying this without the details being known to us. I would like the Honourable Minister to explain because this is also fundamental.

And the second thing is, if I compare this with other agreements, every page of that agreement is signed but this one is not signed at all. There is no signature anywhere on any of the pages of these agreement and probably the Honourable Minister would be able to explain why?

The Honourable Member for Basse asked the issue of bridges but if you look at the other agreement some of the things are made clearer in the other agreement where they are talking about the Fatoto Passamas bridge and all that the Member for Wuli East has also explained, all the materials that are required for the constructions of these edifices as stipulated.

Madam Speaker, with these 2, 3 observations on the nature of the agreement, I would like to finally thank the Honourable Minister and would like to indulge his consideration for the explanation of the items that I have observed.

Thank you very much.

HON. SUNKARY BADJIE [FONI BREFET]: Madam Speaker thank you. I want to join my colleagues in thanking the government of the day through the Minister of Foreign Affairs and Gambians Abroad.

The agreement is indeed a very good agreement with great economic potentials that can enhance the smooth movement of goods. It can also create opportunity for employment for the people living in that area but what I wanted to highlight Madam Speaker, to save time, has been raised by the Member for Wuli West that is on Article 1- the bottom end of article 1 stated: 'The details shall be stipulated in the agreement to be signed subsequently between the two sides'. The issue has been addressed by Member for Wuli West.

I want to thank the government for her excellent initiative which has great potential to improve our economic status and employment opportunity for the people within that area and beyond. Thank you.

HON. OMAR CEESAY [NIAMINA EAST]: Thank you very much Madam Speaker, I must confess that I am also impressed, indeed, in relation to these agreements but I would just want to remind you Honourable Speaker that "one is said to be wise when one joins what is to be joined and separates what is to be separated".

Some of these things we have been encountering in the past regime having things agreed, having things been signed in this chamber, having things started but the outcome will never be completed. I am urging the government of course to ensure and do everything possible. Having this signed by the National Assembly is not the problem Honourable Speaker and having this started at that level is not the problem but the completion of this project that is where the problem lies.

I urge the government to ensure that anything that is being agreed and that is being signed here in this chamber, they have to do everything possible to ensure that everything is completed accordingly. Of course, I will urge the committee responsible also to ensure that the motoring aspect is done to ensure the fund is not diverted.

If I can understand the language of the document Honourable Speaker, this is purposely for or it is restricted to Upper River Region but of course, I will also urge the government to know that this is something that is affecting the entire nation, road problem is within the four corners of this country and everywhere is affected so, I will urge the government and the Minister to ensure that the other places are also considered in the second phase.

If there will be a second phase especially in CRR, Niamina in particular. I want the Minister in the second phase, in the event that things of these nature happened, they consider that area because it is something that is affecting the entire Gambia.

Otherwise it is a good move and this is the expectation and what people are actually advocating from the new government. They are still manifesting some of the agenda that they have been telling people during their campaign.

Thank you so much Honourable Speaker. *[Applause]*

HON. MAHTARR M. JENG [LOWER NIUMI]: Madam Speaker thank you very much for giving me the floor. I would join my colleagues in applauding the effort of the

Minister of Foreign Affairs as well as that of the Government of the Gambia. I would urge that they also give consideration to the plight of the people of 'Hakalang' Upper Niimi.

'Hakalang' Upper Niimi is very close to Banjul-Barra yet it is one of the most neglected areas, am sure we would have been very grateful if part of these 75 million was earmarked for the construction of the 'Hakalang' road.

'Hakalang' road is so neglected that no Minister would go there when he is or she is going for a weekend. They will never go that way. The people have been living in dusty atmosphere, dusty environments for so long that if you tell them we going to build a road they will never believe unless and until they see it. We want the project to be extended to them, they deserved it.

Hakalang has got the Gambia on the world map with the production of that book "roots", now we have the ferry Kunta Kinteh still the road has not come about. Honourable Minister, I will be very grateful if you join hands, pray for the people of Hakalang and append your signature on any paper, any assistance that could be fourth coming for the construction of roads in Hakanlang. If the people of Kantora, Sandu and Wuli are applauding, we too have every right to join them to applaud because those areas..... if Hakalang could be neglected to these levels, those areas have been far worse.

I really see a reference from Albreda to Essau because of the tossing up and down of the Ambulance which could lead a woman to deliver before she reaches the major Health Center. Please give consideration as much as it is given to Kantora, Sandu and Wuli to the people of Hakalang. It is a laudable move and I join my colleagues in congratulating you in bringing this development to the people of that neglected areas. Thank you very much.

THE SPEAKER: Thank you very much. I am sure Honourable Members from URR will consider allocating some portions to you.

Sorry before I give you the floor may I take this opportunity to recognize the presence of the Honourable Ministers of Finance and Local Government. Thank you very much. I want to also implore you to impress upon your colleagues to be attending National Assembly sessions not just adjournment debates, not just when they have business to present before this Assembly but ordinary sittings of the National Assembly. We will appreciate your presence very much.

Thank you very much. We can proceed.

HON. MUHAMMED MAHANERA [SANDU]: Thank you Madam Speaker, before starting my debate on what we have in front of us, we are discovering, downloading, we went through the document meticulously and it said "gratuitous assistant from china", now if we look at the word itself which said assistant from china without a cost but Madam Speaker, sometimes in such opportunities, the modality of this agreement, the implementation of the projects and also the sails of Gambians to Chinese waters and also the importing of consultants from somewhere to come and work when project is going are issues to be considered.

Now to start with the modality of the agreement, we said we are getting help from China without a cost but if you look at it there was a time when we were having a meeting, this lady from Ministry of Economic Affairs was asked a question, sometimes you get project and the implementation of the project is ongoing then what is the benefit of Gambians? She told me that "you cannot eat your cake and have it", that is true but you can eat your cake and get a benefit.

So, if you signed an agreement with somebody, you give me money, yes! I want to help you with this fine but you cannot come all the way from nowhere because your colour is white my colour is black you want to give me that money and you condition me again and said 40% of which is living this country to foreign nations.

So, what is the benefit of getting involved into such agreements which will have negative impact on our economy? I think anything that we are going into, we have to make sure that it has a positive impact on the economy of this nation.

Madam Speaker, moral implementation of projects sometimes let say for example, we have ongoing project like NEMA which is designed to intervene in the agricultural sector of this nation but if you look at where the Headquarter is in relation to its intervention areas for example in URR the South Bank of this country, is that not a misplaced priority?

Somebody that you want help, your Headquarter should be within reach of the target beneficiary but be away from them for about 300 kilometers, I think is time for us to think twice when engaging in such.

Moreover, the exchange rate of the dollar is also an issue. We are not against any bilateral relationship with any nation but it is the modality that we need to look into because if you are giving me money for help and you want to boost my economy but at the same time you are attaching condition that the contract will be awarded to you, it does not make sense.

We have engineers here and if you want to come and invest in the country because you are taking that money for free, no matter how small it is, even if it is going to be 0.05% it is money and we are going to pay it back. We have people in this country who are capable, therefore, you cannot give me money and condition me by awarding the contract to yourself and importing workers from your country who would come and work here. The funniest part of it is to bring somebody as a consultant who will come to this country and cannot do anything without asking for help from Gambians. So, what is the essence of having a consultant? And such a consultant is paid 1000 dollars at the expense of the Gambian who is paid 3000 Dalasis.

I think it is high time now when we are signing contract we looked into the interest of our nation because it is the core pillar of any leader. If you want to succeed, you must look into the situation of this country.

Example look at the PIU and Police Officers, the Army Officers whose monthly salaries cannot buy them a bag of rice or even two bag of rice and when we sign this one, we are not signing it for free no matter what they say, we are giving you this money we are supporting you and then what is the essence of giving the money when I have people who can do the job yet you asked for the contract to be awarded to you. If you looked at it, you may be tempted to ask as to what interest there is for the people of this country in such a project?

And also Madam Speaker, if you talked about the implementation of the road project, the pay scale I think does not make that much sense because you give me money and condition me again.

How can you restore hope of our people? It is only by assuming your full responsibility be it under the Executives, the Judiciary and the Legislature. We need to work hard through fairness, security, sustainability and prosperity but how can we achieve all these? It is only by putting the interest of the people first, secure their interest and sustain that interest. How can that interest move forward if you cannot rescue the hope of this country?

We know some time ago everybody was hopeless that Gambia can never come back again so when we have the opportunity again, I think is high time for us to be wise enough that any donor who wants to come in before we sign an agreement, we must make sure that we look at the modalities to the best interest of the nation. We look at our economic situation whether it is growing or not. When you consider such, then that is the time you go in but if he says he is setting an example and want to give you the contract, all the workers that you are to employ must be Gambians or there must be Gambians.

Look at ourselves when we go to the International Forest, they treat you like children, is it that your colour is black or what? They are not better than us since they can think and we can think so it does not matter much.

THE SPEAKER: Honourable Member, I think all the issues that you are raising are quite important but let us restrict our interventions to the motion on the floor and then during the adjournment debate you can come up with all your issues.

Thank you.

HON. MUHAMMED MAHARENA [SANDU]: I want to conclude by saying that I have a plea to the Executive, Judiciary and the Legislature that whatever contract that you are going into must be at the best interest of the Gambians.

Thank you.

HON. SAINY TOURAY [JARRA EAST]: Thank you very much Madam Speaker, for giving me the floor. Kindly allow me to go into semantics the word "gratuitous" is an adjective meaning that something is given freely or that which is given without any precondition and I hope this agreement is like that. There is no string attached to it.

Madam Speaker, when development is brought to the masses it has a special feeling and that special feeling is a sense of belonging and sense of ownership. They take it as their own and they give their utmost best to make sure it becomes a dream come through.

Madam Speaker, you will agree with me that this agreement could not have materialized without the excellent negotiation skills of the Honourable Minister for Foreign Affairs, International Cooperation and Gambians Abroad and by extension without the good will of the government. So, I will be very brief Madam Speaker, considering the bad nature of our road infrastructure, I think this agreement will not have come at a better time than today. To that end, allow me to thank the Honourable

Minister for Foreign Affairs International Cooperation and Gambians Abroad for the initiative.

Thank you.

HON. ABDOULIE CEESAY [OLD YUNDUM]: Thank you so much Madam Speaker, for giving me the floor. There is not much to say but only to recognize that my country the Gambia is entering into an agreement which the Peoples Republic of China on 3 issue looking at the social development and the economic purposes. This is a good gesture that the Gambia is entering into agreement with China which is one of the largest countries in the world.

For the past 22 years, we understand that our country has been erased from the world, from the last election that the world begins to recognize that Gambia still exists and we have an Executive that are working tirelessly to make sure that Gambia is recognized by the world.

We thank the Honourable Minister for his foresight. These has been manifested by the present government during their campaign that they will bring development and this is exactly what they are doing. The cooperation between Gambia and China is moving into the right direction and I think we need to commend the Minister and the government for that.

The interest that exists in this agreement most of it comes to the Gambia. Yes, some will say both sides will have the interest but part of the interest or greater part of the interest comes to the Gambia and that one we will not dispute.

And I must urge the Minister that let us enter into any agreement such as this because the Gambians need the international world, our population is just less than 2 million we need such agreements to be able to develop our people.

And then I will also want to say of course the agreement or the support or grant that come to the Gambia goes to URR like my Honourable colleagues also said. I also want to appeal to the Minister that when entering into an agreement look at the urban center especially my constituency which is new a constituency. We understand that the population density in that area is just too high and then people are living without social amenities. Of course, they are complaining every day, we understand that the government is struggling every day and they are working very hard to support their people but just urge that when they enter into another agreement let them also consider the urban center especially my constituency.

Madam Speaker thank you so much I beg to take my seat.

HON. MOMODOU L.K SANNEH [DEPUTY SPEAKER]: Thank you very much Madam Speaker for giving me the floor.

Madam Speaker, let me first of all begin by saying restoring Diplomatic Relations between the Republic of China and Gambia Madam Speaker was really a very good move by the Coalition Government.

Since this diplomatic relation is restored, Gambians are beginning to see the good will of the Chinese government by providing us with grants, building the first international conference center in the country.

Second is about a road project of 500 million Yuan for the Republic of the Gambia. Madam Speaker, this relationship is one of the best and I will urge this new government to do all it can to make sure that relationship of this nature and of course to bring about Gambian people closer to the whole world.

Madam Speaker, let me again thank the Honourable Minister of Foreign Affairs, the Coalition Government, the President and the entire Government for breaking the isolation of 22 years this country experienced, bringing Gambia close to the International World with the effort of the foreign Minister and his Ministry and the

technical expertise. I wish to take this opportunity to thank the Minister for restoring Diplomatic Relation with the Republic of China and bringing back the Gambia to the Commonwealth. Madam Speaker, these are very good moves from this government. And the other issue Madam Speaker, since the independence of this country, 53 years Gambians are sick of crying of bad roads and bad bridges all over the country but with the coming of this new government Madam Speaker, we are seeing the difference. So, I seize the opportunity to thank the President and his entire Government.

Madam Speaker, I am a Nominated Member, I do not have constituency but am also from somewhere that is the most neglected area that is the Kiang West. The Minister is here before me and I would like to see that the next agreement on roads includes Kiang West.

Madam Speaker, after having said that I think it is a good agreement and this time around is the people of URR. I think the Coalition Government has taken a right step and we would like to see more of these programmes into this country since road network is our problem over the country. And let me seize the opportunity again to thank the Minister of Transport and Infrastructure for taking it upon himself and the team to go round the whole Gambia for road assessment that is a move in a right direction.

Madam Speaker, with this few remarks let me again thank Honourable Minister and his team and the entire government for coming up with this agreement. I thank you.

HON. LAMIN F.M. CONTA [KOMBO EAST]: Thank you very much Madam Speaker, for giving me the floor. I wish to take this opportunity to associate myself with the previous speakers concerning the Agreement on the Economic and Technical Cooperation and in the form of gratuitous system with the Government of Republic of the Gambia and the People's Republic of China. It came at a time when the need definitely arises. Furthermore, Madam Speaker the cooperation...bring people closer by creating...environments that is conducive for the population of the Gambia most specially the rural Gambia.

I will be very brief because almost all the point has been highlighted by the previous speakers but none the less I have to thank the President, the government and people.

(PART OF THE SESSION NOT RECORDED DUE TO EQUIPMENT FAILURE)

THE SPEAKER: I think we continue Honourable Members from where we left and allow the Minister to continue with the motion that was being tabled.

You can continue with your statement on the Loan Agreement between the Government of the Gambia and the Export-Import Bank of China on the Gambia National Broadband Network Project. If my memory serves me well that was where we stopped. Am I right Honourable Members?

Thank you.

HON. AMADOU SANNEH [MINISTER OF FINANCE AND ECONOMIC AFFAIRS]: Thank you very much Madam Speaker, thank you very much Honourable Members.

This memorandum on Concession Loan Agreement on Gambia National Broadband Network Project between the Government of the Gambia and Export-Import Bank of China.

National Assembly is hereby informed that a Concessional Loan Financing Agreement between the Government of the Republic of the Gambia and the Export-Import Bank of China has been signed on 22nd of December, 2017 for the Gambia Broadband Network Project.

The loan amount is twenty-five million US dollars [\$25,000,000] the project aims are; Building the basic infrastructure of the National ICT Industry. It will expand the current backbone network to meet traffic growth requirement and to enable diversity to business access to broadband service to everywhere, it will also build a new National Data Center to serve as the information going on the Country.

The project development goals;

That in the long term, the project will continue in generating high output, greater employment and increase network capacity in the country. It will accelerate the process of IT development and based on the project, the country will be able to develop this mass E-government and the E-education and so on.

Project scope;

This project will expand the economic network and build 465 fiber access points with 420 kilometers fiber which will provide connection to house enterprise, mobile connections and government buildings etc. Will build a new National Data Center to serve the Information Security of the Gambia.

The project significance;

It will improve the telecom communication quality in the Gambia. It will have the fiber access to public enterprises, houses, government departments etc. can enjoy connivance fiber connection service with 40 megabytes per second maximally.

Mobile connection service will largely improve since data station connected by fiber rather than microwave will be much more stable than the current situation.

It will also protect the investment of the previous project, its stream of previous backbone network was overloaded for limited band weight which will expand from 2.5 gigabytes per second to 12.5 gigabytes per second. There was 4 access points on the current network, some part of the backbone network was not fully used.

The project will build more than 400 access points around the country to cover most part of potential users. It will bring more job opportunities and build ICT talent for the Gambia. The project construction will need more than 300 workers in a year and employment will be needed in areas of sales, installations, and maintenance in the future.

It will send more than 40 engineers to China for industry leading training and many employees will work together with one way when the project is implemented. The Gambia will have many high tech employees with the same talent in other countries. It also pulls Gamtel out of the current financial struggle it is under, this project can reach 13 million dollars per annum within 5 years according to the feasibility study, this

will help Gamtel to survive and to save jobs for more than the 1300 employees that are currently serving Gamtel.

The Terms and Condition of the Export-Import Bank of China Concessional Loan:

- That there is a commitment fee of 0.25 percent, a management fee of 0.25 percent of the loan amount.
- The principal repayment is over 13 years with a grace period of 7 years, interest rate will be 2% per annum and the maturity period of the loan will be 20 years.

In conclusion;

Honourable Members of the National Assembly are invited to consider and ratify the Concession Loan Agreement between the Government of Republic of the Gambia and the Export-Import Bank of China for the Gambia National Broadband Network Project.

Thank you.

THE SPEAKER: Thank you very much Honourable Minister. Any seconder?

HON. ALHAGIE DARBOE [LOWER FULLADU WEST]: I so, seconded, Madam Speaker.

[Question Proposed]

THE SPEAKER: Any Honourable Member who wishes to take part may do so. Raise your constituency tag so that I can record.

Thank you.

HON. ALHAGIE MBOW [UPPER SALOUM]: Thank you very much Madam Speaker, for giving me the opportunity to add few things on this Concession Loan from China.

The Minister of Finance, few months ago, was on this Honourable floor where he indicated that our debt according to the GDP ratio was about 120% when they took over the Government, within 6 months later that percentage actually was significantly reduce to 110% debt compared to the GDP and generally, the debt burden of an individual country basically determines your ability to pay in the future.

Now when you look at the debt burden of this country, you are talking about billions of dollars at this point and again we are getting some more loans to add to the already high debt that we have in this country and I wonder maybe the next time the Minister is going to come over here with some approvals on how to increase the revenue of this government so that we can drastically reduce the debt burden of this country.

Now coming to the issue we have here at hand, which is basically a concession loan from the People Republic of China which I do consider as a genuine partner of our dear country.

Now when you look at the interest rate of this loan, you are talking about 2% per annum and again when you look at the commitment fee as well as the management fee which is about 0.25% of this loan and again is going up to 2.5% approximately.

Now looking at the global interest rate at the world right now as at February in China, you are talking about 4.35% interest rate in China and the Inter-Bank rate in China also on the same month is about 5.8% and the fixed asset investment is about 7.9% and again I think we can do better in terms of the interest rate because when you talk about 2.5% interest and then what they are giving out in their Country is about 4.35%, I think we can do better in terms of reducing the interest rate that we actually accepted.

Now going further Honourable Speaker, I also want to highlight few issues on article 2 which is the conditions and utilization of the facility. Now on page 6, if you check on section 2.5, it is actually clearly indicating that, the goods, technologies and services purchased by using the proceeds of the facility, shall be purchased from China preferentially.

Again on that one, we also have to remind the Honourable Minister about our GPPA act and the objectives of the GPPA act section 3 which if I may read, is to be transparent, to be efficient and economic public procurement and I hope that they will take that into consideration just to ensure that we have value for money.

Now in terms of repayment of the loan which I have read earlier, the Exim-Bank which is the Export-Import Bank of China, I think they are very clear and they are also protected on page 8.

They are basically telling us that whenever we are paying them back this loan, we should indicate the name of the payee which is the Export-Import Bank, they have also indicated the swift code, they have also indicated the account number both in RMB and USD they have clearly indicated that.

However, on our own side which is the borrower, when we are receiving the funds which means the disbursement, it should be on the article talking about the disbursement. I think it is very important that we should also be very specific when we are paying them and they asked us to pay into a particular account and I think also when we are receiving that money from them we also need to give them the account number of the Central Bank of the Gambia.

It is clearly indicated here that the loan will be managed by the Ministry of Finance which is perfect but where that disbursement will be sent is not actually highlighted in this document. I think the Honourable Minister for Finance needs to take that into consideration to ensure that some of the articles actually covered the Gambian people at the maximum. Let us have a particular account number from the Central Bank of the Gambia where those funds will be disbursed into but that means in case they divert the funds anywhere else, it is not the responsibility of the Gambian people to pay those loans.

Now coming to the essence of this loan, which is basically the broadband which actually I think should have been done a very long time ago and the good thing about this high speed E. government, E commerce building of the Data Centers is that, it is actually very crucial in this day and age in our dear country.

Honourable Speaker, when we talk about the E-government for example, there are a lot of good things that we can actually achieve on E-government for example, if somebody from Basse right now wants to apply for a passport, what do they normally do? They have to travel all the way to Kombo to buy the form fill it and deposit it here. Now, what the E-government actually has the potential to do is that, they can stay wherever they are in the Wulis or in upper Saloum and then make their applications that will be received over here. So, you are going to see that the time it takes for

somebody to travel from one part of the country to another will be drastically reduced through this E-Government services.

Now when you talked about E-commerce, which is also a very highly desirable element in this country as when you look at Africa in general, we are lacking in the inter-African trade. What that means is actually the business we have within Africa is a very big problem and the problem basically is about air transport, sea transport, road network because they are generally very poor. Now, what this e-commerce can actually or has the potential to do is basically that, we can do business without actually having to move a vehicle or have to do it by air because everything is done through the internet including payments which has the potential to help our government.

Now when you look at the GDP of Senegal for example, 3% of the GDP actually is e-commerce but for our dear country is 0.00 something and in other countries as we speak, are actually going about 30% that essentially tell you about the importance of supporting this loan to ensure that the network infrastructure in this country is well developed so that we can be part of the various countries that we actually have.

I know in Gambia here, we do complain a lot about the high cost of our internet and some of the reasons is the lack of data centers we have in Africa. Currently, we have about 5 data centers in Africa, one in West Africa, Nigeria, another one in North Africa, Egypt and through the help of the AUC, they are trying to redouble the number of the data centers in Africa regional data centers. So, if Gambia actually has its own data centers, that can actually help a lot in reducing the cost of the internet because for the most part when you browse nowadays you have to go out of the Gambia and come again to the Gambia and that is one of the reasons the internet cost in this country is very high. So, the data center that is part of this loan that we are going to get I think could do a lot to help in reducing or has the potential to reduce the cost of internet in this country.

Now Honourable Speaker, just to close up my intervention here, I have also not seen the Minister of Finance who can actually help talk about the cost of the transaction because when you disburse money from one country to another there is a cost that is actually involved. I think the Minister can help me to understand who actually pay for

the cost of the transactions in sending the money from China to here or when we are making payment, I think that we need to be really very clear on this thing.

So, Honourable Speaker, I want to show my utmost support on this Concessional Loan Agreement between the People Republic of China a genuine partner of the Government of the Gambia and our dear country the Gambia. I will give my full support and I would also like the Honourable Minister to consider those issues that I actually highlighted just to ensure that the Gambia is well protected in this kind of transactions.

Thank you very much.

[Applause]

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Thank you Madam Speaker for giving me the floor, I would like to show my support to the loan Agreement- the Government Concessional Loan Agreement on the Gambia Broadband Network Project between the Government of the Republic of the Gambia and Export-Import of China.

Madam Speaker, this is right step in the right direction as I used to say that Gambia needs to move forward in terms of communication. If you look at the Agreement, it entails a lot and will help us move forward as a nation and grow up in terms of communication. The government as an institution will get lot of benefits including our individual households, the private sectors to mention just a few.

Madam Speaker, it is a fundamental right to have access to communication and we all bear witness that communication is a problem in the Gambia particularly in the rural Gambia. So, if you have such an agreement or such a loan which we are getting into, it is going to ease communication in the rural Gambia and Politicians will be able to communicate to their constituencies without hindrance, people will be able to promote trade or business from the city to the rural Gambia and a lot of blessings.

The other important part of it is to bring the world to our palm and getting closer to it. Gambia was at some point in time very distant from the global world but now we are getting very close to the world and the market, we can participate fully in the international trade.

Madam Speaker, it will also help us to graduate from analog when I say analog the communication system that we have in the country is one of old time. We have a model way of communicating with institutions or with groups and individuals.

Madam Speaker, having a loan to borrow is one thing but payment is another thing. The Ministry of Finance and all the other stakeholders involved should be much firm in ensuring that paying it would not be a problem. We should all stand shoulder to shoulder to ensure that we protect the interest of the country.

Madam Speaker, if you look at employment.....

HON. ALHAGIE MBOW [UPPER SALOUM]: I have a point of clarification to make.

THE SPEAKER: Can you allow him so that we hear what he is going to say.

HON. ALHAGIE MBOW [UPPER SALOUM]: Thank you very much Honourable Speaker and thank you very much my Honourable colleagues. Just to help on the digitalization that we have in the country like the analog, the country actually has move away long time ago from analog, so just to help him because he was saying that, we have more of analog but actually is the opposite.

THE SPEAKER: I will allow that explanation, I was expecting the Minister will cover that when is time for him to respond being an IT expert, we are lucky to have so many experts in this National Assembly.

Thank you very much.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Madam Speaker thank you for your intervention but I want to talk to the Honourable Member that when I said "analog" here I do not mean that I am making an expression you have to understand, what I mean by this is not in your language as technician or whatsoever, am talking in terms of literature you have to understand that.

Thank you.

Madam Speaker, if you look at the employment opportunity that it will create for young Gambians, I think all of us will give our support to it since we cry for lack of job opportunities.

If you look at the other part of it, is actually bail out for Gamtel because if you look at its history, they "were doing a lot for this country and have made significant achievements in terms of communication but along the line, they have setback. This a kind of remedy to build up Gamtel to be on its feet again Madam Speaker. I do not have much to say but I want to give my support to it.

Thank you.

HON. BILLAY G. TUNKARA [KANTORA]: Thank you very much Madam Speaker for giving me the opportunity. I am always convinced with the caliber of cabinet Ministers that we have in this Coalition Government that they will always do justice to their assigned jobs but as the saying goes, "to whom much is given much is expected".

I know the Ministry of Finance is disciplined, he would not go and negotiate projects that will put Gambia into ransom and we also appreciate the gracing period and also appreciate the percentage of interest given to Gambia compared to other counties. According to Member for Upper Saloum, international borrowing is around 4 to 5% interest rate and has really helped this government which has actually inherited a government with barely no single or 2 months' reserve in its coffers. And Gambia having a relation with a country like China will actually reduce the running cost of this [LDCs] Less Development Countries to IFM, World Bank probably whose loan term and agreement will be higher than this interest rate.

Secondly, with the issue of devaluation of currencies and other things, Countries like China actually may not ask what is expected, give terms and condition which are actually plan to cripple that particular nation because China was once colonize as well so, China would be that hope for African Countries particularly the LDCs in terms of regaining economic strength and also development opportunity as well.

We understand the world is actually embracing globalization and the world has turned into global village, therefore, globalization will not wait for Gambia. Therefore, its take good leadership, foresight to compete with other nations so that where they are, we can also be there one day. That has really informed this robust move of this Coalition Government to actually go and negotiate a loan to put Gambia if not at par but at least very close to advance nations.

These also will really encourage e-commerce which is really the bottom of government dependence in terms of employment. It will actually help Gambia most especially the youth population who will have to engage not only in writing letters to the government for employment but also be more innovative and creative in terms of engaging the e-commerce to the wider world.

It will also minimize or manage issues of corruption and also a very good mechanism in terms of managing the corruption within Public and Private sector. So, I think with this initiative, I would not bother the Assembly with a long speech and probably I would end here and then try to add my voice and blessing in this particular loan.

On that note, I thank you for your indulgence.

HON. MUHAMMED MAHANERA [SANDU]: Thank you Madam Speaker for giving me the floor once again as I also want to have a say in this particular motion.

As we know, Gambia is a nation which is in many organizations but when we look at our economic status and look at how China wants to come into our aid, I think we should not let down the interest of the nation for a personal one. Why I say that is "when you throw a beam of light to somebody the same beam of light before you move through to yourself". What is the Minister doing? What am I doing for my country? I think Gambia to my own opinion has been disconnected from the world and through these bilateral concessions, the Cabinet Ministers are trying to reconnect Gambia to the world e.g. we have been a Member of the Commonwealth and we know our status there, how much we were receiving.

I think when we get this opportunity, we should not waste time in the commonwealth, we expect to be trading more with the nations that are in the commonwealth but is not happening just recently, look at how our business is flowing, the speed that it is going with China, we should not waste much time. I am in full support of this motion thank you.

HON. MAHTARR M. JENG [LOWER NIUMI]: Once again, I thank you Madam Speaker and I just have few questions for the consideration of the Minister of Finance regarding this:

When we talk of Broadband Internet Services, we think of the speed, the credit we are consuming. We should also think of the amount of money that the layman uses on daily bases. How much impact would that have on the rates at which this credit is being consumed? How much is it going to reduce our communication expectations? And how much are we going to gain finally by having our claims to Africell, Qcell and others in relation to what is being given? Because here in the Gambia I understand, it should be having a sub-CD for these companies that would be involved in this business.

Thank you very much.

HON. SAIKOU MARONG [LATRIKUNDA SABIJI]: Thank you Madam Speaker, once again for giving me the floor.

Madam Speaker, I could remember during our adjournment debates, I have said here that we invested a lot in the Agricultural Sector, in Fisheries and other areas but if what we spent in Agriculture, Fisheries and other areas was spent on ICT, I believe that will be a big change in this country.

Madam Speaker, today we all talked about China, Russia, United States of America to name but few, these countries have developed due to ICT, ICT have lot of advantages though there are disadvantages as well but there is lot of advantage that the Gambian people need.

Everybody today is complaining about this country that the internet is very slow and is not working well here but with this loan we are approving Honourable Minister, I am in support of it but now what we want to see is that we really want to feel and see the impact of ICT in this country. I think that is more important than just a matter of approving 25million dollar for ICT or broadband but we want to see that there is a change in our ICT infrastructure in this country. A lot is lacking when it comes to ICT here.

Honourable Member for Upper Saloum said here that when you look at the E-commerce, E- health, we cannot achieve these without a very good and high speed internet that is the band weight. Today, ICT compared to other sector, can create a job if we invest on it and this is exactly what is happening.

Madam Speaker, I remember during the Presidential Speech, he said and I quote *"together we have usher the new Gambia into a world of hope"* this is exactly what we have today ICT will definitely move this country from where we are to another level.

We are talking about the IFMIS system in this country, here we are saying that Minister of Finance is doing very well in the way they control or the way they dispose their finances, this cannot be in the absence of ICT and even at that level, they are complaining that internet speed is very low but we hope that now such would not be repeated.

Madam Speaker, looking at the interest rate at 2% Honourable Minister, yes we know 2% is not that big but we are appealing to you that if this loan or any other loan, appeal to the Republic of China or whoever is giving us a loan that we consider the 2% a bit high for us and also looking at the management fee of 0.25% that is ok. Honourable Minister have mentioned something here that is internet band weight 14MB per second, I think from now on, our ICT is really going to make a big difference.

We have a lot of graduates of ICT both from University of the Gambia, Lasting Solution and other Institutes that can have their own employment there is no need for them to go to Government to get a job for them but with the help of ICT, you can create your own jobs. Before, I could remember here we used to have this Tele-centers all over the country but now they are no more simply because our ICT sectors have been forgotten but with this loan coming into force, we hope that people will go back to those areas and invest because we know government cannot create employment for everybody but having the loan, we hope that now people will venture into ICT and then create their own jobs.

Madam Speaker, without wasting the time of Assembly, I support this bill and I hope others will do as I do because this is something that we need I thank you.

HON. HALIFA SALLAH [SERREKUNDA]: Thank you very much Madam Speaker.

The loan agreement before us is designed to improve on the Gambia National Broadband Network, we have not been given the promise of this Broadband Network where we have been told by the previous government that there was some form of

public private partnership initiating the network. I would want more information on the status of that public private partnership and how that fits into this current building up this network on the basis of a loan.

Madam Speaker, we all know that no country under the current dispensation would be able to develop without a sustainable electricity, ICT and road infrastructure and any Gambian who wants development for this country would want improvement in all the sectors.

What we are considering here is not about gold, it is about capability and sustainability. We talk about sustainable development this is what create prioritization in terms of investment in terms of where we put our money. Essentially, we heard the Honourable Minister, in fact, informing the nation of late through the National Assembly that the debts of NAWEC is actually inherited by Government and I do not know how the payment is going to be made. I am sure it will come again to us to put the monetary terms of paying those debts.

I want to know the status of Gamtel on the current circumstances, I want to know whether there is plan to prioritize it because if we take loans and then end up privatizing the institution then what will happen to the government itself in shouldering this particular responsibility? It is very clear in our status that debts should be controlled and mechanism are there to control it and one of the mechanisms is to ensure that public enterprises are profitable and they take loans that they are able to pay, this prevent government from taking responsibility for the excess incursions of those public enterprises in terms of debts.

So, there are certain issues that become very pertinent in taking this loan and fundamentally it is important to understand that the world situation now calls for competitive bidding in any form of development project that you want to carry out. Am not sure whether what we need that is expanding the capacity of the Gambia National Broadband Network whether that became a project for the government and that the government has actually send it around to say whoever can come and assist us in the best of manner to develop this and this is the best value for money.

So, essentially, China of course is protecting its interest and should protect its interest, we can say in 2.1 page 6,5 where in terms of interest rate which to us is a critical issue because certain interest and debt increase in capacity has value of our dalasi falls down in that sense, you end up having to work more and to pay more. Essentially, I am just looking at the environment the principle of building up our network is it acceptable to every Gambia? But we are to be guided by our policy makers in looking at the policy environment and the implications of making certain decisions which to the ordinary person appears to be unquestionably alright and we hope that we do not go and move further and then we are told that well, yes we have done this but this was not the best of the decisions.

Thank you very much.

HON. OUSMAN SILLAH [BANJUL NORTH]: Thank you very much Madam Speaker, my intervention is going to be very brief.

I believe that as a legislature anything that is brought before us must be review from 2 angles.

➤ the benefits that is advantages and the other disadvantages

And I believe that in as much as we need development we desire development loads do come with some challenges whether they are concessionary or market rate loads. Of course this load to improve on the Broadband system in this country is welcome if communication serve development. We are living in world where technology is advancing and Gambia cannot afford to be left behind but it must not be at a cost.

The more we reduce loads the better for the country, I have been going through this and I believe that this load is really protecting the lender it has made everything possible to ensure that the lender doesn't lose in any case.

Going by **Article 2. Conditions and Utilization of the Facility**

2.1 And I want clarification from the Honourable Minister its saying that;

"The Borrower hereby undertakes that the amounts due and payable by the borrower under this Agreement shall not be affected by any change in the exchange rate

between RMB any other currencies or the exchange rates among the currencies other than RMB."

So what I want know is regarding this exchange rates if the RMB rate falls you that is to the advantage of the borrower because then you will be paying less so what those this mean so, I want clarification, whether if the rate of the RMB fall to the advantage of the borrower the lender wouldn't be saying that the rate must be at the level of the original rate at the time when the load was concreted so, I want clarification. So, these are technical things that really need to be look into because there may be an embedded implication that may put you at a disadvantage in the giving situations. So, I want clarification on that.

It also talking about Management fee that is;

"2.6 The Borrower shall pay to the Lender a Management fee on the aggregate amount of the facility equal to RMB four hundred and thirty-seven thousand five hundred Yuan only (¥ 437,500) in one lump within thirty (30) days after this Agreement becomes effective but not later than the first Disbursement date in any case, which amount shall be calculated at the rate set forth in Article 2.2. The Management Fee shall be paid to the account designated in Article 4.4."

So, we are paying interest rate so why this management fee I also want the Minister to explain since will paying interest rates why should we be paying management fee although if we go by the rate saying 0.25% it may appear insignificant but it's not because qualitatively we consider a longer period and then this percentages may decisive one 2% 0.something percent but in the long run it become something else and country like the Gambia we may not have the resources or we would have the resource but they may be needed in more beneficiary areas to the population than the issue that been treated.

And it's also talking about repayment that repayment is allow before the date of the payment of the principal Gambia may have bonanza like it been said by the Minister of Finance that oil might come in and then Gambia would have their way to addressing must of are need, in even where that they come and Gambia want to settle its load to finalize.

Well what I have read mean that the interest you should be paying up to the time of that maturity then you should be paying I don't know whether am reading it well but if is the case then that also problematic so, I want clarification from the minister.

On that note Madam Speaker thank you very much.

HON. SAMBA JALLOW [NIAMINA DANKUNKU & MINORITY LEADER]: Thank you Honourable Speaker for giving me the floor.

Madam Speaker, what we have before us here is a loan agreement and actually loan in general nobody want to be taken loan if you see you want to take loan you are either compel with certain things. What we have here is a loan that should help us develop our internet in this country which I believe every citizen of this country want. My intervention may not be much but I have few issues that I wanted to ask.

If you look at the loan Honourable Minister I believe it could have been in the loan in one of the article or an appendix that would tell us the bill of the quantity of the loan, what you want to buy if you get the money what are the expenditures if you get the money which is not capture in the loan and these are the thing that convince we National Assembly Members who receive this document these are the key area that will easier looking at. And it is in the bill of quantity that you found the consultancy fee because most of the project they come big tons of the money will go on consultancy and in this document you cannot know how much will be spending on the consultancy because of the absent of the bill of quantity.

Then other issue is when you were reading your statement you actually gave a briefing on the project description which also is important because if you are taking a loan for a particular project, actually you must know what the project intend to do, to convince the National Assembly Members which is also absent in here and normally we sometimes receive this document within a short time and we cannot go page by page but certain area that we feel will convince us is absent again.

The other issue is though in the article 4 page 8

You have informed us that it should be paid in 26 monthly installment but again if you go to appendix 10 form of repayment, it is left blank, do not give us haphazard

information it should be captured there. We have been passing loans here but all the installments will be captured even by 6month or 1year we need to know all these things is absent in the loan.

Other than this Madam Speaker, I think these are few issues that I have and then I want the Minister to help us clarify this issue.

Thank you.

HON. MOMODOU S. CEESAY [JANJANBUREH]: Thank you Madam Speaker for giving me the floor to contribute on this important loan agreement.

Most of my points are already addressed nonetheless, I just want to remind the Minister that this documents we hope were prepared by your office but I do not know whether your office went through it properly or not because I want to talk about section 4.6 which is saying that; *"Both the Borrower and the Lender shall keep accurate book records of any disbursement under the facility and repayment of principal and interest under this Agreement and shall verify such records once a year"*. And we hope if this verification is done, the right sub-committee within the National Assembly will be informed.

Under 6.2 this one talked about and I read:

"The Borrower undertakes with the Lender that it will ensure that all amount disbursed under this Agreement be used for the purposes specified in Article 2.4". Am saying it because of record and what had happened before. We hope and pray that this money will not in any way averted in any form.

And finally under 6.7 which reads; *"the lender shall be entitled to examine and supervise the utilization of the proceeds of the facility and the performance of this agreement"*.

Honourable Minister, there is lot of task in this government and it is our responsibility collectively as you always say that we are in the board together and let us make sure the trust the Gambians have in us guarded.

Finally, I hope at the end of this project Gambians will get rid of the common saying that; "system is down" as whichever institutions you go to you are told that the system is down and I hope after this project we will get rid of that.

Thank you.

HON. MOMODOU K.L. SANNEH [DEPUTY SPEAKER]: Thank you very much Madam Speaker for giving me the floor. Madam Speaker, I join my colleagues to add my voice on this very important loan agreement.

Madam Speaker, any loan agreement that will bring an upliftment for Gamtel in this country, I whole heartedly support it since Gamtel is one of the best institutions in this country over the years. Gamtel is one of the best in the sub-region in those days but for one reason or another, Gamtel has become down on the ground until it cannot sustain itself. Therefore, any project that will uplift Gamtel in this country Madam Speaker, I whole heartedly support this loan.

Madam Speaker, according to the Minister, he said with the approval of this loan, Gamtel will engage 320 workers and that is a very good improvement for this country as it will reduce unemployment rate in this country.

The other area I want to talk about Madam Speaker, is Gamtel gateway now that this project is trying to uplift Gamtel, how soon will the Government of this day try to finally handover Gamtel gateway to Gamtel? Because this is the main source of Gamtel and that will improve its condition and situation. With this project, I really think there is a need for Gamtel gateway to be handed over to Gamtel so that at least they can improve. Over the years, we are all living witness to what had happened to the Gamtel when the Gamtel gateway was given to the foreign company that has messed Gamtel and this country as a result of that. The situation has changed now that we are in the new Gambia and the government is taking the responsibility of its citizen, I think there is a need for Gamtel gateway to be handed over to the Gamtel.

Madam Speaker, I rise to support this loan agreement purely on the ground that Gamtel is connected and it is going to uplift Gamtel to the best that we expect from Gamtel.

Thank you very much.

HON. SALIFU JAWO [JOKADU]: Thank you very much Madam Speaker, for giving me the floor. I concur with Minority Leader regarding what he said about this agreement. I think all the things that are needed in this agreement in terms of Gamtel should have been broken into pieces and then brought before us and so we will know when this fund is here and what is going to do for Gamtel.

And another point I can see here on page 18 where you have;

"8.12 Matter not covered in this Agreement shall be settled through friendly consultations and signing of supplementary agreements between the borrower and the lender".

I think in any loan, it is better to come into concrete terms, agree and then finalize things before you brought it here but you cannot agree with somebody and along the way, you try to see other things that you are to operate I cannot understand that. I think everything the loan intends to do for us should have been completed in the document. I think it would have been better like that so, on that note Madam Speaker, that is the only thing I have.

Thank you.

THE SPEAKER: Can I take the last intervention.

HON. SAINÉY TOURAY [JARRA EAST]: Thank you very much Madam Speaker for giving me the floor, I rise to throw my weight behind the loan agreement as has been done by my Honourable colleagues.

Madam Speaker, it is my detached opinion that as a country, we are always at pain to contract loans but this cannot be avoided because we are a developing and a third world country and that is why it becomes a necessary evil for us to contract loans.

Madam Speaker, this loan agreement I support it in totality for the simple fact that the country is poor and we should benefit immensely.

- It will place the country on the information super highway by virtue of the broadband.

- It will create employment.

If you go to the loan agreement it is stated clearly;

That 320 people are supposed to get employment which is a plus and the success of every government is to create employment for its citizens and that is made in this loan agreement.

The loan agreement also tells us that we are going to enjoy E. commerce, E. government and E. Data so, in essence, we stand to benefit immensely from the comfort of our houses with the click of the mouse you can send your application without having to go to Banjul or maybe Kanifing so that is a great plus for us Madam Speaker.

Madam Speaker, when loan is contracted as the saying goes "there is no free lunch" so, there is need to follow the contractual agreement in totality. We must have at the back of our minds that every loan is supposed to be paid and that we must service it judiciously because we are the one who inherited it.

Madam Speaker, the Broadband as a Country will help us greatly because we are not alone, it will help us in terms of repair and review mechanisms. For e.g. our sister Republic Senegal in terms of ICT infrastructure so, it will help us greatly in terms of pair review mechanisms and it will also help us in terms of communication, our ICT infrastructure is going to be boosted by the venture of broadband because it is a cutting edge technology that will help the country to be on the information super highway.

Madam Speaker, with this few remarks, I humble beg to take my seat.

Thank you.

THE SPEAKER: I had indicated that was the last intervention but really I will take the last intervention from Honourable Member for Wuli East.

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you Madam Speaker, I have only few points to raise for clarification.

The benefit of the project is numerable has stated by the Minister in addition to what the Minister said I know he could not say all but they are numerable and the need for

the project also is clear we know our situation when it comes to broadband my knowledge there is not much but at least am a user.

One concern wants to ask the question what comes of the ACE project. Because at the time there was lot of noise regarding the ACE. We thought that it is going to solve our internet problem but there are lot of desires from my own expectation, what I have seen and what I have heard from countries.

Madam Speaker, I want the Minister to clarify where they mention interest subsidies fund because when I look at the definition I could not get it and the Minister is aware of that interest subsidies fund which must be paid by China and I want you to help us to understand that.

It is also mentioned that the amount should not be used to pay brokerage fees, agency fees or pay commission at all. And is emphasize there and I heard somebody mentioning other fees that should be paid. We need to be steadfast so that we use the fund for exactly what is stated in the agreement and that is emphasizing the agreement itself.

Madam Speaker, when you go to section 2.3 is talking about maturity period which is 240 months and it also talked about grace period which is 84 months and the repayment period which is 156 months so, I want the Honourable Minister at least to put little explanation on those different periods.

And then there is another payment they called management fee of ¥437,500 in addition to the interest of 2% and the commitment fee of 0.25% and it goes to mention also available period so, there are many periods that we are engaging if you add all that you will see that it is not a small money that we are going to pay back.

Honourable Minister, I also want to ask by the time you were planning this project whether you have thought of the estimate and estimated amount in terms of the monitoring and how much the government would accrue from the project eg. In 10 years' time.

Thank you very much.

tax payable to government, in this regard, the royalties and income are payable to government to congruence stream of the income and one should not be deducted against the other.

We therefore recommend that the words including any royalties paid or payable to Government for those purposes be removed from the definition of direct operating cost.

Honourable Speaker, I beg to move in this Bill.

THE SPEAKER: Any seconder?

HON. LAMIN FM CONTA [KOMBO EAST]: I so seconded, Madam Speaker.

[Question Propose]

THE SPEAKER: Now any Members who wishes to contribute to the debate or make an intervention can do so now.

HON. MUHAMED MAGASSY [BASSE]: Thank you very much Madam Speaker.

Madam Speaker, we have already given an assignment to FPAC to work on the first amendment so that to report back to the plenary.

Through my observation, I have noted that this first assignment and this second amendment they are interrelated so, its somehow technical if it could be possible so that we refer also to this amendment to the same committee so that they will be on their own leisure time to do a proper work on it and then report to the plenary for a proper consideration. So, if am allowed, I would want to move a motion to that effect.

Thank you.

THE SPEAKER: well it is your prerogative to move it, I cannot stop you.

There is a motion on the floor, for the bill to be refered to FPAC.

HON. SAIKOUBA JARJU [BUSUMBALLA]: I so seconded, Madam Speaker

[Question Propose Put and Agreed to]

THE SPEAKER: So, the Bill is referred to FPAC for further consideration.

Thank you. Can we move to the other Bill please but before we proceed to the next may I take the opportunity to thank the Honourable Minister and release him so that he can go. Thank you very much.

III. Local Government (Amendment) Bill, 2018

HON. LAMIN N. DIBBA [MINISTER OF LANDS AND REGIONAL GOVERNMENT]: Thank you Madam Speaker, I wish to lay the Bill title.

Honourable Speaker and Honourable Members of this August Assembly this is non contentious and a non-controversial Bill because some time ago, the Attorney General make a motion in this August Assembly for deletion of a similar provision in the constitution and number 10 of 1970 amendment Bill was ascended to by the President on the 5th of January, 1918.

We in the Local Government would wish to align some of the Acts to the amendment which was effected by this August Assembly with regard to the direct election of mayor or chairperson of the authority.

The act to amend the Local Government Act with direct election of chairperson of Local Government council and for connected matters. Mr. Speaker, the short title of this act may be referred to as the Local Government Amendment act 2018.

The Amendment as I previously referred to was cap. 33:01 of the constitution, therefore, am here to present to this August Assembly Amendment of section 13 of the principal Act is amended.

(a) In sub-section (2) by deleting the words “-the councilor from among the councilors-” with the words “universal adult suffrage of all eligible voters in the Local Government Area-”;

Honourable Speaker, this section (30) talked about election of chairperson among its councilors as opposed to the original version of 2002 Act which states that;

A chairperson shall be elected by universal adult suffrage of eligible voters in the Local Government Area.

Again by deleting sub-section (4) these sub-section state; that the election of chairpersons has the first business transaction of councilors and at their first meeting after election. If sub-section (2) is now calling for election through universal adult suffrage then we do not need this sub-section.

Agenda is a provision that said that by deleting subsection (5) this subsection states; A councilor is not qualified for election as a chairperson under subsection (2) of this section unless he/she holds the qualifications specified section (14) of this Act.

This subsection is linked to election of chairpersons among councilors which is being proposed here to be amended.

By deleting subsection (7) this subsection states; the removal of chairperson by the President, we are proposing a deletion of it for amendment of section (16).

Section 16 of the Principal Act is amended.

a) In subsection (1) by inserting immediately before word "councilors", the word "elected"; should be inserted and it would read elected councilors.

b) By deleting sub-section (3A).

Section (16) talks about the election of deputy chairperson to be elected from among councilors, this give room to elect and nominate the right to elect as Deputy which I am here to propose for a sanction of the word elected so, that Deputy Chairpersons is elected among the elected councilors.

Amendment of section (20)

Section 20 of the principal Act amended-by deleting subsection (14) which was an extension of the 2002 Act.

This section is about removal of chairperson, Deputy Chairperson and other members of the council by the President on the recommendation of the Minister set out in subsection (1) of this section. Am now proposing to delete or am proposing for deletion of this subsection to reduce the interference of the executive in the affairs of the Local Government official removal.

Honourable Speaker, in summary this Bill seeks to Amend the Local Government Act 2002, to provide for the election of chairperson through universal adult suffrage of all people eligible voters in the Local Government Area. This amendment is prompted by the fact that a chairperson is considered to be the same cadre as a mayor or Mayoress who is elected.

Additionally, Honourable Speaker, the Bill proposes to amend the Act to provide for the election of Deputy Mayors or mayoress and Deputy Chairperson from among the elected councilors, to ensure that only elected councilors who have the voting rights are qualified to be elected.

Furthermore, the Bill also aims to take away the power of the President to remove elected officials of the Local Government Authorities, to limit the interference from the executive in the removal of the Local Government officials.

Madam Chairperson, is a short one but important because it will ascertain the democratically rights of Local Government Authorities and then move double standard which existed. I beg to move Madam Speaker.

THE SPEAKER: Any seconder?

HON. SUNKARY BADJIE [FONI BREFET]: I so seconded, Madam Speaker.

And I would like to seize this opportunity go further to support the various Bill brought before us for consideration. Experience has shown to some of us players in the Local Government areas that the various Bills and section of this Local Government Act 2002, highlighted by the Honourable Minister to be considered.

Previously, the Chairperson of Councilors are elected from among elected councilors, these phenomenon has reduced the powers of the various chairperson of councils and also have denied the General Public to exercise their democratic rights, therefore, the idea and the intention to change that particular law to allow the general public to partake in the election of their chairpersons, the chairpersons are so crucial because they are responsible for local development in their various areas.

The other issue that I would also like to talk on is the issue of the power been given to the President to remove chairperson, mayor, mayoress and councilors and this also

has put lot of fears in councilors retiring their ability to perform effectively. It has also deters them the opportunity actually the chance also to take decisions that really affect their people as a reason of power whether fear or anything else but if this sections are removed that would allow the councilors, the mayors and mayoress actually to perform their functions as expected.

Also the selection of Deputy Mayoress and chairperson from among elected councilors, I think that is also a good idea I would like to support it because this elected councilors are coming from wards and the wards are directly responsible for the development agenda of their respective areas, therefore, giving the opportunity for them to be elected as either mayoress or chairpersons, I think is a good idea and I would like to support that.

Madam speaker, going further, I think there is another section but this is not part of it actually but maybe for future consideration that is section (9a) of the Local Government Act 2002 which dissolves councils 90 days before elections, these idea does not help the decentralization process because one can do an intense management within 90 days taking the position of elected councilors to perform the functions and exercise powers of a council. I would like to appeal to the Honourable Minister to consider these relevant sections. Overall, I think I am in support of the various Bills brought before us for consideration.

Madam Speaker, with your permission section (25) and (24) 1a actually needs consideration and I would like to appeal to the Honourable Minister to look at this various sections with great urgency. These sections deny the councilors who will serve their respective councils for so many years not even with a letter, the experience has shown that some councilors have served their respective councils for 12 good years and not even with a letter to say thank you, let alone, a gratitude or anything to support them. So, I think that is very pathetic and I want to appeal to the Honourable Minister to look at these sections.

Overall Madam Speaker, I want to thank you very much and am in full support of these amendments. Experience have shown us that there are very good changes that

would enhance the ability of councils and chairpersons to perform their respective functions as expected.

Thank you.

HON. YA KUMBA JAITEH [NOMINATED]: I thank you very much. Mine is a short one.

The Bill is seeking to amend the Act by moving the powers of the President to dismiss the mayors, chairperson and councilors, am just worried if we remove the right of the President to dismiss them who will they be answerable to? Are we going to amend for them so that they can be recalled by the National Assembly or the people that elect them.....

Another thing is that the Deputy Mayors if they are going to be elected among the councilors, is the election going to be taken care of by the election commission or are they going to elect them in another type of election that is not clear, how is that going to be done? Since they are not going to be elected together they can wait until councilors are elected and deputy mayors are elected among the councilors how is that going to be done?

Thank you.

THE SPEAKER: is alright the Honourable Minister will respond.

HON. OUSMAN SILLAH [BANJUL NORTH]: Thank you very much Honourable Speaker.

These amendment Bill before us seeks to provide for the election of Deputy Chairperson and Deputy Mayors from among the Members this is really in keeping with democratic practice because responsibility at this level must be responsibility that really come from the mandate of the people and elected Members are directly elected through universal suffrage to franchise so, this is really in keeping with democratic practice as I said.

As for the other one, the removal of councilors by the executives is also a very positive move because the people who elect must be the ones who should remove elected representatives not an individual or an authority. It is the people who have the

alternative authority, since they are the ones who elect, they are the one who should remove those who are elected by virtue of failure to serve them. So this is also a progressive move. But my issue with these is that, I have been saying this in this August Assembly that what we need is holistic reform of the Local Government Act not these piecemeal reforms I have been advocating for.

There are so many issues with the Local Government Act and these things are part of it so, I have been advocating for this and I think what we need is real review of the Local Government Act to ensure that all these gaps are addressed like for instant the issues of councils and their remuneration. Of course councilors can have other engagements but for them to be really committed to the work they need certain motivation so, the talking about the fact that they are not receiving salaries but allowances that they are receiving, these are issues that can be addressed in braver reform package braver reform framework.

The issue of this 90 days also is very important that you cannot dissolve councilors 90 days before election and I believe the practice is that just as Nation Assembly, a day before our swearing in that is the day the term of the office of the previous Assembly ends, the same thing can apply and should apply to the councils so, the Minister should have been...we are expecting the Minister to come up with this and that we do not need interim management committees, is extra expenses because they would come and then want to make a difference, come up with projects, programmes to justify their relevance so, it is better we leave the councils that was elected to serve to the end, a day before the assumption of the newly elected council as it has been practice in the case of the National Assembly.

Basically this is what I really wanted to share with Honourable Minister and what we need is a holistic reform of the Local Government Act.

Thank you very much. *[Applause]*

HON. SIDIA JATTA [WULI WEST]: Thank you very much and I would like to thank the Honourable Minister for having been called a happy coincidence. You see when this amendment was made the day it was made, they was a big chaos in the Assembly because after they had agree to do their so-called amendment, one of the Members

sat in front of me and said "yeah we know what you are saying is what is right but let us do it this way" I wanted to hit him and then the whole house when to chaos so, we adjourned" and am happy that you have come back to correct the stupidity that was committed that day and that is nobody elected body can and should be dismissed by an individual that is what they said and I was so furious with this young man and if I see him this time am going to slap him and you see now what is happening. So, am happy that this is now being amended.

And the elected councilors are answerable to the people who elected them and they are only people who can get rid of them, is like they are saying if the President can just drive all of us out is the same thing so, this is a very happy news but with all the amendments you have both are very good.

I think there is a need and I will suggest Madam Speaker, after this amendment, I would like the Honourable Minister once the amendment are made and is published, the amended version be committed to the Local Government Committee for a more comprehensive review of the whole Act because there are many things to amend there. He has read fundamental issues and there are many more, that is what I would suggest Madam after all this, the Act should be committed to the Local Government Standing Committee for a more comprehensive review.

Because this piecemeal amendments are not going to resolve all the issues that are in this Act so, for that reason am not going to continue to talk but I welcome all the propose amendments that have been made by the Honourable Minister.

Thank you very much.

HON. BAKARY CAMARA [KIANG CENTRAL]: Thank you very much Madam Speaker, for giving me the floor. Mine is just a short intervention.

What we are seeing here today is like a departure from the old nub we migrated from- a situation where the councilors when the election is held would have somebody elected among them as the chairperson, so this time around, the power is being given to the people through universal adult suffrage to elect somebody as their chairperson so that one is certainly significant to development.

And then, if you look at the aims and objectives of the Bill, it says; to take such power from the President where he would not be able to remove and elect like somebody elected officer from the power of the people so, we are trying to strengthen our democracy here which is very important. And then like the Honourable Member for Banjul North said the piecemeal amendment I think would not solve our problem, what we need is total review of the Act.

If you look at the Local Government Act, the issue of qualification where it says; the person who is qualified to contest as a councilor or chairperson must be a person who attends the Secondary School in the Gambia, we have 2 types of Secondary school so, which are you talking about? Is it a Junior Secondary or Senior Secondary? So all these things need to be reviewed and then we see how best because this institutions are very important.

The Local Government are very important as they perform important functions in our society and some of us as National Assembly Members, some of the things our people ask us to do is, we do not have electricity, water and road within our communities, we do not have certain facilities and these are things that should be provided by the Local Government and we cannot have them functioning effectively if we do not have the right people in the right positions.

Sometimes, if you observe previously, you found out that some people elected as chairperson of various Area Councils, some of them to me are just school dropouts they do not have the experience and the technical knowhow as to run those various Areas Councils, as a result, they were not functioning effectively but once we have situations where experienced and educated people manning those positions, it is going to help us a lot, they will deliver. But is rather unfortunate sometimes you cannot blame them for not functioning because they do not know and then how does this happen? Because of the way and manner in which they got in to those offices.

So, having this amendments and then the ones that would come in future would really help us to have a functioning Area Council and an area councils that would not transform into political arena.

I think these are some of the things that would be really taken care off by the Local Government Ministry. Area councils are there to provide the need of the people. They not political institution so, on that note Honourable Speaker, I thank you very much for giving me the floor.

HON. HALIFA SALLAH [SERREKUNDA]: Madam Speaker, at the beginning, I raised my hand just to point out that the explanatory memorandum should have just been read because essentially that is the provision of section 101 of the constitution that no Bill should be presented before us without an explanatory memorandum and the essence is that it is Bill not an Act that is actually been presented before us to consider.

We have seen what the Honourable Minister has said, the Bill entails 3 principles that is brought before us for amendments;

- Direct election of chairpersons
- The election of deputies by elected members in the councils, are no longer nominated they must be elected from the elected members by the elected members
- Security of tenure

If we look at what has been given to us by the National Assembly as Local Government Act 202 without the amendments, it appears that we do not even need an amendment because look at section 13 as an eg;

'A chairperson shall be elected by universal adult suffrage of all eligible voters in the Local Government Area. That was the law in 2002, why are we here today because of amendment of those laws one by one to introduce the supremacy of the executive and if you compare what was in 2002.

and what we are now saying should be relative as you will see that because of the erosion of the instrument, why we are going back to amend, so in essence that is lesson preventing us from going back the same lane. This gradual amendment as already been expressed must be eliminated because it creates difficulties in implementation in enforcement of the law. For example, the IEC has a resolve of the

I have this question also because according to the constitution it is the Minister who can advise for the demarcation of this things for chiefs. I am from Kombo North and in Kombo North now we are divided in 3 constituencies.

- Busumballa
- Sanimentereng
- Old Yundum

I want to ask this question would it not as IEC also did due to the size of Kombo North to divide it into 3 constituencies? Would it also be possible for you the Honourable Minister to put into consideration to see whether Kombo North can also be divided into 1 or 2 districts instead to demand one chief we can have 1 or 2 chiefs in Kombo North because of the size and density of Kombo North? Because every day there are lots of cases and without chiefs they cannot carry them out because the population is too dense and too high, crimes are too many and decision on one chief in Kombo North is a problem we have so many pending cases with the chief that I believe he should control and finish them.

Now thanks to the new chief who came into power now, set a committee of Alkalos that every day or sometimes a week they will go and take care of some cases for him. So, I believe if there were 1 or 2 chiefs in Kombo North would be easier for him to take those issues, on that note I want to give my support but these are the issues. I have more especially the qualification aspect of the councilors and then I want to concur and support that of Member for Foni Brefet because it is very important to task experienced people as he was a councilor and chairman of the area council he knows it.

You go to the area councils you serve 2 terms or 1 term at the end of the day, they just wave your hands and say bye-bye and go home. No letter to give recommendation showing that you once served as a councilor or chairperson, remuneration at the end of the day, I think we need to look into those ones because if not we would be able to have competent people to vie for councilor or chairmanship at the Area Councils.

Thank you.

HON. MAHTARR M. JENG [LOWER NIUMI]: Madam Speaker, thank you very much for allowing me time. When people agree to live together they draw codes that would help them in the maintenance of peace security and enhance their living.

When the Area Council were created at the different areas they stand for. They were expected to develop and maintain the standard of their people but we had seen with time the erosion of most of their powers to other Government Agencies.

The GRA was given authority to make some tax collection, the forestry was empowered to collect taxes and other agencies rendering the Area Councils vulnerable to lot of incapability, if this part of the Act of the Local Government is going to be amended as had been highlighted by most of my colleagues before, this is a piecemeal still living a lot of moves desires for the creation of areas where the area councils can have avenue to help to meet the demands of the people.

If I tell you in Lower Niumi there are about 4 taps serving fifty-seven thousand and eighty people expected is that reasonable. When the councils is expected to pay for water supply, talk less of street lights where would they be able to raise fund? This is why the councils are so much indebted that we cannot understand how this could be.

The right given to GRA and other bodies to collect taxes, road taxes and others should be given to the councils so that could develop their people at that level. Why is the GRA collecting taxes from Kerewan North Bank only to invest where we ask the question? The area council in Kerewan should collect the taxes in the North Bank develop the North Bank with those taxes and its only councilors who would be able to understand their essence their capability to get the other councilors to work for the betterment of their people who could be there in the council.

Most Area Councilors are run by the Chief executive officers they handle, divide and rule the councils manipulate and then have their own ends develop themselves the CEOs themselves formally called the LGO, to the detriment of the people we have had a lot of evidence to that, we need to be very smooth in the selection of candidates who are going to sit at those places so, this is the time, we give the people what is due for them and we give the Government what is the due so that peace will reign

not only democratically but it will also ease the troubles and others thing that could arise.

Madam Speaker, thank you very much for giving me the floor.

HON. ALFUSAINY CEESAY [SAMI]: Thank you very much Madam Speaker, for giving me the floor. Am very happy when I saw these Local Government bill, as the saying goes "we all advocate for change and there is already changes" so, we also have to change line with that when we do not change its means there is going to be chaos because we want real democracy and if you seize that democracy from the people what will happen? There is going to be chaos.

Am very happy when they come up with this, the electing of chairperson and deputy chairperson. The electing of chairperson through adult suffrage that is a very good move and also electing deputy chairperson is also a very good move but as various speakers has stated, we want real reform of the whole system Local Government particularly when you look at section (58) and (59) that is appointment of chiefs and appointment of Alkalos, is creating lot of confusions in the system and we will be pointing fingers at each other why not we go back to the people to ask them what was happening in first Republic? People elect their own chiefs and Alkalos we go back to them, it will make things easy for us, and why is that nobody wants to be a councilor? It is stated here simply because there is no incentives, this is why competent people do not want to be there because at the end of the month you cannot buy even a bag of rice. Do you think competent people would want to be there? They will never be there and we will not move forward when competent people are not there, we will never move forward.

And they are the people who are going to manage our taxes so if you put people who are just "square pegs in round holes" what will happen? They will just be carried away so, let us create salaries for them so, that they can also do well.

My question is Honourable Minister in the event the communities do not come to terms with selecting their Alkalos, how do you see such situations?

Thank you very much Madam Speaker. *[Applause]*

HON. ALHAGIE DRAMMEH [JESHWANG]: Ma, I would not like to dwell much on the merits of these Local Government Amendment Bill. My contribution is in the form of a question to the Honourable Minister.

Section (9) of the Act in part (2a) is a little bit unclear it seems to read that election should be held every 4 years to me. I deduced that to mean their term in office should be 4 years and it says it should be held between 12 months after the election of the National Assembly Members and our term 5 years, how do we manage the two, 4 years and 5 years. Thank you.

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you very much Madam Speaker.

Under normal circumstances I would not want to even say something on this issue because of the importance of it, I decided to add my voice to other voices regarding the topic.

Madam Speaker, if you look at the Local Government you have Alkalos representatives there and you also have chiefs representatives who are elected by the their fellow chiefs, the Alkalo elected by their fellow Alkalos but those Alkalos and chiefs are appointed to their position by the President or by the Minister and they are removed by them as well.

So, in our drive to improve our democratic system, which is based on the principle of no 'taxation without representation' it is important that we look at the representation of chiefs and Alkalos in the councils. For example, if all the Alkalos in the area decided to elect a particular Alkalo to the council to represent them and then that particular Alkalo representing the other Alkalos is removed, then automatically he/she loses his/her position at the council.

The same thing will also happen to the chief representing other chiefs so like what others have already said before you, we need to really deal with the whole Local Government Act to put all this things in order, we said this before over and over and I want to emphasis that every time I go back to my Constituency like all the others, this question already comes back what about chiefs and Alkalos election and whether

we like it or not during the Second Republic a lot of Alkalos were removed from their positions and replaced by people that are not needed by the general population and that brings crisis within the local community. We do not want our Alkalos to go to that extent because now the Alkalos are in the position where if you want to sell your goat at a lumpo, you have to go to the Alkalo for stamp so, if you do not want the Alkalo and he knows then there will be crisis.

Sometimes, they do not want to go to the Alkalo for stamp and sometimes, the Alkalo will not want to stamp because they know those particular members of the community so, Honourable Minister it is important that we look at the whole Local Government Act in totality and even the Finance and Audit Act of the councils because there are queries in that areas as well so, I will rest my case.

Thank you very much madam speaker.

THE SPEAKER: Thank you very Honourable Members, may I call on the Honourable Minister to answer to the issues raised and wind-up the debate and Honourable Members can we just exercise little bit of patience because we will soon finish with the business of the house because am receiving many request from people to leave and if I allow them all the house would be empty. Am in severe pain but I am bearing it.

Thank you.

HON. LAMIN N. DIBBA [MINISTER OF LAND AND REGIONAL GOVERNMENT]: Thank you Madam Speaker, I must first and foremost thank all of you for your contribution, I do appreciate your comments, your contributions and your questions. That may not summarize all your concerns but I want you to believe that my Ministry came up with this 3 issues simply because of the current issue of election with regards to the councils, chairperson and councilors.

We are involved in lot of correction methods, correction exercises and reforming the council is one of them, had it not been the current situation we would not have come with piecemeal Bill for enactment by this august body, I want you to appreciate that and believe me next time we come here, it will be a more elaborate Bill to be passed by this August Assembly, Including some of the issues that you have raised here we

are also working on councilors remuneration in terms of salary rather than in terms of sitting allowances but it cannot happen tomorrow and again that Bill has to come to this August Assembly for your blessing.

There are lot of contributions which I do not need to react to because they are there to support what my Ministry has presented but I want people to believe that the entire working condition and responsibility of the Gambian councils is moving toward a complete reform. We had learnt what had happened in the First Republic we have experienced the Second Republic putting the 2 together, I think we should be able to come up with something very tangible and useful for this country but we should not be there for this issue alone, we are also contributing facts and would secure advise in this, so that would be together when we get back here, it will be something that we all own collectively and it may not be that contentious as I started that this paper is not contentious and not controversial but I realize that even if it is not there has been lot of concerns raised.

The entreat committee even the selection process of entreat committee has changed if you look at the Act, we have not deviated from it but we modified it to an extent that they will become more effective, so that they will be able to pay, waive and recommend something useful for incoming councilors. Because all the councils in the Gambia have been in one way or the other affected by the executive directives and we do not think as human beings they can immediately divorce their values and change for the better but all the same would be engaging ourselves in all this and we shall come back here and seek your advice again.

We are also looking at the criteria for councilors the education requirements age whatever we will be looking at those things because they are crucial and we are even looking for funding to engage consultants to provide us the basics for our recommendation to this august body but bear with us 2002 Act have gone through almost 3,4,5 changes and amendments.

In 2005,2007,2010,2015 there had been changes, you are right when we are coming here because the 2002 Act were changed, we have to come and present what we think we should retain but whatever we retain, my presentation here is embedded in

2002 Act but nonetheless, will present a wholesome recommendation about how we think we should forge ahead with regard to Local Government Administration.

At the back of our minds, we are also busy trying to implement decentralization, therefore some of the issues that you have raised here are important but how do we fused this into the decentralization aspect we do not want to change the roles of the chiefs and the alkalos now only to discover that they cannot fit into our capacity building strength for decentralization so you have to bear with us because we do not want to leave anything behind, we want to be very focused but we also want to consider what we should be doing in the future.

Am not sure whether we want to politicize this councillorship to a extent that they will become partisans representative at the council, I do not know that is not my responsibility but we will look into it see what we can do, whatever is best for this country is what we will push forward. Councilors own responsibility to the electorates and their primary objective/function is to serve the people who have elected them and people who have elected do not belong to one political party.

So I do not know I do not want to make any comment on that because similarly, why should I fire all the chiefs, I just came into office without reading files without knowing how this people were appointed or elected, I just fire them because of what I am UDP, PDOIS, NRD or what? That is not how we should be looking at our current status because we had advocated for a change and we have effected a change and we should make very positive changes. Changes that will unified our country rather than compartmentalizing it, I do not know but this is my stand.

There are lot of complaint, yes, you have to shake alkali x, chief B what would I do? I must be convinced although, I have made changes but I made changes on very specific reason not because you have been here for 22years. All of us are in the Gambia and who is here who can say that he/she is neutral none of us. Who will be left for us to employ or to work with? Nobody, so I do not think we should look at things in purely political way or the revenge formula, let us unified our country and let forge ahead.

HON. MAJANKO SAMOSA [NOMINATED]: Point of order Madam Speaker.

Madam Speaker, with your permission my point of order is I want the Honourable Minister not to misquote because I personally said; the change that is why I quoted in the 1997 constitution and I also went further to quote the Sami chieftaincy election and I went further again that the Honourable Member himself his father contended in the First Republic for the Alkaloship this is in our constituency I said; am not saying that the Honourable Minister when he comes he should sack but I said when you come without an amendment that amendment should be reflected in the chieftaincy too and Alkaloship that is what I said.

I am in line with the constitutional requirements not a witch hunting because I do not want to be misquoted because he came to power he should sack why should I sack am not saying that Honourable Minister when it comes to office he should sack chiefs.

Thank you.

THE SPEAKER: Honourable Member with all due respect you are on record, I think your point was clearly captured. Honourable Minister, do you want to continue please?

HON. LAMIN N. DIBBA [MINISTER OF LAND AND REGIONAL GOVERNMENT]: and my Ministry is facing a big problem it may not sound a problem to you but constituencies are divided into kingdom.

If one constituency is divided into kingdoms, this is why am silent about it, some people had mentioned it here I would not want to blow my trumpet but I think we are in top of the local administration but we want to be careful. Which one comes first constituency or chieftaincy? If I have to appoint 2 other chiefs in Kombo North what am I creating a chieftaincy? I do not have the power to create that and am kind of liaising with the Attorney General's Chamber to look into the legality of that, could 3 constituency be under one district or could 1 constituency be under 2 chieftaincy? And when it comes to the election of the chiefs also similarly alkalos we will be careful we want to study all these things. Again, I said historically in first regime, second regime we are in third regime.

We want to be clear in our minds should chiefs, alkalos be elected or not is not for me to decide but we are working on that and the entire population will be involved and sensitized, this is why we have not made any move towards them because we are

making some studies. Yes is not easy, believe me, am not having an easy time looking at some of the things because I want to draw line you know I am a politician and I am a Cabinet Minister but I should differentiate the 2 and I should know where I would and for what? One thing I believe is that, whatever we do, we should do it to unify this country as one Gambia. [Applause] and the change that had happened had made the entire world respect this country because of the way we suddenly handled the way control our nerves together and behave the way we think we should behave without going into violence. What had happened in the past had never happened anywhere in the world without violence.

If we are recommended for that, then let us forge ahead and do better things than that, that is my intention and I think I want to summarize by saying that I appreciate all the comments that you have made and I can assure you that next time we come here you will see a very wholesome reformed document about the Local Government and I thank...Honourable Member, am not provoking you but my uncle was also fired as an alkali because I won a by-election in Central Baddibu. Why should I react to that? Meaning that there is something behind us. I would ensure that nobody is sacked because of your political alienation or political belief but I do not have to go back to that, let us forge ahead.

Thank you for your comments and these are inspiration which I think would be useful to us for any of our future endeavors to provide you with a Bill which will encompass all the aspects that we think should be involved in it but for the meantime, please the Local Government Act of 2002 is what we would want to rely on until at such a time that would we come with something different.

Madam Speaker, if I may be allowed to take my seat now.

THE SPEAKER: Thank you very much. The Assembly now resolve into committee of The National Assembly to consider the Bill clause by clause.

Committee Stage

House resumes

THE SPEAKER: I think we should all try and comport ourselves as parliamentarians. If we want to be regarded as parliamentarians, I think the Chair also ought to be regarded as the final referee.

What I am saying is, I am not denying anybody right to make an observation or seek clarification but what I am saying now is, what is on the floor of this National Assembly is a new agreement or a new motion not anything that was tabled yesterday and withdrawn that is no longer before this house so it cannot be considered. That is the point that am trying to clarify. Thank you.

POINT OF ORDER

HON. HALIFA SALLAH [SEREKUNDA]: I think the Member is demanding for the provision in the Standing Orders. Provision 36 says that "every member shall restrict his or her observation to the subject under discussion. So, essentially, the subject is what the Minister has just submitted and nothing outside of that.

THE SPEAKER: That was my only point of intervention. Maybe we should start citing authorities now as we do in courts. Thank you.

HON. MUHAMED MAGGASY [BASSE]: Honourable, this is what is expected in parliaments, we are here to learn from each other, I thank the Member for Serekunda. If you are to put somebody in order, show him the order so that he knows he is in order. Thank you very much for that.

That being the case, Honourable Speaker, I think we do not have much to labour on the document hence the purpose is very clear, we understand it and the Member for Kantora has done justice to the document, the benefit is going directly to the 2 countries and strengthen the corporation between the 2 countries and I think that is what we are expecting from each other. I seized the opportunity to thank the Honourable Minister for Foreign Affairs and also through him to thank the cabinet.

Madam Speaker, I think apart from that I do not have anything to say but what doubts me might not be only for this document, Honourable Minister in case of a document to be considered and ratified, if it is mention on a document that the translation is unofficial and the document is in a draft nature. I just want to learn from

you what do you think that would explain to the National Assembly Members or even explain to the cabinet so that we pay attention to that? Thank you very much

HON. SAMBA JALLOW [NIAMINA DANKUNKU & MINORITY LEADER]: Ma, I was have the same concern with that of the Honourable Member for Basse and it has been addressed.

HON. OUSMAN SILLAH [BANJUL NORTH]: Thank you Madam Speaker. A lot has been said on a previous agreement brought before this august Assembly yesterday concerning the People's Republic of China on free visa travel for holders of diplomatic and service passports.

What I want to get from the Honourable Minister is, the issue of validity that what has been signed with the Russian Federation and the Islamic Republic of the Gambia. So adopting this, what am saying is, does it have any legal implications? That is the first thing and I would want a response that whether there are no legal implications bringing this document when what was signed was with the Islamic Republic of the Gambia, whether It requires those in the Russian Federation to also adjust theirs to reflect the Republic of the Gambia and not the Islamic Republic of the Gambia?

The other question I want to ask is, in the event where a person no longer holds a diplomatic position or a service in the civil service what happens with that? Do you retrieve the passports or are they left with them? These are the 2 things I want to know, thank you.

HON. HALIFA SALLAH [SEREKUNDA]: Thank you Honourable Speaker. We have before us an agreement between the government of the Russian Federation and the government of the Republic of Gambia that is what is before us and the motion moved is for us to adopt an agreement which under section 79 of the constitution has been entered into by the government and now it is our duty to ratify or not to ratify it in order to bring it into force or withdraw it. And the document that is brought before us was signed in Banjul, in May 4th 2017 by the representative of the Republic of the Gambia, Minister of Foreign Affairs and the government of the Russian Federation.

So technically, the document is validly brought before us, in essence, looking at the document, this one is 90 days, in short then this is an advance to what we have already ratified that one holding these passports could actually stay up to 90 days under article 1.

Looking at the agreement, we are duty bound not to pass any agreement that would result in the loss of sovereignty, that is the litmus test and we have seen under article 6, that any party could suspend this agreement by virtue of national security, public health, or any other matter. We have also seen under article 8 that --- article 6 that we can actually suspend and under article 10 we should be able to amend and under article 11 we should be able to revoke. So in that sense, our hands are not tied as a nation. We beg to defer the logic of Gambia finding this type of agreements beneficiary only to itself and the motion that we are entering into such agreements on the basis of being a junior partner of a relationship.

I would say that the institutions we are establishing in this country, are institutions that should earn the respect of any country in the world. International relations based on equality of member states irrespective of size and Gambia should not enter into any relation believing that it is a junior partner so, essentially, we are anticipating that this new dispensation is trying to open up to the world globally in establishing relation with any country that wishes to establish relation with the country but being very mindful not to ultimately be diverted from her objective of relating to all nations on the basis of good nobleness and not to be drag into any sector that would undermine our relations with other countries. As long as we steer the nation towards that direction, we are moving it in the right direction. Thank you

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you very much Honourable Speaker. Am not going to say much, I only have qualms with article 2, paragraph 2, which says "upon arrival in the territory of the state of the other party, the individual specified in paragraph 1 of this article should be accredited within 30 days upon the request of a relevant diplomatic mission and in accordance with the legislation of the state of the receiving party". There is some clarification on that, just thinking that if somebody comes with a diplomatic passport and just get into the country and be there for 30 days without accreditation whether that does not have duplication for us

considering the fact that we are dealing with this particular country which is very sophisticated, more advanced than we are, coming to mind what recently happened in UK with some chemical attack on a former spy. The person could come in, do whatever he or she could do and disappear within 30 days without accreditation. That is the area I want more clarifications on Honourable Minister.

THE SPEAKER: Thank you very much Honourable. Any more interventions before I call on the Honourable Minister?

HON. SAIKOU MARONG [LATRIKUNDA SABLIE]: Thank you Madam Speaker for allowing me the opportunity to express my appreciation to what we are deliberating on today. My take on this will be very short in a sense that this is something that we all appreciated.

This is exactly what we expect from the Minister and we are saying a big thank you to Honourable Darboe for the job well done. Because at the Gambia we know where we were yesterday and where we are today, things are different, someone who came into office within this short period we have all seen how he sanctions the international relationship. So Mr Darboe we are saying a big thank you.

Madam Speaker, this shows something, it shows that this government is on track, it shows that this government is delivering on their promises they make to the people of the Gambia. International relations, we all know Gambia is not an island, we cannot operate alone without the support of other countries. So for that being the case, my take on this is very short, is just to say to the Honourable Minister thank you very much for the job well done. Thanks

THE SPEAKER: Thank you Honourable Member. May I call on the Honourable Minister to respond to the issues raised and wind-up the debate.

HON. OUSAINOU DARBOE [MINISTER OF FOREIGN AFFAIRS, INTERNATIONAL COOPERATION & GAMBIANS ABROAD]: Thank you Honourable Speaker and I also want to thank the Honourable Members of this august Assembly for their contributions and indeed their support to the motion just moved.
[Poor recoding]

That the two governments rather acting on reciprocal basis as equal partners without any one conceding to the other what is not due to it and of course we do so because we want to maintain not stand on our size, want to maintain the fact that we are sovereign nation and that sovereignty will not be compromised. And we also want to assure this august Assembly that the government of this country and indeed I personally tied to the constitution of the Republic of the Gambia, I am wedded to the constitution of the Republic of the Gambia and I will not have any divorce with the Constitution of the Republic of the Gambia. And for that be the reason, we will not enter into any agreement that will abrogate the sovereignty of this country because we know that if we do any such thing, it will run contrarily to the constitution of the Republic of the Gambia and in order to abrogate the sovereignty of the Republic of the Gambia it is the Gambian people that have the ultimate power to do so not even this august House.

So, we as an Executive, we will be very mindful of that and we will not do anything that will transgress the constitution by way of doing anything that will infinitely dismally impeach on the sovereignty of this country. We want to assure the august Assembly of that.

Madam Speaker, the Member for Banjul North has raised the issue of whether this agreement is binding, absolutely it is binding once it is ratified by this Assembly it becomes binding. There is no other agreement concerning the issue under discussion, it is in fact not an amendment to any existing agreement, if it were so, we would have brought the amended version and inform the Assembly that this motion seeks to ratify an agreement that was entered into and is now being amended just as we have done with the OIC that is what would have been done. This agreement completely replaces the one that was mistakenly placed before this august Assembly and when we realised that it was not the correct agreement on the wise counsel of Members of this Assembly we withdrew it and brought the right one which I signed in 2017. This is the only agreement and it is binding once it is ratified and that is the valid one.

The Honourable Member for Wuli East asked about article 2, paragraph 2, there are 2 distinguished categories of persons, we have the first category of the diplomatic passport holder that every citizen of the Gambia who is a holder of diplomatic passport,

could be a member of this National Assembly who is in possession and he has a right to enter Russia Federation and stay there for the period of 90 days that is for individuals.

Article 2 deals with those who are on diplomatic posting in Russia and when they are sent to Russia as our accredited representatives they must within 30 days of their arrival in Russia get the proper accreditation and their period of stay in Russia continuous until they are recalled, they do not have any specify time tied to their stay unlike the other category. And I believed the Honourable gentleman also asked whether we withdraw diplomatic passports that would be granted to any government official.

I think the discretion is entirely left with the government of the Gambia. What is clear to me is that if the Honourable Speaker seizes to be Speaker, she will not carry a diplomatic passport that will describe her as Speaker of the National Assembly that one I can be assured of that. But also people who have rendered services to this country like the former President of the first Republic, you give him diplomatic passport, may be if the Honourable Speaker seizes to be Speaker of the National Assembly may be for the great work that she has done, the government may decide to issue her with a diplomatic passport but not carrying the description of a Speaker and that applies to any Member of this Assembly and worthy Gambians who deserves that.

So the withdrawal would depend may be if someone who is serving as first secretary in an Embassy, and he is recalled, he would probably be travelling on service passport instead of diplomatic passport and of course if he also seizes to be in the public service, the service passport law should be withdrawn. I think that is the situation and I want to thank the Honourable Members of this august Assembly for their corporation, for their understanding and again if I may say so to thank them in advance for what I anticipate will be their enormous approval of this agreement.

I thank you Honourable Speaker.

THE SPEAKER: Thank you Honourable Minister and also thank you Honourable Members for our contributions to the debate.

[Question Proposed, Put and Agree to]

[That the Assembly ratified the Agreement on Visa free between the Republic of the Gambia and the Russian Federation for holders of Diplomatic and Service passports].

1. Motion

Framework Agreement between the Government of the Republic of Gambia and the Republic of China on provision of concessional loan by China to the Gambia.

HON. AMADOU SANNEH [MINISTER FOR FINANCE AND ECONOMIC AFFAIRS]: There is a motion for the ratification of Framework Agreement between the Government of the People's Republic of China and the Republic of the Gambia on the provision of concessional loan by China to the Gambia.

Madam Speaker, I beg to move that this august Assembly do consider and ratify the motion on the framework agreement between the government of the People's Republic of China and the Republic of the Gambia on the provision of concessional loan by China to the Gambia.

Hon. Speaker, the Government of the Republic of the Gambia and the Government of the People's Republic of China desirous of further developing a friendly relations and economic and technical corporation between the 2 countries agreed to conclude a framework agreement on the provision of concessional loan by China to the Gambia. The framework agreement provides the granting of a concessional loan by the export –import Bank of China to the Ministry of Finance and Economic Affairs of the Republic of the Gambia. The concessional loan is to be utilised for the implementation of the Gambia Broad Band network project.

The terms of the loan are:

1. The maturity of the loan shall not exceed 20 years including a 7 year grace period
2. The annual loan interest shall be 2%

Madam Speaker, I beg to move.

THE SPEAKER: Thank you very much Honourable Minister. Any seconder?

HON. ALFUSAINY CEESAY [SAMI]: I so second, Madam Speaker.

THE SPEAKER:

[Question proposed]

The floor is now opened for any Honourable Member who wishes to contribute to the motion by rising his/her constituency tag.

HON. HALIFA SALLAH [SEREKUNDA]: Honourable Speaker the loan is indicated to be equivalent to M\$25 [Twenty-five million Dollars]. Under article 2, page 5, it is translated into – and that article 2.1 protects the creditor in terms of any differences in exchange rate and the objective of this loan is the broadband meaning that it is really in support of Gamtel.

The Minister has not indicated to us how this loan would be paid. Under the public finance act one would see the need----

THE SPEAKER: Sorry Honourable, we are dealing with the framework, the loan will come next. You might be using the wrong document.

HON. HALIFA SALLAH [SEREKUNDA]: we are dealing with the framework.

THE SPEAKER: Yes we are dealing with the framework, the 3 page document.

HON. HALIFA SALLAH [SEREKUNDA]: Well the 3 page document as what I have is signed by the Foreign Minister.

THE SPEAKER: Yes, he had earlier on, in your absence given authority to the Minister of Finance to table it.

HON. HALIFA SALLAH [SEREKUNDA]: Oh right let us go to that framework.

THE SPEAKER: Ok, whatever.

Sorry what I would suggest is, let me have the Honourable Member for Upper Saloum and then you compare the intervention after him to save time.

HON. HALIFA SALLAH [SEREKUNDA]: [Bad Recording].

HON. ALHAGIE MBOW [UPPER SALOUM]: Ma thank you, my intervention was also going to be on the loan itself.

[The last part before the suspension of House was not recorded]

THE HOUSE RESUMES

THE SPEAKER: Honourable Member we will continue from where we left and allow the Minister to continue with the Motion that was being tabled concerning the concessional loan agreement between the Government of the Gambia and Export-Import Bank of China on the Gambia National Broadband Network Project.

HON. AMADOU SANNEH [MINISTER FINANCE & ECONOMIC AFFAIRS]: Thank you very much Madam Speaker and thank you Honourable Members. This is a memorandum on the concessional loan agreement on Gambia national Broadband Network Project between the government of the Gambia and Export-Import Bank of China.

National Assembly is hereby informed that a Concessional Loan Financing Agreement between the Government of the Republic of the Gambia and the Export-Import Bank of China has been signed dated 22nd December, 2017 for the Gambia Broadband Network Project. The loan amount is Twenty-Five Million Dollars.

The project aims are:

1. Building the basic infrastructure of the national ICT industry
2. It will expand the current backbone network to meet traffic growth requirement and to enable diversity to business access to broadband services to everywhere.
3. It will also build a new national data centre to serve as the information brain of the country.
4. The project development was that, in the long term the project continue in generating higher output, greater employment and increase network capacity in the country.

It will accelerate the processes of ICT development base on the project, the country will be able to develop the smart city, the E-government and the E-education and so on.

The project scope

1. This project will expand the current project network and build 465 fibre access points with 420 kilo meters fibre which will provide connection to house enterprise, mobile connections, government buildings etc.
2. It will also build a new national data centre to serve the information security of the Gambia.

Project significant

1. It will improve the telecom communication quality in the Gambia
2. It will have the fibre access to public, that is enterprises, houses, government departments etc. can enjoy convenient fibre connection services with 40 mega bites per second band with maximal
3. Mobile communication services will largely improve since data station connecting is by fibre rather than by microwave
4. It will be much more stable than the current situation
5. It will also protect the investment of the previous Ecowan project, installing of previous backboned network was over loaded for limited band weight, it will expand from 2.5 gigabytes per second to 12, 5 gigabytes per second. There was 4 access points on the current network, some part of the backbone network was not fully used.
6. The project will build more than 400 access points around the country to cover most part of potential users.
7. The project will bring more job opportunities and build ICT talent for the Gambia.
8. The project construction will need more than 300 workers in a year. Employment will be needed in areas of sales, installation, maintenance in the future.

9. It will send more than 40 engineers to China for industry leading training and many employees will work together on the runway when the project is implemented.
10. The Gambia would have manned High-Tec employee with the same talent as in other countries.
11. It will also help Gamtel out of the current financial struggle that it is under.

This project can reach Thirteen Million Dollars per annum within 5 years according to the feasibility study. This will help Gamtel to survive and save jobs for more than the 1300 employees that are currently serving Gamtel.

The terms and conditions of the Export –Import Bank of China concessional loan are:

1. Management fee of 0.25% of the loan amount
2. The principal repayment is over 13 years, and a grace period of 7 years
3. Interest rate will be at 2% per annum and
4. The overrode maturity will be 20 years

HON. AMADOU SANNEH [MINISTER OF FINANCE AND ECONOMIC AFFAIRS]: 0.25% from the loan amount, the principal repayment is over 13th years, is a grace period of 7 years; interest rate will be at 2% per annum and the over roll maturity will be 20 years.

In conclusion, Honourable Member of the National Assembly, are invited to consider and ratify the Concessional Loan Agreement between the Government of the Republic of The Gambia and the Export Import Bank of China for the Gambia National Broad Band network Project. I thank you Madam Speaker.

THE SPEAKER: Thank you very much Honourable Minister. Any seconder?

HON. ALHAGIE DARBOE [LOWER FULLADU WEST]: Thank you Madame Speaker, I rise to second the motion.

THE SPEAKER: Thank you. It has been moved and seconded, that this Honourable Assembly do consider the Concessional Loan Agreement between the Government of

the Republic of the Gambia and the Export Import Bank of China on the Gambia National Broad Band Network Project.

[Question Proposed, Put and agreed to]

Any Honourable Member who wishes to take part may do so. Just raise your constituency tag so that I can record.

HON. DAWDA KAWSU JAWARA [UPPER FULLADU WEST]: Thank you very much Honourable Speaker for giving me the opportunity to ask few things on this loan, the Concessional Loan from China. The Minister of Finance, few months ago, was on this Honourable floor, where he indicated that our debt to the GDC ratio was 120%, when they took over the government. And within 6 months later that percentage actually was significantly reduced to 110% debt compare to the GDP.

Now generally, the debt burden of an individual country, basically determines your ability to pay in the future. That is what it does. Now if you look at the debt burden of this country, you are talking about a million of Dollars at this point. And again we are getting some more loans to add to the already high debt bond we have in this country and I wonder maybe on the next time the Minister is going to come over here and he is going to bring us some approval on how to increase the revenue of this Government, so that we can actually drastically reduce debt burden of this country.

Now coming to the issues we have at hand, which is basically a Concessional Loan from People Republic of Chain which I do consider as a genuine partner of our dear country. Now when you look at the interest rate of this loan you are talking about, you are talking about two percent per annum and again when you look at the government fee as well as the management fee which is about 0.25% of this loan and again it is going up to about 2.5% approximately. Now looking at the global interest rate in the world right now, as of February, in China you are talking about 4.35% interest in China. And the Inter-Bank rate in China also in the same month, is about 5.8% and then the fixed assets investment is about 7.9%. Again I think we can do better in terms of interest rate, because when you talked about almost 2.5% interest and then what they are giving out in their country is about 4.35%, I think we can do better in terms of reducing the interest rate that we actually accepted. Now going

further Honourable Speaker, few things I want to highlight on the article 2 is the condition and utilization of the facility.

Now on page 6, if you check under section 2.5, is actually clearly indicating that the good technology and services purchases by using the proceeds of the Saudi purchases from China preferentially. Now with that one, we also have to remind the Honourable Minister about our GPP Act and the objective of the GPP Act section 3; which if I may read the first section, "which is to be transparent, to be efficient and economic public procurement and I hope that they will take that into consideration, just to ensure that we have value for money.

Now in terms of the repayment of the loan, which I had earlier mentioned, the Exempt Bank, which is the Export Import of China, I think they are very clearly and also protected on page 8; they are basically telling us that, whenever we are paying them back this loan, they have indicated the name of payer which is the Export Import Bank, they also indicated the account number, both in the RMB and USD; they clearly indicated that. However on our own side, which is the borrower, when we are receiving the funds; which means, the disbursement should be under the article which is talking about the disbursement when you are receiving. I think it is very important that we are very specific. when we are paying them they ask us to pay in a particular account and I think also when we are receiving that money from them, we want them to be very specific, let give them account number, the Central Bank of the Government of the Gambia; because it is clearly indicating here that the loan will be managed by the Ministry of Finance perfect, but where the disbursement would be sent is not actually highlighted in this document. And I think, for this one I am going further, and I think the Honourable Minister for Finance needs to take that into consideration, just to ensure that some of the articles cover the Gambian people at the maximum. Let us have a particular account number from the Central Bank of The Gambia, where in those funds would be disbursed into. What that means is, in case they divert the fund elsewhere, it is not the responsibility of the Gambian people to pay those loans, because they are very specific when they are paying this loan.

Now coming back to the essences of this loan, which basically the broadband, which actually I think, should have been done a very long time ago. And the good thing

about this high speed; E- government, E- commerce, building of data centre is actually very crucial in this day in our dear country, Honourable Speaker when we talked about the E- government for example, there are lot of good things that actually we can achieve on E- government. For example, if somebody in Basse right now wants to apply a passport, what do they normally do, they have to travel all the way to the kombos to buy the form, fill the form and deposit it here. Now this E- government can actually or has the potential to do is, they can stay in where they are in the WULIs or wherever they are in the Upper Saloum and they make their applications and that will be received here. So, you will see the time it takes for somebody to travel from one part of the country to another will be drastically reduced through this E- government service. Now when you talk about the E-commerce, which is also a very highly desirable element in this county. When you look at Africa in general, we are lacking in the Inter-Africa trade; what that actually means, is the business we have within Africa, is a very big problem and the problem basically is about Air Transport, is about Sea Transport, is about Road network, because they are generally poor. Now what this E-Commerce can do is basically it can do business without actually having to move a vehicle or by air because everything is done on air. Because everything is done through the internet, which I think has a potential to help our Government.

Now when you look at the GDP of Senegal for example, 3% of the GDP actually works on E -commerce, but for our dear country is 0.00 something. But in other countries, as we speak, they are actually going up to 30%. So, that essentially tells you about the import actually. Supporting this loan, to ensure that our network infrastructure in this country is well developed, to be able to be at par with the various countries we actually have. Now I know in the Gambia, we do complain a lot about the high cost of our internet and some of the reasons why that happened is the lack of data centres we have in Africa. Currently, we have about 5 data centres in Africa, one in West Africa Nigeria another one in North Africa Egypt and through the help of the AUC, they are assigned to redouble the regional data centres in Africa.

So, Gambia actually, If we have our own data centre, that will actually help a lot in reducing the cost of internet, because in most part, when you borrow now a days, you have to go out of the Gambia and come back again to The Gambia and that is

one of the reasons why the internet cost in this country is very high. So, the data centre that is part of this loan that we are going to get, I think it could do a lot to help in reducing or has the potential to reduce the cost of the internet in this country.

Honourable Speaker, also just to end or close my intervention here. I have also not seen, maybe the Minister can actually help us about the cost of the transaction, because when you disburse money from one country to another, there is a cost that is involved, meaning through swift or whatever, because network facility is not on that particular Bank or none is on our Central Bank of The Gambia. I have not seen it, maybe the Minister can help me to understand, who actually paid for the cost of the transaction, meaning from sending the money from China to here or when we are making a payment pack and I think this is to make very clear on this thing.

So, Honourable Speaker, I want to show my utmost support on this loan agreement between the people Republic of China our genuine partner of the Government of The Gambia and our dear country The Gambia. I will give my full support and I will also like the Honourable Minister to consider those issues that I have actually highlighted, just to ensure that the Gambian People are well protected in this kind of transaction thank you very much.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Thank you Madam Speaker for giving me the floor. I would like to show my support to the Concessional Loan Agreement on The Gambia National Broadband Network Project between the Government Republic of The Gambia and China.

Madam Speaker, this is the right step in the right direction as I used to say. With this time and age, Gambia needs to move forward in terms of communication. If you look at the agreement, it entails a lot and it will help us a lot in moving forward as a nation trying to grow up in terms of communication. The Government as an institution will get a lot of benefits, our individual households, the private sectors to mention but just few.

Madam Speaker, it is our fundamental right to have access to communication and we all bear witness that communication is a problem in the Gambia particularly in the rural Gambia. So, if you are having such an agreement or such a loan which we are

getting into, it is going to ease communication in the rural Gambia. Politicians will be able to communicate without hindrance, people will be able to promote trade or business from the city to the rural Gambia. So, it entails a lot of blessings.

Madame Speaker, it is a developmental requirement to have good communication. Without proper communication in place, we cannot have development. So, it is an integral part of development. The other important part of it is to bring the world to our part, we are getting closer to the world. Gambia was at a point in time, very distant from the global world, now we are getting very close to the world and the market, the international trade and can participate fully in the international trade.

Madam Speaker, it will also promote or it will also help us to graduate from analogue communication system that we have in the country which is much older so, we will have a modern way of communicating with institutions or with groups and individuals.

Madam Speaker, having a loan or to borrow is one thing payment is another thing. So, the Ministry of Finance and all the other stakeholders involving in it, should be very firm in ensuring that paying would not be a problem. We should all stand shoulder by shoulder to ensure that we protect the interest of the country. Is not meant for only GAMTEL, but we know that the people, the beneficiary should not be cheated in the business.

Madam Speaker if you look at employment...

HON. ALHAGIE MBOW [UPPER SALOUM]: I have a point of clarification to make.

THE SPEAKER: Ok, can you allow him let us just hear what he has to say.

HON. ALHAGIE MBOW [UPPER SALOUM]: Thank you very much Honourable Speaker and my Honourable colleagues. Just to help him on the digitization we have in this country like the analogue, the country has actually moved away a long time ago from the analogue, just to help him on - , because he was saying we are more of analogue but actually is the opposite.

THE SPEAKER: Well, I allowed that exposition but I was expecting that the - Honourable Minister am coming, you will cover that when it is time to respond. But

being an IT expert, we are lucky to have so many experts in this National Assembly. Thank you very much.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Madam Speaker thank you for your intervention. But I want to put to the Honourable Member that, when I said analogue here, am making an expression you have to understand what I mean by this, not in your own language as technicians or so on; am talking in terms of literature thank you.

So Madam Speaker, if you look at the employment that is created for young Gambians, lot of young people are sitting down, we always cry of employment, so we have seen that is an opportunity to create employment for our young people. So, I think we will give our blessings and support to it, since we cry of job opportunity. If you look at other part of it, building the GAMTEL is a bailout for GAMTEL because GAMTEL, if you look at history, they were doing a lot for this country, they have made significant achievements in terms of communication. But along the line, they have setbacks. So, this is the kind of remedy or is a sign of trying to build up GAMTEL to be on its feet again,

Madam Speaker, I do have much to say but I want to give my support to the motion.

HON. BILLAY G. TUNKARA [KANTORA]: Thank you very much Madam Speaker for giving me the opportunity. I am always convinced with the calibre of cabinet Ministers we have in this Coalition Government that they always do justice to the assigned job given to them. As the saying goes *"To whom much is given, much is expected"*. And you know the Minister of Finance for economy discipline, he would not go and negotiate project that will actually put Gambia into wrong side. We also appreciate the grace period and also appreciate the percentage of interest given to Gambians compared to – according to Lower Saloum in terms of borrowing, is around 4 to 5% interest rate. And this has really helped this Government which has actually inherited a Government with barely no single or trimmed too much reserve in their coffers.

Gambia having relationship with country like China, would actually reduce the running of LDC [less developing country] to IMF and World Bank, which probably have a long

term loan agreement and would be higher than this interest rate. And secondly with the issue of evaluation of currency and other things and other things. Countries like China actually may not ask or expected to ask another colonial country to devalue or give terms of condition which are actual plan to cripple that explanation because China was once colonised as well. So, China would be that hope for African countries particularly, this [LDC] in terms of regaining economic strength and also development of Tunis as well. We understand the world is actually embracing globalization and the world has turned to global village therefore, globalization would not wait for Gambia rather does not depend on the statement of the Gambia. The citizens, the leadership to make sure that they try to cope or compete with the development in globalization. Therefore, it takes good leadership foresight to compete with other nations; that is where they are, we also can be there one day. So, that has really informed the robust move of this Coalition Government to actually go and negotiate a loan to put Gambia if not equal but at list very close to advance nature. This will also really encourage E-commerce, which will really reduce the Government dependency in terms of employment, people can be sitting in their houses during the transaction without no cost and this will actually help Gambia especially the youthful population will have to engage not only in writing letters to government for employment, but to be more innovative and creative in terms of engaging E-commerce with the wider world. And also try to manage or minimize to ease corruption, it is also a very good mechanism in terms of managing corruption in both private and public sectors. So, I think with this initiative, I would not want to bother the Assembly with the long speech, probably I will really end here and try to add my voice and blessing in this particular loan.

On that note, thank you for your indulgence.

HON. MUHAMMED MAHANERA [SANDU]: Thank Madam Speaker for giving me the floor. I also want to have my say on this particular view or motion rather. As we all know Gambia is a nation which is in many organizations but when we look at our economic status and we look at also how China wants to come into our Aids. I think we should not let down the interest of the nation for a personal one. Why I said that? When you throw a bee of light to somebody, the same bee of light before you move, is thrown to yourself. What is the Minister doing? What am I doing for my country?

For this, I think Gambians in my own opinion has been disconnected from the world and through this bilateral, this conscious ~cabinet Ministers are trying to reconnect Gambia to the world. Example having been a member of the Commonwealth and we know our status there, how much we have been receiving? If you go and look at the Commonwealth chatter; you look at the principle, how much are we gaining from there? I think when we get this opportunity, we should not waste time. In the Commonwealth, we expect to be treading more with the nation that are in the commonwealth, but it is happening. But look at just recently, how our business is flowing, the speed that is going with China. So, not to waste much time in support of this motion thank you.

HON. MAHTARR M. JENG [LOWER NIUMI]: Once again thank you Madam Speaker, I just have few questions for the consideration of the Minister of finance, with regard to this motion. When we talked about Broadband, Internet Services come to mind and we think of the speed with which credits are consumed, we think of the amount of money that the layman uses on daily basis, so much so that you go to a point when we go – oh! I want to call so and so! Oh my credit is gone, I do not have any credit. How much is this going to reduce that part and how much impact would it have on the rates at which this credit is being consumed? How much is it going to reduce our communication expectations and how much are we going to gain finally by having our client to Africell, Qcell and others. In relations to what is being given, because here the Gambia to my understanding should be having a subsidy for this companies involved in this business thank you very much.

HON. SAIKOU MARONG [LATRIKUNDA SABIJIE]: Thank you Honourable Speaker once again for giving me the floor. Honourable Speaker, I could member during our adjournment debate. I have said here, we have invested a lot in the Agriculture Sector, in fishers and in other areas, but if what we did there, what we spend in Agriculture and then fisheries and other areas, If that is spend on ICT, I believe that there will be a big changes in the country. Honourable Speaker today we all talked about China, Russia and United State of America to name but few. But this country, they are developed due to ICT. ICT has a lot of advantage, though, there is a lot of disadvantage as well but there is a lot of advantage that the Gambian people

need. Everybody today is complaining about internet in this country here, the internet is very slow, and this is not working here. But with this loan Honourable Minister, and again to tell you we are moving this and I am in support of it. But now what we want to see is that, we really want to feel that and see the impact of ICT in this country. I think that is what is more important. Is just a matter of just approving 25 Million Dollars or for Broadband, but also we want to see that there is a change in our ICT infrastructure in this country here. A lot is lacking when it comes to ICT here, Honourable Member for Upper Saloum has said it here, when you look at the E - Commerce, E -Health, we cannot achieve this without a very good and high speed internet band width. Today ICT compares to other sectors in this country can create a job if we invest on it and this is exactly what is happening.

Honourable Speaker, I remember during the Presidential speech and I quote "*he said together we ushers the new Gambia into the world of hope*" this is exactly what.....**(Poor Recording)**

.....you know 2% is not that big but we are appealing to you that if marginal loan or any other, we appeal to the Republic of China or whoever is giving us a loan, we are saying that the 2% is a bit high for us and should also look at the management fee 0.2%.....**(Poor Recording)**

Now they are no simpler because our ICT sector has been forgotten but with this loan coming into force, we hope that people will go back and invest in those areas. We know Government cannot create employment for everybody but having this loan we hope that now people will venture into ICT and create their own jobs.

Madam Speaker, without wasting much time, I support this Bill and I hope others will also do because this is something that we need. I thank you.

HON. HALIFA SALLAH [SERREKUNDA]: Thank you very much Madam Speaker. The loan agreement before us is designed to improve on the Gambia National Broadband Network. We have not been given the premise of this Broadband Network where we have been told by the previous Government that there was some form of Public Private Partnership in initiating the network. I would want more information on

the stipules of that public private partnership, and how that fits in to this current building up of this network on a basis of a loan.

Madam Speaker, we all know that no country under the current world dispensation would be able to develop without sustainable electricity, ICT, and road infrastructure. Any Gambian who wants development for this country would want improvement in all these sectors. What we are considering here, is not about goal, it is about capability and sustainability; we talked about sustainable development. This is what create prioritisation in terms of investment and in terms of where we put money.

Essentially, we heard the Honourable Minister, informing the nation hopefully later on we would be able to get this in the National Assembly that the debt of NAWEC is actually to be inherited by Government. I do not know how the payment is going to be made, I am sure it will come again for us to put in money in terms of paying those debts. I would want to know the status of GAMTEL under the current circumstances. I would want to know whether there is plan to privatise, because if we take loans and then end up privatising the institution then what would happen to the Government itself in shouldering this particular responsibility? It is very clear in our status that debt should be controlled and mechanisms are there to control it, one of the mechanisms is to ensure that Public Enterprises are profitable and that they take loans that they are able to pay. So this prudence government for taking responsibility for the excess consumption of those Public Enterprises in terms of debt.

So, there are certain issues that become very pertinent in taking this loan. Fundamentally, it is important to understand that the world situation now calls for competitive bidding in only form of development the project that you are to carry out. I am not sure whether what we need is expanding the capacity of the Gambia National Broadband Network whether that became a project for the Government and that the Government has actually sent around and say whoever can come and assist us in the best of manner to develop this and then this is the best value for money. So essentially, China of course is protecting it interest and should protect its interest we can see it in page 5 2.1 where in terms of interest rates which to us is a critical issue because certain interest and debt increase in capacity as the value of our Dalasi falls down, in that sense you end up having to work more to pay more. So essentially, I

am just looking at the environment, the principle of building up our network. It is acceptable to every Gambian but we are to be guided by our policy makers in looking at the policy environment and the implication of making certain decision which to the ordinary person appears to be unquestionably right and we hope that we do not go and move further and that we are told well, yes we have done this but this was not the best of decision. Thank you very much.

HON. OUSMAN SILLAH [BANJUL NORTH]: Thank you very much Madam Speaker. I believe that as legislators anything that is brought before us must be reviewed from two angles; the advantages and the disadvantages. I believe that in as much as we desired development loans do come with some challenges. Weather they are concessionary or market rate loans. Of course, these are loans to improve on the Broad Band System in this country is welcomed, communication serves development. We are living in a world where technology is advancing and Gambia cannot afford to be left behind but it must not be at a cost. The more we reduce loans the better for the country.

I have been going through this and I believe that this loan is really protecting the lender. It has made everything possible to make sure that the lender does not loose in any case.

Article 2 conditions and utilization of the facility- I want clarification from the Honourable Minister in article 2.1 ... "the borrower hereby undertake that the amounts due and payable by the borrower under this agreement shall not be affected by any change in the exchange rate between the parties' currencies.

What I want to know regarding this exchange is that if the lender's currency rate falls, you know that is to the advantage of the borrower because then we will be paying less. So what does this mean, I want clarification weather if the rates of the lender's currency falls, it is to the advantage of the borrower and the lender would not be saying that the rate must be at the original rate at the time the loan was contracted. These are technical things that really need to be looked into because there might be embedded implications that may put us at a disadvantage in given situation. So I want clarification on that.

"2.6 the borrower shall pay the lender a management fee on the aggregate amount of the facility equal to the lenders' currency four hundred and thirty-seven thousand five hundred Yuan only [¥437,500] in one lump within [30] days after this agreement becomes effective but not later than the first disbursement date in any case, which amount shall be calculated at the rate set forth in Article 2.2." The management fee shall be paid to the account designated in Article 4.4. Why this management fee, I also want the Minister to explain if we are paying interest rates why we should be paying management fee. Although if we go by the exchange rate 0.25%, it might appear insignificant but it is not because cumulatively, it is considering longer period and then these percentages might be 0.2% but in the long run, it becomes something else. A country like the Gambia we may not have the resources or we would have the resources but they may be needed in more beneficial area to the population than the issue before us.

It is also talking about prepayments, that it is allowed before the date of the payment of the principle loan that Gambia may have a bonanza as said by the Minister of Finance that finance might pop in and then the Gambia will have a way of addressing most of her needs. What I have read is that the interest we should be paying up to the time of that maturity, if that is the case it can also be problematic. So I want clarification from the Minister. On that note Madam Speaker thank you very much.

HON. SAMBA JALLOW [NIAMINA DANKUNKU/ MINORITY LEADER]: Thank you Madam Speaker for giving me the floor. What we have before us here is a loan agreement, and in general nobody wants to be taking loan. If you want to take a loan you are either compelled with certain things. What we have here is a loan that should tell us develop our internet in this country which I believe every citizen of this country wants it. My intervention might not be much but I have few issues that I wanted to ask. If you look at the loan Honourable Minister, I believe it could have been in the loan in one of the articles or an appendix that would tell us the Bill of quantity of the loan. What you want to buy if you get the money, what are the expenditures if you get the money. Which is not captured in the loan and these are the things that can convince us in the National Assembly who received this document. These are the key areas that we easily look at. It is in the bill of quantity that you found the consultancy

fee because high amount of the money will go on consultancy and in this document you cannot know how much will be spent on consultancy because of the absent of the Bill of quantity.

The other issue is when you were reading the statement you actually gave us a brief on the project description which is also important. Because if you are taking a loan, on a particular project, actually you must know what the project intends to do in order to convince the National Assembly members which is also absent here. Normally we received this document within a short time and we cannot go page by page but there are certain areas that we refer ourselves which is absent again.

The other issue appendix [10] form of repayment it is left blank. You see, do not give us haphazard information it should be captured there. We have been passing loans here but all the semi instalments will be captured either by six months or one year. We need to know all these things which is absent on the loan. Other than that, I think these are the few issues that I have and I want the Minister to help us clarify these issues. Thank you.

HON. MOMODOU S. CEESAY [JANJANBUREH]: Thank you Madam Speaker for giving me the floor to contribute on this important lone agreement. Most of my point were already addressed but nonetheless I just want to remind the Minister that these documents we hope were prepared by your office or did your office went through it properly. I want to talk about section four 4.6 which is saying that... "both the borrower and the lender shall keep accurate book records of any disbursement under the facility and repayments of principal and interest under this Agreement and shall verify such records once a year". And we hope if this verifications are done the right subcommittee within this National Assembly will be informed.

Under 6.2 ... "the borrower undertakes with the lender ensure that all the amounts disbursed under this agreement be used for the purposes specified in Article 2.4. I am saying this because of what had been happening before. We hope and pray that this monies will not be averted in any way.

6.7 ... "the lender shall be entitled to examine and supervise the utilization of the proceeds of the Facility and the performance of this Agreement". Honourable Minister,

please there is a lot of trust in this Government. It is our collective responsibility as you always say and I quote 'if we are in the boat together, let us make sure that the trust Gambians have in us is guarded.

Finally, I hope at the end of this project Gambians would get rid of the saying that '*system is down*' Whichever institution you go to you are told the '*system is down*' and I hope after this project we will get rid of that. Thank you [Applause].

HON. ALH. MOMODOU LAMIN SANNEH [DEPUTY SPEAKER]: Thank you very much Madam Speaker for giving me the floor. I join my colleagues to add my voice on this very important loan agreement. Any loan agreement that will bring an upliftment for GAMTEL for this country, I wholeheartedly support it. GAMTEL is one of the best institutions in this country over the years. The pronouncement was that those years GAMTEL was one of the best in the sub region but for one reason or another, it becomes down on the ground until it cannot sustain itself. Any loan that will up lift GAMTEL in this country I wholeheartedly support it.

Madam speaker, according to the Minister, he said with the approval of this loan GAMTEL will engage three hundred and twenty workers. That is a very good improvement for this country because it will reduce unemployment in this country. The other issues I want to talk about is the GAMTEL gateway. Now that this project is trying to uplift GAMTEL, how soon will the government of today will try to finally handover the gateway to GAMTEL because this is its main sources which will improve its condition and situation? With this project, I think there is a need for the gateway to be handed over to GAMTEL so that at least they can improve. Over the years, we are all living witness to what has happened to GAMTEL, giving the gateway to foreign companies that has messed this country. So as result, now that the situation has changed, we are new Gambia, and Government has taken responsibility of its citizens. I think there is a need for GAMTEL gateway to be handed over to GAMTEL.

Madam Speaker, I rise to support this loan agreement purely on the grounded that GAMTEL is connected and this uplift them to the best that we expect from them. Thank you very much.

HON. SALIFU JAWO [JOKADU]: Thank you very much Madam speaker for giving me the floor. I concur with the Minority Leader on what he said about this agreement. I think all the things that are needed in terms of GAMTEL should have been broken in to pieces and then brought to us so that we know when this fund is here what and what is going to do for GAMTEL? Another point on page [18] 8.12 ..."matters not covered in this Agreement shall be settled through friendly consultations and signing of supplementary between the borrower and the lender". I think in any loan it is better to come into concrete terms. Agree and then.... I think it would have been better like that. So on that note Madam Speaker. Thank you.

HON. SAINY TOURAY [JARRA EAST]: Thank you very much Madam Speaker for giving me the floor. I rise to throw my weight behind the loan agreement as done by my Honourable colleagues.

Madam speaker, it is my detached opinion that as a country we are always at pain to contract loans but this cannot be avoided because we are a developing country, a third world country and that is why it becomes a necessary evil for us to contract loan.

Madam speaker, I support this loan agreement in totality for the simple fact that the country is poised to benefit immensely. Firstly, it will place the country on the information super highway by virtue of the broadband. Second, it will create employment as stated in the loan agreement that 320 people are supposed to get employment and that is a plus. The success of every government is to create employment for its citizens and that is met in the agreement. Also, it also tells us that we are going to enjoy E-commerce, E-government and E-data. So in essence we stand to benefit immensely from the comforts of our houses, with the click of the mouse you can send your application, for example when you apply for a visa, So that is quite easy without coming to Banjul or Kanifing.

When loans are contracted just like the saying goes there is no free lunch so there is need to follow the contractual agreement. We must have it at the back of our minds that every loan supposed to be paid and that is you must service it judiciously because you are the one who inherited it.

The broadband, as a country will help us greatly because we are not alone. It will help us in terms of peer review mechanism. For example our sister Republic OF Senegal in terms of ICT infrastructure. It will also help in communication, our ICT infrastructure is going to be boosted by virtue of the broad band. We are on cutting age technology that will help the country to be on the information super highway. With this few remarks I humble beg to take my sit. Thank you.

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you Madam Speaker, I have few points to raise for clarification. The benefits of the project are innumerable in addition to what the Minister said. The need for the project also is clear we know our situation when it comes to broadband. My knowledge there is not much but at least I am a user. I want to ask this question, what comes of the ACE project. Because at the time there was a lot of euphoria regarding the ACE we thought that it was going to solve our internet problem but there is a lot to be desired from my own expectation; what I have seen and what I have heard are countries apart.

Madam Speaker, I want the Minister to clarify in where it is mentioned interest subsidise fund which must be paid by China. I want you to help us understand that. It is also mentioned that the amount should not be used to pay broke rage fees, agency fee or pay commission at all. That is emphasized there and I heard somebody mentioning other fees that should be paid. We need to be step fast so that we used the fund for exactly what is stated in the agreement and that is also emphasize in the agreement itself.

2.3 maturity period which two hundred and forty month [240] and grace period eighty-four [84] months and repayment period one hundred and fifty-six [156] months. So I want the Honourable Minister to at least put little explanation on those different periods. There is another payment called management fee of four hundred and thirty-seven thousand five hundred Yuan [¥437,500] in addition of the interest of 2% and the commitment fee 0.25% and is measured in available period. So there are many periods that we are engage and if you add all that you will see that is not small money that we are going to pay back.

Honourable Minister, I would want to also asked whether by the time you were planning this project, have you thought of the estimated amount in terms of monetary terms; how much the government will accrue from the project for example in 10 years' time.

THE SPEAKER: Thank you very much Honourable Member. May I now call on the Honourable Minister to respond to the various issues raised and by Honourable Members and wind up the debate on the agreement? Thank you.

HON. AMADOU SANNEH [MINISTER OF FINANCE AND ECONOMIC AFFAIRS]: Thank you very much Honourable Speaker and Members. This broadband network loan is twenty-five million Dollars [\$25,000,000] and when we signed this the Chinese would normally record this in their own currency Yuan or Renminbi as it could be but we may here are not generating any Yuan or Renminbi or any Chinese currencies so we pay in Dollars or Euro and it will be converted in their books into the Renminbi. So this is natural like all the loans we that we have undertaken as a country be it in Euro or Dollars, you generate your dalasi and pay the amount back in the denominated currency, dollar, euro or Yuan. So this is the same thing, the exchange rate will fluctuate but that is the liability of the borrower and it will be the same if an individual goes to a Bank here and borrows in dollars. If the dollars rises you have to look for more dalasis to pay your loan and if it falls then you have less dalasis to pay. So this the international and is even within our local commercial banking.

On the interest rate 2% plus the other commitment and management fees, we did negotiate to get better rates but this is as good as it goes and the terms we had also negotiated as well as the grace period which was five years we negotiated and it had gone to seven years. The overall length of the maturity of the loan is twenty years including the seven years grace period so we have thirteen years repayment seven years grace. So I think as a government we have negotiated to the best of our ability in getting you very good terms which we think will be beneficial to this country.

The Honourable Member from Saloum was saying that the repayments we need to indicate which bank accounts we are receiving the funds. But this loans operates is that we are dealing with the Chinese companies who are implementing the project.

The loan do not come to us directly as a government; we manage it but is not coming to us. They will do their work and will be supervise by our engineers as well as technicians, GAMTEL and the consultancies, that are looking over them and they provide certificate. Is just like this project is 20% complete or is so much percent complete. This we endorse to the Exim Bank and they will pay the contractor. So we do not need to have an account on this. Is even different when it is a grant they bring all the materials and do all the procurement, what we have will be our technical team in Ministry of works to engage in the monitoring and supervision to ensure that we receive the best product at the end of the day. So those funds also do not come to government.

The cost of transaction of course the borrow pays, is the same the same thing with the commercial Bank and borrow one million Dalasi you will be charged commitment fee and maybe some other fee. That is banking and the way they earn their money, interest and fees they have to do it. So the borrower will always take care of that.

A lot of comments were made on ICT. In this age it is an important and a critical factor for development. It goes across so many areas and we cannot under estimate this. We have seen countries who have gone very far in ICT development like Rwanda, and what it has done for them. They are not in the first world but they have benefitted significantly on ICT. This is different from the bigger giant like India where you have call centres, we can also have call centres here. Companies in the US because of the low cost of labour can engage our people to operate their call centres for them. So the opportunities are immensely; job creation, income generation and also for efficiently delivery service. An E-government like I was explaining will simplify transaction, it will not necessary require face to face with officials, reduces the chances of corruption or loses to government and revenue because with E-data you can capture almost everything that is done through electronic system. So I agree with you that there is a great benefit for this country.

Our loan situation has been bad, yes I agree. But as a country as government and even as a National assembly with the limited resources that this country has mainly tax revenue, do we say we have to go to zero in terms of borrowing. We have to fold our hands and do what we generate. We are using 47% of our domestic revenue to

services this debt, so how much is left just to finance operating cost of government, salaries, allowances, fuel and other operating expenses. If we do that then is like we are signing out of any future development because with investment you expect growth, employment and income generation. That is why we have to really try hard to get this loan and with our partners all agreeing that we can do this because of the benefits that we can get from this.

In the submission we can see that within five years you are likely to generate your estimate and if you made it you can generate almost 13 million us dollars form the activity. This will be commercial economic activities. So that in five years you are estimating that more than 50% of the loan will be earned to the income. We do not expect any repayment difficulties because this project will be used to generate the income the income the income to repay this loan that is the concept, the opportunity to create business is there. So we are scared of loans is true but at least we must take a minimum to ensure that we must have investment to develop.

There is a mentioned that the borrower and lender shall keep a record of all disbursement. Under Ministry of Finance we have a whole directorate dealing with loans and the monitor our loans on what we disburse and what we repay. So that record keeping we can assure you will exist.

ON GAMTEL, there is a policy direction and plan for our telecommunications industry, and I can tell you here that one of the policies is to privatise GAMCEL. The detail of that will come later weather is 50% or 100%, whatever the modality is that will be work out but is a policy decision that has been made by this government. GAMTEL were envisaging under this project, they will be capacities as the infrastructure management company of the government to take care of all this fibre optics cable, they have their ADSL and be generating income from there. So their current loans already we are doing an analysis of cross arrears between SOEs and the government. NAWEC we have just signed as one of it. Some areas it looks like we are taking over loans. No, what is happening is NAWEC is keeping most of this loans in is books but they are not servicing it, instead the government is servicing this loans. So in is both books which is a duplication but central government is servicing must of this loans already.

The NAWEC bond with the commercial Banks is about 2.1 billion, is been service by government but not NAWEC but they have it in their books they are the ones that borrowed it. So it like cleaning their balance sheet and making them more investor friendly. We hope we will be able to create interest in NAWEC to have the needed investment in power generation or transmission and distribution lines. Because currently if anyone looks at their balance sheet as an investor you will be scared to put your money in or this company will be able to pay us. This is one step in the right direction. So likewise it is part of the government programme with other enterprises because you have state enterprise owing each other. So we are building up this schedules to offset and try to come to a more financially sustainable viable position. There is no doubt that a lot of the SOEs would need capital injection and funding but this is something that will be workout.

On this agreement itself, members have noted that it does not include all the descriptions of the project, its objective, goals and bills of quality and so on. But, this ones are embedded in the contractual agreement with the company implementing the project and that is signed between GAMTEL and the contractor. You have all the bills of quantities GAMTEL technicians have gone right round with them throughout the country to look at all the technical issues the requirement the bills of quantities have been vetted. So I can assure that due diligence was taken by this government in coming to this loan agreement.

On the ACE project, the ACE submarine cable was a project that was funded for government ownership. A company was created that is the ace submarine company a private sector stakeholders and they are paying to government some of the capital invested. They are supposed to pay certain capital amount to government so that they can take charge of the management. I can say some amount have been paid but there are arrears so is an ongoing relationship that we are undertaking.

Again from a policy perspective government has decided to liberalise the gateway which Honourable Majority leader is asking to give to GAMTEL. Government has taken this decision and some of you might have heard the advertisement from PURA for monitoring and anti-fraud system, that will monitor all the calls that are coming, not to listen to the call but it will tell you how many minutes each calls has done in and

out of this country and even within this country. So the private operators, Gamcel, Africell, Qcell and Comium will be allowed to terminate their calls. So what the government would do is to charge its levy or tax on this minutes that are generated and then the operators will be allowed to retain the moneys that are terminated. So in that way maybe Gamcel in its new dispensation will be able to earn through its gate way like other companies as well. So it is envisage that this will generate income and from studies in other countries is been shown that the governments revenue increase with this system of liberalise gateway and is better than the current system.

HON. AMADOU SANNEH [MINISTER OF FINANCE AND ECONOMIC AFFAIRS]: Honourable Speaker, unless I have miss out, but essentially I think from my own perspective I have answer lot of the concerns raised by the Honourable Members thank you very much.

THE SPEAKER: Thank you. I think essentially most of the issues have been capture in your respond, unless somebodys intervention has not been dealt with. As far as my memories save me right thank you. I just wish to thank everybody including the Honourable Minister.

I put the proposal that this Honourable Assembly do ratify the Concessional Loan between the government of The Gambia and the Export Import Bank of China on the Gambia National Broadband Network Project.

[Question Proposed, Put and agreed to]

I think Honourable Members that make the end of the Motion. So, we move over to next item which is the Bills.

BILL [1]:

The Gambia Public Procurement authority amendment bill 2018.

THE SPEAKER: The copies has been distributed.

HON. AMADOU SANNEH [MINISTER OF FINANCE AND ECONOMIC AFFAIRS]: Thank you Honourable Speaker. The Gambia Public Procurement

Authority Amendment Bill 2017. Am seek to abolish the major tender board for next establishment.

Honourable Speaker, The Gambia Public Procurement Authority Amendment Bill in 2014, sort to bring Gambia Public Procurement law and practises closer to international best practise. Aim at enabling efficiency in regulating Procurement processing, the act was develop to ensure value for money in public procurement. The key elements of the new legal framework under the act includes;

1. The decentralization procurement making decision to foster greater efficiency and responsiveness to the needs of the users,
2. The separation of role and responsibility within procuring organization for different stages of the Procurement circle to eliminate conflict of interest and promote clearer accountabilities.

And the creation of the Gambia Public Procurement Authority, as a regulatory body, to set standers and monitor compliant by Procurement Organization, with the Principle and procedures enshrine in the law and develop Public Procurement Capacity and Competent.

The new framework mirror what has a match over the last 20 years as global best practise, for the government structure and for the governance structure and exestuation of the public procurement activities. It has been adopted wildly as the model for the public procurement reforms across Africa and most of the rest of the world. Similar global convergences has a match with procurement Principle and method that ensure that the best prospect for value for money for government and public agency and the GPPA act and it regulation, are consistent with this principles and method. One additional element in the Gambia current legal framework for public procurement, is a creation of a major tender board to approve procurement plans, tender documents and bigger words and contract variation for all procurement with estimated value greater than 10 million dalasi. Procurement with estimated value below this value are subject to be approval by GPPA or contract committees. Specific limit for the authority, for approvals by contract committee accept by the GPPA base on it assessment of their capacity.

The key concern with the major tender board are;

1. It is a structural layer that on duly duplicates the role of GPPA and the procuring officers.
2. It generate significant additional cost on administration, in discharging such large duplicative roles.
3. It undermine the decentralization and the related efficient and accountability objectives of the new framework.

Indeed most countries that have embark on public procurement reforms, eliminate the existence and avoided creating new tender board, structures and review processes and owing to similar concerns. Clearly there will be cases of procurement that may need special administrative arrangements owing to their technical and economic complicity. There large estimated cost, in relation to the sectorial or national development budget and the breath of expertise, experience and judgment required to handle this kind of projects.

In such special procurement cases, either a special contract committee can be created on existing committee strengthening. This arrangements can be made within the existing framework and in accordance with the instruction of GPPA. GPPA, will retained reviewed and approval authority for all such procurement. Therefore, current ceiling on it approval authority, necessitate by the existent of the major tender board would be abolish.

The identification of special procurement cases, should be based on specific criteria upon which, the Minister of Finance and Economic Affairs and the GPPA, in consultation with other stakeholders ministries departments and agency. Therefore our conclusion and position on the countries procurement system as set as below.

The GPPA act of 2014, reflects to a large extend, a evolving best international practices in public procurement. Amendment of the act to eliminate its provision for major tender board, will enhance the overall efficient and effectiveness of public procurement and bring the current structure and practices even closer to International best practices. As a result, the draft Gambia Public Procurement regulation 2017, would require corresponding changes to reflect the elimination of major tender board.

Honourable Speaker, I submit.

THE SPEAKER: Thank you very much, any seconder?

HON. MAHTARR M. JENG [LOWER NIUMI]: Madam Speaker I rise to seconded.

[Question Proposed]

THE SPEAKER: Thank you very much, it has been move and seconded, that the bill entitle; the Gambia Public Procurement Authority Amendment Bill 2018, be read a second time and consider.

[Question Proposed, Put and agreed to]

Please am subject to correction, am i reading the correct – anyway if they are need for any amendment, it will be done at the committee stage thank you. Any Honourable Member who wishes to intervene on this -. But can we restrict our intervention to the substance of the bill. Anybody with any propose amendment, it can be done at the committee stage so, that we would not repeat yourself thank you.

HON. HALIFA SALLAH [SERREKUNDA]: Honourable Speaker, as the title is read by the Minister, I think is the Minister who should really introduce the amendment, but I believe is 2018, isn't? So, essential, we are in the process of reviewing our instruments and out institution and to do them piecemeal, I do not think is the best of the ways. We have institution which started to duplicate each other, but the authorities defer. But the essences of having public procurement institution, is to ensure accountability and transparency in purchasing what government requires in actual spending. Since that is the objective, we have before us what is a motion, to change one institution into another. But in substance, one cannot see the demurrage of the past and focus on the merit of the present. What I can say in this, is that security of tenor, is a means of ensuring, that those who exercise authority, are independent and imperial. Once you have special agency that can be constituted once and a while, then security of tenor is undermine. And it depend on who is constituting authority under those condition. If we want to be innovative, maybe empowering the

Gambia Procurement Authority in different ways, in sort what I can say Honourable Speaker is that, this thing is still fake to me, it does not tell me that by creating this specialize committees to replace the major tender board; but this committees are going to be constituted as per their necessity, that that would be a more effective tool of ensuring that there is value for money. So, I would have recommended that this been the actually pass on to the public Account Committee for reviewed and then to report back to us after proper investigation inviting those who have been part of this major tender board here, their argument etc. and then come and tell us, whether we should really setup a new institution thank you very much.

THE SPEAKER: Thank you. I am not sure whether you moving a motion for it to be refer to the FPAP or you just making your general intervention because I want to be recorded properly.

HON. HALIFA SALLAH [SERREKUNDA]: Well at the moment, simply is my intervention.

THE SPEAKER: Very well, will take note.

HON. BILLAY G. TUNKARA [KANTORA]: Thank you very much Honourable Speaker for giving me the floor. I will want to say this are some of the issues that I actually have in mine waiting to be consider in this august Assembly, to amend this duplication of roads. I will not totally agree, that through procurement entities existing on the one administration or under one government, is clearly creating excess offices or creating another entity, playing the same role basically. The differences lies on the strengthen and capacity of how much this particular entity can procure and how much this other particular entity can also purchase. But in reality, in function or the reason behind the establishment of both entities, is actually saying the same thing to procured government procurement issues or demand. The reason why I want to add my voice to bless this bill, it is due to the international best practise. Many countries are actually deviated or gone away by creating measure and major tender board, but try to centralize it for purpose of transparency and accountability. And they have seen results, this thing has yeal and prove as a very control measure, a very good control mechanism in trying to tackle corruption. More especially in this less development.

Over the years, we seen this two entities, the authority which one entity is answerable to; some said that you cannot audit us and another entity will say that no, we are the GPPA, we are establish in the act of parliament, so as the other one also, was establish as an act of parliament. But to be kindly enough, that was the reason behind creating the major tender board.

Some opinion perceives as a control measures by the then Government, they are entitled to our opinion. And also these procurements entities, we will make it as to remove or to amend this major tender board and maintain the GPPA has lot of importance or significance. Is only try to avoid issue of fraud within the procurement sector and also more importantly, is also a lesson to Government expenditure in running this two procurement entities instead of Government spending on both entities, Government will rather finance only one entity and probably bring both expertise in both sides to make sure that, they work towards national development and this also ensure transparency in the system.

People also have seen that having a single procurement entity, would actually towards effectiveness and efficiency in term of making a proper procurement system in the country rather than running this two apart and that seems to be a duplication to me and that has been my stand. That, is either GPPA or no any other procurement entity.

So, that is my take, am not asking the Honourable House to be defended by my opinions but I will stand to add my blessing in this Bill. I thank you for your indulgence.

HON. MAJANKO SAMUSA [NOMINATED]: Thank you Honourable Speaker for giving me the floor to add my voice to the previous speakers. Madam Speaker, it is timely now to amend this Act. I could remember one of the workshops, whether Paradise Suit or Tendaba.

THE SPEAKER: Sorry! I would just want to suggest that, we suspend the House just 2-3 minutes and comes back. [Bad recording].

Honourable you can go ahead.

HON. MAJANKO SAMUSA [NOMINATED]: Yes! Thank you Madam Speaker. As I was saying the Bill is timely, because you know is a duplication of administration. I remember during the workshop at Tendaba or paradise suite. From Accountant General to the Gambia procurement, when the workshop was on, each has express their concerned, you go to the major tender board and from there you go to the Gambia procurement authority; you cannot understand which is which, and this thing has cost lot of fraud and corruption and now I apply to the major tender board, people are the major tender board somehow somewhere, we all know what has been the evident of bring but at list we assumed. From there you go to Gambia procurement Authority, the same thing Madame Speaker, so, let centralize it once and for all. We have one authority to be responsible for procurement. But you have two authority, you cannot understand which is which. It is high time now we do – I do agree with the Member for Serrekunda, is also not a bad suggestion proposal to pass it to the public Account Committee to scrutinize and bring it back, that also well – but however, at the end of the day, lets come to term and adopt one institution in other to avoid fraud. This is a new dispensation, we have to put record straight. Anything that we believe that has create problem before, let us start to eradicate and finish with it because that is why we are here today in the new dispensation thank you madam Speaker.

HON. MUHAMMED MAHANERA [SANDU]: Thank you Madame Speaker. Honourable Minister, have a doubt, that is the minor and major tender board. Thank God the major tender board has been deleted from the -. But my doubt is when bids are tender in most cases, you see few Gambians who will go in for the tender and you see more foreigners who will go in for this. But at the end lot of bids are given to foreigners, so I do not know why, whether Gambian are not meeting the criteria or what so ever. Thank you.

HON. SAIKOU MARONG [LATRIKUNDA SABIJIE]: Thank You Madam Speaker. Honourable Minister, I would also like throw await on the debate that is the Bill, I know it came, this is very timely and also it is very important because looking at this commission of enquiry, things that are happening ; if you relate it to this ones you know straight away that, these types of Bills are needed. But as the other Honourable

Member also said, we have a Committee here which is the public enterprise committee that is responsible for Public Procurement Authority. We very glad when such Bills are out and then you pass to our Committee and we look at it first.

Notwithstanding Honourable Minister of Finance, looking at this Bill, now today if you go to most of our hospital today they are saying that they did not have drugs, simply because the duration that this bill are taking very long. Now they are saying that we are adjusting ourselves to the international bidding, which they can rely is a minimum of 3 months and then so. So, I am asking if your ministry is also putting that into considerations, with the situation we are in this country here today, because places like hospital, in other for you purchases a medicine for your country, it need to take at list a minimum of 3 to 4 months before they are in the country. I think this are the things we have to put into consideration. We know this are very good, it will drive the Gambia into the right directions, the fraud and everything will be able to control it. But also, we have to look at the delivery aspect of it also, the time that is going to take. I think this are areas that we need to put into consideration, is very important I thank you.

HON. SIDIA S JATTA [WULI WEST]: Thank you Madame, I really have a lot to say about this, but then, I want to purpose that this matter be refer to the public account committee for the more serious consideration.

THE SPEAKER: That is a motion that you moving?

HON. SIDIA S. JATTA [WULI WEST]: Yes I am moving that this matter be refer to public account committee.

THE SPEAKER: Very well. Any seconder?

HON. NDEY YASSIN SECKA [NOMINATED MEMBER]: Thank you Ma, I rise to second the motion that, we really take it to the committee, since we have a committee concerns so that, we can scrutinise it and then we all takes stake on it. All due it is very important, we are supporting it, but let us scrutinise it properly.

THE SPEAKER: It have been move and seconded that this particular bill be refer to the FPAC committee for further consideration and to report back to the full house

[Question Proposed, Put and agreed to]

So the bill is refer to the FPAC for further consideration and to report back to the Assembly thank you.

MOTION:

INCOME AND VALUE ADDED TAX AMENDMENT BILL 2018.

HON. AMADOU SANNEH [MINISTER OF FINANCE AND ECONOMIC AFFAIRS]: The Ministry of Finance and Economic Affairs, in consultation with the Gambia revenue authority, wishes to amend the income and value added act 2012 before this august Assemble. The objective of this amendment is, the basic to amend the income and values added tax act 2012 by imposing capital gain tax on the sale of interest or rides in the petroleum licensing or permit. The bill also remove the treatment of royalties pay or payable to the government as a deductible expense. It is envisage that, this changes will create a substance revenue stream for the government, in the event of farm out transactions on petroleum licenses, which where hereto on tax. It is also envisage that the taxable revenue payable to government, during the production stages of petroleum operations, will be increase by the movement royalty deduction.

Significance
The ~~significant~~ of this amendment, is that following the reviewed of the physical regime, applicable to the petroleum sector, The Gambia Revenue Authority, has in consultation with the Ministry of Finance and the Ministry of Petroleum; determine the need to review of the following provision. This reviewed are consider important, to safeguard revenue in the short term and boarding the tax basic.

Propose amendments vis-a-vis, capital gain tax. It is recommended that the word in [B] that reads; the sale of rice and assets in respect of sub paragraph [a], are deleted. The resulting effect is that, the provisions relating to capital gains under section 1051 in the act, will continue to apply and the conflict created by the definition of gross income from petroleum operations will be remove.

In addition, it is recommended the words interest or rights in the petroleum licence or permit be included under section [1041A 5] and section [1041B 5], to provide the inclusion of the sale of interest or rights in the petroleum licences or permit. To follow under the definition of capital asset under section 104.

Royalties, under the definition of direct operating cost, in the second schedule of the act, are the word including any royalties pay or payable to government for those purposes. The resulting effect is that, the royalties will have the potential of wiping out all net income tax payable to government. In this regard, the royalties and the income tax are payable to government to concurrent stream of the income and one should not be deducted against the other. We therefore recommend that the words including any royalties paid or payable to government for those purposes be remove from the definition of direct operative cost.

Honourable Speaker, I beg to move this bill.

THE SPEAKER: Thank you very much, any seconder?

[Question Proposed]

HON. LAMIN F.M CONTA [KOMBO EAST]: Thank Madame Speaker, I rise to second the motion thank you.

THE SPEAKER: It has been move and seconded that the Bill entitle, the income and value added tax amendment bill 2018, be read a second time and consider.

[Question Proposed, Put and agreed to]

So, any Member who wishes to contribute to the debate can make an intervention can do so now.

HON. MUHAMMED MAGASSY [BASSE]: Thank you very much Honourable Speaker. Honourable Speaker, we have already given an assignment to FPAC, to work on the first amendment so, that to report back to the plenary. Through my observation, I have notices, that this first assignment and this second amendment are

interrelated. So, henceforth it is somehow technical, if it could be possible so that we refer also this amendment to the same committee. So that they will be at their own leisure time to do a proper work on it and they report to the plenary for a proper consideration. So, if I am allowed, I would want to move a motion to that effect thank you.

THE SPEAKER: Well it is your prerogative and I cannot stop you. There is a motion on the floor – you mean to refer it to the FPAC as well? There is a Motion on the floor for the bill to be referred to FPAC. Are you seconding?

[Question Proposed]

HON. SAIKOUBA JARJU [BUSUMBALA]: Ma. I rise to second that we move the bill amendment to FPAC for consideration.

THE SPEAKER: Well it has been moved and seconded, that this bill also be referred to FPAC for consideration and for them to report back to the National Assembly.

[Question Proposed, Put and agreed to]

So, the bill has been referred to the FPAC for further consideration thank you. Can we move to the other bill please? But before we proceed with the next bill, may I take the opportunity to thank the Honourable Minister and release him so that he can go. Thank you very much.

MOTION:

The Local Government Amendment Bill 2018, by the Honourable Minister for Lands and Regional Government.

HON. LAMIN DIBBA [MINISTER FOR LANDS AND REGIONAL GOVERNMENT]: Thank you Honourable Speaker. I wish to lay the bill title: local government amendment bill 2018. Honourable Speaker and Honourable Members of this august Assembly, this is a non-contentious and a non-controversial bill, because

some time ago, the Attorney General, made a motion in this august Assembly for decision of a similar provision in the constitution. And number 10 of 1970 amendment bill was ascender to by the president on the 5th January 1918. We in the local government, will wish to alien some of the act in relation to the amendment, which was effected by this august Assembly, would regard to the direct election of Mayor or Chairperson of the Authority. The act to amend the local amend act for the direct election of Chairperson of Local Government Consul and for connected matters.

Madame Speaker, the subtitle is, this act may be sited as the local government amendment act 2018. The amendment as I previously refer to, was Cap, 33.01 of the constitution. Therefore – and here, to present to this august Assembly amendment of session 13, Subsection 13 of the principle act is amended. In subsection 2, by deleting the word, the consul from among the consular, with the word universal adult sovereign of all eligible voters in the local government area.

Honourable Speaker, this session [30] talks about election of Chairperson among consular as oppose to the original version 2002 act, which state that; a chairperson shall be elected by universal adult sovereign of eligible voters in the local government area.

Again by deleting subsection 4, this subsection state; that the election of chairpersons, as the first business transaction of consul at their first meeting after election. If subsection 2, is now calling for election through universal adult sovereign, then we do not need this sub-section. Again there is provision that says that, by deleting sub-section [5] - this sub-section states that; a councillor is not qualified for election as a Chairperson under sub-section [2] of this section unless he/she holds a qualification specified in section [14] of the Act.

This sub-section is linked to election of Chairpersons amongst Councillors which is been proposed here to be amended. By deleting sub-section [7], this sub-section states the removal Chairpersons by the President were proposing the decision of it. For amendment of section [16], section [16] of the principal Act is amended. In sub-section [1], by inserting immediately before the word councillors, the word elected should be inserted. It will read elected councillors and 'B' by deleting sub-section [3A].

Section [16] talks about the election Deputy Chairperson to be elected from among councillors. This gives room to elected and nominated the right to elect as Deputy which I am here to propose for insertion of the word elected so that, Deputy Chairpersons is elected amongst the elected Councillor.

Amendment of section [20]; section [20] of the principal Act amended by deleting sub-section [14] which was an extension of the 2002 Act. This section is about removal of Chairperson, Deputy Chairperson and other Members of the council by the President on the recommendation of the Honourable Minister set out in sub-section [1] of this section. I am now proposing, to delete or I am proposing for deletion of this sub-section to reduce the interference of the executive in the affairs of the local government official's removal.

Hon. Speaker, in summary this Bill seeks to amend the local government Act 2002 to provide for the elections of Chairpersons, through universal adult sovereign of all people or eligible voters in the local government area. This amendment is prompted by the fact that, the Chairperson is considered to be the same carder as the Major or Mayorese who is elected. Additionally, Hon. Speaker, the Bill proposed to amend the Act to provide for the election Deputy Mayors or Mayorese and Deputy Chairpersons from among the elected Councillors to ensure that, only elected Councillors who have the voting right, are qualified to be elected.

Furthermore, the Bill also aims to take away the power of the President to remove elected official of the local government authorities to lead the interference from the executive in the removal of local government officials.

Madam Chairperson, is a short one but important because it will ascertain the democratical rights of Local Government Authorities and move the double standard which existed, I beg to lay this document.

THE SPEAKER: Thank you Honourable. Any seconder?

HON. SUNKARY BADJIE [FONI BREFET]: Thank you Hon. Speaker, I rise to second the motion. And I would like to seize this opportunity to go further to support the various bill brought before us here for consideration. Experience has shown of some of us who has been players in the local government arena that the various bill

and session of this local government act 2002, highlighted by the Honourable Minister to be consider. Previously, the chairperson of Council are elected from among elected Councillors. This phenomenal has reduce the powers of the various chairperson of the Council and also have deny the general public to exercises their democratic rights. Therefore the idea and the intension to change that particular law, to allow the general public to partake in the election of their chairperson. Chairperson are so crucial, because there are...local development...developing areas.

The other issues that I would also like to talk on, is the issues of the power been given to the president, to remove a Chairperson, Mayor and Councillors. I think, this also has put a lot of fears in Councillors, deterring their ability to perform effectively, it has also deter them the opportunity actually the chance also to take decisions that really affect their people, as a result of past maybe whether fear or other things, but if this sections are remove, that will allow the Councillors, Mayor and Mayores actually to perform their function as expected.

Also the selection of deputy mayor and chairperson, from among the elected Councillors, I think it is also a good idea, I would like your supporting, because this elected Councillors; are coming from words and the ward are directly responsible for the development agenda of their respective areas. Therefore given the opportunity for them to be elected as mayors or chairperson is a good idea and I would like to support that.

Madam Speaker going further, I think there is another selection, but this is not part of it actually, but maybe for the future consideration, that is section 9A of the local government act 2002, which dissolve Council 90th days before elections. This ideas those not help the centralization process, because what can a manger do within 90th days, taking the position of elected council to perform the function and exercise power of a consular. Further consideration I will like to appeal to the Honourable Minister to consider this relevant section.

Overall, I think I am in support of the various bill brought before us for consideration. And Madam Speaker, with you permission section 25 and 24[1A], actually also need consideration. I will also like to appeal to the Honourable Minister to look at this various

section will great urgency. This session, deny the councillors who will serve their respective consular for so many, not even with a letter. Experience has shown us that, some consul has sake their respective councillors for 12 good years, and they go home not even with a letter to say thank you, moreover, gratitude or anything to support them. So, I think that is very piratic and I want to appeal to the Honourable Minister to look at this section.

Honourable Speaker, I want to thank you very much and I am in full support of this amendment and it was expedience has shown us that, they are very changes that will enhance the ability of councils and chairperson to perform their respective as has been expected thank you.

HON. YA KUMBA JAITEH [NOMINATED]: Thank you very much! Mine is a short one. The bill seeking to amendment the act by removing the power of the president to dismiss the mayors and the chairperson and councillors. I am just worry if we remove the right of the president to dismiss them, who will they be answerable to? Are we going to amend for them to be – so that they can be recalled by the National Assembly or the people that elect isn't in that? Another thing is just, the deputy mayors, if they are going to be elected among the councillors, how is the election going to taking care of by the electoral commission or are they going to elect them in another type of election, which is not clear and how is that going to be done? Since, they are not going to elected all of them together, but they will wait until councillors are elected and then deputy mayors are elected from among the consular, how is that going to be done? Thank you.

THE SPEAKER: Thank you! The Honourable Minister will respond.

HON. OUSMAN SILLAH [BANJUL NORTH]: Thank you very much Honourable Speaker. This amendment bill before us seek to provide for the election of Deputy Speaker form among the elected Members. Deputy Chairperson and Deputy Mayors is in keeping with democratic practise, because responsibility at this level most be responsibility that really come from the mandate of the people. And then elected Members are directly elected through universal sovereign. So, this is really in keeping with democratic practise as I said. As for the removal of councillors by the executive,

this also is very positive move, because is the people who elect and most be the one who should remove elected representative not an individual or an authority. It is the people who have the ultimate authority. Since they are the one who elect, they are the one who should remove those who are elect by virtue of failure to save them, so this is also a progressive move. But my issue with this is that, I have been saying this in the National Assembly, that what we need is wholesale refund of the local government act not this piecemeal refunds. I have been advocating for this, there are so many issues with the local government act and this things are part of it. So, I have been advocating for this and I think what we need is a really reviewed of the local government act, to ensure that all this gaps are address. Like for example, the issues of councillors the enumeration, of caused the councillors can have other engagements, but for them to really be committed to the work, they need certain motivation. So, the talking about – they are not receiving salaries, they are receiving allowances that they are receiving. Even if we are not paying them salaries, how can we upend this allowances? This are the issues that can be address in the brothering reframe packages, brother reform framework. The issue of this 90th days also is very important that you cannot dissolve council 90th days before election and I believe, the practise is that just as the National Assembly, a day before our swearing-in ceremony, that is the day determine of the office of the previous Assemblies ends. The same thing can apply and should apply to the council. So, we were expecting the Minister to come up with this that we do not need interring management committees, is extra expensive, because they will come and then would want to make a different, come up with project for programmes, just to justify their relevant. So, is better we lift the council that was elected to serve to the end. A day before assumption of the newly elected council as it has been practise in the case of the National Assembly.

Basically this is what I really want to share, that Honourable Minister what we need is, a wholesale refund of the local government act thank you very much.

HON. SADIA JATTA [WULIE WEST]: Thank you very much and I would like to thank the Honourable Minister. When this amendment was made, the day it was made, there was a big chaos in the Assembly, because after they have agree to do their so-called amendment, one of the Members came and said in front of me; yes we

know what you are saying is what is right but let us do it this way. I want to hate him [laughter]! And then the whole House when chaos so, we adjourned. And am happy that we have come back, to correct the stupidity that was committed that day. And that is, nobody, no elected body can and should be dismiss by an individual. That is what they said and I was so ferrous with this young man and if I see him this time, I am going to slap him and said you see now what is happening. [Laughter]!

So, I am happy that this is need been amended and the elected council are answerable to the people who elected them. And they are the only people who can get rid them. Is like you, they are saying if the President can just drive all of us out, is the same thing. So, this is very happy news, but and all the amendment you have are very good, but I think there is a need and I will suggest Madame Speaker, after this amendment, I would like the Honourable Minister, once the amendment are made and its publish; the amendment version be committed to the local government committee for a more comprehensive reviewed of the whole act. Because there are many things to be amended there. He has raise fundamental issues, he has raise and there are many more. That is what I would suggest Madame, that after all this, the act should be committed to the local government standing committee for a more comprehensive review. Because this piecemeal amendments are not going to resolve all the issues that are in this act. So, for that reason, am not going to continue to talk, but I welcomed all the propose amendment that has been made by the Honourable, members thank you very much.

HON. BAKARY CAMARA [KIANG CENTRAL]: Thank you very much Honourable Speaker for giving me the floor. Mine is just a short intervention. What we are seen here today, is like a departure from the old norm, we are migrating from the situation, where in, the councillors, when elections are held, would have somebody elected among them as a chairperson, so this time around, the power is been given to people through universal adult sovereign, to elect somebody as their chairperson. So, that one is suddenly a significant development. And also, if you look at the aim and the objective of the bill is say; to take the power, short of taking the power from the President, where he would not be able to remove an elected officer from the power. So, we are trying to strengthen our democracy here, which is very important.

And like the Honourable Member for Banjul North said, the piecemeal amendment, I think would not solve our problem. What we need is a total review of the act. If you look at the local government act, the issue of qualification, where it said the person is qualify the contest as a councillor, as a chairperson where in, when the person attend the secondary school – in the Gambia here, we have two type of secondary school, so which one are you talking about? Is it a junior secondary or senior secondary? So, all this thing need to be reviewed and then we see how best -, because this institution are very important, the local governments are very important, they performed important functions in our society. Some of us, we the National Assembly Members, some of the thing our people ask us to do; we do not have water, we do not electricity, we do not have road within the community, we do not have certain facility. This are the things that should be provided by the local government. And then we cannot have them functioning effectively, if we do not have the right people in the right position. Sometime, if you observe previously, you find out some people are elected as chairperson of various area councillors, some of them to me; they are just school dropout, they do not have the experience, they on not have the technical know as to how to run those various area consuls. As a result, they were not functioning effectively, but once we have situation where in an experience and educated people manning those position, is going to help us a lot. They will deliver. But it is rather unfortunate, sometime you cannot blame them for not functioning, because they do not know, and then how does this thing happen, because of the way and manner in which they got into those offices. So, having this amendment and the once that would come in feature would really help us to have a functioning area council. An area consul that would not transform into a political arena. That is not the function of the area council but there are dispensation, I thing this are some of the things that would be really be take care of by the local government Minister, that area council are there to provide the needs of the people, they are not political institution.

So, with that note Honourable Speaker, I thank you very much for given me the floor.

HON. HALIFA SALLAH [SERREKUNDA]: Honourable Speaker, at the beginning I raise my hand just to point out that, the explanatory memorandum should have just been read, because essentially, that is the provision of section 101 of the constitution,

that no bill should be presented before us without an explanatory memorandum. And that the essence is that, it is a bill not an act that is actually presented before us to consider.

We have seen what the Honourable Minister has said, the bill entail [3] three principle that governance the attempt to bring this before us for amendment.

1. One direct election of chairperson
2. The election of deputies by elected Members in the councils are no longer nominated. They must be elected from the elected Member by the elected Members
3. Security of tenure.

If we look at what has been given to us by the national Assembly as local government act [202] without the amendments, it appear that we do not even need an amendment, because if you can look at section [30] just as an example; a chairperson – Member for Wuli West telling me that and say what is happening here, a chairperson shall be elected by the universal adult sovereign of all illegible votes in the local government areas. That was the law in 2002. Why are we here today? Because of amendment of those laws. One by one to introduce the supermassive of the executive.

And if you compare what was in 2002 and what we are now saying should be relatively, you will see that it is because the eruption of the instrument, why we are now going back to amend. So, in essence that is the lesson. What is preventing us from going back from the same lake? This gradual amendments as has already been express most be eliminated, because it creates difficulties in implementation in enforcement of the law. For example, the IEC as a result of the constitutional amendment decided to change the election of chairperson and the councillors when chairperson and the mayors are supposed to be preside over the councils. So, we are going to have election of councillors and at the end of the day, somebody from the management committee will be presided, that is the irrationality that comes if we do not look at the provisions holistically. A law cannot just be look at itself, it is the totality of all the provision that really makes the law. So, which means that yes! We can say that this is good but I have no basic to say to make any commendation. I must say that what we need with speed after the local government election, is a total local government election

reviewed. If you look at now, the Minister can remove the Alkalo's from office. And the President can remove a Chief from office. But look at the provision of the law, there is a guiding principle that the person must responsible for misconduct, I do not need to go into that. But essential, this is what we are saying, that now the implementation of the law is not only coming and say let's make instruments. We want the Ministers to demonstrate on what exist, will now be adhere to the letter; to confirm that even if we amended this, it will also be adhere to the letter and I will recommend very strongly that we engage the Minister and as it been purpose with the committee of the National Assembly. So, that we engage in a comprehensive local government review thank you very much.

HON. SAMBA JALLOW [NIAMINA DANKUNKU/MINORITY]: Thank Honourable Speaker for giving me the floor. Honourable Speaker, the bill before us actually came to amend certain area in the local government act. If you look at the object and the reason of the bill, is to amend the election of chairperson and the election of deputy chairperson among the consul elected. Honourable Speaker, as other Speaker said – actually it is not controversial, we welcomed it. But I have some analysis that I would want to put across, now election of the chairperson will be done by various parties according to this election coming. We look for a particular region like CRR as a sample, we conduct a election of a chairperson is won by a party, then we have election of the councillors and one party have to dominate the councillors election in that area. What would happen, the chairperson, will be from that the same party and the councillors – because the councillors if they are elected, each councillors must protect the interest of your party. Then automatically, we are expecting again the deputy chairperson to be form the same party; then where would be the checks and balances at the councils at that time.

THE SPEAKER: Sorry, Please Honourable can we address this!

HON. SAMBA JALLOW [NIAMINA DANKUNKU/MINORITY]: yes! Where would the checks and balances at that time, because everything is under one party. So, there must be a monopoly of power in that councillors. That is my observation on the amendment.

The other issue is, we are going in for the councillors election, I can remember, was it in 2015; when section [91]D that was affecting us, was amended here and inserted in the local government act, because the then government, one of their councils in Bewiam ward when to America and the IEC wanted to conduct an election but they did not have any ground. What the then government did, was to bring in this Parliament insert section 91D and then they sacked the lady and IEC was able to conduct election in Bewiam. So, that means that section 91D, is hanging on our councillors. The various parties can sack the councils at any moment and then you lose your seat. So, which I believe that amendment also should be a matter of very urgent and should be treated very urgently.

The other issue, I think the Member Brefet talks about it; it is the emolument of councillors. Honourable Ministers, councillors, served for 12 years two terms at the end of the day as he said. Even a thank you letter they cannot get. This is why actually in our council, most of the competent people, do not want to go and contest as a councillor, because at the end of the day nothing is there for you. So, just listening to the interviewed that is happening presently during the nomination, all the competent people are sitting down and then we need competent people in those areas. All our local taxes are going into these councils. So, if we are sending people over there, make sure we send competent people there. But then as it is now, nobody wants to go as a councillor, because there is no benefit, even salaries you do not have it. I think Honourable Minister, these are issues of concerns that we employ you to come up with an amendment thank you.

HON. MAJANKO SAMUSA [NOMINATED]: Thank you Madam Speaker for giving me the floor to add my voice to the previous speakers. Madam Speaker, this amendment act, is long overdue Madam Speaker. We are in 2018 Madam Speaker, this bill could have come since 2017, I expect. I add my voice with previous Speakers who voice out the – the acts are coming in pieces, I think it would have been the best the Minister and his technicians to bring to this august House at last, because there is a lot of amendment that should be done in the local government act.

HON. MAJANKO SAMUSA [NOMINATED]:...the Minister and his technical team to bring to this august House at least, because there is a lots of amendment that should be done in the local government Act. If you look at the 1997 constitution we still need to make amendment on the Seyfolu because according to the 1997 constitution the Chief should be elected but not appointed by the President. All this were amended and put into our constitution. Before you come to the council the chief are more paramount. We should have receive the amendment of chief's election because this is very important.

I remember in Sami when Seyfo Alhagi Fanta Comma was petition by the united Democratic Party [UDP] to the high court and the court decided that there should be a by- election. It was conducted then the chairman of IEC was Tilehba Johnson. We went to the poll and Moro Jawneh happen to win the chief and automatically they came with a Bill to make an amendment, and this is something fundamental. Immediately we come to this new dispensation I expect changes because the chief participation in our political arena was very crucial. In the current dispensation when one speak about change what we expect firstly was coalition 2016. This were all cited, on good governance, the chief were one of the most important visit in our discussion. Since 2016 till now nothing is feared on making amendment. There should be an election for chiefs. All chiefs should have been terminated because they are there unconstitutionally. The constitutional power that the citizen have is the chief should go through by-election. We have in areas where some chiefs do not have proper citizen mandate. So the amendment Bill before us is really long overdue but never late than ever. Once is here I lend my support for endorsement. The Minister should consider the next Bill amendment of Chief and Alkalo. I remember the Honourable Minister himself right in front of here, his father was contesting in the Alkaloship in Salikenneh in the first republic. The Alkaloship is in the 1997 constitution that we should vote into election if they so not come to terms. So these are things that the Honourable Minister having being a victim of this should signed this things before the councillors in my view. These are some of the things that we expect to have so that we will have level play for this transition, we do not want to leave any stone under the carpet. We want

things to be clear so that the next government coming there would not be much problem. On that note Madam Speaker, I beg to move. *[Applause]*

HON. SAIKOUBA JARJU [BUSUMBALA]: Thank you Madam Speaker. My intervention is going to be short. If at all that the amendment there is not issues in hand now I would have propose for the withdrawal of the Amendment that the Minister go back and bring a holistic amend of the whole Act because that is what we need. Councillors and chairman elections are on the ground so obviously we need this to be amended so that elections can proceed. I am in support of all the amendment but I have little quarries because they are just paramount which lead to the qualification of councillors and chairman. If you look at the Act no emphasis is been given to their academic qualification because if you look at the Act section 17 qualification and disqualification it says..." must be a citizen and a regional voter" and nothing has been mentioned about the educational qualification of a councillor. If you look at the council, I think it is very important to be manned by very qualify and experience people because they directly deal with our taxes. They are the first people that the community need for development. So if you have people on the ground as councillors in the council whose educational qualification doesn't value then there is a question in that. That is why I want to put it to the Minister that let them considered it. As been said by the Member for Kiang Central, in the Gambia's educational system secondary schools are divided into three categories; junior secondary and senior secondary so when you say secondary school which one are you referring to? So that sometimes gives a problem of who are you going to select. The academic qualification and experience is put in the lime line to be a bench mark for selection of councillors who will be very good because we need to have competent people at the council.

Madam Speaker, electing councillors and Chairman to the area council, what we expect from them is to take care of our taxes. From that it lead me to tax strength of the area council. Sometimes ago we do went out for our oversight function and most of the complains we have from the area councils are many of the revenue sources were been taken by the former government and been given to different departments and office of the president. Up till now they are crying about it and as National Assembly member who needs the empowerment of the area council I want to appeal

to the Minister to be looking into those areas. Tax or Revenue area should be under the area council and then been taken from them to be under President's office or any other Ministry. I want to urge the Minister to look into those and returning it back to the area council so that they can be empowered and will be able to do their function for the community development.

Also according to the constitution it is the Minister who can advise for the demarcation of district for chiefs. In Kombo North it is divided into three constituency; Busumbala, Sannimentereng and Old Yundum. I want to ask this question, as IEC also did due to the size of Kumbo North to be divided into three constituency, wouldn't it also be possible for you the Honourable Minister to look into the constitution to see whether Kombo North can also be divided into one or two district, instead to demand a chief we can one or two chiefs in Kombo North because of the size and density of the constituency. Every day there are lots of cases with the chiefs that they cannot carried out because the population is too high and criminal crimes are too many and decision on one chief is a problem. There are so many pending cases with the chiefs that I believe we cannot control and finish. Thanks to the new chief in power now, he set up a committee of Alkalo that are given some cases every day or weeks. So I believe that if the number of chiefs were increase it would be easier for him to handle those issues.

So on that note I would want to give my support but these are issues I have especially the qualification area of the councils. I would also want to concur and support the member for Foni Berefet because it is very important to tap experience of the experienced people. He was a councillor, chairman of an area council and he knows it. You appear to an area council as a councillor, serve one or two terms and at the end of the day you just wave your hand and say bye and go home. No letter to give a recommendation that you once serve as a council or chairman and no longevity or remuneration at the end of the day. I think we need to look into this, if we do not change we will not have competent people to vie for councillor or chairmanship at the area council. Thank you.

HON. MAHTARR M. JENG [LOWER NUIMI]: Madam Speaker thank you very much for allowing me some time. When people agreed to live together they drew quotes

that would help them in the maintenance of peace, security and enhance their living. When the area councils were created at the different areas they stand for, they were expected to develop and maintain the standard of their people but we had seen with time the erosion of most of their powers to other government agencies.

The GRA was giving authority to make some collection of taxes, the Forestry was empowered to collect taxes and other agencies rendering the area councils venerable to a lot of incapability. If this part of the Act of the local government is going to be amended as have been highlighted by some of my colleagues. This is a piece meal leaving a lot of moves desired for the creation of areas where area council can have avenues to help meet the demands of the people. If I tell you in Lower Nuimi there are about 4 [four] taps serving 57080 [Fifty seven thousand and eight] people expected is that reasonable. When the council is expected to pay for the water supply street lights, where would they be able to raised funds? This is why the councils are much indebted that we cannot understand how this could be. The rights given to the GRA and other bodies to collect taxes e.g. road tax and others should be given to the councils so that they could develop their people at that level. Why is the GRA collecting taxes from Kerewan North Bank only to invest it were, we ask the question. The Area Council in Kerewan should collect the taxes in the North Bank to develop the North Bank with those taxes and it is only councillors who would be able to understand their essence and have the capability to get the other councillors to work for the better of their people who could be there in the council. Most Area Councillors are run by the Chief Executive Officers [CEO] who handle, divide, rule, manipulated and then developed themselves to the detriment of the people. We have had a lot of evidence to that. We need to be very smooth in the collection of candidates who are going to sit on those places. So this is time to give the people their dues and we give the government its due so that peace will range not only democratically but to ease the troubles and other things that could arise. Madam Speaker thank you very much for giving me the floor.

HON. ALFUSAINY CEESAY [SAMI]: Thank you much Madam Speaker for giving me the floor. I am very happy when I saw this local government Bill. As the saying goes we all advocating for change and there is already changes so we also have to

change in line with that. When we do not change it means there is going to be chaos. Why? Because we want real democracy and if you cease that democracy from people there is going to be chaos. I am very happy when they come up with electing of Chairperson and Deputy Chairperson which is separated is a very good move. As various speakers have stated, we want real reforms in the whole system of the local government particularly section [58] and [59] appointment of chiefs and Alkalos is creating lots of confusion in the system and we will be pointing fingers at each other. Why not we go back to the people and what was happening in the first republic in which people elect their own chief and Alkalos let us go back to that it will make things easy for us.

Why nobody wants to be a councillor is stated here simply because there is no incentives and this is why competent people do not want to be there. If you cannot buy bag of rice at the end of the month that will discourage competent people in that position and we will never move forward because they are the people who will manage our taxes. So if you just put people there is a square in a round text. What will happen? They will be just carried away. So let us create salaries for them so that they can also do well. My question is Honourable Minister in an event communities do not come to term in terms of selecting their Alkalos how do you tackle such situation. Thank you very much Madam Speaker.

HON. ALHAGIE DRAMMEH [JESHWANG]: Madam Speaker I would not like to dwell much on the merits of this local government amendment Bill. My contribution is in a form of a question to the Honourable Minister. Section [9] part 2a of the Act to me is little bit unclear. It seems that election should be held every four years. I deduce that term in office should be four years and it says it should be held 12 months after the election of the National Assembly which is four years. So how do we marry the two, four and five years? Thank you.

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you very much Madam Speaker. Under normal circumstance I would not want to say something in this issue but because of the importance of it I decided to rise and add my voice regarding the topic.

If you look at the local government there is Alkalos and chief's representatives who are elected by their fellow Alkalos and chiefs. But if those Alkalos and Chiefs are appointed to their positions by the president or Minister and they are removed by them as well. In try to improve and reform our democratic system, which is based on the principle of not taxation without representation it is important that we look at the representation of Chiefs and Alkalos in the council. For example, if all the Alkalo's in the area decided to elect a particular Alkalo to the council to represent them and that particular person representing the other Alkalo is removed then automatically he/she loses his/her position in the council. The same thing will also happen to the chief representing other Chiefs. So we need to really deal with the whole local government act to put all this thing to order. We said this before over and over and I want to emphasise that every time I go back to my constituency like all the others this question always come back, "what about chief and Alkalos election". Whether we like it or not during the second republic a lot of Alkalos were removed from their positions and replace by people that are not wanted by the general population and that crises is within the local community. They are always having this infighting, "we do not want our Alkalos". Some goes to the extent of not to have any business with the Alkalo.

Now the Alkalos are in position that even your goat to be sold in a luma you have to go to the Alkalo for stamping. So if you do not want the Alakalo and the Alkalo knows that you do not want him crises begins from there. Sometimes they would not want to go to the Alkalo to stamp it and the Alkalo would not want to stamp because they know that they are loggerheads with those particular members of the community.

So Honourable Minister, it is important that we look at the local government Act in total and the Finance and Audit Act of the councils because there are queries in those area as well. Thank you very much.

THE SPEAKER: Thank you very much Honourable Members and may I now call on the Honourable Minister to wind up the debate and responds to issues raised.

HON. LAMIN N. DIBBA [MINISTER OF LANDS AND REGIONAL GOVERNMENT]: Thank you Madam Speaker and I would first of all thank all of you for your contributions. I do appreciate your comments, contribution and questions. I

want to you to believe that my Ministry came up with these three issues because of the current issue of election with regards to the council, chairpersons and councillors. We are involves in lot of correction methods, correction exercises and that reforming the council is one of them. Had it not been the cause of the current situation we would not have come with this piecemeal Bill for enactment by this august body. I want you to appreciate and believe me next time we come here it will be more elaborate Bill to be pass by the august assembly.

We including some of the issues that you have raised here. We are also working on councillors in numeration in terms of salary rather than in terms of sitting allowance

...they are there to support what my Ministry have presented. But I want people to believe that they entire working condition and responsibility of The Gambia councils is moving towards a complete reforms. We have learn what has happen in the first republic, we have experience in the second republic and putting the two together we would be able to come up with something very tangible and useful for this country. In this issue along you are also contributing factors and we would seek your advice in this so that we will be in it together and when we get back here it would be something that we all own collectively and it may not be that contentious as I started that this paper is controversial but I realised that it has lots of concerns raised.

The selection process of the interim committee has changed. If you look at the Act we have not deviated from it but we modify it to an extend that they will become more effective so that they would be able to pave way and recommend something useful to the incoming councillors, because all the council in The Gambia have been in one way or the other been affected by the executive directives as a result we do not think as human being they can immediately divorce values and change for better. All the same we would be engaging ourselves in all this and we shall comeback here and seek your advice again.

We are also looking at the criteria for councillors, educational requirements, age and whatever because they are crucial and we are even looking for funding to engage consultancy to provide us the bases for our recommendation to this august body. Bear with us 2002 Act have gone through almost 2, 3, 5 amendments; 2005, 2007, 2010

and 2015 there have been changes. You are right when we were coming here 2002 Acts were changed and we have to come and present what we think we should retain but whatever we retain via my presentation here is embedded in 2002 Acts.

Nonetheless, we will present the whole sum recommendation about how we think we should forge ahead with regards to local government administration. At the back of our minds we are also busy trying to implement the decentralisation. Therefore some of the issues that you have raised here are important but how do we fill this into the decentralisation aspect. We do not want to change the roles of the chiefs and the Alkalos not only to discover that they cannot fit into our capacity building for strengthening for decentralisation. So you have to bear with us because we do not want to leave anything behind, we want to be very focus but we also want to consider what we should be doing in the future.

I am not sure whether we want to politicise this councillorship to an extent that they will become partisan representative in the council. I do not know and that is not my responsibility but we will look into it to see what we can do. Whatever is best in this country is what we will push forward. Councillors owe responsibility to the electorates and their primary function is to serve the people who have elected them and people have elected them do not belong to one political party. So I do not know because I do not want to make any comment on that.

Similarly chiefs, why should I fire all the chiefs. I just came into office without reading files and without knowing how this people were appointed or elected. I just fire them for what, I am UDP, PDOIS, NRP or what? That is not how we should be looking at our current statues because we had advocated for a change, affected a change and we should make very positive changes that would unify our country rather than compartmentalise it. I don't know but this is my stand. There are lots of complained, yes. You have serve Alkali X, Chief B, why would I do that? I must be convinced, though I made change but I made changes on very specific reasons not because you are what you are. Besides for 22 years all of us are in The Gambia and sarcoma a regime. Who is here that will say that is natural; none of it is natural. If we say all those people who have been enabler of the former president and have work for the former president's regime should not be part of the recent government who will left

for us to employ or not to work with, no body. So I do not think we should look at things in purely political revenge way. *[Applause]* lets unify our country and forge ahead with Gambian who wants to build up this country...- *[Interruption]*

[POINT OF ORDER]

HON. MAJANKO SAMUSA [NOMINATED]: I want the cameras to be here, I am putting a point of order.

THE SPEAKER: I think you want the microphone?

HON. MAJANKO SAMUSA [NOMINATED]: I mean the camera should be here, what is the essence of the camera here *[laughing]* this is not a laughing matter.

Madam Speaker, with your permission my point of order is I want the Honourable Minister not to misquote because I personally said "the change", and that is why I quoted in the 1997 constitution and I also went further to quote the Sami Chieftaincy election and I want further again to say that Honourable Minister's father had contested in the first republic's Alkoloship. This is in our constitution. I did not say that the Honourable Minister should sack but I say when you come with an amendment that amend should reflect on the chieftaincy and the Alkaloship. That is what I have said and I am in line with the constitutional requirement not witch-hunting. But I do not want to be misquoted, that, because he came to power he should sack.

THE SPEAKER: Honourable member with all due respect you are on record, I think your point was clearly captured. Thank you.

HON. LAMIN N. DIBBA [MINISTER OF LANDS AND REGIONAL GOVERNMENT]: My ministry is facing a big problem which may not sound a problem to you. Constituencies are divided into chiefdom. What comes first it is the chief or the constituency. If one constituency is divided into chiefdom, this is why I am silent about it. Some people have mentioned it here. I would not blow my trumpet but I think we are on top of the local administration. Which one comes first constituency or chiefdom? If I have to appoint two other chiefs in Kombo North, what am I creating a chiefdom? I don't have the power to create that. I am leasing with the Attorney General Chambers to look at the legality of that. Could two or three constituency be

under one district? Could one constituency be chiefdoms? When it comes to the election Chiefs also similarly Alkalos we are careful and want to study all these things. Again I said historically first regime, second regime and we are in the third regime. We want to be clear in our minds that chiefs and Alkalos be elected or not. Is not for me to decide that but we are working on it and the entire population would be involved, we would sensitise them. This is why we have not made any move towards that because we are making some studies.

Is not easy and believe me I do not have an easy time looking at some of the things because I want to draw a line. You know I am a politician and a cabinet Minister but I should be able to differentiate the two and I should know where I would wear what hat and for what. One thing I believe in is whatever we do we should do it to unify this country as one Gambia. The changing that had happen, the change that had made the entire world respect this country is because the way we soberly handle our nerves together to behave the way we think we should behave without going to violence. The impasse that has happen has never happen anywhere in this world without violence. If we were recommended for that then Lets forge ahead and do better things than that. That is my intention and I want to summarise by saying that I appreciate all the comment that you have made and I can assure you that next time we come here you see a wholesome document about the local government.

Honourable Member I am not provoking you but my only uncle was also fired as an Alkalo because I won a bye election in central Baddibu. Why should I react to that? That is something behind us and I would ensure that nobody is sack because of political alienation or political believe but I do not have to go back to that to remain it. I thank you for your comments an these are expression which I think can be useful to us for any of our future endeavour to provide you with a Bill which will encompass all the aspect that we think should be involve. For the meantime the local government Act of 2002 is what we want to rely until such a time that we come up with something different.

Madam Speaker, if I may be allow to take my sit. Thank you.

THE SPEAKER: The Assembly now went into committee of the whole Assembly.

Committee Stage

(Poor recording).....House Adjourned to 19th March, 2019